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SENATE—*Wednesday, June 28, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, the architect of the universe, in spite of our doubts and fears, we come to You. We lean upon Your might because You sustain us through the seasons.

As our lawmakers face today's challenges, guide them with Your providence. Strengthen them to persevere toward their goals, knowing that a bountiful harvest is certain if they endure to the end. May their works make a difference for Your kingdom.

Again, we pray for our military men and women. Give them wisdom and courage and protect them from harm.

We pray in the Name of Emmanuel. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 28, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we have set aside the first 2 hours of the session for a period of morning business. The first hour is under the control of the minority, and the second hour is under the control of the majority.

At the conclusion of morning business or shortly thereafter, we hope to turn to the Oman free-trade agreement. The Finance Committee is meeting this morning and expects to report out that measure. It is privileged and will be considered under the 20-hour statutory time limit. I don't expect that we will need all of the time, but some debate will be required. Senators can, therefore, expect a vote later today once we reach an understanding as to the time required on that bill.

This week, we will also consider the Paulson nomination to be Secretary of the Treasury, and we may also clear an appropriations bill for action.

Having said that, we will alert all Members as to the timing of the votes as we reach agreements on any of the legislative and executive items I just mentioned.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with the first hour under the control of the minority and the second hour under the control of the majority.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. REID. Mr. President, I will use my leader time so the time will not go against the Democratic morning business time.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized under his leader time.

VOTING RIGHTS ACT REAUTHORIZATION

Mr. REID. Mr. President, as you know, outside these doors to my left is a beautiful room called the President's Room, or the Red Room. We call it the President's Room because for many decades, this was the place where Presidents came to sign legislation. During the past century, the 20th century, it wasn't used often at all. Rarely was it used for Presidents to come and sign legislation. But on August 6, 1965, it was used. The last time the Red Room, or the President's Room, was used for signing a bill into law was on a hot summer day of 1965. It had been a very hot summer. The purpose of President Lyndon Johnson coming to the Capitol to sign the bill here, rather than in the White House, was because it was the Voting Rights Act. The reason I say it was a very hot summer, it had been a hot couple of years.

I would direct everyone's attention to a wonderful book written by Taylor Branch, a relatively new book, published recently, called "At Canaan's Edge." This book tells the story of a number of things, but one is how the Voting Rights Act became law. People sacrificed their lives to allow this movement to go forward and, ultimately, to have this legislation passed.

So if we look back historically, the Voting Rights Act of 1965 is one of the most magnificent pieces of legislation ever passed by Congress because what it did is jump forward 100 years following the Civil War and give African Americans the ability to register to vote. Counties and various States in

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

the South that were basically all African American had no African-American voters. The Voting Rights Act changed that. And now African Americans all over this country, but especially in the South, have had their lives changed by not having to feel the crash of a baseball bat on their head like Reverend Reeb, who came to peacefully demonstrate to allow people to have the right to vote and was killed with the smash of a baseball bat on the side of his head. Lives were lost, I repeat, and many people were injured. Many were seriously injured in an attempt to exercise the basic right of voting in America.

Why do I bring this to the Senate's attention today? The reason I bring it to the Senate's attention today is, it was a short time ago, early May, and it was very hot in Washington, and we went to the east front on the House side to have a press conference. There were dozens of Members of Congress there. Cameras were there, and people were shoving for position so the camera could see them. Everybody was there to talk about the need to reauthorize the Voting Rights Act. The press event took a long time. We had a number of speakers there, and they all talked about how important it was that we reauthorize the Voting Rights Act. I was there. Senator FRIST was there, House leaders were there, chairman and ranking members of the Judiciary Committees were there, civil rights leaders were there to announce their support for the reauthorization of the Voting Rights Act. We stood together that day on the steps of the Capitol and announced a bipartisan, bicameral introduction of that bill.

I thought that day held great promise for the Congress and the Nation. The old days of the early 1960s were put behind us, and this would just go through here very quickly. I thought the legislation would be reauthorized and we would move down the road. I thought it showed great possibilities that leaders of both parties recognized that protecting the right to vote is not a partisan issue, it is an American issue and one we would join to support without qualification.

While finding common ground seems increasingly beyond our reach on many debates in the Senate, our joint support for the Voting Rights Act stood as a sign that we could still readily stand together to protect the rights upon which this Nation was founded.

In the weeks that followed, some progress was made in moving the bill forward in the House and the Senate. In both Chambers, an exhaustive record was built, demonstrating without question the continued need for the Voting Rights Act protections.

I am sorry to report that progress has stalled. It has really stalled. Last week, House leaders failed to follow through on their commitment to move this reauthorization in that body. It is now not clear when or even if the House will act. We urge them to do so quickly. But the fact that the House hasn't acted doesn't mean we cannot act in the Senate. The commitment we all made in May on the east front of the Capitol is a commitment that the American people are going to hold us to. As I have said, we need not wait for the House. I am told the Senate Judiciary Committee is going to complete a markup of this important legislation in July. I hope so. As we know, the original timetable was May.

Mr. President, I stand ready to work with my friend, the distinguished majority leader, to move this matter forward in the Senate, and let the House do what they feel they need to do. We need to have the Judiciary Committee complete its work, bring this to the Senate floor in July, and spend time on it, talking about how important this legislation has been and how that President's Room back there could be used by President Bush to come and sign the reauthorization of this bill. Hopefully he can do it this summer.

I don't stand alone in the pursuit of passing the reauthorization of the Voting Rights Act. More than 40 Democratic and Republican Senators have signed as cosponsors of this legislation. I really believe that together we can fulfill the commitment we made in May to support the voting rights of all Americans, without equivocation, by calling this bill up in July and moving forward with its swift passage.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDING pro tempore. Without objection, it is so ordered.

CHECKLIST FOR CHANGE

Mrs. CLINTON. Mr. President, last week, the Democratic women of the Senate, led by our dean, Senator BARBARA MIKULSKI, held an event at the Sewall Belmont House, which I am very proud to say put forth what we are calling the checklist for change. We came together around the importance of an agenda in Congress that meets the needs of all of the American people.

We have been given an hour this morning to discuss these issues. Our first speaker, our leader, is the Senator from Maryland, who has paved the way for women not only in the Senate but in our country on so many issues. I am, with great pride, yielding to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I thank the Senator from New York, as well as all of my colleagues, the nine Democratic women from the U.S. Senate.

We are united today. We, the Democratic women of the Senate, rise in a united way to launch something we are calling the Democratic Women for Change. We want to change the agenda that is going through the Senate. We want to change the tone in the Senate for one of more civility, and we want to change the schedule to get things done.

The Senate has only been in session about 75 days, less time than most State legislatures. And what have we debated? Divisive constitutional amendments and tax breaks for zillionaires.

I regret that the Republican leadership has squandered time, squandered opportunity, and squandered taxpayers' money. We spent time with bills focused on reelecting Republicans instead of helping American families. It is time we bring real issues to the floor. We have only 50 days left before this Senate adjourns. This is why we have done our checklist.

We have a must-do list for change. It is specific, it is immediate, it is realizable, and it is also affordable.

We women know about checklists. We remember all the important things that we need to get done by having a checklist. It is what we use to keep our families on track, and now we bring a checklist to the Senate to get America on track.

These are the challenges that we can meet right now by the time Congress adjourns for the fall elections. Each and every one of us has a specific issue we want to see done, and we want to check that off.

I am advocating for reliable pensions. I want to talk about retirement security and giving help to those people who practice self-help all of their lives. In the United States of America, everyone should retire with financial security.

Honoring your father and your mother is not only a good commandment to live by, it is a very good policy by which to govern. That is why we the Democratic women of the Senate fought to stop the privatization of Social Security, and we were successful. Now we stand sentry on the Senate floor to make sure Social Security is never ever privatized.

We believe that Social Security should be a guaranteed benefit, not a guaranteed gamble. We want to make sure Social Security is reliable, undeniable, and inflation proof.

But as we stand sentry, we are alarmed to see that a budget bill will come soon to the Senate floor that could be a backdoor way of privatizing Social Security. The so-called budget reform bill will create a commission on entitlements, fast-track authority, but it is really a backdoor way to privatize Social Security.

Under the guise of empowering an unelected commission, they would have the authority to cut benefits, to turn it over to Wall Street where seniors would have to rely on the bull of political promises or the bear of a market. We, your Democratic women, are standing sentry, and we will not let this happen.

But we also want to support the private sector, the good guys in America's entrepreneurial and business community who provide pensions. So we are fighting for pensions that workers can count on and so that good-guy businesses would have clear rules coming out of the legislative framework on which they could depend. And we want to protect taxpayers from a bailout of companies dumping their programs on a government program.

Where are we now? A pension bill has been languishing. We are stalled, we are sputtering, we are dithering. It has been 180 days since the House and the Senate passed each bill on pensions, and 110 days since conferees were named—110 days.

After all is said and done, more is being said than gets done. Time is running out. We must pass this bill. But most of all, time is running out on this Congress. The American people are running out of patience. That is why we bring to the Senate our economic list for change, and we ask that we adopt this checklist and let's bring about change that will make a difference for our constituents.

I now yield the floor to my wonderful colleague from New York, Mrs. CLINTON, and thank her for all of the extra work she is doing in standing up for New York and standing up for America.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I applaud my friend and colleague, Senator MIKULSKI, who is speaking out eloquently and strongly about the importance of pension and retirement security and pointing out the dangers of the legislation—coming out on a totally party-line vote—coming out of the Budget Committee that we believe would once again raise the specter of Social Security privatization.

So we are sounding the alarm, and we are making clear that the Democratic women of the Senate will stand sentry, as Senator MIKULSKI said, and we will stand firmly to protect Social Security because we know how many women depend on Social Security.

Part of our effort is to in very simple terms put forth this checklist for change. We know we have to secure our economy in a more competitive world and secure our energy supplies in that competitive world.

Our current energy policy is weakening our national security, hurting our pocketbooks, violating our common values, and threatening our children's futures. Right now, instead of our national security dictating our energy policy, our failed energy policy dictates our national security. We want and need a fundamental change in direction to secure our Nation's energy future.

I believe a strong, balanced national energy policy is a key to strong economic and environmental policies as well.

It is time we decide do we allow our economic security and our national security to be weighed down by a failed energy policy or do we choose a new path? We think, the Democratic women of the Senate, that we need a new path.

Here is a concrete goal. Let's reduce our dependence on foreign oil by at least 50 percent by 2025. How will we get there? It starts by getting back our American can-do attitude and a new commitment, such as the Apollo project that sent a man to the Moon. We know how to do this. Americans are better at setting goals and solving problems than any people in the history of the world, but we are acting as though we can't control our own destiny when it comes to energy, that we can't possibly do what needs to be done to break our addiction to foreign oil.

I have introduced legislation to create a strategic energy fund, to commit our Nation wholly to a new energy future, to invest in alternatives and efficiency, to create jobs, to strengthen our economy, and to free our hands fully to protect our Nation in the world. I don't want to see one more year go by where we are not doing what it takes to prevent us from being blackmailed and extorted by oil regimes that have us literally over a barrel.

The strategic energy fund will invest in renewable energy, such as wind and solar, transform America's vehicles by expanding consumer tax credits, and making sure we have more hybrids and other advanced clean diesel automobiles and trucks.

We will accelerate home-grown biofuels by investing in research and loan guarantees for cellulosic ethanol production.

We will speed fuel infrastructure by pairing increased tax incentives for installation of E-85 pumps with a mandate to have them at 50 percent of our gas stations within 10 years.

And we will unleash American ingenuity by investing $9 billion in a new energy research agency modeled on DARPA, which was created in the Defense Department after Sputnik went up and has given us so much, including the Internet.

We challenge the Republican Congress to make energy independence a priority by passing meaningful energy legislation, such as a strategic energy fund, this session.

I am so proud to stand with my Democratic women colleagues and put forth this checklist for change. It will make a difference in America's future. Let's get about doing the business of America.

I yield the floor for my distinguished colleague from California, Senator BOXER.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank Senator CLINTON. I am also very proud to be on the floor of this great body with my Democratic women Senate colleagues.

We held a press conference in which we challenged the Republican leadership to bring up issues on this floor that are meaningful to our families. Here is our checklist for change. Each of us has taken one of these issues. Mine happens to be protecting our air, land, and water.

The message we are here today to convey is that the Republicans run the Senate, the White House, and the House of Representatives. They control what issues come to the floor of the Congress for debate. We spent yesterday debating an amendment to the Constitution to ban flag burning. We also debated a bipartisan proposal by Senators BENNETT and CLINTON to ban flag burning via a statute.

Every one of us in this body voted to ban flag burning, be it by a statute or by an amendment. But one has to ask the question: Is that debate, which we have had four times, more important than the issues that are on our checklist for change?

There have been four reports of flag burnings this year. That is four too many, but they were four. Yet there are 44 million Americans whose pensions are at risk while this Congress fails to act to protect those pensions.

Four flags burned versus 7.5 million Americans who have been denied an increase in the minimum wage. And this Congress, under the Republicans, sees nothing wrong with giving themselves a pay raise, but they can't raise the minimum wage, and it has been flat for 9 years, which means it has gone down in value and people cannot make it on $5.15 an hour.

Four flags have been burned—four too many—versus 170,000 talented college-ready students each year who stay home because they can't afford tuition.

Four flags burned—four too many—yet 30,000-plus veterans have waited in 2006 for their first medical appointment, an issue that will be taken up by Senator MURRAY.

Four flags burned versus 200,000 people in New Orleans living in trailers, unfinished houses, or tents in the front yards of their Katrina-ravaged homes.

Four flags burned this year—four too many—versus $2.89 a gallon for regular gas. By the way, that is the national price. In California, we are looking at well over $3 a gallon.

Four flags burned—four too many—versus 46 million Americans with no health insurance, and Senator LINCOLN will talk about that.

Four flags burned—four too many—versus over 500,000 Americans who have lost their lives while we wait for this Republican Congress to take action on stem cell legislation, an issue that has been championed by many of us in this Senate and on this checklist carried by Senator FEINSTEIN.

And, finally, four flags burned—four too many—versus 75 million Americans living near our most polluted toxic waste Superfund sites.

In conclusion, because my checkpoint is protect our air, land, and water, I call on this Republican Congress to address two pressing environmental crises: global warming and Superfund cleanup.

It is easy to put global warming on the back burner as long as our everyday lives are not affected, but some people think their everyday lives are beginning to be affected. The best scientists in the world warn us that we are near the tipping point on global warming.

Just the other day, the U.S. National Academy of Sciences, along with the national academy of science for 10 other nations, agreed that climate change is real and it has to be addressed. So we call on this Republican Congress to do something about it. Don't sit back and say this doesn't exist because you are ignoring science.

I am proud to say that in the State of California, they are listening. This week a historic global warming bill cleared the first hurdle and passed the California Senate Environmental Quality Committee. California has been a leader in the environment, and Senator FEINSTEIN and I want to make sure that we can bring some of that action right here to the Senate.

Last point: We need to clean up these Superfund sites that are hurting our families and hurting our communities. Under the Clinton administration, we cleaned up 80 of these sites a year. Now it is down to 40 sites a year. We owe our children a clean and healthy environment.

Mr. President, it is time for you and the Members of the Republican Congress to call on the Republican leadership to take up our checklist for change. We are very proud to be talking about this all together this morning on the Senate floor.

I am proud to yield now for Senator PATTY MURRAY of Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I am very proud to be here this morning with the other Democratic women of the Senate in urging the leadership to talk about the issues that are the true priorities of the American people. The issue I am talking about today is so important, and that is the treatment of our Nation's veterans. Our military men and women and their families are sacrificing every day for all of us. It should be our duty to honor that sacrifice, whether it is with jobs or training, support or health care. But on this issue, the Republican leadership has failed miserably.

Today, the Department of Veterans Affairs continues to be overwhelmed and underfunded. Listen to what we know. The VA is currently seeing 38 percent more Iraq war veterans than they budgeted for—38 percent more. In fact, in fiscal year 2006, the VA expected to provide medical care to 110,000, but that number is now closer to 170,000, and those veterans are waiting over a year to get the specialty care they need and deserve.

In Seattle, we have VA medical centers with over 2,000 veterans on waiting lists to get an initial doctor's appointment. Veterans around the country are waiting 18 months just to get their benefits. On Monday it was reported in the New York Times that veterans' spouses are being faced with an impenetrable wall of bureaucracy as they try to collect their survivor benefits.

To me, and to my women colleagues, that is simply intolerable. We are also woefully unprepared for the rising toll of post-traumatic stress disorder and other battlefield-related mental illnesses that are hitting our troops. Right now, it is estimated that one-third—one-third—of the 1.3 million Americans who have served in Iraq and Afghanistan are facing mental health challenges when they get home. The Department of Veterans Affairs recently revealed to us that it is on a pace to see nearly 20,000 new cases of postcombat stress this fiscal year among troops. Guess how many they estimated to see: 2,900. So they thought they would have 2,900, but they are on a pace to see 20,000. A VA Under Secretary noted that some of our VA clinics don't provide mental health care, or if they do, she said, waiting lists render that care virtually inaccessible. Our service men and women, veterans, and their families deserve more than virtually inaccessible care. We have to do more.

On top of that, we have to be working to pass Federal legislation that addresses the employment needs of veterans who are coming back home from the battle front. Do my colleagues know that among 20- to 24-year-olds, unemployment for veterans is double that of nonveterans, and it is three times the national average? That is unacceptable. Iraq war veterans are coming home, they are losing their jobs, they are not getting medical care, they are having a hard time accessing benefits, and they are struggling to just get by.

We have a job to do in this Senate, and that is why the Democratic women are here today to talk about our checklist for change and focusing on our veterans. Last week, I successfully amended the fiscal year 2007 Agriculture appropriations bill to include $160 million to deal with the data theft of 26.5 million veterans. We have to make sure that our veterans don't have the double whammy of losing their data and then losing their health care to pay for it.

Our service men and women deserve a new direction. So today we challenge the Republican leadership to include the real cost of care for our veterans when they submit their budget and to do right by our veterans and our military families by holding hearings on the holes in transition assistance, mental health care, and health care that our veterans and families need.

Caring for our veterans is not a Republican or Democratic issue, it is an American issue. We call on this Congress to right now do the most patriotic thing we can do, and that is to fulfill our promise to our Nation's veterans.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Senator FRIST from all of the Democratic women outlining our checklist for change and our call for action.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRATIC WOMEN FOR CHANGE,
June 21, 2006.

Hon. WILLIAM H. FRIST,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FRIST, We, the Democratic women of the Senate, are writing to challenge you to change direction, change the tone, and change the agenda to match the priorities of the American people.

There are approximately 50 days left in this legislative session—still plenty of time to change direction and focus instead on meeting the challenges that affect the American people in their daily lives.

To that end, we present you with our "Checklist for Change"—nine challenges that Congress can meet right now. We ask that these goals be considered during the remainder of this session of Congress:

Safeguard America's Pensions: Americans deserve to retire with dignity and financial security. We will continue to oppose any plan to privitize social security, because seniors deserve a guarantee rather than a gamble. Recent corporate corruption and mismanagement has shown us that we must also protect employee pension plans. The Republican Congress has stalled these efforts. For the good of all American workers, we challenge the Republican Congress to pass a clean pension reform bill.

Keep Good Jobs in America: We need a jobs agenda that fights for American workers and businesses. The flight of American jobs overseas must be reversed. Currency manipulation and the free flow of counterfeit goods from countries like China have put American workers at an unfair disadvantage for too long. We challenge the Republican Congress to enact tax policies that Stop the outsourcing of American jobs, to level the international playing field by enforcing our trade agreements, and to raise the minimum wage.

Make College Affordable for All: The best guarantee of a good job is a quality education. In America, 170,000 college-ready students don't attend college each year because the cost is too high. Yet the Bush Administration has taken $12 billion from student aid programs to pay for tax cuts for the wealthiest Americans. We challenge the Republican Congress to increase the maximum Pell Grant, make the college tuition tax credit permanent, and cut student loan interest rates.

Protect America and our Military Families: It is our duty to care for the brave men and women who defend our nation at home and abroad. Yet the Bush Administration consistently shortchanges healthcare and other benefits for veterans, leaving many soldiers waiting a year or more treatment. We challenge the Republic Congress to provide benefits funding for veterans and to hold hearings on mental health care and transition assistance for those coming back from war abroad.

Prepare for Future Disasters: Nearly five years after September 11th and ten months after Hurricane Katrina, the Federal Government is still woefully unprepared to deal with potential future disasters. We challenge the Republican Congress to restore disaster to cabinet-level status: to implement the recommendations of the September 11th Commission: to develop safe evacuation plans; and to reform the Stafford Act to better manage large catastrophes.

Make America Energy Independent: America's lack of a coherent energy policy is weakening national security, hurting our pocketbooks, violating our common values and threatening our children's future. The Strategic Energy Fund bill will cut our dependence on foreign oil in half by 2025, invest in efficient energy alternatives and create good American jobs. We challenge the Republican Congress to pass the Strategic Energy Fund bill.

Make Small Business Healthcare Affordable: More than 46 million Americans are uninsured. Small businesses create two out of every three new jobs in America and account for nearly half of America's overall employment, yet just 26% of businesses with 50 or fewer employees provide health insurance. The Small Employers Health Benefits Program will create affordable, private health insurance for small businesses and give parents the comfort of knowing that their children are protected. We challenge the Republican Congress to pass this crucial legislation.

Invest in Life Saving Science: Stem cell research provides real hope for cures to many of the world's deadliest diseases. Against the wishes of the American people, the Bush Administration and the Republican Congress have blocked efforts to expand stem cell research so that scientists and doctors have every tool at their disposal to keep us healthy and safe. As a result, America trails the rest of the world in research. We challenge the Republican Congress to pass stem cell legislation this summer.

Protect our Air, land and Water: The Bush Administration has been negligent in protecting Americans from environmental hazards. They have ignored the consensus of the best scientists in the world when it comes to the threat of global warming, and they have recklessly reduced clean ups of toxic waste at Superfund sites. We challenge the Republican Congress to pass a comprehensive science-based bill to reduce greenhouse gases and to restore funding for Superfund cleanup.

We hope that you will put these bedrock issues on the agenda, because the American people are counting on us to fight for them. We can and must do better.

Sincerely,

Barbara Mikulski, Barbara Boxer, Maria Cantwell, Hillary Rodham Clinton, Diane Feinstein, Mary Landrieu, Blanche Lincoln, Patty Murray, Debbie Stabenow.

Mrs. MURRAY. Mr. President, I am proud to yield the floor for my colleague from Washington State, Senator CANTWELL.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I thank my colleague, Senator MURRAY from Washington, for her eloquent statement about the state of veterans affairs in our country and to make sure that those who patriotically served our country are taken care of in their time of need.

Many of my colleagues are here—and I appreciate being with my women Senate Democratic colleagues—to talk about our checklist for change and talk about the important issues we believe Congress and the Senate should be focusing on. But I know that people all across my State are wondering what we are doing here in the few days left before our Fourth of July recess.

In fact, one of the newspapers in my State basically said: If Members don't have better things to do than some of the proposals they have been bringing up to amend the Constitution, then we should just go home. Or, as one newspaper said: The checklists that we have been dealing with are full of political gimmicks and not national needs.

I would like to say that these are the national needs that we ought to be dealing with, and making college education affordable for all is a huge priority. As we have spoken out on this issue as a group of women Senators talking about the checklist for change, I am now hearing from students all over America who are feeling the same pinch.

A student from Central Washington University said: Like many others, I am feeling the cuts that affect financial aid.

Even students from outside the State of Washington are e-mailing me. One student from the University of Florida basically said they were coming here to Capitol Hill soon with their full group of presidents and vice presidents and student vice presidents. They reminded me that:

> We are the future of America, and we must ensure that future by making sure students, regardless of wealth or other socioeconomic factors, have access to a good college education.

Mr. President, I couldn't agree with that student from the University of Florida more, and I look forward to seeing them in their efforts here on Capitol Hill to be successful.

But we are here this morning because we all know the best way to secure a good job is a quality education, and we know that the doors to educational opportunity are slamming shut for many Americans. This is something that is very personal to me as somebody who went to school on financial aid, and I can literally say I don't think I would be in the Senate or have been a successful executive at a business enterprise if I didn't have access to that good college education.

We can't let college education become a privilege for just a few of the wealthy, and we have to make sure that families and students can afford college, regardless of their financial resources.

Let me just lay out a few facts. Since 2001, the cost of a public higher education has increased by a staggering 46 percent. In Washington State alone, tuition costs at 4-year public schools have spiked, an increase of 63 percent since the fall of 2000. Tuition costs are skyrocketing, but family income, particularly of those with college-age students, has only risen about 3.4 percent between 2000 and 2003. So the challenge is we haven't seen income opportunities go up, but yet the cost of education has gone up. So while those costs have soared, almost 350,000 Washington students have basically had their Federal financial aid slashed. And families have to tell their children they can't afford to send them to college this year or next.

Well, I can tell you, Mr. President, that is unacceptable. We need to do better to make sure that we make college education affordable.

What have we been doing? Last January, we had the largest raid on student financial aid I have ever seen. The legislation that was passed by this body cut $12.7 billion straight from student loan programs, the biggest single cut in the history of the Federal student loan program. That was coming on top of the President's budget, which basically also proposed a $2.2 billion cut in the Education Department budget, which is the largest cut in the Education Department in 26 years of history.

So we are here this morning, and this Senator is here, because we believe we need a new direction. Today we are standing here to challenge Congress to act now in the best interests of American students, America's families, and certainly for the competitiveness of America's future economy. We challenge this Congress to make college education more affordable now, to help families save for college education.

Specifically, we are asking the leadership to make a priority legislation that would increase the Coverdell education savings account contribution to

$5,000 and let families make that tax deduction contribution to help them pay for that increase in college education; secondly, to make the college tuition tax deduction permanent, making it possible for families to put money into education and not feel the pinch; third, to pass my "GI Bill for Life" legislation that gives those returning from Iraq and Afghanistan who served in our military the opportunity to complete their college education and get the financial support, as they have supported our country, no matter how long it takes for them to complete that course in education.

It is time that we invest in the future of America and provide Americans the next opportunity of leadership in our economy by giving them access to a good education. We can act now and we can pass these legislative issues before Congress adjourns this year. We hope this checklist for change will be a priority—not some of the issues we have been focusing on, but a real checklist to get busy with the priorities and needs of American families.

Now I would like to yield the floor for my colleague, Senator LINCOLN, who is going to talk about the affordability of health care in America.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I thank my colleague from Washington for her incredible focus on educating our children and making sure our families can afford higher education, and certainly focusing on energy independence, which is critically important to all of our households.

I am proud to be here today with all of my Democratic women colleagues to talk about the things that are so important to America's families, the working families who are the fabric of this Nation, who make us strong, who make us proud as Americans to look at the Nation and see what the foundation of our country is really all about.

Mr. President, I know that you and many of our other colleagues probably think this is just a honey-do list. Well, we all have our honey-do lists. For myself, as a mother of twin 10-year-olds and certainly a wife who wants to be supportive and caring for my husband, and as a daughter who is looking at aging parents and in-laws, and all of the many responsibilities in my life, I know that keeping a list to make sure I am actually accomplishing the things that are important to the people I love is critically important so that I know I am doing what I need to do.

I have a list on my refrigerator. I have a list on my desk. I carry a list in my car and in my purse to make sure that I can keep up with the things that are important, the responsibilities I have as a person not only for the things I want to do not just for my family but for my neighbors and for all of the people I report to and am responsible to. At home, my husband and I have a honey-do list that we share the responsibility for. Just last night, we were making sure we changed the air filters and the batteries in our smoke detectors which are critically important to the safety of our children and our home. We were making sure that we adjusted our budget to deal with the unbelievable increase in energy costs. Don't think that every household is not looking at how important that is. Or making sure that our children get their health checkup and that they are up to date on their immunizations.

How blessed I felt when I walked into that pediatrician's office to know that through the Federal employees, I have insurance that will cover that. But it is important to make sure the things on my list get done so that the people in this world whom I love so dearly are as safe and as healthy as they possibly can be.

On that list is also setting aside dollars each year and every quarter in order to know that when my children become college age, they are going to have at least some kind of a nest egg, perhaps not enough to cover all that they need in order to get that education that I know is so critically important to their success and to the success of this country. These are the things that we want to challenge and to encourage our colleagues in the Senate to take up. These are the issues that American families see on their checklist every single day. These are things that we can do—we know that we can do. These are issues that affect every American family.

My good friend and colleague from California, Senator FEINSTEIN, is going to talk about a humane and moral solution to stem cell research, on which she has worked for over 8 years now. There was a wonderful event in Arkansas for the Diabetes Association where I met a young woman with a daughter who talked about the transition, the complete change in life for their family in order to deal with a disease like diabetes in a child who is only 12 years old.

Mr. President, we plead with you, take a look at this list. Look at the reasonable items we are talking about that mean so much to the American families of this country.

I am here to talk about the keen awareness that we have of the challenges that are faced by working families who want nothing more than the security that health insurance offers. We, as Federal employees, enjoy a tremendous security. For over 40 years, the Federal Government has figured out that if it pools all 8 million of the Federal employees across this great country, it can provide greater choice at a lower cost.

We, too, can do that for the small businesses of this country. If we look around, we realize that nearly 46 million Americans lack health insurance, including 456,000 of my own Arkansans. Small businesses are the No. 1 source of jobs in Arkansas and in most parts of our country. Yet only 26 percent of businesses with fewer than 50 employees offer health insurance coverage today. Workers at these businesses are most likely to be uninsured. Yet they are the engine of our economy. They are the jobs that are not going to go offshore. They are the companies and the businesses in our communities that support our Little League and that sponsor our scouting events. These are the fabric of our country. Yet fewer than 26 percent are insured.

Small businesses need innovative ways to offer affordable, accessible health care to their employees. Recognizing that need for a new direction, Senator DURBIN and I proposed the Small Employers Health Benefit Program. It is a comprehensive solution to our small business insurance crisis. It is based on 40 years of success with the Federal Employees Health Benefit Plan. It will create affordable private health insurance choices for small employers, and it will give working families the security and the comfort of mind that they need.

We challenge—we encourage—we plead with our Republican Congress and leadership to pass the Small Employers Health Benefit Program this session. It is something we can do that will make a tremendous difference in the lives of Americans.

We are going to keep fighting because we believe that working families should have the comfort of knowing that they can take their children to the doctor—whether it is for just a common cold or a broken arm or, heaven forbid, something much more serious—and be able to afford and access the care that they need.

We believe that expanding coverage for small businesses will go a long way toward making sure that the millions of Americans should and would have access to medical care. We believe that providing that kind of security is worth fighting for, and that is why we have joined together today to point out to the American people, particularly to our colleagues, the list that we carry around every single day in our pocketbooks, on our desks, and on our refrigerators at home. It is no different than the list that we present to you, and it is no different than the list that every American family has in their home.

We ask you, Mr. President, take a look at what we propose. Look at the time that we have remaining and know that we can make a difference in the fabric of this country by looking at the list of what America's working families need the most in their households.

I am proud to yield for my good friend and colleague from California, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Arkansas for her remarks. I don't think anyone speaks more eloquently about the needs of American families than BLANCHE LINCOLN. It is always real and it is always practical. I am just delighted to be a colleague of hers.

I rise today to say why stem cell research should be part of this Democratic Women's Checklist for Change. The reason is very simple, and that is because stem cell research offers the promise of historic advances in the treatment of catastrophic disease. It is that simple.

The potential for this research was in the news again last week, as scientists at Johns Hopkins announced that they used embryonic stem cells to regenerate damaged nerves in paralyzed rats. That is something that no one ever thought could be done. After being treated with cells harvested from mouse embryos, most of the rats regained enough strength to walk and bear weight on their previously paralyzed hind legs.

Just imagine what this discovery could one day mean for patients with spinal cord injuries, multiple sclerosis or ALS. It could be revolutionary because one thing science believed was that the spinal cord, once severed, could never be regenerated. Now, for the first time in history, we see there may be a solution to that and it rests with stem cell research.

Translating this discovery into treatment of human patients will likely take several years, and it will likely not see fruition without Federal research dollars. Here is the rub. Our researchers face a major roadblock imposed by the President in August of 2001, when he limited Federal funding to 22 lines of stem cells. All of these available lines are now contaminated with mouse feeder cells, so virtually there is no Federal ongoing research.

Thirteen months ago, the House approved a bipartisan bill by Mr. CASTLE and Ms. DEGETTE, a bill that would remove this roadblock. It would permit promising research to go forward. It would offer new hope to millions of Americans suffering from disability, diseases, and spinal cord injuries. The Castle-DeGette bill essentially says that it would be possible to use embryos that are rejected in IVF clinics; that is, in vitro fertilization clinics. All of us know that tens of thousands, if not millions, of these embryos are rejected and they are destroyed. Those embryos could be taken to form new stem cell lines under this bill.

The votes are here to pass this bill today, but the President has vowed a veto, and the Republican leadership refuses to bring it to the floor. In the year that we have waited for Senate action, millions more are now waiting for cures that one day could come from stem cell research. In the last year, consider this: 1.4 million Americans were diagnosed with cancer; 60,000 Americans were diagnosed with Parkinson's disease; 11,000 Americans suffered spinal cord injuries; and 1.5 million adults were diagnosed with diabetes.

These are just new diagnoses. Think of all the Americans who continue to suffer cancer, heart disease, Alzheimer's, Parkinson's, spinal cord injuries, and catastrophic diseases which could potentially be helped by embryonic stem cell research.

The administration's policies have left our researchers far behind the rest of the world. In fact, other countries are, today, laying the foundation for groundbreaking cures, while U.S. scientists are not able to gain Federal funding for research. Evidence that the United States is no longer the world leader in embryonic stem cell research is mounting. Scientists around the world have created 128 new embryonic stem cell lines since President Bush announced his policy. Only 34 of these new lines were created in our country. The proportion of embryonic stem cell papers published by U.S. research groups has fallen dramatically in the past 2 years. At least 10 other nations—Germany, Finland, France, Sweden, the United Kingdom, South Korea, Singapore, Israel, China, Australia—are investing substantial sums of government money in embryonic stem cell research. That is totaling hundreds of millions of dollars. Other nations are constructing facilities, they are attracting our American researchers who should be here at home doing this research, and they are learning more every day.

The United States, on the other hand, remains at the starting line. I don't think we can afford to watch other nations move ahead. Eight years ago, I introduced one of the first bills addressing stem cell research, so we have waited this long—8 years—for action. Time and time again, we have pressed for action on the floor of the Senate. We pressed for it privately. We pressed for it by letter. We pressed for it by press conference with groups of sufferers of catastrophic diseases. All of this has been to no avail. I can't believe it. I can't believe this kind of recalcitrance. And all of this is despite the fact that every poll shows a dominant majority of Americans support stem cell research.

It is time the Senate place the health of Americans ahead of the views of a limited number of people whose views are apart from the mainstream of America. We owe it to the 110 million Americans suffering daily from debilitating and catastrophic disease. Every day that we wait, more people develop diseases that could one day be cured. Every day we wait, other nations move further ahead.

I urge the Republican leadership to bring the Castle-DeGette stem cell bill to the floor and allow Federal research to move forward. A Democratic Senate would listen to the American people. A Democratic Senate would make the promotion of this promising research a reality. This Senate is in Republican control. The Republican-controlled House has passed this bill. A dominant majority of the American people say enact this bill. Yet this Senate, Republican controlled, becomes the roadblock.

I urge the Republican leadership to reconsider and bring the Castle-DeGette bill to the floor of the Senate for a vote.

Mr. President, I would like to yield for my colleague, the distinguished Senator from the great State that harbors the great city of New Orleans, LA. She will speak about making Americans upwardly economically mobile in the American workplace.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Senator from California for her remarks and her passion and her focus on the issue of stem cell research. One day when millions of Americans have been cured of diseases that afflict us today because the research is just not there, we can thank Senator FEINSTEIN for staying on point, every month, every year—staying on point on stem cell research. It is something the vast number of Americans support. They understand the importance of pressing forward on this science to find real cures for real people, for real families. That will not only relieve the pain and suffering that comes with disease but also promote the general economic well-being of a nation based on a free enterprise system that works much better when people are healthy than it does when they are sick.

I stand in awe of Senator FEINSTEIN's focus on this issue, and I support her wholeheartedly.

It is my opportunity to speak about one of the very important aspects on this checklist. We talked about safeguarding America's pensions, and we have talked about good jobs in America. Senator CANTWELL talked about college affordability for all Americans, about being the first person from her family to graduate from college, and as she has shared with us, going on to create a multimillion-dollar software business that, of course, helped her personally and her immediate family. But think of all the other people it helped because she received a great education from our system—protecting America and our military families and making America energy independent, as Senator CLINTON was so clearly stating, and small business health care as Senator LINCOLN spoke to this morning.

I am going to focus my attention on preparing for future disasters. It is, unfortunately, something that we in Louisiana have become somewhat experts on lately, having lived through and still trying to live and survive after the greatest natural disaster to hit our country in some time.

I begin by saying that if there was ever a wonder why our country was created, you can find the answer in the Preamble of the Constitution, one of the greatest documents ever written. It talks about providing for the common defense, promoting the general welfare, and securing the blessings of liberty for ourselves and our posterity. Our Federal Government, which was established over 220 years ago, has established institutions, large and small, to meet the promise of the Preamble of the Constitution.

We established the Department of Defense to support and provide for the common defense. It was called the War Department. Now it is called the Department of Defense. We established the Department of Health, Education, and Labor to promote the general welfare.

Thirty years ago we established the Federal Emergency Management Agency to help keep Americans secure in the blessings of their liberty in the middle of natural disasters.

On August 29, when Katrina hit land, a category 5 storm to hit the gulf coast and to hit the southeastern part of Louisiana and the southwestern part of Mississippi, and 3 weeks later when Hurricane Rita barreled into the southwestern part of our State, the Federal Government failed the people of the gulf coast.

Amazingly, nearly 1 year after this unprecedented failure, we have done little, if anything, to ensure that this will not happen again.

Studies have been completed. Reports have been drafted. Senator LIEBERMAN and Senator COLLINS have been exemplary in their work in a bipartisan fashion in the Senate—1,000 hours of hearings, dozens of field hearings—to come up with comprehensive legislation. However, somewhere between the Republican leadership in the White House and the Republican leadership in Congress we have failed to come up with a single recommendation or a piece of legislation to come before this Congress to make sure that some of these recommendations are put into place.

The White House has not asked for a single law to be changed based on their own report of 125 recommendations. Contrast that with what happened after September 11. This Government was literally turned upside down and inside out. Laws—dozens of laws, maybe even hundreds of laws—were changed so that we could try to get to core answers to 9/11. Yet after the greatest natural disaster in American history, with the failure of the Federal Emergency Management, a failure that will be recorded in history for generations, not one law has been permanently changed. And it is almost 11 months after that storm.

Billions of dollars have been thrown at the problem. And at the request of myself and a few Members of our delegation, we have managed to move a few billion of those dollars out from this morass of a Federal agency that doesn't work to try to get money directly to parishes, counties, to economic development departments for the recovery and rebuilding.

I raise this point on this checklist not just for Louisiana which we are going to rebuild regardless of the mess we find ourselves in, but we want to raise this issue—I want to raise this issue—in hopes that it can prevent this kind of recovery taking place in Seattle, in the event of a tsunami, or in California in the event of an earthquake, or in Tennessee which also sits on a fault line of a geological structure.

I raise this point to honor the 1,836 victims of Katrina and the 120 victims of Rita. Surely there is enough sacrifice for people to make before their Government, led by a Republican Congress, takes the steps to make sure it will never happen again. I know that no Congress run by Democrats or Republicans can prevent a natural disaster. We understand that. We are going to have earthquakes, hurricanes, and we are going to have volcanic eruptions. While we can't prevent that, we can most certainly improve the response from the Federal level so that people do not have to suffer through the rebuilding that is going on now in Louisiana.

The first thing that must be done, which is part of our checklist, is to give the Director of FEMA the authority and the access he had under the stewardship of its most successful Director, James Lee Witt, under the previous administration. At that time, it was a Cabinet level position that had the trust and access of the President and the full command of Federal resources during such disasters.

Regrettably, we have all watched in horror on the television screen, and I have watched personally upfront as a witness of the failings of FEMA on the ground, constrained by the priorities of the Homeland Security Director, which is different than what the needs of this great city and region are. And after reading the exchanges between Director Brown and Secretary Chertoff, it most certainly doesn't seem to be their focus on emergency response in homeland security. FEMA needs to stand and win the internal battles to get priorities on the budget. Moving boxes around in the Federal Government organizational charts should not be our focus. And that is not the solution. The issue is that FEMA must be a priority for the highest levels of leadership. It must be able to command the attention of the Federal Government and the many resources and assets that this Federal Government has to help rebuild and reestablish confidence in any community that would find itself virtually destroyed, as in the case of St. Bernard Parish, a small parish that doesn't get the attention of the national media. But 60,000 people live there, and 95 percent of their homes were destroyed with 15 to 20 feet of water.

Senator BAYH and I had the pleasure of visiting down in that great parish with the great spirit, and just last Friday we walked into an unbelievable sight. A small trailer was sitting in the middle of complete ruin, with brave teachers and administrators inside this trailer trying to conduct what I guess is a summer school for children. We walked into this classroom with the lights low at naptime, with music, where 20 little children were sleeping. When we walked out of that trailer, all you could see was destruction as if you were in a war zone. Yet the happiness on the faces of the children and the spirit of those teachers was really a testament to the resilience of people despite the fact that their Government is failing them. They are not going to fail themselves or their children. But we can do better.

On 9/11, when the terrorists attacked New York, everyone said that one of the major failings was the failure of the communications system. We lost 335 firefighters—not because they lacked bravery, not because they lacked leadership, not because they lacked the armor or the covering to protect them from the fire as they ran to the building when everyone was running away—we lost many of them because their radios didn't work. We couldn't find a few hundred dollars to buy a radio for firemen running into a skyscraper that was falling down. We all know what we did wrong.

Today, we still don't have a system of communication that can operate when the cell phone towers go down, whether they are burned down, blown out, or flooded out. It doesn't exist. Five years is a long time.

I will tell you what we have done in 5 years. We built a continental railroad in 5 years. From the time of Pearl Harbor to Victory Day was 5 years. From the time the *Apollo* drawings were on paper until we hit the Moon was 5 years. But it is 5 years since 9/11.

When the people of the gulf coast had two major hurricanes barrel down on them and they went to use a cell phone, a land line, or a computer, the communications system was down. We were blamed for not having an evacuation plan. Let me say for the last time that the best evacuation plan doesn't work if you can't communicate it to your neighbors, let alone to the doctor in the emergency room or the ambulance driver or the bus driver trying to run the bus or the Superdome operator trying to keep thousands of people safe and fed and cared for.

I know our time is up in just about 2 minutes. I have gone a little over my time. I want to say in closing that there is a lot the Republican Congress could do to keep us on point, to keep us focused on the things that matter to the American people dealing with natural disasters, helping them to rebuild their shattered lives, their homes, their schools, their churches, and their businesses. When these storms and floods come through is one thing. It is very important to the people of this country.

I wish, as a Democratic Senator from Louisiana, that we would spend a little bit more time making sure the communications system works, that FEMA works, and that all the money the taxpayers are spending is being spent well and not wasted. That is sort of the third disaster—not the disaster itself but the disaster of wasting money when people are so desperate for the resources they need to rebuild.

Thank you, Mr. President, for presiding this morning. It is probably not the easiest thing to listen to. But these are some shortcomings that we believe we need to step up to and address for our country and put before the American people, the practical solutions.

I yield the floor.

Ms. STABENOW. Mr. President, I rise today to join my colleagues in calling for a "Checklist for Change." We need a real jobs agenda in this country—one that stands strong and fights for American workers and American businesses.

This is about our way of life—a way of life based on good-paying, middle class jobs and the promise that—with hard work—every American can aspire to do better tomorrow than they did yesterday.

We need to stop the flow of American jobs overseas. Last year, a new $2 billion tax cut that I authored took effect, rewarding companies that create manufacturing jobs here in the United States.

We need to level the playing field for American businesses. Currency manipulation and the free flow of counterfeit goods from countries such as China have put American workers at an unfair disadvantage for too long.

It is time we had an international trade prosecutor who can go after countries that cheat and make sure that America is getting a fair deal in the world market.

We need a new direction for American workers.

We challenge the Republican Congress to enact tax policies that stop the outsourcing of American jobs.

We challenge them to stand up and enforce our trade agreements so American businesses can compete on a level playing field and keep good-paying jobs here at home.

Americans want to export our products, not our jobs.

And we challenge the Republican Congress to follow the lead of my State of Michigan and raise the minimum wage

The PRESIDING OFFICER. The Senator from Texas is recognized.

RESPONSE TO THE CHECKLIST

Mrs. HUTCHISON. Mr. President, I have listened to part of the previous presentations. I think the impression has been given that if we just had a Democratic Senate we could accomplish so much more. But I think in the process of making such a presentation many things have been overlooked or not quite stated in a factual way.

Let me start by saying what has been said—that Republicans have cut $12 billion from college student aid, frozen Pell grants for higher education. Nothing could be further from the truth. The Republican Congress, since President Bush has been in office, has dramatically increased the absolute commitment to helping lower income students, many who are first-time college graduates in their family, and we are helping at the Federal level to an extent never seen before.

For instance, Pell grants will grow by $240 million. The number of recipients will increase by 59,000 to 5.3 million students. Funding for Pell grants rose from $8.8 billion in 2001 to $13 billion in 2006. In 2006, the Department of Education expects to make over $77 billion in grants, loans, and other aid to over 10 million students. It is a fact that we are increasing Pell grants. We are increasing the number of students who are eligible for Pell grants. We need to be honest when we are talking about what the difference would be if there were a Democratic Senate versus the Republican accomplishments.

In addition, the Department of Education in 2006 will make or guarantee more than $60 billion in new student loans, a $4 billion increase over the previous year. That is a huge accomplishment in just one year.

In addition, one of the things this Senate is focusing on currently is trying to get more of our students into the areas of math, science, and engineering because that is where the jobs are in the future. To make sure our students from low-income areas are able to pursue this type of career and to give them special attention, we have added a SMART grants program for Pell-eligible students that will give them a bonus if they pursue a degree in math or science, or a foreign language deemed to be critical for national security. We have taken steps so low-income students, only Pell grant-eligible students, will get this bonus to move in the direction of good jobs in our country.

It is important to stay on the facts and talk about some of the things we have tried to do. "Tried to do is key." Many of the things I have heard in the last hour about what the Democrats would do if they were in charge were somewhat amusing because we have tried to do those very things; it is the other side of the aisle who has kept us from achieving those goals. Consider association health plans—small business health plans that would give millions of workers the opportunity to have affordable health care. Because they work for small businesses—maybe 10 employees or 20 employees—that employer cannot afford to offer health insurance options because the options are too expensive, and employers are not eligible for the big plans that bring the cost down.

We brought to the Senate floor, after trying for years, we passed legislation out of committee and brought to the Senate the small business health plans that would give millions of employees of small businesses the opportunity to have affordable health care. It was the Democrats, by an overwhelming majority of their caucus, who voted against association health plans again and again.

Making health care more affordable is a goal we have. One of the most important things we can do this year is to broaden the number of people who have health care coverage in our country. If the Democrats would sit down and work with us, we could do that. We cannot do it by ourselves. I am very concerned when it is implied that a Democratic Congress could produce this when it is the Democrats who have obstructed Republican initiatives.

Border security. I live in a border state. We have a northern border and a southern border. Since I came to the Senate, we have probably quadrupled the number of Border Patrol agents in both the northern and the southern sectors. We have put billions into more border control facilities, into surveillance techniques that extend the reach when you cannot have a person every mile. You cannot have a person every mile, but you can certainly extend your reach with infrared and UAVs. This is very helpful. We have put our money into this area, and we have made it a focus. Securing our border is going to continue with a Republican Congress.

Tax cuts. I have heard many people say: How can you have tax cuts when we have deficits and so many needs in our country? Let's put the facts on the table. Every time in recent history when we have had tax cuts in this country—from President Kennedy, President Reagan, and President Bush—the revenue of our country has increased. It happened again after the tax cuts of 2003. When people can keep more of the money that they have worked for and earned in their pocketbooks, they will either reinvest it in capital, which will increase jobs and prosperity and, therefore, revenue to our country; or they will save it, which does the same thing; or they will spend it and create new opportunities for jobs in the manufacturing sector.

That is exactly what has happened when the Republicans, over the objections of the Democratic caucus, did push through tax cuts giving marriage penalty relief, giving lower tax brackets for every American who pays taxes, giving a 15-percent capital gains and dividends rate, giving relief across the board to the people who are earning the money in this country that has caused a revenue increase.

Therefore, the deficit of this country is going to be $100 billion less this year than we thought might happen. If we do not continue the tax cuts, it will be a tax increase, and that will stall the economy. We will see the jobless rate rise and our economy will be adversely impacted. So tax cuts are a difference that we will see with a Republican-controlled Congress.

Now I will talk about energy. One of the things we have done in this Congress, which has not gotten very much play, is the Energy bill that was passed through the leadership of Senator PETE DOMENICI as chairman of the Energy Committee. For the first time in 10 years, we passed a significant Energy bill last year through this Republican-led Congress. The focus was on renewables, tax credits for renewables, increased investment in research into renewable energy.

Anyone who has filled up a gas tank, anyone who runs a small business and has higher costs of electricity and natural gas knows we have an energy crisis in this country. One of the reasons why is because we are over 60 percent dependent on foreign sources for our energy needs. These foreign sources are unreliable. We need to do what Americans do. That is, stand up and take control of our destiny. That means we are going to create energy that is renewable and clean, that protects the environment, energy such as biodiesel, made from soybeans; energy such as ethanol, made from corn. Wind energy is producing almost 10 percent of the electricity in my home State of Texas and Texas is a big State. It is very important that we have the wind energy credits we passed in that tax bill because it has enhanced energy resources in our country. This is a significant contribution to diversifying our energy sources, and it is so important for our country.

My point is this: This Republican Congress has been a steady hand at the wheel. We have supported America's commitment in the war on terror. We have made it a policy that we will not leave when our commitment is not fulfilled. And when it is, and when the generals on the ground say Iraq can secure itself and Afghanistan can do it by themselves, we will then leave. We want to do that. We do not want to stay indefinitely in Iraq or Afghanistan, but we want to keep the terrorists where they are. We will keep our commitment to lower taxes and clean energy. We will keep our commitment to the small business people who are working in America and contributing to the economy. They are the heart of our country. That is what a Republican Congress would do. That is what we are going to continue to fight for.

I hope, rather than saying a Democratic Congress would do it differently, when they have blocked so many of the things we have done, they would cross the aisle and say: Let's do these things together. We can do something bipartisan. People in this country do not care about Republicans or Democrats. They want results. We can do it if we work together across the aisle instead of making so many issues political that do not need to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

WAR ON TERROR

Mr. BOND. Mr. President, I thank my distinguished colleague from Texas for outlining so many of the very important issues facing this country and the Senate today.

I will talk about something that is extremely important to families, to people through the United States. That is the war on terror. How are we going to take the steps to prevent another September 11 attack in the United States?

I don't think anyone who has followed the progress of the Islamofascist terrorists who have threatened us believe we are going to be safe if we try a fortress mentality, to step back and say no one is going to hit us, they don't care about the United States. They do.

We work in a very secure place. People who visit us have to go through all kinds of security. Yes, we have built up some good barriers, good protections. High target areas such as the Congress and the White House are protected.

For the vast majority of places in America, there is no way you can build a security system such as we have here because of the high priority this rates in terms of terrorist interests. After September 11, we started some very serious consideration of what we needed to do to fight against terrorism.

I will read a very good editorial that appeared September 24, 2001.

> The Bush administration is preparing new laws to help track terrorists through money-laundering activity and is readying an executive order freezing the assets of known terrorists. Much more is needed, including stricter regulations, the recruitment of specialized investigators and greater cooperation with foreign banking authorities.
>
> Washington should revive international efforts begun during the Clinton administration to pressure countries with dangerously loose banking regulations to adopt and enforce stricter rules. These need to be accompanied by stronger sanctions against doing business with financial institutions based in these nations.

That is exactly what the Bush administration did. They set up the Terrorist Financing Tracking Program, a very effective program. This program went on clandestinely without any public notice or disclosure.

As the chairman of the subcommittee that funds the Treasury Department and as a Member of the Senate Intelligence Committee, I was briefed on it. I was briefed on the effectiveness of it and how valuable a tool it is to be able to follow the money because the terrorists did not know we could follow when they transferred money from al-Qaida or Hamas or Hezbollah to someone in the United States; or transferred money from a so-called charity in the United States back to a terrorist organization. They did not know how we were doing it. It was effective.

A number of the major terrorist captures we have made, the terrorist operations designed for the United States that we have interrupted, were enabled by the terrorist tracking program.

When the 9/11 Commission made its final report of its recommendations on December 5, 2005, they gave varying degrees of ratings, from the very best being A, to F being a very bad job, to all of the different activities we had undertaken to make our country safe, to make our homeland safe. Regrettably, many of them only got Bs. The Director of National Intelligence, the National Counterterrorism Center, they got Bs. Some of them got even lower grades, working with other countries.

But the one that led the rating was terrorist financing. We were doing the best job fighting terrorist threats to the United States by terrorist-financing tracking. We were, until last week. Because that editorial I read from about the need for that, about the need for international cooperation, was a New York Times editorial of September 24, 2001.

Well, the New York Times has blown the cover—blown the cover—on this very important terrorist-financing activity. Now the terrorists know there is a Belgian-based cooperative called SWIFT, the Society for Worldwide Interbank Financial Telecommunication. The SWIFT operation has a facility in the United States to which the Treasury Department issued narrowly targeted administrative subpoenas to get information on specific terrorist organizations and where their money transfers went. But now the terrorists know.

SWIFT is regulated by central bankers. The oversight committee knew about it. The oversight committee had in it the Federal Reserve, the European Central Bank, the Bank of England.

the Bank of Japan, the Bank of Belgium. Their committee members overseeing SWIFT knew how this program was operating, and they knew it was operating lawfully.

But the New York Times, continuing its recent tradition, has decided that its right to publish is more important than the American public's right to be safe from terrorist activities. This is another chapter in a very sad series of revelations of our most sensitive intelligence-tracking activities.

Newspapers knew in World War II we could crack the codes of the Axis, that we were able to monitor the defense and military moves of Germany. But they did not expose it. Why? Because they knew our national interest required us to be able to keep confidential, to keep out of the hands of our enemies, the techniques by which we gathered the intelligence, which helped us win World War II—and which had, until recent disclosures, helped us be able to win the war against terrorist attacks in the United States.

Well, the New York Times has decided that its right to publish takes precedence over America's right to have intelligence collection methods that are not disclosed to the people of the United States and, thus, to the terrorists we attempt to track.

Sadly, as I have traveled around the world, meeting with our intelligence agencies, our military people—all across the globe—I found out, since the disclosures—beginning with the disclosure of the renditions of terrorists to other countries, the activities of the President's terrorist surveillance program—our intelligence capabilities have been compromised. Intelligence operatives tell us collections are way down. We don't know how we can replace these tools that have been disclosed by the New York Times and others.

In February, at the open hearing in the Intelligence Committee, I asked CIA Director Porter Goss: What has the damage been? What has the damage been to our intelligence system from this disclosure? He said: It's been very severe. Let me repeat, very severe.

Then again, when Michael Hayden was in a public hearing on his confirmation to be Director of the CIA, I asked him again—and this was before the disclosure of the Terrorist Finance Tracking Program—I said: What has been the impact of these disclosures on our intelligence system? He said: These disclosures have now applied the Darwinian theory to terrorists because the only terrorists we are capturing are the dumb terrorists. The smart terrorists know what we are doing, and they know how to avoid it. Therefore, they can plan their attacks, and we are severely crippled.

Well, disclosure of this Terrorist Finance Tracking Program is a very severe blow. This one particular program has had, in my view, as many successes as any of the other programs, and it has been a vital part of building the intelligence network that we need, gathering the information we need to identify and take out those people who are planning to launch deadly terrorist attacks in the United States.

I regret to tell my colleagues, my constituents in Missouri, and the people in America that we are much less safe.

This program, the SWIFT Program, did not need to be exposed. The Secretary of the Treasury has written to the New York Times a rebuttal to the disclosure they made. They said: Oh, there is a great need for the people to know this. Well, unfortunately, when the people of America know it, the terrorists know it.

Secretary John Snow, with whom I have worked on this program, laid it out very well. He said in a statement on June 22 of this year: After President Bush made it clear that ensuring the safety of our people from terrorist attacks was our No. 1 priority, one of the most important things the Treasury could do is to follow the flow of terrorist money. They don't lie. Skillfully followed, they lead us to terrorists themselves and, thereby, protect our citizens.

He said:

> Given our intimate knowledge of the global financial system and financial flows, along with our close working relationships with financial institutions around the world, Treasury is uniquely positioned to track these terrorist money flows both internationally and domestically.

He said:

> I am particularly proud of our Terrorist Finance Tracking Program which, based on intelligence leads, carefully targets financial transactions of suspected foreign terrorists. . . . It is an essential tool in the war on terror. . . . It is not "data mining". . . . It is not a "fishing expedition". . . today's disclosure [is] so regrettable, because the public dissemination of our sources and methods of fighting terrorists not only harms national security but also degrades the government's efforts to prevent terrorist activity in the future.

If there are people sending money to help al Qaeda, then we need to know about it. We also need to take advantage of that knowledge to follow the money trail and thwart them.

He reports that the 9/11 Commission gave its highest level of recognition to this work.

Well, Mr. President, when we disclose how our allies are working with us, we not only give the terrorists information on how to avoid disclosure, how to keep their activities secret, what we do, and what is very serious, is we tell our allies that we cannot keep a secret. Our allies are getting more and more reluctant to deal with us on any international cooperative missions when everything we do is blown and all of a sudden they read in their papers in the United States how they have cooperated with the United States.

Now, that is not a very popular thing for some of these governments to do, and it makes it far more difficult for us to say: Hey, let's work together on a clandestine intelligence-gathering program that will keep your country safe and our country safe. Bam, they read about it in the newspapers. Well, this makes not only terrorists more able to get around our existing intelligence-collection assets, but it makes our allies far more reluctant to cooperate with us.

Mr. President, I regret to tell you and my colleagues how serious this has been.

I ask unanimous consent to have printed in the RECORD a copy of the letter to the editors of the New York Times by the Secretary of the Treasury, John Snow; a copy of the September 24, 2001, editorial from the New York Times; and a copy of the Final Report on 9/11 Commission Recommendations, in which they said this terrorist financing program was the best.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
OFFICE OF PUBLIC AFFAIRS,
Washington, DC, June 26, 2006.

Mr. BILL KELLER,
Managing Editor, The New York Times,
West 43rd Street, New York, NY.

DEAR MR. KELLER: The New York Times' decision to disclose the Terrorist Finance Tracking Program, a robust and classified effort to map terrorist networks through the use of financial data, was irresponsible and harmful to the security of Americans and freedom-loving people worldwide. In choosing to expose this program, despite repeated pleas from high-level officials on both sides of the aisle, including myself, the Times undermined a highly successful counter-terrorism program and alerted terrorists to the methods and sources used to track their money trails.

Your charge that our efforts to convince The New York Times not to publish were "halfhearted" is incorrect and offensive. Nothing could be further from the truth. Over the past two months, Treasury has engaged in a vigorous dialogue with the Times—from the reporters writing the story to the D.C. Bureau Chief and all the way up to you. It should also be noted that the co-chairmen of the bipartisan 9-11 Commission, Governor Tom Kean and Congressman Lee Hamilton, met in person or placed calls to the very highest levels of the Times urging the paper not to publish the story. Members of Congress, senior U.S. Government officials and well-respected legal authorities from both sides of the aisle also asked the paper not to publish or supported the legality and validity of the program.

Indeed, I invited you to my office for the explicit purpose of talking you out of publishing this story. And there was nothing "half-hearted" about that effort. I told you about the true value of the program in defeating terrorism and sought to impress upon you the harm that would occur from its disclosure. I stressed that the program is grounded on solid legal footing, had many built-in safeguards, and has been extremely valuable in the war against terror. Additionally, Treasury Under Secretary Stuart Levey met with the reporters and your senior editors to answer countless questions, laying out the legal framework and diligently outlining the multiple safeguards and protections that are in place.

You have defended your decision to compromise this program by asserting that "terror financiers know" our methods for tracking their funds and have already moved to other methods to send money. The fact that your editors believe themselves to be qualified to assess how terrorists are moving money betrays a breathtaking arrogance and a deep misunderstanding of this program and how it works. While terrorists are relying more heavily than before on cumbersome methods to move money, such as cash couriers, we have continued to see them using the formal financial system, which has made this particular program incredibly valuable.

Lastly, justifying this disclosure by citing the "public interest" in knowing information about this program means the paper has given itself free license to expose any covert activity that it happens to learn of—even those that are legally grounded, responsibly administered, independently overseen, and highly effective. Indeed, you have done so here.

What you've seemed to overlook is that it is also a matter of public interest that we use all means available—lawfully and responsibly—to help protect the American people from the deadly threats of terrorists. I am deeply disappointed in the New York Times.

Sincerely,

JOHN W. SNOW,
Secretary, U.S. Department of the Treasury.

[From the New York Times, Sept. 24, 2001]

FINANCES OF TERROR

Organizing the hijacking of the planes that crashed into the World Trade Center and the Pentagon took significant sums of money. The cost of these plots suggests that putting Osama bin Laden and other international terrorists out of business will require more than diplomatic coalitions and military action. Washington and its allies must also disable the financial networks used by terrorists.

The Bush administration is preparing new laws to help track terrorists through their money-laundering activity and is readying an executive order freezing the assets of known terrorists. Much more is needed, including stricter regulations, the recruitment of specialized investigators and greater cooperation with foreign banking authorities. There also must be closer coordination among America's law enforcement, national security and financial regulatory agencies.

Osama bin Laden originally rose to prominence because his inherited fortune allowed him to bankroll Arab volunteers fighting Soviet forces in Afghanistan. Since then, he has acquired funds from a panoply of Islamic charities and illegal and legal businesses, including export-import and commodity trading firms, and is estimated to have as much as $300 million at his disposal.

Some of these businesses move funds through major commercial banks that lack the procedures to monitor such transactions properly. Locally, terrorists can utilize tiny unregulated storefront financial centers, including what are known as hawala banks, which people in South Asian immigrant communities in the United States and other Western countries use to transfer money abroad. Though some smaller financial transactions are likely to slip through undetected even after new rules are in place, much of the financing needed for major attacks could dry up.

Washington should revive international efforts begun during the Clinton administration to pressure countries with dangerously loose banking regulations to adopt and enforce stricter rules. These need to be accompanied by strong sanctions against doing business with financial institutions based in these nations. The Bush administration initially opposed such measures. But after the events of Sept. 11, it appears ready to embrace them.

The Treasury Department also needs new domestic legal weapons to crack down on money laundering by terrorists. The new laws should mandate the identification of all account owners, prohibit transactions with "shell banks" that have no physical premises and require closer monitoring of accounts coming from countries with lax banking laws. Prosecutors, meanwhile, should be able to freeze more easily the assets of suspected terrorists. The Senate Banking Committee plans to hold hearings this week on a bill providing for such measures. It should be approved and signed into law by President Bush.

New regulations requiring money service businesses like the hawala banks to register and imposing criminal penalties on those that do not are scheduled to come into force late next year. The effective date should be moved up to this fall, and rules should be strictly enforced the moment they take effect. If America is going to wage a new kind of war against terrorism, it must act on all fronts, including the financial one.

FINAL REPORT ON 9/11 COMMISSION RECOMMENDATIONS

[December 5, 2005]

Homeland Security and Emergency Response	
Radio spectrum for first responders	F/C*
Incident Command System	C
Risk-based homeland security funds	F/A*
Critical infrastructure assessment	D
Private sector preparedness	C
National Strategy for Transportation Security	C –
Airline passenger pre-screening	F
Airline passenger explosive screening	C
Checked bag and cargo screening	D
Terrorist travel strategy	I
Comprehensive screening system	C
Biometric entry-exit screening system	B
International collaboration on borders and document security	D
Standardize secure identifications	B –

Intelligence and Congressional Reform	
Director of National Intelligence	B
National Counterterrorism Center	B
FBI national security workforce	C
New missions for CIA Director	I
Incentives for information sharing	D
Government-wide information sharing	D
Northern Command planning for homeland defense	B –
Full debate on PATRIOT Act	B
Privacy and Civil Liberties Oversight Board	D
Guidelines for government sharing of personal information	D
Intelligence oversight reform	D
Homeland Security Committees	B
Unclassified top-line intelligence budget	F
Security clearance reform	B

FINAL REPORT ON 9/11 COMMISSION RECOMMENDATIONS—Continued

[December 5, 2005]

Foreign Policy and Nonproliferation	
Maximum effort to prevent terrorists from acquiring WMD	D
Afghanistan	B
Pakistan	C+
Saudi Arabia	D
Terrorist sanctuaries	B
Coalition strategy against Islamist terrorism	C
Coalition detention standards	F
Economic policies	B+
Terrorist financing	A
Clear U.S. message abroad	C
International broadcasting	B
Scholarship, exchange, and library programs	D
Secular education in Muslim countries	D

*If pending legislation passes.

Mr. BOND. I would say also, it is fully compliant with the regulations, with the Constitution, and with statutes. If anybody wants to know, I will be happy to talk with them. There was no genuine public right to know that was satisfied by blowing this program. It was legal, and it was effective. No longer will it be effective, and no longer can we be as safe as we were before these disclosures started.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

RESPONSIBLE BUDGETING

Mr. GREGG. Mr. President, I rise to speak about a package of initiatives which were reported out of the Budget Committee, the purpose of which is to put some order into our financial house and to try to make the Government of the United States an affordable event for its citizens, especially for younger people who will be working to support the next generation as it retires.

This package has been grossly misrepresented by the other side of the aisle, especially by the leader on the other side of the aisle and by the assistant leader and by other Members who have come to the floor. They have taken out the bloody shirt of Social Security and waved it at this package in a totally irresponsible manner. Therefore, I think it is appropriate to come to the floor and point out what the facts are versus what they believe the politics should be.

The facts are rather startling, regrettably, as we head into the retirement of the baby boom generation, which is the largest generation in our history. The cost of supporting that generation, which will have to be paid by our children and our children's children, is astronomical.

There is now pending on the books of the Government $65 trillion—that is with a "T"—of unfunded liability. What does that mean? That means we have programmatic obligations on the books of the Government—obligations to retired people, primarily—which will cost $65 trillion more than what we know will come into the Government under the present projections. In other words, we do not have the money to pay for it. We do not know where the money is going to come from. But we do know we have these obligations on the books.

To try to put a trillion dollars in perspective, or this number into perspective, since the beginning of the Nation, since the beginning of our country, we have only collected $40 trillion in taxes—only. We have collected $40 trillion in taxes: a lot of money. The total net worth of America and Americans—if you take all our cars, all our houses, all our stock, all our businesses—is $51 trillion. So we have on the books an obligation which exceeds our net worth as a nation.

We have to figure out how we are going to afford to pay for that, especially how our children are going to afford to pay for it because they are the ones who are going to bear the burden.

To try to put this in even more precise perspective, three programs—three retirement program, specifically; Social Security, Medicare, and Medicaid—will cost the American taxpayer more, as we head into the year 2025, than what the total Government cost the American taxpayer today as a percent of gross national product. Traditionally, the Government of the United States has spent about 20 percent of the gross national product of America. These three programs alone, as a result of the retirement of the baby boom generation—which is the largest generation in the history of our country, by a factor of two—will cost the American taxpayer everything that we presently pay into the Government by the year 2025.

So that means, at that point, to pay for those three programs, you would be unable—if you were going to maintain the historical spending of the Government—you would be unable to pay for national defense, for education, for environmental cleanup, for all the other things the Government does.

And that is only the start. Because as that baby boom generation gets into fuller retirement, the cost of those programs continues to go up. What does that mean in practical terms? It means our children and our children's children, in order to support the retired generation, would have to pay a dramatic increase in taxes under the present scheme.

Basically, it would mean our children would be unable to afford a better lifestyle. They probably could not send their kids to college, buy a house or purchase a car the way our generation has been able to do because they would be sending so much of their money to the Federal Government to support these basic programs which are mandatory. It is not a tolerable proposal for our country. We cannot say, as one generation, that we are going to put on the books obligations that make the next generation pay so much in taxes that they essentially would not be able to live the quality of life we have. We would undermine their quality of life, and it is not fair to them.

What we did in the Budget Committee was try to address this, not by policy changes but by putting in place processes which will force us to face up to fiscal discipline, which will force us as public policymakers, the Senate and the House and the executive branch, to look at these numbers, these facts which exist. And they will not change unless we do something because the generation that is going to cost all this money is already alive. It is my generation, the baby boom generation. We are this huge generation. We are going to cost our children these types of dollars. It is not going to change unless we do something.

It will force us, as public policymakers, to face up to this reality, these proposals which came out of the Budget Committee. The major point is, we have a huge problem coming at us as a Government, as citizens, and as parents. You can't tax your way out of it. You cannot possibly raise taxes enough to pick up the cost of these programs and still give earning Americans an opportunity to live well.

So what is the reaction from the other side of the aisle? They want to immediately attack any proposal, even though this one has no policy attached to it—it simply has processes which force a policy to occur, no specific policy to occur—attack any proposal as an attack on Social Security. How grossly irresponsible is that? How incredibly inappropriate is that? Does the other side of the aisle believe that our children should be faced with a burden which they cannot possibly afford? That seems to be the case. They have walked off the playing field of responsible public policy, waving the bloody shirt of Social Security for the purposes of political gain. It is inexcusable on their part.

What is the proposal we brought forward, this outrageous proposal which, according to the other side, is so outrageous? It is pretty simple. It is very responsible. It is an attempt to get at the essence of the problem we have today. It has eight parts. The first part puts back in place an idea which the other side of the aisle offered 2 years ago. Yet now they claim it is horrific, the statutory caps, which says on discretionary spending, that when we put caps in place, they will be enforceable. Today we put caps in place, but they get waived around here like buying peanuts. This goes back to the old Gramm-Rudman approach, where you have enforceable statutory caps. That means we set a number. We agree, as a Congress, this is how much money we are going to spend. Then we say: You actually can't spend more than that, unless you have a cut somewhere else.

That is totally irresponsible, according to the other side. We did it a few years ago. It worked. In fact, Chairman Greenspan said it was the most significant budgetary reform that has occurred around here in a long time. We are suggesting we put it back in place. It affects discretionary spending, which is every year spending, not mandatory spending.

The second idea—I will skip down so we can go in order—is to put in place a BRAC Commission. We had a BRAC Commission for defense spending, and it worked. We did it five times. This is a BRAC Commission for the whole Government, same idea, same philosophy. It says, take a look at the programs and then have the Commission send the ideas to the Senate and then the Senate has to vote for them or against them. It is a reasonable approach to trying to do something which we have not been able to do on a one-by-one basis. It is a broader approach.

It also has the President's proposal for a line-item veto or expedited rescission. It is a better proposal than what the President actually sent us because it is more balanced relative to the legislative branch and the executive branch. In fact, it is an idea that passed the Congress. In 1996, we voted for a much stronger line-item veto than this. It gives the President the ability, when we send him these omnibus bills that have billions of dollars of spending in them, rather than veto the whole bill and shut down the Government, for example, he can now put together a package of specific programs in those bills that he doesn't think make sense, send them up here, and Congress has to vote on them in an expedited process, for or against them. Obviously, he will have to send up a package which has majority support or else it will not get passed.

And we put in language which says that to the extent there is a rescission as a result of this, the savings have to go to the deficit. That is a very strong idea, in my opinion.

We also have biennial budgeting, an idea which people think will be a more effective way for us to address budgeting. We are now effectively in a biennial process anyway since every year there is an election, we can't pass a budget around here; at least we haven't in the last three election cycles, both under Democrats and Republicans.

And then there is reconciliation reform. The essence of the package is the mandatory reform effort, the effort to try to address this chart where Social Security and Medicare and Medicaid are essentially going to bankrupt our children, unless we do something intelligent about it. This is where the other side of the aisle has been so grossly irresponsible—first, in characterizing it, because they have been factually inaccurate, and then abandoning the field of debating the issue and coming up with other processes, if they believe they are better ideas. The first approach is something that passed this Congress already. It basically says that if Medicare for 2 years in a row is found to take more than 45 percent of its support out of the general fund—Medicare is supposed to be a hospital insurance program, not supposed to be supported by the general fund—if for 2 years in a row it is supported by general taxation by more than 45 percent of its costs, then a point of order is put in place, which can be waived by 60 votes, so it can be waived against any new entitlement spending. It is a reasonable approach. It is actually not that strong an approach, but it is something that basically highlights the problem.

Then we get to the more substantive policy driving events. An Entitlement Commission is put in place. This is where the other side has grossly misrepresented the facts and then taken out the bloody shirt and attacked the facts which they grossly misrepresent. And that's a great idea. First, you make up what the position is, and then you attack that position. And then you take absolutely no responsible position on your own part, which is exactly what the other side has done. Obstruction has become the only thing which the other side of the aisle appears to be able to do, obstruction for the purpose of obstruction for the purpose of obtaining power around here.

When are they going to face up to the fact that we are supposed to be doing policy which addresses the needs of our children especially and the affordability of the Government specifically?

What is the Entitlement Commission? It is a group of people who are put together. They are chosen by the leadership of both sides of the aisle. There will be eight Republicans and seven Democrats, if it were to be put in place today. Eight and seven, that is not an overwhelming majority for our side of the aisle. And it takes 10 members of the commission to put together a report to be sent under expedited procedures.

The leader on the other side of the aisle says: This is an outrage. It is a Republican steamroller. Tell me what is the steamroller. Eight to seven representation, takes ten people to put out a report? And then the other side of the aisle goes so far as to say: And they can't consider taxes.

That is a total misrepresentation also. They can consider taxes under the Entitlement Commission. And then they say: 51 votes are going to pass it. That is a total misrepresentation again. The proposal takes 60 votes to pass.

In response to the issues raised by the Senator from North Dakota in the markup of this bill and because I accepted the fact that maybe it wasn't structured correctly the first time around, we responded to that concern. The other side of the aisle, the leadership of the other side of the aisle not only doesn't give us credit for responding to the concerns of the Senator from North Dakota because we changed it so that it became a balanced commission—we changed it so that it takes a supermajority to report from it and then it takes a supermajority to pass it—they not only don't acknowledge the changes, they would say that we didn't make the changes and then attack the proposal and put forward absolutely no policy of their own.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GREGG. No, I won't yield. I think I have heard a significant amount from the other side of the aisle that has been irrelevant, inaccurate, and incorrect. And yielding at this time would limit my time.

The third item in this is the ability of the Congress to reduce the deficit as a percentage of gross national product. We know that if we don't get the deficit down, our children are going to get all these debts. So what we put in a place as a mechanism that says essentially the deficit, as a percentage of gross national product, shall be reduced as a percentage of gross national product every year until we get to a balanced budget, essentially a balanced budget by the year 2012, and if we don't hit those deficit targets—and they are fairly reasonable because actually the next 2-year targets we have already hit or we will hit under present projections, so this doesn't even kick in, and it doesn't look like it is going to kick in because it looks like we will get to a balanced budget—should we not continue on that path, then what will happen is there will be a reconciliation instruction because we know that 60 percent of all spending around here goes to mandatory accounts. We will say to the mandatory account committees: Reconcile your accounts so that they can be brought into line with these projections for the deficit to head to zero.

What does that mean? That means that there will be policy changes which will allow savings to occur. I presume those policy changes, to the extent they affect entitlement programs such as Social Security, Medicare, and Medicaid, will tie into the Entitlement Commission report. Should those two mechanisms which force policy to be addressed not be accomplished, then you go to a sequester on entitlement mandatory spending, something that has never happened around here. And I don't expect it would ever happen because one presumes responsible people would want to make the policy changes to get to the targets rather than allow it to happen automatically.

So where is the irresponsibility here? Well, the irresponsibility is on the other side of the aisle, which has buried its head in the sand of obstructionism because it wants to take power around here. It feels that if it doesn't do anything, if nothing is done around here, then outrage will occur and people will vote them into power. How cynical is that approach to governance?

I have said I am willing to adjust this. In fact, on the Commission, the Senator from North Dakota suggested that we change the makeup and make it all Members of Congress versus outside individuals. I am amenable to that. If he wants to bring that amendment forward, fine. The Senator from North Dakota at the markup said: It doesn't consider tax increases. Actually, the Commission can consider tax increases. But I said: Let's take it to the floor and discuss the issue of pay-go or tax-go, as I would call it, which is the only proposal from the other side of the aisle, to raise taxes. But no, the response is: This is going to savage Social Security. This is going to undermine Social Security. This is going to privatize Social Security—all the words the pollsters have told them to use to try to get reelected.

I will tell you what is going to savage Social Security. It is going to be my generation retiring and demanding the benefits that they have been paying for all of our working life and having our children have to pay for those benefits. Our children are going to get up in arms and say: We would like to buy a house. We would like to send our kids to college. We would like to have the good life you had, and we can't afford it because you put this huge tax burden on us. Because you, during your term of office, were unwilling to be responsible and address these issues.

We have tried to be responsible. We have tried to bring forward a package which should be debated and which should be effectively moved forward in order to try to reverse the direction which we are inevitably going toward, which means if we stay on this course, we will eliminate the capacity of our children to look forward to the Government. So we brought forward this package which we call stop overspending. It may not have all the elements it needs. It clearly needs some tweaking here and there. I don't limit that. But it should not be attacked in the way that it has been attacked through the demagoguery of Social Security's bloody shirt being waved at it.

That is not responsible. That is not governance. That is simply obstructionism for the sake of political gain.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

STATE OF THE ECONOMY

Mr. BENNETT. Mr. President, yesterday, in the Joint Economic Committee, we heard from the chairman of the President's Council of Economic Advisers. As often happens in that committee, there were a number of issues raised. I would like to take the floor simply to clarify where we really are with respect to the economy. There are so many things being said in this election period about the economy that it is always nice to reflect on what the late Senator Moynihan used to say:

> Everyone is entitled to his own opinion, but not to his own facts.

Let's spend a little time talking about the facts and understand where the economy is. With a series of charts, I will try to do it as quickly as I can, with an understanding of where the economy currently is.

This first chart demonstrates economic growth as measured by GDP, gross domestic product. The bars on the chart represent quarters. The quarters with positive GDP growth are represented by blue bars. Quarters with declines in GDP are represented by red bars. If you will notice here in the beginning of 2000, the economy started to shrink—that which we refer to as the recent recession which began in 2000. These are the quarters in which that happened. We got a recovery starting in the fourth quarter of 2001, but as these bars above the zero line demonstrate, the recovery was pretty anemic. Not much happened for a little over a year, as the recovery did not get traction. The recovery took off in the second quarter of 2003. That happens to be the time that we passed tax relief. Economists will argue as to whether the tax relief that was passed at that time is responsible for the recovery, but as they say in Manhattan, "it couldn't hurt," because the tax relief was passed there, and we see the strong economic growth that has occurred ever since the second quarter of 2003.

Let's go to the next chart. There was talk that, well, we may be in recovery, but we are not getting any jobs; this is a jobless recovery. Where are the jobs? This chart demonstrates that, indeed, that is correct. Starting in 2000, the jobs started to disappear, and we had a long period that went on where the job base was shrinking in this country. In 2003, that turned around, and we started to see strong job creation since the second quarter of 2003. Once again, that is the quarter where we passed tax relief. Did the tax relief cause the job recovery? Nobody can prove that it did or it didn't. Once again, it didn't hurt.

Now we go to the question of business investment. The recession, once again, started in 2000. Business investment went into negative territory all through 2001, 2002, and then, in the third quarter of 2003, after we passed tax relief, business investment picked up. All of these things started going up after this one event of the passage of tax relief. Did the tax relief cause the business investment to go up? No one knows, but once again, it couldn't hurt.

All right. With those facts before us, and they are indisputable, we now hear the argument: Yes, maybe the GDP growth is occurring; yes, maybe the jobs have come back; yes, maybe business investment has come back. But the big problem is that real wages are down; because productivity has gone up, real wages have gone down.

Here is a historic demonstration of the tie between productivity and real wages. This goes back to 1950. The blue line on the chart is productivity growth; the red line is growth in real compensation including benefits. The two grow together. The outstanding increase in productivity we have had since 2003 has not produced a lowering of real compensation to workers. The best thing that can happen for real wages, historically, is for productivity to go up. So those who are bemoaning the increase in productivity, saying, yes, but real wages are down, are ignoring 50 years of history and the current facts.

We are told that the wages people take home are down; the wages people have in their pocketbooks are down in this recovery. Here on this chart, from the Bureau of Labor Statistics, is the evidence of what is happening to real hourly wage growth. We can see that, in previous recessions, every time there was a recession, real wage growth went down; recession, real wage growth went down; recession, real wage growth went down. In this recession, real wage growth did not go down as much as it historically has; real wages stayed higher than they have been in the past.

During this period of recovery, it looks like—yes, that argument has merit—real wages are going down. However, one of the things we have to recognize is that this chart does not include benefits. When you add benefits to wages and get the total compensation that goes into someone's pocket, the picture changes. Consider the next chart. Again, the dark blue line on the chart is productivity, and it shows that employee compensation in total in a recession goes down as productivity goes up. It goes down as productivity goes up. It goes down as productivity goes up. It goes down as productivity goes up. And then, when the recovery takes hold, real compensation comes back up above the line.

Here are the facts. Taking this as the line between growth and shrinkage, real employee compensation, including benefits, has been in positive territory. It went below that, just as it has in every previous recession, but when the recovery took hold, employee compensation has gone into positive territory and come back up to join productivity, just as it has done historically.

Where do we get these arguments that real wages are going down? It is the difference between the two charts. The difference is that one chart looks at wages only, and ignores benefits. The other shows total worker compensation that includes wages and salaries, but also benefits workers receive. Now we can consider some statistics that I hope make the importance of the distinction between wages only and wages plus benefits very clear. The employment cost index data shown in the final chart shows that in the 1980s, real compensation growth grew at a 0.82 percent rate. In the 1990s, coming after the recession—we have taken the recession out of this—the period of growth during the Clinton administration stayed at virtually the same level. But from 2001 to the present, it is much stronger, at 1.11 percent.

How can that be, given the rhetoric we have heard? Well, if you go to the salary growth, take out the benefits, you find that portion of that wage and salary growth was 0.46 in the 1980s. It was 0.82 percent in the 1990s. It was only 0.39 since the beginning of 2001. This is the number which is being focused on as a demonstration of the fact that people's wages are not that good. But when you look at the benefits growth, you find that benefits grew in the 1980s at 1.76 percent. In the 1990s, at 0.73 percent growth, there was very anemic benefit growth. That is why this number is so close to this number, because the benefit growth actually pulled this number down. But when you get to what has happened from the beginning of 2001 to now, people are contracting for more benefits. The benefit growth is extremely strong, which is why real compensation is stronger in the post-2000 period than it was in either of the previous two decades—not a bad economic record since the year 2000 and the recession we had.

I have more to say on this, but I recognize that other Senators wish to speak, so I will conclude here. I wish to make it clear that the facts demonstrate that we have a strong economy currently going, and the facts demonstrate that real compensation is keeping up with it. Productivity is going up at an accelerated rate, and real compensation is also going up at an accelerated rate. We should be proud of what we have accomplished since coming out of the recession of 2000.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, can you tell me what the order before the Senate is at this moment?

The PRESIDING OFFICER. The majority has 2 minutes remaining in morning business.

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that Senator LIEBERMAN and I be recognized for 30 minutes equally divided, but that prior to that recognition. my colleague from South Dakota be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I will not object. but I ask to be recognized for 10 minutes after the Senator from South Dakota, and I believe the Senator from North Dakota will be seeking recognition for 20 minutes. I don't know when Senator LIEBERMAN is arriving. Would it be appropriate now to lock in these three requests—10 minutes for the Senator from South Dakota. 10 minutes for myself, and 20 minutes for the Senator from North Dakota?

Ms. COLLINS. Mr. President. I know of no objection to that request. I would not object.

Mr. DURBIN. Mr. President, I make a unanimous consent request that the Senator from South Dakota be recognized for 10 minutes, I be recognized for 10 minutes, followed by the Senator from North Dakota for 20 minutes. and the Senators from Maine and Connecticut be recognized for 30 minutes.

Ms. COLLINS. If the Senator will withhold, I will object to that because the Senator from Connecticut and I had been planning to speak at 11:30. So what I would suggest, if it would be acceptable to the Senator from Illinois, is that the Senator from Connecticut and I would cut our time from 30 minutes to 20 minutes but proceed immediately before the other Members are recognized. Would that be acceptable to the Senator from Illinois, since we were here first?

Mr. DURBIN. The Senator from Maine is so persuasive. I don't know if the Senator from South Dakota still wants recognition.

Mr. THUNE. Yes.

Mr. DURBIN. So I ask unanimous consent that the Senator from South Dakota be recognized for 10 minutes, the Senators from Connecticut and Maine for 20 minutes combined, and then the Senator from North Dakota and myself for 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from South Dakota is recognized.

THE WAR ON TERROR

Mr. THUNE. Mr. President, I rise to speak today about one of the great issues that faces us in this era. the war on terror. I rise to speak in support of the efforts being undertaken by our soldiers in Iraq. I consider my place on the Armed Services Committee to be an honor and a privilege. American soldiers are deployed the world over, and it is my duty to serve and to support them.

Today, our country is at war against an ideology of hate and oppression that has turned a peaceful religion into a platform for war. Our soldiers have faced such adversities throughout our history and defeated them. That is why yesterday I voted in favor of a constitutional amendment to protect the flag, which represents what our soldiers have always fought for.

The fight to combat Islamic fascism has not ended. Our soldiers, alongside Iraqi security forces, are fighting against the enemies of a free Iraq—enemies like Zarqawi, who made war on Americans and Iraqis alike. Zarqawi butchered innocent Iraqis in the streets with the hopes that he could intimidate them into submission or spark a civil war where his ideology of hatred could live. Zarqawi was wrong, and now he is dead.

Further, today we have reports that Iraqi security forces arrested a key al-Qaida figure who was involved in the destruction of the golden al-Askariya Mosque. Moreover. the Iraqis have not abandoned hope and neither should we. To the contrary, Iraqi and American forces are working together to bring a fledgling democracy into maturity. Iraqis are risking their lives so that their future generations can enjoy the freedoms of liberty.

While the Iraqis work toward unity, the U.S. Congress seems to be heading toward disunity. I am concerned over the increasingly visceral. unobjective, and unconstructive rhetoric launched by some on the other side regarding the global war on terrorism. I tried to remain silent on this matter waiting for the Democratic leadership to offer a constructive plan or enter into a constructive dialog. Unfortunately, neither of these things has happened.

To date. the Democratic plan for dealing with Iraq and the war on terror consists of simply quitting as soon as possible and launching a campaign of personal and negative attacks on the President and his administration. I suppose as we enter the beginning of an election year, the rhetoric will only get worse, and the issue will become more polarized.

The unfortunate victims of this Democratic charade are not the American people but the American soldier. Day after day, our soldiers see and hear people in this Chamber hammering away at the point that we are losing the war in Iraq. that Iraq is a lost cause or that this is a winless war, while all the time hiding behind the inconsistent mantra of opposing the war but supporting the soldiers. After visiting soldiers in both Iraq and Walter Reed Hospital. I am confident that for American soldiers there is no unwinnable war.

That is why I voted against Democratic amendments calling for troop withdrawals or artificial timelines. I believe the troops in Iraq are doing the work we have asked them to do. and that if we focus right now on artificial timelines, we will be doing them a grave disservice. I believe the calls that have come out of here are wrong for a couple of reasons.

First of all. they violate the spirit of the separation of powers doctrine that interferes with the President's ability to act as Commander in Chief.

Second, I think they turn what should be battlefield decisions into decisions made by politicians. Our commanders should make troop need decisions based on conditions on the ground.

The "long war," as referenced by President Bush and also by Osama bin Laden. is not a war for Iraq. it is a war for hope, compassion. kindness. and a restoration of freedom to people the world over.

Now is not the time to send a message to Islamic fascists that they have won and we are pulling out because America has lost its resolve.

It is important to spur the Iraqis on. but we cannot force them to try and establish a working democracy by threatening to leave.

Since March of 2003. when American troops entered Iraq. there has been a great deal of advancement. While some on the other side take every opportunity to point out flaws and failures. I would like to point out that in January of 2005, 8 million Iraqis voted for a Transnational National Assembly. and in August Iraqi assemblymen presented a Constitution to their countrymen. In October, 80 percent of the people voted to ratify that new Constitution. taking their first steps to create a permanent government.

The people of Iraq have not undertaken this path to freedom without danger. They risk their lives standing in lines at voting booths and recruiting stations. Iraqis do these things because they know that they are taking the necessary steps which will govern their future.

While there have been positive advancements regarding the Government. the private sector has also seen improvements as well. There is much work to be done here. I will not stand before the Senate and state otherwise. However. the road to progress in Iraq is paved with growth. Oil production has increased from 1.5 million barrels per day to 2.25 million barrels per day. Electricity is also growing. U.S.-funded programs have added 2.700 megawatts to the national grid. It is clear that we need to inspire more Iraqi involvement. but that is not a farflung goal.

Since April 2003. 30,000 new businesses have started in Iraq, and their stock market is trading over $100 million per day.

I am very proud of what American soldiers have done in Iraq, and I believe more needs to be done. Every day we help Iraq move to a permanent government is another day we help Iraq become stable and no longer in need of

America's servicemen. I will not abandon the idea that a free Iraq can be achieved or allow my actions to be governed by opinion polls or popularity contests.

It is not just Iraq that we are talking about, it is about the global war on terror and American security. Whether we want to acknowledge it or not, Iraq has become the front line in the war on terror, and those terrorists who are pinned down in Iraq are not planning and launching attacks against the United States.

In fighting and winning the war on terror, "eternal vigilance" is the operative phrase. Thomas Jefferson said: "The price of freedom is eternal vigilance."

Irrespective of how or under what circumstances we got there, we must now complete the mission. We must win. Failure means relegating future generations to a world of terror and fear where thugs and rogues rule and where freedom, as we know it, becomes a thing of the past.

The global war on terror is about not only bringing stability and freedom and democracy to that region of the world, it is also about ensuring that Americans can live in peace and security in the future. Every single day that our brave and courageous men and women are taking the fight to the terrorists in Iraq, it means we are not fighting them on American soil.

So I rise today again to congratulate and thank those brave men and women who are carrying freedom's torch in Iraq and doing the heavy lifting that is necessary to keep this country safe and secure for the future.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to amend my earlier unanimous consent request to add the following: That after I have spoken for 10 minutes and Senator CONRAD has been recognized for 20 minutes, the Senator from Colorado, Mr. SALAZAR, be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN and Ms. COLLINS pertaining to the introduction of S. 3595 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. DURBIN pertaining to the introduction of S. 3588 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE BUDGET

Mr. DURBIN. Madam President, I came to the floor a few minutes ago when Senator GREGG from New Hampshire was here. Senator GREGG is the chairman of the Senate Budget Committee. I listened carefully as he talked about a plan to reform budgeting in America. The first thing I can recall was the phrase often used by a friend of mine who serves in the House of Representatives, Congressman DAVE OBEY of Wisconsin, who frequently chides Members of Congress from both sides of the aisle for "posing for holy pictures."

I thought to myself, how interesting it is to hear the chairman of the Senate Budget Committee coming to the floor preaching for dramatic reform when it comes to budgeting. If one were not aware of the history of budgeting under this administration and under Republican leadership in Congress, you might be able to sell this story. But it is hard to sell when you look at facts.

When President Bush took office, he inherited a surplus. It was one of the first surpluses in the Federal budget in decades. It was the result of President Clinton increasing taxes and cutting spending, determined to reduce the deficit.

We reached the point where we had surpluses that were being generated so they could pay down the debt to the Social Security trust fund, give it longer life, make certain that we were moving toward a fiscally sound future. President Bush inherited a Federal budget surplus. He also inherited a national debt of $5.3 trillion.

Now where are we today, almost 6 years into the Bush-Cheney administration? The national debt in America has risen under the Bush-Cheney administration from $5.3 trillion to almost $9 trillion. In 6 years, it is a dramatic increase. During that 6-year period of time this administration, with a Republican Congress, has consistently given us deficit after deficit after deficit, digging the hole deeper and deeper.

So when you take a look at the situation, you say, clearly, the Democrats must be at fault in this situation. But with the exception of 1 year, these were Republican Congresses generating the spending bills. So how many spending bills from Congress did President Bush veto in the 6 years he has been President of the United States? How many times did he say no to overspending by Congress? How many times did he use his Presidential veto pen denying earmarks by Congress? None. Not one. Zero. In 6 years, never. This President has never used his veto pen to stop spending by this Republican Congress, not one time.

Now comes these Republican leaders, and they say the problem isn't discipline. The problem isn't the President's veto. We have to reform the system. Now they are talking about this elaborate reform of the system.

If you are a student of political history, you have seen this before. When President Reagan's administration brought us the biggest deficits in the history of the United States, those who were responsible for the deficits were quick to the floor of the Senate, pleading for an amendment to the Constitution, a balanced budget amendment to save them from themselves. It did not pass, and it should not have passed because, as President Clinton demonstrated over 8 years, it isn't a matter of a weakness in our Constitution. It was a weakness of political will by the Republican side.

If you will take control of this economy and of this budget, you can truly reduce deficits and create a surplus. That isn't just a promise, it was a fact under the Clinton administration and evidence of failure in the Bush administration they have not come close to a surplus in any year. Now, as we face these record deficits and record debt for America, what do we hear from the Republican side of the aisle? It isn't our fault. We have to change the system.

No, you don't. The system worked under a Democratic President. The system worked to generate a surplus. Now to have them come as political sinners posing for holy pictures when it comes to balancing the budget is a very thin charade that most Americans will see through.

We understand what this is all about. It was not that long ago that President Bush decided to privatize Social Security. It was an idea that flopped across America. The President took his road show out, and every time he made a speech about privatizing Social Security, the popularity of the idea plummeted. Finally, he gave up on it, as he should have. It is a bad idea to cut back on the cost-of-living adjustments that people living under Social Security count on. It is a bad idea to take money out of the Social Security system, when we know we have made promises to future generations that must be kept. And it is a fact that the Social Security Administration untouched will be able to promise payments every year, with COLAs, through 2030. It is a strong system. We can make it stronger, but privatizing Social Security is the wrong way to go.

I urge my colleagues, when Senator GREGG and Republicans come forward with this so-called line-item veto, look closely. Line-item veto is the 'privatization of Social Security. America rejected it once. We need to reject it again.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I come to the floor to respond to comments that were made by the chairman of the Budget Committee moments go, that I don't think, if he were to have a chance to review what he said, would be what he intends to convey.

The chairman of the Budget Committee moments ago said that our side did not offer alternatives to the proposal that he was making to get our deficit and debt under control. The Senator knows that is not true. That is not accurate. That is not even close to being accurate.

Let me indicate that I have great respect for the chairman of the Budget Committee. He and I have a very good working relationship, although we disagree on some issues. We have, I have always felt, a respect between us. But for him to say we did not offer an alternative is not true. I think, on reflection, he would acknowledge that is not the case.

In fact, the record of the committee shows very clearly that we offered a comprehensive alternative to the one he was offering. In fact, he said publicly he appreciated the fact that I offered a comprehensive alternative.

Let's get straight, on a factual basis, what occurred in the Budget Committee. Here is the alternative I offered. It is an 11-point plan that involves a fully comprehensive approach to the explosion of deficits and debt. What was our alternative?

No. 1, we restored a strong Senate pay-go rule and statutory pay-go enforced with sequestration.

That is a lot of big words. The basic notion is pay-go. What is pay-go? Pay-go simply says, if you want to have more spending, you have to pay for it. If you want to have more tax cuts, you have to pay for them. This is a discipline we had in the 1990s that worked extremely well. Virtually every budget observer of either side said pay-go was an essential part of restoring budget discipline.

The second part of our proposal was to allow reconciliation—a special fast-track procedure in the Senate—for deficit reduction only. That was the intention of reconciliation when it was put in place. Unfortunately, in the last 5 years, reconciliation has been used not to reduce the deficit but to increase it. That was never the intent of reconciliation, to provide special fast-track procedures, limited debate, limited amendments. That was approved for one reason only, to reduce the deficit. We ought to go back to that plan.

Third, we suggest the budget ought to budget for the war instead of coming forward with these supplemental appropriations bills with tens of billions of dollars not part of the budget. We are over 3 years into this war. The President needs to be budgeting for the war.

Fourth, we reaffirmed the protections for Social Security—they exist in current law—ensuring its off-budget status so Social Security funds aren't pooled with all the other funds to disguise from the American people the seriousness of our fiscal condition. And to prohibit fast-track changes to Social Security—again, special rules that are outside the normal rules of the Senate that could lead to a shredding of Social Security and Medicare with very little debate and with virtually no amendments. I will get into that in a moment.

We also have a "save Social Security first" provision in our plan, a 60-vote point of order against any new spending or new tax cuts that increase the deficit until the 75-year Social Security solvency is restored.

We also restore for 2006 the 60-vote point of order against considering tax cuts or new spending or debt limit legislation without a new budget resolution.

It is amazing, but our colleagues on the other side last year put in place new spending caps as part of the plan that the chairman of the committee presented moments ago. Last year they put in place spending caps for 2006, 2007, 2008. Two weeks ago, when we passed the supplemental, they wiped them out. So when the Senator suggests that is the answer to our problems—no, it is not the answer to our problems. No process is the answer to our problems, unless there is the will to actually do the job of reducing deficits and debt. No process is going to solve the problem.

That is made clear by what happened two weeks ago. Again, I say to my colleagues, the Senator comes forward with a whole new package of spending caps—fine. Good. I am for spending caps—but spending caps that are enforceable and real, that aren't waived the next year when they start to pinch. That is what our colleagues on the other side of the aisle did week before last. Now they come with a new package of spending caps and say that's the answer? Wait a minute. Two weeks ago they undid the spending caps they put in place last year. Last year they put in spending caps for 2006, 2007, 2008. Then they come week before last in the supplemental appropriations bill and eliminate them.

Last year they put in place a budget point of order that says you can't have more tax cuts or more spending or more debt if you don't have a budget. Guess what they did two weeks ago—they waived it. They said: Well, we weren't really serious about what we did last year. Forget it.

Forget it. Forget the spending caps we put in place last year. Forget the budget point of order we put in place last year. Forget it.

Now what is their answer? Now they are under pressure in an election year. They come out with this "stop overspending" plan that rehashes a bunch of the tired old things that haven't worked in the past and that they paid no attention to when they did put them in place.

We restore that 60-vote point of order they just waived. We also allow Congress to strip earmarks in other items inserted in the conference reports.

There is abuse going on in the Congress, and everybody knows it. Matters that are never considered in the Senate or the House are inserted in the conference committee in the dead of night, behind closed doors, and come out here with a straight up-or-down vote. That shouldn't be permitted.

We require a 48-hour layoff period and a Congressional Budget Office score of conference reports because all too often that has been abused. We are presented with a 600- or 700- or 800-page bill nobody has ever read, and nobody has any idea what is in it. And we are told to vote in a matter of hours. No. We ought to have 48 hours to study what is out here, and we ought to have a CBO score of any legislation that is considered so we know what it costs and so we know what is in it.

In addition, we require the Congressional Budget Office and the Joint Committee on Tax to score longer term revenue and outlays for us to enforce the Byrd Rule for reconciliation and to show fully phased-in 10-year cost of legislation.

Once again, what is happening is colleagues are coming and they are presenting the 5-year cost of something, when they know that right behind the 5-year window the cost explodes. That is true of tax cut proposals and spending proposals. And we need to put a stop to it.

Also, in my proposal we enforce the discretionary spending limits. We enforce spending caps that in conjunction with pay-go have been effective in the past. And we initiate a real bipartisan effort to reduce the deficit with the President and with lawmakers.

Here is the reality. This budget situation has gone totally red. These are the biggest deficits in the history of the country in the last 4 years.

Even more serious than the deficit is the growth of the debt.

Here is what has happened to the debt. After the first year of this President, the debt of the country was $5.8 trillion. The chairman of the Budget Committee told us in committee we wouldn't have a budget this year. There won't be a budget at all.

But if either the budget proposal that cleared the Senate and the separate one that cleared the House were adopted, here is what would happen to the debt by 2011. It would be up to almost $12 trillion. The consequences of all of this are that our debt is exploding and our debt held by foreigners is exploding.

This chart shows that it took 42 Presidents 224 years to run up $1 trillion of our debt held abroad; that is, debt held by foreigners. It took 42 Presidents 224 years to run up more than $1 trillion in U.S. debt held by foreigners.

This President has more than doubled that amount in just 5 years.

This is an utterly unsustainable course. It is why I agreed with part of the chairman's message that we are on an unsustainable course, and we need to address this. But we need to do it in a bipartisan way. That is the great flaw in what the Senator has proposed.

Here is what has happened, a consequence of these massive deficits—both the trade and budget deficits.

We now owe Japan over $600 billion. We owe the Chinese over $300 billion. We even owe Mexico now over $40 billion. Who would have believed it?

What is perhaps most stunning is if you look at the world's biggest borrowers, we are in the No. 1 position by far. In the 1980s, we were the largest creditor nation in the world. More countries owed us money than any other country in the world. We now owe more money than any other country in the world and by a large margin.

If you look at all the money that is available to borrow in the world, we are borrowing about two-thirds of it. We are borrowing 65 percent of the money that is being borrowed by countries around the world. Our country alone is borrowing 65 percent of the money that is available to borrow. The chairman came out. He has a program he calls SOS, "stop the overspending." Who is overspending? His party is in control. His party has had control for 6 years. They control the White House. They control the House, and they control the Senate. There is not one dime of this spending they are not responsible for.

What has happened to spending? Spending has gone up 40 percent while they have had control—a 40-percent increase in spending.

The chairman comes out with this plan. He says stop overspending. But look at it. A big part of this is these spending caps. As I have indicated, they put in spending caps last year, which they threw in the ditch two weeks ago.

They have more budget points of order in their plan. They waived the budget point of orders they put in place last year. They did it week before last.

If you look at that specifics of the proposal the chairman has made, he goes back to the old Gramm-Rudman approach of setting targets. The problem was it didn't work then, and it is unlikely to work now because all of these targets can be gamed. That is what happened under Gramm-Rudman. They gamed them. So they meant nothing.

Here is the dotted red line that shows the first Gramm-Rudman targets. Then they changed them to this dotted red line. But the black line shows what actually happened to the deficit. These deficit targets didn't come within hailing distance of meeting these targets. Why? Because they were gamed just like they have gamed the spending caps that they themselves put in place last year when they started to pinch. They eliminated them.

That is exactly what happened under Gramm-Rudman.

It was gamed, and it meant nothing: the great press releases, the sound and the fury, signifying nothing.

This shows that the 1986 deficit, when they started Gramm-Rudman, was $221 billion. In 1990, the last year of Gramm-Rudman, the deficit was $221 billion. It was supposed to be zero. They made no progress. It didn't work.

The chairman comes out with a package that has Gramm-Rudman all over it again. It doesn't have pay-go; wouldn't want to do that. That worked. So let us go back to something that didn't work and act as though we are doing something when we are doing nothing. The GAO has concluded that Gramm-Rudman was ineffective.

Here is what they said:

> GAO has criticized Gramm-Rudman procedures for leading not to meaningful deficit reduction but rather to a whole generation of off-budget and other misleading practices that hid the true magnitude of the deficit problem.
>
> When even these practices failed to avoid sequestration, the deficit targets were simply revised and the date for achieving a balanced budget was postponed. Thus, instead of the government reaching a balanced budget in FY 1991, the original Gramm-Rudman target, the deficit reached record levels.

I appreciate the chairman's good intentions. I do believe he wants to do something about these deficits and debt. But the package he has come up with is not going to do the job.

That is why we objected. That is why we offered an entire alternative.

Former Senator Hollings, was one of the original architects of Gramm-Rudman, said this:

> Instead of using Gramm-Rudman-Hollings to cut back some $35 billion in spending each year, we were using it as a cover to increase spending $35 billion each and every year. So I said, Give me a divorce from that. I don't want my name connected with it.

The chairman's package also includes a biennial budget. Instead of budgeting every year, budget every 2 years. I guess we are not going to even have a budget this year. So maybe we are on a biennial budget without it even being in the law.

Can you think of any single major organization that just budgets every other year? What a bizarre idea. We are paying little attention to the budget. So the idea from the other side is let us pay even less attention. That is a good idea.

It takes words away from me. To have the idea that because we are not being successful in managing our fiscal affairs, the answer is we only budget every 2 years.

That would simply lead to more supplemental spending.

While the President is calling for a biennial budget, and his budget for 2006–2007 failed to provide a discretionary spending policy beyond the first year.

For the first time since 1989, this President, when he put out his budget, only gave 1 year of detail. Always before they had given 5 years.

Why it makes any sense to go to 2-year budgeting is beyond me.

In addition, they have proposed a line-item veto, even though the Supreme Court said it is unconstitutional. In this package, they come with line-item veto again. But they have done it in a way that requires our colleagues' attention. They have done it with no opportunity to amend or to have extended debate on the proposed line-item veto target.

They also allow the President to cancel new mandatory spending proposals, such as those dealing with Social Security, Medicare, veterans, and agriculture.

That is an extraordinary grant of power.

What if we had a bipartisan agreement to deal with the long-term challenges of Medicare and Social Security, and then the President would be given the power, under this act, to go undo it based on what he wanted to do, forget about the bipartisan negotiations? No, that can't be the way we do business around here. We truly need, on a bipartisan basis, to get together and deal with our massive deficits and debt. We can't engage in a negotiation, a detailed, difficult negotiation and then have the President, on his own authority, be able to undo the very agreements we have reached. What earthly sense does that make? How could we possibly have a negotiation under those terms?

The CBO Director believes the line-item veto was unlikely to greatly affect the bottom line. He said:

> Such tools cannot establish fiscal discipline unless there is a political consensus to do so. In the absence of that consensus, proposed changes are unlikely to greatly affect the budget's bottom line.

He is right. No President needs the line-item veto.

This is from the Roanoke Times in Virginia. They said:

> The President already has the only tool he needs, the veto. That Bush has declined to challenge Congress in 5-plus years is his choice. The White House no doubt sees reviving this debate as means of distracting people from the missteps, miscalculations, mistruths and mistakes that have, dogged Bush and sent his approval rating south. The current problems are not systemic. They are ideological. A line-item veto will not magically grant lawmakers and the President fiscal discipline.

They are not alone in that view.

Here is a conservative columnist, George Will, who believes the line-item veto will shift too much power to the executive branch. He said:

> It would aggravate the imbalance in our constitutional system that has been growing

> for seven decades. The expansion of executive power at the expense of the legislature.

An American Enterprise Institute scholar calls the line- item veto proposal "shameful."

> Shameful. The larger reality is this line-item veto proposal gives the President a great additional mischief-making capability, to pluck out items to punish lawmakers he doesn't like, or to threaten individual lawmakers to get votes on other things without having any noticeable impact on budget growth or restraint.

He went on to say this:

> More broadly, it simply shows the lack of institutional integrity and patriotism by the majority in Congress. They have lots of ways to put the responsibility on budget restraint where it belongs, on themselves. Instead, they willingly—even eagerly—try to turn their most basic power over to the President. Shameful. Just shameful.

The chairman of the Budget Committee indicated he has changed his proposal so the Commission on Social Security and Medicare would require a 60-vote majority in the Senate. That is true. His original proposal did not do that. His original proposal had a simple majority being able to pass whatever a commission sent back.

What is wrong with the commission proposal he has left us with? What is wrong is, this proposal comes to us on a fast-track basis. In fact, the way it is designed, you could have a circumstance in which no amendments are permitted. I hope my colleagues are listening. They want to adopt a commission process that would permit the following: The commission, which has a majority of Republicans, says we want to cut Social Security 50 percent, comes up here to the Senate, the majority leader gets recognition, which he has the right to do under Senate rules, puts in an amendment, offers a quorum call, goes into a quorum call for 50 hours, with no amendments, no debate, and at the end of the 50 hours, we vote on the commission proposal. That is at the heart of what is wrong with what the chairman proposed. That is a completely unacceptable procedure.

We are not going to have a circumstance in which the future of Social Security and Medicare could be determined in the Senate under fast-track procedures that deny Senators a chance to amend or debate what comes from an unelected, unaccountable commission. Is that what we have come to in this country? I don't think so. This is not some dictatorship where things come up here and Senators could be precluded from their right to amend or debate. That is the genius of the Senate.

Under the chairman's proposal, that is exactly what could happen. He says no majority leader would ever do that. Maybe not. Maybe what they would do, using that power, is say: There can only be five amendments, or I will use my power to preclude all amendments. Have we ever seen a majority leader do that? Yes, I have been here. I have seen it.

I say, as one Member, I will never, ever, go along with something that would be so consequential, determine the future of Social Security, the future of Medicare, and set up a circumstance in which no Senator could offer an amendment except the majority leader of the Senate. That looks like not just a fast-track process, that looks like a bum's rush.

The Senator gets a big push back from our side, you bet. He will get a real big push back because we are not going to agree to that. That is radical. That is reckless. We are not going to go along with that. The Senator can say it can never happen, but we all know it could happen.

I respect the chairman of the Committee on the Budget. I like him. We work together well. When he came out here and said we offered no alternatives, that is flatly untrue. We gave a detailed, comprehensive alternative which he praised publicly in the committee. To come to the Senate and say we offered no alternative is just not true. He knows it; I know it. The record shows it.

I am quite certain the Senator was exercised and upset and probably misspoke. I hope he corrects the record on this question. It cannot stand. It does not enhance this discussion or debate for either side to say things that are not accurate. He is upset that some of our side apparently said the commission proposal would come up here on a simple majority. That was his initial proposal. Under my criticism of that approach, he did alter that. But he still left us with a fast-track process that could preclude amendments and debate on something as fundamental as the future of Social Security and Medicare. That is just not acceptable.

The PRESIDING OFFICER. The Senator from Colorado.

ENERGY

Mr. SALAZAR. Madam President, let me first say my colleague from North Dakota does an incredible job in terms of leading our country with a voice that stands for fiscal discipline. When he talks about the mountain of debt that we are continuing to build in this country, and passing on that mountain of debt to our children and our grandchildren, the American people deserve more of this Congress and more of Washington, DC, and more of this President. I look forward to his continuing leadership on this issue to try and bring about fiscal integrity and fiscal honesty to the United States of America. The American people deserve no less than that kind of candor and integrity from the Senate.

I rise today to talk about an urgent issue which we all ought to be very concerned about in the United States of America. That is the issue of energy. Last year, this Senate put together a bipartisan template on the National Energy Policy Act of 2005 which may go down in our history as being one of the most important achievements of the 109th Congress. Notwithstanding the fact that we put together energy legislation that did some great things for conservation, that stood out for renewable energy, that said that new technologies were part of how we could lock in the future of our Nation's energy independence, we have had many opportunities to move forward and to continue to address the issue of energy. Yet we have not done that as a Congress nor as a Senate.

Six months of this year have already passed. It has been 5 months since the President of the United States, before the American people, said that we were addicted to foreign oil and we needed to take aggressive steps to move forward to get ourselves to energy independence.

I had the honor of hosting the President at the National Renewable Energy Lab in Golden, CO, and we looked at the possibility of renewable energy. Yet some 6 months after that January speech, we still are here in this Senate without having moved forward with any significant kind of energy legislation. That is wrong. Part of the people's business, the highest priority, is for us to look at this energy dilemma we are facing in this country and to embrace in a real, honest, and ethical way the imperative that moves us toward energy independence.

I will address part of what I think we ought to be doing with our movement toward energy independence in our country today. The time to get serious about growing our way to energy independence is long overdue. If Brazil, a Third World country, can do it, it is inexcusable for the United States of America, the strongest Nation on Earth, to do otherwise.

Today in Brazil, ethanol substitutes for 204,000 barrels of gasoline sold every day. Over 40 percent of all the gasoline that is sold nationally in Brazil comes from ethanol, making that country energy independent today.

In the last couple of months, we have had a lot of ideas discussed in this Senate and through multiple press conferences about how we can ease the pain at the pump for the American consumers. We have heard ideas to give $100 tax rebates. We heard ideas to create a tax holiday for gas, to enact a Federal gas price-gouging statute, to reduce the number of fuels that are currently on the market, to end royalty relief, and on and on. There are lots of ideas talked about that we should give careful consideration.

We should also talk straight to the American people. We are a nation that relies on oil to power our economy. We import almost 60 percent of our oil from countries such as Saudi Arabia, Nigeria, Iraq, and Venezuela. We are hostage to a cartel of oil-producing countries that decide how much oil will reach the market at any given moment. Many Members of this cartel are unfriendly to the United States. They know how much power their oil has over our national security.

The bottom line is that energy independence is important to all of us in the 21st century if we are to achieve national security.

Without a reliable and affordable supply of homegrown energy, our dependence on foreign oil will only continue to increase, further warping our foreign policy and jeopardizing the stability of our economy. If we continue at our current pace, in two decades we will be importing 70 percent of our oil from foreign countries. We cannot afford to stay that course on our energy policy.

Expanding our domestic production of oil and gas is an important component in our Nation's movement toward energy independence. We should continue to encourage the balanced development of the resources that we have. We should accelerate our development of clean coal technologies to produce clean-burning synfuel gases and jet fuels from coal, an abundant domestic resource. But none of the rhetoric can change the fact that we just don't have enough petroleum resources in this country to drill our way to energy independence.

Today, we are the world's third leading producer of oil, but our rate of oil consumption—primarily for transportation—is almost three times our rate of oil production. Furthermore, the sad truth is that we only have 3 percent of the world's reserves in the United States of America. That 3 percent includes the proven reserves in the State of Alaska.

We ought to look at our renewable energy future. If we make a dramatic, perhaps even a revolutionary new commitment to renewable energy, the fuel grown in American fields can help power our vehicle fleet. With a bold new commitment, we can produce enough fuel on our farm lands and ranch lands to meet 25 percent of our energy needs by the year 2025.

Farmers and ranchers and all of rural America are rallying behind this cry for a goal of "25 by 25." Our farmers are growing corn, soybeans, and sunflowers to be used for ethanol and biodiesel. Ranchers are building windfarms and using animal manure for power. Rural business men and women are investing in biorefineries. New jobs are springing up in many places where they had no jobs. Rural economies, long forgotten, are starting to gather steam as part of the renewable energy chapter opens in America.

It is time for Congress as a whole to embrace rural America's vision for this renewable energy future. Senator CHUCK GRASSLEY and I have introduced a resolution that would make "25 by 25" our national goal.

I urge my colleagues to cosponsor this resolution because producing 25 percent of our energy on agricultural lands by 2025 is, in fact, a fully achievable goal. We can do it. We can do it if we get on task and we make a bipartisan commitment to work toward this goal. We should begin on this goal immediately.

First, we should raise the renewable fuel standards we set in last year's Energy Policy Act. That goal, in law today, is to produce 7.5 billion gallons of renewable fuels by 2012. That goal is far too modest. We will easily meet this goal under current policies. Yet we will not be putting enough renewable fuels on the market to give consumers a real choice or to make a real dent in our oil dependence on foreign countries. We should increase this target so we are producing 9 billion gallons of renewable fuel by 2012 and 30 billion gallons of renewable fuel by the year 2025.

Second, we should extend the renewable energy production tax credit until 2012. The existing production tax credit is now set to expire in 2007. That creates uncertainty for business people and investors who want to invest in renewable energy.

We have legislation that I have introduced, S. 1093, the Research and Development Investment Act, which extends the renewable energy production tax credits through 2012, allowing more investment and quicker growth in the renewable energy market.

Next, we should pass S. 2025, the Vehicle and Fuel Choices for American Security Act. This is an important piece of legislation with broad bipartisan support. S. 2025 will essentially do three simple but very important conceptual things.

First, it will increase the amount of biofuels we currently are producing in America. Second, it will ensure there are filling stations that are available across the country that will provide alternative fuels to give that choice to the American consumer. And, third, it will also help transform Detroit to embrace alternative fuel vehicle systems.

Right now, the United States consumes around 20 million barrels of oil every day. Twenty million barrels of oil every day are consumed in America. Two-thirds of those 20 million barrels a day are consumed in our transportation system—by our cars and our trucks—across this country. This is alarming: The massive amount of oil we are importing is barley enough to cover the needs of the transportation sector.

S. 2025 tackles this problem head on. It brings more gallons of biofuels to the market. It gives consumers access to alternative fuels. It retools America's vehicle fleet to run more efficiently and to run on alternative fuels. By passing S. 2025, we will give consumers more choices of fuels and vehicles, lower and stabilize the cost of fuel, and reduce our reliance on foreign oil.

This is not a Republican or Democratic agenda. This is an American agenda. And this American agenda toward energy independence is demonstrated by the group of Senators who are supporting S. 2025. They include Senator BROWNBACK, Senator BAYH, Senator GRAHAM, Senator CANTWELL, Senator LIEBERMAN, Senator COLEMAN, Senator DODD, Senator BILL NELSON, Senator ISAKSON, Senator KOHL, Senator LUGAR, Senator OBAMA, Senator SESSIONS, Senator CLINTON, Senator CHAFEE, and others. We think this bill is effective, and we would hope the Senate can move forward and embrace this bill and pass it so the President can sign it yet this year.

What S. 2025 does, in more detail, is it is aggressive in encouraging the increased production of biofuels. It provides loan guarantees to farmer-owned ethanol producers, to help them make investments in renewable energy systems and infrastructure. It also increases the ethanol infrastructure tax credit that we passed last summer in the Energy Policy Act so that credit is set at 50 percent. This will lower the startup costs for farmers and communities and businesspeople who want to build a biorefinery or a processing plant.

These producers will benefit from the bill's investments in biofuels research. By doubling the funding for biofuels research, S. 2025 will improve yields and efficiencies and expand the range of feedstocks that can be used for biofuels production.

Secondly, S. 2025 helps reduce our foreign oil dependency by giving consumers access to alternative fuels at filling stations. Currently, in the United States, we have 5 million flexible fuel vehicles. These vehicles can run on either gasoline or E-85, an 85-percent ethanol-gasoline mix. We today are adding about 1.5 million of these flex-fuel vehicles to our national fleet every year. The trouble is, as you well know, there are only 485 filling stations in the country that carry E-85. There are only 485 filling stations today in the country that carry E-85. We have the technology on the road that allows cars to run on biofuels, but because consumers cannot pump E-85 fuel at their local filling station, we are not taking full advantage of the oil-saving rewards of the flex-fuel technology, which is now being deployed into our national fleet.

S. 2025 would solve this problem. It would solve this problem by helping to build the pumps and filling station infrastructure needed to deliver biofuels to consumers. The bill provides loan guarantees and tax incentives to farmers and business owners for the construction of pump stations to dispense fuels. It also uses CAFE penalties that have already been collected by the Government from foreign manufacturers to expand funding for grants to finance alternative fueling infrastructure.

One of the DOE grantees from this year alone, the National Ethanol Vehicle Coalition, will be able to build 300 stations with its $2 million grant. With at least 10 times the amount of that funding available, we should be able to equip at least 3,000 filling stations across America with the infrastructure that delivers biofuels to consumers who are in search for these alternative fuels.

The economic benefits of giving these fuel choices to consumers are clear. If consumers can rely on filling their tank with E-85 fuel wherever they go, demand for the fuel and demand for cars that run on E-85 will increase dramatically, cutting demand for petroleum-based fuel. Not only will this help us deal with gas prices, but it will also stabilize them. We can count on our farmers to harvest their crops, but we cannot count—we cannot count—on Iran or the Middle East to sell us their oil.

Finally, S. 2025 will help us retool our national vehicle fleet. S. 2025 sets goals for improving the efficiency of our vehicle fleet and for getting more advanced vehicles on the road. It sets these goals and then helps manufacturers retool their vehicle fleets to meet them.

The bill sets targets for manufacturers to produce alternative fuel vehicles, plug-in hybrids, fuel cell vehicles, flexible-fuel vehicles, and other technologies which can run on regular gasoline or biofuel alternatives. By 2012, 1 in 10 vehicles produced will be advanced vehicles. By 2016, 1 in 2 vehicles produced will be advanced vehicles that can run on these alternative fuels or these advanced technologies.

We will help manufacturers make these changes to their fleets. The bill establishes a tax credit for the costs the manufacturers incur when they are retooling or expanding their facilities to produce advanced vehicles. The bill also authorizes support for research that will provide lightweight materials to the auto industry and for technology for electric drive trains, batteries, and plug-in hybrids.

The bill closes the SUV tax loophole, limits idling by buses, and requires that fuel economy standards be set for heavy duty vehicles so we can stop burning fuel we do not need to burn. For each 1 mile per gallon efficiency we find in this country, we save 1 million barrels of oil per day, or $20 billion a year.

These are sensible, easy-to-implement solutions. Many of them, many of these ideas, have now been included in two bills that Senator BINGAMAN, Senator CHAFEE, Senator LIEBERMAN, Senator COLEMAN, Senator CANTWELL, and I and others have introduced. These are the Enhanced Energy Security Act of 2006, which will push the Federal Government to save 2.5 million barrels of oil per day by 2016, and at least 10 million barrels per day by 2031, and the new energy tax bill, which provides multiple incentives to manufacturers, businesses, and consumers alike to utilize energy-efficient programs and alternatives themselves.

The provisions of S. 2025 and the energy tax bill will give consumers more choices at the pump and reduce our dependence on foreign oil.

Each of us should be asking: What if we do nothing? What if we do nothing? What if we continue our malignant neglect of the long-term energy policy of the United States of America? If we do continue this malignant neglect, we will become increasingly vulnerable to the instabilities and whims of countries across the globe. The American consumer will continue to suffer, and the American economy will have lost an opportunity that has come its way.

We have devoted a lot of time to many issues over the last 6 months of this year in this Congress. We have not devoted enough time on this floor to the issue of energy and of energy independence. We need to do so because to do otherwise is to neglect the national security of the United States.

When you have a system that starts to break down, you have to address the cause as well as the symptoms of the problem. If your roof keeps springing leaks, you don't just put more and more buckets out. What you do is you eventually build yourself a new roof. We need to build a new energy policy in America, one that is built on the promise of renewable energy, technology, and conservation.

I believe Americans are eager for us as a Senate to do this. In States across the country, people are enacting renewable portfolio standards and demanding access to alternative energies. They imagine a renewable energy future that harnesses the business and work ethic of rural America and which breathes new life into sagging rural economies. They look at fields of corn, soy, and sunflowers and see the raw materials for biodiesel and for ethanol.

The renewable energy revolution is already underway in America thanks to farmers and ranchers and businesspeople who have been leading it, who have been doing their part. We now, as a Congress, need to do our part to push the renewable energy revolution forward.

I urge our Senate, in a bipartisan fashion, following the template of last year's national Energy Policy Act, to move forward to secure America's renewable energy future by making "25 by 25" our national goal.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTACK ON PAN AM FLIGHT 103 AND LIBYA

Mr. MENENDEZ. Mr. President, I rise to speak about an issue of great importance to the State of New Jersey, to the United States of America, and to all of those who stand against acts of terrorism and violence: the attack on Pan Am flight 103.

The attack on Pan Am flight 103 shocked the world and claimed the lives of 189 Americans, including 38 citizens from my home State of New Jersey.

After these terrible attacks, and significant pressure from the international community, the Libyan Government finally agreed to pay $10 million to the families of those who were murdered.

The Libyan Government still owes $2 million to these families, which it promised to pay as soon as it was removed from the state sponsor of terror list, an action the State Department announced on May 15. The 45-day waiting period ended today, and the Libyans will be off the list. But we cannot allow them to be off the hook.

Libya, according to a Washington Post article, declared yesterday that it no longer has a legal obligation to make the final payment of $2 million to the families of those killed. Libya is trying to argue that it doesn't have to pay this money because they were "supposed" to be taken off the terror list earlier. But what Libya forgets is that it had to earn the right to get off the terror list and that Libya's own actions are what delayed the process. In fact, the reason the process was delayed is because we discovered that the Libyans had been plotting to kill a member of the Saudi royal family, among other incidents.

Why should American families be deprived of their payment because of Libya's mistakes? Libya's argument is not only factually incorrect, it is immoral. At a time when we are fighting terrorism around the world, at a time when our men and women in uniform are putting their lives on the line to protect us from terrorists, at a time when we should send a message to the world that terrorism and the murder of U.S. citizens cannot be tolerated, we cannot allow the Libyans to get away with at least paying these grieving families that which they are owed. This money is not going to bring back their loved ones. It is not going to heal the pain. But it is an obligation that should be met.

Let me be clear: This money in no way absolves Libya of its actions in this incident. This money in no way will replace those who were murdered. This money in no way makes up for the loss, pain, and suffering of the families. But a promise made should be a promise kept, and Libya must keep its promise, period.

I hope the Libyans hear this message loudly and clearly. I also hope the administration hears the message loudly and clearly. Our State Department should be advocating for American families, not for facilitating the Libyans in breaking their commitment. We should not allow any implementation of diplomatic engagement until the Libyans honor their commitment.

I promise that, along with a number of other Members of Congress who represent families from different parts of the Nation who lost a loved one on Pan Am Flight 103, we will not rest until this payment is made, until the Libyans fulfill their promise. A promise made must be a promise kept. It is outrageous for the Libyans to act any other way. It would be equally as outrageous for our Government to act in any other way other than to make sure that we help these families in having this commitment honored.

I thank the senior Senator from New Jersey, Mr. LAUTENBERG, who has been a leader on the Pan Am Flight 103 attacks from the beginning, continuing to fight for the citizens of New Jersey and all of the other families who suffered in these terrible attacks. I am proud to join him, now that I am in the Senate, in this effort. I am committed to making sure that these families ultimately receive the commitment and the fulfillment of that commitment that the Libyan Government made. Our Government should ensure that we do no less.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DEMINT. Mr. President, I ask unanimous consent that at 2:20 p.m. today, the Senate proceed to executive session for the consideration of the nomination of Henry Paulson to be Secretary of the Treasury.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

HONORING THE 230TH "CAROLINA DAY"

Mr. DEMINT. Mr. President, June 28 is a great day in the history of my State of South Carolina and in the formation of our great Nation. You see, it is on this date that we celebrate Carolina Day.

Two hundred and thirty years ago today, a small but determined group of fewer than 1,200 South Carolina patriots held off a British force that was more than twice their size.

The battle—which took place on Sullivan's Island, just outside the entrance to Charleston Harbor—became the first major American victory of the Revolutionary War.

Colonel William Moultrie, who commanded the colonist troops, had few resources at his disposal. So, he built a fort out of palmetto logs—a plentiful local resource.

Facing such make-shift opposition, the British commanders thought they would easily sweep into Charleston.

But these amazing palmetto logs actually absorbed the impact of the British cannonballs. This strengthened the American defense and gave the brave colonists a critical advantage.

The British were soundly defeated in a long, nine-hour battle. More than 200 of the British were killed or wounded, compared to only 35 of Colonel Moultrie's command.

Many historians consider this battle to be one of the greatest defeats in the entire history of the British navy.

Many South Carolina heroes were made on that day.

One such, hero, Sergeant William Jasper, is recognized for saving the regiment's flag after it was shot down by British fire. Seeing that it had been hit, Jasper exclaimed, "Colonel, don't let us fight without our flag!"

Sergeant Jasper then jumped into the face of enemy fire, walked the entire length of the fort—in full view of the British and cut the flag from its broken pole. He then added a new staff and replanted the flag back on the fort wall. Turning to the enemy, he gave three cheers and returned to his gun.

That flag—a blue banner with a white crescent—represented the dream of real freedom to these patriots. And today, that historic banner still serves as a source of pride and inspiration, as part of South Carolina's official State seal.

The blue background and white crescent also serve as the basis of our beautiful State flag, which incorporates a tall, proud palmetto tree . . . in recognition of the heroes of Fort Moultrie.

The resounding American defense of the City of Charleston at Fort Moultrie gave our fledgling Nation hope in the possibility of ultimate victory. And less than one week later—on July 4, 1776—the Continental Congress forever changed the course of history, signing our Declaration of Independence.

This story has profound relevance to what we face today as we fight the global war on terror. I can imagine those great patriots felt the same kind of joy that is plainly visible in the eyes of Iraqi citizens . . . people who are only now beginning to share in the sweet taste of freedoms that we so often take for granted.

Mr. President, as we celebrate Independence Day with friends and family, may we always remember the price that was paid for our freedom.

And may we resolve that the sacrifice of our brave soldiers across the years—from Fort Moultrie, SC, to Kirkuk, Iraq—will never have been in vain.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEM CELL RESEARCH

Mr. HARKIN. Mr. President, here we sit in the Senate, quorum call after quorum call. Not much is happening. We just had our meeting of Democratic leaders for lunch, and we are wondering what is going on here. Here we sit. Nothing is happening.

Over a year ago, the House of Representatives voted on and passed H.R. 810, the Stem Cell Research Act, and sent it over to the Senate. It is pending at the desk. That was over a year ago.

We have asked repeatedly—repeatedly—for the majority leader to bring up this bill so that we can debate it—I am sure under a time agreement—and pass it and send it to the President. The bill is supported by a majority of Senators on a bipartisan basis. It enjoys large majorities in every public opinion poll, which is hardly surprising because stem cell research holds tremendous promise for curing illnesses and saving lives.

One obstacle stands in the way of moving ahead aggressively in stem cell research. The Senate has squandered over a year waiting for the majority leader to make good on his pledge to bring H.R. 810 to the floor for a vote. So here we sit.

Why aren't we bringing up H.R. 810? Families with children with juvenile diabetes, families with members who are stricken by Alzheimer's, people with spinal cord injuries either from birth or from an accident or other illnesses, and people with other neurological disorders and diseases—these are the ones scientists tell us can be helped the most and the fastest through the application of stem cell therapy, which would be the result of stem cell research.

We just had a Health Week here, too. We had a Health Week about a month ago, and we didn't bring up H.R. 810 then. Everybody talked a lot about everything, but we didn't do anything.

The fact is, I said H.R. 810 has support on both sides. I just mention that Senators SPECTER, HATCH, and SMITH in particular have urged the majority leader to bring up the bill. As a matter of fact, last year, Senator FRIST himself gave a speech on the floor and endorsed H.R. 810. But again the majority leader has refused to bring it up for a vote.

We have written him letters. I have taken the floor numerous times, especially in lulls such as this when nothing is happening. It looks as if we will go all through today and tomorrow and, of course, then we won't be here on Friday. No wonder the American people have such a low opinion of this place. No wonder. They don't think we are doing anything, and they are right, we are not doing anything. Especially we are not attending to the urgent business of the American people.

People are suffering from incurable illnesses. People are hoping we will move ahead aggressively in embryonic stem cell research and in all areas of stem cell research, but we still sit here and dawdle, take our time, and don't do anything.

I don't mean to make it a partisan issue because it has never been a partisan issue. As I said, we have a number of Republicans supporting this bill in this body, and it was passed in the House with both Republican and Democratic support. I will say this: If the Democrats were in charge of this Senate, we would have had H.R. 810 up by now and would have passed it and would have sent it to the President.

Mr. LAUTENBERG. Mr. President, will the Senator from Iowa yield for a question?

Mr. HARKIN. Yes.

Mr. LAUTENBERG. Is the Senator from Iowa aware of the fact that we have come up with a terrific product, that science has discovered a vaccine which will prevent cervical cancer?

Mr. HARKIN. That is right.

Mr. LAUTENBERG. Mr. President, taking this vaccine can reduce cervical cancer deaths by 70 percent—70 percent. In America, we lose about 4,000 women a year to cervical cancer. Across the world, the numbers are over 230,000 annually. Is the Senator from Iowa aware that there are detractors? The Senator is certainly aware, as he discusses stem cell research and conditions that are so painful for families, such as juvenile diabetes and other autoimmune diseases, that not enough money is going into these programs. But in this case, the chance to stop cervical cancer from killing women has detractors out there who say: If we do that, we will encourage promiscuity. Did you ever hear anything so silly in your life? It is the same as saying: If you give seatbelts to people, they are going to drive more recklessly. It just doesn't make sense.

So if the Senator is aware of these things, they will, I am sure, add interest and fervor to his appeal to get on with finding out what is killing people.

Mr. HARKIN. Mr. President, I would respond by saying that if anybody knows about saving lives and providing good health to people in America, it is the Senator from New Jersey, Mr. LAUTENBERG.

I was privileged to be here when the Senator got his amendment through to ban smoking on airlines. I remember the day you got on an airplane and it was packed with smoke. Then they had a divider, and in one place you could smoke and in another place you couldn't, and still the air would be filled with smoke. It was the Senator from New Jersey—God bless him—who got that amendment through. I will never forget, right after that amendment passed, I used to fly back and forth to Iowa, and flight stewardess after flight stewardess would come back to me and say: Do you know Senator LAUTENBERG? And I would say: Sure, I do. And they would say: Well, please tell him thanks. We have been breathing that smoke for years, and now we don't have to. So I thank the Senator for the countless lives he has saved and the working conditions he has made better for all of the people, and all of the passengers who fly on airplanes have the Senator to thank for that.

So when the Senator from New Jersey talks about the vaccine for cervical cancer, he is right on the mark, and he keeps up his long tradition of his focus on health care for all Americans. It is a shame that we have a vaccine which could be given to women, young women—as you know, I think it is three shots, if I am not mistaken, and I think it is good for life.

Mr. LAUTENBERG. For a lifetime.

Mr. HARKIN. So you could take it as a young girl. And what are we doing right now? Nothing. We should be moving ahead aggressively in this country and in other countries where cervical cancer is a killer. As the Senator knows, it is a killer. Yet we are not doing anything. We sit here doing nothing. It is in that spirit which I thank the Senator for bringing that up. I yield to him.

Mr. LAUTENBERG. Mr. President, the Senator may be aware that I recently sent a letter to the Centers for Disease Control saying: "Get on with it. Get the vaccine out there. And don't let opponents stand in the way. You are responsible. The product has passed all the tests. It is considered safe and effective." So I sent this letter, and another one to the Food and Drug Administration. I don't know whether the Senator is aware of these letters, but I am sure that, knowing his disposition about these things, that he would want to join in this effort and say: " CDC, don't you dare hold back on this information. Don't you dare." Right?

Mr. HARKIN. Mr. President, I say to my friend, sign me up.

Mr. LAUTENBERG. We will do that. I would like to thank the Senator for the compliment on the smoking prohibition in airplanes. It has finally penetrated, after almost 20 years now, into homes, into restaurants, into places where smoking just isn't an acceptable habit anymore. Today's papers have stories about how dangerous secondhand smoke is: you don't have to smoke the cigarette yourself, you just need to be near someone who is. I am sure the Senator is aware of the fact that breathing other people's smoke can be as dangerous to your health as if you engaged in smoking yourself.

What a coincidence it is that as we have been talking about the no smoking in airplanes, our colleague from the State of Illinois, Senator DURBIN, has joined us on the floor. At the time, he was the House author of the ban and I was the Senate author, so the two of us together were able to put that legislation into effect.

Returning to the vaccine, is the Senator aware of the fact that there are detractors out there who, even if you get the good product, will stand in the way of it being made readily available to people who need it?

Mr. HARKIN. Mr. President, I appreciate that. The fact is, yes, I think it is sick. There is some illness people have when they say we shouldn't be giving cervical cancer vaccinations to women because they may become more promiscuous. What kind of sick thought is that? What kind of sick thought is that? But we hear it. It is out there. It is the same as those who are trying to stop embryonic stem cell research: Oh, no, we can't destroy these embryos. Well, we had a hearing yesterday morning on this issue. The Senator from Pennsylvania, Mr. SANTORUM, has a bill in, and he testified before Senator SPECTER and me and Senator DURBIN from Illinois, who was also there for that hearing. I think what came out of that hearing is we have over 400,000 embryos left over from in vitro fertilization which are now frozen which are going to be discarded because obviously the parents who had in vitro fertilization—once they have had their children and they don't want to have any more, the in vitro fertilization organization calls up and says: Do you want to keep these? And they say: Well, no, we don't want to have any more children. And so they throw them away. They do this every day. They destroy these every day.

What we are saying is, why not take these things with about 16 cells in them and take the cells out and use them to derive embryonic stem cells.

which can become any of the cells in our body—nerve cells, muscle cells, tissue cells—and use them to advance the research so that we can cure those illnesses from which so many people suffer?

Mr. DURBIN. Would the Senator yield for a question?

Mr. HARKIN. I will. Let me just say that a friend of mine recently passed away from ALS—Lou Gehrig's disease. If anyone has seen anyone get Lou Gehrig's disease and die of it, it is the worst. It is the worst. It is a death sentence as soon as you are told you have it, as soon as you are diagnosed with it. No one lives, and usually death occurs within a year to 2 years. As your muscles deteriorate and your lungs give out and you are no longer able to walk, to write, to speak, the mind continues on. You are aware of every second until the day, the minute you die. ALS—one of the most horrible diseases which afflicts mankind, humankind, and the scientists tell us one of the diseases which is in the target zone for embryonic stem cell research. Think about that. Yet we are told it is better to throw these away, take these in vitro fertilization leftover cells, throw them down the drain, but don't use them for life-giving research. I say to my friend from New Jersey, it is the same as those who want to stop women from getting vaccinations for cervical cancer because they think that, somehow, women will be more sexually promiscuous because of it. I don't understand that way of thinking.

I yield to my friend from Illinois who was at the hearing yesterday for any comments he would like to make.

Mr. DURBIN. Mr. President, I would ask the Senators who are engaging in this colloquy, through the Chair—it is also curious to note that while we are taking this moral position against certain vaccinations against cervical cancer, if I am not mistaken, we are also financing Viagra products for some men through some of our same programs. A little hard to follow that logic.

But I would ask the Senator from Iowa or the Senator from New Jersey to make it clear on the embryonic stem cell situation: Were it not for President Bush's Executive order limiting Federal research with embryonic stem cells, we would be dramatically expanding research into diabetes, Parkinson's, Alzheimer's, Lou Gehrig's disease, spinal cord regeneration, and a multitude of areas where we clearly need breakthroughs in research?

Mr. HARKIN. Yes.

Mr. DURBIN. Is it not also a fact that the bill which passed the House of Representatives which has been sitting on the calendar in the Senate, our calendar of business, for 1 full year while people are suffering from these problems, is it not also true that in this bill, we are very clear: no human cloning. That is not a part of this, correct?

Mr. HARKIN. Right.

Mr. DURBIN. It includes ethical guidelines which will not allow the commercialization of these stem cells: you can't sell them, and you cannot direct them. You cannot say: The leftover embryonic stem cells from my wife and myself are going to go to my Uncle Charlie. You can't do that. So we have established strict ethical guidelines of commercialization, direction of the cells, no human cloning. Yet the bill has sat on the calendar for a year, despite the fact that the Republican majority leader of the Senate has promised us for a year he would call up the bill. For a year, people with these diseases have been waiting patiently.

Perhaps I can put my finger on the problem. I ask the Senator from Iowa, would we have a better chance calling the embryonic stem cell issue to the floor if we made it a constitutional amendment? It appears those are very popular. We just did two of those in the last few weeks.

If we could make this a constitutional amendment, would we have a better chance with the Republican majority?

Mr. LAUTENBERG. Mr. President, if I may interject one point: is the Senator also aware, as the question of the Senator from Illinois is reviewed, that if we weren't busy giving tax breaks to the very wealthiest among us, to people who don't need the tax breaks and often don't even want them, we would have the funding necessary to do research on all kinds of things? The National Cancer Institute doesn't get the kind of money it deserves in terms of the positive effect it could have on our lives and on the financial condition in this country. The National Institutes of Health don't get the kind of funding they need. We see someone like Warren Buffett stand up and say that he is going to give nearly $40 billion away. That shows you what happens if you work hard in this country. It just shows you. But the administration and the other side want to give Warren Buffett more money. They want to give him more than he has, when he's busy giving it away. They want to give more to Bill Gates, who also is one of our more ennobling figures in this country. Is the Senator aware these are resources which could be used far better elsewhere?

Mr. HARKIN. Mr. President, I am aware, I say to my friend from New Jersey. In fact, under the President's budget this year, as we are now giving more and more tax breaks to the wealthy, there is a cut in funding for the National Cancer Institute. For the first time in my career, since I have been here, we are actually cutting funding under the President's budget for the National Cancer Institute. Now, we here are going to try to put that money back in sometime this year, but I am just saying that the President's budget, what he sent to us, cuts money from the National Cancer Institute.

I say to my friend from Illinois, he is right on target. On August 9, 2001, President Bush got on television, national television—I remember watching him—and it was shortly after 9 p.m., and he made this executive finding that stem cells derived by our Federal researchers prior to 9 p.m. on August 9, 2001, were OK. We could use those for research. That was OK. That was ethical, moral, legitimate. But any stem cells derived after 9 p.m. on August 9 of 2001 were not ethical; they were immoral, not legitimate, and could not be funded by the Federal Government.

I thought about that. I thought, why did he pick 9 p.m.? Why didn't he pick 9:15? Why wasn't it 10 p.m.? Or 8:52? Why 9? It was just plucked out of thin air. It seems to me if it was wrong before, it was wrong after. Or if it was correct and good before, it was correct and good after 9 p.m. It was totally arbitrary.

I say to my friend from Illinois, the other thing we found out is, out of these so-called 75 lines which supposedly we had—which we thought at the time we had enough—it is now down to 21 cell lines. And here is the kicker: Every single one of those cell lines that were derived have been contaminated with mouse cells. They have been grown on mouse feeder cells, so not one of them will probably ever be useful for human therapy. Not a one of them.

The Senator from Illinois is absolutely correct. If it had not been for President Bush's announcement on August 9, 2001, right after 9 p.m.—if it had not been for that, we would have had 5 more years, that have now gone by, of good science, good research under the ethical kinds of guidelines, as the Senator from Illinois just outlined. And we would be much further down the road toward saying to those families with diabetes, kids with juvenile diabetes, people who have ALS, Parkinson's disease, Alzheimer's—we would be closer to saying hope is there because we are doing the research and we are going to find the cures. It will not happen unless and until we get over that Presidential proclamation of August 9, 2001.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, I want to say to our friend from Iowa how much we appreciate his diligence in promoting better health in this country, and more opportunities for all Americans. I think, for instance, of his work on the Americans with Disabilities Act. Because of that bill, people who have a disability and weren't able to get around as easily as some others, now have access to so many more places. We are so grateful to the Senator from Iowa for his work on that landmark legislation.

LIBYA

Mr. LAUTENBERG. Mr. President, today the Bush administration is taking an action that is almost incomprehensible. Frankly, it is outrageous, when you think about it. The administration is removing Libya from the State Department's list of state sponsors of terror even though Muammar Qadhafi has not fulfilled his commitments to the American victims of Libyan terror. Even though Qadhafi is not keeping his promise to Americans who lost loved ones when agents of his government bombed Pan Am flight 103, the administration is going to give Libya full diplomatic privileges.

The President is taking this action even though this Senate recently passed my resolution which said that diplomatic credentials should not be given to Libya until Qadhafi provides all of the restitution promised to the families of the victims of the Pan Am Flight 103 bombing and other acts of terror supported by Libya. I know a lot of those families, families from New Jersey and in the area generally, who lost loved ones on that flight. Many of the victims were young college students from Syracuse University. I have a nephew who went there. He was to take that trip but at the last minute had to change his plans. He lost several very good friends.

I have been to Lockerbie, Scotland, and know too well what happened that fateful day when 270 people were killed, with the airplane and human remains falling onto that beautiful little community, Lockerbie, in Scotland. I have seen the remnants, the souvenirs that the victims had bought on that trip that was during the Christmas period. I saw Mickey Mouse hats and things that college kids enjoy. Even bottles of wine that survived were then put in a warehouse of things that were collected on the ground but could not be assigned to any single family because they didn't have any sort of identification attached to them.

It was a sad moment for mankind, for sanity in our world. Libya ultimately was convicted of providing the resources for those terrorists who brought that airplane down. Libya has not paid all of the claims that were awarded to the families of the victims; Libya has not paid the last installment of compensation due as a condition of being removed from the list of state sponsors of terror. That was the agreement. That was the understanding.

No matter how many years pass, these families will never forget their loss, their grief; neither will anyone who knows these families, who knows the pain visited upon these people when they heard that their son or daughter was killed in the downing of that airplane.

If Libya has indeed renounced terrorism, that is great news, as is the fact that Libya, which was thought to be engaged in the development of weapons of mass destruction, has agreed to stop that pursuit. Still, the Libyan government has an obligation it agreed to meet so that it could rejoin the community of nations, to achieve a level of acceptance around the world. Their past behavior cannot be excused. They murdered Americans and they must be held fully accountable.

Today, the Bush administration has rejected accountability for Libya. Today, the administration has put other interests ahead of the interests of the American victims of terrorism. What are those interests that prevailed in the end? We will let the investigative journals figure that one out.

But when leaders of our country say "we must never forget the lessons" of acts of terrorism, I think they should mean it. Libya should fulfill its promise, its commitment to the families of the victims of Pan Am 103 and not let that commitment be forgotten because part of it has been fulfilled but not all of it. We must not forget that Libya has failed to comply entirely with the basic promise to those families.

We urge the President and the administration to hold fast and insist that Libya pay its bills. The money will never compensate these families for the loss of their child, brother or sister, father or mother—never. But at least it shows that Libya is serious about honoring it commitments, something that is essential before it can achieve anything approximating the status of nations that follow the rule of law. So we must insist on that.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006—CONFERENCE REPORT

The PRESIDING OFFICER. Pursuant to the order of June 22, 2006, the Senate receives a message from the House. The House concurs in S. Con. Res. 103, and having received the conference report on H.R. 889 from the House, the conference report is agreed to and the motion to reconsider is laid upon the table.

(The conference report is printed in the House proceedings of the RECORD on April 6, 2006.)

EXECUTIVE SESSION

NOMINATION OF HENRY M. PAULSON, JR., TO BE SECRETARY OF THE TREASURY

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Henry M. Paulson, Jr., of New York, to be Secretary of the Treasury.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I hope before the day is out that we are able to help a very good American citizen by the name of Henry Paulson to be the next Secretary of the Treasury. Mr. Paulson had his hearing yesterday. That was before the Finance Committee that I chair. He was reported out on a unanimous voice vote this very morning in the Finance Committee.

Since the Treasury Secretary is the top economic policy official in the administration, and the Treasury Department implements so many of our Nation's laws—be it tax, trade, or commerce—we have a tradition in the Senate of moving with all deliberate speed on nominations to fill that post.

That tradition has held no matter which party controlled the White House or the Congress. I have moved aggressively on this nomination, but the timeline is consistent with past Treasury Secretary nominations.

Just as an example, everybody remembers Secretary Rubin in the Clinton administration. That timeline is something like: The Senate receives his nomination January 4, 1995. That was the first day of the session that year. The official ethics-related paperwork was received on January 5 of 1995. The Finance Committee staff expedited review of the complicated financial details of Secretary Rubin, also a senior official at Goldman Sachs—Henry Paulson being the CEO of that same firm. The Finance Committee held a hearing 5 days later, on January 10, 1995. On that same day, the committee reported Secretary Rubin's nomination. On that same day, the full Senate confirmed Mr. Rubin, and he was sworn in as Treasury Secretary.

So we are moving with a similarly aggressive schedule. I appreciate the cooperation of Members on what I will acknowledge is relatively short notice. I thank the committee tax staff on both sides, especially the joint committee staffer Gray Fontenot, and the hard work that not only he did, but a lot of others, and it took a lot of long hours to process these papers over just a period of a few days prior to today.

My staff examined Mr. Paulson's complicated financial records, his tax return, and the activities of his firm, Goldman Sachs. We do this most often in the area of tax planning. We have received very good cooperation. Then, of course, after the review, we have high confidence in his qualifications for this position.

Mr. Paulson brings to the table an enviable set of assets, meaning qualifications to do a good job as Secretary of the Treasury, although I presume he brings a lot of other assets to the table as well. Mr. Paulson spent a good amount of his youth—would you believe it—in the cornfields of Illinois. As a bright young man with excellent academic credentials, he served in the Pentagon and in the White House.

After Government service, Mr. Paulson joined Goldman Sachs and rose through the ranks to the highest position of chief executive officer.

When you look at Mr. Paulson's story, you come away with a view that this is a guy who gets the best results at whatever he tackles, and that is just the sort of a person we need as Secretary of the Treasury because we have a very good economy, measured by long-term standard measures of the economy—creating 5.3 million jobs in the last less than 3 years, having 4.6 percent unemployment, having growth on average that we had during the 1990s; lots of measurements of the economy that are very good.

I am not picking out things that are never used to measure the economy. I am talking about things that have been used to measure the economy over the last 60 or 70 years. Those measurements say it is good. But if we don't have the right people setting the right policy for carrying out those policies that Congress might set, it could be in jeopardy.

That is why we need a person of Paulson's background—a person who comes out on the right end of almost everything he tackles—to be the chief economic voice for our country and to be the voice for this administration. But his work is the administration's work, his work is the country's work, and I think he is up to doing the country's work.

The impression I have and gave you about Mr. Paulson is reinforced when you have a personal meeting with him. I think it is fair to say that after yesterday's hearing, Members on both sides of the aisle came away very impressed with Mr. Paulson as a thoughtful and intelligent nominee who appreciates the concerns raised by Senators and will work with Senators on trying to solve those concerns.

I will touch briefly on one matter that came up at the hearing, and which I know is of concern to some Members. It is well known that Mr. Paulson is active in environmental issues. He is an avid bird watcher and is chairman of the board of the Nature Conservancy. I share the worry that Mr. Paulson knows his job is to be Secretary of the Treasury and not head of EPA. Mr. Paulson's response on this concern to about three of us on the committee who brought this up was this. He said:

> The President of the United States has nominated me to be Secretary of the Treasury, he hasn't nominated me to be Secretary of Interior, he hasn't nominated me to be head of the Environmental Protection Agency, that really big focus I have is going to be dealing with so many of the issues that we've been talking about today, the economic issues that are the core of our agenda . . .

Considering his sincerity—and I don't think he is a person capable of misleading—I think he is very transparent. I came away with the confidence that Mr. Paulson knows where his focus needs to be and where his responsibilities lie.

I did kid him the other day. There is a superintendent of that building you call the Treasury Department down there that is trying to get his favor. So they are probably right now building a bird-watching station for him outside of the Treasury building someplace because he is known very much for that.

But I think he is going to tend to business and not get over into other areas of the Government.

I also note that Mr. Paulson is here at just the right time. He is here to deal with tax reform, China currency, and with other major economic issues facing America.

I am pleased that Mr. Paulson has answered the call to return to public service.

I encourage Members to vote in favor of a highly qualified nominee to be Secretary of the Treasury.

For the public at large that does not quite follow everything every day in Washington, DC, I hope you understand that there are some people in America who are willing to give up the multimillion dollar salaries as CEOs of Wall Street firms to serve the public good, to serve as Secretary of the Treasury and a lot of other positions in Government and make less than $200,000 a year compared to the tens of millions of dollars that they make. Most people who like to make big money like to keep on making big money. But there are some people, such as Mr. Paulson, who are willing to serve the American public, to do what is right for our country and do it willingly and selfishly.

I urge my colleagues to vote for a very good citizen, a person who I believe will be a very good Secretary of the Treasury.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my good friend, Chairman CHUCK GRASSLEY, for the way in which he has moved this nomination. It is the right thing to do. I commend him for it.

Mr. President, I also support Hank Paulson, this administration's nominee for Secretary of the Treasury.

Throughout its history, the Department of the Treasury has required enormous innovation, vision, and perseverance. Our Nation's first Treasury Secretary, Alexander Hamilton, laid the foundation principles of America's public economy, its credit, its industrial development, and commercial activity.

In 1790, Hamilton presented to Congress his plan for public credit, assuming the States' war debts, implementing import duties and excise taxes to repay these debts, and establishing a national bank. The next year, he laid out a plan for an American manufacturing economy, so far ahead of its time that it resonated well into the 20th century.

Henry Morgenthau Jr. steered the Treasury for over a decade in peace and in wartime. He defended the dollar against speculation through the 1930s, financed the war effort with war bonds, and ushered in a new system of international financial stability after the Second World War.

Secretary James Baker embraced new challenges, including the Latin American banking crisis and the Plaza Accords.

The Asian financial turmoil of the 1990s met the able and wise leadership of Secretaries Robert Rubin and Lawrence Summers. They steered the world economy through crises. And they managed our economy's remarkable growth and return to fiscal discipline.

Today, leadership and vision are as imperative as during our Nation's founding and in the two centuries since. The challenges are different. The world economy is more complex. China and India are economic powers on the rise. Speculative investments have grown. Twelve European nations are bound by a common currency. Financial markets are deeper, more liquid, and more integrated than ever before. But global economic growth and international trade are fundamentally out of balance.

Faced with these challenges, I welcome this administration's nomination of Henry Paulson to become Secretary of the Treasury. I have known Hank for many years. I believe that he is an outstanding choice for this demanding position. Hank has demonstrated his knowledge of financial markets and helped guide them through three decades of transformation. He rose to the helm of Goldman Sachs with our former colleague Governor Jon Corzine, and as sole CEO, presided over some of the most successful years of that company.

Hank is broadly respected by his colleagues. He has earned a reputation as a man of boundless energy and a relentless work ethic. Hank proved himself an innovative and prescient thinker, able to consider economic and financial challenges before they are upon us. Today he has nobly answered the call to public service. And he will bring much-needed credibility to our economic message to hard-working Americans, and to the world.

Hank Paulson understands that our economy's strength is rooted in the entrepreneurial spirit and the competitive zeal of the American people. He understands just as well that our strength is not a given. That we cannot take our economic preeminence for granted. In the Rose Garden last week, he rightly declared that "We must take steps to maintain our competitive edge in the world."

I welcome Hank's determination to take steps to boost our economic competitiveness. I am convinced that economic competitiveness is one of the greatest challenges facing this administration, this Congress, and our Nation.

The competitiveness challenge comes from a rising China. China has tripled its share of global trade in 4 years. China has become the world's top information technology exporter. And China has drawn much of the world's investment.

The challenge comes from India. India's IT sector has grown 50 percent a year since 1993. India's universities are top-notch. And India's research capabilities attract billions of dollars in investment.

The challenge comes from countless smaller economic dynamos in Asia and Europe. These emerging markets have transformed their economies to embrace globalization.

Yet our competitiveness challenge also comes from within. America too often looks back at what we have achieved. Rather, we should prepare for tomorrow's challenge.

Our broadband infrastructure ranks 16th in the world. Our research and development spending ranks behind Sweden, Finland, Israel, Japan, and South Korea. Three out of 10 Americans do not graduate high school. One-quarter of Americans read below basic levels. And our national savings are negative.

These challenges are at our doorstep. We must act. That is why I urge Treasury Secretary Paulson, once confirmed, to lead this administration's engagement with Congress on economic competitiveness. As I have said in several dozen statements on competitiveness over the past months, we can wait no longer to implement a real competitiveness agenda. We in Congress are ready.

I have spent much of the past year developing a comprehensive economic competitiveness agenda. This agenda focuses on education as the foundation of a successful economy.

In the coming weeks I will introduce legislation that would provide scholarships and create tax incentives for early education, science, math, and engineering teachers. It would provide matching funds to offer universal early education, lower barriers to higher education, and double the number of advanced placement courses in our high schools. My education competitiveness legislation would support afterschool and mentoring programs. It would restore our commitment to Native American education. It would direct grants to outstanding young scientists. And it would encourage companies to get involved in making our schools the world's finest.

Upon this foundation of education must stand strong pillars of a competitive economy. One such pillar is energy, which fuels a successful economy. My energy competitiveness legislation would look to the future. It would create the new Advanced Research Projects Agency—Energy to conduct transformative research and create alternative energy solutions. While this research would look for tomorrow's energy alternative, my legislation would also encourage today's alternative energies, like coal gasification technology, wind, and other alternative fuels.

A second pillar of my agenda is the Research Competitiveness Act, which boosts what America does best—innovate. My legislation would simplify and make permanent the research and experimentation tax credit for innovators looking for tomorrow's next big thing. My legislation would provide access to start-up capital for small, research-intensive businesses. And my legislation would encourage support of basic university research.

The trade competitiveness initiative is the third pillar of my agenda. Trade is vital to American ranchers, farmers, and businessmen. But they must have a level global playing field.

Legislation I have introduced would create a Senate-confirmed trade enforcement official who would be dedicated to guaranteeing that our trading partners play by the rules. It would also give the Treasury Department the tools to keep countries from unfairly manipulating their currencies to keep their exports cheap.

A fourth pillar of my agenda is the Savings Competitiveness Act. It would underscore savings as critical to households and vital to a healthy economy. It would make the Saver's Credit into a refundable matching credit. It would make enrollment in 401(k) plans automatic. It would offer savings plans for small business employees. And it would create Young Saver's Accounts for parents' contributions to their children's savings.

Friends warned Alexander Hamilton against accepting a position as Treasury Secretary. They said the position was too difficult, too controversial. He replied simply: It is the situation in which I can do the most good.

I believe Hank Paulson can also do much good. I hope my colleagues will join me in welcoming this nomination. I hope we can work together to implement a comprehensive agenda to improve America's economic competitiveness.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Oregon.

Mr. WYDEN. Mr. President, I commend Chairman GRASSLEY and Senator BAUCUS for moving quickly to have the Senate consider the nomination of Henry Paulson. I am convinced he is the right man at the right time. It is my intent to strongly support his nomination and vote for him later in the course of this afternoon.

My hope, in particular, as Henry Paulson moves to this vital position, is that he will move quickly to set in place a strategy for reforming our Tax Code. Suffice it to say, a lot has happened to our tax system since 1986, the last time the Tax Code was overhauled.

For example, since 1986, there have been more than 14,000 changes to the Tax Code. It comes to three changes for every working day for the last 20 years.

There are substantial questions with respect to fairness in the Tax Code. I am one who feels it is critically important that every American have the chance to build and accumulate wealth. That is pretty hard to do, given some of this country's tax policies.

For example, this spring, Warren Buffett, who is the second wealthiest person in the United States, told me he was going to be paying a lower tax rate than his receptionist. That is not right. I am not interested in soaking anybody. I am not interested in any kind of class warfare. But I want middle-class people to be able to get ahead as well.

For the first time in decades, we have seen corporate profits go up. We are glad to see that. We have seen productivity go up. We are glad to see that. But middle-class people are not seeing much growth in their wages. They are living paycheck to paycheck.

As Hank Paulson goes to the Treasury Department, I know he is interested in coming up with a fresh approach to the Tax Code, an approach that can allow us to simplify it, get a fair shake for middle-class folks and all Americans. I particularly commend our ranking minority member, Senator BAUCUS, because I think Senator BAUCUS, in talking about global competitiveness and what it is going to take to create high-skill, high-wage jobs for Americans in the global economy, has done some of the heavy lifting on this key issue by spending a lot of time over the last few years looking at these issues, talking to people on both sides of the aisle, with business leaders and the like. I commend Senator BAUCUS because he has laid some of the key groundwork to discuss tax reform as a result of his focus on global competitiveness.

I also thank Chairman GRASSLEY for his discussions with me and with the committee. We have begun to look at corporate issues in this area. Senator GRASSLEY, as he begins the effort to look at tax reform, particularly because of the bipartisan way in which he has led our committee, is a person ideally suited to work with Senators on both sides of the aisle and the administration, for us to build a strategy with a new Secretary of the Treasury, Mr. Paulson, to get this job done.

Suffice it to say there will be some very tough issues. Look, for example, at the issue of State and local jurisdictions and the differing tax treatment we have for these jurisdictions. A State that may have high taxes, such as New York, looks at this differently than a part of the country that does not have the same dependence on revenues from that source.

With the leadership of Chairman GRASSLEY and Senator BAUCUS and a new Secretary of the Treasury who is going to look to bring people together, look at how we can modernize the Tax Code so we can make the kind of decisions that are necessary to give our citizens a better quality of life in a global economy. We are up to it.

We do not have a lot of time. The next 6 months, particularly the time between now and January, is key. That is why I have been so pleased Chairman GRASSLEY and Senator BAUCUS have been interested in looking at these issues. As a result of their examination of these topics, we can lay the groundwork so the administration next January could work with Senators on both sides of the aisle, work with the other body and work with the Senate, and we can enact comprehensive tax reform.

There will be a host of other issues we will have to look at. Obviously, health care, the fastest rising expense in the American economy, is dramatically affected by the Tax Code. I happen to think there are some good ideas on both sides of the aisle with respect to tax treatment of health care expenditures in our economy. We are spending over $150 billion through the Tax Code on American health care. I don't think we are getting our money's worth. In too many instances, we are subsidizing inefficiency. This is certainly going to be a controversial area.

Democrats and Republicans, under the leadership of Chairman GRASSLEY and Senator BAUCUS, and the new Secretary of the Treasury can dig into that issue.

The last point I mention, in the Commission that was set up that was chaired by Senator Mack and Senator Breaux, there are some good ideas the Congress can pick up on, working with the administration. Certainly, I don't agree with all the Commission has proposed, but let me give a couple of examples.

In legislation I have authored, the Fair Flat Tax Act, I have made it clear I want a Tax Code that is simpler, fairer and flatter. If you look at what the President's Commission has come in with, there is some opportunity for common ground. For example, in my Fair Flat Tax Act, there is a 1-page 1040 form, something a typical person can fill out in about half an hour. The administration's version, the one that came out with the advisory committee, is probably six, seven lines longer. I have a 30-line, 1040 form; theirs is six or seven lines longer. Big deal. For purposes of Government work, we can find common ground in a hurry in order to have a simpler Tax Code. That alone would be a real contribution for the American people.

On the question of making the Tax Code flatter, there are six brackets today in our Tax Code as it relates to the individual side of the code. My proposal involves three brackets. It is a progressive structure. Essentially, it is the same one that Ronald Reagan started with when he looked at tax reform. The President's advisory commission comes in with four brackets. Once again, big deal. We can find common ground as it relates to making the Tax Code flatter.

There are differences of opinion, certainly, in other areas. I have mentioned trying to get a fair shake for middle-class folks. We all understand what Henry Ford said about capitalism. Henry Ford was an industrialist. He said he wanted to do well, but for him to do well, his people had to have enough money to be able to buy cars.

Middle-class folks are getting hammered in a way today that makes it hard for them to make a lot of these purchases that are essential to them, which is why they wrack up so much debt. I think both political parties can find common ground on this tax issue.

For example, Henry Paulson yesterday talked about the value of low rates. I certainly agree with his interest there. Marginal rates are particularly important. It was something Ronald Reagan recognized in 1986. Senators on our side of the aisle, including Bill Bradley, said exactly the same thing. We can get the rates down. We can ensure fairness for middle-class folks.

What we are going to need is leadership. We are going to need it in a hurry. Chairman GRASSLEY and Senator BAUCUS are going to do everything they can to find common ground on this issue. I am very pleased that Henry Paulson, who could certainly find other things to do in his life besides public service, is willing to step up and take on this effort. He will have to move very quickly to drive this tax reform debate. As I pledged to him in my private meeting and said again yesterday, I am interested in working with him and the administration in a bipartisan way. There is a lot of good faith and a lot of interest in this issue. It is a key consideration in how we are going to create high-skill, high-wage jobs for Americans in the future and enhance the quality of life for middle-class folks.

Henry Paulson is the right person at the right time. He is going to have a lot to do, and he is going to have to do it in a hurry. I intend to work with Chairman GRASSLEY and Senator BAUCUS to ensure we have an opportunity, on a bipartisan basis, to tackle these big economic issues in the right way. Right at the top is tax reform.

I urge colleagues today to indicate their strong support for Henry Paulson, head of the Treasury Department.

I yield the floor.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I rise in support of the nomination of Henry M. Paulson to be Secretary of the Treasury. If confirmed by the Senate, he would be the Nation's 74th Secretary of the Treasury.

From what I know about him from reputation, from his work on Wall Street, and from what I have learned in my discussions with him, I believe Hank Paulson will bring a kind of strong leadership, unique expertise, and knowledge of global financial markets and will be fully capable of keeping our country competitive in a global economy.

Mr. Paulson is a strong choice for Treasury Secretary for many reasons. Most people know of his talents, the intimate knowledge he has of the financial markets, and his ability to handle crises. He is considered a hard worker who is dedicated to his job and who understands the importance of strong and capable management to run a large organization.

Today I spoke about the SWIFT program, the very important Treasury terrorism finance tracking measure that was regrettably blown by the newspapers last week. When I talked to him, he obviously did not know about it. I did not know it was going to become an item of news. But as he seeks to repair our relations with banks across the world, his experience in dealing with international financial matters will be a great benefit.

He has a string of very important challenges facing him. We have the deficit, which is running out of control by reason of unsustainable entitlement spending. The value of the dollar is falling. How much of a problem is that? How do we deal with it? There is a tax gap in the IRS of roughly 15 percent of the money that is owed or some $345 billion that is not collected. He needs to work through the IRS to cure that. We have a Tax Code that is so complicated, even professional tax preparers disagree on what the implications of many normal transactions are. He will have to fight terrorism financing. He is going to have to confront the issues of dealing with rogue nations such as Iran, and others, through economic sanctions and getting others in the world community to join with him.

As of yesterday, as the chairman of the appropriations subcommittee that handles the Treasury, IRS, and other agencies, I have found that they have water in their basement and they have extremely mundane problems like that, to the global issues that face any Treasury Secretary. I think even the media understands that this is a man who has experience and whose is held in high respect by major world financial leaders, as well as American financial leaders, and he will serve us well.

As chairman of the Transportation, Treasury, the Judiciary, HUD, and Related Agencies Appropriations Subcommittee, and as a member of the Senate Intelligence Committee, I look forward to working with Mr. Paulson in meeting these challenges.

Even though he is a sophisticated Wall Street financier, I was pleased to find out that he is basically a Midwest farm boy at heart. We had a very useful and productive discussion about growing native grasses such as big and little blue stem and Indian grass and how to burn them in the spring to make sure the crops come back without weeds or other non-natives. So he has a strong foot in reality, a Midwest farming background, but he also has a very strong background and expertise in financial matters, and he has respect on Wall Street.

I urge my colleagues to support the nomination of Hank Paulson. This is a time when we have many serious issues, and having him confirmed by this body will be a great asset to us in dealing with everything from international negotiations, terrorism financing, and the other significant economic challenges the world presents today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, as we consider the nomination of Henry Paulson to be Secretary of the Treasury, I think it is important to bring a reality check to some of the claims about the current state of the economy—those claims made by the administration.

My colleague, Senator BENNETT, pointed out that yesterday we had a hearing in the Joint Economic Committee, and appearing as a witness was Edward Lazear, chairman of the Council of Economic Advisers. We had also two outside experts who were economists testifying on the state of the economy. Many of the Bush supporters are claiming that the economy is strong and everyone is benefiting, but I doubt that many working Americans would see it as strong as they do and see it as benefiting them as much as it is claimed by the administration.

It is true that the economy is experiencing a business cycle recovery after the 2001 recession and after going through the most prolonged job slump since the 1930s. The President pointed out that the economy has done better since 2003 than it did in 2001 and 2002, but they don't talk about how this recovery has not been particularly strong by the standards of previous recoveries.

This first chart shows the percentage change in payroll employment. The curve here is the average of seven previous recession recovery cycles. If you look back, historically, it is a much more robust increase over time than this lower line, which is the March 2001 to May 2006 statistics, the recovery in the last several years. In fact, this recovery is much less than the recovery was after the 1990 recession. That recovery was called the "jobless recovery" because job generation was so slow.

So what you are seeing is that job losses continued for much longer in this period of time, 2001 to 2006, than had been typical. This recovery has been much weaker than those in the past. At this point in the recovery, from the 1990 to 1991 recession, the economy had created 5 million jobs.

That is this delta right here—5 million more jobs than have been created in this recovery. So the difference between job generation at the same point in March 2001 to 2006, and comparing it to the 1990s, is plus 5 million jobs.

This situation is similar with respect to business investment. It took much longer for the recovery to start with respect to business investment, and the level of investment lagged behind what has been typical in past recoveries. Each year of depressed investment means less capacity to produce goods and services in the future.

Defenders of the President's economic record cannot deny that workers' wages have not been keeping up with inflation. Part of that is a result of many factors but, one, looking back at the investment, it has been a relatively small recovery in terms of business investment. Here is the average of seven previous recoveries and here is the 1991 recovery business investment and here is the current recovery. It is not as robust as it has been in previous recoveries.

As I suggested a moment ago, there is another very palpable impact of this bad economic news, and that is that wages have not been keeping up with inflation. This will be, no doubt, no surprise to working families as they work to get their paychecks each week. Some have suggested that this is a result of the fact that wages are held down but benefits are growing, and that compensation is growing at historic rates. This is not the case.

This is a chart that shows productivity, the output per hour, and real compensation per hour. What you generally see is that productivity increases will be closely tracking compensation increases except over the last several years where productivity is going up at a significant pace, but real compensation, wages plus benefits, is lagging far behind. This is what the average American is confronting today when they are looking at increased gasoline prices, soaring health care prices, and they are not seeing either in their paycheck or, in many cases, even benefit packages the same kinds of increases that are so necessary to keep up with an increase in inflation. Growth in compensation has lagged behind. Wages have grown more slowly than total compensation, but that is not because workers are negotiating better deals from their employers, it is because employers are facing higher costs for health insurance and are squeezing workers' wages as a result.

Increased health care prices, particularly in the area of small business, is causing many businesses to forego increases they would like to give to workers, in terms of wages, just to keep up with increased health care costs. This doesn't mean a better health care package for workers, and in some cases workers are being dropped, unfortunately, from health care protection because of the expense.

What we are seeing is that compensation is not keeping up with productivity and, typically, compensation does keep up with productivity. There is another issue, too, with respect to the situation for many American workers, and that is the fact that pension arrears have to be made up. Many companies now are putting money into pensions just to make them actuarially sound, where in the past they might have devoted that to wages. By and large, the situation, when it looks at the working men and women, is that we are not seeing the robust increases in wages or compensation that is important.

These points were made by one of the witnesses yesterday at the JEC hearing, chief economist of the Bank of America, Dr. Mickey Levy, who testified that:

> Wage and compensation increases have been somewhat disappointing. Real wages have been suppressed by higher energy costs and have not kept pace with labor productivity gains. . . .Wages may be constrained by higher employer costs for workers' health

> care, along with the heightened international competition related to low cost production overseas. . . .

Wage and compensation increases have indeed been disappointing, especially for the majority of workers who are not getting them. Gains in average earnings or income do not tell the real story when they hide growing inequality. When you look at one level, you see increases, but when you look at how the increases are distributed across the working population, it is another story altogether.

The red bars on this chart show that workers in the middle and bottom have experienced a decline in real earnings, while those at the top have experienced gains. This is in sharp contrast to the experience of the time from 1995 to 2000. Here in blue, in the data for gains in terms of earnings, broken down by the lowest 10th percentile, 25th, median, 75th, and 90th, at the upper level in the 1990s you saw increases, but they were almost comparable at the very lowest level of income. You saw the proverbial picket fence, where there were positive gains at every percentile. What we are seeing today is quite the reverse of that—losses in real terms of earnings at the lowest levels through the middle levels, and only at the upper income levels are you seeing real gains in earnings.

So the distribution of the economic progress that is being made over the last several years is not being shared fairly. Those at the upper income levels are seeing gains but, frankly, not the same robust gains of the nineties. At the bottom-income and middle-income level, there is a loss in real earnings.

That is not an example of an economy that is working for all Americans. That is an economy that is working for the very affluent Americans. The answer of the Bush administration to these economic trends is basically to ignore them, try to gloss over them or redefine them or explain them away. They proposed tax cuts, which will do very little to help this distribution of earnings. In fact, what it does, essentially, is protect more of the earnings at the upper income levels. If we continue along the present course, we will be undermining the economy's longrun capacity for growth and undermining future living standards.

Another aspect here, too, that is not dwelt upon by the administration is the fact that we are virtually zero in national savings. Without national savings, there is not the pool of investment capital necessary to provide for the new technology, new capital of the future. We are borrowing huge amounts of money overseas to fund our deficit. This is investments made in our country. But in terms of national savings of this country, it is close to zero. In some cases, it is negative.

These are the real problems that confront this country. These are the real questions that Mr. Paulson has to address. How do we create an economy that performs as well as it did in the 1990s, where earnings gains are shared virtually equally across the spectrum of income, where low-income Americans don't see a loss of earnings but actually a gain? How do we ensure that wages and compensation keep up with productivity gains? How do we ensure essentially and fundamentally that the working families in this country cannot only get by but get ahead? That is the question that Mr. Paulson has to answer as Secretary of the Treasury.

I think it begins with looking hard at the deficit and the policies of the administration with respect to taxes. I don't subscribe to the theory that our deficit is caused by runaway entitlement programs. We have an issue with entitlement programs, but we also have an issue with tax programs that take away revenue and are targeted to the wealthiest Americans. We have problems with expenditures that we cannot avoid with respect to supporting our forces in the field. We cannot stop providing equipment and materiel for our forces fighting the wars today, and we have to take care of them in the future. But there are significant issues with which we have to deal. I hope Mr. Paulson will be a strong voice in this administration to look at the facts and propose realistic solutions that benefit not just the few who are wealthy but the vast majority of Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from Rhode Island. Senator JACK REED is our voice on the Joint Economic Committee. It is a committee that takes a look at the overall economy and reports to our caucus regularly. Senator REED has brought us economic indicators from time to time that give us at least some insight as to how we are doing in most general terms in America.

Everybody measures the economy by their own lives, their own family, maybe their own town, but when it comes to the appointment of a Secretary of the Treasury, we take a step back and look at the overall economy in America.

A good Secretary of the Treasury can make a big difference. When Bob Rubin became Secretary of the Treasury under President Bill Clinton, he faced enormous challenges with huge deficits as far as the eye could see and an economy moving ever so slowly. He put in place those policies on an economic, fiscal, and monetary basis that made a big difference.

Our Nation went from a deficit in our budget to a surplus. We actually put the indebtedness behind us for the first time in decades. The good news is we did it while the wealth of America was expanding dramatically. That period during the Clinton years saw people with their own savings accounts growing, more pension plans expanding, folks buying homes and starting businesses. It was a time of great economic expansion.

No one person deserves the credit or the blame for our economy, but Secretary of the Treasury Bob Rubin was the right person at the right time to speak sense to the President about what needed to be done to make America strong for years to come. I have the same confidence that Henry Paulson is going to do that as well, and we need him now more than ever.

I come to this with some prejudice because Mr. Paulson is a son of Illinois. He still calls Illinois his home. He spent his adult years—at least recently—commuting back and forth between Illinois and New York and places around the world in his capacity as an investment banker.

We had a terrific meeting in my office a week or two ago and talked about his life in Illinois, the experiences he had, about his family, and his commitment to our State. I readily concede I come to this nomination with some bias. But I think Mr. Henry Paulson is the right man for the job of Secretary of the Treasury at this moment in history.

He came up through the ranks of Goldman Sachs, starting in their Chicago office many years ago and eventually becoming the CEO of that important investment bank. I don't think a person can rise to that high level without understanding how business works and how the economy works. Since even a corner grocer knows that an organization cannot run up endless debt forever without paying a stiff price, I think Mr. Paulson understands that as well. I think his business experience may help to start balancing the books in the Washington, DC, situation, which has been far from balanced for a long time. It is not a moment too soon for someone with Mr. Paulson's business background to tackle this challenge.

Consider these realities Mr. Paulson will face when he becomes Secretary of the Treasury:

This Bush-Cheney administration has accumulated more foreign-held debt in the past 6 years they have been in office than all of the 42 Presidents before President George W. Bush. In other words, our indebtedness to foreign governments, such as Japan, China, Korea, and the OPEC nations, that, in fact, bankroll the debt of America, hold America's mortgage, has grown in dramatic terms over the last 6 years.

That is not the policy President Bush inherited from the Clinton administration, which was generating a surplus. It is an approach he has taken which, sadly, has left us deeply in debt. The Bush administration came to office with a national debt of less than $6 trillion—$6 trillion—and in just a 6-year period of time, it is almost $9 trillion, almost a 50-percent increase in America's mortgage. America's national debt in the short 6-year period of time.

During this period, all but for a few months, the President has had a Congress of his own political party. The Republicans have controlled the House and the Senate, and the President has yet to veto the first spending bill in the time he has served as President. Not once has he said "no" to a spending bill that has come from Congress, particularly from his Republican Congress, and in the meantime his tax policies and spending policies have driven us into the highest level of national debt in the history of the United States. Our indebtedness is held by mortgagers such as China and Japan who expect in return to have a piece of the American economy.

Secretary of Treasury Paulson will, I am sure, understand this, that as we become more indebted to these foreign nations, it is no wonder they take a claim on our economy. Why did we have to debate a Dubai Ports deal? Because Dubai happened to hold enough American dollars to have clout in our economy, and that is the reality.

As these foreign entities become more powerful in our economy, sucking good-paying jobs out of the United States, it is a serious challenge for any new Secretary of the Treasury.

The President has called for more tax cuts, which means deeper deficits, more debt. It is estimated now that the indebtedness of the United States is a burden on every single man, woman, and child in America to the tune of $30,000 and growing. So in addition to a home mortgage and a student loan, we are unfortunately the victims of policies in Washington that increase the indebtedness of future generations.

This has to stop. This is a disaster in the making. We have to balance the books and do it quickly. I hope Mr. Paulson has the vision and the strength to convey that message effectively within this administration.

I hope he will take a very close look at our trade policies as well. My colleague, Senator SCHUMER, will speak after I finish. He has been one of the leaders in the Senate talking about the inequities in our trade policy with China.

I believe globalization is as inevitable as gravity. We know we are in a shrinking planet. We do more business with one another than ever before. But when we enter into trade agreements with countries such as China, we say we are establishing rules of conduct, fair trade. Unfortunately, particularly in the case of China, many countries ignore those rules. They violate those rules.

The Secretary of the Treasury has to be a strong voice to stand up for the American economy, American businesses, and American workers to demand that the countries with which we trade play by the rules. I think free trade is good for the future of our world, certainly good for the future of America. We are a land of opportunity. We have risen to every challenge, but we need to be involved in a fair fight where both sides play by the rules.

The Bush administration has not fought hard enough for these trade agreements and understandings. When we create a trade agreement, we need to ensure that there are proper labor protections in place. We are about to consider a trade agreement with Oman, a very small country in the Middle East. There are good reasons for us to enter into that trade agreement. But when Members of the Senate suggested to the Bush administration that we put a prohibition in the trade agreement with Oman that they could not use slave labor—slave labor—to produce goods and services sold to the United States, the administration said: No, we are going to remove that, we don't think we should go that far.

Slave labor? We should have basic understandings of what the labor standards will be. We know many countries will underbid us when it comes to the cost of labor, but there ought to be fundamental standards.

The same is true when it comes to environmental protections. U.S. businesses operate under laws which restrict them in terms of their conduct, whether it is a burden or some sort of a problem with our environment, whether it is water pollution or air pollution or similar things. What we should insist on for the good of this planet we call home is that the countries engaged in trade with the United States also have respect for the environment of the world. Whether it is global warming or toxic release, we are literally all in this together.

After we create these good trade agreements, the Secretary of the Treasury has to make sure there is proper enforcement so we don't just give our speeches on the Senate floor and then ignore the trade agreement afterward.

I hope Mr. Paulson will fight harder than his predecessors to promote trade that is aggressive and fair. I also hope he will push for a tougher and more proactive stance when it comes to China. I am sure my colleague will speak to that further.

He has traveled to China more than 70 times. He understands the importance of this critical relationship with this growing giant in the world economy. When we spoke in my office, I asked him specifically to deal with currency manipulation, intellectual property rights infringement, and trade violations.

He also has to be very strong when it comes to China's labor records and their record on the environment and human rights. While he did not have any specific suggestions—I didn't expect them—I believe he was responsive, he understands the challenge, and I think he can rise to that challenge. That is why I am supporting his nomination.

Finally, I hope Mr. Paulson's sensibility about the environment will become a source of real leadership in this administration. I know Mr. Paulson reiterated at his confirmation hearing that he is not running to be head of the EPA or Interior but Secretary of the Treasury. Still, Henry Paulson is a former chairman of the board of the Nature Conservancy. That is a group with which I have worked in Illinois that has great respect for our natural resources and has done a lot to reclaim them for future generations.

I hope he can push the Bush administration to take a forward look at the issue of global warming. This is an issue which is real, and this administration must start immediately working with Congress to move on international agreements that deal with global warming. Mr. Paulson's voice at the Cabinet table could make a difference, and I am hoping that his deeply held personal beliefs will lead him to be that voice.

I support the nomination of Hank Paulson to become Secretary of the Treasury. I think he will work as hard for farmers in the heartland as he does for bankers in New York. I look forward to working with him to strengthen America's economy and put the Federal Government's finances back in order.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am going to take a few minutes. I am very happy with the support of the Senator from Illinois for the nomination of Mr. Paulson, but I challenge what was just said.

There is no question we have deficits. There is also no question that on 9/11, we experienced a great economic shock and we had a recession that was big. The tax cuts have led to the highest revenues this Federal Government has ever had.

On the spending side, I find it somewhat curious, the Senator from Illinois ranks No. 6 in the most spending voted for in the Senate last year. He ranks No. 8 in the cosponsorship of the most new spending outside the appropriations bills. You can't have it both ways. You can't complain that we are in deficits and we are in debt and never vote to lower the spending, never vote for amendments that trim wasteful spending, and then complain that somebody else made you do it.

If we look at the voting record on appropriations bills, there are not very many noes coming from that vote. The way we control spending—and we have proven it on our committee, the Federal management oversight committee—we identified over $200 billion worth of waste. If we want to balance the budget, let's have everybody on both sides of the aisle voting to trim the waste, fraud, and abuse out of the Federal Government, rather than when we go to a conference or a meeting with the President when there is excess money and demanding more spending, not less.

The numbers are fairly revealing. Last year, Senator DURBIN sponsored $93 billion in new spending—new spending, outside of what we did on appropriations. He put his name to spend $93 billion, and he put his name to trim $100 million. That is the problem we have. It is not taxes, it is wasteful spending and the idea that the only way we can accomplish something is to spend more money.

I am for the same priorities. We need to help the people who need help in this country. But we will never be able to afford it in the future without stealing from our kids if we don't do the hard work to get rid of the waste now, and that means voting against appropriations bills, not voting for them. The President signed what the Senator from Illinois voted for.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak in enthusiastic support of the nomination of Henry Hank Paulson to be the 74th Treasury Secretary.

I have known Hank Paulson for 15 years. I recommend him to my colleagues wholeheartedly and without reservation. He is one of those great New Yorkers who come from somewhere else—in this case, the heartland of America—come to our city and become part of its life and a vital part of this country and actually this world's economy.

Mr. President, Hank is an extraordinary leader, a great financial thinker, a businessman, a father, and, as I said, an adopted son of New York. Hank has excelled in every area of life—from the classroom to the football field to the boardroom and everywhere in between.

One of the things I like best about Hank is he is a straight shooter. He gives you direct answers to direct questions. We sure need somebody like that now.

He graduated from Dartmouth in 1968 and received his MBA from Harvard. He worked at the Defense Department, the Nixon White House, and then found his true calling at Goldman Sachs where he worked for 32 years. He became chairman and chief executive officer of Goldman in 1999, and should he be confirmed, he will continue a long history, a great tradition of leaders from Goldman serving in the Government, including Bob Rubin, one of the great Treasury Secretaries, and Jon Corzine, our former colleague, now Governor of New Jersey, and John Whitehead, who served honorably and well as Deputy Secretary of State under Ronald Reagan.

But the issue Hank really goes off the charts about, I say to my colleagues—particularly my colleagues on this side of the aisle will be happy to know—is the environment. Sometimes he would call me up and I would be sure he was talking to me about swaps or banking or some esoteric financial issue, and he would be talking to me about an environmental policy. I don't think he ever gets more enthusiastic than when he is talking about some rare bird that he saw on one of his birdwatching jaunts. He is an avid environmentalist and lover of all things in nature. I hope a few of my colleagues on the other side of the aisle will not hold that against him.

He is also one of those unique, good people who could fill any number of Cabinet posts. For instance, given his environmental proclivities, he would be a great Secretary of the Interior. But financial issues and the health of the global economy are his passions, that is mostly where he is needed, and I am glad the President has nominated him for this post.

In the world of finance and international markets, there is simply no equal to Hank. At this critical point in our economy's history, we need Hank's expertise and experience to lead the way.

The bottom line, Mr. President—you know it because we traveled to China together—we are at an amazing time economically. The world economy is becoming integrated, closer and closer every year. There is almost a one world labor market. Capital flows freely to every corner of the world. These circumstances present tremendous challenges for our Nation, in our desire to remain the world's economic leader, and for the world as we try to integrate this system. One of the great challenges we face is we are converging into one economic system, but we don't have one political system, and the bumps and grinds which that causes are large.

So we need someone who understands markets. We need someone who has great experience traveling the world and knowing how the rest of the world's economic system works. Hank Paulson has all of those qualities. I am particularly glad that he knows a whole lot about China—I think he has been there over 70 times—because I believe the most important bilateral economic relationship in the next decade or two will be the American-Chinese relationship. Hank has the ability to understand the economies of both countries and figure out how we can work together.

I have been very concerned about China playing by the rules. I have been very concerned that China doesn't simply seek the advantages of free trade but not the responsibilities. I have related these concerns to Hank Paulson.

On currency, Senator GRAHAM and I have worked closely with his predecessor, and you, Mr. President, have been involved in those issues as well as we traveled to China together. And we have worked to push and prod China to allow its currency to float based on international market forces. We have made some progress, but the progress since July has been too little, particularly in light of the fact that the Chinese assured us they know they have to get to a place where their currency floats.

Hank's extensive experience in China, his personal relationships with both the Government and business side—where, incidentally, there is quite a dichotomy. Most of the businesspeople and people even on the economic side of Government understand the need for free markets. That is in China's interests—not just America's—that China open up its markets. But a lot of people on the Government side are afraid of that. They don't like change. They don't like giving up control.

I think Hank Paulson is the right man at the right place at the right time to tackle the issue of persuading China to open up its markets more quickly. I believe that he is going to be able to show the Chinese that it is not only in our interest but in their interest as well to allow the yuan to float freely and to open up China's vast economic markets to American financial firms.

On financial services liberalization, I know Hank will work closely with Ambassador Schwab, who was just confirmed, to make sure that China lives up to its WTO commitments. This is going to be very important in the next few months because on December 11 of this year, many of the current restrictions faced by American financial firms that want to do business in China, such as purchase Chinese companies or open up branches in China, will be lifted. Hank is the perfect person to monitor China's progress and, more importantly, to prod the Chinese to go further than they have already promised.

In short, Mr. President, Henry Paulson is a thoughtful, dedicated, and renowned financial leader. I think this country will greatly benefit from his leadership. I am not at all shy about criticizing the President's nominees when I don't think they measure up to the job. I have done that in the judicial area repeatedly. But when the President nominates a sterling person, that person deserves praise and credit and, in my judgment, unanimous support in this body, and I believe that Hank Paulson is such a person.

I will be proud to vote aye when his name is offered on this floor in a few hours.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I wish to address the nomination of Henry Paulson to be Secretary of the Treasury. I believe there is no question that Mr. Paulson is more than qualified to be Secretary of the Treasury, and it is to his credit that he is willing to give up the helm of Goldman-Sachs to serve his country in such a significant way. I am pleased that we have a nominee of this caliber.

However, I have raised concerns stemming from Mr. Paulson's well-known personal views on conservation and affiliations with groups such as the Nature Conservancy. Representing a State where about half of the land is already federally owned, and much more is otherwise federally restricted as to use, private property rights a very big concern. Similarly, our vast energy resources in the State of Wyoming are essential to our country's national energy policy, and we struggle to maintain a balance between development of those resources and the quality of life we enjoy in Wyoming.

I submitted several written questions to Mr. Paulson after our Committee on Finance hearing, and we have had good follow-up discussion on these issues. He has assured me that he is a strong advocate for personal property rights and has committed to working with me and the Senate to pursue a sensible policy.

I am pleased to be able to lend my support to Mr. Paulson, and I look forward to working with him.

Mr. DOMENICI. Mr. President, I rise today to express my support for the nomination of Henry M. Paulson, Jr., to be Secretary of the Department of the Treasury. Mr. President, American economy has changed dramatically in the past decade. International economic policy now has a direct effect on our domestic economy. The information age has transformed America's economic future. This new economy requires a new kind of Treasury Secretary. It requires someone who is experienced and knowledgeable in both the domestic and the international marketplace. It requires someone who has demonstrated exemplary leadership in both government and private enterprise. Henry Paulson will bring these vital skills to the Department of Treasury.

Mr. Paulson's outstanding career in both the public and private sectors has clearly demonstrated his ability to serve as our Nation's next Treasury Secretary. Prior to joining The Goldman Sachs Group Inc., Mr. Paulson served the public as White House domestic Council staff assistant to the President from 1972 to 1973 and as staff assistant to the Assistant Secretary of Defense at the Pentagon from 1970 to 1972. In 1974, Henry Paulson decided to enter the private sector. He joined The Goldman Sachs Group, Inc., in Chicago. Mr. Paulson worked his way up through the ranks of Goldman Sachs and is currently serving as chairman and chief executive officer. Clearly, Henry Paulson has had a very distinguished 32 year career in the private business sector.

Our Nation will be fortunate to have a Treasury Secretary with such broad and varied expertise, and these experiences will prove vital in leading a progressively diverse economy. I believe Henry Paulson will be an exemplary Treasury Secretary. He has already spoken of his keen appreciation for the role capital markets play in driving growth and efficiency, the globalization of finance and interdependence of major world economies, and ensuring that America's industries can compete in the new global economy. I am confident Henry Paulson will seek to strengthen and advance the competitive edge of our economy. I am certain his experience and leadership will be great assets in achieving these important goals.

Mr. President, it is my great honor to support Henry Paulson to head the Department of the Treasury.

Mr. HATCH. Mr. President, I wish to express my support for the nomination of Henry Paulson for Treasury Secretary. I believe we are quite fortunate to have someone of Mr. Paulson's caliber nominated to this vitally important position. Mr. Paulson has quite ably served in Government before in several positions before embarking on his impressive career on Wall Street, which culminated in his becoming CEO and chairman of Goldman Sachs. I am hard-pressed to think of many others in this country who might be more qualified for this position than Mr. Paulson.

Henry Paulson is joining the Bush administration at a very important time. Our Federal Government is in a precarious position as it stares down the abyss of ever-increasing entitlement obligations that threaten to swallow more and more Government revenue and, along with it, other vitally needed programs. As our Nation's baby boomers enter their retirement years, we will have fewer people working per retiree to support them while the cost of providing them benefits inexorably increases. It is a trend that cannot continue without bankrupting the country. Despite the highly partisan environment in which we find ourselves, it is at precisely this moment in history when our economy is strong and Government revenues are increasing sharply that we need strong leadership both from Congress and the administration. I believe that strong leadership and some bipartisan cooperation we will be able to successfully address these growing problems and come up with a lasting solution.

Now is also a propitious time to consider how to address the difficult problems facing our tax system. We need an Internal Revenue Code that is simpler, that promotes savings and economic growth, and that allows American businesses to compete fairly in the global marketplace. The Tax Code should serve the interests of the many, not the few, and one that is worthy of this great Nation.

Mr. Paulson is uniquely qualified to address the issues facing our country today. I view the expediency by which we have acted on his nomination as a confirmation both of Mr. Paulson's fitness for the job as well as of the importance of the position of Treasury Secretary. I urge my colleagues to vote to confirm him as our next Treasury Secretary.

Mr. REID. Mr. President, I rise in support of the nomination of Henry Paulson to be the next Secretary of the Treasury. I had the pleasure of meeting with Mr. Paulson, and we talked about a range of issues.

I was most impressed with his commitment to protecting our environment and his record as a conservationist. I believe this administration needs someone committed to protecting our natural resources—even if he is at Treasury.

I found Mr. Paulson to be an engaging and thoughtful person. These are qualities we need in our next Secretary of the Treasury, because he will have his work cut out for him. He faces an impending crisis not of his making, and for which courage and persistence will be needed to even begin the process of righting the ship.

From the kitchen table to the national debt trade imbalance, our economy continues to move in the wrong direction. The middle-class is being squeezed like never before. Under the policies of this administration, families are forced to work harder and harder to make ends meet.

In Nevada, families, farmers, and businesses are on track to pay approximately $3 billion for gasoline this year. That is over $1.5 billion more than was spent in our State in 2001. The cost of college tuition in Nevada has increased 2 percent, while Federal student aid has failed to keep pace.

But this is not just a Nevada story. It is an American story. Nationwide, since President Bush took office, energy prices have increased nearly 100 percent, health premiums have increased by 71 percent, college tuition has increased nearly 60 percent, and the price of housing has risen dramatically, all while wages have been stagnant despite growing productivity.

Instead of focusing on the needs of middle-class families, the Bush administration has ignored their problems. The President argues that the economy is doing great—he thinks middle-class families are in fine shape. Meanwhile, he is pursuing policies that would only make matters worse.

The twin trade and budget deficits accumulated under President Bush have put the United States in a precarious situation. To fund our record trade deficits—which have more than doubled under President Bush—we have had to sell U.S. assets to foreigners. In 2005 alone, the United States sold to foreign governments and investors a portion of the U.S. economy that was larger than the combined economies of Nevada, Arizona, Ohio, Montana, Rhode Island, Wyoming, and North Dakota. Take a moment to absorb that fact.

And, the problem is just getting worse. If current trends continue, in 20 years, we will have sold the entire wealth of America to foreign countries and foreign investors. It turns out that when President Bush talks about an "ownership society" he means that under his policies, all of our assets will eventually be owned by foreigners.

Our trade deficit has been driven in part by unfair practices overseas, like currency manipulation in China. A number of people have raised concerns about Mr. Paulson's extensive ties to China while working for Goldman Sachs. I hope that those ties will give him the credibility and the negotiating toughness to make much needed progress with the Chinese Government. The Bush administration has talked a good game on getting China to end its unfair currency manipulation, but it has not delivered. To date, the Bush administration's policy has been rhetoric, not action, and on occasion, its excuses for its failures have sounded like the administration was an apologist for China's practice of currency manipulation. Mr. Paulson has to finally get this problem under control.

Mr. Paulson will also need to address the enormous Federal budget deficits and the growing Federal debt. The Bush administration turned a record surplus generated during the Clinton administration into a string of record deficits. President Bush inherited a unified budget surplus of $236 billion from President Clinton, the largest surplus in American history. Budget surpluses were expected to continue for another 10 years when President Bush took office in January 2001.

By 2002, however, President Bush's policies had helped return the unified Federal budget to a deficit of $158 billion. The budget deficit has since reached historic highs. This year, the budget deficit is expected to exceed $300 billion. Of course, after this President's fiscal nightmare, that is not even a record. President Bush owns them all—$412 billion in 2004, $378 billion in 2003 and $319 billion in 2005.

Our fiscal problems will only grow worse in coming years as the baby boom generation retires.

In the last 5 years, the gross Federal debt has grown by almost $3 trillion. And it will exceed $11.8 trillion by 2011 if we don't do something to change course. And more and more of that debt is owed to people outside the United States. The United States has had to borrow more money from overseas during President Bush's 5 years in office than we borrowed during all previous Presidents combined. By contrast, during the last 3 years of the Clinton administration, the United States paid off more than $200 billion in debt to foreigners.

History is clear that these rising Federal budget deficits will ultimately cause long-term interest rates to increase. These costs are a hidden tax and will appear in the form of higher interest rates on home mortgages, auto loans, credit cards, and other types of consumer debt. As Mr. Paulson stated in his confirmation hearing, the longer we wait to deal with these fiscal challenges, the more expensive it will be to solve them. At the end of the day, it is hard-working families and our grandchildren who will pay the price for the Republicans' fiscal recklessness.

Unfortunately, the majority's fiscal policy, like its policy in Iraq, is more of the same—more of the same tax breaks targeted at multimillionaires, more of the same huge deficits, more of the same rising debt.

We can't just go on this way, placing greater and greater burdens on our children and grandchildren. I hope that the new Secretary of the Treasury will be aggressive in forcing the administration to confront these pressing economic challenges head on, because more of the same just won't cut it.

We need a new direction.

Mr. FRIST. Mr. President, it is my great pleasure to come to the Chamber to express my strong support for the nomination of my good friend, Hank Paulson, someone I admire tremendously, to lead the Department of Treasury. He is an outstanding choice to be the Nation's top economic policy official.

With 32 years of experience in finance, the last 8 of which he has served as president and CEO of Goldman Sachs, which, as we all know, is one of the Nation's largest financial institutions in the world, Hank Paulson is eminently qualified to craft and carry out the President's economic policies. Former Treasury Secretary Bob Rubin, who was also Hank's boss at Goldman Sachs, agrees that he is "smart, he's bright, he's thoughtful, and he's intense. He's a very good choice."

Hank will lead with drive, with passion, and a deep understanding of how Government policies affect the capital markets throughout the world as well as America's economic growth. With his detailed and intimate knowledge of global finance and his ability to thrive under pressure, America's economic leadership will be in very capable hands.

Hank Paulson is extraordinarily talented, smart, and hard working. He also happens to be a man of sterling character. Known for his candor and his down-to-earth demeanor, Senator SCHUMER calls Hank a "straight shooter." He has led a life of impeccable integrity.

He grew up on a farm in Illinois. His high marks led him to Dartmouth, where he became a member of Phi Beta Kappa and a football star. He was named All Ivy, All East, and earned an honorable-mention All American. After earning an MBA from Harvard Business School, Hank went into public service as a staff assistant to the Secretary of Defense. In 1974, he joined the Chicago office of Goldman Sachs, where over the next three decades he rose to president and CEO.

Hank understands the macropicture, the global picture, as well as the micropicture, the more intimate, more defined microlevel. He understands the concerns of America's hard-working families and how big decisions here in Washington affect individual lives in a very personal way and in intimate ways and affect those individual opportunities.

He inherits a thriving economy—as cited again and again, a 5.3-percent gross domestic product growth in the first quarter, unemployment at historic lows, 5.3 million new jobs after 33 consecutive months of job gains, and home ownership at historic highs.

He understands that Americans are feeling those challenges in their everyday lives, those challenges of high gas prices, of escalating costs that seem to be skyrocketing out of the average person's reach.

He shares the Republican Party's conviction that we need to continue those progrowth, low-tax policies in order to continue to create jobs and to foster more innovation.

I am confident that under his leadership, America will continue to grow, to thrive, and expand. I look forward to voting to confirm Hank Paulson in a few moments as Secretary of the Treasury and to working with him to keep America moving forward.

At this time, I know of no others who desire to speak on the Paulson nomination, and I urge the Senate to vote.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Henry M. Paulson, Jr., of New York, to be Secretary of the Treasury?

The nomination was confirmed.

Mr. FRIST. Mr. President, as our colleagues know, there will be no further votes today and no rollcall votes today. We will be in session a bit longer as we finish the business over the course of the next little bit. When I close, I will have more to say about the schedule for tomorrow and Friday as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBJECTION TO PROCEEDING TO THE TELECOMMUNICATIONS BILL

Mr. WYDEN. Mr. President, the major telecommunications legislation reported today by the Senate Commerce Committee is badly flawed. The bill makes a number of major changes in the country's telecommunications law, but there is one provision that is nothing more than a license to discriminate. Without a clear policy preserving the neutrality of the Internet and without tough sanctions against those who would discriminate, the Internet will be forever changed for the worse.

This one provision threatens to divide the Internet into technology haves and have-nots. This one provision concentrates even more power in the hands of the special interests that own the pipelines to the Internet. This one provision codifies discrimination on the Internet by a handful of large telecommunications and cable providers. This one provision will allow large, special interests to saddle consumers and small businesses alike with new and discriminatory fees over and above what they already pay for Internet access. This one small provision is akin to hurling a giant wrecking ball at the Internet.

The inclusion of this provision compels me to state that I will object to a unanimous consent request to the Senate proceeding with this legislation until a provision that provides true Internet neutrality is included.

This bill means the American people will no longer be able to use the Internet free from discrimination. Sure, the time it takes you to access the Web might be slower with dial-up, or you might zoom around the Web at warp speed, but you get to choose the speed. Today, whatever speed you chose doesn't make any difference in which sites you can visit. You still get access to any site you want. This is the beauty and the genius of the Internet. The Net is neutral.

The days of unfettered, unlimited, and free access to any site on the World Wide Web, what I call Net neutrality, are being threatened. Those who own the pipes, the giant cable and phone companies, want to discriminate in which sites you can access. If they get their way, not only will you have to pay more for faster speeds, you will have to pay more for something you get for free today: unfettered access to every site on the World Wide Web. To me, that is discrimination, pure and simple.

The Internet has thrived precisely because it is neutral. It has thrived because consumers, and not some giant cable or phone company, get to choose what they want to see and how quickly they get to see it. I am not going to allow a bill to go forward that is going to end surfing the Web free of discrimination.

The large interests have made it clear that if this bill moves forward, they will begin to discriminate. A Verizon Communications executive has called for an "end to Google's 'free lunch.'" A Bell South executive has said that he wants the Internet to be turned into a "pay-for-performance marketplace." What they and other cable and phone company executives are proposing is that instead of providing equal access for everyone to the same content at the same price, they will set up sweetheart arrangements to play favorites. Without net neutrality protections, this bill is bad news for consumers and anyone who today enjoys unlimited access to all of the Net's applications, service and content.

There is no doubt in my mind that American consumers and small business will be the losers in this fight if this bill is allowed to move forward. Right now, a computer science major at the University of Oregon is working on the next big thing for the Internet. But she will never get the chance to get the next big thing out there if she cannot pay the big fees that will be charged tomorrow for the same Internet access she gets for free today.

Right now in Pendleton, OR, there is a small family wheat farm where dad is monitoring the fertilizer on their crop via a new Web service program that his son bought. If the network operators have their way, this Web service will get so expensive that it will be out of reach for this family farmer.

As a Senator who has devoted himself to keeping the Internet free from discrimination, from discriminatory taxes and regulations to assuring offline protections apply to online consumer activities as well, I cannot stand by and allow the bill to proceed with this provision. The inclusion of this provision compels me to inform my colleagues that I will object to any unanimous consent request for the Senate to move to consider S. 2686, the Communications Consumer's Choice, and Broadband Deployment Act.

There are other provisions in this legislation, such as the one relating to my proposal for the creation of kids television tiers, that are problematic, but none of them rises to the same level of concern as the one relating to network neutrality. Therefore, I will object to any further action on this telecommunications bill until it includes a strong net neutrality provision that will truly benefit consumers and small business.

Mr. President, Senator GRASSLEY and I have spent over a decade fighting to ensure that when a Senator puts a hold on or blocks a major piece of legislation that there is accountability. We have required, under our proposal, that holds are publicly announced. Because I feel so strongly about this way of approaching holds, I have come to the floor tonight to announce that I intend to object to any unanimous consent request for the United States Senate to move to consider S. 2686, the telecommunications reform legislation that came from the Senate Commerce Committee a bit ago.

The reason I have come to the floor to make this announcement is that I believe this legislation is a license to discriminate on the Internet. Right now, we all know that when you use your browser, you get to go where you want, when you want, how you want. The Internet's special quality is that all content is treated equally. It is my fear that, as a result of this legislation without a clear policy preserving the neutrality of the Internet, and without tough sanctions against those who would discriminate, the Internet will be changed forever against the public interest.

In the beginning of these remarks—and it is my intent to be brief—I compliment Senator STEVENS, Chairman of the Commerce Committee, and Ranking Member INOUYE, with respect to the procedure for how this legislation was considered.

Late last winter I was allowed to come to the Senate Commerce Committee as a former member of the committee and make a presentation with respect to why I thought an Internet free of discrimination was so important. I introduced the first legislation, the Internet Nondiscrimination Act, back in March. Since then I have worked closely with colleagues, particularly Senator SNOWE and Senator DORGAN, who have done such a great job championing an Internet free of discrimination. We have all worked for many months in trying to preserve a free and open Internet.

Unfortunately, despite the valiant work of those two Senators, Senators SNOWE and DORGAN, and with the help of others, particularly Senator CANTWELL, who spoke eloquently about why a free-from-discrimination Internet is so important, they were not successful. So now there is the prospect of major changes in the way the Internet works, changes that will affect millions of businesses and millions of consumers. At a minimum, I believe these changes are so important and mean so much to our country, it ought to be possible for the Senate to slow this down and take the time to consider what the implications are of a badly flawed piece of legislation with respect to its treatment of the Internet.

The failure to include what is called "Net neutrality" legislation is failure to keep the principle of keeping the Net free from discrimination. In my view, we run the prospect of dividing the Internet into technology haves and have-nots. What will happen is even more power will be concentrated in the hands of special interests that own the pipelines to the Net. In effect, the legislation codifies discrimination on the Net by giving a green light to a handful of large telecommunications and cable providers to set up what could be a system that will allow for differential treatment.

It means, for example, one small business may get service that won't be as good as another's. That translates, in my view, if it is done by deliberate design on the basis of who can pay, into discrimination.

The failure to include the Net neutrality legislation that Senators DORGAN and SNOWE and I and others have worked on for so long is going to allow the special interests to saddle the startup businesses, the consumers, and the innovators with a variety of new and discriminatory fees over and above what they already pay for Internet access.

In my view, what has happened today, failing to include provisions that keep the Net free of discrimination, is like throwing a huge wrecking ball at this extraordinary telecommunications innovation that we all enjoy, known as the Net. The failure to include this provision compels me to state this objection to going forward on this legislation because I believe the days of unfettered, unlimited access to any site on the World Wide Web is threatened by this bill as written. Those who own the pipes, the cable companies and the phone companies, will be able to play favorites with respect to the sites that Americans can access.

If they get their way, not only will Americans have to pay more for faster speeds, they will have to pay more for how they use the Internet once they choose what speed to access it by, something they get for free today after they pay their basic access charge. In my view, the Internet has been such a great success precisely because it was free of discrimination. It thrives because the marketplace, consumers, small businesses, and others were able to choose what they wanted to see and how quickly they wanted to see it. So I am not going to let a bill like this go forward because it will end surfing the Web free of discrimination.

The large interests that have backed the legislation have written and have already made clear what their designs are. This is not some kind of atomic secret, Mr. President. There have been lengthy articles in the Wall Street Journal, for example, about pay-to-play. It outlined in great detail all of the ways in which the companies could play favorites, could give a break to a business who had a bit more money, and send somebody else who didn't have the funds off to the second tier. Instead of providing equal access for everyone to the same content at the same price, what we would have are sweetheart arrangements where certain parties would win and other parties would lose. This, in my view, is bad news for consumers and anyone who enjoys unlimited access to all of the Net's applications, services, and content.

Right now, there is a computer science major at the University of Oregon in my home State who is working on the next big thing for the Internet and has great dreams. I am sure that at universities and in garages in Oklahoma, where the Presiding Officer is from, there are constituents who are also working on the next big thing. My concern is that those dreamers in Oklahoma and Oregon, and the innovators and the people with the cutting edge ideas, would not get the chance to get the next big idea out because they would not be able to pay the big fees that Internet providers will charge tomorrow for them to get priority access to consumers or get stuck in the slow lane. Of course, they are going to be up against people, as they fight to show the worth of their idea, who can pay those big fees and have an advantage over them in the marketplace.

What is especially troubling to me, Mr. President, is it seems that if you have an innovative startup in Oregon or Oklahoma or elsewhere in our country, you are going to be up against these new barriers. But guess what? Our competitors around the world don't have the same kind of barriers with. So what I am concerned about is that if you have a good idea in our country, a promising kind of startup, and you run up against all of these hurdles—these new discriminatory hurdles placed on the Internet—you are going to say, what the heck. I cannot compete in that kind of situation, so I will just take the business overseas.

What I want to do—and I know the Senator from Oklahoma wants to do it—is create high-skill, high-wage jobs in our country. We ought to keep the incentives here rather than making it attractive to take promising ideas overseas. I have been involved in a lot of technology issues, and the principle that I have always thought was most important was ensuring that there is no discrimination.

Today, I was very pleased that the Senate Finance Committee accepted my amendment to make permanent the ban on discriminatory and multiple taxes on electronic commerce. We have been at this since 1996. We passed it three times in the Senate, always by large majorities, and I said let's get at it now and make it permanent so that we give predictability and certainty in the marketplace. I was very pleased that, with the support of GRASSLEY and BAUCUS, I was able to win passage of that legislation that involved taxes, ensuring that there was no discrimination in the tax and the electronic commerce areas. I was pleased that it passed.

Unfortunately, what was done today in the Commerce Committee by giving a green light to discriminators undoes a lot of what the Senate has done over the last few years in terms of ensuring nondiscrimination in electronic commerce.

We made sensible decisions in the tax arena because we barred discrimination as it related to taxing electronic commerce. Now the Senate Commerce Committee comes along and says we are going to pass on this Net neutrality issue; we are not going to include it, so now there can be other forms of discrimination on the Net. That makes no sense to me, and it seems particularly ironic today, of all days, as the Senate has been trying to prevent discrimination in the taxation area of electronic commerce, to essentially undo that important policy by allowing unprecedented discrimination in the marketplace.

There is another area I think is worth noting as I object to the consideration of S. 2686. We have heard from a number of those opposed to Net neutrality legislation that there has been no problem, that there are no instances of discrimination. No. 1, that is factually incorrect because there is already a major Federal Communications Commission case, Madison River case, and No. 2, the big telecoms and cable companies have already announced their plans to discriminate. I have described the plans in the Wall Street Journal which are not any kind of hidden effort to sneak something by people. The Wall Street Journal describes the plans for differential treatment.

I note, as we consider this issue, the consequences of discrimination. If those who want to discriminate—and my sense is, by their own admissions, they are going to start very quickly—are able to set in place the discriminatory routers and other equipment that would allow them to treat those small businesses and individuals differently, once those routers and other discriminatory systems are in place, it is going to be very difficult to undo them. They will be embedded in that system of pipes and infrastructure which makes it possible for Americans to enjoy the Net. I am not willing to sit by and let all of those discriminatory routers and other kinds of complicated systems that make up the pipes for the Net go into effect without an opportunity for the Senate to really consider the consequences.

We are talking with respect to this legislation and its absence of strong Net neutrality language, about changing policy that has been the bedrock of the telecommunications field for many years—non-discrimination.

This legislation contains a variety of major changes in the country's telecommunications law. I happen to support many of them. But I will tell the Senate tonight that a communications bill that does not embed, and do it clearly, that the Internet will be free of discrimination is legislation that I believe is badly flawed.

This is a complicated subject. There are differing views on Net neutrality and I am the first to admit it. But I think all sides would agree that this is a complicated issue. It ought to be one the Senate takes the time to really think through. And I will make it clear to the Senate that I, for one, feel so strongly about ensuring telecommunications policy continues to be based on principles that bar discrimination that I am taking this action tonight for purposes of carrying out that objective.

Let me state again, it is my intent to object to any further action on this legislation, S. 2686, until it includes a strong Net neutrality provision that will ensure there is a vibrant, healthy Internet for decades to come.

My colleagues, Senator SNOWE and Senator DORGAN, did a superb job this afternoon in making the case for our point of view. I am very proud to have been able to work with them. The legislation they introduced is very similar to mine. Unfortunately, the Snowe-Dorgan legislation went down on a tie vote in the Commerce Committee today. However, this discussion needs to continue. I hope the Senate will insist that the way the Internet works today, and particularly its egalitarian nature where everybody uses their browser and gets to where they want, when they want, how they want, is continued for generations to come.

Mr. President, I yield the floor.

TRIBUTE TO ROBERT JULIANO

Mr. DURBIN. Mr. President, I rise today to take note of the 65th birthday of Robert Juliano.

Robert Juliano has spent more time working on Capitol Hill than most Members of Congress. He is a longtime political adviser, labor representative, and champion of philanthropic causes.

He recently received the Sons of Italy in America 2006 Humanitarian Award for his support of charitable causes, including the National Coalition for Breast Cancer, the Lions Club, and the Crusade of Mercy.

I am proud that Bob hails from the city of Big Shoulders, the son of an Italian immigrant. Bob grew up on the West Side of Chicago and worked in that great city's hotel industry in the 1960s and 1970s starting as an elevator operator. From there, he came to Washington, DC, to serve as legislative representative for the Hotel and Restaurant Employees International Union. He served as chairman and vice chairman of the U.S. Government's Travel and Tourism Advisory Board in the 1980s and 1990s. He has worked to protect the health care benefits of retired miners and worked on nearly every major piece of labor legislation over the last 30 years.

It is clear Bob Juliano never forgot his roots. And he never forgot the workers who need a strong voice for their values. One of the reasons Bob has been so successful is his ability to bring people of all political persuasions together to work on the most pressing issues we face. It is a skill that is in great shortage these days.

I wish Bob Juliano well on his 65th birthday.

HONORING OUR ARMED FORCES

SPECIALIST BOBBY WEST

Mrs. LINCOLN. Mr. President, I rise today in honor one of our Nation's fallen, Army SPC Bobby West. He died defending this Nation so that others might have the same freedoms we cherish as Americans. For those who knew Specialist West, he will be remembered for the laughter he brought to the lives of those around him. He will also be remembered for acting on his conviction of defending and fighting for the values and liberties we hold so dear as Americans.

At 17, after graduating from Beebe High school, Bobby enlisted with the Arkansas National Guard. Like so many of us, he was deeply affected by the terrorist attacks that took place on September 11, 2001. However, he felt that the burden to defend our country rested squarely on his shoulders and shortly thereafter he enlisted in the Army with his older brother Patrick. Specialist West served our country in Egypt's Sinai Peninsula before being sent to Iraq. Tragically, he was serving his second tour of duty in Iraq and was killed when a roadside bomb detonated while he was on foot patrol with his unit in Baghdad on May 30. His unit was scheduled to leave Iraq in the fall.

I am honored to stand here today and pay tribute to a great soldier and more importantly a loving son, brother and friend. His loved ones remember how much laughter he brought to their lives with his quick wit and sense of humor. His fellow soldiers will remember him not only for the burden he carried with him to defend this Nation and bring freedom to others, but also for the competitiveness he brought to everything he did in life. His fellow soldiers tell the story of the fierce competitiveness he brought to a pickup basketball game while stationed in Egypt. Regardless of the fact that they were playing in a tin building in 125–135 degree heat, Bobby wouldn't let his opponents leave until they could beat him. It is this sense of commitment and dedication that he brought to his military service. He also believed in what he was doing and loved being a soldier. It is people like Bobby West who make our military the strongest in the world.

I am grateful for the service of Bobby West. I am also reminded of the tragic human cost of war and am saddened at the death of another Arkansas soldier. In the words of his brother, Bobby "was born to defend the greatest Nation on Earth." He gave his life defending the greatest Nation on Earth and we owe him and all others who have made that sacrifice an enormous debt of gratitude. Our prayers are with his father Ricky West, his mother Linda Wiggins West, and his older brother Patrick West, and we all pray for the safe return of Patrick who is serving in Iraq with the 101st Airborne Division.

FLAG DESECRATION AMENDMENT

Mr. REED. Mr. President, yesterday I opposed Senate Joint Resolution 12, which would have created a constitutional amendment allowing Congress to ban desecration of the flag.

As a graduate of the U.S. Military Academy and a former officer in the

Army, I am deeply offended when people burn or otherwise abuse this precious national symbol.

I also believe, however, that the values and beliefs that the American flag represents are more important than the cloth from which this symbol was created. Prominent among these beliefs are the right to voice views that are unpopular, and the right to protest. In fact, these fundamental values, preserved by our Constitution, have distinguished our Nation for more than 200 years. The Framers understood that democracy cannot thrive, or even survive, without freedom of expression. Colin Powell has rightfully said, "The first amendment exists to ensure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

I oppose this amendment not because I condone desecration of our flag, but because I celebrate the values our flag represents. Flag burning is despicable. However, the issue is whether we should amend our great charter document, the Constitution, to proscribe it.

In The Federalist, James Madison declared that the Constitution should be amended for "certain great and extraordinary occasions." Except for the prohibition amendments, since the adoption of the Bill of Rights, we have only amended the Constitution for "great and extraordinary occasions:" abolishing slavery and giving African Americans the right to vote; extending voting rights to women; and regulating elections and the tenure of the Presidency. Of the 27 amendments, 17 protect individual rights and liberties. In fact, we have never amended the Constitution to constrict rights that other amendments already guarantee.

So are we facing a "great and extraordinary occasion" justifying the use of a constitutional amendment? I would argue no.

First, an amendment permitting government restraints on free expression cannot compel loyalty to or love for either our country or our flag. The proposed amendment would pronounce to the world that we value free speech, except when it offends, that we tolerate free expression, except when it is demoralizes.

Second, is this a problem needing such strong medicine? Are we facing an epidemic of flag burnings? In fact, over the past 10 years, only 7 incidents of flag desecration have occurred per year on average, most of which have been successfully prosecuted under laws prohibiting vandalism, theft, disorderly conduct, and disturbance of peace. Indeed, passing such an amendment would probably do more to promote flag burning by malcontents than any other action this Congress could take.

Third, proponents of such an amendment declare that it would boost the morale of our troops and help restore some of the American values so basic to the fabric of our country. But, as one veteran recently wrote, "I did not believe then, nor do I believe now, that I was defending just a piece of geography, but a way of life. If this amendment becomes a part of our Constitution, this way of life will be diminished." I cannot help but believe that a more appropriate expression of support for our troops would be providing them with the equipment they need in the field, better benefits for their families, and an adequately funded medical system at home.

Although I oppose a constitutional amendment, I did support an alternative approach offered by Senator DURBIN. Senator DURBIN's amendment contained two elements. First, it would have created a statutory prohibition against desecration of our flag. This part of his amendment was drafted to follow the guidance of the 2003 Supreme Court decision in Virginia v. Black, which upheld a Virginia law banning cross burning that is intended to intimidate. The Durbin amendment took a similar approach and prohibited desecration of the flag when it is intended to incite violence. The Durbin amendment also would have promoted respect for families of deceased members of the Armed Forces by prohibiting demonstrations at their funerals. The amendment was narrowly tailored to make these disrespectful demonstrations punishable.

In sum, debating a constitutional amendment on desecration of the flag, although politically popular, is not how the Senate should be spending its few remaining legislative weeks. But this is a campaign year, and the majority appears to want the Senate to spend time on topics which defer and deflect us from concentrating finding solutions to pressing issues facing our Nation: restoring fiscal discipline, creating safe and affordable housing for working families, securing our borders, expanding health insurance coverage to the uninsured, ensuring students have the skills and tools to compete in an ever-expanding global economy, and redeploying our troops as quickly as possible out of Iraq. Unfortunately, the majority has provided limited time to debate most of these issues.

I hope that with the rapidly dwindling number of days left in this session we will work to address the very real concerns that impact American families every day. I fear, however, that this debate is only a harbinger of what is to come and very clearly signals why we need a new direction.

Mr. DORGAN. Mr. President, 17 years ago the U.S. Supreme Court, in a 5-to-4 decision, struck down a Texas flag protection statute. The Supreme Court ruled that burning an American flag was a form of "speech," and therefore protected under the first amendment of the Constitution.

I disagreed with the Court's decision then and I still do. I don't believe that the act of desecrating a flag is an act of speech. And I believe that our flag, as our national symbol, can and should be protected by law.

In the intervening years since the Supreme Court decision, I have supported Federal legislation that would make flag desecration illegal. Yet on several occasions, I have also voted against amendments to the Constitution to do the same.

I voted that way because, while I believe that flag desecration is despicable conduct that should be prohibited by law, I also believe that amending our Constitution is a step that should be taken only rarely, and then only as a last resort.

In the past year I have once again reviewed in detail nearly all of the legal opinions and written materials published by constitutional scholars and courts on all sides of this issue.

After that review, I have concluded that there remains a way to protect our flag without having to alter the Constitution of the United States. That is why I have cosponsored S. 1370, a bipartisan piece of legislation introduced by Senator BENNETT of Utah.

S. 1370 protects the flag by criminalizing flag desecration when its intended purpose is to incite violence. This is the same standard which makes it illegal to falsely cry "fire" in a crowded theater. Reckless speech that is likely to cause violence is not protected under the "fighting words" standard, long recognized by the Supreme Court of the United States. The Congressional Research Service believes that this type of statute will be upheld by the U.S. Supreme Court.

Last night, I voted for an amendment offered by Senator DURBIN, which incorporates many of the provisions of S. 1370, the bipartisan bill of which I am a cosponsor. The Durbin amendment would also prohibit the disruption of military funerals by demonstrators. This amendment would protect the flag, but do so without altering the Constitution.

I know that supporters of a constitutional amendment will be disappointed by my decision to support this statutory remedy to protect the flag, rather than support an amendment to the U.S. Constitution. I know they are impatient to correct a decision by the Supreme Court that they and I believe was wrong.

I have wrestled with this issue for a long time, and I respect those who passionately believe that we must amend the Constitution to protect the flag.

More than 11,000 constitutional amendments have been proposed since our Constitution was ratified. However, since the ratification of the Bill of

Rights in 1791, only 17 amendments have been enacted.

Protecting the American flag can be accomplished without amending the Constitution, and that is a critically important point. I believe that future generations, and our founding fathers, would agree that it is worthwhile for us to find a way to protect our flag without altering the Constitution.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 10, 2006, Queens, NY, three gay men were out walking when a group of eight men began shouting antigay slurs at them. The group then surrounded and attacked them, striking one victim in the head with a baseball bat.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HEALTHY FAMILIES ACT

Mr. KERRY. Mr. President, today I am proud to cosponsor the Healthy Families Act, S. 932 and S. 1085, introduced by my friend, Senator TED KENNEDY. This legislation will provide full-time employees with up to 7 paid sick days a year so that they can take care of their own medical needs or the medical needs of family members. Part-time employees would receive a prorata amount of paid sick leave. All employers—public and private—with at least 15 employees would be covered by the Healthy Families Act.

Today, 86 million workers in the United States do not have paid sick days. Thus, when faced with either a personal or family medical issue, they are forced to choose between caring for themselves or their loved ones and going to work to keep food on the table and a paycheck in the mail. This is not acceptable. People get sick every day. They should have the right to get medical treatment without jeopardizing their jobs or harming the people around them. The Healthy Families Act would guarantee them that right.

According to Harvard University's Global Working Families Project, 139 nations provide some sort of paid sick days; 177 of those nations guarantee at least a week of annual sick pay. The United States, however, has no such guarantee—the Federal Family and Medical Leave Act provides only unpaid sick leave for serious personal or family illnesses. This lack of paid sick leave puts our Nation's workforce, both present and future, at risk.

As ranking member of the Committee on Small Business and Entrepreneurship, I am extremely conscious of the regulatory burden that our businesses face particularly our small businesses. I believe that government should avoid weighing down small businesses with unnecessary regulations. However, the more I have examined this issue, the more obvious it becomes that this legislation benefits both employees and employers.

It does not take a rocket scientist to figure out that healthy employees are the key to a productive and vibrant economy. Healthy employees are more productive and often more efficient. But, without paid sick days, many employees will go to work rather than take time off to get regular preventative medical checkups or to recover from an attacking illness or to care for a sick child. Thus, they will get sick more often, and their illnesses will spread. Employees who opt to come to work when sick can make their condition worse or even spread their illness to coworkers. For a business, it is far more costly to cope with a depleted staff or to search for a replacement when an employee is suffering from an extended illness than it is to provide just 7 sick days. Providing employees with a small number of paid sick days is a simple and commonsense fix that will save businesses time and money.

In addition, I have heard—my staff has reported—that small businesses often complain that they want to offer this benefit, but are unable to and need a level playing field. This legislation would offer them just that.

Mr. President, I hope that my colleagues will take a look at the Healthy Families Act and will join me in cosponsoring it.

SERVICE MARKED BY INTEGRITY, COMPASSION AND DEDICATION

Mr. CRAPO. Mr. President, Ronald Reagan once said "I know in my heart that man is good. That what is right will always eventually triumph. And there's purpose and worth to each and every life." How appropriate that these words reflect the heart and persona of someone who used to work for the Reagans in the White House and who, for the past 2 years, has worked faithfully and tirelessly as my executive assistant.

Mary Klappa met the challenge of the job with excitement and expertise. She brought professionalism and trust to her position. We all depend on our executive assistant to make certain we get where we need to be on time and well prepared, a duty in which she excelled.

Effectively managing a Senator's time is not easy. Frankly, I am glad I don't have to do it. It requires a careful sense of timing and intuition and exacting attention to detail. It also requires someone who, regardless of the demands on their time, is pleasant and helpful to all who call or walk in, regardless of their personality or requests. Mary has been all of these things and more. She carried her phone and Blackberry with her constantly, and I always knew I could call her whenever I needed something. She worked diligently to make sure I met with Idahoans who came to Washington, and she coordinated my State scheduling as well. She has taken exceptional care of my family and was utterly selfless in her commitment to ensure that I conduct my job in the most efficient and responsible manner possible. Her vast knowledge of protocol and her understanding of the nuances and complexities of Washington politics on and off the Hill have been of immeasurable benefit to me.

I will miss her highly dependable and capable management and her kindness and honesty. Mary is a very special person, and I am most honored and grateful for her tremendous service. She made my job easier and, in the process, made me more effective.

I end where I started, with another thought from her former boss, a great and wise man: "Government is the people's business and every man, woman and child becomes a shareholder with the first penny of tax paid." Mary believes this in her soul. She has a heart of service for our country and lives it out in her work and her life. And Idaho and I have been better off for it.

HONORING THE CONTRIBUTIONS OF SENATOR MALCOLM WALLOP

Mr. THOMAS. Mr. President, I rise today to pay tribute to a true patriot and tireless advocate of the great State of Wyoming, U.S. Senator Malcolm Wallop. I am pleased to be joined by Senator ENZI and Representative CUBIN in this tribute.

Malcolm hails from Big Horn, WY, born into a hard-working family with a long history of public service. Malcolm continued this family tradition by serving in the U.S. Army as a first lieutenant, then in the Wyoming State Legislature from 1969 to 1976. He followed this with a distinguished 18-year career representing the people of the State of Wyoming in the U.S. Senate.

Throughout his tenure in the Senate, Malcolm held true to his convictions—maintaining a strong national defense, a Federal Government that works best when it is smaller, individual liberties and freedoms are the core of our Nation, and States rights must be protected from encroachment by the Federal Government. His unwillingness to compromise his forthright beliefs earned him the respect of his Senate colleagues on both sides of the aisle. Senator LEVIN said about Malcolm:

> While we disagreed, again, probably as often as we agreed, that did not stand in the way of my admiration for the quality, the characteristic that he had of letting you know precisely where he stood and why. And his patriotism is second to none in this body.

His depth of understanding and knowledge on defense policy was widely respected. In 1978, Senator Wallop became the first elected official to propose a space based missile defense system, a program that later became part of the Strategic Defense Initiative. Given the proliferation of new missiles today, it is remarkable how profound his ideas and observations were at the time.

Although Senator Wallop retired from the Senate in 1994, he remains engaged in the debate on key issues confronting our Nation. He is currently a senior fellow with the Heritage Foundation where he writes and speaks on issues of foreign policy and national defense. Malcolm also chairs the Frontiers of Freedom, a nonprofit organization he established upon retiring from the Senate. And he remains a strong and respected voice on individual property rights, Endangered Species Act reform, Social Security privatization and civil liberties.

Malcolm's contributions to Wyoming, and the Nation as a whole, are remarkable. The Wyoming State Legislature recently passed a joint resolution establishing July 8, 2006 as Malcolm Wallop Appreciation Day. With your permission, I will submit the resolution for the RECORD.

He remains an intelligent, articulate individual with incredible foresight. We are pleased to take this moment to express our gratitude to Senator Wallop for his service, and extremely proud to have such a distinguished and respected individual call Wyoming home.

Although many have tried to sum up the man, President Reagan may have said it best when he said, "Leadership, hard work, experience, loyalty to Wyoming—that's what Malcolm Wallop is all about."

Mr. President, I ask unanimous consent that the aforementioned resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A JOINT RESOLUTION OF THE MEMBERS OF THE FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING HONORING THE CONTRIBUTIONS OF UNITED STATES SENATOR MALCOLM WALLOP

A joint resolution to commemorate Senator Malcolm Wallop's service and dedication to the people of Wyoming and to proclaim July 8, 2006 as "Malcolm Wallop Appreciation Day."

Be it Resolved by the Fifty-Eighth Legislature of the State of Wyoming:

Whereas, this proud son of Sheridan County was born on February 27, 1933, the third generation of a Wyoming pioneer family; his grandfather was a young Englishman named Oliver Henry Wallop, the youngest son of the fifth Earl of Portsmouth, who headed out to the great American West after graduating from Oxford in 1883, buying the Canyon Ranch in Big Horn in 1895, which has remained in the family for four generations; and

Whereas, Malcolm's story ties together a family's commitment to public service across two nations; his grandfather was elected to the Wyoming Legislature in 1910 and helped draft the state's first game and conservation laws; when Oliver's elder brother died in England in 1925, he returned to assume the post of Earl of Portsmouth and served in the British House of Lords, but the Earl never abandoned his love of America, the West and Canyon Ranch, where he remained until his death in 1942; and

Whereas, Malcolm was educated at Big Horn School, Cate School in Carpinteria, California, and attended college at Yale University, earning a Bachelor of Arts degree in 1954; upon graduation from Yale, Malcolm served in the U.S. Army Artillery from 1955 to 1957, as a First Lieutenant; and

Whereas, he returned home to Big Horn after his service to his country and his extensive business career included management of his Wyoming ranch holdings, establishment of a feedlot, and development of oil and gas projects in Nebraska, Montana and Wyoming; in addition, Malcolm has been an active real estate developer and investor; and

Whereas, following in his grandfather's footsteps, Malcolm served in the Wyoming Legislature from 1969 to 1976, serving two terms in the Wyoming House of Representatives where he served on the House Livestock and Agriculture Committee; the House Game and Fish Committee; the House Travel, Recreation and Wildlife Committee; and the House Corporations, Elections and Political Subdivisions Committee; and one term in the Wyoming Senate, where he served on the Senate Education, Health and Welfare Committee; the Senate Travel, Recreation and Wildlife Committee; and the Senate Transportation and Highways Committee; and

Whereas, he went on to be elected to the United States Senate on November 2, 1976, was reelected on November 2, 1982, and again on November 8, 1988, serving Wyoming in Washington for 18 years, where the Senator distinguished himself through a long and notable record of legislative achievements to mark his three terms in Congress; and

Whereas, during his tenure, Senator Wallop served on numerous committees, including Energy and Natural Resources, Finance, Small Business, Armed Services, Environment and Public Works, the Select Committee on Intelligence, and he was the first non-lawyer in history to serve on the Judiciary Committee; and

Whereas, on the national stage, the Senator may be best remembered for his work related to federal deregulation, states rights, tax reform, energy policy, free trade, national defense, private property rights, and individual liberties and he has earned a national and international reputation related to his expertise on these issues; and

Whereas, Senator Wallop was a great friend to Wyoming throughout his tenure in the United States Congress and his legislative conservation victories include the Wyoming Wilderness Act, which became law in 1984; the Senator was the author of the 1984 Wallop-Breaux Sport Fishing Restoration Act; the designation of the Clark's Fork as a Wild and Scenic River was another piece of legislation he sponsored, as was legislation to repair and upgrade the Buffalo Bill Dam in Cody, as well as safety and repair work at Jackson Lake Dam, Seminole Dam, and Fontenelle Dam; and

Whereas, Senator Wallop achieved many other victories for the state including efforts to stop the congressional Appropriations Committee from requiring that Wyoming share 100 percent of the federal administrative costs for the mineral royalty management programs; he sponsored legislation to provide inheritance tax relief for family businesses and ranches; he sponsored the Energy Policy Act of 1992, which provides for energy development and conservation programs; and he successfully sought to reduce trade barriers in Japan, Taiwan, the European Community, and Brazil for trona exports; and

Whereas, considered one of the nation's most knowledgeable experts on defense policy, when the history of the Cold War is written, a chapter will be devoted to Senator Wallop, so dedicated and determined was he in this arena; in 1978, Senator Wallop was the first elected official to propose a space-based missile defense system, which became part of the Strategic Defense Initiative; throughout the 1980s, Senator Wallop served on both the Senate Arms Control Observer group and the Committee on Security and Cooperation in Europe, also known as the Helsinki Commission; his extensive travel for these responsibilities took him to the Soviet Union, Eastern and Western Europe and the issues of arms control in SALT II, INF, START I and START II were the most complex international relations issues of the era; and

Whereas, an early supporter of volunteerism, Senator Wallop's legislation establishing the Congressional Award program was approved by Congress in 1979, which honors the nation's youth for community service and personal achievements and is the only award given in the name of Congress; the Senator was also responsible for bringing the Close Up program to Wyoming to give young people in Wyoming the opportunity to travel to the nation's Capitol to learn about the democratic process firsthand; and

Whereas, although a listing of the many awards and honors he has received do not do full tribute to the man, his countless honors include the American Conservative Union's John Ashbrook Award and Ronald Reagan Award, the National Energy Resources Organization's National Leadership Award, the Center for Security Policy's "Keeper of the Flame Award," the Congressional Award's Leadership Award, the Fund for American Studies' Congressional Scholarship Award, and Citizens for a Sound Economy's Jefferson Award; and

Whereas, the Senator, who has built a reputation as a tireless promoter of individual freedom and small government, is the founder and chairman of Frontiers of Freedom, a non-profit public policy organization he established in 1995, after retiring from the Senate; and

Whereas, in the best testament of a man's character, his staff speak proudly and fondly of their service under his tutelage; a recurring theme of kindness, humility, and keen intellect runs a thread through recollections of their former boss and friend; one staff member noted, "I learned more about our state in the few years I worked for him than anyone previously and his love for this state and the Wyoming people was obvious from the first day I began working for him," another staff member recalls that the Senator, "had the incredibly rare ability to look ahead and plan today for what will be needed in the future," yet another notes that "My family often said that we slept better at night knowing that a man like Malcolm Wallop was making decisions for us at the federal level, based on strong and thoughtful values and he did not let the capricious opinion of the day sway him from his reasoned positions;" and

Whereas, the Senator's Chief of Staff and current Chief Justice of the Wyoming Supreme Court, William Hill, notes, "Malcolm is a man made of many parts—you first are struck by the warmth and friendliness of his personality, he is a genuine and sincere man, with no artifice about him; he is a man of great honor and dignity, of great kindness and decency; despite his many gifts and accomplishments, he is a man of great humility; his loyalty runs deep and he is a staunch friend, as a public servant, his patriotism is matched only by his abiding love for Wyoming and the people of our state;" and

Whereas, his colleague in the United States Senate for 16 years, Senator Alan Simpson, remembers him as "a practical politician, a formidable foe in debate, a friendly companion with friend or foe, a highly articulate spokesman, an avid reader, master of languages, a student, an author, a patriot, a diplomat, a very wise and witty man, and a highly respected U.S. Senator among his peers, always with the best interests of his native state in mind." Now therefore, be it

Resolved, by the members of the Legislature of the State of Wyoming:

Section 1. That, on behalf of the people of the State of Wyoming, we extend our deepest admiration and gratitude to Senator Malcolm Wallop for his long and distinguished service to our state and our Nation.

Section 2. That we recognize that the strength of our local communities, the success of the State of Wyoming, and the vitality of American society depend upon the dedication of citizens like Senator Wallop, who used his considerable talents to unselfishly serve others and that his contributions will inspire others to continue his tradition of public service.

Section 3. That we hereby designate July 8, 2006 as "Malcolm Wallop Appreciation Day" marking and celebrating his election to the United States Senate 30 years ago, a post to which he served admirably; his integrity during his service will be his lasting legacy. Be it further

Resolved, that this resolution be transmitted to Senator Wallop on July 8, 2006, so that he may know of our deepest appreciation for his passionate devotion to Wyoming.

THE DROUGHT AND WATER SITUATION IN NEW MEXICO

Mr. DOMENICI. Mr. President, today I rise to share my concerns about the water crisis that has ravaged the West for more than 5 years.

Water is our most precious and scarce resource. This year, my home State of New Mexico is battling a very real and devastating drought that has expanded throughout most of the Western United States. The ongoing drought continues to break records, and I believe that in years to come, 2006 will be looked at as the year where most basins set new record lows. The question on the minds of New Mexicans is, Will there be enough water to meet the current needs?

Drought is a unique emergency situation because it creeps in unlike other abrupt weather disasters. New Mexico, like many other States in the West, has had little to no precipitation, and our winter snow pack was far below average. Many New Mexico towns, municipalities, and agricultural producers heavily rely on runoff provided by snowpack.

On April 18, 2006, the Texas Agriculture Experiment Station predicted a dramatic decrease in water flows and reservoir storage throughout New Mexico. Early predictions indicate that river water supply will be at 54 percent due primarily to receiving half our annual snowpack and above average temperatures in my State. Additionally, several of our reservoirs are at severely diminished capacity. Specifically, the Elephant Butte, El Vado and Caballo reservoirs are all well below 10 percent of capacity. Earlier this year New Mexico's State engineer, John D'Antonio, correctly predicted that it will be difficult, if not impossible, without really good snowpack to keep the Rio Grande River flowing through the summer.

The drought has exacerbated many of New Mexico's most acute problems. For example, wells are running dry, ranchers are being forced to sell their livestock, farmers are being forced to watch their way of life blow away with the dust, and many of our cities are in various stages of water restriction. Because of a lack of precipitation, many New Mexico communities are running out of water. The disruption to water supplies will have disastrous implications for affected communities. Absent some immediate help, it is unclear where these communities will get water for municipal purposes.

The communities of Ruidoso, Ruidoso Downs, Las Vegas, Capitan, and Cloudcroft, NM, are already operating under stringent water restrictions. I am happy to say that the fiscal year 2006 supplemental appropriations bill provided $9 million for drought emergency assistance to these and other New Mexico communities that have been especially hard hit by the drought.

The Rio Grande River is another unfortunate example of the water shortages in New Mexico. Water flowing in the Rio Grande provides water to almost a million people living along its banks. New Mexico's largest cities and fastest growing towns are along the Rio Grande—the Pojoaque Valley, Santa Fe, Rio Rancho, Albuquerque, Los Lunas, and Belen.

The drought and the mounting legal requirements on both the Pecos and Rio Grande Rivers are forcing us toward a severe water crisis in New Mexico. Indeed, every river in the intermountain west seems to be facing similar problems. Drought conditions have affected nearly everyone in our States in some way. As I have said many times, we must continue our efforts to stretch existing water supplies and create new water supplies by encouraging increased conservation efforts, a better understanding of available resources, and a more reasoned approach to endangered species and water quality regulations.

America is reaching the extent of our water supply, and we cannot wait to address this problem. I believe we must bring to bear every tool available to confront these problems in the West, and doing so remains one of my top priorities.

The fiscal impacts of drought on individuals, businesses, and governments are not insignificant. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. For instance, in 2000, severe drought in the South-Central and Southeastern States caused losses to agriculture and related industries of over $4 billion, and the Eastern drought in 1999 led to $1 billion in losses.

While drought affects the economic and environmental well-being of the entire Nation, the United States lacks a cohesive strategy for dealing with serious drought emergencies. The current state of the drought should prompt us to take action. Better planning on our part could limit some of the damage felt by drought. I believe that passage of the National Integrated Drought Information System Act of 2006, S. 2751, is a good start. Without a national drought policy in place, we constantly live with the uncertainty of what next year will bring.

The past several days have brought some precipitation in places, but it alone will not be enough. These are difficult times, and all we can hope for is help where we can get it. I want to make the Senate aware of the difficulties we are experiencing in my home state because of the prolonged drought and the hot, dry, windy conditions, and as their Senator, I continue to ask for help on their behalf. As this drought persists, I want to ensure each New Mexican that I am committed to doing everything possible to make sure they have the tools and resources they need to help cope during this very difficult time.

ADDITIONAL STATEMENTS

TRIBUTE TO PEG SAGEN

• Mr. THUNE. Mr. President, today I wish to recognize the retirement of Peg

Sagen. Peg has spent the last 11 years as editor of the Rapid City Journal, the largest newspaper in western South Dakota. On behalf of the Rapid City community and the State of South Dakota, I take this opportunity to thank Peg for her service and her commitment to quality journalism.

Peg began her career in the newspaper industry over 30 years ago. She has been dedicated to providing her readers with timely and accurate news. Peg has used her talent to assure that the citizens in the Rapid City and surrounding communities received the news in a fair and unbiased manner. In addition, she is known throughout the Rapid City area as a philanthropist. We are all grateful for her service to the newspaper industry and to the community.

It gives me great pleasure to commemorate the retirement of Peg Sagen and to wish her the best in the years to come.●

RECOGNITION OF ECONOMIC EDUCATION ACHIEVEMENTS

● Mr. AKAKA. Mr. President, I am proud to recognize the achievements of several individuals from Hawaii who have excelled in an area of great interest to me, economic education.

I wish to recognize the students from Iolani High School in Honolulu, HI, who won the 2006 National Economics Challenge in New York City. They are the first team ever to win the national competition 2 years in a row. Seniors Bryce Aisaka, Robert (Egen) Atkinson, Megan Cholk, and Dean Ushijima coached by their teacher, COL Richard Rankin, beat more than 1,000 teams from 35 States to win the Economics Challenge championship in the Adam Smith Division. Hawaii's State-level competition was sponsored by the Hawaii Council on Economic Education, which has done a wonderful job in fostering economic education in Hawaii. The national competition was sponsored by the National Council on Economic Education and the Goldman Sachs Foundation. I am very pleased to know that Hawaii is producing such high-quality young people knowledgeable about economics.

As the economy is intricately tied to the welfare of our Nation, economic and financial literacy is vital to ensuring our country's future. I have been very active in promoting economic and financial literacy in the United States. For example, I have introduced several pieces of legislation including the Mutual Fund Transparency Act, the College Literacy in Finance and Economics Act and the enacted Excellence in Economic Education Act. As the economy grows increasingly complex, everyone needs to be able to make informed financial decisions which will greatly impact their financial well-being.

We must strive to educate all sectors of society about financial literacy, especially our young people, so that they grasp essential concepts such as the importance of saving, budgeting, maintaining good credit histories, and applying economic principles to daily decisions. Our Nation's future is in our children hands. I am proud to extend my sincere congratulations and appreciation to the Iolani Economics Team for their hard work and dedication.●

RECOGNITION OF EXCELLENCE IN CREATIVE MEDIA

● Mr. AKAKA. Mr. President, it gives me great pleasure and pride to announce that students from Waianae High School, on the Island of Oahu, recently won the National Television Academy's National Student Television Award in the sports category. Waianae High School's Searider Productions was one of only seven school-based production operations from across the United States to be honored.

The National Student Television Awards are sponsored by the National Television Academy, which is dedicated to the advancement of the arts and sciences in television. The academy is best known for recognizing excellence in television programming through its coveted Emmy Awards. In its purpose statement, the academy states that it is committed to promoting excellence in broadcasting through education and inspiring the next generation of broadcast journalists.

I recognize the following four Waianae students who produced the excellent news piece: Katie Hoppe, Priscilla Mathewson, James Kapu-Kaaihue, and Justine Campos. Submissions for this competition were held to professional standards for high-quality journalism as well as creativity, execution, and strong writing. The special presentation of sports news that these students produced, entitled "A Paddle Through Time," far exceeded professional standards.

I also take a moment to recognize Searider Productions, the multimedia education program of Waianae High School, which nurtured these excellent students. This innovative program offers the opportunity for talented students to gain workplace experience while developing their artistic and academic skills. Over the course of a few years, Searider Productions has produced incredible work and has garnered an enormous number of accolades. From highly acclaimed public service announcements to an update of an online voting Web site, the work Searider Productions has performed is outstanding.

As a former teacher and principal, I take pride in seeing students from Hawaii receive national recognition. I know that it is because of school and parental support, dedication, and commitment that these students excelled in this area. These four students have made their families, school, and community proud. I look forward to seeing the future productions by the excellent students of Waianae High School and its Searider Productions.●

DON BURTENSHAW: COMMUNITY SERVANT AND STATESMAN

● Mr. CRAPO. Mr. President, I pay tribute today to a very special Idahoan. Don Burtenshaw, a farmer and rancher from Terreton, is retiring from the Idaho State Senate after serving five terms representing the 35th district. Having served in the Idaho State Legislature myself, I can attest to the work that this public office entails, and I would be pleased to be honoring him today if just for that. But Don's accomplishments and influence in and around Jefferson County went far beyond a seat in the State legislature.

Don is an active member of his church and owns Burtenshaw Cattle Company. He served as a partner in the Rexburg Livestock Auction, Salmon Livestock Auction, and the Bozeman Livestock Auction. According to the West Jefferson Lions Club, who has awarded Don its prestigious Spirit of Service Award this year, his long and selfless service to the community has touched the lives of many youth and adults alike. Don served on the Jefferson County districts 251 and 253 school boards for 24 years. He also served on the board of directors for the Owsley Canal.

Over the years, he has placed particular emphasis on the children of Jefferson County. And I am sure that with the time saved from having to drive to Boise 2 or 3 months a year, he will be able to focus more on the youth in his own family, including 38 grandchildren, with another coming very soon, and 23 great grandchildren.

I congratulate Don on his dedication to his fellow Idahoans, and Susan and I wish him well as he leaves State-level public service. I am certain his public commitment will continue in other ways at home in eastern Idaho.●

HONORING CHARLES WHITEPIPE, SR.

● Mr. JOHNSON. Mr. President, today I wish to honor and recognize a true hero and a great American. Charles I. Whitepipe, Sr., of Gregory, SD, passed into the spirit world at 7 on Monday evening. Mr. Whitepipe, a Sicangu Lakota from the Rosebud tribe, valiantly served in the Army as a codetalker in World War II. He served as a "Forward Observer" on Japanese-held islands in the South Pacific, communicating by radio with a ship-based partner, using the Lakota language to direct artillery fire from ships at sea onto the islands.

During World War II, about a dozen known Sioux Indians were Army radio operators who used their native Lakota, Nakota and Dakota dialects to transmit strategic messages to foil enemy surveillance in both the Pacific and European theaters. There is no doubt that the bravery and the courage of Mr. Whitepipe and the other codetalkers helped to make the United States the free and proud place it is today. While Navajos have received the most recognition, it is important to remember that members of at least 17 other tribes also served as codetalkers in World War I and World War II.

The syntax and tonal qualities of the native languages were so complex that no message transmitted by any codetalker was ever decoded by the enemy. However, for the codetalkers who returned home there were no parades or special recognition, as they were sworn to secrecy, an oath they kept and honored, but one that robbed them of the accolades and place in history that they rightfully deserved.

The accomplishments of the codetalkers were even more heroic, given the cultural context in which they were operating. Subjected to alienation in their homeland and discouraged from speaking their native languages, they still stepped forward and developed the most significant and successful military code of their time. That spirit of military service continues today. Native Americans make up a higher percentage of servicemen and servicewomen in the armed forces than any other ethnic group in America. They have served with honor in all of America's wars, beginning with the Revolutionary War and on through our current operations in Iraq.●

HONORING MERRY TRUDEAU

● Mr. CRAIG. Mr. President, today I wish to recognize Merry Trudeau, a longtime employee of the Internal Revenue Service in Idaho.

Merry started with the IRS in 1976 in the collection division holding various positions, quickly advancing from clerical to Revenue representative to Revenue officer. She then advanced to problem resolution officer, which was the predecessor to the taxpayer advocate. This turned out to be Merry's true calling, and it is where my staff and I got to know her well.

All of us work with our constituents on a daily basis to help resolve issues with the IRS. Having a helpful, energetic, pleasant person at the IRS to work with makes our job so much easier. Merry is that person. She knows her job well and she consistently seeks to serve Idahoans well. For that I am grateful.

On behalf of the hundreds, if not thousands, of Idahoans Merry has helped. I say thank you. Merry, we wish you the best in your next endeavor, knowing you will continue to serve your neighbors and community well.●

125TH ANNIVERSARY OF THE FOUNDING OF BATH, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the community of Bath, SD. After 125 years, this progressive community will have a chance to reflect on its past and future, and I congratulate the people of Bath for all that they have accomplished.

Bath is located in northeast South Dakota, within Brown County. The area that now makes up Bath Township was first settled by a trapper named Theodore A. Chose in 1878. As early as 1881, religious services were held by a Presbyterian clergyman from Watertown, and the first building, a hotel, was erected. In 1882 the Bath school district was organized, and by 1884, the civil township was organized along the same lines as the school district.

Today, Bath has come a long way from the days when several general stores and lumber yards made up the sum total of commerce. The town now boasts a variety of businesses, including those in both the services and manufacturing sectors. It also offers a variety of employment opportunities both within the township and in nearby Aberdeen, the metro area closest to Bath.

Bath has grown into a credit to Brown County and to the State of South Dakota. The people of Bath celebrated their achievements June 24–25. I am proud to join with the community members of Bath in celebrating the last 125 years and looking forward to a promising future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5403. An act to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

H.R. 5603. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS)

At 3:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 42. An act to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

H.R. 4843. An act to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 4973. An act to restore the financial solvency of the national flood insurance program, and for other purposes.

H.R. 5341. An act to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 42. An act to ensure that the right of an individual to display the flag of the United States on residential property not be abridged; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4843. An act to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5341. An act to amend section 5313 of title 31, United States Code, to reform certain requirements for reporting cash transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4973. An act to restore the financial solvency of the national flood insurance program, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3590. A bill to amend title XIX of the Social Security Act to delay the effective date of the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model BD–100–1A10 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–034)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes in Operation" ((RIN2120–AA64)(Docket No. 2006–NM–021)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310–200 and –300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–231)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. ALF502L Series and ALF502R Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 92–ANE–34)), received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7358. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Massalina Bayou, Panama City, FL" (RIN1625–AA09) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7359. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Port of New York and Vicinity" (RIN1625–AA01) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7360. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York" (RIN1625–AA11) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7361. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 2 regulations): [CGD13–06–009], [COTP Charleston 06–003]" (RIN1625–AA00) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7362. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Chelsea River, Chelsea, MA" (RIN1625-AA09) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7363. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 4 regulations): [CGD05-06-020], [CGD05-06-024], [CGD05-06-023], [CGD05-06-015]" (RIN1625-AA08) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7364. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 5 regulations): [CGD09-06-024], [COTP Guam 06-008], [COTP Charleston 06-003], [CGD09-06-029], [CGD05-06-051]" (RIN1625-AA00) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7365. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 2 regulations): [CGD05-06-052], [CGD05-06-052]" (RIN1625-AA87) received on June 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7366. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations" (FRL No . 8188-2) received on June 18, 2006; to the Committee on Environment and Public Works.

EC–7367. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Alabama; Open Burning Revision" (FRL No. 8187-1) received on June 18, 2006; to the Committee on Environment and Public Works.

EC–7368. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8188-6) received on June 18, 2006; to the Committee on Environment and Public Works.

EC–7369. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Kansas" (FRL No. 8188-4) received on June 18, 2006; to the Committee on Environment and Public Works.

EC–7370. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Site-Specific Regulations for University Laboratories XL Project". (FRL No. 8186-3) received on June 18, 2006; to the Committee on Environment and Public Works.

EC–7371. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Boyd County SO2 Nonattainment Area; Correction" (FRL No. 8187-4) received on June 22, 2006; to the Committee on Environment and Public Works.

EC–7372. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8189-2) received on June 22, 2006; to the Committee on Environment and Public Works.

EC–7373. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oregon: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 8188-8) received on June 18, 2006; to the Committee on Environment and Public Works.

EC–7374. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protections for Subjects in Human Research; Nursing Women" (FRL No. 8071-6) received on June 22, 2006; to the Committee on Environment and Public Works.

EC–7375. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2005 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7376. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2005 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7377. A communication from Assistant Secretary, Investment Management/Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Fund of Funds Investments" (RIN 3235-AJ17) received on June 22, 2006; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3589. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes (Rept. No. 109-271).

S. 811. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 3569. A bill to implement the United States-Oman Free Trade Agreement.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Henry M. Paulson, Jr., of New York, to be Secretary of the Treasury.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Jonann E. Chiles, of Arkansas, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER:

S. 3587. A bill to reduce temporarily the duty on certain footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. DURBIN (for himself and Ms. MIKULSKI):

S. 3588. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SHELBY:

S. 3589. An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. AKAKA (for himself, Mr. BINGAMAN, Mrs. MURRAY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. INOUYE, Mr. KERRY, and Mr. DURBIN):

S. 3590. A bill to amend title XIX of the Social Security Act to delay the effective date of the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program; read the first time.

By Mr. JEFFORDS (for himself, Ms. SNOWE, Mr. LAUTENBERG, Mr. CHAFEE, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. OBAMA):

S. 3591. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mr. DURBIN, Mr. OBAMA, and Mr. SALAZAR):

S. 3592. A bill to appropriate $160,500,000 for the Department of Veterans Affairs to improve security for personal data of veterans and other persons held by the Department of Veterans Affairs and to provide remedial assistance to veterans and other persons who have had personal data stolen from the Department of Veterans Affairs; to the Committee on Appropriations.

By Mr. KENNEDY (for himself, Mr. DODD, Ms. MIKULSKI, Mr. SCHUMER, Mr. HARKIN, Mrs. CLINTON, and Mr. LIEBERMAN):

S. 3593. A bill to amend the Higher Education Act of 1965 to provide additional support to students; to the Committee on Finance.

By Mrs. BOXER:

S. 3594. A bill to help protect the public against the threat of attacks targeting nuclear power plants; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER):

S. 3595. A bill to amend the Homeland Security Act of 2002 to establish the United States Emergency Management Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GREGG (for himself and Mr. SUNUNU):

S. Con. Res. 107. A concurrent resolution congratulating Donald Andrew Hall for his selection by the Librarian of Congress as the 14th Poet Laureate of the United States and for his great accomplishments in prose and essays focusing on New England rural living, baseball, and how work conveys meaning to ordinary life; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 330

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 330, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 472

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 472, a bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing.

S. 932

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 932, a bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

S. 1085

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1085, a bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1353

At the request of Mr. REID, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1603

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1603, a bill to establish a National Preferred Lender Program, facilitate the delivery of financial assistance to small businesses, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1864

At the request of Mr. TALENT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2388

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2388, a bill to establish a National Commission on the Infrastructure of the United States.

S. 2566

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of

S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2585

At the request of Mr. SMITH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2585, a bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts.

S. 2644

At the request of Mrs. FEINSTEIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2644, a bill to harmonize rate setting standards for copyright licenses under sections 112 and 114 of title 17, United States Code, and for other purposes.

S. 2663

At the request of Mr. DODD, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from New York (Mr. SCHUMER), and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2918

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2918, a bill to provide access to newspapers for blind or other persons with disabilities.

S. 3500

At the request of Mr. THOMAS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3500, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 3519

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3521

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3521, a bill to establish a new budget process to create a comprehensive plan to rein in spending, reduce the deficit, and regain control of the Federal budget process.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Arkansas (Mr. PRYOR), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day".

S. RES. 513

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 513, a resolution expressing the sense of the Senate that the President should designate the week beginning September 10, 2006, as "National Historically Black Colleges and Universities Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Ms. MIKULSKI):

S. 3588. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I would request the Chair to inform me when I have used 6 minutes of the 10 minutes I have requested.

We have a lot of bipartisan battles in the Senate. I am going to try to bring an issue to the consideration of the Senate and to their attention which I believe is very bipartisan. It affects the State of Alaska, the State of North Dakota, the State of Illinois, and the State of Maine. It affects us all. What I am speaking to is the shortage of nurses in America.

We face a critical shortage of nurses. The U.S. Department of Health and Human Services looked at all of the licensed nurses and found that in the year 2000, this country was 110,000 nurses short of what was necessary to provide adequate health care. By 2005, the shortage had doubled to 219,000 nurses. By 2020, we will be more than 1 million nurses short of what is necessary to maintain quality health care in America.

To avoid this shortage which the Department of Health and Human Services projects, we have to substantially increase the number of nursing graduates and those entering the workforce each year. Just to replace the nurses who are retiring, we need to increase student enrollment by at least 40 percent. The baseline supply for nurses—as you can see on this chart—in our country, for the current time and through the year 2020, is on a steady downward flow, whereas demand goes up dramatically. If we had 90 percent more nursing graduates, we still would not reach the projected demand in America as baby boomers reach the point where they need help and many others need quality nursing.

The problem is that there are not enough teachers at schools of nursing. That is what it comes down to. Last year, nursing schools across America denied admission to 35,000 qualified students because there just weren't enough teachers.

In my home State of Illinois, schools of nursing are denying qualified students admittance because of the shortage of teachers. This is an indication here. These are B.A. and graduate nursing programs in Illinois. These are the enrollees and these are the numbers turned away. As you can see, from the year 2002 to the present time, we are up to 2000 potential nursing graduates who are turned away each year despite their qualifications because, sadly, we can't keep up with teaching them.

The American Association of Colleges of Nursing surveyed more than 400 schools of nursing this last year. Two-thirds of the schools, represented by the blue part of this pie chart—69 percent reported vacancies on their faculty. An additional 15 percent said that they were fully staffed but still needed more faculty.

Statistics paint a bleak picture for the availability of nursing faculty now and into the future. Take a look at the age of full-time nursing faculty across America. Unfortunately, that reflects an older population now teaching in our nursing schools, soon to retire. The median age of a doctoral-prepared nursing faculty member in America is 52. The average age of retirement for faculty is 62. It is expected that 200 to 300 doctorally prepared faculty will be eligible for retirement each year from 2005 to 2012, reducing even more the faculty available to train the nurses we need.

We think help should be on the way, and it should start in the Senate. Our leader on the Democratic side of the aisle is Senator BARBARA MIKULSKI of Maryland. She has been the strong voice for nurses as long as she has served in the Senate. I am happy today to join her in introducing the Nurse Education Expansion and Development Act. The Act would provide schools of nursing with grants to hire and retain new faculty, purchase educational equipment, enhance clinical laboratories and expand and repair infrastructure. This bill would also require the Government Accountability Office, the GAO, to report on ways to increase participation in the nurse faculty profession.

Nurses care for our kids, our grandkids, our parents—people whom we love. We know the difference they make in everyone's life and increasingly we are noticing the difference when we do not have enough nurses, these dedicated men and women, when we need them the most. We must take deliberate action now to solve this critical health care problem. I urge all my colleagues on both sides of the aisle to support this Mikulski-Durbin legislation. I think this is an important step in the direction toward quality health care for generations to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nurse Education, Expansion, and Development Act of 2006".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) While the Nurse Reinvestment Act (Public Law 107-205) helped to increase applications to schools of nursing by 175 percent, schools of nursing have been unable to accommodate the influx of interested students because they have an insufficient number of nurse educators. It is estimated that—

(A) in the 2005–2006 school year—

(i) 66 percent of schools of nursing had both 1 to 16 vacant faculty positions and needed additional faculty; and

(ii) an additional 15.7 percent of schools of nursing needed additional faculty, but lacked the resources needed to add more positions; and

(B) 41,683 eligible candidates were denied admission to schools of nursing in 2005, primarily due to an insufficient number of faculty members.

(2) A growing number of nurses with doctoral degrees are choosing careers outside of education. Over the last few years, there has been a 12 percent increase in doctoral nursing graduates seeking employment outside the education profession.

(3) The average age of nurse faculty at retirement is 62.5 years. With the average age of doctorally-prepared professors currently at 57.5 years, a wave of retirements is expected within the next 10 years.

(4) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the projected demand for nurses over the next 10 years. While graduations from master's and doctoral programs in nursing rose by 10.5 percent and 1.5 percent, respectively, in the 2005–2006 school year, projections still demonstrate a shortage of nurse faculty. Given current trends, there will be at least 2,616 unfilled faculty positions in 2012.

(5) According to the November 2005 Monthly Labor Review from the Bureau of Labor Statistics, more than 1,200,000 new and replacement nurses will be needed by 2014.

SEC. 3. CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.

(a) Grants.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p) is amended by adding at the end the following:

"SEC. 832. CAPITATION GRANTS.

"(a) In General.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

"(b) Purpose.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

"(c) Grant Computation.—

"(1) Amount per student.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following, as determined by the Secretary:

"(A) Not to exceed $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

"(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

"(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

"(B) Not to exceed $1,405 for each full-time or part-time student who—

"(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

"(ii) has not more than 3 years of academic credits remaining in the program.

"(C) Not to exceed $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

"(2) Limitation.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

"(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

"(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

"(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

"(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

"(d) Eligibility.—For purposes of this section, the term 'eligible school of nursing' means a school of nursing that—

"(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

"(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 school years preceding submission of the grant application; and

"(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 school years preceding submission of the grant application.

"(e) Requirements.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each school year for which the grant is awarded, the school will comply with the following:

"(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

"(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

"(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding school year by 5 percent or 5 students, whichever is greater.

"(B) Subparagraph (A) does not apply to the first school year for which a school receives a grant under this section.

"(4) Not later than 1 year after receipt of the grant, the school will formulate and implement a plan to accomplish at least 2 of the following:

"(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

"(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

"(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

"(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

"(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

"(F) Increasing enrollment of minority and diverse student populations.

"(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

"(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

"(I) Increasing integration of geriatric content into the core curriculum.

"(J) Partnering with economically disadvantaged communities to provide nursing education.

"(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

"(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

"(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

"(f) Reports to Congress.—The Secretary shall evaluate the results of grants under this section and submit to the Congress—

"(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

"(2) not later than the end of fiscal year 2009, a final report on such results.

"(g) Application.—To seek a grant under this section, a school nursing shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(h) Authorization of Appropriations.—

"(1) In general.—For the costs of carrying out this section (except the costs described in paragraph (2)), there are authorized to be appropriated $75,000,000 for fiscal year 2007, $85,000,000 for fiscal year 2008, and $95,000,000 for fiscal year 2009.

"(2) Administrative costs.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007, 2008, and 2009.".

(b) GAO Study.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Congress on ways to increase participation in the nurse faculty profession.

(2) Contents of report.—The report required by paragraph (1) shall include the following:

(A) A discussion of the master's degree and doctoral degree programs that are successful in placing graduates as faculty in schools of nursing.

(B) An examination of compensation disparities throughout the nursing profession and compensation disparities between higher education instructional faculty generally and higher education instructional nursing faculty.

By Mr. JEFFORDS (for himself, Ms. Snowe, Mr. Lautenberg, Mr. Chafee, Mrs. Boxer, Mrs. Feinstein, Mrs. Clinton, Mr. Lieberman, and Mr. Obama):

S. 3591. A bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, it is with great pleasure that I rise today to introduce the High-Performance Green Buildings Act of 2006. This bipartisan bill will go far to further expand Federal green building initiatives and ensure our Federal buildings and schools are safe, efficient and good for the environment.

I would like to thank all of the bill's cosponsors for working with me in a bipartisan manner to introduce this important legislation and implore my colleagues to join us in moving this legislation forward. Not only will this bill improve Federal building efficiency and employee health and productivity, it also demonstrates the leadership of the Federal Government on high-performance green buildings. This bill seeks to codify existing green building initiatives outlined in memorandums of understanding or executive orders, and further enhances ongoing green building programs all across the Federal Government, including the White House. I commend the past and current leadership of the White House Office of the Federal Environmental Executive for all they have done within the administration.

Preliminary studies are showing that high-performance green buildings generate huge savings in utility costs due to their efficient operating systems. These studies have also demonstrated that high-performance green buildings provide a healthier work environment for the occupants, resulting in fewer absences due to illness. This in turn increases worker productivity and ensures fewer health related costs. All of these savings are generated, while sustaining very little impact on surrounding environments.

According to the Department of Energy, throughout the United States buildings account for 39 percent of total energy use, 70 percent of electricity consumption, 38.1 percent of greenhouse gas emissions, and 30 percent of raw materials use. The Environmental Protection Agency reports that building related construction and demolition debris account for nearly 37 percent of the total nonindustrial waste, generating 136 million tons of waste in a single year. Building occupants also consume 12 percent of potable water consumption. Why not build buildings that strive to conserve our precious resources, reduce the harmful pollutants that are damaging to the environment and utilize recycled building materials?

In an era of great security concern, green buildings have reduced energy requirements and may use renewable sources of energy that are off the electricity grid. Green buildings also use less water and some even collect rainwater to use throughout the building. Should there be a terrorist act that damages or destroys our Nation's resources, these buildings could assist in keeping our government up and running.

There is no downside to utilizing high-performance buildings. This initiative is taking off in the private sector. According to the U.S. Green Building Council, there are 500 certified green buildings across the United States with 3,000 in the pipeline. This legislation would ensure that the Federal Government is keeping pace with the real world and doing its part to protect the environment and provide a safe workplace for its employees.

In my home State of Vermont, environmental quality and economic opportunity are inextricably linked and green buildings are a visible representation of this connection. The design, construction, and functioning of green buildings will not only enhance environmental quality, worker productivity, and student learning, but will also contribute to the enhancement of a new economy. Environmental technologies and applications represent a new value added area of economic growth that is both efficient and effective.

The Federal Government can learn from progressive policies being implemented in the private sector, State government and our Nation's universities. For example, the University of Vermont, understanding the positive environmental, economic, and human resources benefits, recently adopted a green building policy for its campus that would ensure that all new construction and major renovations be at the certified level of the U.S. Green Building Council's, USGBC, Leadership in Energy and Environmental Design, LEED, green building rating system. This policy is both responsible and affordable.

In the 108th Congress, I introduced S. 2620, the High-Performance Green Buildings Act of 2004. This new bill updates that earlier version and includes a few new provisions. This legislation will coordinate the efforts within the Federal Government to promote high-performance green buildings, provide public outreach, and expand existing research.

The General Services Administration, GSA, is the largest civilian landlord in the United States, with over 8,900 buildings in their current inventory. This legislation creates an office within GSA to oversee the green building efforts of agencies within the government. The GSA is a natural leader to focus on our Federal buildings and ensure that they are safe, healthy, and efficient. The GSA is working to provide quality work environments for Federal workers through green initiatives and is currently conducting research on how best to increase workplace effectiveness and occupant comfort. This bill will strengthen what they have already started.

The bill creates a green building advisory committee to advise the office within GSA. The committee will be comprised of key representatives from each relevant agency. State, and local governments, green building associations, experts within the building community, and environmental health experts for both adults and children. This committee will enable the Federal Government to stay up to date with technology and the latest advancements to ensure that high-performance green buildings operate with the maximum efficiency and provide a healthier environment for their occupants.

In addition, research efforts will be expanded to focus on buildings and the impact their systems have on human health and worker productivity. We just don't know enough about the impact of the built environment on its occupants. Take natural daylight for instance. Studies are showing that a simple thing like exposure to daylight actually makes employees more productive and reduces absences due to illness. I would like to pursue this further, as well as an indoor air quality program for all Federal facilities. We need to not only ensure the safety of working employees for existing buildings, but also during construction and renovation of facilities.

The High-Performance Green Buildings Act also requires that a good hard look be taken at the budget process we have used for years and explore ways to improve the approval process for government projects. We need to grow with the times and ensure that our budget process allows us to take full advantage of life-cycle costing. This means that we allow our financial experts to factor in savings that green buildings generate over time, and not just look at the upfront cost of a building. It has been documented that high-performance green buildings recover any initial upfront costs from incorporating efficient systems within the first few years of operation. The average life of a Federal building is over 50 years. In the times of soaring budget deficits, it is imperative the Federal Government pursue all cost-saving options.

High-performance green buildings are not just for Federal buildings, but involve any type of building, including schools. This legislation focuses on providing healthier, more efficient school facilities for our children. The Government Accountability Office reported years ago that over 14 million children have their health affected by poor conditions in schools. The Healthy Schools Network is now reporting 32 million children are at high risk of getting sick from their school facility. It is unacceptable to stand by and let the Nation's children become ill from preventable causes. This bill takes a modest step forward and provides $10 million in grants to state and local education agencies for technical assistance and the implementation of Environmental Protection Agency's, EPA, programs to address environmental conditions of our schools like the Tools for Schools Program and the Healthy Schools Environmental Assessment Tool, Healthy SEAT. The bill will help schools develop plans to focus on the design, construction, and renovation of school facilities, and look at systematic improvements for school siting, indoor air quality, reducing contaminants, and other health issues. This legislation also encourages research to study the effects these systems are having on student health and productivity. Our children deserve to learn in an environment that is safe and conducive to learning.

This bill will also promote leadership within the Federal Government by requiring all new construction and acquisition be green, that leases for Federal employees be energy efficient facilities and include green design features, and that guidelines be issued on how to best renegotiate existing leases to adopt these principles. Leadership is also promoted through Federal incentives for government agencies to build high-performance green buildings, as well as expanding the monitoring of each Federal agency's performance in meeting green building requirements and initiatives. It also creates a clearinghouse to keep individuals and entities, including the Federal Government, informed on the information and services that the office would provide.

Finally, by supporting this legislation, we will advance our understanding of green building technologies and implications and simultaneously advance our society. We have the capacity. This legislation provides the Federal leadership to convert our academic buildings to integral components of the curriculum rather than to just facilities that house programs. As learning centers and demonstration facilities, these green buildings will be an example to all of us to be environmentally responsible citizens.

I strongly encourage your support of the High-Performance Green Buildings Act of 2006 and ask unanimous consent that the text of the High-Performance Green Buildings Act of 2006 be printed in the RECORD, as well as the attached letters of support for the bill.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "High-Performance Green Buildings Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

Sec. 101. Oversight.
Sec. 102. Office of High-Performance Green Buildings.
Sec. 103. Green Building Advisory Committee.
Sec. 104. Public outreach.
Sec. 105. Research and development.
Sec. 106. Budget and life-cycle costing and contracting.
Sec. 107. Authorization of appropriations.

TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

Sec. 201. Definitions.
Sec. 202. Grants for healthy school environments.
Sec. 203. Federal guidelines for siting of school facilities.
Sec. 204. Environmental health program.
Sec. 205. Authorization of appropriations.

TITLE III—STRENGTHENING FEDERAL LEADERSHIP

Sec. 301. Incentives.
Sec. 302. Federal procurement.
Sec. 303. Federal green building performance.

TITLE IV—DEMONSTRATION PROJECT

Sec. 401. Coordination of goals.
Sec. 402. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) COMMITTEE.—The term "Committee" means the Green Building Advisory Committee established under section 103(a).

(3) DIRECTOR.—The term "Director" means the individual appointed to the position established under section 101(a).

(4) FEDERAL FACILITY.—

(A) IN GENERAL.—The term "Federal facility" means any building or facility the intended use of which requires the building or facility to be—

(i) accessible to the public; and

(ii) constructed or altered by or on behalf of the United States.

(B) EXCLUSIONS.—The term "Federal facility" does not include a privately-owned residential or commercial structure that is not leased by the Federal Government.

(5) HIGH-PERFORMANCE GREEN BUILDING.—The term "high-performance green building" means a building that, during its life-cycle—

(A) reduces energy, water, and material resource use;

(B) improves indoor environmental quality including, reducing indoor pollution, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(C) reduces negative impacts on the environment throughout the life-cycle of the building, including air and water pollution and waste generation;

(D) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(E) increases reuse and recycling opportunities;

(F) integrates systems in the building;

(G) reduces the environmental and energy impacts of transportation through building location and site design that support a full range of transportation choices for users of the building; and

(H) considers indoor and outdoor effects of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Office considers to be appropriate.

(6) Life-cycle.—The term "life-cycle", with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the green building.

(7) Life-cycle assessment.—The term "life-cycle assessment" means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(8) Life-cycle costing.—The term "life-cycle costing", with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(9) Office.—The term "Office" means the Office of High-Performance Green Buildings established under section 102(a).

TITLE I—OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 101. OVERSIGHT.

(a) In General.—The Administrator shall establish within the General Services Administration, and appoint an individual to serve as Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office in accordance with section 102; and

(2) carry out other duties as required under this Act.

(b) Compensation.—The compensation of the Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

SEC. 102. OFFICE OF HIGH-PERFORMANCE GREEN BUILDINGS.

(a) Establishment.—The Director shall establish within the General Services Administration an Office of High-Performance Green Buildings.

(b) Duties.—The Director shall—

(1) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense; and

(G) such other Federal agencies as the Director considers to be appropriate;

(2) establish a senior-level Federal green building advisory committee, which shall provide advice and recommendations in accordance with section 103;

(3) identify and biennially reassess improved or higher rating standards recommended by the Committee;

(4) establish a national high-performance green building clearinghouse in accordance with section 104, which shall provide green building information through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance;

(5) ensure full coordination of research and development information relating to high-performance green building initiatives under section 105;

(6) identify and develop green building standards that could be used for all types of Federal facilities in accordance with section 105;

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with section 106; and

(9) complete and submit the report described in subsection (c).

(c) Report.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Director shall submit to Congress a report that—

(1) describes the status of the green building initiatives under this Act and other Federal programs in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that inhibit new and existing Federal facilities from becoming high-performance green buildings as measured by—

(A) a silver rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council (or an equivalent rating); or

(B) an improved or higher rating standard, as identified by the Committee;

(3) identifies inconsistencies, as reported to the Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy- and environmental-cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office, with the assistance of universities and national laboratories);

(C) permitting Federal agencies to retain all identified savings accrued as a result of the use of life-cycle costing for future high-performance green building initiatives; and

(D) identifying short- and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of green building initiatives, including executive orders, policies, or laws adopted promoting green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (6).

(d) Implementation.—The Office shall carry out each plan for implementation of recommendations under subsection (c)(7).

SEC. 103. GREEN BUILDING ADVISORY COMMITTEE.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, the Director shall establish a committee to be known as the "Green Building Advisory Committee".

(b) Membership.—The Committee shall be composed of representatives of, at a minimum—

(1) each agency referred to in section 102(b)(1); and

(2) other relevant entities, as determined by the Director, including at least 1 representative of each of the following:

(A) State and local governmental green building programs.

(B) Independent green building associations or councils.

(C) Building experts, including architects, material suppliers, and construction contractors.

(D) Security advisors focusing on national security needs, natural disasters, and other dire emergency situations.

(E) Children and adult environmental health experts.

(c) Meetings.—The Director shall establish a regular schedule of meetings for the Committee, which shall convene a minimum of 6 times each year.

(d) Duties.—The Committee shall provide advice and expertise for use by the Director in carrying out the duties under this Act, including such recommendations relating to Federal activities carried out under sections 104 through 106 as are agreed to by a majority of the members of the Committee.

(e) FACA Exemption.—The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 104. PUBLIC OUTREACH.

The Director, in coordination with the Committee, shall carry out public outreach to inform individuals and entities of the information and services available Government-wide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the Internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to Internet sites that describe the activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) international organizations;

(2) identifying and recommending educational resources for implementing high-

performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance on using tools and resources to make more cost-effective, energy-efficient, health-protective, and environmentally beneficial decisions for constructing high-performance green buildings, particularly tools available to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning; and

(5) providing technical information, market research, or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings; and

(6) using such other methods as are determined by the Director to be appropriate.

SEC. 105. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between health, occupant productivity, and each of—

(i) pollutant emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the building; and

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments;

(3) assist the budget and life-cycle costing functions of the Office under section 106;

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Office.

(b) INDOOR AIR QUALITY.—The Director, in consultation with the Committee, shall develop and implement a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 106. BUDGET AND LIFE-CYCLE COSTING AND CONTRACTING.

(a) ESTABLISHMENT.—The Director, in coordination with the Committee, shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decision making processes.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $4,000,000 for each of fiscal years 2007 through 2012, to remain available until expended.

TITLE II—HEALTHY HIGH-PERFORMANCE SCHOOLS

SEC. 201. DEFINITIONS.

In this title:

(1) HIGH-PERFORMANCE SCHOOL.—The term "high-performance school" has the meaning given the term "healthy, high-performance school building" in section 5586 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7277e).

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 202. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, may provide grants to State and local educational agencies for use in—

(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

(2) development of State school environmental quality plans, in partnership with the Environmental Protection Agency, that include—

(A) standards for healthy high-performance school building design, construction, and renovation;

(B) identification of ongoing school building environmental problems in the State, including assessment of information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency;

(C) proposals for the systematic improvement (including benchmarks and timelines) of environmental conditions in schools throughout the State, including—

(i) school building siting, construction, and maintenance;

(ii) indoor air quality;

(iii) pest control;

(iv) radon contamination;

(v) lead contamination;

(vi) environmentally preferable purchasing of products for classroom instruction and for maintenance;

(vii) hazard identification and remediation; and

(viii) modes of transportation available to students and staff;

(D) recommendations for improvements in the capacity of the State to track child and adult health complaints relating to schools; and

(E) plans for operation as an emergency, self-sustaining evacuation center.

(b) OTHER GRANTS.—The Administrator of the Environmental Protection Agency may provide grants to qualified, nonprofit organizations to assist in community and public education on healthy school environments.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out using funds from a grant under subsection (a) shall not exceed 90 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project or activity carried out using funds from a grant under subsection (a) may be provided in the form of cash or in-kind goods and services.

(d) GRANT PRIORITY.—

(1) IN GENERAL.—In providing grants under this section for use in carrying out the program referred to in subsection (a)(1), the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, shall give priority to school districts with need for environmental improvement as identified in the school environmental plans described in this section.

(2) RESPONSIBILITY OF SCHOOL DISTRICTS AND STATE EDUCATIONAL AGENCIES.—

(A) SCHOOL DISTRICTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, each school district that receives funds from the Administrator of the Environmental Protection Agency to carry out a program described in subsection (a) shall submit to the State educational agency with jurisdiction over the school district a report that includes—

(i) a list of schools in the districts that, as of the date of the report, have accepted funds or other assistance from the Environmental Protection Agency for use in carrying out this section; and

(ii) an overview of the impact of the funds, including—

(I) general data regarding measures of student health and attendance rates before and after grant intervention; and

(II) descriptions of toxic or hazardous cleaning, maintenance, or instructional products eliminated or reduced in use as part of the promotion or remediation of the indoor air quality of schools within the school district; and

(iii) basic information on the potential influence of other factors (such as the installation of carpet and HVAC systems and similar activities) on air quality.

(B) STATE EDUCATIONAL AGENCY REPORTS.—Not later than 180 days after the date on which each State educational agency has received the annual reports under subparagraph (A) from all participating school districts, the State educational agency shall submit to the Administrator of the Environmental Protection Agency and Congress a consolidated report of all information received from the school districts.

SEC. 203. FEDERAL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall develop school site selection guidelines that account for—

(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists, as determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education;

(2) modes of transportation available to students and staff; and

(3) the potential use of a school at the site as an emergency shelter.

SEC. 204. ENVIRONMENTAL HEALTH PROGRAM.

(a) In General.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue guidelines for use by the State in developing and implementing an environmental health program for schools that—

(1) takes into account the status and findings of Federal research initiatives established under this Act and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

(A) health, safety, and productivity; and

(B) disabilities or special needs;

(2) provides research using relevant tools identified or developed in accordance with section 105 to quantify the relationships between—

(A) human health, occupant productivity, and student performance; and

(B) with respect to school facilities, each of—

(i) pollutant emissions from materials and products;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating and cooling choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics; and

(viii) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(3) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(4) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

(5) assists States and the public in better understanding and improving the environmental health of children; and

(6) provides to the Office a biennial report of all activities carried out under this title, which the Director shall include in the report described in section 102(c).

(b) Public Outreach.—The Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 104 receives and makes available—

(1) information from the Administrator of the Environmental Protection Agency that is contained in the report described in subsection (a)(6); and

(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator of the Environmental Protection Agency.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000 for the period of fiscal years 2007 through 2012, to remain available until expended.

TITLE III—STRENGTHENING FEDERAL LEADERSHIP

SEC. 301. INCENTIVES.

As soon as practicable after the date of enactment of this Act, the Director shall identify incentives to encourage the use of green buildings and related technology in the operations of the Federal Government, including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies for use in reinvesting in future green building initiatives.

SEC. 302. FEDERAL PROCUREMENT.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Director of the Office of Federal Procurement Policy, in consultation with the Director and the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall promulgate revisions of the applicable acquisition regulations, to take effect as of the date of promulgation of the revisions—

(1) to direct any Federal procurement executives involved in the acquisition, construction, or major renovation (including contracting for the construction or major renovation) of any facility—

(A) to employ integrated design principles;

(B) to improve site selection for environmental and community benefits;

(C) to optimize building and systems energy performance;

(D) to protect and conserve water;

(E) to enhance indoor environmental quality; and

(F) to reduce environmental impacts of materials and waste flows; and

(2) to direct Federal procurement executives involved in leasing buildings, to give preference to the lease of facilities that—

(A) are energy-efficient; and

(B) to the maximum extent practicable, have applied contemporary high-performance and sustainable design principles during construction or renovation.

(b) Guidance.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (a), the Director shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities, renovations for existing facilities, and leased facilities to incorporate improvements that are consistent with this section.

SEC. 303. FEDERAL GREEN BUILDING PERFORMANCE.

(a) In General.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this Act; and

(2) submit to the Office, the Committee, the Administrator, and Congress a report describing the results of the audit.

(b) Contents.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 106;

(2) the level of coordination among the Office, the Office of Management and Budget, and relevant agencies;

(3) the performance of the Office in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) Consultation.—The Director shall consult with the Committee to enhance and assist the implementation of the Environmental Stewardship Scorecard announced at the White House Summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

TITLE IV—DEMONSTRATION PROJECT

SEC. 401. COORDINATION OF GOALS.

(a) In General.—The Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office.

(b) Projects.—In accordance with guidelines established by the Director under subsection (a) and the duties of the Director described in title I, the Director shall carry out—

(1) for each of fiscal years 2008 through 2013, 1 demonstration project in a Federal building selected by the Director in accordance with relevant agencies and described in subsection (c)(1), that—

(A) provides for the evaluation of the information obtained through the conduct of projects and activities under this Act; and

(B) achieves a platinum rating, as defined by the Leadership in Energy and Environmental Design Building Rating System standard established by the United States Green Building Council (or equivalent rating); and

(2) no fewer than 4 demonstration projects at 4 universities, that, as competitively selected by the Director in accordance with subsection (c)(2), have—

(A) appropriate research resources and relevant projects to meet the goals of the demonstration project established by the Office; and

(B) the ability—

(i) to serve as a model for high-performance green building initiatives, including research and education;

(ii) to identify the most effective ways to use high-performance green building and landscape technologies to engage and educate undergraduate and graduate students;

(iii) to effectively implement a high-performance green building education program for students and occupants;

(iv) to demonstrate the effectiveness of various high-performance technologies in each of the 4 climatic regions of the United States described in subsection (c)(2)(B); and

(v) to explore quantifiable and nonquantifiable beneficial impacts on public health and employee and student performance.

(c) Criteria.—

(1) Federal facilities.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(A) be an appropriate model for a project relating to—

(i) the effectiveness of high-performance technologies;

(ii) analysis of materials, components, systems, and emergency operations in the building, and the impact of those materials, components, and systems, including the impact on the health of building occupants;

(iii) life-cycle costing and life-cycle assessment of building materials and systems; and

(iv) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(B) possess sufficient technological and organizational adaptability.

(2) UNIVERSITIES.—With respect to the 4 universities at which a demonstration project under this section is conducted—

(A) the universities should be selected, after careful review of all applications received containing the required information, as determined by the Director, based on—

(i) successful and established public-private research and development partnerships;

(ii) demonstrated capabilities to construct or renovate buildings that meet high indoor environmental quality standards;

(iii) organizational flexibility;

(iv) technological adaptability;

(v) the demonstrated capacity of at least 1 university to replicate lessons learned among nearby or sister universities, preferably by participation in groups or consortia that promote sustainability;

(vi) the demonstrated capacity of at least 1 university to have officially-adopted, institution-wide "green building" guidelines for all campus building projects; and

(vii) the demonstrated capacity of at least 1 university to have been recognized by similar institutions as a national leader in sustainability education and curriculum for students of the university; and

(B) each university shall be located in a different climatic region of the United States, each of which regions shall have, as determined by the Office—

(i) a hot, dry climate;

(ii) a hot, humid climate;

(iii) a cold climate; or

(iv) a temperate climate (including a climate with cold winters and humid summers).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2013—

(1) the Director shall submit to the Administrator a report that describes the status of the demonstration projects; and

(2) each University at which a demonstration project under this section is conducted shall submit to the Administrator a report that describes the status of the demonstration projects under this section.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL DEMONSTRATION PROJECT.—There is authorized to be appropriated to carry out the Federal demonstration project described in section 401(b)(1) $10,000,000 for the period of fiscal years 2008 through 2013, to remain available until expended.

(b) UNIVERSITY DEMONSTRATION PROJECTS.—There is authorized to be appropriated to carry out the university demonstration projects described in section 401(b)(2) $10,000,000 for the period of fiscal years 2008 through 2013, to remain available until expended.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN INSTITUTE
OF ARCHITECTS,
Washington, DC, June 15, 2006.

Hon. JAMES M. JEFFORDS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR JEFFORDS: The American Institute of Architects has identified "sustainability" as the number one issue among our 75,000 members nationwide. We are concerned about the effects that America's pattern of energy use is having on the world's climate. And we are particularly concerned about the adverse effects that thoughtlessly designed buildings can have on the natural environment.

We believe that it is currently possible to design and operate buildings of all types in ways that conserve resources and drastically reduce their environmental impact. For that reason, we strongly support incentives to create more sustainable architecture.

The High Performance Green Buildings Act of 2006, which you are sponsoring, is an excellent start toward moving the federal government in the direction of sustainable architecture. The bill will create a specific Office of High Performance Green Buildings within the General Services Administration as well as an Advisory Committee of green building experts to assist that office in advancing the cause of sustainability within the federal government.

The bill will also mandate the consideration of life-cycle costing in the design and procurement of federal buildings; a concept long supported by the AIA. The bill will create a grants program for high performance and healthy schools, as well as health-based guidelines for school construction. It is a matter of great concern to the AIA that our Nation's school facilities are in a degraded condition and that significant improvement in student health and productivity could be achieved through upgrading the structures that now house our next generations.

The AIA is particularly supportive of the provisions of the bill that call for revisions to the Federal Acquisition Regulations to incorporate green design criteria into Federal contracting for construction or renovation of Federal buildings.

The AIA commends you for your leadership in taking on these complex issues that are closely intertwined with the Nation's environmental, energy and educational future. The AIA supports your efforts, supports your bill and would like to work with you to get it passed into law.

Sincerely,
CHRISTINE W. MCENTEE,
Executive Vice President/CEO.

HEALTHY SCHOOLS NETWORK, INC.,
June 23, 2006.

Re Support for High-Performance Green Buildings Act of 2006.

Hon. JAMES JEFFORDS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR JEFFORDS: Children do better with a little fresh air and sunshine, indoors and out. The call for healthier schools is a "back to basics" drive, recalling neighborhood schools with high ceilings and tall windows that captured natural light and ventilation and with durable floors and walls that were easy to maintain.

Healthy Schools Network, Inc. is a national environmental health not for profit representing parent, environment, health, and education groups and individuals who are dedicated to ensuring that every child and school employee has an environmentally healthy school. Our reports, informational services, and advocacy have shaped new policies, laws, regulations, and funds for school facilities in New York and Federally, and fostered local and state coalitions Nationwide. We were honored to receive a US EPA Children's Health Protection Award in 2005 for our Healthy Schools/Healthy Kids Clearinghouse that has helped parents, schools, and nonprofits in every state.

We support the High-Performance Green Buildings Act of 2006 and the creation of an Office of High-Performance Green Buildings. We strongly support the Act's *Title II Healthy High Performance Schools provisions to improve our nation's school facilities and our children's health and learning.*

Title II authorizes U.S. EPA, advised by Education and Health and Human Services, to make grants to the *states to develop school environmental quality plans*, including state standards for school design that incorporate energy efficiency, indoor air quality, and low-emission interior finishes and products, as well as resource conservation. This one step alone will allow each state to adapt design protocols for use by local schools, as well as to consider how best to "mix and match" public and private resources for implementation. In addition, the creation of systematic state plans could identify ongoing school environmental problems and propose locally appropriate and system-wide improvements for siting, indoor air quality, lead contamination and pest problems, "green" purchasing, and outline plans for using schools as emergency centers.

The Act also authorizes U.S. EPA to develop Federal guidelines for the siting of schools, taking into account the special vulnerability of children to hazardous substances, modes of transportation, and the potential use of schools as emergency shelters. U.S. EPA and the Agency for Toxic Substances and Disease Registry have collected data on schools sited near or adjacent to hazardous facilities.

In addition, Title II authorizes US EPA, advised by Education and Health and Human Services, to issue guidelines for use by states in developing and implementing an environmental health program for schools. This program would provide research on children's health and school facilities and provide technical assistance on siting, design, management, and operation of schools; collaborate with the Federally sponsored pediatric environmental health specialty units to assist with any onsite environmental investigations; and assist states and the public in understanding and improving the environmental health of children.

This Nation has a long way to go to ensure that our children have healthy learning places. In 1996, the US GAO estimated that the poor condition of schools daily eroded the health of 14 million children. US EPA estimates that half of the nation's 120,000 schools have compromised indoor environmental quality. Indoor air pollution is a top-five human health hazard; asthma is the leading cause of absenteeism and the leading occupational disease among teachers. In 2004, the US Department of Education Office of the Under Secretary published its Congressionally mandated National Priority Study A Summary of Scientific Findings on Adverse Effects of Indoor Environments on Students' Health, Academic Peiformance and Attendance (http://www.iehinc.com/PDF/effects%20on%20students.pdf), finding that the evidence suggested that poor environments adversely influences student health, performance, and attendance. In the national report Lessons Learned (2006), which presents state by state data analyses and stories of sick or injured children, our office and our two dozen organizational collaborators estimated the number of children at high risk at 32 million of the 54 million enrolled. (See http://www.healthyschools.org/guides materials.html)

The need for healthier schools is now. At a time when our nation is demanding a better performance from every child and from every school, we need to ensure that every child has an environmentally healthy school. Healthier school facilities, designed, built, and cleaned and maintained as healthy high performance facilities—often at no additional local cost—are known to positively affect children's performance and attendance and teacher productivity. They are also associated with lower suspension rates. Designing more energy efficient facilities or replacing old heating and ventilating systems with up to date efficient systems or systems using renewable energy resources could save schools and their taxpayers billions of dollars annually.

We commend you for your leadership on these important issues and look forward to working with you and the sponsors towards the timely enactment and funding for this important legislation.

Sincerely,

CLAIRE L. BARNETT,
Executive Director.

ENVIRONMENTAL AND ENERGY
STUDY INSTITUTE,
Washington, DC, June 27, 2006.

Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: The Environmental and Energy Study Institute (EESI) strongly supports the High-Performance Green Buildings Act of 2006 you are introducing to advance the development of green building facilities for both federal agencies and schools. This legislation will:

—increase U.S. competitiveness in the increasingly global green building market

—accelerate expansion of the green building market within the United States through widespread Federal procurement, expanded research, and establishment of a green building information clearinghouse

—improve student and worker health and productivity through better indoor air quality

—increase U.S. energy savings

—support the growth of domestic recycled and biobased product markets that can help reduce the country's reliance on imported oil and

—reduce the environmental impacts of the country's built environment.

The General Services Administration (GSA) owns and operates more than 500,000 buildings with over 3 billion square feet, making it the largest landlord in the United States. With this amount of owned space, the GSA has the influence to ensure that Federal buildings across the country are shining examples of smart building design. Through incentives laid out in this legislation, the Federal Government can lead the country by example in incorporating green building designs that save buildings money in operational costs. That is good government!

Furthermore, green buildings have improved indoor air quality; this too saves the Federal Government money due to reduced sickness and absenteeism among its workforce. The American Lung Association estimates that indoor air pollution costs businesses more than $100 billion a year due to death, sick days, direct medical costs, loss of productivity, and damage to materials and equipment. The Environmental Protection Agency projects that 3,500 to 6,500 premature deaths per year are the result of the effects of indoor air pollutants.

Due to the heightened susceptibility of children to airborne pollutants because of their less developed immune systems, EESI applauds your bill's provisions to provide schools grant assistance as well as technical assistance in developing green building design. In fact, 20 percent of the U.S. population, nearly 55 million people, are in U.S. elementary and secondary schools, 110,000 of which were reported to have unsatisfactory indoor air quality in the 1990s. Without grants like those outlined in your bill, most school districts would not be able to fund green building projects. EESI's previous work on this topic has found that schools need Federal studies. They need a clearinghouse to provide information, and they need grants to implement these projects and realize their far-reaching benefits.

EESI strongly supports the use of recycled and biobased products as components of the bill's green building design. Fabricated from renewable domestic crops, biobased products do not "offgas" or emit airborne toxins like their petroleum-based counterparts which can aggravate respiratory systems and negatively affect health. Biobased products, along with improvements in ventilation, enhance indoor air quality and improve occupant health. They are also biodegradable and therefore not harmful to the environment. Furthermore, biobased products can be produced domestically; providing evermore economic opportunities to every state's agricultural sector.

Even as U.S. Federal agencies and schools face tightening budgets, many green building measures can be incorporated with minimal up-front costs while yielding enormous savings during a building's lifetime. Your bill's provision to establish an Office of High Performance Green Buildings would elevate attention to this issue and would play an essential role as provider/distributor of solid information so that agencies can pursue "greening" of buildings more easily, efficiently and economically.

Demonstration projects can engage undergraduate and graduate students—the leaders of tomorrow—who will learn first-hand about these innovations and take the experience with them in their careers. These projects also will incorporate smart siting and planning so that commuters can access them through many modes of transportation including mass transit, biking and walking. By incorporating these concerns, these projects not only address the energy consumed by the buildings themselves but the energy consumed in our transportation sector.

U.S. buildings consume about 40 percent of the country's annual primary energy use. Because the Federal Government is the country's largest energy consumer, your bill truly helps the Federal Government lead by example.

Sincerely,

CAROL WERNER,
Executive Director, Environmental and Energy Study Institute.

By Mr. KENNEDY (for himself, Mr. DODD, Ms. MIKULSKI, Mr. SCHUMER, Mr. HARKIN, Mrs. CLINTON, and Mr. LIEBERMAN):

S. 3593 A bill to amend the Higher Education Act of 1965 to provide additional support to students; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing the Student Debt Relief Act to lower college expenses for millions of families and help ensure that cost is not a barrier to a college education.

Earlier today, my colleagues and I released a report on "The College Cost Crunch," which contains detailed information showing that students and their families in every State are struggling with skyrocketing college costs and rising student loan debt.

The report makes clear that the American dream is at risk unless college becomes more affordable. Parents and students know how important a college education is in our rapidly changing world, and they're willing to make immense sacrifices in order to afford it. But that sacrifice is getting harder and harder as college costs go up and as student debt increases as well.

It is unacceptable in this era when higher education in the United States is becoming more important, that it is also becoming more and more expensive. As the report shows, the cost of attending a public 4-year college has increased 32 percent since 2000, while median family incomes have increased by only 6 percent over the same time period.

Today, the cost of attendance is over $12,000 at public colleges and over $26,000 at private colleges, and federal student aid has not kept pace with these rising costs. The maximum Pell grant covered 51 percent of the cost of college in 1986, but it covered only 35 percent of the cost last year.

As a result, families and students are borrowing more than ever from the federal government and from private banks to finance higher education. Sixty-two percent of undergraduates at 4-year colleges are borrowing to finance their educations. The average student graduates with over $19,000 in student loan debt.

We need to solve this debt crisis now before it spirals even farther out of control.

Ensuring access to college is key to our opportunity, our economy, and to our values as a nation.

It affects opportunity, because each year 400,000 qualified students do not go to a 4-year college, because they cannot afford to do so.

It affects our economy, because we need to equip all of our citizens with a college education to compete effectively in the global economy.

It affects our values, because high college costs and high student debt are discouraging young Americans from taking lower paying public service jobs, from buying homes, and even from getting married and starting a family.

On July 1, to make matters even worse, students and families face one of the biggest student loan interest rate hikes in the history of the program—almost 2 percentage points in a single year.

Our bill deals with these issues in several ways.

First, it provides mandatory funding for an immediate increase in the maximum Pell grant from $4,050 to $5,100, with additional increases each year.

The bill also reforms the current student loan programs and uses the savings to pay for additional increases in need-based aid. This proposal—known as the Student Aid Reward Act, or the STAR Act—generates $13 billion over

10 years for new Pell grants—at zero cost to the government and taxpayers—by encouraging schools to use the more efficient Direct Loan Program instead of the guaranteed loan program.

The bill cuts student loan interest rates in half—to 3.4 percent for students and 4.25 percent for parents. This change will save average borrowers nearly $4,000 in interest payments over the life of their loans.

The bill gives borrowers the option to help keep loan payments manageable by tying the payments to income level and capping the payments at 15 percent of a borrower's income. This provision will enable young people to pursue their passions in public service careers such as teaching and social work, without worrying about making ends meet as they repay their debt.

The bill also extends and expands a popular college tuition tax deduction, which Republicans allowed to expire at the end of last year. The IRS estimates that nearly 4.7 million students and families took advantage of the deduction in 2004, which allowed them to deduct up to $4,000 in tuition expenses from their taxes.

In Massachusetts, these changes would help thousands of students. If the Pell grant is increased to $5,100, Massachusetts would receive $63 million in new Pell grant aid. 4,700 additional students would receive grants, and the average grant would increase by more than $620—from $2,329 to $2,950. If student loan interest rates are cut in half, students in Massachusetts would save $3,470 over the life of their loans.

With more options to make loan payments contingent on income, new teachers in Massachusetts, who earn $34,000 a year, would have a reduction of 22 percent in their monthly loan payments, and after 10 years, their loans would be forgiven.

Congress needs to act now to make education a priority and do more to help struggling students and families.

But the administration and the Republican Congress have other priorities. Earlier this year, they perpetrated the biggest raid on student aid in the history of the program—stripping $12 billion from the program to offset tax giveaways for the wealthiest Americans.

If we returned tax rates for the wealthiest Americans to their levels when President Bush took office, we could pay for this entire proposal, and pay for other priorities for struggling middle class families as well.

Some of these proposals pay for themselves by cutting wasteful bank subsidies from the student loan programs and directing those funds to help students afford college. Report after report has shown that the Direct Loan Program saves taxpayer money. It is time for the Republican Congress to stand up to their friends in the lending industry and do what's right for students and families and the Nation.

We also need new investments in education if we are serious about reviving the American dream of a college education.

When Congress passed the G.I. bill after World War II, the Nation reaped a benefit of $7 for every $1 invested in sending our returning troops to college.

We need that kind of investment again to assure prosperity for our families and our Nation in the years ahead. The Student Debt Relief Act is a good step in the right direction, and I urge my colleagues to support it.

I ask unanimous consent that our report and the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Debt Relief Act of 2006".

SEC. 2. INCREASE IN FEDERAL PELL GRANTS.

(a) IN GENERAL.—Section 401(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(A)) is amended by striking clauses (i) through (v) and inserting the following:

"(i) $5,100 for academic year 2007–2008;

"(ii) $5,400 for academic year 2008–2009;

"(iii) $5,700 for academic year 2009–2010;

"(iv) $6,000 for academic year 2010–2011; and

"(v) $6,300 for academic year 2011–2012,".

(b) ADDITIONAL FUNDS.—For an academic year, in the case in which discretionary amounts appropriated to carry out the Federal Pell Grant program under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for such academic year are sufficient to fund a maximum Federal Pell Grant award of $4,050, then there are authorized to be appropriated, and there are appropriated, additional amounts to carry out the amendment made by subsection (a) as follows:

(1) For academic year 2007–2008, $4,310,000,000.

(2) For academic year 2008–2009, $5,563,000,000.

(3) For academic year 2009–2010, $6,982,000,000.

(4) For academic year 2010–2011, $8,398,000,000.

(5) For academic year 2011–2012, $9,831,000,000.

SEC. 3. STUDENT AID REWARD PROGRAM.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 489 the following:

"SEC. 489A. STUDENT AID REWARD PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Student Aid Reward Program to encourage institutions of higher education to participate in the student loan program under this title that is most cost-effective for taxpayers.

"(b) PROGRAM REQUIREMENTS.—In carrying out the Student Aid Reward Program, the Secretary shall—

"(1) provide to each institution of higher education participating in the student loan program under this title that is most cost-effective for taxpayers, a Student Aid Reward Payment, in an amount determined in accordance with subsection (c), to encourage the institution to participate in that student loan program;

"(2) require each institution of higher education receiving a payment under this section to provide student loans under such student loan program for a period of 5 years after the date the first payment is made under this section;

"(3) where appropriate, require that funds paid to institutions of higher education under this section be used to award students a supplement to such students' Federal Pell Grants under subpart 1 of part A;

"(4) permit such funds to also be used to award need-based grants to lower- and middle-income graduate students; and

"(5) encourage all institutions of higher education to participate in the Student Aid Reward Program under this section.

"(c) AMOUNT.—The amount of a Student Aid Reward Payment under this section shall be not less than 50 percent of the savings to the Federal Government generated by the institution of higher education's participation in the student loan program under this title that is most cost-effective for taxpayers instead of the institution's participation in the student loan program that is not most cost-effective for taxpayers.

"(d) TRIGGER TO ENSURE COST NEUTRALITY.—

"(1) LIMIT TO ENSURE COST NEUTRALITY.—Notwithstanding subsection (c), the Secretary shall not distribute Student Aid Reward Payments under the Student Aid Reward Program that, in the aggregate, exceed the Federal savings resulting from the implementation of the Student Aid Reward Program.

"(2) FEDERAL SAVINGS.—In calculating Federal savings, as used in paragraph (1), the Secretary shall determine Federal savings on loans made to students at institutions of higher education that participate in the student loan program under this title that is most cost-effective for taxpayers and that, on the date of enactment of this section, participated in the student loan program that is not most cost-effective for taxpayers, resulting from the difference of—

"(A) the Federal cost of loan volume made under the student loan program under this title that is most cost-effective for taxpayers; and

"(B) the Federal cost of an equivalent type and amount of loan volume made, insured, or guaranteed under the student loan program under this title that is not most cost-effective for taxpayers.

"(3) DISTRIBUTION RULES.—If the Federal savings determined under paragraph (2) is not sufficient to distribute full Student Aid Reward Payments under the Student Aid Reward Program, the Secretary shall—

"(A) first make Student Aid Reward Payments to those institutions of higher education that participated in the student loan program under this title that is not most cost-effective for taxpayers on the date of enactment of this section; and

"(B) with any remaining Federal savings after making Student Aid Reward Payments under subparagraph (A), make Student Aid Reward Payments to the institutions of higher education eligible for a Student Aid Reward Payment and not described in subparagraph (A) on a pro-rata basis.

"(4) DISTRIBUTION TO STUDENTS.—Any institution of higher education that receives a Student Aid Reward Payment under this section—

“(A) shall distribute, where appropriate, part or all of such payment among the students of such institution who are Federal Pell Grant recipients by awarding such students a supplemental grant; and

“(B) may distribute part of such payment as a supplemental grant to graduate students in financial need.

“(5) ESTIMATES, ADJUSTMENTS, AND CARRY OVER.—

“(A) ESTIMATES AND ADJUSTMENTS.—The Secretary shall make Student Aid Reward Payments to institutions of higher education on the basis of estimates, using the best data available at the beginning of an academic or fiscal year. If the Secretary determines thereafter that loan program costs for that academic or fiscal year were different than such estimate, the Secretary shall adjust by reducing or increasing subsequent Student Aid Reward Payments rewards paid to such institutions of higher education to reflect such difference.

“(B) CARRY OVER.—Any institution of higher education that receives a reduced Student Aid Reward Payment under paragraph (3)(B), shall remain eligible for the unpaid portion of such institution's financial reward payment, as well as any additional financial reward payments for which the institution is otherwise eligible, in subsequent academic or fiscal years.

“(e) DEFINITION.—In this section:

“(1) STUDENT LOAN PROGRAM UNDER THIS TITLE THAT IS MOST COST-EFFECTIVE FOR TAXPAYERS.—The term ‘student loan program under this title that is most cost-effective for taxpayers’ means the loan program under part B or D of this title that has the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.

“(2) STUDENT LOAN PROGRAM UNDER THIS TITLE THAT IS NOT MOST COST-EFFECTIVE FOR TAXPAYERS.—The term ‘student loan program under this title that is not most cost-effective for taxpayers’ means the loan program under part B or D of this title that does not have the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.”.

SEC. 4. REDUCTION IN INTEREST RATES.

(a) FFEL.—Section 427A(l) of the Higher Education Act of 1965 (20 U.S.C. 1077a(l)) is amended—

(1) in paragraph (1)—

(A) by striking “or 428C” and inserting “, 428C, or 428H”;

(B) by striking “6.8 percent” and inserting “3.4 percent”; and

(C) by adding at the end the following: “Notwithstanding subsection (h), with respect to any loan under section 428H for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan.”; and

(2) in paragraph (2), by striking “8.5 percent” and inserting “4.25 percent”.

(b) DIRECT LOANS.—Section 455(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)) is amended—

(1) in subparagraph (A)—

(A) by striking “and Federal Direct Unsubsidized Stafford Loans”;

(B) by striking “6.8 percent” and inserting “3.4 percent”; and

(C) by adding at the end the following: “Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan.”; and

(2) in subparagraph (B), by striking “7.9 percent” and inserting “4.25 percent”.

SEC. 5. IN-SCHOOL CONSOLIDATION.

Section 428(b)(7)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7)(A)) is amended by striking “shall begin” and all that follows through the period and inserting “shall begin—

“(i) the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

“(ii) on an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.”.

SEC. 6. CONSOLIDATION LOAN CHANGES.

Section 428C(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(a)(3)) is amended to read as follows:

“(3) DEFINITION OF ELIGIBLE BORROWER.—For the purpose of this section, the term ‘eligible borrower’ means a borrower who—

“(A) is not subject to a judgment secured through litigation with respect to a loan under this title or to an order for wage garnishment under section 488A; and

“(B) at the time of application for a consolidation loan—

“(i) is in repayment status as determined under section 428(b)(7)(A);

“(ii) is in a grace period preceding repayment; or

“(iii) is a defaulted borrower who has made arrangements to repay the obligation on the defaulted loans satisfactory to the holders of the defaulted loans.”.

SEC. 7. REDUCTION OF DIRECT LOAN ORIGINATION FEES.

Section 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)) is amended—

(1) in paragraph (1)—

(A) by striking “4.0 percent” and inserting “3.0 percent”; and

(B) by striking “shall” and inserting “is authorized to”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “‘3.0 percent’ for ‘4.0 percent’” and inserting “‘2.0 percent’ for ‘3.0 percent’”;

(B) in subparagraph (B), by striking “‘2.5 percent’ for ‘4.0 percent’” and inserting “‘1.5 percent’ for ‘3.0 percent’”;

(C) in subparagraph (C), by striking “‘2.0 percent’ for ‘4.0 percent’” and inserting “‘1.0 percent’ for ‘3.0 percent’”;

(D) in subparagraph (D), by striking “‘1.5 percent’ for ‘4.0 percent’” and inserting “‘0.5 percent’ for ‘3.0 percent’”; and

(E) in subparagraph (E), by striking “‘1.0 percent’ for ‘4.0 percent’” and inserting “‘0.0 percent’ for ‘3.0 percent’”.

SEC. 8. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) REPEAL.—Section 428I of the Higher Education Act of 1965 (20 U.S.C. 1078–9) is repealed.

(b) CONFORMING AMENDMENTS.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C.1070 et seq.) is amended—

(1) in section 428(c)(1)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) and (G), respectively; and

(2) in section 438(b)(5), by striking the matter following subparagraph (B).

SEC. 9. SCHOOLS AS LENDERS.

Section 435(d) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)) is amended—

(1) in paragraph (2)(C), by inserting “Federal or” after “not to supplant,”; and

(2) by adding at the end the following:

“(7) ELIGIBLE LENDER TRUSTEE USE BY ELIGIBLE INSTITUTION.—In the case of an eligible institution that uses an eligible lender trustee for the purpose of qualifying as an eligible lender under paragraph (2), such eligible lender trustee shall be subject to the requirements of paragraphs (2) through (5).”.

SEC. 10. ADMINISTRATIVE ACCOUNT FOR DIRECT LOAN PROGRAM.

Section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (3) and inserting the following:

“(2) MANDATORY FUNDS FOR FISCAL YEARS 2007 THROUGH 2011.—Each fiscal year there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

“(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

“(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b),

not to exceed (from such funds not otherwise appropriated) $904,000,000 in fiscal year 2007, $943,000,000 in fiscal year 2008, $983,000,000 in fiscal year 2009, $1,023,000,000 in fiscal year 2010, $1,064,000,000 in fiscal year 2011, and $1,106,000,000 in fiscal year 2012.”;

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (3) (as redesignated in subparagraph (B)), by striking “paragraph (3)” and inserting “paragraph (2)”; and

(2) in subsection (b), by striking “(a)(3)” and inserting “(a)(2)”.

SEC. 11. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

“(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

“(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part or section 428C(b)(5) for a borrower—

“(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

“(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

“(B) PUBLIC SECTOR JOB.—In this paragraph, the term ‘public sector job’ means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), or public interest legal services (including prosecution or public defense).

“(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.”.

SEC. 12. DEFINITIONS OF PARTIAL FINANCIAL HARDSHIP AND ECONOMIC HARDSHIP.

(a) PARTIAL FINANCIAL HARDSHIP.—Section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085) is amended by inserting after subsection (m) the following:

“(n) PARTIAL FINANCIAL HARDSHIP.—For purposes of this part and part E, the term ‘partial financial hardship’ means the amount by which the borrower's annual Federal educational debt burden exceeds 15 percent of the difference between—

“(1) the borrower's adjusted gross income; and

“(2) the poverty line applicable to the borrower's family size as determined under section 673(2) of the Community Services Block Grant Act.”.

(b) Economic Hardship.—Section 435(o) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii), by striking “100 percent of the poverty line for a family of 2” and inserting “150 percent of the poverty line applicable to the borrower's family size”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2), by striking “(1)(C)” and inserting “(1)(B)”.

SEC. 13. DEFERRALS.

(a) FISL.—Section 427(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)) is amended to read as follows:

“(C) provides that—

“(i) periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period—

“(I) during which the borrower—

“(aa) is pursuing at least a half-time course of study as determined by an eligible institution; or

“(bb) is pursuing a course of study pursuant to a graduate fellowship program approved by the Secretary, or pursuant to a rehabilitation training program for individuals with disabilities approved by the Secretary,

except that no borrower shall be eligible for a deferment under this clause, or a loan made under this part (other than a loan made under section 428B or 428C), while serving in a medical internship or residency program;

“(II) not in excess of 3 years during which the borrower is seeking and unable to find full-time employment; or

“(III) during which the borrower has, or will have, an economic hardship described in section 435(o), as determined by the lender in accordance with regulations prescribed by the Secretary under such section; and

“(ii) during any period during which a borrower has, or will have, a partial financial hardship defined in section 435(n), as determined by the lender in accordance with regulations prescribed by the Secretary under such section, the borrower—

“(I) need only pay the portion of the periodic installments of principal and interest that exceeds the borrower's partial financial hardship for such period; and

“(II) may defer the remaining amount of principal and interest (which interest shall continue to accrue) for such period,

and provides that any such period shall not be included in determining the 10-year period described in subparagraph (B);”.

(b) Interest Subsidies.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended to read as follows:

“(M) provides that—

“(i) periodic installments of principal need not be paid, but interest shall accrue and be paid by the Secretary, during any period—

“(I) during which the borrower—

“(aa) is pursuing at least a half-time course of study as determined by an eligible institution, except that no borrower, notwithstanding the provisions of the promissory note, shall be required to borrow an additional loan under this title in order to be eligible to receive a deferment under this clause; or

“(bb) is pursuing a course of study pursuant to a graduate fellowship program approved by the Secretary, or pursuant to a rehabilitation training program for disabled individuals approved by the Secretary,

except that no borrower shall be eligible for a deferment under this clause, or loan made under this part (other than a loan made under 428B or 428C), while serving in a medical internship or residency program;

“(II) not in excess of 3 years during which the borrower is seeking and unable to find full-time employment, except that no borrower who provides evidence of eligibility for unemployment benefits shall be required to provide additional paperwork for a deferment under this clause;

“(III) not in excess of 3 years during which the borrower—

“(aa) is serving on active duty during a war or other military operation or national emergency; or

“(bb) is performing qualifying National Guard duty during a war or other military operation or national emergency; or

“(IV) during which the borrower has, or will have, an economic hardship described in section 435(o), as determined by the lender in accordance with regulations prescribed by the Secretary under such section; and

“(ii) during any period during which a borrower has, or will have, a partial financial hardship defined in section 435(n), as determined by the lender in accordance with regulations prescribed by the Secretary under such section, a portion of the periodic installments of principal and interest need not be paid as follows:

“(I) the Secretary shall first pay the portion of the periodic installments of interest due that does not exceed the borrower's partial financial hardship for such period, and any amount of interest due in excess of the borrower's partial financial hardship for such period shall be paid by the borrower; and

“(II) the borrower shall pay the periodic installments of principal due for such period, reduced by the difference between the partial financial hardship and the amount of interest paid under subclause (I);”.

(c) Direct Loans.—Section 455(f) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)) is amended—

(1) in paragraph (2)(D), by striking “not in excess of 3 years”; and

(2) by adding at the end the following:

“(5) Partial financial hardship deferment.—During any period during which a borrower has, or will have, a partial financial hardship defined in section 435(n), as determined by the Secretary in accordance with regulations prescribed under such section, a portion of the periodic installments of principal and interest need not be paid as follows:

“(A) In the case of a Federal Direct Stafford Loan, a Federal Direct Consolidation Loan that consolidated only Federal Direct Stafford Loans, or a combination of such loans and Federal Stafford Loans for which the student borrower received an interest subsidy under section 428—

“(i) the amount of interest for such period that does not exceed the borrower's partial financial hardship shall not accrue, and any amount of interest due in excess of the borrower's partial financial hardship shall be capitalized or be paid by the borrower; and

“(ii) the borrower shall pay the periodic installments of principal due for such period, reduced by the difference between the partial financial hardship and the amount of interest paid under clause (i).

“(B) In the case of a Federal Direct PLUS Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan not described in subparagraph (A)—

“(i) the amount of interest and principal that equals the borrower's partial financial hardship for such period need not be paid but may be deferred or capitalized by the borrower; and

“(ii) any amount of interest or principal due in excess of the borrower's partial financial hardship for such period shall be paid by the borrower.”.

(d) Perkins.—Section 464(c) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)) is amended—

(1) by striking paragraph (2)(A)(iv) and inserting the following:

“(iv) during which the borrower has, or will have, an economic hardship described in section 435(o), as determined by the lender in accordance with regulations prescribed by the Secretary under such section; or”; and

(2) by adding at the end the following:

“(8) Partial financial hardship deferment.—During any period during which a borrower has, or will have, a partial financial hardship defined in section 435(n), as determined by the lender in accordance with regulations prescribed by the Secretary under such section, a portion of the periodic installments of principal and interest need not be paid as follows:

“(A) the Secretary shall first pay the periodic installments of interest due for such period that does not exceed the borrower's partial financial hardship, and any amount of interest due in excess of the borrower's partial financial hardship shall be paid by the borrower; and

“(B) the borrower shall pay the periodic installments of principal due reduced by the difference between the partial financial hardship and the amount of interest paid under subparagraph (A).”.

SEC. 14. MAXIMUM REPAYMENT PERIOD.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

“(7) Maximum repayment period.—In calculating the extended period of time for which an income contingent repayment plan under this subsection may be in effect for a borrower, the Secretary shall include all time periods during which a borrower of loans under part B, part D, or part E—

“(A) is not in default on any loan that is included in the income contingent repayment plan; and

“(B)(i) qualifies for economic hardship described in section 435(o);

“(ii) has a partial financial hardship defined in section 435(n);

“(iii) makes payments under a standard repayment plan described in section 428(b)(9)(A)(i) or 455(d)(1)(A), or

“(iv) makes payments under an extended repayment plan described in section 428(b)(9)(A)(iv) or 455(d)(1)(C).”.

SEC. 15. INCREASE IN CONSOLIDATION LOAN LENDER FEES.

(a) Amendment.—Paragraph (2) of section 438(d) (20 U.S.C. 1087–1(d)) is amended to read as follows:

“(2) Amount of loan fees.—

“(A) In general.—Except as provided in subparagraph (B), with respect to any loan made under this part for which the first disbursement was made on or after October 1, 1993, the amount of the loan fee that shall be deducted under paragraph (1) shall be equal to 0.50 percent of the principal amount of the loan.

“(B) Consolidation loans.—With respect to any loan made under section 428C on or after April 1, 2006, the amount of the loan fee that shall be deducted under paragraph (1) shall be equal to 1.0 percent of the principal amount of the loan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) for which the first disbursement is made on or after April 1, 2006.

SEC. 16. COLLEGE TUITION DEDUCTION AND CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) EXPANSION OF DEDUCTION FOR HIGHER EDUCATION EXPENSES.—

(1) AMOUNT OF DEDUCTION.—Subsection (b) of section 222 of the Internal Revenue Code of 1986 (relating to deduction for qualified tuition and related expenses) is amended to read as follows:

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATIONS.—

"(A) IN GENERAL.—Except as provided in paragraph (2), the amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed the applicable dollar limit.

"(B) APPLICABLE DOLLAR LIMIT.—The applicable dollar limit for any taxable year shall be determined as follows:

"Taxable year:	**Applicable dollar amount:**
2006	$8,000
2007 and thereafter	$12,000.

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $65,000 ($130,000 in the case of a joint return), bears to

"(ii) $15,000 ($30,000 in the case of a joint return).

"(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

"(i) without regard to this section and sections 199, 911, 931, and 933, and

"(ii) after the application of sections 86, 135, 137, 219, 221, and 469.

For purposes of the sections referred to in clause (ii), adjusted gross income shall be determined without regard to the deduction allowed under this section.

"(D) INFLATION ADJUSTMENTS.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2006, both of the dollar amounts in subparagraph (B)(i)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2005' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(2) QUALIFIED TUITION AND RELATED EXPENSES OF ELIGIBLE STUDENTS.—

(A) IN GENERAL.—Section 222(a) of the Internal Revenue Code of 1986 (relating to allowance of deduction) is amended by inserting "of eligible students" after "expenses".

(B) DEFINITION OF ELIGIBLE STUDENT.—Section 222(d) of such Code (relating to definitions and special rules) is amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) ELIGIBLE STUDENT.—The term 'eligible student' has the meaning given such term by section 25A(b)(3).".

(3) DEDUCTION MADE PERMANENT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 431 of such Act.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made in taxable years beginning after December 31, 2005.

(b) CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. INTEREST ON HIGHER EDUCATION LOANS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

"(b) MAXIMUM CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,500.

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $20,000 ($40,000 in the case of a joint return).

"(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 199, 222, 911, 931, and 933.

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2006, the $50,000 and $100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2005' for '1992'.

"(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

"(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(d)(1).

"(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

"(f) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

"(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Interest on higher education loans.".

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25E(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 2005.

By Mrs. BOXER:

S. 3594. A bill to help protect the public against the threat of attacks targeting nuclear power plants; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, I rise today to introduce the Secure Nuclear Facilities Act of 2006, which addresses an unacceptable gap in our Nation's homeland security. My bill would hold commercial nuclear powerplants to the same high security standards to which government nuclear facilities are subject.

There are currently 104 nuclear powerplants licensed to operate in the United States, including two plants, with two reactors each, in my home state of California.

These plants are potential targets for terrorists, and we are not doing enough to ensure they are protected. The 9/11 Commission report, issued on July 22, 2004, stated that nuclear powerplants were among the targets considered in the original plan for the September 11, 2001, attacks.

An attack on a nuclear plant would be disastrous. The meltdown of a nuclear powerplant's nuclear reactor core, release of the spent nuclear fuel located at the site, removal from the site of radioactive materials, or other violation of the plant's security would greatly endanger public health and safety. Unfortunately, there are reports of nuclear plant operators' failure to effectively address vital security issues, and the Nuclear Regulatory Commission's failure to hold them sufficiently accountable.

To make matters worse, commercial nuclear plant operators are not currently required to defend their plants against theft and diversion of nuclear material. Nonweapon nuclear facilities operated by the government, on the other hand, are required to defend against not only direct attacks, but also theft and diversion of nuclear material. This double standard makes no sense.

Commercial nuclear plants contain materials that terrorists might attempt to steal, just like government nuclear facilities. The Nuclear Regulatory Commission, NRC, concedes that terrorists might use these highly radioactive materials in a radiological bomb or, with the right equipment, reprocess it into weapons-grade material. But according to the NRC, it is not reasonable to expect a private facility to cope with this threat, because private facilities do not have the same resources as government facilities.

The NRC's argument is deeply flawed. If nuclear plant owners and operators cannot address the full spectrum of terrorist threats they face, then they should not be in business. There is too much at stake in terms of the dangers posed by these threats for us to allow continued low security standards for commercial nuclear plants.

My bill would require commercial nuclear plants to defend against the same potential threats as government nuclear facilities, including threat and diversion of nuclear materials. The bill would also strengthen State and local responders' ability to aid nuclear plants in case of an attack by terrorists. It offers grants to State and local responders to facilitate evacuations and medical treatment, as well as interoperable communications among first responders and plant operators.

The Secure Nuclear Facilities Act of 2006 would make our country safer by ensuring better security at commercial nuclear plants. I urge my colleagues to support this important bill.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER):

S. 3595. A bill to amend the Homeland Security Act of 2002 to establish the United States Emergency Management Authority, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Emergency Management Authority Act of 2006".

SEC. 2. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by—

(1) striking the title heading and inserting the following:

"TITLE V—NATIONAL PREPAREDNESS AND RESPONSE";

(2) striking sections 501 through 503;

(3) striking sections 506 and 507;

(4) redesignating sections 504, 505, 508, and 509 as sections 519, 520, 521, and 522, respectively;

(5) redesignating section 510 (relating to procurement of security countermeasures for the strategic national stockpile) as section 523;

(6) redesignating section 510 (relating to urban and other high risk area communications capabilities) as section 524; and

(7) inserting before section 519, as so redesignated by this section, the following:

"SEC. 501. DEFINITIONS.

"In this title—

"(1) the term 'all-hazards-plus' means an approach to preparedness, response, recovery, and mitigation that emphasizes the development of capabilities that are common to natural and man-made disasters, while also including the development of capabilities that are uniquely relevant to specific types of disasters;

"(2) the term 'Authority' means the United States Emergency Management Authority established under section 502;

"(3) the term 'Administrator' means the Administrator of the Authority;

"(4) the term 'Federal coordinating officer' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

"(5) the term 'National Advisory Council' means the National Advisory Council on Emergency Preparedness and Response established under section 508;

"(6) the term 'National Incident Management System' means the National Incident Management System as described in the National Response Plan;

"(7) the term 'National Response Plan' means the National Response Plan prepared under Homeland Security Presidential Directive 5 or any presidential directive meant to replace or augment that directive;

"(8) the term 'Nuclear Incident Response Team' means a resource that includes—

"(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

"(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions;

"(9) the term 'Regional Advisory Council' means a Regional Advisory Council on Preparedness and Response established under section 503;

"(10) the term 'Regional Administrator' means a Regional Administrator for Preparedness and Response appointed under section 507;

"(11) the term 'Regional Office' means a Regional Office established under section 507; and

"(12) the term 'surge capacity' means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing, including disaster assistance employees, and other resources necessary to save lives and protect property during a catastrophic incident, or other natural or man-made disaster.

"SEC. 502. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

"(a) IN GENERAL.—There is established in the Department the United States Emergency Management Authority, headed by an Administrator.

"(b) MISSION.—The mission of the Authority is to—

"(1) lead the Nation's efforts to prepare for, respond to, recover from, and mitigate the risks of natural and man-made disasters, including catastrophic incidents;

"(2) partner with State and local governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to a catastrophic incident or other natural or man-made disaster;

"(3) develop a Federal response capability that, when necessary and appropriate, can act effectively, rapidly, and proactively to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural or man-made disaster;

"(4) fuse the Department's emergency response, preparedness, recovery, mitigation, and critical infrastructure assets into a new, integrated organization that can effectively confront the challenges of a natural or man-made disaster;

"(5) develop and maintain robust Regional Offices that will work with State and local governments and emergency response providers to identify and address regional priorities;

"(6) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, and the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department that can be brought to bear in preparing for and responding to a natural or man-made disaster;

"(7) carry out the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(8) provide funding, training, exercises, technical assistance, planning, and other assistance, to build local, State, regional, and national capabilities, including communications capabilities, necessary to respond to a potential natural or man-made disaster;

"(9) implement an all-hazards-plus strategy for preparedness that places priority on building those common capabilities necessary to respond to both terrorist attacks and natural disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation; and

"(10) promote, plan for, and facilitate the security of critical infrastructure and key resources, including cyber infrastructure, against a natural or man-made disaster, and the post-disaster restoration of such critical infrastructure and key resources.

"(c) ADMINISTRATOR.—

"(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Administrator shall have not less than 5 years of executive leadership and management experience in the public or private sector and a demonstrated ability to manage a substantial staff and budget.

"(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

"(4) PRINCIPAL ADVISOR ON EMERGENCY PREPAREDNESS AND RESPONSE.—

"(A) IN GENERAL.—The Administrator is the principal emergency preparedness and response advisor to the President, the Homeland Security Council, and the Secretary.

"(B) ADVICE AND RECOMMENDATIONS.—

"(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency mitigation, preparedness, response, and recovery options with respect to that matter.

"(ii) ADVICE ON REQUEST.—The Administrator, as an emergency preparedness and response advisor, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

"(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency preparedness and response as the Administrator considers appropriate.

"(C) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

"SEC. 503. AUTHORITIES AND RESPONSIBILITIES.

"(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for and respond to a natural or man-made disaster, including—

"(1) carrying out the mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency preparedness and response program of—

"(A) mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

"(B) preparedness, by planning, training, and building the emergency preparedness and response workforce to prepare effectively for, mitigate against, respond to, and recover from any hazard;

"(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

"(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

"(E) critical infrastructure protection, by establishing an inventory of, and protections for, public and private sector critical infrastructure, including cyber and communications assets;

"(2) increasing efficiencies, by coordinating efforts relating to mitigation, preparedness, response, recovery, and infrastructure protection;

"(3) helping to ensure the effectiveness of emergency response providers in responding to a natural or man-made disaster;

"(4) providing the Federal Government's response to a natural or man-made disaster, including—

"(A) managing such response;

"(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department under this title) the Nuclear Incident Response Team;

"(C) overseeing the Metropolitan Medical Response System; and

"(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a natural or man-made disaster;

"(5) working with Federal, State, and local government personnel, agencies, and authorities to build a comprehensive national incident management system to respond to a natural or man-made disaster;

"(6) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department under this title)—

"(A) establishing standards and certifying when those standards have been met;

"(B) conducting joint and other exercises and training and evaluating performance; and

"(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

"(7) helping to ensure that emergency response providers acquire interoperable and sustainable technology;

"(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(9) administering homeland security emergency management, first responder, and other preparedness grants;

"(10) monitoring, evaluating, and ensuring the readiness of each emergency support function under the National Response Plan;

"(11) coordinating with the National Advisory Council;

"(12) ensuring the protection of critical infrastructure by—

"(A) carrying out the responsibilities under paragraphs (2) through (6) of section 201(d);

"(B) helping ensure the protection and resiliency of key resources and critical infrastructure, including cyber infrastructure, against a natural or man-made disaster; and

"(C) planning for, assisting with, and facilitating, the restoration of key resources and critical infrastructure, including cyber infrastructure, in the event of a natural or man-made disaster;

"(13) establishing in each Regional Office a Regional Advisory Council on Preparedness and Response, to advise the Regional Administrator of that Regional Office on emergency preparedness and response issues specific to the region; and

"(14) otherwise carrying out the mission of the Authority as described in section 502(b).

"(b) ADDITIONAL RESPONSIBILITIES RELATED TO CATASTROPHIC INCIDENTS.—

"(1) IN GENERAL.—The Administrator, in consultation with the Secretary and other senior Department officials, shall develop a national emergency management system that is capable of responding to catastrophic incidents.

"(2) IDENTIFICATION OF RESOURCES.—

"(A) IN GENERAL.—The Administrator shall develop and submit to Congress annually an estimate of the resources of the Authority and other Federal agencies needed for and devoted specifically to developing local, State, and national capabilities necessary to respond to a catastrophic incident.

"(B) CONTENTS.—Each estimate under subparagraph (A) shall include the resources both necessary for and devoted to—

"(i) planning;

"(ii) training and exercises;

"(iii) Regional Office enhancements;

"(iv) staffing, including for surge capacity during a catastrophic event;

"(v) additional logistics capabilities;

"(vi) other responsibilities under the Catastrophic Incident Annex of the National Response Plan; and

"(vii) State and local catastrophic preparedness.

"(c) ALL-HAZARDS-PLUS APPROACH.—In carrying out this section, the Administrator shall implement an all-hazards-plus strategy that places priority on building those common capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of terrorist attacks and natural disasters, while also building the unique capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of specific types of incidents that pose the greatest risk to the Nation.

"SEC. 504. AUTHORITY COMPONENTS.

"There are transferred to the Authority the following:

"(1) The Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto.

"(2) The Directorate of Preparedness, as constituted on June 1, 2006, including the functions of the Under Secretary for Emergency Preparedness relating to the Directorate, as constituted on that date.

"SEC. 505. PRESERVING THE UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

"(a) DISTINCT ENTITY.—The Authority shall be maintained as a distinct entity within the Department.

"(b) REORGANIZATION.—Section 872 shall not apply to the Authority, including any function or organizational unit of the Authority.

"(c) PROHIBITION ON CHANGES TO MISSIONS.—

"(1) IN GENERAL.—The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Authority or the capability of the Authority to perform those responsibilities, except as otherwise specifically provided in an Act enacted after the date of enactment of the United States Emergency Management Authority Act of 2006.

"(2) CERTAIN TRANSFERS PROHIBITED.—No asset, function or mission of the Authority may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Authority to perform its missions.

"SEC. 506. DIRECTORS.

"(a) IN GENERAL.—There shall be in the Authority a Director for Preparedness and a Director for Response and Recovery, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall report to the Administrator.

"(b) QUALIFICATIONS.—

"(1) IN GENERAL.—A Director shall have—

"(A) not less than 5 years of—

"(i) executive leadership and management experience in the public or private sector; and

"(ii) significant experience in crisis management or another relevant field; and

"(B) a demonstrated ability to manage a substantial staff and budget.

"(2) CONCURRENT EXPERIENCE.—Service during any period of time may be used in meeting the requirements under both clause (i) and (ii) of paragraph (1)(A).

"(c) INITIAL DIRECTORS.—The individual serving as the Under Secretary for Emergency Preparedness and the individual serving as the Under Secretary for the Federal Emergency Management Agency on the effective date of the United States Emergency Management Authority Act of 2006 may serve as the Director for Preparedness and the Director of Response and Recovery, respectively, until a Director for Preparedness or a Director of Response and Recovery, as the case may be, is appointed under subsection (a).

"SEC. 507. REGIONAL OFFICES.

"(a) IN GENERAL.—

"(1) REGIONAL OFFICES.—The Administrator shall establish 10 Regional Offices of the Authority.

"(2) ADDITIONAL OFFICE.—In additon to the Regional Offices established under paragraph (1), the Administrator may designate the Office for National Capital Region Coordination under section 882 as a Regional Office.

"(b) MANAGEMENT OF REGIONAL OFFICES.—

"(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator for Preparedness and Response, who shall be appointed by the Secretary. Each Regional Administrator for Emergency Preparedness and Response shall report directly to the Administrator.

"(2) QUALIFICATIONS.—Each Regional Office shall be headed by an individual in the Senior Executive Service qualified to act as a senior Federal coordinating officer to provide strategic oversight of incident management when needed.

"(c) RESPONSIBILITIES.—

"(1) IN GENERAL.—The Regional Administrator shall work in partnership with State and local governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

"(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

"(A) ensuring effective, coordinated, and integrated regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development);

"(B) coordinating and integrating regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development), which shall include—

"(i) providing regional and interstate planning assistance;

"(ii) organizing, in consultation with the Administrator, regional training and exercise programs;

"(iii) providing support and coordination officers for State and local government training and exercises;

"(iv) participating in emergency preparedness and planning activities by State, regional, and local governments;

"(v) assisting in the development of regional capabilities needed for a national catastrophic response system; and

"(vi) helping to coordinate and develop interstate agreements;

"(C) establishing and overseeing 1 or more strike teams within the region under subsection (e), which shall serve as the focal point of the Federal Government's initial response efforts for a natural or man-made disaster within that region, and otherwise building Federal response capabilities to respond to a natural or man-made disaster within that region;

"(D) working with the private sector to assess weaknesses in critical infrastructure protection in the region and to design and implement programs to address those weaknesses;

"(E) coordinating all activities conducted under this section with other Federal departments and agencies; and

"(F) performing such other duties relating to such responsibilities as the Administrator may require.

"(d) AREA OFFICES.—The Administrator shall establish an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

"(e) REGIONAL OFFICE STRIKE TEAMS.—

"(1) ESTABLISHMENT.—In coordination with other relevant Federal agencies, each Regional Administrator shall establish multiagency strike teams that shall consist of—

"(A) a designated Federal coordinating officer;

"(B) personnel trained in incident management;

"(C) public affairs, response and recovery, and communications support personnel;

"(D) a defense coordinating officer;

"(E) liaisons to other Federal agencies;

"(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and

"(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan, including the following:

"(i) Transportation.

"(ii) Communications.

"(iii) Public works and engineering.

"(iv) Emergency management.

"(v) Mass care.

"(vi) Housing and human services.

"(vii) Public health and medical services.

"(viii) Urban search and rescue.

"(ix) Public safety and security.

"(x) External affairs.

"(2) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily at the Regional Office that corresponds to that strike team.

"(3) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State and local governments and private sector and nongovernmental entities which the strike team shall support when a natural or man-made disaster occurs.

"(4) PREPAREDNESS.—Each Regional Office strike team shall be trained, equipped, and staffed to be well prepared to respond to natural and man-made disasters, including catastrophic incidents.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this subsection.

"SEC. 508. NATIONAL ADVISORY COUNCIL ON EMERGENCY PREPAREDNESS AND RESPONSE.

"(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the United States Emergency Management Authority Act of 2006, the Secretary shall establish an advisory body under section 871(a), to be known as the National Advisory Council on Emergency Preparedness and Response.

"(b) RESPONSIBILITIES.—The National Advisory Council shall advise the Administrator on all aspects of emergency preparedness and response.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of State and local government officials and emergency managers, and emergency response providers, from State and local governments, the private sector, and nongovernmental organizations, including as appropriate—

"(A) members selected from the emergency preparedness and response fields, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency preparedness and response personnel;

"(B) health scientists, emergency and inpatient medical providers, and public health professionals;

"(C) experts representing standards setting organizations;

"(D) State and local government officials with expertise in terrorism preparedness and emergency preparedness and response;

"(E) elected State and local government executives;

"(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

"(G) representatives of the disabled and other special needs populations; and

"(H) such other individuals as the Administrator determines to be appropriate.

"(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

"(1) IN GENERAL.—Notwithstanding section 871(a) and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Advisory Council.

"(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

"SEC. 509. NATIONAL INCIDENT MANAGEMENT SYSTEM INTEGRATION CENTER.

"(a) IN GENERAL.—There is in the Authority a National Incident Management System Integration Center.

"(b) RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator, through the National Incident Management System Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, any other document or tool in support of Homeland Security Presidential Directive 5, or any other Homeland Security Presidential Directive relating to incident management and response.

"(2) SPECIFIC RESPONSIBILITIES.—The National Incident Management System Integration Center shall—

"(A) periodically review, and revise, as appropriate, the National Incident Management System and the National Response Plan;

"(B) review other matters relating to the National Incident Management System and the National Response Plan, as the Administrator may require;

"(C) develop and implement a national program for National Incident Management System and National Response Plan education and awareness;

"(D) oversee all aspects of the National Incident Management System, including the development of compliance criteria and implementation activities at Federal, State, and local government levels;

"(E) provide guidance and assistance to States and local governments and emergency response providers, in adopting the National Incident Management System; and

"(F) perform such other duties relating to such responsibilities as the Administrator may require.

"SEC. 510. NATIONAL OPERATIONS CENTER.

"(a) DEFINITION.—In this section, the term 'situational awareness' means information gathered from a variety of sources that, when communicated to emergency preparedness and response managers and decision makers, can form the basis for incident management decisionmaking.

"(b) ESTABLISHMENT.—There is established in the Department a National Operations Center.

"(c) PURPOSE.—The purposes of the National Operations Center are to—

"(1) coordinate the national response to any natural or man-made disaster, as determined by the Secretary;

"(2) provide situational awareness and a common operating picture for the entire Federal Government, and for State and local governments as appropriate, for an event described in paragraph (1);

"(3) collect and analyze information to help deter, detect, and prevent terrorist acts;

"(4) disseminate terrorism and disaster-related information to Federal, State, and local governments;

"(5) ensure that critical terrorism and disaster-related information reaches government decision-makers; and

"(6) perform such other duties as the Secretary may require.

"(d) RESPONSIBILITIES.—The National Operations Center shall carry out the responsibilities of the Homeland Security Operations Center, the National Response Coordination Center, and the Interagency Incident Management Group, as constituted on the date of enactment of the United States Emergency Management Authority Act of 2006.

"SEC. 511. CHIEF MEDICAL OFFICER.

"(a) IN GENERAL.—There is in the Authority a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate. The Chief Medical Officer shall report directly to the Administrator.

"(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

"(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural and man-made disasters, including—

"(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

"(2) coordinating the biosurveillance and detection activities of the Department;

"(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

"(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

"(5) serving as the Department's primary point of contact for State and local government, the medical community, and others within and outside the Department, with respect to medical and public health matters;

"(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield;

"(7) establishing doctrine and priorities for the National Disaster Medical System, consistent with the National Response Plan and the National Incident Management System, supervising its medical components, and exercising predeployment operational control, including—

"(A) determining composition of the teams;

"(B) overseeing credentialing of the teams; and

"(C) training personnel of the teams;

"(8) establishing doctrine and priorities for the Metropolitan Medical Response System, consistent with the National Response Plan and the National Incident Management System;

"(9) managing the Metropolitan Medical Response System, including developing and overseeing standards, plans, training, and exercises and coordinating with the Office of Grants and Training on the use and distribution of Metropolitan Medical Response grants;

"(10) assessing and monitoring long-term health issues of emergency managers and emergency response providers;

"(11) developing and updating, in consultation with the Secretary of Health and Human Services, guidelines for State and local governments for medical response plans for chemical, biological, radiological, nuclear, or explosive weapon attacks;

"(12) developing, in consultation with the Secretary of Health and Human Services, appropriate patient tracking capabilities to execute domestic patient movement and evacuations, including a system that has the capacity of electronically maintaining and transmitting the health information of hospital patients;

"(13) establishing and providing oversight for the Department's occupational health and safety program, including workforce health; and

"(14) performing such other duties relating to such responsibilities as the Secretary or the Administrator may require.

"(d) LONG-TERM HEALTH ASSESSMENT PROGRAM.—The Chief Medical Officer, in consultation with the Director of the National Institute for Occupational Safety and Health, shall establish a program to assess, monitor, and study the health and safety of emergency managers and emergency response providers, following Incidents of National Significance declared by the Secretary under the National Response Plan.

"SEC. 512. PUBLIC AND COMMUNITY PREPAREDNESS.

"The Administrator shall promote public and community preparedness.

"SEC. 513. SAVER PROGRAM.

"(a) IN GENERAL.—In the Department there is a System Assessment and Validation for Emergency Responders Program to provide impartial evaluations of emergency response equipment and systems.

"(b) REQUIREMENTS.—The program established under subsection (a) shall—

"(1) provide impartial, practitioner relevant, and operationally oriented assessments and validations of emergency response provider equipment and systems that have not already been third-party certified to a standard adopted by the Department, including—

"(A) commercial, off-the-shelf emergency response provider equipment and systems in all equipment list categories of the Standardized Equipment List published by the Interagency Board for Equipment Standardization and Interoperability; and

"(B) such other equipment or systems as the Secretary determines are appropriate;

"(2) provide information that enables decision-makers and emergency response providers to better select, procure, use, and maintain emergency response provider equipment or systems;

"(3) assess and validate the performance of products within a system and subsystems; and

"(4) provide information and feedback to emergency response providers through the Responder Knowledge Base of the National Memorial Institute for the Prevention of Terrorism, or other appropriate forum.

"(c) ASSESSMENT AND VALIDATION PROCESS.—The assessment and validation of emergency response provider equipment and systems shall use multiple evaluation techniques, including—

"(1) operational assessments of equipment performance on vehicle platforms;

"(2) technical assessments on a comparative basis of system component performance across makes and models under controlled conditions; and

"(3) integrative assessments on an individual basis of system component interoperability and compatibility with other system components.

"(d) PERSONAL PROTECTIVE EQUIPMENT.—To the extent practical, the assessment and validation of personal protective equipment under this section shall be conducted by the National Personal Protective Technology Laboratory of the National Institute for Occupational Safety and Health.

"SEC. 514. NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.

"(a) NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.—There is established in the Authority an emergency response system known as the National Search and Rescue Response System that provides a national network of standardized search and rescue resources to assist State and local governments in responding to any natural or man-made disaster.

"(b) ADMINISTRATION OF THE SYSTEM.—

"(1) TASK FORCE PARTICIPATION.—The Administrator shall select eligible search and rescue teams that are sponsored by State and local government entities to participate as task forces in the National Search and Rescue Response System. The Administrator shall determine the criteria for such participation.

"(2) AGREEMENTS WITH SPONSORING AGENCIES.—The Administrator shall enter into an agreement with the State or local government entity that sponsors each search and rescue team selected under paragraph (1) with respect the team's participation as a task force in the National Search and Rescue Response System.

"(3) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management and other technical teams as are necessary to administer the National Search and Rescue Response System.

"SEC. 515. METROPOLITAN MEDICAL RESPONSE SYSTEM.

"(a) IN GENERAL.—There is in the Authority a Metropolitan Medical Response System. Under the Metropolitan Medical Response System, the Assistant Secretary for Grants and Planning, in coordination with the Chief Medical Officer, shall administer grants to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively to a public health crisis or mass-casualty event caused by a natural or man-made disaster.

"(b) USE OF FUNDS.—The Metropolitan Medical Response System shall make grants to local governments to enhance any of the following activities:

"(1) Medical surge capacity.

"(2) Mass prophylaxis.

"(3) Chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities.

"(4) Emergency communications capabilities.

"(5) Information sharing and collaboration capabilities.

"(6) Regional collaboration.

"(7) Triage and pre-hospital treatment.

"(8) Medical supply management and distribution.

"(9) Fatality management.

"(10) Such other activities as the Secretary may provide.

"SEC. 516. EMERGENCY MANAGEMENT ASSISTANCE COMPACT AUTHORIZATION.

"(a) IN GENERAL.—The Secretary, acting through the Administrator, may make grants for the purposes of administering and improving the Emergency Management Assistance Compact consented to by the Joint Resolution entitled 'Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact' (Public Law 104–321; 110 Stat. 3877).

"(b) USES.—A grant under this section shall be used to—

"(1) carry out recommendations identified in after-action reports for the 2004 and 2005 hurricane season issued under the Emergency Management Assistance Compact;

"(2) coordinate with the Department and other Federal Government agencies;

"(3) coordinate with State and local government entities and their respective national associations;

"(4) assist State and local governments with credentialing emergency response providers and the typing of emergency response resources; or

"(5) administer the operations of the Emergency Management Assistance Compact.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each of fiscal years 2007 through 2010. Amounts appropriated under this section shall remain available for 3 fiscal years after the date on which such funds are appropriated.

"SEC. 517. OFFICE FOR THE PREVENTION OF TERRORISM.

"(a) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

"(b) DIRECTOR.—

"(1) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

"(2) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other anti-terrorist functions.

"(c) ASSIGNMENT OF PERSONNEL.—

"(1) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

"(2) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act a liaison between that component and the Office for the Prevention of Terrorism.

"(d) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

"(1) coordinate policy and operations between the Department and State and local government agencies relating to preventing acts of terrorism within the United States;

"(2) serve as a liaison between State and local law enforcement agencies and the Department;

"(3) in coordination with the Office of Intelligence, develop better methods for the sharing of intelligence with State and local law enforcement agencies;

"(4) coordinate with the Office of Grants and Training to ensure that homeland security grants to State and local government agencies are adequately focused on terrorism prevention activities; and

"(5) coordinate with the Authority, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to develop national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

"(e) PILOT PROJECT.—

"(1) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Director for Response, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

"(2) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this subsection shall form the basis of a national network of standardized law enforcement resources to assist State and local governments in responding to a natural or man-made disaster.

"(f) CONSTRUCTION.—Nothing in this section may be construed to effect the roles or responsibilities of the Department of Justice.

"SEC. 518. DEPARTMENT OFFICIALS.

"(a) CYBERSECURITY AND TELECOMMUNICATIONS.—There is in the Department an Assistant Secretary for Cybersecurity and Telecommunications.

"(b) UNITED STATES FIRE ADMINISTRATION.—The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Administrator of the United States Emergency Management Authority.".

(2) DIRECTORS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Directors, United States Emergency Management Authority.".

(3) FEMA OFFICERS.—

(A) FEDERAL INSURANCE ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking "Federal Insurance Administrator, Federal Emergency Management Agency.".

(B) INSPECTOR GENERAL.—Section 5315 of title 5, United States Code, is amended by striking "Inspector General, Federal Emergency Management Agency.".

(C) CHIEF INFORMATION OFFICER.—Section 5315 of title 5, United States Code, is amended by striking "Chief Information Officer, Federal Emergency Management Agency.".

(b) OFFICERS OF THE DEPARTMENT.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) An Administrator of the United States Emergency Management Authority.";

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) through (10) (as amended by this subsection) as paragraphs (2) through (9), respectively.

(c) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the items relating to title V and sections 501 through 509 and inserting the following:

"TITLE V—NATIONAL PREPAREDNESS AND RESPONSE

"Sec. 501. Definitions.
"Sec. 502. United States Emergency Management Authority.
"Sec. 503. Authorities and responsibilities.
"Sec. 504. Authority components.
"Sec. 505. Preserving the United States Emergency Management Authority.
"Sec. 506. Directors.
"Sec. 507. Regional Offices.
"Sec. 508. National Advisory Council on Emergency Preparedness and Response.
"Sec. 509. National Incident Management System Integration Center.
"Sec. 510. National Operations Center.
"Sec. 511. Chief Medical Officer.
"Sec. 512. Public and community preparedness.
"Sec. 513. SAVER Program.
"Sec. 514. National Search and Rescue Response System.
"Sec. 515. Metropolitan Medical Response System.
"Sec. 516. Emergency Management Assistance Compact authorization.
"Sec. 517. Office for the Prevention of Terrorism Coordination.

"Sec. 518. Department officials.
"Sec. 519. Nuclear incident response.
"Sec. 520. Conduct of certain public health-related activities.
"Sec. 521. Use of national private sector networks in emergency response.
"Sec. 522. Use of commercially available technology, goods, and services.
"Sec. 523. Procurement of security countermeasures for strategic national stockpile.
"Sec. 524. Urban and other high risk area communications capabilities.".

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on January 1, 2007.

Mr. LIEBERMAN. Mr. President, I thank Chairman COLLINS who has been good enough to allow me to speak for a few moments first because I have an engagement I am supposed to be at around noon.

I am pleased to join with Chairman COLLINS today to both introduce and speak in favor of this legislation to reinvent and rebuild FEMA into an agency capable of responding efficiently and effectively to a catastrophe the size and scope of Hurricane Katrina, but also to the natural disasters that in the normal course of events have affected and will affect the American people.

The Homeland Security and Governmental Affairs Committee spent 7 months last year and into this year investigating the failed Government response to Hurricane Katrina. Our report recounts a double tragedy of epic proportions, a tragedy caused, in the first instance, by nature, and then a tragedy compounded by human folly and the failure of leadership, including the failure of preparation.

We found that government at all levels—from the Federal Government to the local government, from the White House to FEMA to the Governor's office in Louisiana to the mayor's office in New Orleans—were unprepared, even though the hurricane and its effect on the New Orleans levee system had long been predicted. Likewise, all levels of government were unequipped to deal with the human suffering that followed the storm's landfall and galvanized the attention that ultimately produced the enormous embarrassment and anger of the American people as we watched our fellow Americans suffering in New Orleans and throughout the gulf coast without the support and help they have a right to expect from their government at all levels in a time of disaster.

These failings were caused by negligence, lack of resources, lack of capability, and a lack of leadership. Though we can legislate requirements for those in positions of leadership—and we do in the legislation we are introducing—we cannot legislate leadership. That is a personal quality. But we can legislate bold changes at the Federal level that are critical for our Nation to develop the capacity necessary to protect our people in times of disaster, whether natural or terrorist.

So in the aftermath of our report, we made a number of recommendations about what we believed on a bipartisan basis was needed to improve our preparations, response, and recovery the next time disaster strikes, as it surely will.

One of our recommendations—perhaps the key recommendation—is to rebuild FEMA into a more powerful, better managed, better integrated, better supported organization. Our recommendation was to give the reinvented FEMA, probably for the first time in its history, the authority and muscle to respond to natural disasters and to catastrophes—which is what Katrina was—in the way the American people have a right to expect their Government to respond—with speed, with efficiency, and with effect.

Today we introduce legislation that will do that. We call this new organization the U.S. Emergency Management Authority, U.S.-EMA. But no matter what we call it, this organization, we have concluded, must be in the Department of Homeland Security; in fact, must be at the core of that Department, just as FEMA was originally intended to do when we proposed the new Department in 2002 based on the recommendations of the Hart-Rudman Commission which said that the new Department must be centered around FEMA.

The legislation we are introducing today is the first step in this process. Chairman COLLINS and I expect soon to introduce a broader bill that will encompass all of our report's key recommendations. But we begin today by reaffirming how important it is to keep this critical national emergency management function in the Department of Homeland Security and how critical it is to strengthen it and rejoin the functions of disaster response with disaster preparedness.

Our investigation of Hurricane Katrina made it clear to us that preparedness and response are two sides of the same coin. In the years before Katrina, FEMA, the agency charged with coordinating our Nation's response to terrorist attacks or natural disasters, too often was out of the loop when critical decisions about how to prepare—such as how to spend billions of dollars in grants—were made. Exercises were designed and held without serious input by FEMA. FEMA's ability to respond was crippled because it was not central to preparedness, and thus did not have the close relationships needed with state and local officials on the front lines. The preparers and the responders need to be working hand in hand with State and local officials, other Federal agencies, and the private and non-profit sectors if both functions are to work as well as we expect them to.

Our legislation first and foremost will ensure that our preparedness efforts are closely linked, inseparable from the capabilities we need to respond.

Our investigation also made clear that part of FEMA's problem during Hurricane Katrina was that it was an agency weakened by years of budget and staff cuts. At the time the hurricane made landfall, FEMA had been operating with a 15-percent vacancy rate for over a year. And it had a senior political management largely without emergency management experience.

We address these problems by giving the new authority a special status within the Department of Homeland Security—the same special status the Coast Guard and Secret Service now have. With this status, changes to the agency's functions and assets can only be made through statute. Furthermore, we would require that the Administrator and other key officials have the necessary experience and qualifications to get the job done. U.S.-EMA will not be plagued by unqualified appointees like FEMA has been.

The chairman and I also believe FEMA is too Washington-oriented and too disconnected from the real work of preparing for disasters where they actually occur, so we envision a rebuilt agency with robust regional offices to focus on preparedness and response coordination with local and State agencies. Each regional office would house a permanent "strike team" that would include representatives from other Federal agencies involved in emergency response to ensure the feds are familiar with regional threats and with state and local emergency personnel.

I know some of my colleagues believe FEMA should be removed from DHS and given the full independent status it once had. But Senator COLLINS and I know this is not the solution. Removing the agency from the Department will only create additional problems. It would be like removing the Army from the Department of Defense.

The U.S.-EMA, the Government's chief response agency, must have access to the vast resources of the Department of Homeland Security and it needs to work seamlessly with the other agencies that have critical roles to play during catastrophes. The Coast Guard, which performed so admirably during Katrina, might need to be activated. The Department's communications capabilities, law enforcement, intelligence offices, and infrastructure protection will all be needed in response to a catastrophe. In other words, the Federal response must be integrated and that will occur if all agencies have a history of working together within the same Department, if the officials know one another, and if they ultimately serve the same Secretary of Homeland Security.

Furthermore, taking FEMA out of DHS would create more and duplicative bureaucracy. DHS would have to develop its own response capabilities. FEMA would have to develop its own preparedness capabilities. And both would need to have tools for obtaining situational awareness. We do not have the resources to waste on that kind of duplication.

Returning FEMA to an independent agency is not a guarantee that it will be competent. Even when it was independent, FEMA never did develop the capabilities needed to respond to a catastrophe like Katrina. In fact, its response to Hurricane Andrew in 1992—a much smaller storm, killing about 50 people compared to Katrina's 1,500—was a disaster in itself, leading the Government Accounting Office to conclude that it had "serious doubts about whether FEMA is capable of responding to catastrophic disasters." The agency did improve subsequent to Hurricane Andrew but never had the ability to respond to a storm such as Katrina.

The desperate conditions of gulf coast communities in the week after Katrina's landfall shocked the country. There are many other American communities that are similarly vulnerable—whether to a natural disaster or to terrorist attack. The next catastrophe is coming. We know that. We also know there are significant flaws in the Nation's readiness. We can't afford another response like the one to Katrina.

Our proposal is not about fiddling with bureaucratic flow charts or rebranding, or rearranging the deck chairs on the Titanic. It is about plugging the gash in the hull and building a better deck. It is about saving people's lives by bringing together the skills, resources, missions, and authority for effective preparedness and response to catastrophes when local and State agencies are overwhelmed by a terror attack or a natural disaster.

I ask my colleagues for their support of this legislation.

Mr. President, I yield to Chairman COLLINS for the rest of the introduction of this legislation.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am very pleased to join my friend and colleague, Senator LIEBERMAN, in introducing a bill that addresses an urgent challenge facing our Nation: the need to ensure a strong and effective capability to deal with natural and man-made disasters, whether they are hurricanes and ice storms or terrorist attacks and pandemic diseases.

The U.S. Emergency Management Authority Act is intended to remedy many of the glaring deficiencies that we all saw in the preparation and response to Hurricane Katrina. The U.S.-EMA bill reflects the evidence that the Senate Homeland Security Committee examined during the course of an exhaustive and bipartisan 7-month investigation. The committee convened 22 hearings, heard testimony from 85 witnesses, conducted more than 325 formal interviews, and examined more than 838,000 pages of documents.

The result is a 737-page report that contains 88 recommendations for improving our emergency management system at all levels of government.

Our legislation is an important first step toward implementing the committee's major recommendations for reforming FEMA. We will, as my colleague, Senator LIEBERMAN, indicated, be introducing subsequent legislation to implement other recommendations.

The four key features of the bill that we introduce today will, first, give the new authority statutory protection against actions that could diminish its capabilities and effectiveness, such as departmental reorganizations; second, ensure that the administrator of U.S.-EMA has direct access to the President; third, reunite preparedness functions with response capabilities while expanding U.S.-EMA's authority over other key functions; and fourth, strengthen the authority's regional focus with Federal strike teams for faster, more coordinated and effective responses.

Senator LIEBERMAN and I strongly believe that the best way to achieve the goal of improving the Federal Government's ability to protect American citizens from disaster, to mitigate the impacts, and to promote recovery is to strengthen and expand the Federal Emergency Management Agency, which we have proposed to rename the U.S. Emergency Management Authority. As we saw so starkly and so tragically demonstrated last year, FEMA simply must be made far more effective.

We believe FEMA needs special status within the Department of Homeland Security. Our bill would extend to the reconstituted FEMA the same kinds of statutory protections against departmental reorganizations and raids on resources that currently shield the Coast Guard and the Secret Service. I acknowledge the critical role played by the Senator from Mississippi, Mr. LOTT, in helping us draft this portion of the bill.

FEMA would also require more regional focus and closer coordination with local State entities, as well as with our nongovernmental partners. They are the first line of response in a disaster. Our legislation bolsters the role of FEMA's regional centers by authorizing the creation of multiagency strike teams to ensure rapid and effective cooperation with first responders and public officials in disaster areas. These strike teams would comprise representatives from all of the Federal agencies that play a role in responding to the disasters. They would train and exercise with their State and local counterparts.

I was struck by the fact that during our investigation, we learned that FEMA sent officials from region I—New England—down to help out in New Orleans. Often they were the lead officials. These were trained and dedicated people, but just think how much more effective they could have been if they had been stationed in the region and working regularly with the public officials in that region and with the first responders.

We believe FEMA needs top-level access and visibility. The administrator of the new U.S. Emergency Management Authority would be designated by our bill as the principal adviser to the President on matters of emergency management and would have direct access to the President. This would establish the administrator in a capacity that is analogous to that of the Chairman of the Joint Chiefs of Staff. In addition, the administrator would be authorized to communicate any recommendations, any needs and requirements directly to Congress.

Our intention to keep the strengthened FEMA as part of DHS has stirred more debate than perhaps any other of our recommendations emerging from the Katrina investigation. Some Members of this Chamber, as well as proponents of a bill introduced in the House, insist that FEMA must be extracted from the Department of Homeland Security and restored to independent status. We share the view that the actions of both FEMA and DHS officials before and during the Katrina disaster revealed troubling and, at times, shocking lapses in awareness, agility, and judgment. But we also believe that both logic and practical realities point to reform, not amputation, as the best approach to improved protection for our citizens.

Please recall that it was only 5 years ago—before the 9/11 terror attacks—that the distinguished panel chaired by two of our former colleagues, Senator Hart and Senator Rudman, recommended that America establish a single agency to plan, coordinate, and integrate homeland security operations. The Commission correctly deduced that FEMA was the "necessary core" of that new department, and Congress agreed. The logic of that decision stands intact. The Department of Homeland Security's mission extends to all types of hazards and to preparation and mitigation as well as to response. DHS needs FEMA's capabilities and would have to re-create many of them at great cost and with great duplication of effort if FEMA were to be removed from the Department.

Even if that re-creation could somehow be done economically—and the evidence is that it would cost billions of dollars—the result would be new problems for State and local officials who direct first responders. Bifurcated, competing preparedness systems would force State and local officials to engage one system to prepare for natural disasters and another to prepare for terrorist attacks. That does not make sense. Many of the response capabilities are exactly the same whether the catastrophe is caused by a natural disaster such as a hurricane or whether it is the result of a terrorist attack. We know planning and response capabilities are already far too weak in many States. DHS's recent survey of the States proves that. We should not make the problem worse.

For those who argue that FEMA simply cannot thrive, cannot be successful within DHS, an obvious and telling question arises: How, then, did the U.S. Coast Guard, also a unit within DHS, emerge as the universally acclaimed hero of the Katrina response? Everyone believes the Coast Guard was the stellar performer, yet the Coast Guard is part of the Department of Homeland Security. So clearly FEMA's problem does not lie in its placement within DHS. Unlike FEMA, however, the Coast Guard has congressionally mandated protections, and our legislation would extend that exact same protection to FEMA's successor agency.

The temptation to think that the answer is simply to remove FEMA is strong, but it is wrong. Just as not all motion is forward, not every change is progress. Emergency management expert Professor Donald Kettl of the University of Pennsylvania put it well when he told our committee:

> It is tempting to send a strong signal by pulling FEMA out of DHS. But that would only undermine its ability to accomplish its mission. Breaking these pieces apart—separating response to terrorism from response to natural disasters, separating preparedness from response, separating FEMA from DHS—would inevitably bring problems.

I would suggest these are just a few of the serious implications that severing FEMA from DHS would cause.

First, coordination and reaction time would suffer. David Paulison, the new Director of FEMA, says that he closely coordinates with the Coast Guard, Immigration and Customs Enforcement, Border Patrol, and the Secret Service through weekly meetings. In times of disaster, he can simply make a request to these fellow DHS units; he doesn't have to go through a bureaucratic, formal process. They are all parts of the same department.

Second, training and preparedness would suffer. ADM Thad Allen of the Coast Guard testified before the committee that having FEMA within DHS has allowed much closer working ties and a 350-percent increase in joint training exercises.

Third, DHS's mission capability would suffer. The Homeland Security Act specifies that part of DHS's mission was to act as the focal point for natural and manmade emergencies and for emergency planning. As the Comptroller General has said:

> Removing FEMA from DHS might impact the ability of the department and its remaining components and FEMA itself in fully addressing the close links between preparedness, prevention, response, and recovery from all hazards.

Fourth, State and local governments would suffer. If preparedness functions for natural disasters and terrorist attacks were divided, State and local governments would have to deal with two primary points of contact, two sets of regulations, two sources of funding, and two sets of officials. It greatly complicates their tasks.

Fifth, I strongly believe that FEMA would suffer. Removed from DHS, FEMA would lose many of the working relationships I have already described as well as the direct access to the information-gathering and analysis capabilities of other DHS agencies. This would degrade FEMA's ability to plan and train for both natural and manmade disasters and to make efficient use of grant-making authority.

To me, it is clear that a strengthened—a much strengthened—FEMA still belongs in DHS, that the necessary reforms can be carried out while it remains in DHS, and that severing FEMA from DHS would create a host of new problems, resulting in considerable extra expense and duplication, without securing any significant benefits. It is worth noting that America's largest group of first responders has come to the same conclusion. The president of the 274,000-member International Association of Firefighters has written us to say:

> Removing FEMA would hinder—rather than help—efforts to reform our Nation's emergency response system. Having both a DHS and an independent FEMA would create confusion among local response personnel and lead to an unproductive duplication of efforts and turf battles.

Having summarized what I see as compelling arguments for strengthening and protecting FEMA as a component of DHS, let me outline some of the key provisions of our U.S.-EMA bill.

First, the bill establishes a strong position for the Administrator of the U.S. Emergency Management Authority. Once nominated by the President and confirmed by the Senate, the Administrator will have the standing of a Deputy Secretary, and will operate on a reporting and chain of command model like that of the Chairman of the Joint Chiefs of Staff. Day to day, the Administrator will report to the DHS Secretary, but the bill explicitly provides a direct line of communication between the President and the Administrator during a catastrophe. In addition, the Administrator may make whatever recommendations to Congress that he or she deems appropriate.

The bill provides for directors, nominated by the President and confirmed by the Senate, to provide the Administrator with highly qualified professionals in Preparedness and Mitigation, Response, and Recovery. Apart from bolstering the organization, authorizing these posts would send a clear signal to the Nation's Governors and mayors that they will have people of stature with whom to work and confer.

Besides providing the Administrator of U.S.-EMA with an advisory link to the President, the bill specifically tasks the Administrator with providing the federal leadership necessary to prepare for and respond to a disaster, whether man-made or natural. It gives the Administrator responsibility for administering preparedness grant programs, and for monitoring and evaluating the readiness of each of the emergency support functions under the national response plan. These are critical steps for ensuring close cooperation and oversight of preparedness at all levels of government.

The bill specifies that U.S.-EMA is a distinct entity and protects it from reorganization without explicit Congressional approval. This gives U.S.-EMA security identical to that of the Coast Guard.

Another critical element of the bill authorizes a strong regional structure for U.S.-EMA and creates regionally based federal strike teams for rapid response. This will ensure that U.S.-EMA officials are familiar with the people, the vulnerabilities, and the resources of the regions they protect, and will not be introducing themselves to strangers on unfamiliar ground when disaster strikes.

Further recognizing the importance of mult-level government coordination, the bill creates a national advisory council on emergency preparedness and response—made up of State and local officials and emergency management professionals from public, private and NGO sectors—to advise the Administrator of U.S.-EMA.

Our bill provides a statutory basis for chief medical officer to advise the DHS Secretary on medical and public-health issues. Other sections promote public and community preparedness; evaluate the effectiveness of equipment for first responders; reauthorize and expand the emergency management assistance compact; and create an office of terrorism prevention at DHS.

Mr. President, the U.S. Emergency Management Authority Act is not a symbolic gesture, or a quick fix for our problems. It is a thoroughly researched, carefully drafted collection of reforms that will lay the foundation for years of hard work.

The result, we firmly believe, will be a significantly more effective national system of preparedness, mitigation, response, and recovery against natural disasters and terror attacks. Building on the insights of the Hart-Rudman Commission and on the important advances embodied in the Homeland Security Act, the U.S.-EMA bill will greatly improve the protections that American citizens need, and deserve.

Mr. President, my statement has outlined the reforms we are making to this new agency. They are considerable. They are going to make a real difference, and I hope we can pass legislation before the end of this year to greatly strengthen and improve FEMA and our emergency response system and preparedness on all levels of government.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 107—CONGRATULATING DONALD ANDREW HALL FOR HIS SELECTION BY THE LIBRARIAN OF CONGRESS AS THE 14TH POET LAUREATE OF THE UNITED STATES AND FOR HIS GREAT ACCOMPLISHMENTS IN PROSE AND ESSAYS FOCUSING ON NEW ENGLAND RURAL LIVING, BASEBALL, AND HOW WORK CONVEYS MEANING TO ORDINARY LIFE

Mr. GREGG (for himself and Mr. SUNUNU) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

Whereas Donald Hall attended the prestigious Bread Loaf Writers' Conference at age of 16 on account of his prose and short story writing;

Whereas Donald Hall served as literary editor of Isis, the Oxford Poetry Society's journal, and won Oxford University's prestigious Newdigate Prize for "Exile";

Whereas Donald Hall served as the poetry editor of The Paris Review;

Whereas Donald Hall has held Stanford's Creative Writing Fellowship, a position in Harvard's Society of Fellows, and a faculty position at Harvard for 18 years;

Whereas Donald Hall held the position of New Hampshire Poet Laureate from 1984 to 1989;

Whereas Donald Hall has published 15 books of poetry, including "The One Bad" (1988), "The Happy Man" (1986), and "Exiles and Marriages" (1955);

Whereas Donald Hall has also written 20 books of prose, children's books, and plays;

Whereas Donald Hall's most recent work is "White Apples and the Taste of Stone: Selected Poems 1946-2006";

Whereas Donald Hall has received numerous awards including 2 Guggenheim Fellowships, the Poetry Society of America's Robert Frost Silver Medal, a Lifetime Achievement Award from the New Hampshire Writers and Publisher Project, the Ruth Lilly Prize for Poetry, the National Book Critics Circle Award, the Los Angeles Times Book Prize, the Lenore Marshall Poetry Prize, and the Academy's Lamont Poetry Selection;

Whereas Donald Hall has been nominated for a Pulitzer Prize;

Whereas Donald Hall has won a Caldecott Medal for his children's book, "The Ox-Cart Man";

Whereas Donald Hall is a member of the Academy of Arts and Letters; and

Whereas recurring themes in Donald Hall's writings include New England rural life, baseball, and ordinary life: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress congratulates Donald Andrew Hall for his selection by the Librarian of Congress as the 14th Poet Laureate of the United States and for his great accomplishments in prose and essays focusing on New England rural living, baseball, and how work conveys meaning to ordinary life.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been postponed before the Committee on Energy and Natural Resources.

The hearing originally scheduled for Thursday, June 29, 2006 at 10 a.m. in room SD–366 of the Dirksen Building has been postponed and will be rescheduled for a date to be announced.

The purpose of the hearing is to receive testimony on H.R. 5254, the Refinery Permit Process Schedule Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact John Peschke at (202) 224–4797 Shannon Ewan at (202) 224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 28, 2006, at 3:15 p.m., in closed session, for a discussion on training and equipping Iraqi security forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 28, 2006, immediately following the first rollcall vote of the day's session, to vote on the nomination of Mr. James S. Simpson, of New York, to be Federal Transit Administrator, Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DEMINT. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be allowed to meet at 10 a.m. on Wednesday, June 28, 2006, to consider H.R. 5252.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 28, 2006, at 10:30 a.m. The purpose of this meeting is to consider the nomination of Marc Spitzer, of Arizona, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2011, vice Nora Mead Brownell, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DEMINT. Mr. President I ask unanimous consent that on Wednesday, June 28, 2006, at 9:30 a.m., the Committee on Environment and Public Works be authorized to hold an oversight hearing on EPA regional inconsistencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, June 28, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to consider S. 1321, the Telephone Excise Tax Repeal Act of 2005, and an amendment that incorporates S. 832, the Taxpayer Protection and Assistance Act of 2005. Pending the introduction of a bill, the Chairman also intends to hold a markup of legislation to implement the U.S.-Oman Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 28, 2006, at 2:30 p.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, June 28, 2006, at 10 a.m., followed by a full committee hearing commencing at 10:30 a.m. Both the executive session and full committee hearing are scheduled to be held in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 28, 2006, at 10 a.m., to consider the nominations of Mickey D. Barnett, Katherine C. Tobin, and Ellen C. Williams to be Governors, U.S. Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 28, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Native American Housing Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DEMINT. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Hedge Funds and Independent Analysts: How Independent Are Their Relationships?" on Wednesday, June 28, 2006 at 9:30 a.m. in Dirksen Senate Office Building room 226.

Witness list

Panel I: The Honorable Matt Friedrich Principal Deputy Assistant Attorney General, Crime Division, U.S. Department of Justice, Washington, DC; The Honorable Richard Blumenthal, Attorney General, State of Connecticut, Hartford, CT.

Panel II: Gary Aguirre, Former Investigator, Securities Exchange Commission, Washington, DC; Marc Kasowitz, Senior Partner, Kasowitz, Benson, Torres & Friedman LLP, Alliance for Investment Transparency, New York, NY; Joseph McLaughlin, Partner, Sidley & Austin LLP, Managed Fund Association, New York, NY; Kim Blickenstaff, Chairman and Chief Executive Officer, Biosite, Inc., San Diego, CA; Owen Lamont, Professor of Finance, Yale School of Management, New Haven, CT; Demetrios Anifantis, Former Employee, Camelback Research Alliance, Inc., Scottsdale, AZ; Howard Schillit, Chief Executive Officer and Founder, Center for Financial Research and Analysis [CFRA, LLC], Rockville, MD; Jonathan Boersma, Director, Standards of Practice CFA Centre for Financial Market Integrity, Charlottesville, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DEMINT. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, June 28, 2006, at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: (Members of Congress).

Panel II: Kimberly Ann Moore to be United States Circuit Judge for the Federal Circuit; Bobby E. Shepherd to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Water and power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 28, 2006, at 2:30 p.m.

The purpose of the hearing is to receive testimony on S. 1812, to amend the reclamation projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; S. 1965, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton irrigation district; S. 2129, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding division of the Minidoka Project, Idaho; S. 2470, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B irrigation district in the State of Idaho; S. 2502, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; S. 3404, a bill to preauthorize the MNI Wiconi rural water supply project; H.R. 2383, to predesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Plumbing Plant"; and H.R. 4204, to direct the Secretary of the Interior to transfer ownership of the American River pump station project and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3590

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3590) to amend title XIX of the Social Security Act to delay the effective date of the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

Mr. FRIST. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read a second time on the next legislative day.

RURAL HEALTH CARE CAPITAL ACCESS ACT OF 2006

Mr. FRIST. I ask unanimous consent the Committee on Banking, Housing and Urban Affairs be discharged from further consideration of H.R. 4912, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4912) to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4912) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, JUNE 29, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, June 29. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 2 hours with the first 30 minutes under the control of the majority leader or his designee, the next 30 minutes under the control of the Democratic leader or his designee, to be followed by 30 minutes under the control of the majority leader or his designee, and the final 30 minutes under the control of the Democratic leader or his designee; provided further that following morning business, the Senate proceed to S. 3569, the Oman Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today Hank Paulson was confirmed by the Senate to be Secretary of the Treasury.

I commend Chairman GRASSLEY and Senator BAUCUS for expediting this important Cabinet position and I, once again, wish through this body to thank Hank Paulson for his service.

Tomorrow we will consider the United States-Oman Free Trade Agreement. Since we do not expect to use all 20 hours that is allowed under the statute, we can anticipate a vote tomorrow afternoon. We will inform Senators as to when that vote will occur once it is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:26 p.m., adjourned until Thursday, June 29, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 2006:

THE JUDICIARY

DEBRA ANN LIVINGSTON, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE JOHN M. WALKER, JR., RETIRING.

KENT A. JORDAN, OF DELAWARE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE JANE R. ROTH, RETIRED.

RAYMOND M. KETHLEDGE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JAMES L. RYAN, RETIRED.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE SUSAN BIEKE NEILSON, DECREASED.

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA, VICE FREDERICK P. STAMP, JR., RETIRING.

MARY O. DONOHUE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE FREDERICK J. SCULLIN, JR., RETIRED.

JOHN ALFRED JARVEY, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA, VICE RONALD E. LONGSTAFF, RETIRING.

ROBERT JAMES JONKER, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE GORDON J. QUIST, RETIRED.

PAUL LEWIS MALONEY, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE RICHARD ALAN ENSLEN, RETIRED.

JANET T. NEFF, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE DAVID W. MCKEAGUE, ELEVATED.

DEPARTMENT OF TRANSPORTATION

SEAN T. CONNAUGHTON, OF VIRGINIA, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION, VICE WILLIAM SCHUBERT, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

JAY M. COHEN, OF NEW YORK, TO BE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY, DEPARTMENT OF HOMELAND SECURITY, VICE CHARLES E. MCQUEARY, RESIGNED.

NATIONAL INSTITUTE FOR LITERACY

TIMOTHY SHANAHAN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007, VICE JEAN OSBORN, TERM EXPIRED.

PATRICIA MATHES, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2007, VICE MARK G. YUDOF, RESIGNED.

CARMEL BORDERS, OF KENTUCKY, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 25, 2008. (REAPPOINTMENT)

DONALD D. DESHLER, OF KANSAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2008, VICE PHYLLIS C. HUNTER, TERM EXPIRED.

ELIZA MCFADDEN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2009, VICE DOUGLAS CARNINE, TERM EXPIRED.

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING JANUARY 30, 2009. (REAPPOINTMENT)

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, June 28, 2006:

DEPARTMENT OF THE TREASURY

HENRY M. PAULSON, JR., OF NEW YORK, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, June 28, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. REHBERG).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 28, 2006.

I hereby appoint the Honorable DENNIS R. REHBERG to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Karl D. Eastlack, Senior Pastor, Eastern Hills Wesleyan Church, Williamsville, New York, offered the following prayer:

Dear God and Father of all, we pause in this quiet moment, before the full day comes rushing at us from all sides, to give You thanks and praise. Your world, even with its wrinkles and problems, is still the most beautiful place in which to live.

I thank You, God, for the incredible talent and brain power in this room. The qualities of strong leadership and personal confidence are evident everywhere I turn. May You, O Lord, help us to balance these power gifts with heart gifts of compassion and humility.

For as smart as we are, we confess that the times are too complicated, the issues too large and looming for us to think that we can deal with them without Your guidance. So I ask, on behalf of these who have come to this Hall in order to lead, that You would grant us humility and wisdom for this hour. For we need You today more than ever.

Also, I ask that You please grant protection and courage to the young men and women serving in our military today.

This is our confession and our prayer in Your Holy, Awesome and Majestic Name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 801. An act to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse".

S. 2650. An act to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse".

WELCOMING PASTOR KARL EASTLACK

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, today I rise to recognize an inspiring and devoted leader from my district who just opened our House with a moving prayer.

Pastor Karl Eastlack heads up one of the largest congregations in the 26th Congressional District of New York. The thousands who are drawn to Eastern Hills Wesleyan Church in Williamsville, New York, are there because they see something special in Pastor Eastlack.

Pastor Eastlack's words provide guidance and comfort in an often rough and uncertain world. The words, he will tell you, are not his own but those of God who called him into service decades ago.

Pastor Eastlack arrived at Eastern Hills in 1987 to just 19 parishioners. The church has grown to 4,000 strong under the leadership of Pastor Eastlack, his family and staff, but Pastor Eastlack will tell you that more important than the number of bodies in the pews any given week are the number of lives being touched, changed and made better through the work of Eastern Hills Wesleyan Church. That is how he measures success.

Today, he is active in western New York's community, which he and his family call home, but he has been called to preach and teach throughout the world.

When Pastor Eastlack accepted his call to ministry, God had no boundaries for where he would serve. In the parable of the Good Shepherd, John 10:4 reads, "I am the good Shepherd, and know my sheep, and am known of mine."

A good shepherd, too, leads the flock of Eastern Hills Wesleyan Church, and Mr. Speaker, in honor of his spiritual leadership, I ask that this honorable body join me in honoring Pastor Karl Eastlack.

EXPRESSING APPRECIATION TO HONDA FOR OPENING PLANT IN GREENSBURG, INDIANA

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, within the hour, the people of Indiana will hear the news firsthand: 2,000 jobs and a $550 million Honda plant is coming to Greensburg, Indiana, in the heart of the Sixth Congressional District. Thanks to the leadership of Governor Mitch Daniels, Mayor Frank Manus and other State and local officials, Honda will soon break ground on a vehicle plant that will produce 200,000 automobiles in southern Indiana every year.

Through its decision today, Honda has chosen to partner with the people of my congressional district. While many deserve credit for seeing these 2,000 jobs come to this city of 10,200 citizens, Honda's decision today is mostly a reflection of its confidence in the hardworking people of Indiana. Honda said yes to Indiana and yes to the skill, integrity and ethic of working Hoosiers.

On behalf of the people of the Sixth Congressional District, I rise to express my profound gratitude and best wishes to Honda for providing this extraordinary economic boost for the citizens of Greensburg, Indiana, and the surrounding area.

WAG THE DOG

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, this administration is angry that the media leaked the story about its snooping into the bank records of millions of

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Americans. Its supporters in Congress want to formally condemn the New York Times. What a bunch of baloney.

It is about time the media did its job of protecting the public interest. If the media and this Congress had shown some independence from the party line of this administration, the claims of WMDs would have been dismissed, and the fact there was no connection between Iraq and 9/11 would have been well-established, and we would not have gone to war against Iraq.

A few years ago, a movie, "Wag the Dog," told of how a fictional U.S. administration misused its communications power to create phony stories to put this Nation into an international conflict. This administration has not only wagged the dog in Iraq, but with the help of its fabricators at the Rendon and Lincoln groups, it has wagged a whole kennel.

In a free society, the media cannot be a lap dog of any administration. The first amendment says, Congress shall make no law abridging freedom of the press, except of course under this administration.

HAMAS

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, Islamic extremists from the group Hamas attacked an Israeli army post on Sunday, killing two Israeli soldiers and holding hostage a 19-year-old corporal. Hamas militants called for the release of Palestinians from Israeli prisons in exchange for information on the soldier.

Mr. Speaker, Hamas's attempt at life-or-death blackmail once again shows its true colors. They are not a legitimate party promoting the democratic process. They are a terrorist organization, plain and simple.

The American taxpayers must never be asked to fund this terrorist organization that seeks to destroy the very existence of its democratic neighbor, Israel. We are in the business of eliminating terrorist funding, not authorizing it.

Our mission is to promote the spread of democracy in the Middle East. We must stand beside Israel, our most trusted ally in the Middle East, as they face down this terrorist organization in government clothing.

Mr. Speaker, democracy and terrorism cannot coexist, and I am putting my money on democracy.

MIXED SIGNALS ON IRAQ

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, we are getting mixed signals from the administration on the future of the Iraq war.

Last weekend, General Myers laid out a plan for withdrawal. Then, yesterday, General Peter Schoomaker, the Army Chief of Staff, said, "It's my belief that we're going to be in Iraq for a long time. It's open-ended."

An open-ended commitment with an open wallet? Really? After 3½ years, 2,500 lives, nearly a half a trillion dollars, 18,000 wounded, the American people deserve better than an open-ended commitment with an open wallet.

How about a strategy for success? The President has said, when the Iraqis stand up, we will stand down. How does that happen? The Iraqi people have a constitution. They have had an election. Now, they have 325,000 of the members of the Iraqi security force trained. What is the standard for success, let alone the strategy for success?

The American people desperately need a strategy, not slogans. We do not know because the administration does not know. They have no plan, and the American people are left with an endless occupation. What they are talking about is 5 more years and $500 billion more.

It is time for a new direction for Iraq. It is time for a new direction for America.

FREEDOM AND SECURITY, NOT POLITICS, WILL BRING OUR TROOPS HOME

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, over the weekend and just now on the floor, we have seen leading Democrats spin themselves into the ground when reports came out that the general in charge of operations was making plans to lower the number of American troops in Iraq.

Democrats seem more interested in who gets the political credit for the troops coming home than allowing themselves to achieve their mission. They see bogeymen around every corner.

In fact, the Senator from my home State of Michigan said that he knows the administration intends to withdraw troops in advance of the election simply for political gain.

Well, if they actually believe that the President is going to bring the troops home, why all these resolutions calling for a timetable for a withdrawal? Do they fear a withdrawal that happens due to the heroism of our troops and not Democratic political maneuvering?

The policy which has been backed by both Houses of Congress is that, as the Iraqis are increasingly able to stand up and provide for their own security, our forces will be able to stand down and return home with their mission accomplished.

Arbitrary timelines and calls for immediate withdrawal are nothing more than political posturing that will not change conditions on the ground.

God bless our troops.

MTM ENERGY WEEK

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Mr. Speaker, high fuel costs are having a devastating effect on family budgets. Since President Bush took office, gas prices have risen 162 percent to almost $3 a gallon.

Today, I am releasing a report that shows that Massachusetts' families will pay nearly $400 more for gasoline this summer than they did last summer.

Congress must start to address this energy crisis. This week, I will introduce legislation to give tax credits to consumers that buy flex-fuel vehicles. Flex fuel costs 30 to 60 cents less per gallon than conventional gasoline, and it is better for the environment.

Flex-fuel vehicles emit 25 percent less greenhouse gases, 40 percent less carbon monoxide and 80 percent less cancer-causing sulfates.

Mr. Speaker, this is a no-brainer. Why would anyone oppose paying less and breathing cleaner air?

As we approach the Fourth of July, Congress should declare our independence from foreign oil by passing this commonsense legislation to help lower fuel prices.

HOUSE REPUBLICANS IMPROVE AMERICA'S ENERGY EFFICIENCY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, House Republicans are committed to strengthening America's energy policies and lowering gas prices for families throughout our country. From supporting legislation to build more refineries to approving environmentally safe energy production, we have proposed commonsense initiatives that will provide a long-term solution to our energy crisis.

While Democrats may demagogue about any positive proposals, House Republicans continue to act on real reforms that will increase America's energy independence. Tomorrow, the House will consider the Deep Ocean Energy Resources Act, introduced by Congressman BOBBY JINDAL, which empowers States to protect their coastlines by restricting energy production to the deep seas more than 100 miles away from our shore. Additionally, this bill allows more of America's massive energy resources to be produced on the Outer Continental Shelf.

In conclusion, God bless our troops, and we will never forget September 11.

MINIMUM WAGE INCREASE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to express support for an increase in the minimum wage.

We should show the Nation that we understand it has been too long since we increased the minimum wage. We should be ashamed it takes a full day's pay at minimum wage to fill up your car at the pump.

Congress has not raised the $5.15 minimum wage since 1997. We are approaching a decade since we have addressed perhaps the most important issue for hardworking, low-income Americans.

This Congress has given billions of dollars in tax cuts to the wealthiest Americans, and we should help people who are working to make ends meet.

POINT OF ORDER

Mr. GENE GREEN of Texas. Mr. Speaker, I know it has gotten to be a habit. I would like to raise a point of order that a lot of Members from the Republican side seem to come up and stand at the podium when we are speaking, and I would hope we would not do that.

The SPEAKER pro tempore. The gentleman is correct. Members should not traffic the well while another Member is under recognition.

Mr. GENE GREEN of Texas. Mr. Speaker, this Congress has given billions of dollars in tax cuts to the wealthiest Americans. We should help people who are working to make ends meet.

Under this administration, costs for everything are up. Housing, health care and college tuition have all become more expensive and continue to rise. Yet a minimum wage earner can at best earn $10,700 a year.

I look forward to voting on a minimum wage increase in the near future, and I hope our leadership has the courage to bring this important issue to the floor. Let's increase the minimum wage now.

☐ 1015

SUPPORT THE WARN ACT

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. First of all, Mr. Speaker, let me apologize to my colleague. I have been doing this for 9 years, and I am just trying to be efficient. That is all.

Mr. Speaker, a few weeks ago, along with my colleagues, Representatives WYNN, BONO, ENGLISH, and MELANCON, I introduced the House version of the Warning, Alert and Response Network Act, also known as the WARN Act. The Emergency Alert System has not kept pace with our increasingly wireless and mobile society.

The WARN Act will help bring the Emergency Alert System into the 21st century by ensuring that, regardless of where an individual is or what kind of communication technologies they are using, they will receive a life-saving alert. Some examples of instances where they would receive an alert would be in response to all threats to public safety, including natural disasters, man-made accidents, and terrorist incidents.

The act also establishes a network for transmission of alerts across a broad variety of communication technologies, including wireless communication devices like cell phones and BlackBerrys; also things such as the Internet, digital, analog, cable, and satellite television, and satellite and terrestrial radio, as well as nontraditional media such as the public warning sirens.

This is in response to the recommendations of the White House on the Katrina report. I encourage all my colleagues to join me in supporting the WARN Act.

REPUBLICAN DO-NOTHING CONGRESS REFUSES TO ADDRESS OUR NATION'S ENERGY CRISIS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, at the end of this week, the House Republican leadership will once again leave town for another recess without seriously addressing our Nation's energy crisis. House Republicans have trumpeted this week as Energy Week. You would think if they were really serious about tackling this crisis we would spend the entire week debating a comprehensive energy proposal that would end our reliance on foreign oil and foster new energy technologies.

Instead, we get more of the same from the Republican leadership. Energy Week has turned into Energy Day, a debate on one bill that would allow oil and gas companies to drill on the Outer Continental Shelf off both the Atlantic and Pacific Oceans. Drilling off our coasts is not only environmentally and economically risky, but it is not possible for another 7 years. How is that supposed to help consumers today? The answer is that it is not.

House Republicans are only interested in lining the pocketbooks of the oil and gas companies. If House Republicans were serious about addressing our energy crisis, the House would debate my legislation that would reduce the price of a barrel of oil by $20. Instead, we spend 1 day on a bill that does nothing to assist Americans with the high cost of energy.

CONGRATULATING ST. CLOUD, MINNESOTA ON ITS 150TH ANNIVERSARY

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to recognize the City of St. Cloud, Minnesota, as it celebrates its sesquicentennial.

In 1856, three settlements along the Mississippi River formed the City of St. Cloud. Bolstered by the area's rich granite deposits, St. Cloud's local economy grew quickly, and it remains today the largest metropolitan area in central Minnesota.

Home of St. Cloud State University and nearby St. John's University and the College of Saint Benedict, as well as a multitude of parks, community organizations, and thriving businesses, St. Cloud has built a reputation as a positive place for families and a community that works together.

Mr. Speaker, I ask my colleagues to join me in celebrating this milestone for St. Cloud, a city that has brought 150 years of pride to the State of Minnesota.

REPUBLICAN RX DRUG PLAN IS ACTUALLY DRIVING UP PRESCRIPTION DRUG COSTS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this morning I would like to highlight two new reports out over the last week that once again demonstrates how the pharmaceutical industry is benefiting from the new prescription drug plan, while American seniors and the American taxpayers are paying even larger bills.

The first study, done by AARP, concluded that wholesale prices on the most popular drugs used by American seniors increased by 3.9 percent over the first 3 months of the year. Pharmaceutical companies promised drug prices would go down when the Republican plan took effect, but now it is clear they have actually increased at four times the rate of inflation.

The second study was conducted by Families USA, which found that American veterans are paying 43 percent less for their drugs than their counterparts under the Republican prescription drug plan. Our veterans get cheaper rates because the VA negotiates to get better deals from the pharmaceutical companies.

Contrast that with the Republican drug plan that restricts Medicare from negotiating on behalf of the American seniors.

NATIONAL SECURITY LEAKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as we all know, last week newspapers disclosed the details of a secret program used to track terrorist financial activity. Some newspaper editors make vague references to the public interest as their justification for publishing national security secrets. The greater public interest is protecting our homeland from another savage terror attack.

Our terrorist enemies are crystal clear about their intention. They seek the death not of hundreds or thousands but tens of thousands of innocent Americans. The program revealed last week by the media had been successful in stopping the terrorists from achieving their murderous aims. But now, thanks to the media, one more tool used to protect each and every one of us has been compromised.

Should this disclosure contribute to another attack on America, I wonder how the media will explain itself to the husbands, wives, sons, and daughters of those killed.

Mr. Speaker, the media got it wrong in this case. Because of them, we are in greater danger today than we were yesterday. In a time of war, this is truly disgraceful.

DO WHAT YOU CAN WITH WHAT YOU GOT WHERE YOU ARE

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, FDR once said, "Do what you can with what you got where you are."

We have west coast salmon fishermen that can't fish because of the government's stupidity. The administration released water in the Upper Klamath Basin to water intensive crops that killed the downstream fish, the breeding stock of wild salmon. The result is that fishermen can't fish.

The governments of the States have asked the administration to call for an emergency declaration to aid these fishermen. They have refused.

Today, the House of Representatives will hear about the plight of the fishermen and the failure of the GOP leadership to help them. We will do what we can with what we got where we are.

TRIBUTE TO DR. JOHN BURSON

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to commend a brave and giving man from my district, Dr. John Burson.

Dr. Burson is the CEO of Chattahoochee Healthcare in Carrollton, Georgia; and he was recently honored with a Healthcare Hero award for his selfless efforts on behalf of injured civilians in Iraq.

As a physician myself, I know many doctors but few with the tenacity of Dr. Burson. At age 71, he packed his bag for Baghdad, where he worked all during the day at the United States Embassy clinic and by night at the Combat Support Hospital treating injured Iraqi citizens. He even treated ABC news anchor Bob Woodward after he was injured by a roadside bomb.

Dr. Burson is a retired Lieutenant Colonel from the United States Army Reserves, where he spent 30 years serving our country. Thankfully, his retirement from the Reserves has not ended his commitment to service. In fact, Dr. Burson traveled to Iraq last November so he could relieve younger military doctors who wanted to spend the Christmas holidays with their families.

Mr. Speaker, Dr. Burson has used his skill and passion to improve the lives of patients from Georgia and Iraq; and I ask you to join me in saluting this brave American.

KEEP IMMIGRATION ISSUE ALIVE

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise to urge my colleagues to keep the immigration issue alive today. In spite of extraordinary efforts by our President and the Senate, the House majority is stalling any real negotiations by insisting on time-consuming hearings aimed at taking the temperature of the American public.

We know a clear majority of Americans want action and reform. Should we attempt border security first, which I believe we should, we still need to face the fact that comprehensive reform is necessary. This must include a guest worker program and dealing with the 11 million people who are here today that are contributing to our economy.

Need I remind my colleagues of the difficulty we had in just moving a few hundred thousand people from the gulf coast during the Katrina hurricane? Let us convene now the conference committee on immigration and deal with the issue and develop a bipartisan solution.

Delaying the conference committee with this proposed dog and pony show does the Nation no good. Further discussions need to begin. Delaying the difficult decisions will not make it go away. The American public wants and deserves action, not the politics of division.

REPUBLICAN PRINCIPLES ON IMMIGRATION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, last week, House Republicans outlined five principles that we want included in any immigration reform legislation before it is sent to the President. They are:

Republicans want to put a premium on border security and provide the resources necessary to strengthen our Border Patrol.

Republicans want to strengthen the enforcement of immigration laws and stiffen the penalties for those who break those laws.

Republicans want to hold employers who knowingly hire illegal aliens accountable and strengthen the penalties on them.

Republicans oppose any and all efforts to reward those who break our immigration laws.

And last, Republicans believe that immigrants must come here legally, obey our laws, and assimilate into American society by learning English.

Mr. Speaker, House Republicans passed a bill last December that incorporated these principles. Unfortunately, some of our colleagues in the Senate are pushing for legislation that would actually weaken our borders.

Mr. Speaker, this is neither what the American people need nor want.

RAISING THE MINIMUM WAGE

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, in one week House Republicans have shown where their priorities lie, who they are willing to help, and who really gets left behind.

I am sure the American people are not shocked to hear that Republicans once again sided with the wealthiest in our Nation when they repealed the estate tax last week. Meantime, Republicans refused to join Democrats in providing nearly 7 million Americans a pay raise.

It is truly mind-boggling that House Republicans continue to believe that minimum-wage workers can still get by on $5.15 an hour. Don't they know if you take inflation into account the minimum wage is at its lowest level in 50 years? Don't Republicans know this is the second-longest amount of time minimum-wage workers have gone without a pay raise? Don't they know that nearly three-fourths of minimum-wage workers are not just taking care of themselves but also a family?

Mr. Speaker, this is totally immoral. In this great Nation it is unbelievable that nearly 7 million people must struggle to this extent to make ends meet. It is only fair we give these workers a raise.

Democrats are not giving up, and we will continue to fight to give these workers their first pay raise in 9 years. It is only fair.

PALESTINIAN AUTHORITY AND ISRAEL

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, last night, we watched as Israel launched a targeted operation on the Gaza Strip to recover Israeli Corporal Gilad Shalit, who had been kidnapped during an attack by members of Hamas' military wing.

As an independent sovereign nation, Israel has every right to respond to acts of aggression against its homeland and the soldiers who defend it. In the name of peace, the Palestinian Authority must meet the calls from Israel and nations such as France and Egypt to produce the abducted soldier.

Our Nation must stand behind our allies in the global war on terror, support their right to protect their citizens, and call for Hamas to abandon aggression and violence and work for a peaceful solution recognizing Israel as part of a two-nation plan.

HELP SALMON FISHERMEN ON NORTHWEST COAST

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I am here today to support the fishers and the fishers' families on the west coast whose livelihood teeters on the brink of disaster as we stand here today.

It is outrageous that it has come to this. It is outrageous that the Bush administration's botched Klamath River policies will shut down 90 percent of the commercial salmon season and take huge bites out of the recreational and tribal catches.

It is outrageous that fisheries' managers were given the task of deciding between the survival of fishers and the survival of Klamath salmon, without the means to achieve either.

It is outrageous that the Bush administration continues to punish the fishing industry by challenging the court decision that would have returned needed flows to the Klamath River area.

It is outrageous that despite a 60 percent cutback in last year's fishing season, emergency economic assistance has been denied.

And, finally, it is outrageous that without economic assistance this year, many fishermen and their boats will be down and useless for the rest of eternity.

□ 1030

BAN DUMPING IN THE GREAT LAKES

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, this week I am introducing bipartisan legislation to ban dumping in the Great Lakes. Along with my Democratic colleague DAN LIPINSKI, we are moving the Great Lakes Water Protection Act because the number of beach closings in Illinois rose from 213 in 2003 to over 600 in 2004.

There were over 140 beach closings in my district alone last year. Our bill, supported by the Alliance for the Great Lakes, the Sierra Club and the Metropolitan Water Reclamation District of Chicago, sets a Federal date certain to ban dumping in the source of our drinking water. Fines under this bill would support building new sewage control projects to protect the lake.

I want to give a special thank you to a member of my staff, Ms. Kristy Cole, who drafted this legislation. As she leaves the Congress for a Northwestern JD/MBA program, we will now gather bipartisan support for this commonsense environmental reform.

DEMOCRATS OFFER A PRESCRIPTION FOR CHANGE TO FINALLY HELP SENIORS WITH RX DRUG COSTS

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, recent reports have shown why the Republican prescription drug plan is not working for seniors. Prices are still going up, and millions of seniors are about to fall into the doughnut hole, a period where they receive no coverage but continue to pay their premiums.

Democrats have long believed there is a better way, so we introduced a Democratic prescription for change. Our plan would give Medicare the bargaining power to negotiate lower prices with drug companies. The VA is doing that right now, and veterans are paying 43 percent less for their drugs than American seniors.

With all the money we save from negotiating lower prices, we have closed the doughnut hole to ensure that seniors are not losing coverage for a substantial portion of the year. Mr. Speaker, if Republicans are really interested in helping our seniors with their prescription drug bills, they would join us in supporting this prescription for change. It just doesn't make sense to continue with a plan that isn't lowering costs and creates a giant gap in coverage.

STOP INTELLIGENCE LEAKS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. The New York Times, you know, the actions of that storied paper certainly are the subject of much discussion. Mr. Speaker, it is a sad discussion, because it is a discussion about those who chose to leak information and those who chose to print that leaked information that is harmful to this great Nation's security.

It is unfortunate, and it does add to the level of distrust of bureaucracy and of government. It is sad. It is disappointing.

The perpetrators of those actions, Mr. Speaker, can rationalize all they want. But the point is this: Those actions, leaking that information, printing that information, make our intelligence community's job a little harder.

They make defunding terrorists and their activities more difficult, and they make our American communities less safe and less secure. It is a sad action, and it is an action with unfortunate consequences.

WASHINGTON REPUBLICANS CAN'T IGNORE FACT THAT THEY CREATED RECORD-SETTING DEFICITS

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, I am a Democrat, and I am glad about it. The reason for this joy is over the fact that the party to which I belong is pushing back against this Republican-led Congress and their out-of-control spending. Let us take a look at the facts. President Bush and congressional Republicans have turned a $5.6 trillion surplus into a $4 trillion deficit, a change of $9 trillion.

This is the most fiscally irresponsible American administration. We owe China almost $150 billion. My hope is that we never have to go to war with them because I don't believe they are going to finance it.

Secondly, it is absolutely unacceptable that the United States is borrowing almost all the money they are using to fight in Iraq and Afghanistan.

NATIONAL SECURITY LEAKS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, I rise today in frustration over the recent leak by the New York Times of a vital national security program. In a time of global war, this leak is a disgrace to all Americans and especially a disgrace to those risking their lives every day to keep us safe.

This disclosure raises grave concerns about why some in the media seem determined time and again to simply hand over our playbook to barbaric terrorists. Our ability to emerge victorious in this war on terror hinges on the success of these legal, appropriate and needed programs.

This is a war that more than any other in our history relies heavily on sophisticated data gathering. Giving away these details only empowers our enemy. Freedom of the press is an important right. However, the media must practice responsibility with classified intelligence.

Not just American prosperity is on the line, Mr. Speaker. These counterterrorism programs exist solely to protect the lives and the freedoms of American citizens. It is time that American lives are given greater priority than selling more newspapers.

STOP CURTAILING SALMON FISHING ON THE PACIFIC COAST

(Mr. WU asked and was given permission to address the House for 1 minute.)

Mr. WU. Mr. Speaker, this administration has moved to massively curtail fishing for salmon on the Pacific Coast. This is not just an economic effect. Salmon fishing is part of our culture. It is a part of who we are. This closure is not based on sound science; it is based in raw politics. It is allegedly to benefit one spring salmon run on the Klamath River.

But closure of the ocean will not bring the spring chinook back. What will bring it back, according to NOAA's own scientists, is better water management and taking better care of the water base and ecosystem. Closure of the ocean salmon season will not do any of these things.

Yesterday, we met with NOAA officials, and they decided not to even declare an emergency so that relief can be given for the disaster which they created. We are going to take actions today to alleviate or terminate the disaster that NOAA has created on the northwest coast.

VOLUNTEER FIRST RESPONDERS

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Mr. Speaker, it gives me great pleasure to rise this morning to salute the brave men and women in my district and around the Nation who graciously offer their time, compassion and lifesaving skills to fellow citizens in their time of greatest need.

Volunteer firefighters and rescue squad personnel provide essential services to our communities. A Scotland County volunteer, James Rupard, recently made me aware of a mileage reimbursement problem that was causing a financial burden on our local first responders.

The Volunteer Emergency Responder Fair Mileage Act seeks to give our volunteer emergency first responders a mileage reimbursement for use of their personal vehicles that reflects the critical service they provide.

Our volunteer first responders don't have a choice in their driving distance when an emergency occurs. They also don't have the luxury of choosing times or convenience when duty calls. I feel that raising this rate is a way to keep critical volunteers from having undue financial hardship, and it reflects the contribution they make to our communities.

I urge my colleagues to support volunteer first responders in their districts by cosponsoring the Volunteer Emergency Responder Fair Mileage Act.

OUR SALMON FISHING INDUSTRY IS HITTING THE ROCKS

(Mr. THOMPSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of California. Mr. Speaker, The Oregonian today printed, the west coast salmon fishing industry is nearly dead in the water, and everybody can see it is going to hit the rocks. But so far, the Bush administration is unwilling to lift a finger.

Mr. Speaker, NOAA fisheries at the local level said it is a disaster. Governors in California and Oregon have said it is a disaster, but NOAA fisheries in Washington D.C. and the Bush administration have said to the west coast, drop dead, we are not even going to look at this issue until February.

By the time February rolls around, fishing families and fishing communities throughout the coast, in my district, in Eureka, Fort Bragg, Fortuna, Arcada, Crescent City, they are going to be out of business. They are going to lose their boats. They are going to lose their homes. They are not going to be able to pay for their kids to go to college or buy insurance.

This is a disaster. The administration is refusing to even look at it. The Republican Congress is ignoring this fact that working families are being displaced, put out of jobs and are going bankrupt.

STOP RESTRICTING SALMON FISHING

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. There is a lot of lip service paid in this Congress and downtown at the White House about family values and small business. Who better represents family values and small business than the fishermen and women on the Oregon and California coast.

This administration has told them we are going to restrict the fishing season to a point where you cannot afford to go out; you can only catch 75 fish in one trip. Nobody can afford to go far out to catch 75 fish, so no one is fishing.

But they won't declare a disaster because they said someone might fish. They admitted no one is fishing. No one can afford to fish. Well, maybe something will happen. The price of fish will go up, go up to what, $100 a pound? Then maybe they could afford to go out for 75 fish.

This administration is refusing to put its money where its mouth is and deliver and help keep families together, support communities and support small business with a modest amount of disaster assistance. We need a disaster declaration from the White House, and we need it now.

EMERGENCY ASSISTANCE FOR ECONOMIC DISASTER ON OREGON AND CALIFORNIA COAST

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, later today, Mr. THOMPSON and Mr. DEFAZIO will offer an amendment seeking emergency assistance for an economic disaster that the Bush administration is creating on the Oregon and California coast, and that disaster is about to strike hundreds of small independent businessmen who fish for a living. These individuals are going to lose the economic support for their families. They are going to probably lose the ability to keep their boats so they can fish if the recovery takes place, and they are going to end up deep in debt.

It is just unfair that this would happen, especially when this is a disaster that was created by the Bush administration. They ought to take responsibility. They ought to be held accountable for their actions, and they ought to provide relief to these hardworking families who are so much a part of our community and our culture and our economy. And they ought to do it now.

The Congress can correct this matter later today by passing the amendment. Unfortunately, we have been put on notice that that won't happen, so we are going to put you on notice. We are not going to relent on this effort until some relief is forthcoming from the administration, as has been asked by the Governor of California, the Governor of Oregon, the delegations in the Senate, but nothing from the administration except obstruction and an economic disaster for these families from the coast.

NOAA FISHERIES RESPOND TOO SLOWLY TO DISASTER

(Ms. HOOLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY. Last year, the fishing was reduced by about 60 percent. This year, the fishing along the Oregon and California coast has been reduced to almost nothing. In March, an administrator from NOAA told us they would be able to expedite a disaster by March of the 2006 season.

Well, it is way past March, folks. Yesterday we were told they will not be able to declare a disaster until February of 2007.

Let me tell you what happens: The people that cannot go out fishing cannot afford to make their payments on their boats. They cannot afford to feed their families. They cannot afford to put a roof over their heads. They can't afford school books for their children. This is a time when divorce rates go up; suicide rates go up.

These are not rich communities. These are poor communities. When disasters happen in other areas, we declare a disaster and help people out. That's what we do. This is unacceptable. We need everyone's help.

MOTION TO ADJOURN

Mr. WU. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Oregon (Mr. WU).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 27, nays 358, not voting 47, as follows:

[Roll No. 331]

YEAS—27

Ackerman
Berry
Capps
Clay
Conyers
DeFazio
Delahunt
Doggett
Emanuel
Eshoo
Farr
Filner
Hastings (FL)
Kucinich
Lewis (GA)
McDermott
Miller, George
Pastor
Pelosi
Sánchez, Linda T.
Stark
Thompson (CA)
Towns
Waters
Waxman
Woolsey
Wu

NAYS—358

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Pallone
Paul
Payne
Pearce
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—47

Abercrombie
Boehlert
Bono
Cannon
Cantor
Capuano
Cardoza
Carson
Cubin
Culberson
Davis (FL)
Edwards
Engel
Evans
Fattah
Gingrey
Grijalva
Holden
Hyde
Istook
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Matsui
McCrery
McKinney
Melancon
Millender-McDonald
Ortiz
Owens
Oxley
Pascrell
Pence
Peterson (PA)
Poe
Pombo
Rangel
Sabo
Schakowsky
Sherwood
Simpson
Smith (NJ)
Taylor (MS)
Watson
Young (AK)

☐ 1108

Messrs. BUYER, MARCHANT, CLEAVER, COSTA, Mrs. MYRICK, and Ms. WASSERMAN SCHULTZ changed their vote from "yea" to "nay."

Mr. EMANUEL, KUCINICH and Ms. ESHOO changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 331 I was unavoidably detained. Had I been present, I would have voted "nay."

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 890 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5672.

☐ 1109

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 27, 2006, the amendment by the gentleman from Minnesota (Mr. KENNEDY) had been disposed of and the bill had been read through page 25, line 22.

Pursuant to the order of the House of that day, no further amendment to the bill may be offered except those specified in the previous order of the House of that day, which is at the desk.

AMENDMENT OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REYES:

Page 23, line 4, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 24, line 6, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 62, line 12, after the dollar amount, insert the following: "(decreased by $10,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

The amendment before us would increase funding for the Southwest Border Prosecution Initiative, which is designed to reimburse prosecutors for the cost of prosecuting Federal drug crimes. As we all know, many federally initiated drug cases are referred to local courts for prosecution. These drug crimes are committed at U.S. ports of entry and communities along our U.S.-Mexico border.

This program has previously been funded at as much as $50 million to help alleviate the financial burden that the Federal Government was placing on local prosecutors in the 24 southwest border counties. The Department of Justice has expanded eligible jurisdictions to not only include 24 counties of the border but all 360 counties of all four border States: Texas, New Mexico, Arizona and California.

While the number of eligible jurisdictions has increased, annual appropriations have continued to decrease. The Fiscal Year 2006 Appropriations Act provided only $30 million for the program, which does not come close to meeting the existing needs. My amendment would add an additional $10 million, which would come closer to providing local governments with resources to carry out this Federal responsibility.

Last year, I received a letter from the District Attorney of El Paso, Texas, notifying me that he would cease to accept federally referred drug cases for State prosecution due to the excessive local financial burden that the lack of reimbursement was placing on the El Paso community. With help from the U.S. Attorney and our State senators, we were able to prevent this stoppage. If local prosecutors cease accepting these cases, many of these drug cases could not be adjudicated at all.

As we are all aware, the U.S.-Mexico border remains a main corridor for the entry of illegal drugs, and despite much success in interdiction and the prosecution efforts of many, harmful drugs continue to be a problem in our country. Our border counties and States are committed to providing assistance in prosecuting Federal drug cases, but Congress needs to be equally committed to funding this important program.

Mr. Chairman, I reserve the balance of my time.

☐ 1115

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. REYES. Mr. Chairman, I want to thank the chairman and ranking member for accepting this very vital and important amendment to our border communities, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. THOMPSON of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), and the USA PATRIOT Improvement and Reauthorization Act (Public Law 109-177) (including administrative costs), $570,545,000, to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: *Provided further*, That any balances made available through prior year deobligations shall only be available in accordance with section 605 of this Act. Of the amount provided—

(1) $20,000,000 is for the matching grant program for armor vests for law enforcement officers, as authorized by section 2501 of part Y of the 1968 Act;

(2) $99,000,000 is for grants to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177, including research on a methamphetamine vaccine;

(3) $100,000,000 is for law enforcement technologies and interoperable communications;

(4) $4,936,000 is for an offender re-entry program;

(5) $4,873,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(6) $175,568,000 is for a DNA analysis and capacity enhancement program, and for other local, State, and Federal forensic activities, of which not less than $151,000,000 shall be for reducing and eliminating the backlog of DNA samples and for increasing State and local DNA laboratory capacity;

(7) $31,065,000 is for improving tribal law enforcement, including equipment and training;

(8) $54,808,000 is for Project Safe Neighborhoods, of which $40,000,000 is for a national program to reduce gang violence;

(9) $3,997,000 is for training and technical assistance;

(10) $49,348,000 is for the Office of Weed and Seed Strategies, as authorized by section 103 of the 1968 Act, as amended by section 1121 of Public Law 109–162; and

(11) not to exceed $26,950,000 is for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $280,739,000, to remain available until expended as follows—

(1) $706,000 for concentration of Federal efforts, as authorized by section 204 of the 1974 Act;

(2) $75,000,000 for State and local programs authorized by section 221 of the 1974 Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $59,872,000 for demonstration projects, as authorized by sections 261 and 262 of the 1974 Act;

(4) $65,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which—

(A) $10,000,000 shall be for the Tribal Youth Program;

(B) $20,000,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $992,000 for Project Childsafe;

(6) $14,808,000 for the Secure Our Schools Act, as authorized by part AA of the 1968 Act, as amended by section 1169 of Public Law 109-162;

(7) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(8) $49,361,000 for the Juvenile Accountability Block Grants program as authorized by part R of the 1968 Act, as amended by section 1166 of Public Law 109–162 and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the 1974

Act: *Provided further*, That section 702(a) of Public Law 88-352 shall apply to any grants for World Vision described in the report accompanying this Act and awarded by the Attorney General.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) ("the 1968 Act"), such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and $4,821,000, to remain available until expended for payments as authorized by section 1201(b) of the 1968 Act; and $4,007,000 for educational assistance, as authorized by subpart 2 of part L of title I of the 1968 Act.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Does the gentleman ask unanimous consent to return to that portion of the bill so he can offer his amendment?

Mr. GARRETT of New Jersey. Yes.

The CHAIRMAN. Without objection, the Clerk will designate the amendment.

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 23, line 4, after the dollar amount, insert the following: "(increased by $2,000,000)".

Page 23, line 9, after the dollar amount, insert the following: "(increased by $2,000,000)".

Page 67, line 14, after the dollar amount, insert the following: "(reduced by $2,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin, let me commend Chairman WOLF and the ranking member as well for all of the hard work and energy that goes into this and the battle as well to bring this bill to the floor and to conclusion.

I come to the floor this morning to offer an amendment that, in essence, is very similar to one that I offered last year; and at that time the chairman gracefully accepted the amendment. My amendment simply seeks to take a small portion of the U.S. assessed contributions to the United Nations and give those funds to local law enforcement agencies, and it does that through the Byrne Memorial State Law Enforcement Assistance Grants Program, a program that has been talked about on this floor just last night.

Mr. Chairman, this is a program that is basically a partnership between the Federal Government, the State government and local communities, working together to create stronger and safer communities. It awards grants to States and local government entities so they can work together to create a strong criminal justice system, with emphasis on violent crime and serious offenders.

Mr. Chairman, since September 11, this grant program has also been utilized by local officials to boost their preparedness in case of terrorist attack. Living as I do in the Fifth District overlooking Ground Zero, the people in our area know about terrorism and the need to fight violent crime.

The total sum of this transfer is very small, only $2 million, and the United Nations' annual budget is almost $2 billion. This amounts to a fraction of 1 percent of the overall U.N. budget. It is my hope that this money will come directly from the United States contributions to the U.N.'s Information Center, which is based right here in Washington, D.C.

Mr. Chairman, I see no reason whatsoever that U.S. tax dollars should be going to the U.N. to have the U.N. lobby this Congress. They are a bloated and overfunded agency as it is, and they should not be using our dollars to come and lobby us.

The stated purpose of this Information Center is to "raise awareness about the organization's work and foster relations with the American public, U.S. Government officials and NGOs."

Really? To foster relations?

Recently, a very highly publicized speech regarding the relationship between the United States and the U.N. was made by Deputy Secretary-General Mark Malloch Brown. In that speech, he chastised the American public and government officials such as us, saying we "lack judgment and are unwittingly subject to manipulation by U.N. detractors." Then this very same U.N. Information Center took that speech and spread it around in a wide array of congressional and executive offices.

Again, I personally do not feel that the American public needs to be lectured by someone from an institution with the high rate of corruption and failed promises as the U.N. We should not be having our tax dollars go to an organization to attack us maliciously with false attacks. If the U.N. wants to repair its relationship with the U.S. Congress, it should spend less of its efforts and money on lobbying these Halls and more on cleaning up its own halls and operations.

Mr. Chairman, I will conclude at this point by reiterating how badly our law enforcement agencies need these funds and how aware we are of all the inefficiencies at the U.N. It was just yesterday with the Oil-for-Food Program that they were going through with the first prosecution in that matter. We are all familiar with the reform efforts that this House has tried to pass for the U.N., and the U.N. has blocked them at every count. We are all aware also that U.N. cannot even give us a definition of what genocide is, and we all know what is going on in Darfur. That is a genocide. Finally, we are all too aware that the U.N. cannot even give us a definition of what terrorism is.

Let me say to you, Mr. Chairman, that the law enforcement community and the citizens of the Fifth Congressional District who live in the shadows of 9/11 and Ground Zero, we are all too aware of what terrorism is, and we do not want our money to go to an organization such as the U.N. We would rather it go to fight terrorism.

Again, I thank the chairman for working with us on this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. We accept the amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Does the gentleman ask unanimous consent to return to that portion of the bill so he can offer his amendment?

Mr. LYNCH. Thank you, Mr. Chairman.

The CHAIRMAN. Without objection, the Clerk will designate the amendment.

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. LYNCH:

Page 26, line 6, after the dollar amount, insert the following: "(increased by $12,000,000)".

Page 26, line 16, after the dollar amount, insert the following: "(increased by $12,000,000)".

Page 67, line 14, after the dollar amount, insert the following: "(reduced by $12,000,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to thank Chairman WOLF and also Ranking Member MOLLOHAN for accepting this amendment.

This amendment is being offered by myself and the gentleman from New York (Mr. FOSSELLA). It basically restores $12 million to the Bulletproof Vest Partnership Program and also reduces contributions to the International Organization funds within this bill by a corresponding amount.

Since the Bulletproof Vest Partnership Program's inception, over 11,500 jurisdictions have participated in purchasing over 450,000 bulletproof vests nationwide. Almost every congressional district across this Nation has benefited from this program. I know in Massachusetts alone law enforcement agencies have purchased over 34,000 vests since its inception.

Mr. Chairman, there is some urgency here on this matter because, unfortunately, it is estimated now that over 200,000 vests may need to be replaced that were previously issued due to the results of tests showing that a substance called Zylon has been used in previous vests and those have been shown to fail. So there is the need to get out and replace those vests that are now in service.

Mr. Chairman, the bottom line is that, according to President Tom Nee of the National Association of Police Organizations, almost 3,000 law enforcement officers have survived shootings thanks to bulletproof vests. We know that body armor can save lives. The problem is that many towns and cities in our districts and across the Nation are struggling with the costs. With budgetary constraints at the State and local levels, many communities are simply unable to purchase this life-saving equipment on their own.

With this program, by sharing that cost with the Federal Government, communities do have the opportunity to buy bulletproof vests for their law enforcement officers and thereby provide some protection for those in dangerous professions.

Mr. Chairman, Members on both sides of the aisle understand that our State and local law enforcement professionals should be fully equipped, and that is why I ask my colleagues in the House to support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. LYNCH) for this bipartisan effort to help law enforcement.

We know the Bulletproof Vest Partnership Grant Program provides the necessary funding to protect local law enforcement officials. In my hometown of New York City, we received 10 percent of the money they spent on bulletproof vests over the last 2 years from the program, especially in Staten Island and Brooklyn, which I am proud to call home. We have probably more active and retired police officers than any other county in the country.

Mr. Chairman, we know full well, whether it is in Staten Island, Massachusetts or anywhere else in the country, that the line between this great country and anarchy is our police department. Even more devastating is when we hear from time to time, and it happens, when a police officer is shot and killed because he did not have the protection necessary.

Recently, we had an officer in New York City, Officer Dillon Stewart, shot during a high-speed chase. The bullet hit him just under his arm, just a fraction of an inch above his bulletproof vest, which eventually killed him. That is the horror, not only for the people who really appreciate the sacrifice of law enforcement, but for the Stewart family and so many others, who probably question if he just had a little more protection.

That is what this bulletproof vest program does. It allows cities like New York, Boston and all cities across the country to step up and get the resources to provide our law enforcement men and women with the tools they need. When we hear of a high-speed chase or we hear of a shooting, we can rest a little better knowing that we have done in Congress a good thing for them by giving them the protection that they deserve, expect and, frankly, need.

Mr. Chairman, I want to thank you in advance for accepting this amendment and giving the $12 million. I know you have a lot of difficult choices to make in this appropriations process, but in this case I think you are doing what is right for the American people and law enforcement.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. My father was a policeman in the City of Philadelphia for 20-some years, and I know how important this is.

I thank the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from New York City (Mr. FOSSELLA). We accept the amendment.

Mr. LYNCH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. THOMPSON of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

MOTION TO RISE OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 37, noes 352, not voting 43, as follows:

[Roll No. 332]

AYES—37

Capps
Capuano
Case
Clay
Conyers
Cummings
DeFazio
Doyle
Emanuel
Eshoo
Farr
Filner
Hastings (FL)
Lee
Lewis (GA)
Markey
McDermott
McGovern
McKinney
Miller, George
Napolitano
Owens
Pastor
Pelosi
Sánchez, Linda T.
Schakowsky
Solis
Stark
Strickland
Thompson (CA)
Towns
Velázquez
Waters
Watson
Waxman
Woolsey
Wu

NOES—352

Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Capito
Cardin
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson

Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Osborne
Otter
Pallone
Pascrell
Paul
Pearce
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—43

Abercrombie
Alexander
Calvert
Cannon
Cantor
Cardoza
Costa
Cubin
Davis (FL)
Edwards
Engel
Evans
Grijalva
Higgins
Holden
Hunter
Hyde
Istook
Jackson-Lee (TX)
Johnson (CT)
Johnson, Sam
Kanjorski
Kilpatrick (MI)
Marchant
Matsui
Miller (NC)
Murtha
Nussle
Ortiz
Oxley
Payne
Pence
Peterson (PA)
Poe
Sabo
Sanders
Schwartz (PA)
Sherwood
Skelton
Smith (NJ)
Taylor (NC)
Thomas
Westmoreland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1159

Messrs. OTTER, NADLER, BARRETT of South Carolina, BOSWELL, RANGEL and WALSH changed their vote from "aye" to "no."

Ms. LINDA T. SÁNCHEZ of California changed her vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

□ 1200

The Acting CHAIRMAN (Mr. SHIMKUS). The Clerk will read.

The Clerk read as follows:

General Provisions—Department of Justice

Sec. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

Sec. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Sec. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

Sec. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

Sec. 105. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Sec. 106. The Attorney General is authorized to extend through September 30, 2008, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

Sec. 107. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

Sec. 108. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

Sec. 109. Any funds provided in this Act under "Department of Justice" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

Sec. 110. None of the funds made available under this title shall be obligated or expended for SENTINEL, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

This title may be cited as the "Department of Justice Appropriations Act, 2007".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

Trade and Infrastructure Development

RELATED AGENCIES

Office of the United States Trade Representative

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $46,207,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210: *Provided further*, That not less than $2,000,000 provided under this heading shall be for negotiating, implementing, monitoring, and enforcing trade agreements with China.

International Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $62,575,000, to remain available until expended.

DEPARTMENT OF COMMERCE

International Trade Administration

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $424,782,000, to remain available until September 30, 2008, of which $13,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $47,328,000 shall be for Manufacturing and Services; $40,806,000 shall be for Market Access and Compliance; $61,367,000 shall be for the Import Administration of which not less than $3,000,000 is for the Office of China Compliance; $249,791,000 shall be for the United States and Foreign Commercial Service; and $25,490,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

Page 36, line 8, after the dollar amount, insert the following "(increased by $5,000,000)".

Page 62, line 12, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Page 62, line 19, after the dollar amount, insert the following: "(reduced by $5,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Thank you, Mr. Chairman, for yielding and also for your cooperation in allowing this amendment.

I have two other amendments with much larger amounts that I wanted to shift into our United States Foreign Commercial Service and Trade Development Agency, but I am not going to offer those amendments. I have agreed to a smaller amount, some $5 million, which would come from the State Department's public diplomacy programs over at the State Department, again to promote United States business interests in international trade and through that administration in the Department of Commerce.

Yesterday, I think from the other side of the aisle, we took some $25 million from State and moved it into Legal Services. I can stand before you today, my colleagues, and say that probably nothing we do in this bill, as far as the Department of Commerce and our efforts to promote international trade and U.S. business and selling U.S. products abroad and creating jobs in the United States, is more important than this small shift of funds.

Today, we have a $724 billion trade deficit, and adding some $5 million to bolster our efforts and give us the tools and the resources we need to compete in these international markets and sell U.S. products abroad is so important. So that is what this amendment does.

And let me just commend Mr. WOLF, his staff, and the minority staff for the difficult task they have in moving these funds around in these very important projects. But this is a priority for me, it is a priority, I believe, for our Nation, and it is a priority for creating jobs and selling our products abroad.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

Page 36, line 15, after the dollar amount, insert the following "(increased by $3,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, when I was first elected to Congress in 1992, the United States trade deficit with the People's Republic of China for the whole year was $18 billion. This year, our trade deficit with China approached $18 billion by the end of January. By April, our year-to-date trade deficit with China topped $64 billion. At that pace, our trade deficit with China is growing 10 percent faster this year than last year, and last year's China trade deficit shattered all kinds of records by exceeding $201 billion.

It is not because China's companies are better than ours. It is not because people of China are smarter or more dedicated or more hardworking than American workers. We all know how China is able to do so well in the game of international trade: they cheat.

China's track record includes oppressive labor policies, currency manipulation, wholesale disregard for and theft of intellectual property, and dumping and counterfeiting of manufactured goods. These and other unfair China trade practices are a real source of concern for Members of Congress on this side of the aisle and some on that side of the aisle, and these practices are a real economic threat to the U.S. economy.

Believe me, I see the consequences all over Ohio in signs from Marietta to Toledo, from Youngstown to Hamilton; signs that read "going out of business," "everything must go," or just simply "closed." Manufacturers in Ohio and all over the United States have closed their doors, have shipped jobs overseas because China refuses to compete fairly and because we haven't done enough to force China to play by the rules.

Chairman WOLF and Ranking Member MOLLOHAN understand the problem. I commend them for their work on this critical issue. Because of their leadership, the bill before us today specifically sets aside $3 million in International Trade Administration funding for the ITA's Office of China Compliance, which is responsible for monitoring imports from China and, importantly, initiating enforcement when it detects illegal dumping of Chinese goods.

My amendment builds on the foundation the committee has laid by increasing the set-aside for the Office of China Compliance from $3 million to $6 million.

American workers, American companies, especially small manufacturers, a machine shop in Akron or a tool and die maker in Dayton, these companies deserve a level playing field with China. Only with vigorous and well-funded trade monitoring and enforcement can we begin to provide that level playing field and allow U.S. manufacturers to compete.

My amendment improves funding for this critical work, and I urge my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our subcommittee created this office in 2004 after having a hearing. We have $3 million currently in the bill for China compliance. It is a very, very important issue.

We have also required there be a position in Beijing, and so I thank the gentleman for the amendment. We accept it.

Mr. VISCLOSKY. Mr. Chairman, I rise today in support of Representative BROWN's amendment to increase funding for the International Trade Administration's Office of China Compliance (OCC) by $3 million in FY 2007. I thank the gentleman for the opportunity to speak, although I wish the circumstances of my appearance here were different. Simply put, full and effective enforcement of our trade laws is not just the right thing to do; it has become an absolute imperative as we see the growing challenges facing American manufacturers. Will Rogers used to say, "Even if you're on the right track, you'll get run over if you just sit there." Funding for the Office of China Compliance must be increased to reflect the seriousness of this issue to American workers and the economy as a whole.

I would like to draw the attention of my colleagues to a recent report on NPR's Marketplace that highlighted an ongoing practice by China's textile industry called "transshipment." Last year, the USTR and Chinese Commerce Minister agreed to a 3-year pact limiting China's exports of 34 textile and apparel products to the United States. We now find out that China had no intention of sticking to its end of this bargain. Not 8 months after signing the agreement, China has been warned by Indonesia for its continued manipulation of textile exports, which are sent into Indonesia, slapped with a "Made in Indonesia" label, and shipped back to China before making their way into the United States, at levels far greater than what both countries agreed upon. These garments are not sent to Indonesia for anything other than this valuable label. According to Indonesia's Minister of Industry, Chinese transshipments through Indonesia alone amounted to an estimated $6 billion in 2005. Thus far in 2006, these illegal shipments are up 79 percent over last year. It is crucial that we stand up against these unscrupulous Chinese trade practices and invest in our efforts to monitor those who skirt international trade laws.

China continues to violate international trade laws, basic human rights, and its World Trade Organization commitments. While we watch imports from China streaming into our ports and shipping hubs, we are left with few options to defend our Nation's manufacturing industries and local jobs. However, we have trade remedies to mitigate this. It is time for the Bush administration to use the funds we are providing and enforce our trade laws. I am offended by the lack of action by this administration with the tools it has had available. We know that goods from China are coming into this country illegally, many of which were made with the help of government subsidies. We know that those imports are hurting U.S. companies and workers. We know that China's disregard for international trade laws only encourages more companies to ship their jobs overseas. This administration must enforce our laws relative to China.

Mr. Chairman, I encourage my colleagues to support this amendment. Increased funding for the Office of China Compliance will increase our ability to monitor Chinese trade and help to stem the tide of illegal imports. American workers and firms are depending on us to consider the real impact of illegal Chinese trade: more outsourcing of American jobs and a weakened American economy. Once again, I thank the gentleman for the opportunity to speak today, and I urge my colleagues to support this critical amendment.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise now because of the reference to China in the previous amendment. I had intended to give a 1-minute speech this morning on this issue, before I was cut off by a motion, but let me simply make an observation about China.

I am one of those Members of the House who wants the administration to track bank records and financial transactions of terrorist groups or individuals who are suspected of belonging to terrorist groups. That is why, while I had great misgivings about the original PATRIOT Act, I voted for it because I wanted to see a tightening up of our ability to go after those records. But I wanted it to be done in a legal fashion, in a way which guarantees the privacy and civil liberties of people who do not fall into that category.

I note the fact that there is a very strong similarity between the Communist Chinese Government and our own administration in one respect. I have two headlines in my hand here. One says, "GOP Measure Slams New York Times for Bank Story." The other says, "China May Fine News Media to Limit Coverage."

I would simply note that the Chinese Government appears to have something more in common with our administration in addition to their desire to undercut American wages through trade agreements with slave and cheap labor coming out of China. I would note that both the Chinese Communist Government and our own administration appears to be interested in doing almost anything in order to prevent legitimate news organizations from reporting activities of the people who govern each country.

Now, I do not know the details of The New York Times revelations with respect to banking transactions, but I do know that the administration and some of their supporters in Congress have been extremely interested in embarrassing The New York Times since The New York Times uncovered a number of other activities that were being conducted by the administration which, in my judgment, are illegal, and those have nothing to do with the banking transactions that we saw referenced the other day.

☐ 1215

So I just thought it might be of interest to note the similarity between these two headlines, one an administration from supposedly a democratic country and another a government from a communist country, both of whom seem to be eager to clamp down as much as possible on their journalistic critics. I would hope that those similarities would decline in the future.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $76,806,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $230,741,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $29,700,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,641,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $79,880,000, to remain available until September 30, 2008.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $190,067,000, of which $19,200,000 is for the Survey of Income and Program Participation.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2010 decennial census, $511,767,000, to remain available until September 30, 2008: *Provided*, That of the total amount available related to the 2010 decennial census, $258,328,000 is for the Re-engineered Design Process for the Short-Form Only Census, $179,765,000 is for the American Community Survey, and $73,674,000 is for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) system.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $182,325,000, to remain available until September 30, 2008, of which $90,193,000 is for economic statistics programs and $92,132,000 is for demographic statistics programs: *Provided*, That regarding construction of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center: *Provided further*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include "some other race" as a category.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,837,000, to remain available until September 30, 2008: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of prior year grants, recoveries and unobligated balances of funds previously appropriated may be available for the administration of open grants.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,771,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2007, so as to result in a fiscal year 2007 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2007, should the total amount of offsetting fee collections be less than $1,771,000,000, this amount shall be reduced accordingly: *Provided further*, That not less than 716 full-time equivalents, 745 positions and $90,532,000 shall be for the examination of trademark applications; and not less than 6,564 full-time equivalents, 6,920 positions and $1,084,025,000 shall be for the examination and searching of patent applications: *Provided further*, That not more than 311 full-time equivalents, 333 positions and $49,797,000 shall be for the Office of the General Counsel: *Provided further*, That not more than 95 full-time equivalents, 98 positions and $30,500,000 shall be for the Office of the Administrator for External Affairs: *Provided further*, That any deviation from the full-time equivalent, position, and funding designations set forth in the preceding four provisos shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2007 for official reception and representation expenses: *Provided further*, That notwithstanding section 1353 of title 31, United States Code, no employee of the United States Patent and Trademark Office may accept payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an employee to attend and participate in a convention, conference, or meeting when the entity offering payment or reimbursement is a person or corporation subject to regulation by the Office, or represents a person or corporation subject to regulation by the Office, unless the person or corporation is an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986: *Provided further*, That in fiscal year 2007, from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of Division B, Public Law 108–447 shall remain in effect during fiscal year 2007.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology, $2,000,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $467,002,000, to remain available until expended, of which not to exceed $9,450,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $92,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $67,998,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,375,464,000, to remain available until September 30, 2008: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $2,466,464,000 provided for in direct obligations under this heading $2,375,464,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $11,000,000 is derived from recoveries of prior year obligations: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act or the report accompanying this Act: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $183,775,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $34,425,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman. I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 46, line 11, after the dollar amount, insert the following: "(increased by $2,700,000)".

Page 50, line 21, after the first dollar amount, insert the following: "(reduced by $2,700,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, my amendment would increase the appropriations for the National Weather Service by $2.7 million. The current appropriation for the weather service is at $882.3 million. My amendment would increase that amount to a total of $885 million, which I think was the original recommendation from the budget office. I want to thank my colleagues on the Science Committee for assisting me.

Mr. Chairman, in recent years, both in Texas and around the Nation, we have suffered catastrophic hurricanes. The Midwest is tormented by tornados, as well as Texas. The West lives with a threat of a doomsday scenario, earthquakes, tsunamis. So weather predictions are very, very important. We have determined that the weather predictions have saved lives. We have not been able to save materials, so much, but they have saved lives.

We all saw what happened with the hurricanes of Katrina and Rita. Although the National Weather Service did its job in accurately predicting the magnitude and the path of the storms, city, State and local Federal officials were slow to act. Traffic was snarled, and all of us know exactly what happened after that.

The good work of the National Weather Service is at the root of an effective natural disaster preparedness, and the .3 percent appropriations increase will strengthen support for the weather service to help it perform even better. We do not want to discourage them by cutting their budget when we need their services so accurately. The timely and accurate information provided by the National Weather Service is a testament to its effectiveness.

On the front page of the weather service's Web site is a map of America depicting current weather conditions, as well as storm watches and warnings. We can click on any region of the country and get instant access to weather and climate news for that area. The National Weather Service also pulls real-time information on flood warnings, and it collects hourly data on temperatures throughout the day.

There is a wonderful section on weather safety that provides sound guidance on issues such as heat, lightning, hurricanes, tornados, floods and even topics like FEMA and the Red Cross. In Dallas, we are sensitive to the issue of flooding. Downtown Dallas relies on an antiquated 30-mile levee system to keep it dry from the Trinity River and its floods.

It is getting worse because of extensive development in the counties west and north of the city. The 50-year-old levees may not be able to handle all the runoff that they were designed to contain. So this is extremely important for that area. The flooding that would take place as predicted in Dallas would flood all of downtown and all executive offices, hospitals, medical centers and what have you.

I feel this is a modest amount of money to place back with NOAA and the weather service, and it comes out of the general Department of Commerce administrative funds. I hope that I can get support.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. We accept the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILCHREST:

Page 46, line 11, after the dollar amount insert "(increased by $441,000,000)".

Page 47, line 7, after the dollar amount insert "(increased by $89,000,000)".

Page 48, line 7, after the dollar amount insert "(increased by $253,000,000)".

Page 55, line 21, after the dollar amount insert "(reduced by $783,000,000)".

Page 55, line 23, after the dollar amount insert "(reduced by $783,000,000)"

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Maryland (Mr. GILCHREST) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. GILCHREST. I thank the gentleman for yielding, and I want to make a comment on the chairman and the ranking member of this committee, that they have done a stunning job given the allocation.

What I would like to do with this amendment is to explain why it is important to take $738 million out of the space exploration program in NASA, that is the program that will send the man to the Moon and a man to Mars, and put that money into the National Ocean Service, the National Marine Fisheries Service and the Ocean Atmospheric Research Service of NOAA.

The Ocean Commission, commissioned by Congress, the members were appointed by the present President, Mr. Bush, recommended 200 items to be done with the world's oceans as ocean policy for the United States. They recommended that we put in $3.9 billion to implement those recommendations.

Well, we know that the budget is tight. The problem, though, is this particular appropriations bill provides for $300 million below the President's request for 2007, $300 million below the President's request, not even coming anywhere near, not even approaching the $3.9 billion. If you look at the budget for NOAA in 2005, we are, with this bill, with this budget, putting in $800 million less than the 2005 budget.

With the 200 recommendations to be implemented with the $3.9 billion that this commission recommended, we are attempting to resolve the issue of most of the world's largest fish, like you see here, 90 percent of their population is gone, 90 percent.

By the year 2050, the coral reefs that are healthy in the upper picture will look like the below picture. By the year 2050, we could have 60 percent of the coral reefs completely diminished. That doesn't even come close to the severe problems along U.S. coastal areas, the Gulf of Mexico, around Florida, the south Atlantic.

In this picture you see the dead zone, which is about a third of the area of the Chesapeake Bay. Our coastal areas are being depleted. I urge an "aye" vote on this amendment to take $738 million out of the manned space program to Mars and the Moon and put that amount of money into the National Oceanic and Atmospheric Administration.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I want to commend Mr. GILCHREST for making a very powerful point with regard to the oceans. I refer Members to the newest issue of the National Geographic, The Health of the Coast. It validates so much of what Mr. GILCHREST has said. That is not the place to take it from, so I strongly oppose the amendment.

But I want to acknowledge that Mr. GILCHREST is right with regard to the oceans, and this administration and this Congress should be doing more in this regard. I think the gentleman understands that we can't take funding from there. I want to commend him and urge Members to validate what Mr. GILCHREST said with regard to the National Geographic.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding. I, too, want to commend my good friend from Maryland for his standing up for this important issue. I represent a coastal area, and certainly I would be willing to work with him as we move forward through the conference process.

This is obviously a very devastating amendment to NASA. I think this amendment would seriously jeopardize the plan to complete the International Space Station and jeopardize our obligations to the international partners.

We have entered into agreements with the Japanese and the Europeans to pursue completion of the space station. Obviously, it would also seriously jeopardize our plan to phase out the space shuttle and replace it with a crew exploration vehicle.

We are going to be getting into a phase in the early part of the next decade where we will not have a man-rated vehicle, where the Chinese will, and they plan to put people on the Moon. NASA is clearly a priority for this administration. It has been a priority for this Congress for years.

This amendment would cause personnel reductions. It would cause slippages in schedule.

I would strongly encourage all of my colleagues to oppose the amendment.

Mr. Chairman, I don't know if the gentleman from West Virginia would still seek to be recognized on this issue, but I would be very happy to yield time to my good friend from West Virginia on this very important topic.

Mr. MOLLOHAN. I appreciate the gentleman yielding time. I rise in opposition to the amendment as well. Obviously, cuts of this kind in the science accounts anywhere in order to transfer money over to other science accounts is just robbing Peter to pay Paul. I think that illustrates where we are with the allocation that we have in this bill.

One of the real purposes of consolidating the science accounts into this subcommittee was to be able to look at science across the board and be able to fund it adequately. Well, it hasn't turned out to be that way, and this amendment is a great example of why. Here we are trying to take money from one science account and move it over to another science account.

I support the funding of the gentleman's amendment. I have to oppose the offset of the gentleman's amendment. In all of NASA's accounts, it was science that was hurt most.

☐ 1230

Program after program after program, I don't have it at the moment to recite it, but the President has either eliminated or cut seriously science programs, one right after the other in the NASA account.

Well, we are very proud of increases to the National Science Foundation. Although we haven't met the authorization targets, we are very proud about increasing funding to the National Institutes of Health, and that has been funded very robustly over the last number of years.

But there are those science accounts and, particularly, NASA, a great science agency, that is not getting adequate funding now. That is about $500 million, I believe, short of where it should be.

Mr. WELDON of Florida. Will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman.

Mr. WELDON of Florida. I just wanted to give you some specifics. This is a tight budget year, as we all know. And just to cite one of the accounts that this amendment would obviously devastate, we have already reduced the lunar precursor robotics program by $20 million. There is a $16 million reduction in the constellation systems, $115 million reduction in the exploration systems research technology. Total reduction already in this bill, $151 million from the President's request; and, obviously, a huge cut like this would devastate it further. So I would recommend a "no" vote on the Gilchrest amendment. But I applaud the gentleman for his passion on this issue.

Mr. GILCHREST. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, as a cochair of the House Oceans Caucus, I rise in support of the amendment offered by Mr. GILCHREST to increase the base funding for NOAA.

Both the U.S. Commission on Ocean Policy and the independent Pew Commission have called on Congress to increase NOAA's budget to more than $6 billion. Yet this bill funds NOAA at roughly half that, $3.4 billion, a cut of more than $500 million below last year.

Relative to their size and economic value, funding for ocean research and management pales in comparison to other natural resource programs, like management of public lands and space exploration. When we derive so much from our oceans, how can we invest so little in the understanding of them?

This amendment will allow us to better manage our fisheries, institute an integrated ocean observation system based on what we already have in the Gulf of Maine, and protect our coast from erosion and pollution. I urge support of the Gilchrest amendment.

Mr. GILCHREST. Mr. Chairman, I am not sure if I have any other speakers on the floor. I would simply say that, out of about approximately $16 billion that is spent on NASA and less than $4 billion spent on ocean issues, that is a pretty big disparity.

We need to spend the $16 billion on NASA, and probably a lot more. But, in my judgment, the Moon will be there for a long time. Mars will be there for a long time. And I don't want to take the money out of needed science programs, but the world's oceans are being degraded. They are being degraded in a number of ways by human activity that is not compatible with nature's design and the bulging population and acidic problems in the ocean. Because of burning of fossil fuel, the coastal areas are being inundated with our populations and being polluted. It is time that this country looked at this world, this Nation, and came up with a comprehensive, well-funded ocean program.

I want to thank the gentleman from Maine for speaking on behalf of this amendment. I want to thank the chairman for the time and his comments.

Mr. SAXTON. Mr. Chairman, I rise today in support of the amendment.

NOAA is our lead ocean agency, overseeing programs to promote healthy oceans, coastal areas and communities. The U.S. Commission on Ocean Policy highlighted the need for new and sustained investments in ocean and coastal programs to meet our current and future challenges. Failing to make these investments will jeopardize the economic and ecological benefits our Nation receives from its oceans and coasts.

Although I understand difficult decisions must be made in the limited budget available for fiscal year 2007, H.R. 5672 would decimate funding for our coastal programs including cooperative fisheries research; coastal and estuarine land conservation; ocean exploration and undersea research; oil spill response and restoration; and our National Estuarine Research Reserves. These programs provide important, on-the-ground benefits to our coastal communities at relatively little Federal expense.

Cuts to our Coastal Zone Management Program in New Jersey would result in the elimination of their coastal hazards training program to assist our communities prepare and respond to hurricanes. They would also be forced to eliminate their Clean Marina program. These are just a few examples of what would be lost if this level of funding remains.

Our Nation has put 16 men on the surface of the Moon and only sent two to the bottom of the ocean. It is time we put Earth first—we can go to other planets later.

I urge my colleagues to support the Gilchrest amendment and restore NOAA funding to the fiscal year 2005 level.

Mr. HALL. Mr. Chairman, I rise today in opposition to the amendment offered by Congressman GILCHREST. While I fully support funding for NOAA, I stand opposed to efforts to reduce funding for NASA.

It is important to note that the bill reported out of the Appropriations committee already reduces funding for NASA by $151 million. If this amendment is accepted, it would further reduce NASA beyond the administration's request.

NASA is at a critical crossroads. Over the next few years, the agency must complete the International Space Station, retire the Space Shuttle, develop a new space vehicle, and maintain needed science and aeronautics programs. Further cuts to NASA will only deepen the gap in human space flight capability and force our nation to rely more heavily on international partners. At a time when the United States is concerned about global competitiveness, cutting NASA funding would send our country in the wrong direction.

Mr. Chairman, NASA is a good investment. Over the last 10 years, NASA's budget has decreased or remained flat while overall domestic spending grew substantially. Fully funding the space exploration vision represents only .7 percent of the Federal budget and yet this small investment yields large returns in health care, public safety, and telecommunications. Space exploration technologies have produced advanced semiconductors that power our businesses, materials employed by our military to keep our men and women safe, and software that aids our law enforcement personnel in fighting crime and detecting illegal drugs.

The Appropriations Committee has done a commendable job balancing our national needs with our budget realities. They have preserved vital funding for critical areas, including science initiatives, and I would urge the House to support the underlying bill and vote against efforts to cut NASA funding. Vote "no" on the Gilchrest amendment.

Mr. FARR. Mr. Chairman, as a member of the Appropriations Committee, I recognize Chairman WOLF's hard work on the SSJC bill, H.R. 5672. However, as one of six co-chairs of the House Oceans Caucus, I was deeply concerned when I saw the degree to which NOAA was grossly under-funded, especially its wet programs within the National Ocean Service (NOS), National Marine Fisheries Service (NMFS), and Oceanic and Atmospheric Research (OAR). The reductions proposed in the bill are about 31 percent compared to FY06 and 36 percent compared to FY05 enacted levels, totaling about $783 million over the last 2 funding cycles. The House mark represents a major setback in protecting our Nation's ocean and coastal resources. Given that NOAA is the lead Federal agency for ocean-related management and activities, this void will not be filled elsewhere.

The direct and indirect impacts the oceans and coasts have on our lives and livelihoods are paramount. They are, by far, our greatest natural resource and the life support of our only planet. Yet, we fail to see the ocean for the waves when we cut more than half a billion dollars from the NOAA budget. Over half of the U.S. population lives in coastal states. Coastal and marine waters support over 2.8 million jobs and produce one-third of the nation's GDP. The culture, economy, and security of our Nation depend on the health and sustainability of these assets, yet we are not sufficiently managing and protecting them. Though the budget this year is more constrained than ever, the decision not to make ocean funding a priority will cost the U.S. economy more than $1 billion in direct losses, and even more indirectly. Instead, an increased and sustained investment now would enhance the benefits we reap in the future, a need highlighted by the U.S. Commission on Ocean Policy (USCOP) in their 2004 report and by the Joint Ocean Commission Initiative in their recent list of ocean policy priorities for Congress.

Along those lines, I want to emphasize the invaluable services and programs of the National Oceanic and Atmospheric Administration, the lead federal agency for ocean-related management and activities. Among these are the National Marine Sanctuary Program, the Integrated Ocean Observing Program, the National Sea Grant College Program, and the Protected Species Research and Management Program, just to name a few. Combined, the many NOAA activities support necessary ocean protection, research, exploration, and education. Therefore, the significant cuts that are proposed in this bill are unacceptable and would seriously impair the efficiency and effectiveness of the agency. To allow cuts would be a step in the wrong direction and would sustain the "failing grade" received on this year's U.S. Ocean Policy Report Card released by the Joint Ocean Commission Initiative.

Furthermore, it is about time for the "blue" of our world's oceans to get at least as much attention as the "blue" above us. After all, our planet of more than 70 percent water is largely unexplored. The amendment being offered by Mr. GILCHREST on behalf of the House Ocean Caucus is one way to start showing recognition for our need to reprioritize. The amount requested here ($783 million) would come out of NASA's Exploration Systems which was marked to more than $3.8 billion—more than NOAA's entire budget for the year! The cost of just one NASA mission could restore 2 years worth of funding cuts to all of NOAA, without compromising basic science and research conducted by NASA.

I cannot emphasize enough the need to show our ocean stewardship now—and stewardship for our own planet—so we can turn the tide on the dire consequences facing our oceans. Therefore, I wholly support the amendment offered by Mr. GILCHREST. I would hope that the House of Representatives would take a position that makes oceans more of a priority by supporting funding for NOAA programs that are of critical importance to our nation and beyond. This step would give us a better platform as we move into Conference negotiations with the Senate. Let us start to make the necessary investments in the FY07 cycle or the losses will be greater and more irreparable the longer we wait.

Attached are (1) a summary of the NOAA Impact Statement and (2) a copy of the Joint Ocean Commission Initiative letter in regards to H.R. 5672.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IMPACT OF HOUSE APPROPRIATIONS COMMITTEE FY 2007 MARK

	FY 2006 Enacted w/o Supp	FY 2007 President's Budget	FY 2007 House Mark	House Mark vs. FY 2006 PB	House Mark vs. FY 2006 Enacted
ORF	$2,813.5	$2,678.8	$2,466.5	($212.3)	($347.0)
PAC	1,119.5	1,026.5	998.7	(27.8)	(120.8)
Other	70.5	68.8	22.3	(46.5)	(48.2)
Finance	(92.0)	(90.0)	(90.0)	—	(2.0)
Total	3,911.5	3,684.1	3,397.5	(286.6)	(514.0)

Summary: The House Appropriations Committee Mark provides a total of $3.39B for NOAA, a reduction of about eight percent from the FY 2007 President's Budget. The Mark provides sufficient funds to operate the National Weather Service and maintain satellite continuity. However, the House Mark proposes major reductions in a number of critical fisheries, protected species, and ocean related activities. Overall, the House Mark represents a major setback in protecting our Nation's ocean and coastal resources.

The House Mark includes a reduction of over $150M from the request level for the National Marine Fisheries Service (NMFS), jeopardizing basic regulatory and management responsibilities needed to sustain marine fisheries. The House Mark would force NOAA to close critical fisheries, and terminate protected species programs and the seafood quality and safety program, costing billions in economic losses and increasing the cost of seafood to U.S. consumers. Of particular note, the House Mark reduces funding for Alaska fisheries by over 50 percent from the President's request, terminates funding for the 4th Fisheries Survey Vessel, and reduces the Pacific Coastal Salmon Recovery Fund by over 70 percent.

The House Mark reduces funding for the National Ocean Service (NOS) by over $90M from the request level. The House Mark reduces funding for basic mapping and charting activities needed to ensure safe marine transportation within U.S. waters. The House Mark also proposes reductions to the disaster response and restoration program, coastal services and research programs, and the National Marine Sanctuary Program. In addition, the House Mark cuts funding for ocean exploration and research programs such as Sea Grant, National Undersea Research Program and Invasive Species. The House Mark does not provide the necessary funds to sustain NOAA's infrastructure or support the pay raise for NOAA employees.

Overall, NOAA estimates the House Mark could require a Reduction in Force (RIF) of over 300 current NOAA employees and the termination of 400 contract employees, and could cost the U.S. economy over $1B in unnecessary economic losses. NOAA has outlined four priority areas of concern within the House Mark, including Sustaining Our Nation's Fisheries, Critical Ocean & Coastal Activities, Weather Warnings and Forecasts, and Critical Mission Support.

JOINT OCEAN COMMISSION INITIATIVE

Hon. JERRY LEWIS,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

Hon. FRANK WOLF,
Chairman, Committee on Appropriations Subcommittee on Science, State, Commerce, Justice, and Related Agencies, U.S. House of Representatives, Capital Building, Washington, DC.

Hon. DAVID OBEY,
Ranking Member, Committee on Appropriations, House of Representatives, Longworth House Office Building, Washington, DC.

Hon. ALAN B. MOLLOHAN,
Ranking Member, Committee on Appropriations Subcommittee on Science, State, Commerce, Justice, and Related Agencies, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR SIRS: As co-chairs of the Joint Ocean Commission Initiative, representing the members of the congressionally-mandated U.S. Commission on Ocean Policy and the Pew Oceans Commission, we are writing to express our grave concern with the funding level for the National Oceanic and Atmospheric Administration (NOAA) provided in the FY 2007 Science, State, Justice and Commerce appropriation bill (H.R. 5672).

We recognize the difficult budget environment facing the nation and the hard funding decisions Appropriations Committee members faced in developing HR 5672. While we applaud the support provided to ocean-related research and education programs within the National Science Foundation and the National Aeronautics and Space Administration, we were very disturbed to see the significant funding cuts proposed for NOAA in FY 2007.

The Committee's mark provides $3.4 billion for NOAA, which is $289 million below the President's request and $508 million below the FY 2006 enacted level, compounding the funding reductions incurred by the agency in FY 2006. The proposed funding cuts are being imposed at a time when there is clear recognition of the growing number and severity of problems that are compromising the health and associated economic benefits generated by our oceans, coasts, and Great Lakes. Last year economic and human health impacts were associated with major harmful algal blooms that impacted the East Coast, West Coast, and Gulf of Mexico, as well as tens of thousands of beach closures and advisories due to water pollution. Poor coastal land use planning and the loss of habitat contributed significantly to the losses associated with Hurricanes Katrina and Rita. Inadequate research and monitoring are limiting our capacity to understand, predict, and mitigate these and many other problems plaguing our oceans.

The House cut to NOAA's funding comes at a time when there is growing awareness and support for ocean-related programs and activities. The President has taken the admirable step of establishing a Committee on Ocean Policy within the Executive Office and developed an Ocean Action Plan, following up these commitments by requesting additional funding for NOAA. A number of states and regions have established councils or regional bodies to coordinate ocean-related activities, and are increasing their collaboration with federal agencies. This is a very encouraging trend that is already generating benefits, but is threatened by proposed decreases in federal ocean-related funding.

We, along with many others in the ocean community, remain very concerned that base funding for NOAA's core ocean programs is eroding as the need for investment in marine science and operations grows. We are hopeful that the House will be able to restore funding for NOAA during floor deliberations on HR 5672, and that there will be a concerted effort to fully fund the agency when the House and Senate negotiate on the final spending bill.

We appreciate your support for ocean science, management, and education and are available to assist in efforts to implement the recommendations of the Joint Ocean Commission Initiative and our two Commissions. Please contact Laura Cantral at 202-354-6444 if you require additional information or assistance.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired), Chairman, U.S. Commission on Ocean Policy.

THE HON. LEON E. PANETTA,
Chair, Pew Oceans Commission.

Mr. GILCHREST. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT OFFERED BY MR. THOMPSON OF CALIFORNIA

Mr. THOMPSON of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. THOMPSON of California:

On page 46, line 11, insert "(increased by $2,000,000)" after the dollar amount.

On page 50, line 21, insert "(decreased by $2,000,000)" after the dollar amount.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. Mr. Chairman, I yield myself as much time as I may consume.

This amendment, Mr. Chairman, takes $2 million out of the Secretary of Commerce's Department managerial budget, and it puts that same $2 million in NOAA Fisheries Operational Account. The reason that this is necessary is to create a placeholder so when this bill goes to conference we will be able to revisit and address the very real disaster that is happening on the coast of California and the coast of Oregon, a disaster that, unfortunately, has been completely ignored by this administration.

It came to a head last night when a number of the impacted districts' representatives met with NOAA fisheries and we were told, in no uncertain terms, that the administration and NOAA were not going to address the problems that working families were having because of the salmon fishing disaster on the west coast. They said that they weren't going to even look at this until February of next year.

By that time, these families are going to be out of business. They are going to lose their boats and, in some instances, lose their homes. They are not going to be able to pay their insurance payments, to send their kids to school, and the Federal Government is giving them the proverbial backhand. This is immoral behavior from this Department. We need to have it addressed, and this will provide the placeholder that we need to do that.

This morning, the Oregonian newspaper editorialized saying the west coast salmon fishing industry is nearly dead in the water, and everybody can see it is going to hit the rocks. But, so far, the Bush administration is unwilling to lift a finger to help. That is inexcusable. We need to step in. We need to help save these businesses. We need to help save these hardworking families, and that is what this amendment will do.

I yield 1 minute to my colleague from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, it has been over 2 months since the regional office said, NOAA, you need to declare a national disaster with this. NOAA has said, we are not even going to look at it till February of 2007. We have had the State declare a disaster, the State of Oregon, State of California, the regional area. We have had disasters declared for droughts, for storms, for floods, for winds, and yet here is an industry that will not make it through this season unless a disaster is declared.

This is about families. It is about businesses. These coastal communities are not wealthy communities. The base industry is the fishing industry. It impacts every other business in the coastal communities. This impacts families. How are they going to pay for their boats? How are they going to pay for their homes? How are they going to pay for food for their children?

This is about families and small businesses. This disaster needs to be declared. They need help.

Mr. THOMPSON of California. Mr. Chairman, I yield 1 minute to Mr. WU from Oregon.

Mr. WU. Mr. Chairman, I want to thank the subcommittee, the chairman and the ranking member and Ranking Member OBEY for working with us to get this $2 million placeholder into this bill. This $2 million will be very, very important to working families in Oregon and those many people who fish and those who depend upon the fishing industry.

I wish that our actions today had not been necessary, but they were made necessary by an administrative agency which is absolutely not hearing our words, and it is only through the actions of this committee and this particular subcommittee that our voices are heard and our constituents heard through us.

Mr. THOMPSON of California. Mr. Chairman, I yield 1 minute to Mr. DEFAZIO from Oregon.

Mr. DEFAZIO. Mr. Chairman, I want to thank the committee and my colleagues. We only found out last evening that, despite the facts that are before us, the administration says it will be at least next year before they can determine whether or not there is a disaster for salmon fishers on the Pacific coast.

Bottom line, nobody is fishing. They created a structure where people can only go out and catch 75 fish. It is not worth the fuel to go out. It is clearly a disaster. But the bureaucracy here is resistant to declaring the disaster and getting our folks the assistance they need.

So, with this, this is nowhere near the amount of funds that will be necessary, but to get to conference and within 1 day to have moved this amount of money in the bill, I believe, is a significant step for the House; and I appreciate my colleagues in recognizing the need of people in Oregon and California, those who fish for a living, small businesses and families. They vitally need some help.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I spoke earlier today about the devastation befalling the salmon fisher families along the north coast. Because of gross mismanagement on the part of this administration and because of their typical disregard for sound science, this year's season has been cut by 90 percent. Ninety percent.

Imagine how your life would change if your income was cut by 90 percent. Imagine how could you pay for you your food, not including how would you pay for a boat. And it is not only the families of salmon fishers out in Oregon and California who are generation fisher families who need their livelihood, who are now talking about selling their boats. It is the entire communities who will suffer because of this inaction who depend on this industry.

The Bush administration created this disaster, and it is well past time that they own up and take some responsibility before it is entirely too late. Hundreds of families are depending on it. Please support this amendment.

Mr. OBEY. Mr. Chairman, I yield to the distinguished gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, again, I want to reiterate what this is all about. Last year, they reduced salmon fishing by 60 percent. This year, it is almost nonexistent. They can catch 75 fish a week. The only way you can possibly pay for your boat at 75 fish a week is if you can get $100 a pound for it. Well, salmon is really good, but I don't know of a single person that will pay $100 a pound for salmon.

So they are not fishing. They can't do it. They can't afford to pay for their boats. They can't afford to go out fishing. They can't afford to pay for their homes. And it impacts the entire community. This is the base industry of these west coast communities. These are small communities. They rely on the fishermen to buy food in the grocery store, to buy appliances at the appliance store, to buy clothing, to buy bait. When they are not operating, other businesses also don't operate.

I am happy that we have this opportunity for the $2 million as a placeholder, but what these people need is they need disaster relief. They need this now, and they need money to help them, just like we do for all other disasters that we declare.

Mr. OBEY. Mr. Chairman, I would simply like to thank the gentleman from Virginia for being willing to help draw attention to this serious problem.

I yield the remainder of my time to the gentleman from California.

Mr. THOMPSON of California. Mr. Chairman, I, too, would like to thank our colleague and my friend, Mr. WOLF, for helping in this regard; and I just want to emphasize that this is a very serious problem that is impacting the lives of very real people. Both Governors, the Governors from California and Oregon, have declared disasters. They are waiting for us to act.

And I have heard from countless people from not only my district, but throughout the impacted area. Barbara and Ron Kemp, who are commercial fishers from Fortuna, called me last night and said for the first time in 23 years of marriage they have missed their mortgage payment. They have exhausted all of their savings, down to the last 12 cents in their savings account. They imagine that they are going to have to sell their boat. He is 44 years old, and he has made a career of fishing. He wants to know what he is going to do.

Ms. HOOLEY mentioned that they opened periods of the season, but those periods don't allow enough time to fish, nor is the season open in the places where there are fish. They just have no fish to catch.

Barbara Stickel from Morro Bay says in May, when their portion of the season was open, they were able to fish for 5 days. They caught zero fish.

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They are $48,000 in the hole just trying to fish those 5 days. They have no idea what they are going to do or how they are going to make ends meet.

And it is not just the fishers. It is the related businesses as well. Larry Reuter, a salmon buyer from San Jose, California, says in 2004 he bought 21,000 pounds of salmon from commercial fishermen. This year, he was only able to buy 4,000 pounds. He has already suffered an $80,000 loss to his business, and this year he is paying $27.99 a pound. Before, he had never paid more than $7.

Up at the Klamath Lodge in Del Norte County, Paula Zimmerman says that they were booked solid during the spring season, but they have had massive cancellations because of the closure. Already this year, they have lost $21,000. That may not seem like a lot to those of us inside the Beltway, but for someone who is barely making ends meet, it is everything. This is the money that they need to live on through the winter months. They cannot go on.

Mr. Chairman and Members, thank you for hearing us out on this issue. This is an extremely important issue. Our failure to act would be nothing less than immoral.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. THOMPSON).

The amendment was agreed to.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the Committee also for working with my colleagues.

I ask unanimous consent to vacate the requests for recorded votes on the five amendments on which proceedings were postponed, to the end that each of them stand adopted by the voice vote thereon.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. Accordingly, the amendments by Messrs. REYES, GARRETT of New Jersey, LYNCH, and BROWN of Ohio, and Ms. EDDIE BERNICE JOHNSON of Texas stand adopted by voice vote.

The Committee will rise informally.

The Speaker pro tempore (Mr. WELDON of Florida) assumed the Chair.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5603. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The Committee resumed its sitting.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $996,703,000, to remain available until September 30, 2009: *Provided*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 605 of this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $20,000,000: *Provided*, That this amount shall be available to fund grants to the States of Washington, Oregon, Idaho, California, and Alaska, and to the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least thirty-three percent of the Federal funds: *Provided further*, That non-Federal funds provided pursuant to the second proviso be used in direct support of this program.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

For the costs of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in the Federal Credit Reform Act of 1990: *Provided further*, That these funds are only available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $59,000,000 for traditional direct loans, of which $19,000,000 may be used for direct loans to the United States menhaden fishery: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

OTHER

SALARIES AND EXPENSES, DEPARTMENTAL MANAGEMENT

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $52,760,000, of which $5,900,000 shall be for blast mitigation at the Herbert C. Hoover Building and $990,000 shall be for necessary expenses of the National Intellectual Property Law Enforcement Coordination Council.

AMENDMENT NO. 17 OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. PALLONE:

Page 50, line 21, insert "(decreased by $1,000,000) (increased by $1,000,000)" after "$52,760,000".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New Jersey (Mr. PALLONE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment would provide $1 million for the Secretary of Commerce to contract with the National Academy of Sciences for the purpose of preparing a study on which U.S. coastal population centers are most at risk from the impacts of sea level rise due to global warming. These impacts could include inundation, coastal flooding, more intense storms, such as hurricanes, saline intrusion and a host of other damaging effects.

Last November, scientists at Princeton University released a report that found that under a worst case global warming scenario, more than 3 percent of my home State of New Jersey could be underwater by the end of the century. A full 9 percent of the State would be subject to constant coastal flooding, and so-called 100-year storms would occur every 5 years.

But, of course, New Jersey is by no means the only area facing this threat. More than half of the U.S. population lives within 50 miles of an ocean, many in cities that are at or just above sea level. What seems like a small rise in sea level, just a foot or two, could have dramatic effects on the magnitude of storm surges or other flooding events, causing catastrophic and costly damage in some of our largest cities, including New York, Los Angeles, Miami, Seattle and Boston.

I think a mere $1 million offset from the administrative expenses of the Department of Commerce is but a small price to pay for us to get a better idea of what coastal areas would be most affected by sea level rise due to global warming.

And I would point out, Mr. Chairman, just look at what happened last week in Washington, D.C. I heard on the radio this morning that we actually faced here what is called a 300-year storm. So, in fact, what needs to be done is that cities around the country need to be able to prepare for this.

We had a forum on global warming in my district a few weeks ago. A number of the mayors came there. They reacted to some of the information that is out there and are already preparing plans. So this is just really a preventative measure that I think would be really crucial for a lot of our coastal districts around the country, including the city of Washington, D.C.

I would ask my colleagues whose districts would be affected by sea level rise and others from around the country, who will also see impacts from global warming, to join me in voting to fund this small but critical study.

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON of Florida. Mr. Chairman, the gentleman's amendment increases and decreases the amount for the Department of Commerce's Departmental Management Account. There is no net effect on the funding level of the account.

I have no objection to the gentleman's amendment. The committee accepts the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I appreciate the comments that were made by my colleague, but I have two speakers who would like to speak.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I rise in strong support of Congressman PALLONE's amendment to provide funding to the National Academy of Sciences to study the impacts of global warming on our coastal areas.

Coastal communities are at serious risk from global warming. We must better understand the specific threats faced by each coastal community to give ourselves a chance to prepare.

As the Earth warms, the sea level is rising. Scientists tell us that global warming likely caused 4 to 8 inches of sea level rise in the last century. Over the next 100 years, we may see up to 3 additional feet of sea level rise.

Warmer water fuels more intense hurricanes and tropical storms. Coral reefs are being damaged by both warmer water and increased ocean acidity from carbon dioxide.

Coastal communities need to know what they are up against. The effects of sea level rise include coastal erosion, land loss, disappearing beaches, saltwater intrusion into underground drinking water supplies, higher storm surges, damages to houses and roads, and harm to fisheries. And we have already seen the devastation that hurricanes and tropical storms could wreak on our coastal communities.

Coastal communities, such as Los Angeles, will be affected by changes inland. One-third of our precious water supplies come from the Sierra snowpack.

Of course, we must do much more than just try to adapt to massive temperature rises. The costs of that are far too high. We must dramatically cut our greenhouse gas emissions over the next few decades to avoid highly dangerous and irreversible warming. That is why last week, together with Congressman PALLONE and other colleagues, I introduced the Safe Climate Act. The Safe Climate Act reflects what science says we need to do to protect our children and grandchildren from disastrous climate changes.

While prompt action is necessary to avert the worst effects of climate change, this administration and the Congress are refusing to act. In the meantime, our coastal communities are at risk.

The Pallone amendment is a simple, commonsense measure to assess some of these vulnerabilities. I urge my colleagues to support the amendment.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island, the Ocean State.

Mr. LANGEVIN. Mr. Chairman, I would like to thank the gentleman for yielding and for drawing attention to the important issue of climate change.

Last week, the National Academy of Sciences concluded that "the last few decades of the 20th century were warmer than any comparable period in the last 400 years."

We can no longer ignore the fact that human activities, particularly the burning of fossil fuels, have increased carbon dioxide and other greenhouse gases and contributed to changes in the Earth's climate.

The Pallone amendment recognizes that climate change threatens our coastal communities. In States like Rhode Island, which has about 400 miles of coastline and a significant portion of the population lives along the coast, the impact of rising sea levels would be downright disastrous. Beach erosion would lead to greater flooding and endanger our tourism-based economy, while the destruction of wetlands would eradicate wildlife habitat and reduce the natural buffer against storm surges.

Mr. Chairman, global warming threatens to have a devastating impact on our Nation's environment and economy, and Congress must take swift action. We can start by funding important research into climate change impacts on our communities. And I urge my colleagues to support the Pallone amendment.

Ms. BORDALLO. Mr. Chairman, I rise in support of the Pallone Amendment. This amendment directs the Department of Commerce to provide $1 million for the National Academy of Sciences to conduct a study of U.S. coastal areas facing the greatest impacts from global warming. My district of Guam, as an island in the Western Pacific, is in its entirety a coastal community. Guam is one of the several American communities directly facing the challenges associated with global climate change.

The islands in Oceania, including Guam, are particularly vulnerable to climate change, climate variability and sea level rise. Increased scientific and public policy cooperation on this issue would stand to benefit our island and coastal communities. The off-shore territories should not be neglected in the national effort to identify and address the challenges associated with this phenomenon.

We can identify and mitigate the effects of climate change by studying its impacts on our islands and coastlines. This amendment proposes a quality initial investment towards achieving this end. Our country can save money in the future and work towards protecting our lands and natural resources with this $1 million investment.

I support the Pallone Amendment. Its provisions are critical to helping us understand what areas of our country are most at risk. The study that would be funded by this amendment would yield the information we need to make more informed public policy decisions for the preservation of our country's coastlines.

I thank the gentleman from New Jersey, Mr. PALLONE, and our colleague from Washington, Mr. INSLEE, for their leadership on this issue. I urge support for their amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $22,531,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Appropriations Act.

SEC. 204. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Section 214 of division B of Public Law 108–447 (118 Stat. 2884–86) is amended by (1) inserting "and subject to subsection (f)," following "program," in section (a); and (2) striking subsection (f) and inserting:

"(f) FUNDING.—There are authorized to be appropriated to carry out the provisions of this section, up to $4,000,000 annually.".

SEC. 206. (a) Section 318 of the National Marine Sanctuaries Act (16 U.S.C. 1445c), is amended by (1) inserting "and subject to subsection (e)," following "program," in subsection (a); and (2) striking subsection (e) and inserting:

"(e) FUNDING.—There are authorized to be appropriated to the Secretary of Commerce up to $500,000 annually, to carry out the provisions of this section.''.

(b) Section 210 of the Department of Commerce and Related Agencies Appropriations Act, 2001 (Public Law 106–553) is repealed.

SEC. 207. Any funds provided in this Act under ''Department of Commerce'' used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2007''.

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,369,000: *Provided*, That the Office of Science and Technology Policy shall establish an Ethics Advisory Group for the National Nanotechnology Initiative focused on questions of human dignity: *Provided further*, That the Office of Science and Technology Policy shall report to the Committee on Appropriations of the House of Representatives by March 31, 2007, on specific actions planned and taken in response to the work of the National Science and Technology Council and the Academic Competitiveness Council with regard to improving science and math education in the United States.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $10,482,000,000, to remain available until September 30, 2008, of which $5,404,800,000 shall be for science, $3,827,600,000 shall be for exploration systems, $824,400,000 shall be for aeronautics research, and $425,200,000 shall be for cross-agency support programs: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

EXPLORATION CAPABILITIES

For necessary expenses, not otherwise provided for, in the conduct and support of exploration capabilities research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,193,500,000, to remain available until September 30, 2008, of which $1,777,900,000 shall be for the International Space Station, $4,056,700,000 shall be for the Space Shuttle, and $358,900,000 shall be for space and flight suport: *Provided*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $33,500,000, to remain available until September 30, 2008.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Science, Aeronautics and Exploration'', or ''Exploration Capabilities'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Science, Aeronautics and Exploration'', or ''Exploration Capabilities'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2009.

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Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California for a colloquy with the chairman.

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have a colloquy with the chairman of the committee, Mr. WOLF.

Mr. Chairman, I am pleased to see language in the SSJC appropriations report giving directives to NOAA and the Secretary of Commerce regarding the salmon in the Klamath River.

Though the river does not flow directly through my district, my salmon fishermen and related industries are greatly impacted. The National Marine Fisheries Service severely restricted the 2006 salmon season, after significantly cutting the 2005 season. This has caused undue financial hardships for local fishing communities, causing the Governors of both California and Oregon to declare it a fishery disaster.

There is definitely an immediate need to provide emergency funding to those impacted. However, we need to start addressing long-term needs to restore the habitat and rebuild the salmon population so that we do not find ourselves with a crisis every year. It would take a relatively small amount to curb much greater economic losses in the future.

Would the chairman be willing to work toward increasing the amount of funding from the Pacific Coastal Salmon Recovery Fund to be used for the Klamath River restoration projects and salmon recovery? This important granting fund has already been reduced by almost $47 million below what the President requested in the fiscal year '06 enacted levels, so I further ask the chairman to work to restore funding during the conference committee.

Mr. WOLF. Mr. Chairman, if the gentleman would yield, I understand your concerns, Mr. FARR. I agree there is a need to seek a long-term solution to the problems in the Klamath Basin and appreciate your leadership on this issue. I commit, as we have spoken, to improve the levels of the Pacific Coastal Salmon Recovery Fund in conference for restoration and also for recovery.

Mr. FARR. Thank you, Mr. Chairman. I thank you for your cooperation and for all the hard work on this important bill.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,665,950,000, to remain available until September 30, 2008, of which not to exceed $485,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That funds under this heading may be available for innovation inducement prizes: *Provided further*, That section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) is amended by inserting before the semicolon at the end ", except that funds may be donated for specific prize competitions.".

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $237,250,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $832,432,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $268,610,000: *Provided*, That contracts may be entered into under "Salaries and Expenses" in fiscal year 2007 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,910,000: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $11,860,000, to remain available until September 30, 2008.

This title may be cited as the "Science Appropriations Act, 2007".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,709,914,000: *Provided*, That of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this heading, not less than $351,000,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, $3,000,000 shall be available only for the operations of the Office on Right-Sizing the United States Government Overseas Presence: *Provided further*, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee United States participation in the United Nations headquarters renovation project: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: *Provided further*, That funds appropriated under this heading are available, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

In addition, not to exceed $1,513,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $795,170,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $58,143,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $32,508,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $436,275,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,270,000, to remain available until September 30, 2008.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $605,652,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $899,368,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $4,940,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the "Repatriation Loans Program Account", subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $695,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $590,000, which may be transferred to and merged with funds in the "Diplomatic and Consular Programs" account.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $15,826,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,000,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,151,318,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations budget for the biennium 2006–2007 to exceed $3,798,912,500: *Provided further*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,135,327,000, of which 15 percent shall remain available until September 30, 2008: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations and other appropriate committees of the Congress are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission; and (3) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $28,453,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $9,237,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,587,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $20,651,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $13,821,000, to remain available until expended, as authorized.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2007, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2007, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A 122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2007, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $3,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $50,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment, including aircraft, for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $651,279,000, of which $5,000,000 shall remain available until September 30, 2008: *Provided*, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $7,624,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

Sec. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this title may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this title may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 403. None of the funds made available in this title may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

Sec. 404. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided in this or any other Act shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

Sec. 405. None of the funds made available by this title may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

Sec. 406. (a) None of the funds appropriated or otherwise made available under this title shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2007.

Sec. 407. (a) None of the funds appropriated or otherwise made available under this title shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2007.

Sec. 408. (a) Except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the Marine Corps.

Sec. 409. Ceilings and earmarks contained in this title shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title.

Sec. 410. Any funds provided in this Act under "Department of State" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

Sec. 411. (a) Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

(1) by striking "(f) Ineligibility.—An officer" and inserting the following:

"(f) Ineligibility.—

"(1) In general.—Except as provided in paragraph (2), an officer"; and

(2) by adding at the end the following new paragraph:

"(2) Exception in certain circumstances.—The Secretary may pay a reward to an officer or employee of a foreign government (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

"(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection.

"(B) Such payment may aid in furnishing further information described in such subsection.

"(C) Such payment is formally requested by such agency.".

(b) Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting "or to an officer or employee of a foreign government in accordance with subsection (f)(2)" after "individual".

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2007".

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Antitrust Modernization Commission, as authorized by Public Law 107–273, $462,000, to remain available until expended.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $493,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,933,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until September 30, 2008.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,110,000, to remain available until September 30, 2008.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2008.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964 (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $28,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $322,807,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming provisions of section 605 of this Act.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 83, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $294,261,000: *Provided*, That offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, of which $293,261,000 shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at $1,000,000: *Provided further*, That any offsetting collections received in excess of $293,261,000 in fiscal year 2007 shall remain available until expended, but shall not be available for obligation until October 1, 2007: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2006, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2007: *Provided further*, That, in addition, not to exceed $3,000,000 may be transferred from the Universal Service Fund in fiscal year 2007, to remain available until expended, to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General.

AMENDMENT OFFERED BY MR. MURPHY

Mr. MURPHY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MURPHY:

Page 83, line 17, insert "(increased by $50,000) (decreased by $50,000)" after the aggregate dollar amount.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Pennsylvania (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Chairman, first, I thank the distinguished chairman, Chairman WOLF, for his work on this bill.

This amendment is intended to highlight the dangerous practice of caller ID fraud or "call spoofing" and hope the FCC moves quickly and takes immediate action to protect the public from this. It is a deceptive practice being used to defraud people of their money and deceive citizens into releasing private information.

There are now several Web sites where anyone can change their outgoing phone number to any number that they choose on a temporary basis. This practice is not just for harmless pranks but has tremendous identity theft and other security implications.

For example, the AARP bulletin recently reported that people received false calls claiming they missed jury duty and were asked for their Social Security numbers. The phone number of the local courthouse had shown up on their caller ID.

Criminals have engaged in caller ID fraud to gather private consumer information from businesses that rely on caller ID for authentication, such as financial companies that perform wire transfers. Cell phone voice mailboxes often only require verification that an incoming call is from the user's cell phone number.

Lastly, in 2005, SWAT teams surrounded an empty building in New Brunswick, New Jersey, after police received a call from a woman who said she was being held hostage in an apartment. She was not in the apartment, and the woman had intentionally used a false caller ID.

False caller ID information can be used to bypass safety systems made to prevent domestic violence and harassment. Imagine what can happen when predators use false caller ID numbers to prey upon children and senior citizens. I might add that these phone spoofing Web sites also offer to disguise the voice of the caller and to record the call.

The House has already expressed its will on this matter, unanimously passing H.R. 5126 earlier this month; and I am pleased to be a cosponsor of that bill. I have another bill, H.R. 5304, that would go a step further by amending criminal law to protect Americans from this practice.

We cannot keep waiting to deal with this insidious problem and must ask the FCC to move forward quickly.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment. I think it is a good amendment. Hopefully, the FCC will take note of what Mr. MURPHY is doing. I would urge a "yes" vote on the amendment.

Mr. ENGEL. Mr. Chairman, I rise in support of my colleague, Mr. MURPHY, and his amendment. It is appropriate for our colleague from Pennsylvania to be offering this amendment because he is himself a victim of this insidiousness.

I also want to thank Chairman BARTON, who with me, introduced the Truth in Caller ID Act that passed the House not long ago. I also want to thank and recognize Mr. UPTON, Mr. DINGELL and Mr. MARKEY for their significant contributions to that bill.

I commend our colleague from Pennsylvania for offering this amendment. It will highlight to the FCC that the House of Representatives takes this problem very seriously. We have swiftly passed legislation that is now pending in the Senate. And so we expect the FCC to do whatever it can now—and to move expeditiously once the Truth in Caller ID Act is signed into law.

Not long ago, I was like most Americans—completely unaware that is was so easy for someone to alter their caller ID. Caller ID spoofing is not your grandfather's prank call.

This technology has limited uses that I find legitimate, such as for law enforcement and protecting battered women.

This technology has unlimited uses that I find completely unacceptable. This technology enables people to pretend to be a bank, a doctor's office, a court house, or even a member of Congress. Nefarious people are . . . I say are using this technology to get a hold of private information and engage in identity theft.

The Telecommunications and Internet Subcommittee of Energy and Commerce held a hearing on this matter. We heard stories of people receiving phone calls from their local court houses saying they had missed jury duty and that to confirm a make up the caller needed the person's social security number. Well who wouldn't be flustered when seeing a local court house phone number on the caller ID and being told you had missed jury duty. So these innocent people gave out their social security numbers.

We heard of people make fake calls to police departments claiming to be victims of home intrusion and being held at gun point. The Newark Star Ledger reported on July 12, 2005 that Mr. Wadu Jackson plead guilty to placing "a fake 911 call that drew dozens of police sharpshooters to a New Brunswick home in March in a mistake belief that a teenage girl was being held hostage.

I know of three of our colleagues in the House who have been victims of caller ID spoofing. Not in the personal lives, but in their professional lives as Members of Congress. They have had people call and leave obnoxious messages that indicate the call is coming from the member's district office.

I can only believe that this was an early effort at testing this technology to interfere with the electoral process of our nation.

I think we do a service to our constituents today by highlighting and alerting them to this problem. I urge the adoption of this amendment.

Mrs. SCHMIDT. Mr. Chairman, I rise in strong support of the Murphy/Schmidt amendment to H.R. 5672, and I commend Mr. MURPHY for his good work on this important issue.

I introduced legislation on the issue of manipulation of caller identification information, and I know first-hand there is a need to end the practice of "call spoofing."

With the increasing frequency of identity theft, we must do all that we can to end opportunities for falsification of this data.

I urge my colleagues to support the amendment.

Mr. MURPHY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURPHY).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 89, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remainder of the bill through page 89, line 9, is as follows:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $129,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, $23,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $61,079,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to enforce subsection (e) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t) or section 151(b)(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1831t note).

HELP COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the HELP Commission, $1,250,000, to remain available until expended: *Provided*, That section 637(f)(1) of the HELP Commission Act (Public Law 108–199, division B) is amended by inserting "and 3 months" after "2 years".

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $313,860,000, of which $296,990,000 is for basic field programs and required independent audits; $2,970,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,661,000 is for management and administration; and $1,239,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2006 and 2007, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $2,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $900,517,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $880,517,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $20,000,000 shall be derived from available balances of funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2007 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2007 appropriation from the general fund estimated at not more than $0.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $303,550,000, of which $10,000,000 shall be available for microloan technical assistance, and of which $1,000,000 shall be transferred to and merged with appropriations for "Business Loans Program Account" and shall remain available until expended for the cost of direct loans: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That any funds provided under this heading used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That, of the funds made available under this heading, $500,000 shall be for the National Veterans Business Development Corporation.

AMENDMENT OFFERED BY MRS. DAVIS OF CALIFORNIA

Mrs. DAVIS of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. DAVIS of California:

Page 90, line 10, after the dollar amount, insert the following: "(increased by $1,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from California (Mrs. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. DAVIS of California. Mr. Chairman, I offer this amendment today along with my colleagues, Mr. EVANS of Illinois and Ms. HERSETH of South Dakota, on behalf of our veterans seeking to start and operate their own businesses.

I have been interested in this issue for a number of years after visiting with our servicemembers in Afghanistan. I recall one brave servicemember who told me his dream was to learn about entrepreneurship and start his own business after his tour of duty. So it is up to us to make sure our veterans have access to the training, assistance and capital to start a business.

Mr. Chairman, Congress passed legislation in 1999 establishing the National Veterans Business Development Corporation to provide all of these crucial aspects of entrepreneurship to veterans. As a result, the Veterans Corporation has provided training to over

8,000 veterans and has helped over 550 veterans start businesses during 2006 alone.

Charmaine Burnett is one of those thousands of success stories. She is a service-disabled veteran of the Gulf War living in California, and her construction services company has been awarded several contracts in recent months. She attributes her success in part to the assistance she received from the Veterans Corporation.

Unfortunately, at $500,000, H.R. 5672 does not provide sufficient funding for the Veterans Corporation to train and continue its services to veterans when they need it the most.

Mr. Chairman, why would we cut this funding to veterans when they need it most? The corporation will have to cut back and reduce services for veterans entrepreneurship when many of our servicemembers are returning from Iraq and Afghanistan.

Our amendment increases funding for the Veterans Corporation by a mere $1 million to match its level for fiscal year 2006. Our veterans need this funding.

This amendment is completely budget neutral. It does not increase spending and does not take away from other important programs within the SBA.

I urge my colleagues to support this amendment and to support business ownership for America's veterans.

□ 1315

Mr. WOLF. Mr. Chairman, I support the gentlewoman's amendment. I know the Veterans Corporation is working to get itself revitalized, and I hope we can have this thing authorized. I think the more effort that can be done would help us, particularly as we move into the outyears.

Mr. Chairman, I accept the gentlewoman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I appreciate that acceptance, and I know that the veterans will as well.

The Acting CHAIRMAN. The gentlewoman from California has 3 minutes remaining.

Mrs. DAVIS of California. Mr. Chairman, I yield the balance of my time to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Chairman, I thank the gentlewoman for yielding me time.

In light of the chairman's support, I will submit my comments for the RECORD in support of the amendment.

Mr. Chairman, I rise today to express my support for this important amendment offered by the gentlelady Ms. DAVIS of California to the Science, State, Justice, and Commerce Appropriations bill to increase by $1 million the amount of funding in this bill to the National Veterans Business Development Corporation—also known as The Veterans Corporation.

Our amendment increases funding for The Veterans Corporation from $500,000 to $1.5 million to match Fiscal Year 2006 levels. Without level funding, The Veterans Corporation will be forced to cut back and reduce entrepreneurship assistance to our veterans.

As the Ranking Member of the Veterans' Affairs Economic Opportunity Subcommittee, which maintains jurisdiction over veterans' employment and re-employment matters, I have been working to explore the perceptions, activities, employment practices, and entrepreneurship opportunities for former servicemembers.

In my view, which I know is shared by many of my colleagues, the men and women serving in the military today are very professional, highly trained, and extremely motivated. I am confident that many of these men and women would add value to our economy if given the opportunity to start their own businesses. In my district—the State of South Dakota—more than 17,000 veteran owned small businesses are operating—generating a combined income of more than $816 million.

Mr. Chairman, as the Administration has repeatedly stated, this is a key transitional year for members of our Armed Forces serving overseas. Increasing numbers of servicemen and women are expected to return home from Iraq and Afghanistan—including thousands of National Guard and Reservists. The men and women in uniform who defend this country and make our economic and political systems possible, indeed, have earned our best efforts and a fair opportunity to successfully transition from military service to civilian life and employment.

The Veterans Corporation is working to help these veterans, who would like to enter the world of entrepreneurship, have the opportunity to successfully do so. I ask my colleagues to support these veterans by supporting this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. DAVIS).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $13,722,000.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman. I likewise thank you for your leadership and the chairman's leadership, and I would like to enter into a colloquy. It is, I think, appropriate to do so as there is a pending launch going forward in the Nation's space program, space shuttle program, to talk about the next generation of scientists and astronauts.

Mr. Chairman, in 1992, Dr. Mae C. Jemison became the first woman of color to travel into space. After retiring from NASA, she worked as an active advocate of science education, especially for minorities and economically disadvantaged students.

Dr. Jemison is a doctor by training, and she is a pioneer in aeronautics. And through the creation of the Dr. Mae C. Jemison Grant Program, we hope to provide other minorities and women in America with the opportunity to succeed in science and engineering.

Frankly, what we want to do is to create the next generation of our scientists and our astronauts. I would say to you that, unfortunately, we are woefully noncompetitive. The Dr. Mae C. Jemison Grant Program is intended to ensure equal access for minority and economically disadvantaged students to NASA's education programs.

The program facilitates NASA's ability to work with institutions serving minorities to bring more women of color into the field of space and aeronautics. We must pursue this program to safeguard equal opportunities in fields of study and professions that have far too low of a minority ratio.

Mr. Chairman, I hope that as this particular program is authorized in the NASA authorization bill, we will find it in our good graces to be able to fund it. My question, as I yield to the gentleman, is, would the gentleman agree with me to work with me to find a way to recognize and to fund this particular program?

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman. She certainly has raised a very important issue. I pledge to explore this issue further.

It is my understanding that NASA anticipates, because they have a strong education program, building this program using the funding appropriated to the agency for education programs. I do recognize that the Dr. Mae C. Jemison Grant Program is a program charged to NASA, and we look forward to the launch of the program and the benefits that will result.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time. Let me say that it is my hope, Mr. Chairman, that we do recognize this as a grant program and that as you have indicated, that this program be funded under the education programs in NASA, and to be specifically funded, and as indicated in the RECORD, I had an amendment to offer.

At this time, I will not be offering the amendment. And therefore, I hope to accept the assurances and be able to move forward on this program so that it can be funded

Mr. WOLF. Thank you.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. UDALL).

The Acting CHAIRMAN. The gentleman is recognized for 1½ minutes.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I would like to enter into a colloquy with Chairman WOLF, of the Science, State, Justice, Commerce Appropriations Subcommittee.

Mr. Chairman, I had offered to introduce an amendment today to make a modest increase of $2.2 million for the Space Environment Center, returning its funding to the President's requested level of $7.2 million.

However, Mr. Chairman, after discussing this with your staff, I have decided not to offer the amendment but would like to engage you in a colloquy.

Mr. WOLF. Sure.

Mr. UDALL of Colorado. Mr. Chairman, the Space Environment Center is a part of NOAA's National Weather Service, and it is the only civil provider of space weather warnings. These warnings enable government and private sector operators to take actions to minimize disruptions in service and damage to critical infrastructure.

Last year, the Space Environment Center received a $4 million cut, a cut of about 44 percent from its $7 million budget. NOAA, in order to prevent degradation of services reprogrammed funds from other programs to continue the operations of the Space Environment Center.

But in this cycle, if the Center receives $5 million as proposed in the bill, it will be forced to make substantial cuts in its staffing.

As a national critical system, should the capabilities of the center go down, the Air Force currently provides data as a back-up. However, with this proposed budget, the center will not be able to maintain a liaison position with the Air Force, potentially harming its operations and the continuity of its services.

So, in that spirit, with that background, Mr. Chairman, I have two questions. Would you agree that the space weather warnings are a vital service to many of our space-based assets and that more funding is needed for the Space Environment Center? And if so, would you be willing to work in conference to increase funding for the center?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Virginia.

Mr. WOLF. I agree with the gentleman that the warnings provided by the Space Environment Center are important to protect their satellites and other space-based industries. And I will be happy to work with the gentleman as the bill moves forward through conference to try to find increased funding for the Space Environment Center.

Mr. UDALL of Colorado. Mr. Chairman, I appreciate the chairman's response and willingness to work on this issue. I thank my colleague, Mr. MOLLOHAN, from the great State of West Virginia for yielding time to me.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act, as amended, $2,824,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2007 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $7,500,000,000: *Provided*, That during fiscal year 2007 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $17,500,000,000: *Provided further*, That during fiscal year 2007 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2007 guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $123,706,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, $85,140,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $113,850,000, of which $495,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General: of which $104,445,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, to remain available until expended, and which may be transferred to and merged with appropriations for Salaries and Expenses; and of which $8,910,000 is for indirect administrative expenses, which may be transferred to and merged with appropriations for Salaries and Expenses: *Provided*, That any amount in excess of $8,910,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572), $2,000,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $5,000 for the purpose of official representation, to remain available until September 30, 2008: *Provided*, That for purposes of costs relating to printing and binding, the Commission shall be deemed, effective on the date of its establishment, to be a committee of Congress: *Provided further*, That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5314 of title 5, United States Code: *Provided further*, That section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, is amended by striking "June" and inserting "November": *Provided further*, That travel by members of the Commission and its staff shall be arranged and conducted under the rules and procedures applying to travel by members of the House of Representatives and its staff: *Provided further*, That section 635(b) of Public Law 109-108 is repealed.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $26,979,000, to remain available until September 30, 2008.

TITLE VI—GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices; (6) reorganizes programs or activities; or (7) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Hereafter, none of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 607. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 607. This provision violates clause 2(b) of House rule XXI. It proposes to change existing law and therefore constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. WOLF. Mr. Chairman, I just want to say, Mr. DAVIS has convinced me of the merit of his argument. I would never object to him. Since it makes a lot of sense, I concede.

The CHAIRMAN. The point of order is conceded and sustained, and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 608. The Departments of Commerce, Justice, and State, the Broadcasting Board of Governors, the National Science Foundation, the National Aeronautics and Space Administration, the Federal Communications Commission, the Securities and Exchange Commission and the Small Business Administration shall provide to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 609. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 610. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 611. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 612. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $625,000,000 during fiscal year 2007 from the fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601).

SEC. 613. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 614. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 615. The Departments of Commerce, Justice, and State, the National Aeronautics and Space Administration, the National Science Foundation, the Securities and Exchange Commission and the Small Business Administration shall, not later than two months after the date of the enactment of this Act, certify that telecommuting opportunities have increased over levels certified to the Committees on Appropriations for fiscal year 2006: *Provided*, That, of the total amounts appropriated to the Departments of Commerce, Justice, and State, the National Aeronautics and Space Administration, the National Science Foundation, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available to each only upon such certification: *Provided further*, That each Department or agency shall provide quarterly reports to the Committees on Appropriations on the status of telecommuting programs, including the number and percentage of Federal employees eligible for, and participating in, such programs: *Provided further*, That each Department or agency shall maintain a "Telework Coordinator" to be responsible for overseeing the implementation and operations of telecommuting programs, and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 616. Any funds provided in this Act under "National Science Foundation" used to implement E-Government Initiatives shall be subject to the procedures set forth in section 605 of this Act.

SEC. 617. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 618. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 619. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 620. For an additional amount under the heading "Small Business Administration, Salaries and Expenses", $20,000,000, to remain available until September 30, 2008, shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities: *Provided*, That amounts made available under this section shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

SEC. 621. Of the amounts made available in this Act, $674,155,851 from "Department of State"; $45,635,505 from "Department of Justice"; $20,678,269 from "Department of Commerce"; $771,279 from "United States Trade Representative"; $1,238,808 from "Broadcasting Board of Governors"; $377,722 from "National Aeronautics and Space Administration"; and $120,173 from "National Science Foundation" shall be available for the purposes of implementing the Capital Security Cost Sharing program.

SEC. 622. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 623. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR Sec. 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 624. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 625. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has provided support for acts of international terrorism.

SEC. 626. None of the funds made available in this Act may be used to carry out any diplomatic operations in Libya or accept the credentials of any representative of the Government of Libya until such time as the President certifies to Congress that Libya has taken irrevocable steps to pay, in its entirety, the total amount of the settlement commitment of $10,000,000 to the surviving families of each decedent of Pan Am Flight 103 and certifies to Congress that Libya will continue to work in good faith to resolve the outstanding cases of United States victims of terrorism sponsored or supported by Libya, including the settlement of the La Belle Discotheque bombing.

SEC. 627. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title 1 of the Energy Policy Act of 2005 (including the amendments made thereby).

SEC. 628. None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

□ 1330

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of title VI, insert the following:

SEC.   . (a) MINIMUM WAGE.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended—

(1) by striking "and not less than $5.15 an hour" and inserting "not less than $5.15 an hour"; and

(2) by inserting before the semicolon at the end the following: ", not less than $5.85 an hour beginning on January 1, 2007, not less than $6.55 an hour beginning on January 1, 2008, and not less than $7.25 an hour beginning on January 1, 2009".

(b) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—(1) Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))—

(A) shall be $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) shall be increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been 9 years since this country has adjusted the minimum wage. During that time, the food prices have gone up almost 25 percent. Health care costs overall have gone up over 40 percent. Insurance has almost doubled. Gasoline prices have doubled. Energy prices have gone out of sight, and yet people are still struggling along on the same minimum wage that they were paid 9 years ago.

To try to do something about that, we offered an amendment to the Labor-Health-Education-Social Services bill in the full committee. Every Democrat voted for that amendment, and so did seven Republicans. But after that happened and the amendment had passed, the Labor-Health-Education appropriations bill was blocked from consideration by the leadership of this House and by the Rules Committee.

Therefore, when this bill came before the full committee, we attempted once again to adjust the minimum wage in three increments of 70 cents each, because we believe that no one who works 40 hours a week ought to go home in poverty. We, this time, did not receive the support of those same seven Republicans. Five of them voted against us. The other two missed the vote, and so that amendment was lost.

We, therefore, asked the Rules Committee to make in order an amendment on this bill which would adjust that minimum wage, and that is what I am trying to do today.

I recognize that if the point of order is lodged against this amendment, that we will once again be blocked from our effort to provide an increase in the minimum wage, but I just want to say to those who say this is not the proper vehicle and we should try to do it on some other bill, that for 9 years we have been waiting for the majority party to find the right vehicle to accomplish this. And for 9 years, nothing has happened.

The issue comes down to this: Whose side are you on? Are you willing to help adjust that minimum wage upward or are you not? This is one effort to find out.

For those who think this is just a political or an academic exercise, I told the House on the debate on the rule that I recall, after my parents were divorced and my mother was trying to get along on the minimum wage, and I remember how it was to run out of money before you ran out of days on the calendar each month. So she would find some household item that she could take down to Etzkin's Pawn Shop and pawn to get the family through the week.

The outrage is that today that minimum wage has far less purchasing power than it did when she was earning it years ago. I think that is an absolute disgrace.

The wealthiest 1 percent of people in this country have 33 percent of the Nation's wealth. The poorest 40 percent of the people in this country are struggling to hang on to 3 percent of the Nation's wealth. That kind of gap is wrong.

This is one of the few things the Congress can do to directly impact the size of that gap. I think we have an economic obligation. I think we have a moral obligation to make this happen, and I am not interested in playing jurisdictional dunghill niceties about which committee is supposed to handle this bill. This bill ought to be out on the floor. This amendment ought to pass.

I would ask that the majority party not offer a point of order against the amendment so that we can finally bring some justice to people who are struggling in the shadows of life, who are struggling on life's underside. We can make their lives just a little bit more pleasant by passing this amendment, and I would think that, given the fact that the Congress has just in this House determined to accept a COLA for itself, I would think that we would have significantly less embarrassment if we would recognize that it takes 4 months for someone working at the minimum wage to make the same amount of money that Congress will gain by way of a COLA. It is outrageous to adjust congressional COLAs and not adjust the minimum wage. So I would urge that no one lodge a point of order against this amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

I believe it is an appropriate issue to debate, but the appropriate forum for debate is with the authorizing committees and with an opportunity for both sides on the issue to present their cases.

Today's pending legislation is not a place for the debate, and I would hope that the authorizing committee would schedule hearings and bring forward a bill and let the House work its will. That is the way we do it. Authorizers hold hearings, look at the impact, come back, report out a bill, and let the committee and the House work its will.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I do make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill. Therefore, it violates clause 2 of rule XXI.

The rule states in pertinent part, an amendment to a general appropriation bill shall not be in order if it changes existing law. The amendment directly amends the existing law, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I understand that the rules of the House normally indicate that this legislation would be handled by the authorizing committee, but I would note that on the appropriation conference report just several months ago, the majority leader in the Senate added 40 pages of authorizing language to the Defense bill, language which protected the pharmaceutical industry in this country from suit.

And it would seem to me that if it is legitimate for the majority leader of the Senate to do that, in order to protect a privileged industry in this country, that we could find a way in the House rules to protect the interests of the lowest-income wage earners in the country, but I must reluctantly concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The amendment is out of order.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I yield to the distinguished gentlewoman from California (Ms. LEE) for a colloquy with the chairman.

Ms. LEE. Mr. Chairman, I want to thank the gentleman for yielding.

I rise today to engage in a colloquy with the chairman of the subcommittee, Mr. WOLF. I understand and know quite frankly that the chairman has been a long-time advocate of public diplomacy and democracy through educational and cultural exchanges, and I would like to express my very strong support of his work. I truly appreciate his willingness to highlight these issues today of mutual concern.

So, Mr. Chairman, I come to the floor today to raise an issue that is important for our hemispheric foreign policy. For quite a few years, many in this body have stressed the importance of improving relations with Latin America and the Caribbean by strengthening educational exchange initiatives.

Many American students who spend time studying abroad are among our Nation's greatest assets, and this is especially true with regards to our hemispheric neighbors.

Many elected leaders in Latin America and the Caribbean spent some time studying here in the United States. They applied the skills and the values that they learned in the United States upon returning to their home countries.

For instance, in the wake of recent natural disasters, many Caribbean leaders who studied here were able to draw on their experience and networks of contacts when facing challenges.

The need for strengthening the human capital and democratic values is ever pressing as natural disasters, perhaps among the most severe destabilizing force, constantly wreak havoc on the region.

Hurricanes, floods, landslides, earthquakes are becoming more frequent. It takes years and sometimes decades to recover, and I know that we can all personally attest to how a natural disaster shakes a nation's foundation to its very core.

Educational exchange opportunities are an investment with the greatest return. By developing human capital, we are securing our hemisphere by planting the seeds of democracy and success.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I want to assure the gentlewoman from California that I agree that educational exchange initiatives are an important component of our hemispheric foreign policy.

The fact is, as you were speaking, I thought of my daughter Rebecca who was in an exchange program and actually taught down in Honduras, Tegucigalpa, for 2 years. The relationships, the friendships, and the opportunities she made were life changing. I think you make a very powerful point.

I appreciate the gentlewoman's intention in raising this issue, and I want to assure her that I will be mindful of this issue as this bill moves forward.

Ms. LEE. Mr. Chairman, if the gentleman will further yield, I want to thank the gentleman for his attention to this issue and so many issues that are important to our country. I look forward to working together in standing up for democracy and improving relations with our hemispheric neighbors.

I want to thank you again, and I want to thank you for yielding me the time.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentlewoman from California.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Florida (Mr. BILIRAKIS) and the other Members for a colloquy.

Mr. BILIRAKIS. Thank you very much, Mr. Chairman. I do rise for purposes of engaging in a colloquy with you.

Mr. Chairman, first of all, I want to thank you and the ranking member, Mr. MOLLOHAN, for restoring funding for several critical Voice of America language services that were slated for reductions, including the Greek and Turkish services.

As cochair of the Hellenic Caucus and a strong supporter of resolving the Cyprus issue, I believe finding innovative ways to bring the two sides closer are necessary. The Greek and Turkish VOA services have proposed a new joint program initiative promoting the end of the division in Cyprus by engaging both Greek-Cypriot and Turkish-Cypriot communities in a revised process using radio and television. This program would entail reporting on bicommunal developments, conducting interviews with prominent figures and airing them as part of radio and TV dialogues, or bridges, if you will, between the two communities. As H.R. 5672 moves through the appropriations process, I hope, Mr. Chairman, you will work with members of the Hellenic and Turkish Caucuses to find the funding needed to initiate this new joint program.

Mr. WEXLER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Florida.

Mr. WEXLER. Mr. Chairman, I, too, want to join my colleagues in expressing gratitude to Chairman WOLF for agreeing to enter into the colloquy.

I also want to thank the chairman and the ranking member, Mr. MOLLOHAN, for restoring full funding for Voice of America services, including funding for Turkey and Greece. I strongly believe this programming, which reaches millions, remains critical to peace, stability and democracy in the Middle East, Eastern Mediterranean and Balkans regions.

Mr. Chairman, for the first time, the Turkey Caucus and the Hellenic Caucus have joined forces to foster reconciliation on the island of Cyprus. Creating a distinct and separate VOA program for Cyprus provides advocates for reunification a unique opportunity to bring both sides back to the negotiating table.

We believe that the United States must play an active role in resolving differences between Greek and Turkish Cypriots, and the Voice of America Cyprus would be a positive step forward.

Thank you very much.

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Mrs. MALONEY. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from New York.

Mrs. MALONEY. I thank the gentleman for yielding, and I would like to add my support to what has already been said about the importance of developing a joint program initiative by the Greek and Turkish language services at the Voice of America to promote an end to the division of Cyprus and to help engage the Greek-Cypriot and Turkish-Cypriot communities in a revived process aimed at their reunification.

Cyprus has been divided since 1974, way too long, and we all want this division to come to an end. I believe that this type of initiative would go a long way in making that happen by keeping the lines of communication between the two communities open.

I am especially pleased to join my fellow cochair and cofounder of the Hellenic Caucus, Representative BILIRAKIS, as well as the cochairs of the Turkish Caucus, Representatives WEXLER and WHITFIELD, in showing our collective support for this effort.

I would also like to thank Chairman WOLF and Ranking Member MOLLOHAN for restoring the cuts to valuable programs at the Voice of America, including the Greek and Turkey services, and I look forward to working with them on this new and exciting project for Cyprus.

Mr. BILIRAKIS. Mr. Chairman, if the gentleman will yield once again?

Mr. WOLF. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Thank you again, Mr. Chairman.

This is really a pretty special thing when you come to think about it. This is the first time that we are working together with the Turkish Caucus on an issue which we all agree has enormous potential to benefit the relations and close the gap between the two communities; and I hope, sir, that you will work with us to find, along with Mr. MOLLOHAN, to find funding for this critical Cyprus reconciliation joint initiative.

Mr. WOLF. Mr. Chairman, I want to thank both you, Mr. BILIRAKIS, as well as Mr. WEXLER and Mrs. MALONEY of New York. It really does offer an opportunity. It is kind of an historic moment, in some respects, for this reconciliation opportunity.

So I support the efforts aimed at bringing a solution to the Cyprus issue and agree that new avenues should be explored. I really commend you for doing this. I share your concerns and really will be pleased to work with my colleagues to explore what might be done to gain support for this new joint initiative to someday bring peace and reconciliation to the area.

Mr. BILIRAKIS. Mr. Chairman, I thank Chairman WOLF and Mr. MOLLOHAN for their consideration and for yielding us the time, and I look forward to working with both of you in the future.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

Violent Crime Reduction Trust Fund

(RESCISSION)

Of the unobligated balances available under this heading, $8,000,000 are rescinded.

General Administration

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $39,000,000 are rescinded.

Legal Activities

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $152,787,000 are rescinded.

Office of Justice Programs

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $127,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $127,500,000 are rescinded.

DEPARTMENT OF COMMERCE

Departmental Management

EMERGENCY STEEL GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $38,607,000 are rescinded.

DEPARTMENT OF STATE

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

(RESCISSION)

Of the funds available under this heading, $10,000,000 are rescinded.

RELATED AGENCIES

Small Business Administration

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $6,100,000 are rescinded.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

DISASTER LOANS PROGRAM ACCOUNT
(RESCISSION)

Of the unobligated balances available under this heading, $3,700,000 are rescinded.

AMENDMENT NO. 25 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to enforce any of the provisions in the Memorandum to all Department and Agency Executive Secretaries dated, February 2, 2001, and entitled "Guidelines on Relations With Taiwan".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

This bipartisan amendment would prevent the State Department from expending any funds to enforce several arbitrary and archaic "guidelines" that inhibit or altogether prevent United States officials from communicating with their counterparts in Taiwan.

These restrictions range from just silly to downright absurd.

These so-called guidelines, among other things, do not permit meetings with Taiwanese diplomats or elected officials in Department of State buildings, the White House, or the Old Executive Office Building.

They prevent executive branch personnel from the foreign affairs agencies and those above the rank of GS–14 from attending Taiwan's annual holiday reception in Washington.

They prevent executive branch personnel from attending meetings at Twin Oaks, which is the former residence of Taiwan's ambassador here in Washington.

They prevent travel to Taiwan by any officials above a certain rank from the Defense Department and the State Department.

They explicitly prohibit executive branch personnel from corresponding directly with Taiwanese officials. Instead, the guidelines mandate that communications be sent through a third party.

The guidelines even stipulate that "indirect" communications not be printed on official letterhead, and they prohibit U.S. personnel from using the official title of the Taiwanese official to whom the letter is being sent.

Executive branch officials are even directed "not to refer to Taiwan's democratically elected government as a 'government.'" Instead, they are directed to use the strange term "Taiwan authorities."

Mr. Chairman, these guidelines needlessly complicate our ability to effectively communicate with our friends in Taiwan. As a result, Taipei and Washington often find themselves talking past each other through the international media instead of communicating face-to-face. It makes absolutely no sense and helps no one.

Mr. Chairman, these self-imposed guidelines raise serious questions about who is really in charge and calling the shots when it comes to the U.S. policy in Taiwan. Is it the Congress or is it the Communist governments in Beijing?

I ask for an "aye" vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume, and I will accept the amendment, but I just wanted to highlight how ludicrous it is, and I think the gentleman has pointed it out, but to have those requirements on Taiwan when China is spying against us. In this bill is funding for the FBI to keep the Chinese from spying against us.

There is no persecution in Taiwan. On Monday, we had a meeting with the Cardinal Kung Foundation, and they pointed out that there are now 40. 40 Catholic bishops and priests in jail in China. There are zero in jail in Taiwan. This is serious, and I am glad the gentleman offered this.

There are 4,000 to 6,000 evangelicals, house church leaders, men and women, in prison in China today. The latest figure as of Monday. There are zero in Taiwan. There are Buddhist monks and nuns in Tibet being persecuted, and President Hu was the one who put the policy together. It is against the law to have a picture of the Dalai Lama. But there are no Tibetan monks or nuns being persecuted in Taiwan.

Maybe we should have the Taiwan regulations apply to the embassy in Beijing and reverse it.

Lastly, just so people know this, there is great persecution against the Uighers, the Muslims in China. And to show you how close this comes to home, Mr. LANTOS and my office worked to have Reba Kadeer released, she was in prison for 5 years, by agreeing to meet with a congressional delegation. She went through a difficult time. Five years in solitary confinement. She got out. Now there was a staff codel to meet with her kids 3 weeks ago, and they have now arrested her three children and they are in jail. One was beaten and pummeled.

The Chinese security police sent out agents to northern Virginia to spy on her, and they took the license plates down of their cars and their public security police.

So I think the only difference I have with the gentleman's amendment is that these restrictions that are on Taiwan should have been on the American embassy in Beijing. It is just the opposite. It is like that Simon and Garfunkel song, The Boxer: Man hears what he wants to hear and disregards the rest.

There is tremendous growing persecution in China of the Catholic church. Some of these bishops are in their 80s. One, Bishop Su, has not been seen since 8 years ago. He gave Holy Communion to Congressman CHRIS SMITH. I repeat: 4,000 to 6,000 evangelicals, Buddhist monks and nuns, and now the Uighers.

So I am glad the gentleman offered this amendment, and I urge it to be strongly passed.

I yield back the balance of my time.

Mr. TANCREDO. Mr. Chairman, I do not see Mr. ANDREWS, who was coauthor. Therefore, I will simply say that I would hope that we invalidate these nonsensical guidelines, allow our government to communicate directly with Taiwan's democratically elected government the same way we communicate with other friendly governments.

I ask for an "aye" vote.

Mr. CHABOT. Mr. Chairman, I rise in support of the Tancredo-Andrews-Chabot-Brown amendment.

As my colleagues know, Taiwan is one of our strongest and most loyal allies. It is also a democracy that has a multi-party political system that recognizes individual liberty and respects human rights.

Just across the Taiwan Strait is the People's Republic of China. It is not a democracy. It has an abysmal human rights record. It does not recognize the rule of law. It practices religious persecution. It warehouses political prisoners. It carries out a coercive abortion policy. And it has more than 800 missiles pointed at Taiwan.

Our government treats the PRC and Taiwan differently. Now, in a logical world, we would work closely with our democratic ally. We would treat our friend with the respect it deserves. We would welcome the leaders of Taiwan with open arms and conduct frequent high-level exchanges. But we don't do that.

What we do, under the umbrella of our so-called One China policy, is just the opposite. We invite high level military officials from the People's Liberation Army to visit the Pentagon. We welcome the communist dictator to the White House with a twenty-one gun salute.

We treat our democratic friends from Taiwan quite a bit differently. In fact, the democratically elected President of Taiwan is not permitted to come to Washington, D.C. Nor is the Vice-President, the Defense Minister, or the Foreign Minister.

Just a few weeks ago, only two weeks after Communist China's dictator, Hu Jintao, was welcomed to the White House, Taiwan's democratically-elected leader, President Chen Shui-bian was told he could not make transit stops in the United States on his way to Paraguay and Costa Rica. Instead, he was told that he could refuel his aircraft in Alaska and be on his way. Some way to treat a friend.

What kind of message are we sending here?

The Tancredo-Andrews-Chabot-Brown amendment would not change our "One China" policy . . . although I would not be averse to that. It simply lifts a number of tired, old guidelines that deter or prevent high level U.S. officials from communicating with their counterparts from Taiwan. We should treat Taiwan like we treat our other allies. It is dangerous to do otherwise.

Mr. Chairman, let's do the right thing. Let's scrap these counterproductive guidelines. Adopt the Tancredo-Andrews-Chabot-Brown amendment.

Mr. TANCREDO. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Illinois (Ms. BEAN) for a colloquy with the chairman.

Ms. BEAN. Thank you, Mr. Chairman, for agreeing to engage in a colloquy on Internet safety.

Mr. Chairman, many of our constituents enjoy access to the valuable resources available on the Internet, and yet many are growingly feeling under siege from the increasing dangers lurking on the Internet. Cyber criminals use spyware, phishing schemes, sales schemes, and on-line identity theft, wreaking havoc on American lives each year. These threats include a growing number of predators exploiting popular networking Web sites in search of young victims. Unfortunately, despite intense media attention, many parents and children are unaware of these risks or how best to protect themselves.

The FTC estimates that its Bureau of Consumer Protection devotes at least 10 percent and likely more of its resources to these Internet safety and security initiatives. As the role of the Internet continues to grow even more in the daily lives of Americans, more crimes are moving to the net. The FTC expects that, as these trends continue, it will need to devote a growing share of its resources to preventing and pursuing cyber crimes under its jurisdiction.

I respectfully request of the chairman that the committee continue to work with the FTC to ensure that these efforts receive the resources they need to vigorously promote Internet safety public awareness and make prevention of cyber crimes a national priority.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. MOLLOHAN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from Illinois for her hard work to promote Internet safety.

Just recently, Congressman KIRK, who has been a leader on this, has raised this in our hearings a number of times.

Congressman KIRK and I urged the FTC to issue a national consumer alert to parents and children about the risk of sites like MySpace. I would say if any mother or father is listening, to have your children involved in MySpace is a mistake. So what I think you are trying to do and what Mr. KIRK is doing is very good.

I share the gentlewoman's concerns and commit to continue looking into the matter to ensure the FTC is devoting sufficient resources to fight Internet predators and protect children.

Ms. BEAN. Mr. Chairman, if the gentleman from West Virginia will continue to yield, I want to offer my sincere thanks to the chairman for his leadership on the issue of Internet safety and look forward to working with him in the future in our efforts to protect American families.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the amendment be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the Tooling and Machining Association in Rochester, New York.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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Mr. FLAKE. Mr. Chairman, yesterday we had quite a discussion on this bill. There were efforts to move money from paying for the census, for example, to other areas of the bill or other priorities. There was a lot of talk about limited resources and the limited amount of money in this bill and the need to take money from one area to put into another.

I would submit that one area that we can take some money from that is overfunded, grossly overfunded, in this bill is in some of these earmarks. Now, I will maybe highlight 10 of them today, but there are literally hundreds in the bill that we could take the money from to fund our constitutional obligation, for example, to conduct the census every 10 years.

But I will start today with 250,000 for the Rochester, New York, Tooling and Machining Association for a workforce development program; that is an earmark. This amendment would strip that funding. The Rochester Tool and Machining Association is one chapter of a larger international tooling and machining association, which is the national representative of the custom precision manufacturing industry in the United States.

They maintain a legislative alert center on their Web site so their members can lobby Congress on issues that matter to them. They also retain a lobbying firm to advance their interests with the Federal Government. It would seem that they are doing yeoman's work for their members, as is their Rochester chapter. Their Rochester chapter offers technical training and education to its members.

They assert on their Web site that manufacturing job opportunities are not declining and that manufacturing accounts for 24 percent of the private sector jobs in New York State. They go on to claim that the size of the workforce is declining and that there are insufficient skilled workers to fill these available jobs, which I can only assume is what this earmark is for.

What we have here is simple supply and demand, not enough skilled workers for too many jobs, an equation that is normally balanced by the free market, until this earmark. For those who buy into the idea that it is the Federal Government's responsibility to plan and shape the supply and demands of our workforce, my objection to this earmark will not resonate with you.

But for those who have witnessed the profound failures of central planning in countries around the world during the 1970s and the 1980s, I hope that you will understand that this earmark is a mini-economic boost by a Federal, centralized government, to increase the supply of one industry's workers over another industry.

I would submit that if there is such a demand for skilled manufacturers, as the association claims, then wages will increase, and the workforce will adapt, and they will learn ways and skills necessary to earn those wages. Let the market decide which industries succeed or fail, not politicians in Washington.

I would like to hear the justification for the Federal function in this case, but then I ask, why are we picking winners and losers through the earmarking process? Why is this industry, this sector, these workers, more deserving than others? I don't think Congress should be picking favorites like this.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I yield to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. I thank the distinguished gentleman from Virginia for yielding.

Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Arizona. It is the responsibility of all Members of this distinguished body to faithfully represent the interests and well being of their constituents.

I come to this Chamber again today to once again support the needs of my home district, where job creation continues to be the number one priority of western New York. The Federal investment included by the Appropriations Committee for the Rochester Tooling and Machining Association is welcome news for western New York.

I appreciate that the chairman of the committee recognizes, as I do, that this project is worthy of Federal involvement through the Small Business Administration and will be used to meet the ultimate objective of creating and retaining good high-paying jobs for the hardworking Americans I represent.

The Rochester Tooling and Machining Association is a nonprofit organization whose mission is to promote the development and improvement of tooling, machining and contract manufacturing industries in Monroe County and western New York. They have been the region's leading association for the tooling and machining cluster for over 60 years.

With more than 500 tooling and machine companies in Buffalo, Rochester, Syracuse communities, employing approximately 16,000 people, these companies clearly have a significant economic impact in my region. The goal in this project is to assist these firms with necessary training in advanced manufacturing methods which will enhance their competitive position by reducing costs and maximizing efficiencies.

The association plans to implement programs in lean manufacturing and Six Sigma training, which will streamline business manufacturing and business practices and cut down on unnecessary expenses. By implementing proven business training techniques, we can ensure our manufacturers increase their competitiveness in today's global marketplace.

This project will be a big boost to the marketability of our manufacturing sector and help with new business activity for the region, which will lead to job retention and, hopefully, job creation. The stated goal of the Small Business Administration is to "maintain and strengthen the Nation's economy by aiding, counseling and assisting and protecting the interests of small businesses." This funding is completely in line with those principles.

I urge my colleagues to reject this amendment.

Mr. FLAKE. Mr. Chairman, I would simply say, again, we all say it is our job to represent our constituents, and it certainly is. But we are in a deficit situation. We have a massive deficit and a massive Federal debt.

What if every Member of Congress said, I am going to represent my constituents by getting every Federal dollar that I can back into my district, regardless of the deficit, regardless of the debt.

That is pretty much where we are at right now. When you had, I think last year was $27 billion in earmarks, where does it end? When do we say enough is enough? When do we say, I am not going to pick this industry over that one?

That workforce may be worthy of this kind of help, but what makes it more worthy than another one? Why do we just continue with the spoils system where if you happen to get with this group and they happen to be lucky enough to get your earmark, they get funded, but nobody else does? We simply can't continue this.

I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the Arthur Avenue Retail Market.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I am a big fan of Italian food. My district is home to a great Italian restaurant, Anzio's Landing. You can order many of your favorite dishes, good Italian bread, and there are many former New Yorkers in my district, and they know it well. But if the owner of this restaurant, whom I know well, if he approached me to get a Federal earmark to modernize his restaurant, I would have to tell him "fuhgetaboudit."

Today I am bringing this amendment to learn whether the rest of the House will agree with me on that premise. The bill before us today asks us to spend $150,000 in Federal taxpayer dollars to the Arthur Avenue Retail Market, an Italian grocery market in a neighborhood labeled Bronx's Little Italy. Over a dozen merchants currently reside in the market, including Joe Liberatore's Garden of Plenty, Peter's Meat Market and Mike's Deli, a two-generation family-owned business that sells antipasti, breads, meats, pasta, and imported cheeses. The market is also home to the La Casa Grande Tobacco Company, which offers hand-rolled cigars.

In 2004, the market received $300,000 in earmarked Federal dollars for renovations. The market received another $400,000 in Federal transportation appropriation dollars for a new parking facility in 2005. We are back.

In 1940, Mayor LaGuardia built an indoor Arthur Avenue Market to take street vendors out of the cold. This is where this originated.

In the 1980s, the merchants of the market formed a co-op and paid for renovations to that market. Now, there are long lines at the market on weekends to get great Italian bread, cheese and salami.

I would ask the sponsor of this amendment why close to $700,000 has been spent on this Italian grocery market and why another $150,000 in taxpayer funds is needed.

There is a lot of Federal prosciutto to bring back to the District, or that is, a lot of Federal prosciutto to bring back to the District for a private Italian grocery market. I think we need to slice off some of this appropriations bill. If there is a place to slice, this is certainly it.

What possible Federal purpose does this earmark serve? Does the taxpayer even get a free Italian cookie assortment? If we allow our tax money to go to this grocery market, what benefit is there for the Federal taxpayer? There are certainly plenty of private benefits, but what Federal benefit? How do we justify this?

I would argue that this is one cannoli the taxpayer doesn't want to take a bite out of.

I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I yield to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, the gentleman from Arizona's use of certain ethnic words like "cannoli" and "prosciutto" indicate that he takes this more lightly than he should. This is a serious thing that he is trying to do here. I know he is on this mission to destroy every bit of dollar that is sent by Members of Congress.

Let me start off by saying that I am a firm believer that Members know the needs of their districts best, and I am proud to be on the floor today to talk about this project so important to the Bronx.

The Arthur Avenue Retail Market is one of the most prominent, well frequented and historic business locations in my district. It represents a little bit of Italy in the midst of the Bronx. This space serves as an incubator for food-related businesses.

It is, however, not a grocery store, but, instead, a building owned by the City of New York. I think that is important to note. These dollars don't go into these businessmen's pockets or businesses for that matter; it goes into a building owned by the City of New York.

In 1940, during the time of Mayor LaGuardia, Arthur Avenue Market, the first enclosed retail market in the Bronx, was built to house street vendors who were crowding the sidewalks of the borough's Belmont community. Today, it is a local landmark.

So let me be perfectly clear. This is not a privately owned real estate venture but a public market which gives many new merchants a starting point as they work towards full economic participation in the country. This is a place where merchants running their own small businesses sell specialty products to people from the surrounding areas to visitors from throughout the tristate area and to local restaurants. As you know, I represent the poorest congressional district in our country, which is located in the middle of the richest city on Earth.

However, this market is a bright spot, and it is vital to the economic success of the Bronx. It is a place where vendors and other small business owners can fully participate in our economy. This small amount of funding that is being highlighted today is for continued facility improvements and maintenance to keep this historic market running.

Specifically, this funding, which will be used for refurbishments of the market, will include electrical and plumbing upgrades. The Arthur Avenue Retail Market owned by the City of New York is responsible for the maintenance.

The purpose of the Small Business Administration is to assist our small businesses. This is exactly what this market does, help small businesses in the Bronx to flourish and grow.

So I would ask my colleague, Mr. FLAKE, where his outrage was when lending institutions and insurance companies were taking billions of dollars from the borough of the Bronx in the 1970s and early 1980s through redlining and other forms of disinvestment. Where was he when one of the few commercial locations remained viable in spite of that?

I would also like to take the occasion to personally invite the gentleman from Arizona to come to the 16th District. You said you had one Italian restaurant in your district. I feel sorry for you. You should have more than one. I can take you all over the Bronx where you could see people hard at work.

Lastly, on a more serious note, I wish you would be as outraged about other things as you are about this one. You voted to rebuild areas of Iraq with markets, schools and everything else you can think of, and yet you would pick on something like this, which helps a small group of businessmen stay vital in the Bronx.

Mr. FLAKE. I thank the gentleman for the invitation. I likely will take him up on it. Maybe I will learn to say "prosciutto" properly.

But we simply get back to the point, where does it end? Where do we stop favoring one group, one industry over another? It is mentioned that this is a city-owned facility. Those who are residing there, who have their markets there, already received that kind of subsidy apparently from the city.

☐ 1415

Now we are going in addition and giving them further subsidy. $400,000 last year for a parking garage, $300,000 in 2004 for similar upgrades, $150,000 more today. My guess is that there are Italian eateries or restaurants or markets elsewhere in the city that are getting no subsidy at all. How is it fair to them? How is it fair to them to favor one?

And I would say the same if it were in my district. It is not fair to subsidize one and not the other, and that is where we are with this earmarking process.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the Oil Region Alliance of Business, Industry, and Tourism.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this earmark limitation amendment would prohibit $200,000 in Federal funds from being provided to the Oil Region Alliance of Business, Industry and Tourism.

Now, the mission of the Oil Region Alliance of Business, Industry and Tourism is to "increase the prosperity and population of the Oil Region" of Pennsylvania. The point of the alliance is to "entice people to live, work, learn and play in the valley that changed the world."

I am certain this is an important organization to the oil region. These folks are working to ensure that the region's future is important as was its past. I have no problem with that. I don't think anyone does. Being the site of the world's first successful oil well in 1859, this area has played a crucial role in the country's history.

My only question is, why should the Federal Government pay to develop this area's business and tourism? Why this area and not other areas?

In April of this year, Governor Rendell congratulated the Pennsylvania tourism industry for having a record-breaking year last year.

The $25 billion tourism industry sold more hotel rooms than ever before and attracted more than 130 million visitors in 2005, making Pennsylvania the fifth most visited State in the Nation. Statewide, tourism accounts for more than 400,000 jobs and is the Commonwealth's second largest industry.

I have said it before, and I will continue to say it: when the Federal Government hands out earmarks like this, we are picking winners and losers. We are encouraging people to visit and to provide tourism to this area. They have to come from somewhere else. Why aren't we subsidizing those whom they choose not to go to? Where does it end? Where do we stop? Why do we simply have a spoils system where one Member of Congress can say, I am going to benefit them but not others?

In this case, the oil region of Pennsylvania receives funding to attract businesses to locate in the region, to try to get families to move there and to stay, and to try to attract tourist dollars.

As I mentioned, there are businesses and families and tourist dollars that won't be heading to other areas of Pennsylvania or surrounding States or anywhere else in the country. Many other localities throughout the country would like to receive as many tourism dollars as possible, but we are favoring one with this earmark.

Simply put, we shouldn't be doing this. The Federal Government shouldn't be picking winners and losers like this.

Mr. Chairman, with that, I will reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I would begin by stating that if the gentleman from Arizona represented the Fifth District in Pennsylvania and the oil region alliance area, he wouldn't be offering this amendment. He represents an area where the average income is 40-some-thousand a year, where the region I represent that we are talking about today is 20-some-thousand, half, an area that used to be the home of Quaker State, just a decade ago, the home of Pennzoil, the home of Wolf's Head, Universal Cyclops. One of the finest steel mills in this country was in that region. I could list you the ex-corporations that used to employ my citizens.

He represents a district that has grown 40 percent in population in the last decade, where I have lost close to 20 percent in this region of population because of the loss of these industries.

Now, you can ignore them. You can let those areas, like he said, let the market work. When you lose the number of jobs that this region has lost, that is not a normal marketplace. And when you reach out and invest a few Federal or State dollars to help communities pull their way back up and build an economic base that will pay taxes into the State treasury, taxes in the Federal Treasury, now, if you let the marketplace work, you will fund unemployment benefits, you will fund welfare benefits and all the social programs, LIHEAP and all of those things to help people who don't have a decent job.

Folks, when we don't invest in areas that have lost major employers to restabilize their base, we are making a mistake as a country. We are making a mistake.

This marketplace is not exactly as he describes it. Let's see what his district is asking for. The Mesa area, on their Web page, they want $42 million for bus fleets this year, $54 million for light rail, $10 million for an airport, $18.6 for another airport, and $1 million for a community college, which we don't have, $30 million for a river restoration project, and $3.5 million for planning new projects.

A measly $200,000 investment in the area that had the greatest economic decline in Pennsylvania in the last decade and is struggling from the loss of not only oil but steel and glass and all other types of manufacturing. This little grant helps an organization not only in one county but four counties, helps local government leaders deal with these losses, help them better manage, train people to write for Federal and State grants, because little governments don't have grant writers.

I want to tell you, folks, This hard, calloused approach of not helping those who have been destroyed by corporate mergers and companies moving away is a mistake when we don't invest. This is not pork. This is food for survival so people can regrow their economies and pay taxes back into this Treasury. It is about reinvesting in America and a part of America that was the stalwart of this country.

That area furnished us with the transportation system that we have today. When they discovered every oil company in the world has roots in the Oil City, Titusville, Franklin region, that is where they all started.

Folks, to abandon that area is not what America should be about. This is not pork. This is food to help an area survive and fend for themselves and grow and pay taxes into the Treasury.

It is easy for those who represent affluence, growing areas with great prosperity, who really don't need us. But those who are struggling need us, and we should be there to help them.

Mr. FLAKE. Mr. Chairman, I would simply submit that every Member of Congress in 435 districts around the country can point to at least pockets in his or her district that need help, where there is high jobless rates or where there is high crime.

But where does it end? Where do we say, all right, we simply can't pass out earmarks like this and circumvent the normal authorization, appropriation, and oversight process? When does it become our job to say, all right, we are not going to go through that process and authorize these programs, appropriate and then have oversight. Instead, we are just going to slip an earmark in that we don't even know who sponsored until we offer it on the floor today. And if nobody was standing up here, we still wouldn't know.

There are hundreds and hundreds of earmarks in this bill that we wouldn't even know who is offering them or what they are for because the descriptions are often so vague as to what the earmark is supposed to fund.

So where does it end? Why can't every Member stand up and say, I have pockets in my district, if not my entire district, that need workforce development, that need facilities?

He mentioned my district has grown 40 percent in the past couple of years. It has. It has tremendous infrastructure needs. But if I were to come and say we need all the lists that he rattled off there, then the Treasury simply couldn't handle it.

We are put in this position to make decisions and to have priorities; and I would submit that when you have an earmarking process like that, we aren't going through it properly.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the Fairplex Trade and Conference Center.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prevent any funding from going to the Fairplex Trade and Conference Center.

Fairplex is home to the Los Angeles County Fair, the largest county fair in the world. The fair is a great asset to California, contributing a major portion of the $11.6 million in State sales tax revenue generated by Fairplex and $176 million in spending.

The L.A. County Fair Association describes itself as self-supporting and boasts that it does not fall under the auspices of any county or State governmental body.

Surplus revenues that are generated by the fair and other activities are reinvested into the maintenance and development of the facility.

The association also states that Fairplex receives no government funding for the operation or maintenance of its facilities. However, Fairplex received $1 million in Federal funding for fiscal year 2006. If the money is not used for the operation or maintenance of this thriving independent facility, what is it used for?

Maybe the funding is intended for some other activities at the Fairplex, such as the Wally Parks NHRA Motor Sports Museum or the Frank Hawley Drag Racing School. Maybe these funds are for Fairplex Park, a major horse racing facility with a grandstand and air-conditioned clubhouse for satellite gambling.

There is no question that Fairplex delivers major economic benefits for L.A. County and the rest of California. But I do question, however, why the Federal Government is throwing money at an independent facility that generates over $334 million in economic activity nationwide. Fairplex does so well, in fact, that it donates more than $400,000 in cash and in kind to local organizations each year.

So why are we giving this earmark? That is the question.

I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I want to express my appreciation to my friend from Arizona for raising one of the issues that he and I have worked closely on over the years.

As the Reading Clerk stated and as my friend from Arizona stated, this is the Fairplex Trade and Conference Center.

Mr. Chairman, 43 percent of the goods coming to and from the consumers and workers of the United States of America come through the ports of Los Angeles and Long Beach. One of the most important centers for trade, planning and strategic meetings has been held at the Fairplex.

It doesn't fall in my district. It is not in my district. It is in the district of my very distinguished colleague, Mrs. NAPOLITANO. But I will tell you, as we look at our quest of trying to open up new markets for U.S. goods and services all around the world and as we look at ensuring that American consumers can have access to the best quality product at the lowest possible price, the utilization of this trade and convention center is critically important.

But, Mr. Chairman, I have got to tell you that, as important as the issue of global trade is, I was really struck when last December I had the opportunity to listen to a friend of mine who happened to be at the Fairplex Trade and Convention Center, where it had taken place 2 weeks before that, unfortunately, of the eight planned voting sites for the Iraqi people who are here in the United States of America, looking forward, on December 15, to having the access to a voting station, one of those had, unfortunately, closed down.

□ 1430

And what happened? The people at the Fairplex Trade and Convention Center came forward, and literally at the drop of a hat, they were able to provide the chance for Iraqis who were in this country on December 15 of last year to exercise that right to vote. Their ability to be on the frontline to participate in the global war on terror is something that I think is vitally important.

I was listening on the phone as applause went up every single time that a ballot was placed into that voting box, and it was a great moment for us. And as, in the last 2 weeks, we have gotten word of the establishment of the completion of that cabinet with the defense and interior ministers there, it reminded me again of those votes that were cast at the Fairplex Trade and Convention Center that falls not in my district but in the district of Mrs. NAPOLITANO. This particular earmark is there helping us in the global war on terror and helping us remain competitive globally.

I thank my friend for yielding.

Mr. WOLF. I yield to the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Arizona and I have had some conversation over this particular issue earlier today, and I did try to impress upon him that this is not just an earmark. This isn't pork. This is, in fact, funding that would come from the Small Business Administration account for construction of the $25 million trade center that is going to be located at the Pomona State Fairgrounds, which, by the way, is also a proposed staging area for the Los Angeles County emergency staging for terrorism. And this is vital to the city of Pomona and the whole surrounding community not only east of the Los Angeles area but the Inland Empire, as was mentioned by my colleague, Congressman DREIER.

This would create jobs and assist businesses in an economically depressed as well as disadvantaged community and, of course, as many of us already know, the number one crime city in the State of California. The unemployment rates are exceedingly high.

Now, this new addition to the fairgrounds, the Trade and Conference Center, will generate 1,700 full-time jobs, provide a large economic stimulus in the community where now a lot of people are out of work; businesses are moving partly because of NAFTA and others, let me tell you. But 90 small businesses are already signed and registered to work at this new facility or to be able to be exposed there. The Fairplex is a very well respected, nonprofit event center hosting yearly over 300 activities, including the Los Angeles County Fair, and attracts hundreds of thousands of people. It is used for Federal events and, as you just recently heard, for the Iraqi elections. And last but not least, it is also used for naturalization ceremonies.

I wish to thank my colleague, Chairman DREIER, for his support of the project that affects the many surrounding communities of southern Los Angeles. And as the Representative for Pomona, I am proud to support this bid of $750,000, which will benefit jobs and the economy in this area. And in helping this project move forward, I certainly thank you and look forward to the support for defeating the amendment.

Mr. FLAKE. Mr. Chairman, I have great respect for the gentlewoman and for the gentleman who spoke, and I appreciate their efforts on behalf of this initiative. But, again, I have to say, where does it end? Where does it end when we say, this group, this organization, this facility is worthy of Federal dollars, and another is not? It simply isn't fair to continue to give earmarks like this in this manner.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the Bronx Council on the Arts.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I would ask Members of this body, how would you define irony?

I define it as providing a Federal earmark money to the Bronx Council on the Arts, which is an entity that is advertising an event on its Web site called, Pay to Play.

Pay to Play, according to the Bronx Council's Web site is "a multimedia exhibition ala Abramoff, Scanlon, Cunningham, Halliburton and on and on and on." The Web site states that "artists are asked to offer a bribe to participate in the show that will be on display alongside selected work. Please note that special consideration will be given to work that addresses corruption, greed, scandal, cover-ups, failures of democracy, the transparent veneer of public interest that masks rampant self-interest, and such other things."

I am not saying the earmark for Bronx Council of the Arts fits any of these categories, but I am saying that it is sadly ironic that we are funding artistic parodies of congressional earmarking with earmarks.

Mr. Chairman, my amendment would strike funding for the Bronx Council for marketing local arts initiatives. My staff and I were befuddled as to what the Bronx Council originally was. It appears that a Bronx Council got money last year in the same section of the bill, but the earmark was called, "$150,000 for the Bronx Council for the Arts for its Arts Cultural Corridor Project to promote local arts initiatives."

So we went from Bronx Council on the Arts to just the Bronx Council. We dropped the "Arts Cultural Corridor Project," and we are no longer promoting local arts, but we are marketing them. I call this the Earmark Protection Program, changing the names of earmarks to make them so vague that no one can recognize them and no amendment can be drafted to strike them.

We often have trouble when we are offering these earmarks. We are told by the Parliamentarian that it has to refer to a specific facility or a specific initiative, and these earmarks this year, many of the names have been changed to be more vague, and it is difficult to know what they actually fund. As mentioned a few weeks ago, we had earmarks to simply fund a facility without reference to what that facility was. It is difficult to have amendments that are actually ruled in order to challenge them because, as the Parliamentarians will tell you, to successfully challenge an earmark, it requires an assumption that the agency that funds the earmark is familiar with the project. Otherwise, we might be legislating on an appropriation bill, which is a violation of our rules. The incentive, therefore, for Members looking to protect earmarks is to become more vague or silent about the project's goals and the project's oversight.

I would submit that we should get used to more earmarks entering this protection program in the near future to prevent them from being stripped from appropriation bills. I would welcome an explanation as to what this earmark actually does.

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON of Florida. Mr. Chairman, I rise reluctantly in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, I am happy to yield to the distinguished gentleman from New York to speak on this issue.

Mr. SERRANO. Mr. Chairman, I am sorry Dr. Weldon is reluctantly rising.

But, first of all, I notice that three of the gentleman's 10 amendments are directed at New York. I do not know what you are angry about; the Diamondbacks beat the Yankees in the World Series, so you shouldn't be that upset. But the fact of life is that the more you get up on these, sir, the more I realize that you do not know what you are talking about because you seem to spend so much time on either the wording or how it appears when, in fact, you do very little to understand what it is.

The Bronx Council on the Arts is a private, nonprofit membership organization that has been in existence for over 40 years and is the official cultural agency of Bronx County. It is recognized nationally as a leading art services organization, serving a multicultural constituency of more than 1.2 million residents.

Now, I know that the big problem the gentleman from Arizona has is the word "arts" because there seems to be some belief by a lot of Members of Congress, or some, that we should not in any way be involved in promoting the arts, and if the arts express themselves in a way that we do not like, then we shouldn't even go close to them. So I wish that I could just always not call it something like the arts, but I do because that is what it is.

In this case the word "arts" is used in conjunction with the words "small business." This funding belongs in the small business account because it will be used to grow our small businesses that have arts-related portfolios. It will specifically promote an Artisans Initiative which will facilitate business development among local Bronx artisans, especially newly arrived immigrants, and help them establish their own small business. It will help with their skills development and assist their product marketing. It will also be used to train Bronx artists to market their skills and to develop business plans.

Small businesses devoted to the arts have an important role to play. For example, the Bronx Council on the Arts has had success in training the unemployed and underemployed residents of New York City as professional art handlers. Some have gone on to start their own small business as independent contractors.

Let me conclude by saying that I represent, as you know, the poorest congressional district in the Nation. I make no excuses about getting the Federal Government to earmark dollars into that district. Let me repeat that again: I make no excuses about the fact that I earmark dollars to go into the poorest congressional district in the Nation, which is situated in the richest city on Earth.

If the gentleman from Arizona wants to have an impact on our deficit, an impact on how we spend dollars, then let him stand up there the next time we are paying for the war in Iraq, a waste of money that is going to build all kinds of facilities in Iraq, a war based on lies told to this Congress. Then you stand up there and you cut at least 1 billion from the over $400 billion that we are spending in Iraq already. But I never saw you get up and complain about the fact that we are building arts facilities in Iraq, that we are building supermarkets in Iraq, that we are promoting basketball in Iraq, that we are promoting baseball in Iraq. You haven't said a word. But a couple hundred thousand dollars to one group of American citizens, that is a problem for you.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume for a question, and I would like to yield to the gentleman to answer.

Is this the same council that received the earmark last year, just for my clarification?

Mr. SERRANO. Yes. And I told you it was and I used the name that is appropriate for it. Call it a typographical error.

Mr. FLAKE. I will do that. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. WELDON of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the Johnstown Area Regional Industries organization.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

In last year's conference report on the SSJC appropriations bill, there was a $250,000 earmark for the JARI, which stands for Johnstown Area Regional Industries, Workforce Development Program. There was a separate $250,000 earmark for the JARI Small Business Technology Center. This year, there is a $500,000 earmark for the JARI Workforce Development Program and the

Small Business Technology Center. We also found a separate $800,000 earmark for JARI for a Regional Business Incubator.

Aside from all other arguments that can be made against this kind of earmarking, I want to point out what appears to be a trend toward obfuscation in the language of earmarks. In drafting a limitation amendment to prevent funding to the JARI Regional Business Incubator, we used the earmark language exactly as it appears in the bill.

□ 1445

We then asked the Parliamentarians to review it to make sure it would be in order. We were informed that the "region business incubator" verbiage was too vague to be considered in order. So in drafting this amendment, we had no choice but to limit funding to JARI, period. The effect of this amendment would be to prohibit any funding from the bill going to the organization, whereas our initial intention was to limit the funding to the business incubator.

That is part of the problem we have here. All we have is the language in a report that is so vague or confusing that it is even difficult to draft an amendment to cover it.

Now I have no problem limiting any funding to the organization, let me tell you, but I also want to be clear that I have nothing against JARI. I wish the organization well in its efforts. I do, however, have a problem with the increasingly opaque process by which Congress hands out earmarks.

For the first half of this year, we debated ways to bring transparency to what we do here. When it comes to the earmarking process, Members have proposed a longer notice period before consideration of bills, making bills and reports more accessible, attaching Members' names to earmarks, compiling earmarks in tables, including earmarks in the text of legislation, and on and on and on. I think all these ideas are fine, and I have introduced my own proposal.

After a good deal of compromise, this House approved the Lobbying Accountability and Transparency Act last month. Yet here we are, just a few weeks later, and there has been no apparent effort to comply with the proposals that we made in the House and the entire House approved.

How can we explain this to our constituents? Was the lobbying and transparency legislation just for show? I certainly don't think it was, but it is starting to look that way to most Americans.

We need to demonstrate how serious we are about establishing transparency in Congress. We have made a strong effort, and there is nothing preventing us from making good on what we said. Waiting until this bill becomes law before we act would appear as though we are under compulsion to comply with the public demand for transparency. I think we need transparency now.

A small handful of our colleagues contend that we should not change the process until the other Chamber changes its process, that if we enact unilateral reforms in the House, we would shortchange ourselves.

Who is this about? Are we here to serve our country, the best interests of our country, or simply to look out for the interests of the House?

What are we waiting for? We are almost done with the appropriation process for the year, yet nothing has changed. Where are the names next to earmarks? Where is the transparency that we say that we want?

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, I would be very happy to yield to the distinguished gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I would simply point out that this organization operates in a part of the country that has suffered probably the most from government policies, particularly our trade policies, but also our environmental laws; and whatever arguments you could make for our, our free trade policies, they are in large part insensitive to the disproportionate negative impact they have on certain segments of our economy and certain geographical areas of our country.

The basic industry areas of the country where this organization operates have suffered. It is one of those areas that has suffered disproportionately. The steel industry was a thriving industry there 20, 30 years ago. The Mon Valley, which is close to our area, is devastated and was practically the first steel industry to suffer. There is no steel industry in that area now.

In addition, environmental laws had negative impacts on the burning of fossil fuels. This general region was very prosperous producing the Nation's energy and has suffered greatly because of the impacts of environmental laws. I am not arguing the environmental law issue at all but just simply talking about the economic impact.

Well, these earmarks are contained in the Small Business Administration account, and that is the purpose of the Small Business Administration account, is to help small business. So the purpose of this funding is to look at workforce development, where there is tremendous unemployment as a result of trade laws, environmental laws, and government policy that have had a negative impact

This is self-help. This organization looks at workforce development, assisting in training needs for displaced workers, pursuing funding for mechanisms for training, assisting displaced workers, and working with the training facilities and the colleges and the universities to address those very difficult, midlife retraining challenges that the Trade Adjustment Assistance Program speaks to and that an organization like this can be very helpful in implementing.

The Incubator Project, is the other side of the coin. That is the development and diversification of small business. It is really pay me now or pay me later. As the previous gentleman from Pennsylvania said, you are either going to address the unemployment condition and try to retrain and try to get people back into the community, into the workforce through retraining, and at the same time promoting new industries, new small businesses for those people to work in, or you are going to be paying unemployment and you are going to be dealing with the issues of a deteriorating community.

This funding, which goes to all of those purposes, certainly is in keeping of the mission of the Small Business Administration.

Mr. WELDON of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply would like to point out that unless the gentleman who defended the earmark is the author of the earmark, and I don't believe that he is, this is an earmark in Pennsylvania. We still don't know who authored the earmark. There is nothing in the conference report that tells us, and we still don't know. Here we are about to vote on it, and we still don't know and we haven't had a defense of that earmark from the author of it, from the Member who authored it. There is something wrong with the process when this is what we are reduced to.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the Wisconsin Procurement Initiative.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee report for this bill contains an earmark for the Wisconsin Procurement Initiative, and my amendment would limit funding for this item.

The committee report for last year's SSJC appropriations bill did not contain a similar earmark, but the conference report on this bill did include an earmark for the Wisconsin Procurement Institute for the same amount.

Though it is impossible to know by reading the report, it appears that this earmark is destined for the same institution. Again, we simply don't know. We have insufficient information, yet we are going to provide the funding without even knowing, without anybody even asking the question, is it the same thing to give money to the initiative or the institute?

It appears that this is one of several earmarks that have been funded in multiple years with similar but increasingly vague verbiage in the committee report.

The Wisconsin Procurement Institute was founded in 1987 by Les Aspin, a former Congressman and Secretary of Defense. The institute says its purpose is to "bridge the gap for Wisconsin companies interested in supplying their products and services to Federal, State and local agencies and prime contractors." The institute "guides, trains and provides hands-on assistance to firms in developing government business and improving process and technical capabilities to access and compete in the government workplace."

When I saw this earmark, it reminded me of the late-night commercials that you see from a fellow by the name of Matthew Lesko. He will stand up and run to the camera, and he has a suit with question marks all over it, and he has a car decorated the same way, and he will wave a book and say, "There is millions and millions of government dollars just for you, and if you pay me $19.95, I will tell you how can get these contracts, how you can get this money, how you can get these scholarships, how you can get these grants, how you can get these loans."

This seems to be a process similar to Matthew Lesko. You have an organization here whose job it is to secure projects from the Federal Government, and we are paying money to that organization to help them procure contracts from us. It just seems like a little double-dipping in that way. We are funding an organization whose purpose it is to help other organizations obtain Federal assistance, grants, contracts, et cetera.

According to the Milwaukee Journal Sentinel, the 2003 budget for the Wisconsin Procurement Institute was $340,000. This year's and last year's earmarks were for $400,000 each. It seems that we have doubled their budget, or their entire budget comes from the Federal Government. I am not sure which.

I am sure the Wisconsin Procurement Institute's budget is higher now than it was 3 years ago, but a significant portion must be funded by this earmark.

I certainly support the outsourcing of Federal functions that can be better performed by private companies, but there is something inherently wrong with funding an organization whose purpose it is to help others secure government funding. Just thinking about it makes your head spin.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have done it again. We have come here to talk about an earmark that I am sure will be approved by voice vote and then probably by roll call, and we still don't even know who sponsored it. We don't know if the institute is the same as the initiative. We don't know why the organization claims on its own Web site to have a budget of $340,000, yet has received earmarks in each of the past 2 years for $400,000 each.

It simply doesn't make sense. Are we exercising the proper oversight that we ought to? We said before, both sides have said, the gentleman and ranking minority member have said we simply don't have the staff to police the kind of earmarking we are doing here. I readily agree. Yet we are continuing to do this. I don't know where we stop. I simply don't.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me be very clear. The Wisconsin Procurement Institute was indeed organized originally by Les Aspin when he was chairman of the Armed Services Committee in this House. It is an organization that helps many new companies who are new to the procurement process figure out how the Federal procurement process works.

Instead of providing money to individual companies, this money is used to create an institute to educate all kinds of companies so that they can compete for Federal business, especially in the procurement area and most especially in the defense area.

I would make one simple point: Right now, large corporations have the resources and they have the experience to seek Federal business, but many quality companies do not because they are unfamiliar with how the Federal procurement process works.

There are a number of organizations who rank States in terms of how much Federal money they get each year. Wisconsin, Minnesota and Michigan always rank near the bottom. Ninety percent of the difference between them and the number one State in the Union in terms of Federal money occurs because of a difference in the number of Federal employees and because of differences in defense contracts.

The gentleman comes from the State which is the number six State in the Union in terms of getting money out of procurement. You have large companies, such as Raytheon, which produce huge numbers of missiles, so that gives you a lot of Federal procurement dollars.

□ 1500

You also have many talented electronic companies like General Dynamics, a huge company that also gets a large amount of Federal dollars. You have large military installations such as Fort Hauchuca, which contains the Army intelligence operation.

In Federal procurement, unfortunately, the way it usually works is "Them what has gets more!" This initiative, the Wisconsin Procurement Institute, which I fully confess that I and the other Members of the Wisconsin Delegation support, this initiative is to help other corporations who are not experienced in the ins and outs of Federal procurement policy, so that we can end the insider advantage that the gentleman's constituents have.

What we are trying to do is to open up the process so that you can enable a large number of companies to come in and compete. I make no apology whatsoever for that. Wisconsin has a right to expect that its corporations should be able to compete, and so does every other State in the Union.

I would simply ask the gentleman, do not begrudge the efforts of Wisconsin to close the gap between our State and yours. Your State gets $7 billion more in Federal procurement than mine does.

This operation is a small operation to try to enhance the ability of companies in our State to close that gap somewhat. We have chosen not to provide money directly to companies but instead to provide an ability for companies to learn how the procurement process works.

We also, under this process, have created a Web site which will enable Federal agencies to review the talents and the qualities of many of the companies in Wisconsin so that if they are looking for particular projects or products they know where to go to find them.

I think that what that will do in the end is help enhance competition, and it will help save taxpayers money by cutting some new companies in on the deal that so many large companies in the gentleman's State enjoy.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund Fairmont State University.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would prohibit $900.000 in Federal funds from being used by Fairmont State University in West Virginia for a small business initiative.

Fairmont State University is located in Fairmont, the county seat of Marion County, which has a population of 20,000 and is located in north central West Virginia. Similar to other earmarks I have challenged in this appropriations season, this earmark is vague in its description, offering no more than a general sketch of the purpose of the funding and making true oversight nearly impossible.

In addition, this is not the first earmark to benefit the school. In recent years, Fairmont State University and its partners have regularly benefited from earmarks in this appropriation bill.

For example, the 2005 Justice Department budget included a grant for nearly half a million dollars for the Fairmont State partner program looking at decoding criminal digital documents. Similarly, the 2006 SSJC appropriation bill included over $2 million in earmarks assisting the school's aviation program and aerospace curriculum.

And I guess the third time is the charm. We are likely to continue this trend in 2007 with an earmark for $900.000 for a small business development initiative.

In fact, according to some estimates, northern West Virginia has received more than $480 million in earmarks in various appropriation bills over the last 10 years.

This earmark illustrates the problem with earmarks. Year after year, we approve these vaguely described projects by the thousands. Not only do taxpayers not know how the money is being spent, the current earmark process makes those types of patterns, the same area benefiting time and time again at the taxpayers' expense, difficult if not impossible to detect.

My question is, where does it end? Where does Congress start to say enough is enough and add accountability and transparency to this runaway train that earmarks have become? If not with earmarks like this, then I do not know when.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and I yield to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman for yielding me time. I appreciate the opportunity to speak in opposition to this amendment.

You know, it should be understood that a lot of those earmarks go to help those who are in the greatest need of help.

I am struck by the good fortune of the gentleman and his congressional district and his State, as recounted by the ranking member just a few moments ago. You are indeed very fortunate to have these large defense contractors, Raytheon and General Dynamics, and these large Federal installations like Fort Wachuka in your State. That is a real blessing.

It is particularly a blessing in an economy that marginalizes and that is not nurturing to certain sectors. But certainly I think the gentleman can understand that in the last 20, 25, 30 years, our economy, because of the increased internationalization of it, has been extremely harsh on certain segments and certain geographical areas, as I mentioned earlier.

Those areas that were steel manufacturing areas, those areas that were coal producing areas, those areas that were basically manufacturing, microcosms if you will, for rust belt America were particularly hard hit during this period; and the need in these areas is for economic diversification. And the gentleman may not have been engaged in that much, but this is a very difficult, hard thing to do.

Federal Government assistance, this appropriation, these earmarks, if you will, in the Small Business Administration go directly to help rejuvenate economies, creating a broader, a more flexible, a more dynamic economy through diversification.

It is not an easy process; and if you have not been involved with it, the gentleman probably is not sensitive to that as he might be. But current economic trends in these areas, in these kinds of areas indicate that the sectors that do have potential growth are the heritage, tourism, regional travel; and this program works with the West Virginia Department of Education Travel and Tourism to promote what is the fastest-growing segment of the economic base.

So that is the purpose of the earmark, and I strenuously oppose the gentleman's amendment.

Mr. FLAKE. Mr. Chairman, all of the descriptions of Arizona make it sound like Shangri-La, that everything is going so well in Arizona that we have no need for any help with the economy or any sector of the economy. That is simply not the case. We are experiencing rapid growth. There are a lot of infrastructure needs that come with that. We are experiencing transition.

I grew up in northeastern Arizona. There are tremendous problems there with drought and other issues.

But I would defy any Member of Congress to say that his district is not in need of something. But if we all said, all right, we are just going to get it all, get it all for our districts, circumvent the authorization appropriation oversight function that Congress has always had and simply say we are going to earmark it and use kind of a spoil system as to who gets the earmarks, then it is simply going to drain the Treasury, and it is not fair to anyone.

I have universities in my district. Many of them compete for educational grants, for research grants, for other grants that are typically available in this appropriation bill and others that are being depleted. Those accounts for research funds are being depleted by earmarks.

Later today I believe we will be voting on an amendment or some clarification of the TEA-LU bill to replenish a research account or some kind of research account on roads whose account was depleted because of earmarks. So people in Arizona or elsewhere are not going to receive the funding that would come by formula back tc them, because of the gas taxes they paid in, because of all of the earmarking that is going on.

So this is a problem. It is not a fair system. It is not a transparent system. If it were a transparent system, we would have names next to the earmarks when they come to the floor. We would have the ability to challenge it at any step. You would have language that is such that a limitation amendment could not be ruled out of order.

This is not a fair process. We need to change it.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the Southern and Eastern Kentucky Tourism Development Association.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would prohibit funds in the bill from being used for the Southern and Eastern Kentucky Tourism Development Association, which receives a $1 million earmark in this bill.

The Southern and Eastern Kentucky Tourism Development Association was created in 1987 to promote, expand, develop and market the existing and potential tourism industry in southern and eastern Kentucky.

According to our research, since 1987, the Southern and Eastern Kentucky Tourism Development Association has received more than $18 million in Federal grants, loans, and earmarks. In fact, last year, in the fiscal year 2006 Science, State, Justice and Commerce appropriation bill, the Southern and Eastern Kentucky Development Association received a $3 million earmark.

Now I love traveling, as everyone here does; and I am all for seeing Kentucky tourism continue to grow. But again, here, how do we justify favoring this tourism association and not others?

We have one in Arizona. Virtually every State has one. Many regions in our State have their own tourism associations. How do we decide that one is worthy of earmarks and another one is not?

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the chairman for yielding me time.

This association, as the gentleman said, was formed in 1987, this association of 42 of Kentucky's counties covering five out of the six congressional districts.

What sets these counties apart, however, is their extreme poverty. These are rural counties in an impoverished coal mining region of the State who have seen the jobs in the mines disappear through mechanization and otherwise; and these counties are searching for a way to live, to survive. They are too poor to do it on their own, to form an association to try to create tourism, train people, create the small jobs that it takes to run tourism entrepreneurships. So they banded together, 42 of them, into an association where they pool their resources.

The State of Kentucky helps fund this association, as well as the Federal Government and locals. But for this association, these counties would not be able to advertise and attract to the very, very beautiful part of the country, the mountains, the streams and the hills, the history. It is the home of country music. US 23 that runs north and south through eastern Kentucky is known as Country Music Highway, a National Scenic Byway now, thanks to this association.

They are the ones that promoted that National Scenic Byway. There are two others, the Red River Gorge Scenic Byway, National Scenic Byway, and the Daniel Boone Trail. The Cumberland Gap is a part of this area.

□ 1515

So this association works to promote the region. It is providing jobs to those who otherwise would be drawing Federal handouts, Federal welfare. We are trying to work to get people a job rather than take a check from the Federal Government. I look upon this as not a handout but a hand up, and these communities are now beginning to realize income that provides real jobs for people that would otherwise be drawing welfare.

Now, is it unique that we would look to the Federal Government to help a region help itself grow into something better and provide the jobs? No, it is not unique. I would support today the earmarks over the years for the central Arizona water project that enabled Arizona to grow and prosper and boom as it is now and providing jobs for people. That is what the Federal Government should be doing, and I do not begrudge a minute the gentleman from Arizona and the boom that is occurring in Arizona, but it was caused because the Federal Government over the years earmarked hundreds of millions of dollars to provide water out of the Colorado River so that Arizona in the desert would bloom.

It is a good thing. I would support that and continue to do so, but I would hope the gentleman would realize there are other parts of the country with much much smaller needs but equally as important to the people that live there.

So, Mr. Chairman, I hope we will turn down the amendment.

Mr. FLAKE. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank my colleague, the gentleman from Arizona.

I was sitting in my office watching all these wonderful and heartrending speeches from folks about their economies and iron mills shutting down, steel mills shutting down, industries being totally lost, and now it is up to this Congress to pass through earmark appropriations in some legislative vehicles that are not the appropriate vehicle for it, which is why it is so hard for my friend from Arizona to find out where this money is going and why it is going and who asked for it.

But I am reminded from time to time that this was the same Congress that has passed regulation that has prohibited us in the west, in Idaho, from harvesting trees, from mining minerals, from, in fact, earning a living or even building, as my good friend from Kentucky just said, in talking about building a whole new industry.

Well, we would like that opportunity, too. In fact, we would like this Congress just to keep their promises to us when they shut down our forests and shut down the mining and halted much of the grazing on that land in Idaho and said, we will do this, we will make you PILT payments, payment in lieu of taxes. Because you have so much Federal ground in Idaho, a lot of that property does not render any taxes, and so we will make that payment for you. Well, you are about $148 million short this year alone.

So I would say to these Members of Congress that have such huge hearts for their own particular little locales and their own particular little projects, that if you are going to do this, for gosh sakes, let those of us that would like to do it without all your help help ourselves.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Let me simply make the point, I was not around when the central Arizona project or other water projects in Arizona were approved, but I do know this: Nobody slipped funding for the central

Arizona project in an appropriations bill at the last minute in a conference report. These programs were authorized. There were appropriations. There has been oversight. It is the antithesis of what we are doing here in this bill and in this process this year.

We need to get back to the process of authorization and appropriation and oversight. We seem to have abandoned the outer two bookends, and all we are doing is appropriating, as I would submit, when you have descriptions this vague and you have situations where Members do not even come to the floor to defend it, and we still do not know on one of these that I offered today who the author is. On what I offered last week on two of the earmarks, we still do not know who offered them, but yet we pretend we are offering good oversight? We are really not. We can do a lot better than this.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. CARDOZA

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARDOZA:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. For "OFFICE OF JUSTICE PROGRAMS—JUSTICE ASSISTANCE" for the Drug Endangered Children grant program, as authorized by section 755 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177), and the amounts otherwise provided by this Act for "OTHER—SALARIES AND EXPENSES, DEPARTMENTAL MANGAGEMENT" (reduced by $5,000,000) are hereby reduced by $5,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

I would like to start and begin by thanking Chairman WOLF and the ranking member, Mr. MOLLOHAN, for working with me on this amendment. I also want to thank Mr. LARSEN of Washington and Ms. HOOLEY for offering this amendment with me today and for all of their hard work addressing the methamphetamine problem and its effect on children.

I rise today to introduce this amendment to provide $5 million in authorized funding for the Drug Endangered Children Program. This program would provide grants to States for initiatives that help children move from homes in which drug abuse or production takes place and, instead, into safe, permanent homes.

Funding the Drug Endangered Children Program would represent an important step towards helping develop new protocols for law enforcement and child welfare workers to address the special needs of these children displaced by family methamphetamine use, which is a growing problem.

Mr. Chairman, I want to quickly tell you a story about a 12-year-old boy that recently came to see me here in the Capitol. He is from Stockton, California, in my district. His father was arrested for running a meth lab in their home garage, and his mom, a meth addict, abandoned him and his two brothers. In fact, she left them at a phone booth in the community of Stockton, told them that she would be back, and 2 days later, this young, 12-year-old boy took his two brothers to a local police station and turned themselves in to the police so that they could get food and get out of the cold climate that they were in for 2 days.

The system was unable to handle this situation. As a result, he was separated from his two brothers, his only remaining links to his family that he once loved.

He came to see me last year, and he sat in the cafeteria below this Chamber, and he leaned over to me, and he whispered, Congressman, I have had so much pain in my life.

We can do better and we must do better to help these young children. By working with the chairman and his staff, we have reduced the dollar amount in the bill so that this amendment no longer affects the Census Bureau.

Mr. Chairman, this program will make a real difference in the lives of children affected by meth and other drugs. I urge a "yes" vote on the amendment.

Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I would like to thank the gentleman from California for offering this important amendment.

The most tragic victims of the meth epidemic are the drug-endangered children. A recent study in Oregon revealed that police find children living on the premises of one out of every four meth laboratories that they break up. These children are exposed to toxic chemicals on a daily basis and face the constant threat of physical, mental and emotional abuse from the nonstop flow of addicts through their home.

The Drug Endangered Children Program provides vital services for these children, ensuring that law enforcement, child protective services, prosecutors and health professionals all work together to get them the help that they need.

From removing and supporting these children as they transition out of these dangerous environments to ensuring that they get medical evaluations, mental health screenings, drug and chemical exposure screenings and addiction treatment, the Drug Endangered Children Program gives children a safe and drug-free environment to live in.

That is why we introduced this legislation. I hope that my colleagues will see fit to appropriate the $5 million for this appropriate initiative.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. CARDOZA. Mr. Chairman, I want to thank the chairman for accepting the amendment. I yield the balance of my time to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I rise in support of this amendment to provide $5 million for the Drug Endangered Children Program.

I want to thank Chairman WOLF and Ranking Member MOLLOHAN for their work to increase funding for many law enforcement programs and the fight against methamphetamine. I am particularly encouraged by the $99 million allocated for the Meth Hot Spots Account in this appropriations bill.

I respect the tough job our appropriators have in writing these spending bills. They have admirably allocated dollars to programs that help our law enforcement do their job. However, one authorized program that was not fortunate to receive dollars in this bill is the Drug Endangered Children Program.

Children are too often the silent victims of drug abuse. As a cochair of the House Meth Caucus, I have talked to many social service workers and treatment providers about the risks that drug-endangered children face. I have heard repeated stories of meth users leaving their children unattended for days as they cook and use methamphetamine and sleep off its intense effects.

We have often talked about the need for more money to help local law enforcement to bust the bad guys, but we rarely talk about the impact those busts have on the kids who may be living in drug-infested homes.

So I want to thank the gentleman from California for his work on this amendment, and I urge a "yes" vote, and I want to thank the chairman for accepting this amendment as well.

Mr. CARDOZA. Mr. Chairman, I would like to once again thank the chairman for working with me on this and appreciate his accepting the amendment. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. CHOCOLA

Mr. CHOCOLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHOCOLA:

Page 110, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available by this Act may be used by the National Aeronautics and Space Administration for travel policies and practices in contravention of Office of Management and Budget Circular No. A-126.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Indiana (Mr. CHOCOLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CHOCOLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think one of the greatest luxuries in life would be to own your own airplane. In fact, I think maybe one of the greater luxuries would be to have somebody else own the airplane and let you fly on it whenever you want and they pay the bill.

Well, Mr. Chairman, that is pretty much the arrangement that the senior management at the National Aeronautics Space Administration, better known as NASA, has. A recent GAO reports that, over a 2-year period, NASA employees took 1,188 flights on private jets at a cost of $25 million or five times the cost of commercial tickets.

I understand that at times NASA has appropriate uses for private jets, like when they do aeronautical research, but I do not think it is appropriate for routine visits, meetings, conferences and speeches. The GAO found that 86 percent of the trips taken on these private jets specifically are prohibited by Federal policy regarding aircraft ownership.

Mr. Chairman, that is 1,022 trips on private jets by NASA employees that are specifically prohibited and paid for by the American taxpayers.

Because NASA has been largely unresponsive to previous GAO recommendations to remedy this situation, the GAO has actually asked for congressional consideration of legislation to restrict NASA's ownership of passenger aircraft and funding for passenger aircraft services to those needed solely to meet valid mission requirements.

Mr. Chairman, this position is clearly indefensible. It is time to put an end to unresponsive management violating established policies, flying on private jets at the taxpayers' expense simply for personal convenience.

So I encourage my colleagues to support this amendment to achieve that result, and I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I rise in strong support of the amendment. I understand the gentleman's amendment is related to the findings of the Government Accountability Office audit in August of 2005 concerning NASA mission management aircraft.

I also understand that NASA has concurred with the administrative recommendations, meaning they agree with the GAO and the gentleman trying to implement the recommendations made by GAO. NASA is now using a new methodology to justify any passenger travel on its aircraft to match OMB Circular A-126.

Further, OMB has reviewed NASA's revised policy and has no objections with respect to it.

It is a good amendment, and I think it is doubly good because for the first time we have brought a bill to the floor with absolutely no NASA earmarks. The administrator has said this is very good because when you have earmarks, it takes away.

So I strongly support the gentleman's amendment and urge that it be adopted.

Mr. CHOCOLA. Mr. Chairman, I thank Chairman WOLF for his support and for his hard work on this appropriations bill, and in an effort to not talk myself out of a sale, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA).

The amendment was agreed to.

□ 1530

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts:

Page 110, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available by this Act may be used for a manned space mission to Mars.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3½ minutes.

This amendment simply says that none of the funds being appropriated to NASA shall be used for a manned space shot to Mars.

We have heard throughout the appropriations debate legitimate complaints from the appropriators that they have too little money to meet various important needs. We are constantly faced with difficult choices on this floor between good programs. NASA itself has objected that it does not have enough money to do all that it is supposed to now do. I think that is right. I think it is terribly unfair and damaging to the country to give to this important agency more than it can handle with the money it gets.

I would like to be able to appropriate more money, but the budget says we can't do that. So what we can do is, as a Congress, set some priorities. Sending human beings to Mars, in my judgment, is at best a luxury that this country cannot now afford.

We are talking about deficits that we have to deal with. We are talking about Social Security funding that will be needed. We are talking about a shortage within NASA to do everything it wants to do. To go forward with a commitment to send people to Mars, which is not in the arguments of any scientist I have ever heard as the best use of our funding, is a great mistake.

This amendment does not cut a penny out of NASA. Instead, it allows the money to be spent by NASA more wisely. It does not stop them from spending money on their priorities. We have things like aeronautics that have not got enough money, we have other space travel, we have space exploration by instrumentation. Committing and allowing funds to be spent now as a downpayment on sending human beings to Mars is, as I said, at best a luxury that the country ought not to be indulging in.

The justification for sending people to Mars is political, it is psychological, it is cultural, but it is not scientific. And we should also note that if we continue on this path now, so that money is spent to go to Mars, we will be confronted with an additional request at some point in the near future for $100 billion or more to do this.

We talk rhetorically often about the need to make tough decisions, the need to set priorities. As I listen to the inability to fund important program after important program, the notion that NASA, which as I said tells us they do not have enough money to do everything they would like to do, that some of that should be spent on sending human beings to Mars is the gravest example I can think of of money unwisely spent.

We talk about trying to save money. I don't want to save money on old people who need medical care. I don't want to save money on children who need help with drug abuse. I don't want to save money on protecting the border. I don't want to save money by cutting low-income housing for the elderly or the disabled.

There aren't many areas where we can say, you know what, let us just not spend that money at all. Sending human beings to Mars ought to be of a very low priority compared to everything else we do.

This amendment does not touch the funding of NASA. It does say that, of all of the needs that NASA now has, sending human beings to Mars is sufficiently low that we ought to put it aside, at least for now.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding, and I actually want to thank the gentleman from Massachusetts for offering this amendment, because I think it is a good amendment for us to discuss.

There is actually very little in this bill that is devoted to the subject he is talking about. The vast majority of the funds go to the continued operation of the space station, the shuttle, and the development of a replacement vehicle, a safer, more reliable, less expensive vehicle for the shuttle.

There is some early money for exploration devoted to returning to the Moon sometime in the next 10 to 15 years, and there is a very small amount of money devoted to the subject of can we put men and women on Mars someday and hopefully do that in a fashion with other countries to help reduce the cost.

I think we should overwhelmingly vote "no" on this, and I will tell you why. This is the United States of America. We are a Nation of pioneers and explorers. When we left the Moon the last time for Apollo 17, I thought we would be on Mars in 10 years. I never would have imagined that 30 or 40 years later we are still debating the subject.

I believe we are destined to explore not just Mars but go on to other stars. It is in our nature as human beings. And for us to say, no, we don't want to do that; we can't afford it; we have too many other problems, I think would be a very unfortunate thing. It would be unfortunate for our kids, who we want to study math and science. And the teachers all tell me the same thing, there is nothing you can do to motivate them more to study math and science than to talk to them about manned space and exploring other planets.

So I have a tremendous amount of respect for the gentleman, but I think he is wrong on this one. I recognize there are costs associated with it, and we are fighting a war, and we have a deficit, but this is a small amount of money, and I think we do need to proceed.

So I would encourage a "no" vote on the Frank amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

This is a Congress and this is a President which has decided we are going to blow $400 billion on the dumbest war since the War of 1812 in Iraq. This is the Congress that has decided that every other priority has to be scuttled so that we can provide $50 billion in tax cuts for millionaires this year. And yet there is no room in the Budget Inn for improving the health care of our people.

We are actually going to be funding fewer grants next year at the National Institutes of Health for medical research than we were 2 years ago. We are squeezing health professions training. We are providing an education budget that is $1.5 billion below last year in terms of No Child Left Behind education programs. We are cutting law enforcement grants by over $2 billion below the year 2001. We are providing a squeeze on Legal Services, despite the amendment that was adopted last night. Mr. GILCHREST from Maryland just made a compelling argument about the need to spend a lot more money to protect our oceans.

We don't have money for any of that, and yet, oh, we've got money to go to Mars. I am as excited as anybody else about the prospect of sending a man to Mars. I think that would be wonderful. But not if you have to do it on borrowed money and not if you are putting tax cuts for millionaires ahead of educating kids.

I get excited about the space program, but I get a lot more excited about the prospect of providing clean water for every community in this country. I get a lot more excited about cleaning up school districts and fixing up schools and training teachers so that every kid in America is trained by a competent teacher, rather than having a huge percentage of our kids trained by teachers who were never educated in the field that they are teaching. So I guess it depends on what you are most excited about.

It seems to me that the gentleman is pointing out that we ought to have a little common sense in deciding what ought to be put first in this country. I would prefer that we put Earth-based science ahead of sending somebody to Mars.

If you want to clean up the deficit, if you want to clean up the deficits we have in investments in education and investments in health care, if you want to take care of the fact that 44 million people in this country are without health insurance, you get that done, then, baby, I am all for you if you want to go to Mars.

Until then, I would like to send to Mars every politician that thinks that the existing priorities are the right ones. They are not. They are wacky. This amendment isn't even a close call. We ought to adopt it.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, if this amendment were adopted, it would shut off all funding for all high-technology work that NASA is doing that has multiple applications.

The amendment says, "no money can be spent in support of the manned mission to Mars." There is no manned mission to Mars in this bill. But the technology application, the research work that NASA is doing to develop the next generation of rocket propulsion, the research work that NASA is doing to develop the next generation of microcomputers, the technology, for example, in this BlackBerry can be used on a manned mission to Mars and also manned missions in low-Earth orbit.

The technology that NASA is developing to fight cancer, any astronaut that goes above the Earth's atmosphere is immediately exposed to a higher risk of cancer, yet the research NASA is doing to protect astronauts in space and low-earth orbit and to travel to the moon, for example, could obviously be used on a mission to Mars. But if the gentleman's amendment is adopted, it would cut off any of that work that is being done right now to help protect our astronauts' lives in low-Earth orbit, because that technology could arguably be used on a mission to Mars.

There is no manned mission to Mars in this bill. The gentleman's amendment is so broadly written, it will have the effect of shutting off most of NASA's research and development work in the cutting-edge technologies that are so essential to the success of the manned space program and to the success of the American economy.

I urge the Members to vote "no" against this shortsighted amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds.

Perhaps I should include some instruction in reading. The gentleman has simply not described the amendment. It does not say no money can be used in support of. It says no money can be "used for."

The gentleman from Florida said a small amount of money here is for Mars. It is a small amount of money now. It is a downpayment on a huge amount of money. So this would not prevent any of that spending. You could spend it on the astronaut issue. All it says is you cannot use it, and he said support for. There is a difference between "support for" and "used for." So let us not leave reading out of the curriculum.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from Alabama (Mr. CRAMER) 1 minute.

Mr. CRAMER. I thank the chairman of the subcommittee.

I have been a member of this subcommittee since the subcommittee was formed, and I was a member of the VA–HUD Subcommittee before then. And, as a matter of full disclosure, I come from an area that has one of the NASA centers, the Marshall Space Flight Center.

But the gentleman's amendment is not well designed. This would kill, this would kill the core of NASA. This would redefine what NASA is all about, and I urge the Members to oppose this amendment.

We have balanced carefully, the chairman and the ranking member of this subcommittee, within the confines of this budget, to order what we could do for NASA versus what we could do for COPS programs, Justice programs, and NOAA and other programs in here. This is a good debate to have, because we don't have enough money and we don't have enough room in this budget.

But this is a bad amendment, and I urge the Members to oppose it.

Mr. FRANK of Massachusetts. I yield myself the remaining time.

That argument is further out in space than the Mars shot. The core of NASA is to send people to Mars?

All it says is that you can't use the money for a manned space shot to Mars. You have got the Moon, you have got aeronautics, you have everything else. That simply misstates it.

Here is where we are. Does this House have the right to say that we do or don't want to be committed to going to Mars? Here is what will happen if the amendment is defeated. They will say, well, some money was voted that way; and the defense is, well, we need it to do cancer research, we need it for the Moon, but it will be used as a downpayment for a very expensive mission to Mars.

The gentleman from Florida said, well, we shouldn't say we can't afford this. That would be terrible for America. But we can't afford to pay old people for all of their medical drug bills. There is a doughnut hole. The chairman of the Senate Homeland Security Subcommittee said we can't afford more border guards. We can't afford more beds.

Of course, there are things we can't afford. The notion is not whether or not we should acknowledge what we can't afford but whether we should be sensible about what we can afford and can't afford.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT).

□ 1545

Mr. CALVERT. Mr. Chairman, I rise in opposition to this amendment. We have laid out a compelling vision and mission for the civil space program to conduct a robust program of human and robotic space exploration.

Last year, this Congress overwhelmingly endorsed the President's Vision for Space Exploration with a vote of 383–15 on the NASA Authorization Act. This amendment would abandon those plans endorsed by Congress.

We cannot turn back NASA's long-range plans. I certainly urge all of my colleagues to oppose this amendment, and let's stay on track.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. Just the fact that the gentleman from Massachusetts has spent so much time explaining what his amendment means I think is the best proof that it is so vague that we don't really know what we are not funding with this amendment.

There is $3.9 billion in the Constellation Systems account. Conceivably, the amendment could prevent any of that spending. All of it, it could be argued, relates to a manned space mission to Mars.

The amendment is so vague that I think that is why everybody is really concerned about it.

It is absolutely true that NASA is having problems. There is no question about it. The President has proposed a space exploration initiative. He calls it a vision, in some ways of course it would be if, if, it were genuinely funded. My concern is that it is not genuinely funded.

There are a lot of problems with NASA funding, but it all has to do with not enough funding to do everything that we want to do. That is evidenced by the myriad of science programs that are either cancelled or cut in the President's budget. It is terrible.

Every scientist that is at all concerned about operating in the NASA camp has expressed how opposed they are to the NASA funding. But this, to me, is not the way to get at that.

What we do need is more money in NASA, and NASA, I think, frankly needs to come forward with a budget that is more specific, one that we can deal with, instead of coming up with these operating plans. That really is a very imperfect way to fund an agency.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I have to say to my friend, I would be impressed if they would come forward and say, yes, we think, as the gentleman from Florida said, we should be able to go to Mars. But to argue that because an amendment which says no money can be used for a manned space mission to Mars, that that means you can't use it for the Moon or anything else simply isn't the English language.

The fact is the amendment is very narrowly drawn. It says you cannot use the money for manned space to Mars or for another purpose.

Mr. MOLLOHAN. Reclaiming my time.

Mr. FRANK of Massachusetts. Can't we get an honest debate about whether or not to go to Mars?

Mr. MOLLOHAN. Not in 5 minutes, unfortunately.

Mr. Chairman, I yield to the distinguished gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. As usual, my friend from Massachusetts raises good points, and, as usual, he is a good watch dog for our Congress. I agree with him; we have to have priorities. But I think he has picked the wrong priority on this occasion.

NASA, as has been said, under the right occasions is underfunded. It is not overfunded. It is an investment in our country. Then so you have to think, okay, within the NASA budget, where do we spend our money?

Let me agree with my friend from Massachusetts that I think that we do need to slow down some of the manned Mars missions and fund other programs. I would like to see more funds then. But if we are not going to have adequate funding, we need to slow it down. But it would be irresponsible to do away with some of the planning in other sorts of areas.

His amendment, I think there are really two main problems: one, that you don't just all of a sudden get in a space capsule and go to Mars. There is a lot of planning that goes before that. Additionally, there is overlap with a lot of the other missions.

Even though I know the gentleman is trying to be clear in what he is doing, it simply doesn't come out that way. It would be a major problem for this country, a major problem for NASA. I will certainly work with him to try to, again, help better prioritize the planning of a Moon-Mars mission.

Mr. FRANK of Massachusetts. Would the gentleman from West Virginia yield?

Mr. GORDON. If there is time left, I would certainly yield to my friend.

Mr. MOLLOHAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I do not believe that anybody seriously says that if the bill says you can't spend, an amendment says you can't spend it on a manned mission to Mars, that anybody would then think you had to stop it on the Moon.

Of course, that is one of the arguments you would make beforehand that you would have to disregard after. But let me disagree with my friend from Tennessee. He said, he agrees we should slow it down. What is stopping us? Where is the language that does that?

Mr. GORDON. If you could reclaim your time.

Mr. MOLLOHAN. I yield to the gentleman.

Mr. GORDON. What is stopping us would be this amendment. This amendment simply is not drawn, as much as the gentleman would like for it to be drawn in a narrow sense and as much as he would like for it to be a scalpel, it is not. Maybe, again, all working together in the future, we could come up with a better one. Right now, the intention is not what has resulted.

Mr. HALL. Mr. Chairman, I rise today in opposition to the amendment offered by Congressman FRANK that would put a funding limitation on manned space flight.

NASA is at a critical crossroads. Over the next few years, the agency must complete the International Space Station, retire the Space Shuttle, develop a new space vehicle, and maintain needed science and aeronautics programs. Congress has already spoken in support of a manned mission to Mars with the NASA Authorization bill earlier this year. Disrupting the vision now only sets America back. At a time when the United States is concerned about global competitiveness, cutting NASA funding would send our country in the wrong direction.

Mr. Chairman, NASA is a good investment. Over the last 10 years, NASA's budget has decreased or remained flat while overall domestic spending grew substantially. Fully funding the space exploration vision represents only 7 percent of the Federal budget and yet this small investment yields large returns in health care, public safety, and telecommunications. Space exploration technologies have produced advanced semiconductors that power our businesses, materials employed by our military to keep our men and women safe, and software that aids our law enforcement personnel in fighting crime and detecting illegal drugs. The Appropriations Committee has done a commendable job balancing our national needs with our budget realities. They have preserved vital funding for critical areas, including science initiatives, and I would urge the House to support the underlying bill and vote against the Frank amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the Frank amendment to H.R. 5672, which would prohibit funds from being used for a manned space mission to Mars. I believe the amendment should be defeated.

NASA recently announced the work assignments for Exploration Systems' Constellation program at NASA centers. These assignments will ensure that the agency can begin to meet the challenges of the Vision for Space Exploration while maintaining 10 healthy and productive field centers.

NASA's plan to implement the Constellation Program depends upon funds that carry over from fiscal year 2006–2007 into fiscal year 2008–2009. This authority ensures that funding will be available in 2008, when development work begins to ramp up significantly with the Critical Design Review for Constellation's Crew Exploration Vehicle, CEV.

If NASA is unable to secure the necessary resources, the gap between Shuttle retirement and CEV availability will expand. This will increase both the risks and overall costs for bringing the new CEV and CLV systems online, as well as increasing the safety risk of operating the International Space Station. An extension of the gap will also cause an unacceptably high number of departures of our skilled workforce across the NASA Centers, and threaten to erode the Nation's industrial base for human space flight activities. We therefore consider preservation of this funding an important economic issue for our districts, as well as a national priority.

The CEV and the companion Crew Launch Vehicle are once-in-a-generation development efforts. The effective transition from the Space Shuttle to the CEV will be NASA's greatest management challenge over the next several years. NASA's Exploration Systems ought be fully funded, not cut, to ensure that NASA has the resources it needs when the critical moment arrives.

I urge defeat of the Frank amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CHOCOLA

Mr. CHOCOLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CHOCOLA:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for business class or first class airline travel by employees of the Department of State in contravention of 41 CFR 301–10.122 through 301–10.124.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Indiana (Mr. CHOCOLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CHOCOLA. Mr. Chairman, not a day goes by that I am not amazed by the waste of tax dollars by Federal agencies. Sometimes the waste is a result of bad management. Sometimes it is the result of willful violation of established policies, but it is always inexcusable.

A recent GAO report reveals just how bad it can get. In March of 2006, the GAO found that the State Department is wasting nearly $100 million a year on unauthorized premium travel. In 2004, the State Department spent $140 million on premium travel; that is usually business class travel, and 67 percent of that travel was either not justified, not properly authorized or both. And that resulted in $94 million of taxpayer money wasted.

Not only is the fact that the money was wasted troubling, but the management practice of disregarding what it cost when it is not your own money is a cause for great concern. As an example, most of the authorizations for the premium travel came from subordinates of those that were traveling who told the GAO that they were afraid to challenge senior executives of the State Department for violating established travel policies.

It is not just an excusable practice of putting subordinates in intimidating positions at work here; it is also a lack of basic management practices. As an example, GAO also found that although government tickets that are purchased and not used are fully refundable, the practice of the State Department is not to bother to try to reconcile tickets that are purchased and not used, which resulted in a flat-out waste of $6 million of taxpayer money.

Mr. Chairman, my amendment simply requires the State Department personnel to follow established travel policies, and it is an understatement to say that it is unfortunate that I even have to come to the floor and offer this amendment.

I guess we have to send a clear message to senior State Department officials that when they are traveling on their own dime, they can sit wherever they want on a plane, but when you are traveling on the taxpayers' dime, you should follow established policies and sit in the back of the plane.

Although I understand that flying coach can be cruel and unusual punishment, I think that those that willfully waste the taxpayer dollars for personal comfort are getting off easy if we pass this amendment.

I encourage my colleagues to support it.

I reserve the balance of my time.

Mr. WOLF. I rise in support of the amendment. It is a good amendment. There has been a government-wide review of the waste, fraud and abuse of the government travel card program. The Government Accountability Office has reviewed the State Department policy and has concluded a similar review of the Department of Defense policy.

The State Department manages the second largest centrally billed travel card program in the Federal Government after the Department of Defense. A GAO audit of the State Department's centrally billed foreign affairs travel found that 67 percent of premium class travel by State and other foreign affairs personnel during most of fiscal years 2003 and 2004 were not properly authorized.

Although GAO found deficiencies in documentation for premium class travel, GAO did not find in any instance travel that was conducted for other than official purposes. GAO has made 18 recommendations to improve the State Department's travel card program. The committee has looked into the issue and understands that, as of June 1, the Department of State has taken action on all the recommendations outlined in the GAO's March 6th report. The Undersecretary of State for Management has made this a top priority for the Department.

I wonder how they even got to this point. I agree with the gentleman, and I want to thank him for that. We must ensure that U.S. taxpayer money is not subject to waste, fraud and abuse, and I strongly, strongly support the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CHOCOLA. Once again, Mr. Chairman, I thank Chairman WOLF for his hard work and his support.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. WATSON

Ms. WATSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WATSON:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDTIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to negotiate the accession by the Russian Federation into the World Trade Organization.

Mr. SHAW. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from California (Ms. WATSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATSON. Mr. Chairman, I rise today with Mr. ISSA, and offer this amendment that disallows the use of taxpayer dollars to negotiate Russia's accession into the World Trade Organization until Russia is removed from the United States Trade Representative's priority watch list for intellectual property violations.

Russia should not be allowed consideration until it takes steps to protect intellectual property before we let them into the exclusive World Trade Organization. The cost of Russian piracy, from the copyright community from the motion picture and recording industry, to software inventors and patent holders, was over $1.7 billion in 2005, and losses topped $6.8 billion over the last 5 years.

Russia has been on the USTR's priority list for intellectual property violations for 9 straight years without showing any significant signs of improvement. Delaying Russia's entrance into the WTO until Russia enacts and enforces laws to protect intellectual property rights will send a strong and serious message that the United States values its Nation's ideas and products.

We learned this lesson the hard way with China. Once China became a member of the WTO, it has been a very difficult, time-consuming and expensive task to bring a case against them before the WTO to get them to enforce IP protections.

The time to pressure Russia, to put an end to their egregious intellectual property violations is now, and I urge my colleagues to support the Watson-Issa amendment.

POINT OF ORDER

The Acting CHAIRMAN (Mr. GILLMOR). Does the gentleman from Florida insist on his point of order?

Mr. SHAW. Yes, I do, Mr. Chairman. I raise a point of order against the amendment on the grounds that this amendment violates clause 5(a) of the House rule XXI because it is a tariff legislation not reported by a committee with jurisdiction over revenue measures.

The countervailing duty law provides special treatment to the World Trade Organization members. This amendment would impact Russia's membership in the World Trade Organization and thus impact the tariff treatment of Russia under the countervailing duty law in the Tariff Act of 1930.

The rule referred to is very specific that that is reserved to the House Ways and Means Committee, and the second portion of that rule provides, for purposes of this paragraph, a tax or tariff measure includes an amendment proposing a limitation on funds in a general appropriation of a fund for administration of a tax or tariff.

I insist on my point of order.

The Acting CHAIRMAN. Are there other Members desiring to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Florida raises a point of order against the amendment offered by the gentlewoman from California on the ground that it violates clause 5(a) of rule XXI.

As the Chair stated on June 18, 2004, clause 5(a)(2) of rule XXI enables a point of order against limitation amendments addressing the administration of a tax or tariff whether or not the maker of the point of order can demonstrate a necessary and inevitable change in tax or tariff statuses or liabilities or in revenue collection.

The amendment would limit funds for the negotiation of Russia's entry into the World Trade Organization. As argued by the gentleman from Florida, membership in the World Trade Organization as a matter of law effects various changes in the treatment of a country's products under domestic tariff law. An example of such law is Section 1671 of title 19, United States Code. By limiting funds for an activity that, if completed, would engage tariff law, the amendment is a limitation on funds for the administration of a tariff within the meaning of clause 5(a) of rule XXI.

The point of order is sustained, and the amendment is not in order.

□ 1600

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, it is appropriate that we live under the rules of the House that we have voted in the 108th and the 109th Congress. But I appreciate the opportunity to speak on this important matter.

I appreciate that had the Ways and Means Committee addressed this issue in a timely fashion to make a stronger statement heard to Russia for their misconduct, for the billions of dollars lost to U.S. companies, including the music and television industry and software industries, all of which are very important to California, we would not be here today.

Additionally, it is with regret that I remind the Appropriations Committee that had they simply chosen not to fund this, this amendment would not be necessary, but the not funding by the Appropriations Committee is in order.

So although I don't approve of this rule, in hindsight, I recognize that the time to object to it was at the beginning of the Congress. Before yielding back, I will, therefore, attempt to have this rule modified in the next Congress so as to allow people to determine where their funds will be spent. Because this rule effectively made it impossible to not fund something simply because in previous Congresses decisions had been made on tariff.

I do appreciate, though, that we will live under the rules of the House; and Congresswoman WATSON and myself will continue to work to make sure that Russia lives up to the standards before entering the WTO.

And, Mr. Chairman, I want to thank you for your kindness in giving me this opportunity to speak.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, very briefly, I would like to respond to the gentleman and his comments.

Actually, last month, the committee of jurisdiction, which is the Ways and Means Committee, and the Finance, sent a very strong bipartisan message to the administration, which I am sure you quite approve of, opposing concluding even a bilateral market access deal with Russia until that country meaningfully addresses its rampant IPR piracy problems.

The committee of jurisdiction is monitoring this issue very closely and is consulting with the U.S. Trade Representative at every step. The administration assures us that it will not allow Russia to join the World Trade Organization unless we achieve strong intellectual property rights protection with Russia. The United States will not allow Russia to become a World Trade Organization member until this is confronted.

Simply not negotiating with Russia, however, would be a mistake and would not be productive. Congress will have the opportunity to impact the World Trade Organization accession process because it must pass permanent normal trade relations in order for this to happen.

Mr. WOLF. Mr. Chairman, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. In conclusion, I want to thank you, Mr. Chairman, and Mr. ISSA.

When we traveled together to the Duma in Russia, we stated our position very clearly; and at that time there were 57 different locations in Moscow alone that were selling our copied materials. They would go out and close them and they would open right up in another location the next day. So we are acting as the watchdogs. I appreciate the help from the committee in keeping this on front and center and on the table, and we are going to continue to watch.

So thank you so much, Mr. Chairman, for this time.

Mr. WOLF. Mr. Chairman, look what China is doing. I think you are right on doing this. I wish you had actually been successful, from my own perspective. But look at what China is doing. Windows 95 was available on the streets of Beijing before it was available on the streets of Washington, D.C. So be careful. And I am not sure the administration is going to look out for your best interest on this either.

The CHAIRMAN. Who seeks time?

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I rise today to engage the Chairman of the Science, State, Justice and Commerce Subcommittee in a colloquy regarding the importance of the State Department's Bureau of Economic and Business Affairs.

Mr. Chairman, additional funding for the Bureau of Economic and Business Affairs is important to further diplomatic efforts to protect intellectual property rights in countries that are not members of the Organization of Economic Cooperation and Development, or OECD.

Countries that joined the OECD did so because they share a commitment to a democratic government and market economy which depends on adequate protections for intellectual property rights. The non-OECD countries especially need the benefit of United States diplomacy to understand the importance of protecting intellectual property, not just for others' intellectual property but also because it is in the best interest to protect their own ideas and creations with laws and then enforce those laws.

Fighting intellectual property violations in developing countries will take more than cracking the whip on illegal sales. We need to create the political will at the top of the governance structure so we can drive a real impact on the ground.

Mr. WOLF, I would like to thank you for your leadership on our Nation's diplomatic priorities and ask if you would be willing to work with me to provide additional funding for the State Department's Bureau of Economic and Business Affairs to give them the resources to work on developing institutions to enforce intellectual property protections in non-OECD countries.

Mr. WOLF. Reclaiming my time, I thank the gentlewoman; and I will work with her to provide additional resources for the State Department's Economic Bureau to enhance their ability to pursue better enforcement of intellectual property protections in non-OECD countries.

But where is the amendment to put the will, the commitment, the passion? And frankly, we will be glad to do this. But some big law firm down on K Street is going to be retained by some of these people, and they will be coming up here and working the administration and working others. Funding is good, but give me somebody who really cares, really believes, really is committed.

When you have people out there representing the Khartoum Government in Sudan, when Darfur and China has all these big law firms on retention, just funding this, so unless there is the commitment, the determination, but, yes, we will work with you every way we possibly can.

Ms. WATSON. Mr. Chairman, we are going to see that your passion spreads throughout this House.

And I would like to ask, now, Mr. MOLLOHAN the same question. Would you be willing to work with me to allocate additional funding for the State Department's Bureau of Economic and Business Affairs to give them the resources to work on developing political will to enforce intellectual property protections in the non-OECD countries?

Mr. MOLLOHAN. Yes. I would be pleased to work with the chairman and the gentlewoman; pledge to work to increase resources for the State Department's economic bureau to enhance their ability to improve enforcement of intellectual property protection.

Ms. WATSON. And I want to thank you so much, Mr. MOLLOHAN and Mr. WOLF.

AMENDMENT OFFERED BY MR. CULBERSON

Mr. CULBERSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CULBERSON:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available in this Act may be used in contravention of section 1373 of title 8, United States Code.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, the State of Texas today executed one of the most dangerous, vicious killers in our State's history. Maturino Resendiz was known as the "Railway Killer." He had killed repeatedly. He was a serial killer who had been arrested and deported seven times prior to the murder of Dr. Claudia Benton in Houston.

This individual was present in the United States illegally, but the City of Houston has a policy, in violation of Federal law, that prohibits Houston police officers from asking whether or not an individual they pick up is in the United States illegally.

The Federal law is very clear that local governments, local law enforcement agencies, cannot have any policy that prohibits or restricts the ability of a police officer from determining someone's presence in the country, whether or not they are legal. And my amendment simply enforces existing Federal law and makes it clear that, in order for a local government or police agency to receive Federal money, they must comply with Federal law and follow Federal law in determining whether or not the person they have detained is here illegally.

The City of Los Angeles has a similar policy. Yet 95 percent of their outstanding warrants for homicide are for illegal aliens. This is a law and order amendment, Mr. Chairman.

I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I have no objection to the amendment.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is a conflict, and you are conflicted when you come to the floor and a good friend and colleague wants to undermine his own city.

Frankly, I think my colleagues need to understand what this sanctuary means. It is a misnomer. It gives a suggestion that we are, in fact, welcoming and providing a grand parade. What it simply says is that we are going to burden, this amendment is going to be an unfunded mandate on local cities and jurisdictions whose law enforcement officers are busy in various parts of their communities trying to protect Americans from break-ins.

There is no way that you can connect the tragedy and horrificness of this executed individual, which no one has disagreed with, with the policies of individual cities where they make a decision that they are utilizing their police officers to take care of the juveniles who need help, to take care of the victims of rape, unfortunately, who need help, to take care of those who are victimized by homicide who need help.

The City of Houston is on record, the chief of police is on record, and the record is that our officers are there to do the work of the local government. They are not there to do the work of the Federal Government.

I would wish my good friend and colleague would add and join us in reinvesting into border patrol agents and ICE agents. And, by the way, any suggestion that they are not cooperating, I met with the police chief. There is no indication whatsoever in Houston that they are not cooperating with the local law enforcement and ICE.

What you do with this, and I hope my colleagues are listening. I know this sounds like Let's Bash an Immigrant Day. But what you will be doing is you will be cutting off funds from your local jurisdictions. They need to make their own decisions without the punitive measures of this Federal Government, particularly when we have fallen down on the job and not provided the kind of funding that we need for internal enforcement and for law enforcement and for border patrol agents.

So I would hope this distinguished gentleman would understand that you are putting an unfunded mandate on your own city and many other municipalities across America.

Mr. MOLLOHAN. Mr. Chairman, I reserve the balance of my time.

□ 1615

Mr. CULBERSON. Mr. Chairman, I yield myself 20 seconds to point out that the sanctuary policy my colleague is attempting to protect is a policy designed to protect and shield criminal aliens, and my amendment enforces Federal law. Federal law is intended to uncloak those criminal aliens and allow local law enforcement officers to identify people like the Railway Killer so they can turn them over to Federal authorities.

Mr. Chairman, at this time, I yield 1½ minutes to my colleague from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Chairman, I would like to thank my friend and colleague from Texas for this amendment.

My hometown of Austin has seen the horrifying effects that a sanctuary policy can have on a community.

Nearly 3 years ago, an 18-year-old woman by the name of Jenny Garcia was found stabbed to death in her northwest Austin home. An illegal alien by the name of David Diaz Morales was one of Jenny's coworkers. He made it clear to her that he wanted to be more than that. When Jenny rejected his advances, this put him into a rage. And on January 26, 2004, Morales broke into Jenny's home, forcefully grabbed her, held her down, raped her and brutally stabbed her to death.

In less than 24 hours, the Austin Police Department arrested this 20-year-old criminal who had absolutely no business being in the United States, let alone Jenny's home.

However, Mr. Morales had no business being free to walk America's streets either. You see, before murdering Jenny, he had been previously arrested for molesting a child in Austin. Travis County District Attorney Ronnie Earle declined to prosecute the case. Morales wasn't deported. Instead, he was released on the streets of Austin, resulting in the murder of Jenny Garcia. Jenny did not have to die that day.

This is one of many horrific examples of the many preventable injustices that have resulted from this irresponsible sanctuary policy. We owe it to victims like Jenny Garcia and so many others to include this language in the underlying bill, and I strongly urge my colleagues to support the Culberson amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I would like to point out to the House very briefly that the House has already approved this amendment on a vote of 218.

Mr. Chairman, I yield 30 seconds to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I want to thank the chairman of the committee, who, I understand, is going to accept this amendment. I want to thank the author of the amendment.

This has come up time and time again in front of this House. We have cities all over this country that are ignoring the law. It is part of the law today that says you cannot have sanctuary cities, and yet cities are doing it, and they are snubbing their noses at the Federal law. And as a result of it, crimes are being committed. People have been killed as a result of the fact that cities provide sanctuary for people who are here illegally, have come in contact with the police, and the police have refused to make that known to the ICE agency. As a result of that kind of policy, people in this country have died.

I, again, want to thank the author of the amendment and the committee for accepting this amendment.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent to reclaim my time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would simply like to clarify, I think, the discussion here on the floor, and my deepest sympathy for cases that have been previously cited.

The sanctuary terminology, again, is a misnomer. It is a suggestion that law enforcement has actually put a welcome mat out for criminals. It is well known that any criminal that does a criminal act or is stopped for a traffic infraction is, in fact, taken care of by the local municipality. Where we have had failures is that we have not had sufficient funding for internal enforcement officers and others dealing with immigration issues for these individuals to be transferred.

I cannot stand here on the floor and allow the debate to suggest that local law enforcement, sheriffs, constables, police are letting horrific criminals go. They simply are not. If you do the crime, you will be arrested and do the time if your law enforcement are engaged.

This will punish cities who are not turning their law enforcement, their meager law enforcement resources, into immigration patrols. That is a responsibility of the Federal Government. And to suggest that this amendment is going to stop the railroad killer and others; that was a combination of U.S. Marshals and FBI and HPD and everyone who was focused on finding that killer. No one is letting killers get away. And this particular amendment is not what Members may think it is, a way to get and to stand tall on illegal immigration. This is a way to undermine your respective local jurisdictions who have the responsibility of the enforcement of the law to protect the citizens of the jurisdiction or this Nation. All this does is jeopardize their funding when one citizen says, "You know what? They let this individual go that looked like they were undocumented, and they were driving a car." This is what this does. And you go to any of your towns and find out that there are individuals whose surnames are other than ours or other than what you would perceive to be a standard name, if you will, and has a Hispanic sound or has some other sound to it and you want law enforcement then to arrest them, and you would suggest that law enforcement is not doing their job if they release them. This is the kind of determination you are going to ask on the streets of your respective cities and counties and jurisdictions when you should be dealing with this from the funding perspective of the Federal Government.

This is a bad provision. Whether it has been voted on before, it is a bad provision, and all it is going to do is hurt the cities. And, clearly, my good friend and colleague knows that this debate is going on in the City of Houston as we speak, and those are the individuals that need to make that decision.

I ask my colleagues to defeat this amendment.

Mr. CULBERSON. Mr. Chairman, I yield 30 seconds to my colleague from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank my colleague from Texas for yielding.

Let me make it clear. What this amendment does, which I support, is very simple. There is a Federal law that says you may not prohibit, it does not require you do it, but you may not prohibit local law enforcement officials from cooperating on immigration issues. This amendment simply says you cannot use Federal funds to violate Federal law. Pretty simple. Pretty logical. Do not use Federal funds to violate existing Federal law. You do not have to make them, but do not prohibit your law enforcement from cooperating on immigration issues.

We should pass this amendment.

Mr. CULBERSON. Mr. Chairman, in conclusion, I want to point out that Congress has passed and the President has signed Federal legislation on the books which requires local law enforcement officers to identify a person who is in the country illegally. Local law enforcement needs every tool in their tool kit possible to identify and uncover criminal aliens.

This amendment is aimed at enforcing Federal law, giving local law enforcement the tools they need to identify and uncover killers like the Railroad Killer, who was executed today in Texas.

The sanctuary policy that my colleague from Houston is attempting to defend is a "don't ask and don't tell" policy that prohibits officers from identifying criminal aliens. A vote for this amendment is to help law enforcement identify and report criminal aliens and enforce Federal law.

I urge a "yes" on the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ETHERIDGE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. For the Public Safety Officers' Death Benefits program, as authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968, to fund obligations of the Department of Justice resulting from subsection (k) of section 1201 of such part, in additition to amounts otherwise appropriated by this Act under title I for "PUBLIC SAFETY OFFICERS" for payments authorized by such part L and hereby derived from the amount provided in this Act under title I for "GENERAL ADMINISTRATION—SALARIES AND EXPENSES", $38,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from North Carolina (Mr. ETHERIDGE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Michael Childress, Randelman, North Carolina; Roger Armstrong, Atlanta, Illinois; Steven Rosenfeld, Salem, Virginia; Donald Eugene Ward, Columbus, Ohio; Richard Allen Fast, Alum Bridge, West Virginia.

Mr. Chairman, these are just five of the 135 eligible firefighters who have died in the line of duty since this House unanimously approved the Hometown Heroes Survivor Benefit Act and it was signed by the President into law on December 15, 2003.

The Hometown Heroes Act, which had 281 bipartisan cosponsors, made sure that a public service officer, such as a fireman, law enforcement officer, EMT or other public servant, who died of a fatal heart attack or stroke in the line of duty would receive a benefit.

Since the President signed this bill into law on December 15, 2½ years ago, 135 firefighters have suffered a fatal heart attack or stroke while responding to a call. However, in 2½ years, none of these survivors have received one single penny of these congressionally authorized benefits because the U.S. Department of Justice has not approved the regulations.

I have offered this amendment to highlight the Justice Department's foot dragging and delays. The first delay came when they proposed regulations that were in direct contradiction to the legislation that was passed. They then delayed when they quibbled with the words and phrases. The last excuse is that they are waiting for approval from the Office of Management and Budget.

Mr. Chairman, Members and staff spent countless hours while writing this legislation to clarify what it really meant. During the Judiciary Committee markup on this measure, Chairman SENSENBRENNER stated, "I believe this bill provides the Bureau of Justice Assistance with the direction they require in reviewing and granting these benefits to deserving and qualified public safety officers who dedicate themselves to the public interest and pay the ultimate price for the public good."

Once the President signed the bill into law, we were in constant contact with DOJ, working through the queries.

The brave men and women who serve our cities and towns every day, many of whom are volunteers, do not delay when they are given a call and someone is in distress. They act, and they act immediately.

I call on Attorney General Gonzales to stop making excuses, to end the delays, stop denying these victims and families the benefits they deserve. The brave men and women should not have to wait another day.

Mr. Chairman, I yield 1¼ minutes to the gentleman from Rhode Island (Mr. KENNEDY), who just lost a fireman in his district.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from North Carolina for his work on this issue.

On June 13, Rhode Island and Providence lost Mike Day due to a heart attack just after he had returned from a fire to the fire station. He is the son of a firefighter, and he is one of four brothers who all became Providence firefighters. He was passionate about helping save people's lives and helping to serve people.

Who has he left behind? He has left his wife of 22 years behind, Cynthia, as well as four children, Mike Jr., Amanda, Brianne and Stephanie.

The Hometown Heroes Act was signed by the President 3 years ago. Where is the support for these families who put their lives on the line to save our lives and our communities? The delay out there from the Department of Justice means that these benefit applications of people like Mike Day are waiting, collecting dust in the Department of Justice. This is inexcusable.

Mr. Chairman, I believe our public safety officers need to know that if they lay down their lives for us that we are going to be there to back their families up and make sure those families are supported. The hardship of these families shouldn't wait on the Department of Justice and neither should we in Congress wait for the Department of Justice.

I urge passage of this amendment.

Mr. ETHERIDGE. Mr. Chairman, I yield 1¼ minutes to the gentleman from New Jersey (Mr. PASCRELL).

The Acting CHAIRMAN. The gentleman from North Carolina has 30 seconds remaining.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for the time.

I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

☐ 1630

Mr. PASCRELL. Mr. Chairman, Congressman BOB ETHERIDGE should be commended for what he did 3 years ago; and we had an overwhelming vote on the floor of the House of Representatives.

Unfortunately, none of the survivors of the 135 firefighters that he mentioned just a few moments ago and which Mr. KENNEDY mentioned a few moments ago that died have received a single penny of the authorized benefits. This is because the Justice Department has not approved the regulations that would put the provision of the Hometown Heroes Act into effect.

This is unconscionable. This is wholly unacceptable. This is another time where the will of the Congress has not been activated.

This amendment sends a necessary directive to the Attorney General that the families of our Nation's first responders should not be made to wait for what they deserve any longer. This amendment is a clear message that the Congress will no longer allow the Department of Justice to inexplicably harm the families of our Nation's heroes.

This was the right thing to do 3 years ago. It is the right thing to do now, to pass this amendment now. I was proud to stand with the gentleman from North Carolina when we passed this, many of us, all of us, in December, 2003. We want their loved ones to be fully taken care of. This amendment is that message. It is time for us to act, Mr. Chairman.

Mr. WOLF. Mr. Chairman, I understand that the gentleman is going to withdraw the amendment. On page 65 of the report, the subcommittee says the committee expects the Department of Justice to work swiftly toward full implementation of the Hometown Heroes Survivors Benefit Act.

I thank the gentleman.

Mr. ETHERIDGE. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member.

Mr. MOLLOHAN. Mr. Chairman, I was just going to compliment the gentleman from North Carolina for bringing this issue up. I remember when he first brought it to the Congress, and I want to compliment him for bringing this amendment to the floor.

I also want to compliment the chairman for recognizing this has been a problem. It is contained in our report that the Justice Department move quickly. I just want to point out this isn't a hard thing for the Justice Department to do. Rulemaking as simple as this ought to be done in 30 days. Publish the proposed rule, get a few comments and get it out there. It is inexcusable that this program, which is so meritorious, hasn't been implemented for 3 years.

I support the gentleman's effort.

Mr. ETHERIDGE. Mr. Chairman, I thank the chairman for his willingness to work on this and also Ranking Member MOLLOHAN. They are absolutely right. There is no excuse for this. Men and women are doing their job, and we ought to support them.

Mr. Chairman, I ask unanimous consent to withdraw the amendment, with the understanding it is going to be in the report language.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAPUANO:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. For grants for young witness assistance, as authorized by section 1136 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), and the amount otherwise provided by this Act for "OTHER—SALARIES AND EXPENSES, DEPARTMENTAL MANAGEMENT" is hereby reduced by, $3,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. CAPUANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, very simply, this amendment will help protect young juvenile witnesses who have the courage to do the right thing and stand up and testify against criminals that they have witnessed.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I accept the gentleman's amendment. I was waiting to hear his speech. I was listening and settling in. I do accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be brief. I am offering the same amendment that I have offered to almost all the other appropriations bills which have all been accepted, because I think it is so important for the Federal Government to put its money where its mouth is.

We are all running around talking about alternative energy and alternative fuel vehicles. All the while, our Federal agencies are failing to fully implement the 1992 Energy Policy Act which the Congress passed and which the President signed into law.

Seventy-five percent of new vehicles purchased for the Federal fleet should be alternative fuel by now, but it is only about 26 percent. For the major agencies in this bill, the numbers are disheartening. The Department of Commerce has only 32 percent of alternative fuel vehicles, the Department of Justice came in at a paltry 6 percent, and the Department of State was just 9 percent.

We have not only the opportunity to end our addiction to oil, we have the need to do so. Our national security continues to be threatened because we are reliant on undemocratic sheikdoms in the Middle East that funnel money to the terrorists who would do us harm.

Our energy policy and our national security policy are intertwined, and we can start right here by mandating that our Federal agencies look for alternative fuel vehicles, which they have to do by a law that we passed more than a decade ago.

So I urge my colleagues to support this amendment and provide the leadership that is so desperately needed.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, we accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

PARLIAMENTARY INQUIRY

Mr. HINCHEY. Mr. Chairman, before beginning, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HINCHEY. Mr. Chairman, I have two amendments at the desk having to do with the medicinal use of marijuana. I understand that the first one has been allocated 10 minutes and the second one has been allocated 20 minutes, is that correct?

The Acting CHAIRMAN. That is correct.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may used by the Department of Justice to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Rhode Island, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana, and the Attorney General shall transfer from available appropriations for the current fiscal year for the Department of Justice any amounts that would have been used for such purpose but for this section to "Drug Enforcement Administration, Salaries and Expenses", for the Drug Enforcement Administration to assist State and local law enforcement with proper removal and disposal of hazardous materials from illegal methamphetamine labs, including funding for training, technical assistance, a container program, and purchase of equipment to adequately remove and store hazardous material.

Mr. WOLF. Mr. Chairman. I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment was to reallocate funding in this bill away from the prosecution of the use of marijuana for medicinal purposes in those 11 States where either the legislature or the people of those States by referenda have decided that they would like to have marijuana use for medicinal purposes under the supervision of a licensed physician in those 11 States, to have it moved from there to the enforcement of methamphetamine violations.

My understanding is that the chairman is going to insist on a point of order, saying that this is legislating on an appropriations bill. Am I correct about that?

The Acting CHAIRMAN. The gentleman has reserved a point of order.

Mr. WOLF. I reserved the point of order.

Mr. HINCHEY. Mr. Chairman, I don't know why there would be a point of order against this amendment, because it seems to me that we have the ability to make these kinds of decisions now. This is not legislating on an appropriations bill. It is simply moving one appropriation for one particular purpose to a better purpose.

Mr. SOUDER. Mr. Chairman, regardless of how you have voted in the past, there are two critical developments since the last vote that make compelling arguments for a "no" vote on the Hinchey Amendment to the SSJC Appropriations bill. The Hinchey Amendment would deny law enforcement agencies Federal funds to enforce the Controlled Substances Act in those States where 'medicinal' marijuana is legal under State law.

First, the FDA in April of this year confirmed that there is no research to sustain the supposed "medicinal value" in smoked marijuana. On April 20, 2006, the FDA stated, "A past evaluation by several Department of Health and Human Services (HHS) agencies, including the Food and Drug Administration (FDA), Substance Abuse and Mental Health Services Administration (SAMHSA) and National Institute for Drug Abuse (NIDA), concluded that no sound scientific studies supported medical use of marijuana for treatment in the United States, and no animal or human data supported the safety or efficacy of marijuana for general medical use." Furthermore, the "FDA has not approved smoked marijuana for any condition or disease indication."

Second, research from a 25-year longitudinal study by the Christchurch School of Medicine and Health Services showed that regular or heavy marijuana use was linked to a wide range of other illicit drugs and to a dependence or abuse of these other illicit drugs.

The research concluded that "following tight statistical controls, there is a clear tendency for those using cannabis to have higher rates of usage of other illicit drugs. This tendency is most evident for regular users of cannabis, and is even more marked in adolescents than in young adults." These researchers, using the most robust longitudinal database in the world, show what we have long suspected—marijuana is a gateway to even more dangerous drugs of abuse.

A handful of states have legalized smoked marijuana for medical claims. Not only are patients being given an ineffective, unapproved, and even harmful drug, but also one that is illegal under Federal law.

Time and time again, research has demonstrated the harmful effects of marijuana. According to Dr. Nora Volkow, the Director of the National Institute on Drug Abuse (NIDA), marijuana "can produce adverse physical, mental, emotional, and behavioral changes, and—contrary to popular belief—it can be addictive. Marijuana smoke, like cigarette smoke, can harm the lungs. The use of marijuana can impair short-term memory, verbal skills, and judgment and distort perception. It also may weaken the immune system and possibly increase a user's likelihood of developing cancer. Finally, the increasing use of marijuana by very young teens may have a profoundly negative effect upon their development."

It is of the utmost importance that law enforcement be able to protect this country from dangerous drug trafficking, including marijuana. Join us in opposing the Hinchey amendment.

Mr. LANGEVIN. Mr. Chairman, I rise in support of the Hinchey amendment.

I acknowledge that this is a controversial issue, and it has been a difficult decision for me. While scientific evidence is inconclusive and the medical community has yet to speak with one voice as to whether there is a unique, therapeutic benefit to inhaled marijuana, some studies suggest that marijuana can relieve pain, nausea, and appetite loss. I have heard from many patients, suffering from some of life's most challenging conditions, who have informed me that the therapeutic value of inhaled marijuana is unmatched. I have always supported further study of medical marijuana because of the potential to ease the suffering of the many Americans dealing with chronic illness and disease.

While I have not supported amendments similar to this one in the past, the issue is different for me this year, as the Representative from the Second Congressional District of Rhode Island. Since we last debated this issue in June 2005, the state legislature of Rhode Island has passed—and the state Department of Health has implemented—a law allowing for legal access to medical marijuana. Under this law, the state established a registry that issues identification cards to qualifying patients or caregivers who register with the state. These patients, who suffer from an approved list of conditions including cancer, multiple sclerosis and AIDS, must provide certification from a Rhode Island physician. Once approved in the registry, the patient or a designated caregiver is permitted to possess up to a certain amount of cultivated marijuana and to grow up to 12 marijuana plants. The statewide discussion over the issue made clear that my constituents overwhelmingly support regulated access to marijuana for medical purposes; and the state legislature responded with overwhelming support by overriding a governor's veto with significantly more than the necessary 2/3 support in each chamber. I am aware that I now represent some constituents who are using medical marijuana, in compliance with state laws. I am also aware that under federal law, these Rhode Island patients run the risk of being arrested and prosecuted for federal drug offenses—and this troubles me greatly.

My vote for the Hinchey amendment should not be interpreted as an unconditional endorsement of medical marijuana. I do believe the therapy deserves further clinical trials and scientific scrutiny. As we move forward with these policy discussions, we must bear in mind that marijuana is a narcotic and therapeutic usage must be carefully controlled. However, I rise today in support of the Hinchey amendment because I do not want my constituents, or those of the ten other states that have passed similar laws, to live in fear of arrest when they are complying with state law.

I urge my colleagues to support the Hinchey amendment, as well as the further study of the therapeutic value of medical marijuana.

Mr. MOORE of Kansas. Mr. Chairman, June 28, 2006, I voted in favor of the Hinchey amendment to H.R. 5672, the FY 2007 Science, State, Justice, and Commerce Appropriations Act.

Eleven states have passed laws to allow the use of medical marijuana. This amendment would prohibit federal funds from being used to prevent the states of Alaska, California, Colorado, Hawaii, Maine, Montana, Rhode Island, Nevada, Oregon, Vermont, or Washington from implementing state laws authorizing a physician to prescribe the use of medical marijuana for their patients in those states. I voted for this amendment because I do not believe that the federal government should be preempting state medical laws approved by either the state legislature or voter referendum.

I served as Johnson County District Attorney for 12 years. I do not believe in the legalization of drugs. But this amendment has to do with compassion for people who are suffering from horrible pain or may be dying, and the ability of doctors in states in which those people live to provide means by which their suffering can be relieved.

Medical marijuana may alleviate suffering from debilitating diseases such as AIDS, cancer, glaucoma and multiple sclerosis. Some contend it has no medicinal value whatsoever. Regardless of one's opinions within this debate, the federal government should not be spending our limited funding for law enforcement to target American citizens in states where the voters or the legislature have passed laws allowing for the use of medical marijuana. To be clear, this amendment would do nothing to legalize marijuana use for any purpose in states, such as Kansas, where voters or the legislature have not approved measures to allow marijuana for medical use.

Under the provisions of this amendment, patients in states that have enacted laws to allow the use of medical marijuana would be prescribed the medication under the direction and careful supervision of their physician. Patients would not be permitted to use this medication for any other purpose.

Mr. HINCHEY. Mr. Chairman, in any case, I respect the chairman's decision; and, with that, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Rhode Island, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment has to do with two things: It has to do with compassion, compassion for people who are very seriously ill and/or dying, and the ability of States in which those people live to provide means by which their suffering can be relieved.

It also has to do with one other point, and that is the issue of States' rights, the ability of the States to determine how medical care will be regulated in those States.

We have 11 States in our country, Mr. Chairman, that have determined that it is in the interests of the people of those States that they be allowed to use marijuana for medicinal purposes to alleviate the suffering from such things as AIDS, cancer, glaucoma and multiple sclerosis: Alaska, California, Colorado, Hawaii, Maine, Montana, Rhode Island, Nevada, Oregon, Vermont and Washington. However, the Federal Government has decided that they are going to intervene and prevent those States from carrying out the laws which were passed in two cases by the State legislatures and in nine cases by referenda by the people of those States.

We will hear from the people who oppose this amendment that marijuana has something to do with a gateway drug. In other words, it introduces people to other drugs. This amendment has nothing whatsoever to do with that. This amendment has nothing to do with drug addiction. This amendment has nothing to do with the potential for drug addiction. This amendment simply has to do with the ability of States to relieve the suffering of their citizens without Federal intervention and the right of States to pass laws regulating medical practice without Federal intervention. It is a very simple amendment, and it ought to be passed.

Those people here who believe in small government should support it. Those people here who believe in the issue of States' rights ought to support it. And those people here who believe that State governments and the people in those governments have the right to take care of their citizens and alleviate their suffering, those people in this House ought to support this amendment as well.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would remind our guests in the gallery that demonstrations of either approval or disapproval are not appropriate.

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes in opposition to the amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I rise today in strong opposition to the Hinchey amendment.

Let's be clear: Marijuana is not harmless, as some claim. It is a schedule 1 drug under the Controlled Substances Act, meaning it has no accepted medical use in treatment and has a high potential for abuse. In fact, marijuana continues to be the most widely abused drug in the United States.

Those who anecdotally claim that marijuana has a medical benefit do not differentiate between THC and whole marijuana. Whole marijuana contains hundreds of chemicals, many of which are harmful to one's health. An evaluation by several Federal agencies concluded that no sound scientific studies supported marijuana's medical use, and smoking marijuana is not approved as a legitimate medical use by the FDA.

The bottom line is, marijuana is an addictive substance that is linked to cancer and respiratory ailments and problems with the immune and reproductive system.

Let me say as a member of the Speaker's Task Force for a Drug-Free America, marijuana is the drug that will tell whether or not someone is going to get on methamphetamines. It is the precursor, the gateway drug, for heroin use. As we continue to fight this battle against illegal drug use, this is the drug that gets people started.

Anyone who is trying to send a message to our young people today should be embarrassed by having an amendment like this, because this is telling people that this is okay, that it is socially acceptable, that you can start here and it won't hurt you. And, in fact, medically, scientifically, that is dead wrong.

The message we are sending to our children today is very strong. Whether we support legal use of marijuana as a precursor to methamphetamines, to heroin, this is the message we will be sending if we approve this. I strongly urge my colleagues to vote against this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the cosponsor of this amendment, the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Hinchey-Rohrabacher amendment. Our amendment would prohibit any funds made available in this act to the Department of Justice from being used to prevent the implementation of legally passed

State laws in those 11 States authorizing the use of marijuana for medical purposes.

Our coalition of freedom-minded Republicans and Democrats on this issue is based on compassion for those who are suffering, a commitment to personal liberty and a firm belief in the principles of federalism.

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The use of marijuana to relieve the pain of victims of a wide variety of medical conditions is well known and increasingly documented in the media and in medical journals. For many of these people, medical science has not been able to relieve their pain.

Just recently a friend of mine and a friend of many years passed away, Lyn Nofziger, and many of you here probably know him. He was Ronald Reagan's first press secretary. I went to see him after he got out of the hospital with his treatments for cancer.

He had his good days and his bad days. I saw him about a week before he died. And I asked Lyn about it, and he said, yes, sometimes it is bad, and other times it is not, but I could not get myself to eat, and I had the pain no matter what they did for me.

And I said, well, did you ever try that medical marijuana that we have been talking about and debating about? And he got a twinkle in his eye, and he said, yes, I did. And it brought my appetite back, and I slept like a baby. Do not tell me that we should have Federal law enforcement people come into a State where the people have voted to approve that if a doctor agrees and get in the way of Lyn Nofziger or anyone else who is suffering and use Federal money and Federal resources that should be going to fight crime in order to create that obstacle.

That is a travesty. Individuals who live in the 11 States affected by the amendment have been granted by the voters of these States the legal right to use marijuana to alleviate their pain if a doctor agrees. If the voters have so voted and a doctor agrees, it is a travesty for the government to intercede, the Federal Government, allocating our scarce resources to fighting this, getting in the way of someone using something to alleviate their suffering.

This is something which should be left to the States as American tradition dictates. Sandra Day O'Connor stated it best, and she stated that States should serve as a laboratory so that people can try certain new ideas out to see how they work.

Well, the Federal Government should not get in the way of what is going on in these 11 States to see how this works. The most recent decision of the Supreme Court has thrown the ball into the hands of the U.S. Congress. Paul Stevens, Justice Paul Stevens, made it clear: the voices of the voters may one day be heard in the Halls of Congress on behalf of legalizing marijuana. Eleven States have already acted.

I would hope you would all join us for the principles of federalism, compassion and individual liberty and not get in the way of the people who are suffering.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield 1 minute to the gentleman.

Mr. ROHRABACHER. Mr. Chairman, we have people out there, not just Lyn Nofziger but others, and my mother suffered. I remember how she lost her appetite after suffering a debilitating disease in which she had to go through treatments.

This is a travesty to use scarce Federal resources. Join this coalition of people who are Republicans and Democrats who believe in federalism, who believe in compassion and believe in personal liberty. Let doctors prescribe these things, not Federal Government bureaucrats.

Mr. OBEY. Mr. Chairman, reclaiming my time.

Mr. Chairman, I congratulate the authors of this amendment. I simply want to say this: If I am terminally ill, it is not anybody's business on this floor how I handle the pain or the illness or the sickness associated with that illness.

With all due respect to all of you, butt out. I did not enter this world with the permission of the Justice Department, and I am certainly not going to depart it by seeking their permission or that of any other authority.

The Congress has no business telling people that they cannot manage their illness or their pain any way they need to. I would trust any doctor in the country before I trust some of the daffy ducks in this institution to decide what I am supposed to do if I am terminally ill.

The idea that somehow this is a gateway that we are creating for a drug like meth is a joke. I detest meth. I have seen what it does. It is a plague on my district. It is especially horrendous in the midwest, and it is getting worse every day. That has nothing whatsoever to do with the management of pain and misery for people who are sick and who are dying.

When is this Congress going to recognize that individuals in their private lives have a right to manage their problems as they see fit without the permission of the big guy in the White House or the big guy in the Justice Department or any of the Lilliputians on this Congressional floor? Wake up.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman for yielding me time and for the privilege to address this issue.

Mr. Chairman, we have heard from the other Member from Iowa (Mr. LATHAM) that the Food and Drug Administration has classified marijuana, along with heroin, LSD, methamphetamine, hashish and a number of other drugs, as Schedule I drugs. That is because they carry a high potential for dangerous abuse.

And so doctors in most States even prohibit them for being prescribed for medicinal purposes. That is a standard. That is the national standard. The issue was raised about States' rights. But no one has raised the issue about States' rights about the other drugs that are Schedule I drugs.

But we do have a right, a constitutional right and an obligation to regulate drugs in America. The question really is, is marijuana among them? And it is. And so we would be seeking to, by this amendment, usurp that decision and change that standard.

But with regard to the addictive nature of marijuana, I am looking at a study here that says that if adults started at a fairly young age, say by the time of 26 or older, they used marijuana before the age of 15, 62 percent reported a lifetime cocaine use, 9 permanent reported lifetime heroin use, and 54 percent reported nonmedical use of psychotherapeutics. And this does not include methamphetamines, which is abused more than any of these drugs that I mentioned here.

So this is a high use issue. It is also something that infringes upon or inhibits our ability and our reflexes with regard to driving. So, for example, the National Highway Traffic Safety Administration reports that marijuana use has been shown to impair driving performance. These things we know.

Then with regard to the gentleman from California's statements about he could not, that Mr. Nofziger could not get himself to eat, if that is our issue, then let us focus on the synthetic THC that is now available. It is available in a drug by the name of Marinol, and it has been proven to be effective, especially dealing with cancer patients and with the nausea associated with the chemotherapy treatments and also with the appetite, that might help assisting the appetite with AIDS patients.

There is a way that we can use the THC, and there is a way also that we can protect this country against that kind of Schedule I drug.

Mr. Chairman, I urge a "no" vote on the amendment.

Mr. HINCHEY. Mr. Chairman, how much time do we have?

The Acting CHAIRMAN. Four and a half minutes.

Mr. HINCHEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in support of the Hinchey-Rohrabacher-Paul-Farr amendment.

Mr. Chairman, every year we bring this amendment to the floor. So far it has never passed. Some may ask, well, why are we doing this again? Well, the answer is because of the statements that have been made already by Mr. HINCHEY and Mr. OBEY about compassion for people who are suffering.

We offer this amendment for terminal cancer patients, for AIDS victims, for persons who suffer chronic pain. We offer this amendment not only to protect those people; we offer this amendment to protect these States that are progressive enough to provide alternative medical options to those who need it.

So often this body insists on protecting the rights of States to define marriage. So often this body insists on protecting the rights of States to set abortion policies. So often this body insists on protecting the rights of States to determine education curricula and standards.

But when it comes to protecting the rights of States to set medical scope of practice, this body balks. All of a sudden States no longer have the right to determine what is best for their citizens when it includes medical marijuana.

The Hinchey amendment does not change Federal law. It does not change drug policy. It does protect States' rights. For those of you who come from States that do not have medical marijuana laws, nothing in this amendment will affect your State. Everything in your State remains status quo.

For those of you who come from States that do have medical marijuana laws, very little in this amendment will impact your State. The only difference now is that your State will be able to implement its laws without little old ladies being busted by Federal cops. I support this amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a member of the committee.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose this amendment. For 20 years, in State government, I worked on health issues. I chaired the health committee for a decade. I asked leaders and major medical groups; I asked leaders in the medical societies; and since I have been here I have asked leaders at NIH, do we need to legalize marijuana? And I have never had a positive answer.

They said, we have more drugs than we need. We have more things that are out there for people that will perform better than marijuana. But what I tell you what I do not want to do, I do not want to support the belief that too many of our young people already have that marijuana is a harmless drug. I know better. I had young people work for me in my supermarket who I knew were using marijuana.

And they used it for a period of years, folks. And they are not as sharp after years of marijuana use as they would have been. It dulls the brain. It holds back the growth. Brains are not mature until they are 25. And marijuana use has been proven to deter brain growth. A close friend of mine in Harrisburg who was a prominent State legislator was having dinner with me 25 years ago, and he was talking about Johnnie, who was attending Penn State, the brightest of three children.

And all of a sudden, Johnnie in his junior year in college was not doing well. He could not figure out why. He visited him two or three weekends in a month, 3 months in a row, to try to figure out what was wrong with Johnnie. In his senior year of high school, Johnnie had started using marijuana.

Johnnie lost his thrust for life. Johnnie lost the keen mind that God had given him. Marijuana stole him from the potential he had. Folks, if I thought the American public needed legal marijuana for pain and suffering, I would support it. We have more drugs than we need on the marketplace.

Marijuana destroys young people's chances to have good lives. I have close friends and even relatives who are living less of a life than they would have if they had not spent years abusing marijuana. Marijuana is a dangerous drug that is not adequately respected by the young people of this country because they have been seduced by leaders in this country advocating that it is a perfect, wonderful drug.

Mr. HINCHEY. I yield to the gentleman from Ohio (Mr. KUCINICH) for the purpose of making a unanimous consent request.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I stand to support the Hinchey/Rohrabacher Amendment, an amendment to end federal raids on medical marijuana patients and providers in states where medical marijuana is legal.

Despite marijuana's recognized therapeutic value, including a National Academy of Sciences' Institute of Medicine report recommending its use in certain circumstances, federal law refuses to recognize its medicinal importance and safety.

This amendment does not change the classification of marijuana as a Schedule I narcotic. It does not legalize marijuana, or stop law enforcement officials from prosecuting individuals for recreational use of marijuana. It does not require that states adopt laws protecting the medicinal use of marijuana. It simply extends the protections already provided at the state level in ten states to the federal level. It ensures that critically ill patients can find relief from nausea and pain without worrying that the federal government will prosecute them.

The federal government should use its power to help terminally ill citizens, not arrest them. I strongly urge my colleagues to support this amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I have never been an advocate for drug testing for Members of Congress, but hearing that marijuana use can dull the brain makes me think maybe this is something that we ought to be checking into.

I am always heightened in my support of an activity, an amendment, when those opposing will not argue it directly. We are not talking about 18-year-olds getting into methamphetamines. This is a very narrow amendment. It says, where a State has decided by its own democratic processes to legalize marijuana according to a doctor's prescription, we will not arrest people who try to do it federally.

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Very few of the arguments have met that. The question of marijuana in general is not before us. This does not legalize marijuana. We have many drugs that can legally be prescribed that are far more behavior altering, far more addictive than marijuana has ever alleged to be.

This is a question about whether or not we are going to reach into medical practice and say to medical practitioners whose States would allow them to do it that, because of cultural and other concerns about this drug, we ban its use when you might find it medically appropriate.

This is, again, the time when I think the slogan of this House ought to be: We are not doctors; we just play them on C–SPAN.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Chairman, I rise today in opposition to the amendment. As a member of the medical community, I understand the importance of effectively treating and preventing pain.

However, the medical use of smoked marijuana has been rejected by the American Medical Association, the American Cancer Society and other leading health care organizations.

The concern is that marijuana smokers are exposing themselves to a crude and harmful drug delivery system.

Marijuana smoke contains a variety of toxic chemicals that can cause damage and may even exacerbate the underlying medical condition.

The Federal Government has provided money for research into the medicinal use of THC, which is believed to be the primary chemical component responsible for marijuana's psycho-pharmacological effects. I support that approach.

As a result of such research, synthetic forms of THC have been available as an oral prescription for 20 years.

Ultimately, inhaling marijuana smoke and tar are not effective treatments for medical conditions.

For these reasons and primarily because of the opposition of leading health care organizations, I must rise in opposition to the amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, over the past months, we have all met with them. They live in our towns. They come to our offices. They come to the Hill every single year, and they come from all walks of life. They share with us their experience or the experiences of someone they loved, someone with epilepsy, glaucoma, cancer, AIDS or other chronic pain. Their stories touch our lives, and if only for a moment, we feel their misery.

But unless we are affected personally or know somebody who is affected, after a few hours, we inevitably get caught up in something else. Today, we can actually do something that might improve their lives. We can stop prosecuting the use of medical marijuana in the States that legally permit it.

The choice to use medical marijuana is mostly made out of medical necessity and the desire to get through the day with as much normalcy and strength as possible.

This is the right thing to do for those who are sick, who are in pain and those who cannot keep a meal down. Let's not be bad politicians. Let's make smart decisions. Let's help these good people.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

I rise in opposition to the amendment. There has been a lot of talk about the Fraternal Order of Police and how we support our police. Here is a letter from the Grand Lodge Fraternal Order of Police, Chuck Canterbury, National President, saying, referring to the Hinchey amendment:

> Such an amendment threatens to cause a significant disruptive effect on the combined efforts of State and local law enforcement to reduce drug crime in every region of the country. On behalf of the more than 324,000 members of the Fraternal Order of Police, we urge its defeat.

We talked a lot about the police and how we want to do this to support them. I think we should support the police here. I urge a strong "no" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding and for, once again, his leadership on this important issue.

Taxpayers dollars quite frankly should not be spent on sending seriously or terminally ill patients to jail. Their doctors, not Congress, should decide which drugs will work best. So I urge my colleagues to vote "yes" on this amendment and ensure patients' rights because that is what this is about, that patients' rights are upheld.

This amendment does not encourage nor does it make legal the recreational use of marijuana. For example, Angel Raich, my constituent from Oakland, has been diagnosed with more than ten serious medical conditions, including inoperable brain tumors. She, and others who use medical marijuana, are simply trying to relieve their crushing pain while following the guidelines and the laws that their doctors and that their States have already established.

So please pass this amendment. Patients deserve this. We should not send terminally ill patients or seriously ill patients to jail.

Mr. HINCHEY. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the arguments that have been put forth against this amendment have nothing to do with this amendment. This amendment has nothing to do with legalizing marijuana. It has to do with two simple things: being compassionate for people who are suffering and dying under the lawful provisions of laws passed in their States, the 11 States that have done so; and States' rights, the right of States to govern medical malpractice, not this Congress. This Congress should recognize States' rights and live up to the provisions of the Constitution and pass this amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of the time to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding time.

For 5 years in the Senate, I was a staffer under Senator Hawkins, who chaired the Drug Policy Committee on the Senate side. I have served most of my time in the House on the Criminal Justice Drug Policy Subcommittee or one of its predecessors. I chaired Criminal Justice Drug Policy.

I point that out to tell you, in the nearly two decades, I have never heard one credible source that said that there is a need for medical prescription and use of marijuana, not one credible source through dozens and dozens of hearings.

In fact, we have heard the other side say, let the doctor decide, and in fact, the experts, and there is no bigger association than the American Medical Association of doctors. The National Multiple Sclerosis Society has opposed this. The American Glaucoma Society has opposed it. The American Academy of Ophthalmology and the American Cancer Society have all opposed this type of use.

Millions of dollars have been spent in an effort to try to push this agenda, and we know Mr. Soros has spent millions.

In 1979, Keith Stroup, the NORML founder, announced that NORML would be using the issue of medical marijuana as a red herring, not my term, red herring to give marijuana a good name.

You have heard the testimony. In over half the instances of use of cocaine and marijuana, the gateway drug that is used, in fact, is marijuana.

So this is a gateway opportunity to use and encourage the use of marijuana. In fact, early marijuana users are eight times more likely to use cocaine and 15 times more likely to use heroin and five times more likely to develop a need for treatment. That is according to our Office of National Drug Control Policy.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the Hinchey amendment will be followed by 2-minute votes on the amendment by Mr. FLAKE of Arizona regarding Arthur Avenue, the amendment by Mr. FLAKE of Arizona regarding the Bronx Council, the amendment by Mr. FLAKE of Arizona regarding JARI, the amendment by Mr. FLAKE of Arizona regarding Fairmont State University, the amendment by Mr. FLAKE of Arizona regarding Kentucky Tourism, and the amendment by Mr. FRANK of Massachusetts.

Again, the Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—ayes 163, noes 259, not voting 10, as follows:

[Roll No. 333]

AYES—163

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Beauprez
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Campbell (CA)
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Engel
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gilchrest
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)

Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rangel
Rehberg
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—259

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Cannon
Davis (FL)
Evans
Gerlach
Holden
Hyde
Johnson, Sam
Kanjorski
Poe
Sherwood

☐ 1735

Mr. SHAW, Ms. HART and Mr. MEEK of Florida changed their vote from "aye" to "no."

Messrs. SIMMONS, BURTON of Indiana and GILCHREST changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. SKELTON was allowed to speak out of order.)

HONORING CONGRESSMAN JIM MARSHALL ON HIS INDUCTION INTO THE UNITED STATES ARMY RANGERS HALL OF FAME

Mr. SKELTON. Mr. Speaker, it is with great pleasure that I announce to our colleagues today that a gentleman, a veteran from Vietnam, a member of the Armed Services Committee, is receiving an extraordinary honor tomorrow. Tomorrow afternoon, the gentleman from Georgia, Congressman JIM MARSHALL, will be inducted into the United States Army Rangers Hall of Fame, and we are very proud of that.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Arthur Avenue on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 345, not voting 11, as follows:

[Roll No. 334]

AYES—76

Akin
Barrett (SC)
Bass
Bean
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Campbell (CA)
Castle
Chabot
Chocola
Conaway
Cooper
Cubin
Davis (KY)
Deal (GA)
Duncan
Ehlers
Everett
Feeney
Flake
Ford
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kline
Linder
Lungren, Daniel E.
Mack
Matheson
McHenry
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Porter
Price (GA)
Ramstad
Rohrabacher
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Thornberry
Upton
Westmoreland
Whitfield

NOES—345

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui

McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Cannon
Davis (FL)
Evans
Farr
Gerlach
Holden
Hyde
Johnson, Sam
Kanjorski
Poe
Sherwood

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining.

☐ 1742

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Bronx Council on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 74, noes 343, not voting 15, as follows:

[Roll No. 335]

AYES—74

Akin
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Bilbray
Bilirakis
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Chabot
Chocola
Cooper
Cubin
Deal (GA)
Duncan
Ehlers
Everett
Feeney
Flake
Ford
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kline
Leach
Linder
Lungren, Daniel E.
Mack
McHenry
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Price (GA)
Radanovich
Ramstad
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Westmoreland

NOES—343

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Cannon
Davis (FL)
DeGette
Evans
Farr
Gerlach
Hinchey
Holden
Hyde
Johnson, Sam
Kanjorski
Neal (MA)
Poe
Sherwood
Slaughter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining.

☐ 1746

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding JARI on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 63, noes 356, not voting 13, as follows:

[Roll No. 336]

AYES—63

Barrett (SC)
Bass
Bean
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Burton (IN)
Chabot
Chocola
Conaway
Cooper
Deal (GA)
Duncan
Everett
Feeney
Flake
Ford
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Green (WI)
Gutknecht
Harris
Hastings (WA)
Hayworth
Hefley
Hensarling
Inglis (SC)
Jindal
Jones (NC)
Kennedy (MN)
King (IA)
Kirk
Leach
Linder
McHenry
Miller (FL)
Musgrave
Myrick
Norwood
Otter
Paul
Pence
Petri
Pitts
Price (GA)
Radanovich
Ramstad
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Thornberry
Westmoreland

NOES—356

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Cannon
Davis (FL)
Evans
Farr
Gerlach
Holden
Hyde
Johnson, Sam
Kanjorski
Poe
Pombo
Sherwood
Slaughter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining.

☐ 1750

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Fairmont State University on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 70, noes 350, not voting 12, as follows:

[Roll No. 337]

AYES—70

Akin
Barrett (SC)
Bass
Bean
Beauprez
Biggert
Bilbray
Bishop (UT)
Blackburn
Bradley (NH)
Cantor
Castle
Chabot
Chocola
Cooper
Deal (GA)
Duncan
Everett
Feeney
Flake
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Jindal
Johnson (IL)
Jones (NC)
Kennedy (MN)
King (IA)
Kirk
Kline
Linder
Lungren, Daniel E.
McHenry
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Price (GA)
Radanovich
Ramstad
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Westmoreland

NOES—350

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)

Kingston
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha

Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)

Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Cannon
Davis (FL)
Evans
Farr

Gerlach
Holden
Hyde
Johnson, Sam

Kanjorski
Poe
Sherwood
Slaughter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

☐ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Kentucky Tourism on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 363, not voting 13, as follows:

[Roll No. 338]

AYES—56

Akin
Barrett (SC)
Bass
Bean
Beauprez
Bilirakis
Blackburn
Bradley (NH)
Castle
Chabot
Chocola
Cooper
Deal (GA)
Ehlers
Everett
Feeney
Flake
Ford
Franks (AZ)

Garrett (NJ)
Gibbons
Gingrey
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Istook
Jones (NC)
Jones (OH)
Kennedy (MN)
Linder
Miller (FL)
Musgrave
Myrick
Norwood

Otter
Paul
Pence
Petri
Pitts
Price (GA)
Ramstad
Rohrabacher
Ryan (WI)
Sensenbrenner
Shadegg
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Westmoreland

NOES—363

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan

Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella

Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)

Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)

Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)

Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Cannon
Davis (FL)
Evans
Farr
Gerlach

Holden
Hyde
Johnson, Sam
Kanjorski
King (IA)

Poe
Sherwood
Slaughter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

☐ 1759

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 274, not voting 13, as follows:

[Roll No. 339]

AYES—145

Ackerman
Allen
Andrews
Barrow
Bass
Bean
Berkley
Berman
Berry
Bilbray
Bishop (NY)
Blackburn
Blumenauer
Bono
Boswell
Bradley (NH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson
Chabot
Clay
Cleaver
Coble
Conyers
Cooper
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Duncan
Emerson
Fitzpatrick (PA)
Flake
Foxx
Frank (MA)
Gibbons
Goodlatte
Green (WI)
Gutknecht
Hart
Hefley
Herseth
Higgins
Hinchey
Holt
Hoyer
Jackson (IL)
Johnson (CT)
Jones (NC)
Jones (OH)
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick (MI)
Kline
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lungren, Daniel E.
Lynch
Markey
Matheson
McCollum (MN)
McCotter
McDermott
McKinney
Meehan
Melancon
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Musgrave
Myrick
Neal (MA)
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Platts
Ramstad
Renzi
Rothman
Royce
Rush
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanders
Sensenbrenner
Shays
Simmons
Skelton
Smith (NJ)
Spratt
Stark
Stupak
Sullivan
Tancredo
Tiberi
Tierney
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Woolsey
Wynn

NOES—274

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carnahan
Carter
Case
Castle
Chandler
Chocola
Clyburn
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Kaptur
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lucas
Mack
Maloney
Manzullo
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neugebauer
Northup
Nunes
Ortiz
Osborne
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stearns
Strickland
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Udall (CO)
Van Hollen
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Cannon
Davis (FL)
Evans
Farr
Gerlach
Holden
Hyde
Johnson, Sam
Kanjorski
Poe
Sherwood
Simpson
Slaughter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 1 minute remains in this vote.

☐ 1805

Mr. WU and Mr. TOWNS changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. PEARCE) assumed the Chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 889) "An Act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.".

The SPEAKER pro tempore. The Committee will resume its sitting.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The Committee resumed its sitting.

AMENDMENT NO. 21 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. STEARNS:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to carry out any provision of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Since 1975, the Bilingual Election Assistance Provisions of the Voting Rights Act have forced States and political subdivisions to accommodate multiple languages at the polls. The provisions prohibit States from providing voting material only in the English language.

While all of us enjoy hearing a wide variety of languages spoken here in the United States, I think that official government functions of the government ought to be conducted in English. Let me repeat that. I think the official government functions of this government ought to be conducted in English.

Let me state that my amendment is not about immigration, intimidation or discrimination. It is about assimilation. This is also an amendment about States' rights. States or political subdivisions can provide voting assistance in other languages if they want to, but I do not believe this is good for the United States to mandate.

The United States of America is a Nation of immigrants. We are the original melting pot. Importantly, though, the first motto of the United States of America was E pluribus unum: "Out of many, one." This motto symbolizes the integration of the 13 independent colonies into one united country. The motto assumed even further meaning as Americans welcomed ever more immigrants from many lands to our shores. And one of the most unifying elements of one Nation is a common language.

Since our Nation's founding, there have been people who would literally suffer life and limb to be an American citizen. And I think that if you have the good fortune to be able to vote in the United States, then it is not too much to ask that this be accomplished in English. You can bring your own assistance to the polls if you need it, but I do not think the United States Government should be forced to pay for such assistance.

So, in my opinion, section 203 of the Voting Rights Act would exacerbate isolation and segregation. If individuals are not nudged, not pushed by the circumstances of daily living, including voting, to get out and master the basics of the English language, then they are denied all the rich opportunities that life in this great Nation offers. Further, depending upon how you got here, it is generally expected that you have a command of the English language. If you are born here and you obtain voting age and are limited for some reason in English proficiency, then I consider this quite a failing of the schools. And for most naturalized proceedings, you must pass a limited English proficiency requirement. Of course, democracy does not end at the polling place, so if one faces a language barrier to voting, then I suspect that he or she is secluded from enjoying all the full rights and privileges of democracy in the United States.

And, finally, Mr. Chairman, this amendment is about applying our scarce resources wisely in this country. The Bilingual Election Assistance Provisions come at no small cost to our States, our counties and our small towns.

For example, does a language with several dialects, such as Chinese, trigger the assistance requirement? Then the statute says that the jurisdiction's obligation is to ascertain the dialects that are commonly used by members of the applicable language minority group in the jurisdiction and to provide oral assistance in such dialects. Does a language that is unwritten trigger the requirement? Then oral assistance and publicity are required. We simply cannot, Mr. Chairman, afford to translate government documents and transactions into every possible conceivable language.

Now, if my amendment passes and becomes the law of the land, what would happen? Here is what: Voters not confident of their command of the English language would do what all of us would do, bring in their friends and neighbors and ask for help and assistance. Until 1975, there was no government duty to provide ballot translation, but a voter could certainly bring an interpreter of his choice to the voting booth.

I think that all eligible voters should knowledgeably, vigorously seeking knowledge, exercise their franchise. But let us just be a Nation that votes united, not divisively.

And I would say in conclusion, Mr. Chairman, States should not have to print ballots in all these various languages. Let us just have the ballots printed in English.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment of my good friend, whom I admire in an extraordinary fashion, Mr. STEARNS.

One of the great advancements, Mr. Chairman, in our American democracy and of our American democracy was precisely the Voting Rights Act that made it possible, in effect, for millions of American citizens, minority American citizens, to have access to that sacred right that is voting. It is important, Mr. Chairman, that we keep in mind that this is not an immigration debate, as Mr. STEARNS said. We are talking about American citizens and only about American citizens.

There are, Mr. Chairman, millions of native born American citizens that speak languages other than English. For example, there are over 4 million native born American citizens from Puerto Rico who speak Spanish. Many speak English; others do not. They speak primarily Spanish. It is our belief and it was a great advancement of American democracy to say that American citizens whose primary language is not English should also be able to understand ballots, even the most complicated or simple of ballot initiatives, petitions, ballots with candidates.

□ 1815

What this section of the Voting Rights Act says is when there is a community that has a significant number of people whose language is other than English, that that community should have access to ballots in their language of preference, in their language of most fluency.

In addition to the fact that there are millions of American citizens who are native born and who speak languages other than English, our laws also establish and call for elderly resident aliens, residents of the United States, immigrants, who have resided legally in the United States for more than 15 years, our law says that they can take the exam to become a citizen of the United States in their native language.

So there are many elderly American citizens, naturalized American citizens, who are allowed, according to our laws, the laws of our Congress, to take their naturalization exam to become a proud American citizen in languages other than English. They should also, Mr. Chairman, be allowed to vote, and they should also be allowed to understand even the most complicated of ballot initiatives. So that is what the law does.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I would like to associate myself with the comments of my colleague from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. Chairman, as Chair of the Congressional Asian Pacific American Caucus, I rise also today to oppose the Stearns amendment.

Section 203 of the Voting Rights Act provides protection to enable every American citizen to exercise their most fundamental and important right, the right to vote. In short, voting is power.

Unfortunately, even today, many minority voters face impediments or barriers to voting, including language barriers. The Stearns amendment will eliminate funding for enforcement of section 203. When that happens, States and localities will be free to discriminate against tax-paying American citizens and impede their right to vote.

Section 203 has support from both Democrats and Republicans in Congress and from Ronald Reagan to Bill Clinton to George W. Bush.

The Tri-Caucus strongly believes that VRA continues to effectively combat discrimination and protect the gains achieved for minority voters. For instance, the U.S. Department of Justice has reported that, in one year, registration rates among Spanish and Filipino-speaking American citizens grew by 21 percent and registration among Vietnamese-speaking American citizens increased over 37 percent after San Diego County started providing language assistance.

In Apache County, Arizona, the Department's enforcement activities have resulted in a 26 percent increase in Native American turnout in four years, allowing Navajo Code talkers, veterans, and the elderly to participate in elections for the first time.

The Stearns Amendment to H.R. 5672 would undermine the Voting Rights Act reauthorization process and effectively disenfranchise language minority voters through the appropriations process.

Mr. Chairman, I strongly urge my colleagues to vote "no" on the Stearns amendment (#21) to H.R. 5672, the Science, State, Justice, Commerce Appropriations Act for FY 2007.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I stated, this is a great advancement in our democracy that we should be proud of. We are talking only about the rights of American citizens. American citizens whose primary language is other than English should also be able to vote.

As a Nation, we took an important step forward that, as I say, we all should be proud of when we facilitated that sacred right to vote to American citizens whose primary language, whose most fluent language, is one other than English.

Mr. Chairman, I yield the balance of my time to my dear friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

The CHAIRMAN. The gentlewoman from Texas is recognized for 30 seconds.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I think the focus of the debate has gone awry. You are right. It is not an immigration issue. It is a citizen issue.

But I do want to tell my colleagues that many people have fled persecution, sought asylum, and then become citizens. They come as adults, they come as elderly persons, but they are now citizens. They have been fleeing the persecution of oppression, and they come here for hope, and they come for a dream of opportunity.

When they become citizens, this will simply allow them to partake of that dream, and that is to vote. This is a bad amendment because it does not respect the idea that this is a country of freedom. I ask my colleagues to oppose the Stearn Amendment and support the full implementation of the Voter Rights Act Reauthorization.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the Stearns amendment to H.R. 5672, which would prohibit the Department of Justice from enforcing section 203 of the Voting Rights Act. The amendment is divisive, punitive, and will take America in exactly the wrong direction.

Section 203 removes barriers to voting faced by tax paying American citizens: Citizens who do not speak English well enough to participate in the election process. Tax-paying citizens should not be penalized for needing assistance to exercise their fundamental right to vote. Language minority citizens are required to pay taxes and serve in the military without regard to their level of English proficiency. If they can shoulder those burdens of citizenship, they should be able to share in the benefits of voting with appropriate assistance to exercise the vote.

Section 203 protects citizens, not illegal immigrants: Section 203 mandates language assistance based on a trigger formula for language minorities from four language groups: Native Americans, Native Alaskans, Asian Americans, and persons of Spanish heritage. The immigrant debate should not influence the debate on ensuring that the fundamental right to vote is exercised equally by English and non-English proficient citizens. According to the 2000 census, three-quarters of those protected by Section 203 are native-born citizens. For example, 100 percent of Native Americans and Native Alaskans were born in the United States; 98.6 percent of Puerto Ricans protected by Section 4(e) were born in the United States; and 84.2 percent of Latinos were born in the United States.

Section 203 was enacted to remedy the history of educational disparities, which have led to high illiteracy rates and low voter turn out: These disparities continue to exist. As of 2000, three fourths of the 3 to 3.5 million students who are native-born were considered to be English Language Learners (ELLs), meaning the students don't speak English well enough to understand the basic English curriculum. ELL students lag significantly behind native-English speakers and are twice as likely to fail graduation tests. California has over 1,500,000 ELLs; Texas has 570,000 ELLs; Florida has 250,000 ELLs; and New York has over 230,000.

Since 1975, there have been more than 24 education discrimination cases filed on behalf of ELLs in 15 states: Fourteen of the States in which education discrimination lawsuits have been brought are covered by language assistance provisions. Since 1992, 10 cases have been filed. Litigation and consent decrees are currently pending in Texas, Alaska, Arizona, and Florida. Discrimination cases that have been brought address issues such as inadequate funding for ELLs, inadequate curriculum to assist ELLs become proficient in English, and lack of teachers and classrooms. These disparities increase the likelihood that ELLs will achieve lower test scores and drop out of school, ultimately, leading to lower voter registration and turnout.

Adults who want to learn English must endure long waiting periods to enroll in English Second Language (ESL) literacy centers: The lack of funding to expand the number of ESL centers around the country leaves minority citizens unable to enroll in classes for several years. For example, in large cities such as Boston citizens must wait for several years to enroll. In New Mexico, citizens must wait up to a year. In the State of New York, the wait lists were so long, the State eliminated them and instituted a lottery system. Once enrolled, learning English takes citizens several years to even obtain a fundamental understanding of the English language—not enough to understand complex ballots. Citizens should not be barred from exercising their right to vote while trying to become English proficient.

Most jurisdictions covered by section 203 support its continued existence: According to a 2005 survey, an overwhelming majority of jurisdictions covered by Section 203 think that federal language assistance provisions should remain in effect for public elections. In fact, in a poll of registered voters, 57 percent believe it is difficult to navigate ballots and instructions and that assistance should be provided.

I urge defeat of the Stearns Amendment.

The CHAIRMAN. The gentleman from Florida (Mr. STEARNS) has 15 seconds remaining.

Mr. STEARNS. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, it is a Federal mandate for foreign language ballots. Anybody can vote locally on that. But it takes away the Federal requirement for foreign language ballots and allows individuals to bring interpreters into the voting booth. That is protected by Federal statute, those two points. So it doesn't take away foreign language ballots. It just takes away the Federal mandate that requires them. There is surname analysis. We are also using dialects, 16 to 17, in Michigan; and that has got to stop.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, the right to vote is precious, almost sacred, and one of the most important blessings of our democracy. The Stearns amendment is an attack on the voting rights of millions of American citizens. It is a modern day literacy test.

This is not about illegal immigration. These are American citizens we are talking about. If the Stearns amendment becomes law, what message are we sending to the Apache, to the Navajo Nation, to the Native Alaskan, to Vietnamese Americans, to Russian Jews, who are all citizens?

These are our neighbors. They are taxpayers. They are Americans. We should be opening up the process to each and every American. Let them come in and participate.

Instead, this amendment will return us to the dark past. I don't think we want to go back as a Nation and as people. Vote "no" on Stearns.

Mr. MOLLOHAN. Mr. Chairman, I yield to the distinguished gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, this is a very shameful amendment, and I will tell you why it is shameful.

Here we are on the eve of the 4th of July at the very foundation of this country when those noble words were spoken by Thomas Jefferson, "We hold these truths to be self-evident, that all men are created equal, endowed by their Creator with certain inalienable rights, among those, life, liberty and the pursuit of happiness," and the most important guarantee of that pursuit of happiness is the right to vote.

Not long ago, many of my colleagues on that side of the aisle stuck their finger in purple ink and proudly went around and promoted it because the Iraqis had the freedom to go and vote. There was a private first class named Private First Class Rincon from my district in Conyers, Georgia, who gave his life and died for that right, and he was not even a United States citizen. This House had to approve his citizenship posthumously.

Now we want to pass an amendment that would give just a little bit of help to his wife, to his mother, to his grandmother, who have difficulty with the English language.

This is a terrible moment at a terrible time, when we should be speaking to the greatness of this country, to the right to vote, to cherish it. Here we are on the eve of the 4th of July being what was referred to 40 years ago in the bestseller, being the Ugly American.

Let us prove that we are the good American and vote down this "Ugly American" amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield to the distinguished gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, it is interesting. I have a button on my television that, if you click it, you can convert everything that you hear to Spanish so that people can hear American Idol and Desperate Housewives, and my English-only friends on the other side have not so much as lodged an objection to that button on my TV. They don't have a problem translating what goes across the dial every night. It is more than passing strange that they are troubled by making the ballot accessible, when our televisions are accessible.

My friends from Georgia have said it very well. This is about American citizens. You can't vote unless you are an American citizen. If you are an American citizen, we all have a stake in removing the obvious impediments toward voting, and what do we gain in terms of high ground by objecting to some of our fellow citizens having all the tools that they need to translate the choice of the elections? How do we justify televisions translating, and ballots not being translated?

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I appreciate the fact that the gentleman yielded to me.

Mr. Chairman, this amendment prevents the Department of Justice from enforcing section 203 of the Voting Rights Act. We know from our hearings that section 203 works. If you enforce section 203, more people vote. It only applies where there is a large number of voters with that particular language, a critical mass, enough to affect an election.

If we pass this, it won't encourage people to learn English. There are waiting lists to learn English already. If people could vote, maybe they could have more resources applied to English language.

We need a fair opportunity for people to vote. Section 203 brings that opportunity to people. We should reject this amendment and enforce the Voting Rights Act. This is a very important aspect, the Voting Rights Act, and we should enforce the Voting Rights Act, not tell the Department of Justice to fail to support it.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, this is our opportunity to state whether or not we believe that the United States of America is benefited by bilingualism.

In every other country of the world where we have permitted and they have actually promoted bilingualism, it has led to divisiveness and balkanization of countries and hatred between peoples.

One of the things that has created the unity of our country that is made up of so many different ethnic groups, so many different races, so many different religions, has been the English language. We are not doing anyone a favor by making it easier for them not to speak English. We are, in fact, doing a great disservice to those least fortunate people and those immigrants who come to our country by not encouraging them, by not giving them the incentive to learn English. It is a crime against those people and against their children.

More than this, what we have here is an expensive mandate. In my county, we have five different languages that are mandated, and two more on the way. In L.A. County, there are 10 different languages, an enormous expense in order to produce ballots and ballot measures and the descriptions of those measures for the population.

What are we doing this for? In the long run, it is damaging to our country. Vote against bilingualism. Support the Stearns amendment. If States want to do it, let them go ahead, but the Federal Government should not be mandating this and putting this burden on the States, something that, again, hurts the very people that they are claiming it is trying to help and will definitely in the long run hurt the United States as it keeps us divided into groups, rather than bringing us together as our Founding Fathers suggested that they wanted to have in the first place.

Vote against bilingualism. Vote for the Stearns amendment.

Mr. WOLF. Mr. Chairman, I yield to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I rise today in opposition to the Stearns amendment. This amendment would allow States and localities to discriminate against tax-paying American citizens. This amendment forces the Federal Government to disenfranchise American citizens from our most precious right of voting.

Unfortunately, a misinformed few from the other side of the aisle have confused this issue. The Voting Rights Act has nothing to do with immigration. Let me repeat that: section 203 of the Voting Rights Act has nothing to do with immigration. One hundred percent of the people served by section 203 are U.S. citizens.

I know a little bit about this. Both of my parents are naturalized citizens. My mother is an elementary schoolteacher who teaches other people's children English. She has difficulty sometimes.

□ 1830

Mr. Chairman, if we want to spread democracy around the world, we should not be disenfranchising American citizens who want to vote here. That is why I strongly urge a "no" vote on the Stearns amendment.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, there are really only two reasons that a person might ask for a ballot in a language other than English. One of those reasons would be if you are a naturalized citizen and you had received and earned your citizenship here. That is a Federal requirement, though, to demonstrate proficiency in the English language, both the spoken and the written.

So one would presume that if you are a naturalized citizen and you ask for a ballot in a language other than English, that you somehow circumvented the standards that are in Federal statute. So I do not think that is a legitimate reason to ask for a foreign language ballot.

The second reason would be if you were born in this Nation, by birthright citizenship, and you had grown up in an enclave where you did not absorb enough English to be able to go to the ballot box and cast a ballot in English. In that case, we have a Federal statute to protect your right to vote, and you have a right to vote, because you can bring someone into the voting booth with you to do that interpretation.

So those two things are covered. What this Stearns amendment does is removes the Federal funding that enforces this multilingual ballot mandate. It ends the Federal foreign language mandate, at least for a year. It is a good thing to do.

But if localities want to express this, they can. The States or the counties or the voting districts can still continue to present ballots in any language that they choose. That is why this is a good Stearns amendment. That is why it is something that we ought to do for the future.

We are looking at bringing in perhaps millions and millions of new citizens. That is hanging in the Senate today. If we do that, with the President talking about the need to learn English, then for those reasons we need to assimilate and encourage people to use the English language. This is a gentle amendment. I urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the Stearns Amendment to H.R. 5672, which would prohibit funds from being used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States.

I believe the amendment is unwise, shortsighted, and harmful attack on one of the most important international institutions in the world. Withholding funds that are lawfully owed to and desperately needed by the United Nations to perform its essential functions is harmful to the U.N. and against the interests of the United States.

In this era of new global challenges, the global war on terror to the problematic war in Iraq to the threats to world peace posed by ambitions of North Korea and Iran to acquire nuclear weapons, we need the U.N. more than ever. And for the most part, the U.N. does a good job meeting these challenges. The organization conducted the first-ever national election from scratch in Afghanistan and trained 150,000 Iraqis as election staff for the elections in that country. The U.N. also was instrumental in coordinating the massive tsunami relief and reconstruction effort, involving multiple governments and hundreds of NGOs, that brought relief and healing to hundreds of thousands of people suffering in Indonesia. The U.N. helped to end violence and instability in Haiti, Sierra Leone, and Liberia.

With 191 diverse members, the U.N. is not perfect. It is unrealistic to expect perfection from an imperfect international system. The U.N. surely has many of the virtues and faults of its member countries, including our own country. But with all its faults, it is still an indispensable forum for the peaceful resolution of conflict.

Despite both managerial and systemic limitations, the U.N. has shown resourcefulness in confronting the new challenges posed by failed states, infectious diseases that transcend borders, global climate change, famine, weapons trade and terrorism.

The U.N.'s current Secretary General, Kofi Annan, is a leader determined to implement serious reforms. He recognizes that the United Nations is at a critical crossroads and that it must be modernized and rationalized if it is to survive. For over a year now, informed by the work of the high-level panel he appointed, the Secretary General has been working on a plan to overhaul the U.N. completely so that it is more professional and more capable of confronting global threats, challenges and change.

I caution my colleagues to resist the temptation to withhold the payment of our U.N. dues. As we all know, the United States just recently completed a multi-year process of paying off a massive debt to the U.N. that had accumulated over many years. During that process, we successfully reduced the percentage of the U.N. budget that U.S. taxpayers are responsible for funding.

So as we map out our nation's strategy for the next decade at the glass edifice on the East River, we must remember that operating the United Nations costs a lot of money. But not nearly as much money as international strife and chaos. The United Nations is deserving of the continuing support of the world, and of the United States of America.

I urge defeat of the Stearns amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the Stearns Amendment. This amendment would set a dangerous precedent in the way that this Nation and Congress approach minority voting rights.

Section 203 of the Voting Rights Act sets specific guidelines and requirements for providing bilingual ballots for political subdivisions with limited English-proficiency populations. The Stearns Amendment would essentially eliminate Section 203 and would discourage and disenfranchise entire populations of American citizens from voting. The Voting Rights Act of 1965 sought to protect the right to vote for those in our Nation whose voices were not being heard, the very same voices that this amendment seeks to extinguish.

Voting is one of the most important duties that citizens perform. It allows citizens to choose who will represent them and who will make decisions on important issues that will impact their everyday lives. Nothing is more fundamental to our democracy than the knowledge that no citizen's right to vote will be hindered.

Any election reform should break down barriers that face minority voters, not increase them. The Stearns Amendment would instead build new barriers to democratic participation for American citizens.

H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization Act of 2006 would extend Section 203 provisions for 25 years, until 2032. I urge my colleagues to oppose the Stearns Amendment, and urge my colleagues on the other side of the aisle to work with Democrats to enact H.R. 9 in order to protect the voting rights of all Americans.

Ms. PELOSI. Mr. Chairman, I rise today in strong opposition to the amendment by the gentleman from Florida, Mr. STEARNS.

Mr. Chairman, the amendment before us seeks to disenfranchise millions of American citizens by placing obstacles on their right—and their civic duty—to vote. The essence of our democracy is the right to vote. No right is more precious.

Section 203 of the Voting Rights Act provides for ballot and language assistance for language minority citizens, so all citizens are fully able to participate in our democracy.

Ballots and procedures are often complex and bewildering, even for those completely proficient in English. To ensure that all are able to participate on free and fair terms, language assistance is vital to protecting the right to vote, especially among Latinos, Native Americans, Asian Americans, and Alaskan Natives.

Impact of Section 203: A key objective of the Voting Rights Act is not only to remedy past and current attempts to suppress the vote, but also to remove obstacles to the right to vote and bolster voter participation among populations where participation has historically been low.

As the Judiciary Committee noted in its recent bipartisan committee report, Section 203 is needed today, and should be reauthorized to continue to achieve its purposes. For instance, after San Diego County provided language assistance, the registration rates among Spanish- and Filipino-speaking American citizens grew by more than 20 percent and registration among Vietnamese-speaking American citizens increased by nearly 40 percent. Likewise, in Apache County, Arizona, enforcement activities resulted in a 26 percent increase in Native American turnout in four years, allowing Navajo Code talkers, veterans, and the elderly to participate in elections for the first time.

The Stearns amendment, however, by preventing enforcement of Section 203, will allow states and localities to discriminate against taxpaying American citizens because of their language ability, and impede their right to vote.

That is wrong. In our country, our laws and our Constitution draws no distinction between American citizens born here or not. In fact, three-quarters of those who are covered by the language assistance provision are native-born United States citizens. The rest are naturalized U.S. citizens.

The opponents of Section 203 claim that the costs are too great. Studies disprove that contention, but costs are not the issue. Securing the right to vote must never—and cannot—ever be considered a burden. It is our moral and constitutional obligation.

The arguments of the opponents of Section 203 are suspiciously similar to the arguments once employed for literacy tests to disenfranchise African American voters. I had hoped we had passed that period in our country's history when such tests were widely used. We cannot permit the use of these tests once again.

Mr. Chairman, we are supposed to unite together as Americans with one voice to reaffirm our commitment on the fundamental subject of voting rights for all of our citizens. Instead, this ugly amendment seeks to undermine that moral and historic commitment. The constant scapegoating of our fellow American citizens—and attempts to suppress their voting rights—must end.

Any diminishing of language assistance is a diminishment of our American democracy. We must defeat this amendment, and affirm our support of Section 203.

The right to vote must never, ever be compromised. Every vote counts—every vote must be counted.

Mr. HONDA. Mr. Chairman, as Chair of the Congressional Asian Pacific American Caucus (CAPAC), I rise today to oppose the Stearns Amendment (#21) to H.R. 5672, FY 2007 Science, State, Justice and Commerce Appropriations Bill.

Section 203 of the Voting Rights Act, or VRA, provides protections to enable every American citizen to exercise their most fundamental and important right—the right to vote. Voting is the most important tool Americans have to influence the policies our government adopts that affect every aspect of our lives. In short, voting is power. Unfortunately, even today, many minority voters face impediments or barriers to voting including language barriers.

The Stearns Amendment (#21) would eliminate funding for Section 203 of the Voting

Rights Act (VRA). By eliminating funding for Section 203 enforcement, states and localities would be free to discriminate against tax-paying American citizens and impede their right to vote.

The VRA that includes Section 203 has received bi-partisan support from both Democrats and Republicans in Congress and from Ronald Reagan to Bill Clinton to George W. Bush. The Tri-Caucus strongly believes the VRA continues to effectively combat discrimination and protect the gains achieved for minority voters.

It is well documented that language assistance is needed and used by voters. For instance, the U.S. Department of Justice has reported that in one year, registration rates among Spanish- and Filipino-speaking American citizens grew by 21 percent and registration among Vietnamese-speaking American citizens increased over 37 percent after San Diego County started providing language assistance.

In Apache County, Arizona, the Department's enforcement activities have resulted in a 26 percent increase in Native American turnout in 4 years, allowing Navajo Code talkers, veterans, and the elderly to participate in elections for the first time.

The Stearns Amendment to H.R. 5672 would undermine the Voting Rights Act reauthorization process and effectively disenfranchise language minority voters through the appropriations process.

Mr. Chairman, I strongly urge my colleagues to vote "no" on the Stearns Amendment (#21) to H.R. 5672, the Science, State, Justice, Commerce Appropriations Act for FY 2007.

Mr. CROWLEY. Mr. Chairman, I rise in opposition to this mean spirited Amendment, which would prohibit any federal funds to be used in enforcing bilingual balloting.

Let's be crystal clear, we are not talking about undocumented residents. These are citizens of the United States. Many of whom have voted you and me into the office that we hold today.

It is apparent that instead of passing meaningful bi-partisan legislation to reauthorize the Voting Rights Act; instead the majority plans to use these little tricks and delaying tactics to disenfranchise ethnic and minority voters.

From not counting votes, forced mid-century redistricting and voter intimidation it is clear now more then ever that the Voting Rights Act must be reauthorized as the original drafters of the legislation intended—including bilingual assistance to voters.

These people have earned the right to vote just like everyone else in this chamber.

I urge my colleagues to oppose this amendment.

Mr. HOYER. Mr. Chairman, I rise in strong opposition to the Stearns amendment.

I cannot think of a more pernicious amendment that is being considered today than this amendment.

For more than 30 years, Section 203 of the Voting Rights Act has ensured that U.S. Citizens, who may require assistance to cast an educated vote in a language other than English, have the ability to vote in the language in which they are most adept.

Section 203 has proven to be a constitutional, just, and practical way to maximize voter participation and ensure our democracy truly reflects its citizens.

Every Member of this body who cares about voting rights should join me in condemning the amendment before us.

It is nothing short of a cynical attempt to disinfranchise eligible voters and to undermine core protections afforded by the Voting Rights Act.

I urge my colleagues to oppose this attempt to roll back the clock on civil rights.

Defeat the Stearns amendment.

The Acting CHAIRMAN (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DEGETTE:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for "OFFICE OF JUSTICE PROGRAMS—JUSTICE ASSISTANCE" and reducing the amount made available for "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES", by $3,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from Colorado (Ms. DEGETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, the Internet Crimes Against Children Task Forces, or ICACs, are Federal-local partnerships that help track down the perpetrators of online child exploitation.

Ninety percent of this important work occurs at the local level by ICAC investigators all across the country. Their jobs become more important every day as the incidence of child pornography rises to nearly epidemic proportions.

I want to consider these chilling statistics: In fiscal year 2003, ICACs received 3,741 reports of Internet crimes against children. In fiscal year 2004, that number was 24,138. But, Mr. Chairman, in fiscal year 2005, that number was 198,883, an increase of 5,216 percent in just 2 years.

The increase is not just a result of better reporting. It reflects an unthinkable rise in the worst kind of crimes. The ICACs are in need of more funds for three reasons: number one, to increase investigations; number two, to enhance law enforcement training; and, number three, to conduct forensic analysis.

The budget for ICACs has increased incrementally the last few years; and, Mr. Chairman, I want to commend you and the committee for adding $5 million to the Internet Crimes Against Children Tasks Forces, but, frankly, with these increases in the crimes, even if we tripled the ICAC budget, it would still barely manage to keep up with online child pornography.

The extra funding is critical for training, for investigations, for forensic exams, and to stop these terrible perpetrators from committing these crimes against children.

Mr. Chairman, the problem of online child pornography is growing. This amendment will simply increase the budget by $3 million. And I ask my colleagues, what lengths are we willing to go to to save them? I urge a "yes" vote on the DeGette amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. DEGETTE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the aggregate amount made available for "COMMUNITY ORIENTED POLICING SERVICES" (consisting of an additional $476,574,000 for grants authorized under section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 1163 of the Violence Against Women and Department of Justice Reauthorization Act of 2005), and by reducing the amount made available under the item relating to "SCIENCE, AERONAUTICS AND EXPLORATION" for exploration systems (and conforming the aggregate amount set forth in such item, accordingly), by $476,574,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment with Mr. RAMSTAD and other Members of this body. It is very simple. It takes perhaps the single most important anticrime program of the 1990s and the early part of this decade, the COPS program, and restores the hiring component, which is the portion of the program that puts cops on the beat.

It has been zeroed out in this budget. We are not going to restore it completely to its authorized level, but we at least are trying to put a little more funding in that would allow us to hire about 6,500 additional cops.

For those of you who are unfamiliar with the COPS program, this is perhaps the most democratic, with a small "D," program, anticrime program Congress ever envisioned, from coast to coast, State by State. West Virginia got 692 officers, Virginia got 2,400 officers, Texas got 600, big towns, small cities, all across the country.

This bill zeroes out the COPS program. What we seek to do is to authorize an additional 6,000 or so police officers. The offset that we seek is in the space exploration, the Mars program. We do not zero it out by any stretch of the imagination. We still ensure a large increase in it, about a 10 percent increase.

But this would be a way to take this single crime fighting program, and, frankly, an antiterrorism program, and breathe some life into it. We have already said in this body that we believe the COPS program should live. We reauthorized it. Now this is an effort to put some funds in.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in very, very, very, very strong opposition to the gentleman's amendment.

The COPS Program is already $468 million over the request, $57 million over last year. The amendment proposes reductions to NASA that are devastating. If you are opposed to the space program or you do not like the space program or you do not want America to be number one, you ought to support this amendment.

But if you want America to have a strong space program, you ought to strongly defeat this amendment.

Mr. Chairman, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, I thank the chairman for yielding me time; and I especially thank him for his strong support for America's space program. The Weiner amendment would take $477 million from NASA's space exploration budget, essentially would cripple the CEV-CLV program.

Ladies and gentlemen, just so you know what that means, we are scheduled to fly our last shuttle mission in the year 2010. We have a bird on the pad. We hope we get it up July 1 or sometime soon. But we will be down for sure by 2010. We will have no manned space flight program after that unless we continue with the CEV development. This amendment basically wipes out that development in this budget cycle.

I will tell you we need a next generation of vehicles or we will not be in the human space flight business. The Weiner amendment raids the account that is necessary to keep the workforce in place.

If you allow the workforce to disappear from 2010 to, say, 2015 or 2020, you can never replace these people. The expertise that you lose cannot be put back together again. Once Humpty Dumpty and the skilled workforce is dead and depleted, you can never put it back together.

But I am not here just to talk about America's space program. I want to tell my colleagues about a firsthand experience I had. If you are not concerned about space, you ought to be.

I was the first American, along with our colleagues RICK LARSEN and MARK KIRK, invited to see the Chinese human space flight program. They got started in 1995. They are 35 years behind us in time, but they are remarkable in how fast they have caught up in their human space flight program.

The Shenzhou vehicle has flown five times now, twice with Taikonauts that have come back successfully, and they have had extraordinary success. While our workforce is basically keeping healthy a 40-year-old, 30-year-old technology, the young Chinese engineers have put together a remarkable new technology that will be very, very powerful in the future.

Mr. Chairman, I want to read the Chinese announcement of their own human space flight program. They say, by 2007, there will be a series of unmanned satellites from the year 2007 through 2015. Starting in 2017, they expect to have unmanned missions to the Moon to bring back lunar samples. By the year 2024, they say they will have landed men and women on the Moon.

Folks, I think their real schedule is much more ambitious than that. If and when we get back to the Moon under the Weiner amendment, we will be looking at Chinese flags and maybe Chinese bases when we get there.

And if that does not stimulate your competitive interests, I am telling you that they are producing 5 to 600,000 engineers a year, by a factor of 8 or 10 what America is able to produce. Nothing stimulates our math and science brains in middle and high schools more than space exploration. The Weiner amendment would put an end to that.

Finally, I will tell you if you are not worried about human space, China is developing the Long March 5 vehicle. It will be able to take 25 tons into orbit. It is not just their human space capabilities that they are working on. They are trying to get space predominance so that they can potentially incapacitate all of our communications satellite and all of the satellites that America depends on for our force multipliers that allow our military to be the most capable in the world.

Ladies and gentlemen, please do not gut the human space component of America's exploration; and, if you do, be prepared for what happens when the Chinese beat us to outer space.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, with all of the discussion about China, I am curious, is the crime rate high in China? Is the crime rate high on Mars? No one is saying to zero out the program. I am saying give it a 10 percent increase.

Mr. FEENEY. Will the gentleman yield? He asked a question. Will he yield for a second?

The COPS program has been completed.

Mr. WEINER. It is completed.

Mr. FEENEY. It was intended to put 100,000 officers on the street.

The Acting CHAIRMAN. The time is controlled by the gentleman from New York.

Mr. FEENEY. I apologize. I thought he asked a question.

Mr. WEINER. Apparently, the gentleman from Florida is unfamiliar with the rhetorical question which is so commonly used in New York and frequently in Washington.

Florida got 7,400 police officers under the COPS program. The COPS program was reauthorized in this body for additional hiring. We reauthorized it.

Now I am saying, put a few dollars in there. And I am not saying, do not go to Mars; I am not saying, do not go to the Moon. How about this? Let's make a deal. Let's have a 10 percent increase in that program that is so important. That is a pretty healthy increase. And if we do that, then we do not go from 7,400 cops in Florida to what the bill proposes, which is zero cops in Florida. That is what voting against the Weiner-Ramstad amendment would propose.

We are saying that this is a successful program. When Tom Ridge said that homeland security starts in our home towns, when John Ashcroft said this has been a remarkable program, you know, frankly, it has been a bipartisan, across-the-board success. We have reauthorized it in this body. All I am saying is, breathe new life in it.

I would just remind the distinguished chairman of the subcommittee, that large increase that you described still is zeroing out, I would say to the gentleman from Virginia, the hiring component.

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What the Department of Justice has done is put a whole lot of programs in this one line. The hiring component is zero, none, kaput, despite the fact that we reauthorized.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment not because I not recognize that we need lots of additional dollars in law enforcement and particularly to support our State and local law enforcement, as we have talked about a number of times on the floor today and throughout this session.

This administration made a point of cutting local law enforcement, and it is a travesty because the demand is out there, and there is this real correlation between the reduction in Federal support to State and local law enforcement and an increase in violent crime rates. It is there. We can see it. That is why the gentleman is offering his amendment.

But the bottom line is, we do not have the allocation, and this offset is terrible. I mean, we are trying to keep these programs alive throughout the bill.

The President came forward with a budget that devastated what in the NASA budget? Science. What else? Aeronautics. Well, this amendment would cut an additional, as I understand it, $100 million from NASA. Science, aeronautics would be further cut. These programs cannot survive in NASA with these kinds of cuts. We cannot do it.

We need to restore additional money to law enforcement. There is no question about that. That is a debate that maybe will go beyond this Congress; maybe it will go beyond this appropriation bill, and perhaps that debate should be had across the land. But right now, given the money that we have in the bill, we cannot afford the offset for funding the COPS program or any other State and local law enforcement, and is that not a sad comment?

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, first of all, let me just acknowledge that I agree with much of what the gentleman says, except the part about us gutting anything.

What we did is we took the space exploration program and limited the increase to 10 percent. We by no means cut it to last year's level. We by no means slashed it to the bone. What we did is we took a program that grew the most and said, we are going go allow it to grow only 10 percent in the alternative.

I want to point out the program that did get slashed to the bone, which was the COPS hiring component. You know, if you have a COPS program which put 117,000 police officers on the street and you say, we are going to reauthorize it but we are not going to provide any funding to do the hiring component, then we are going to start seeing what we are seeing now, which is, nationwide the seven index crimes are starting to creep up again.

We saw the single best Federal program against crime perhaps in history was the COPS program, and despite the protestations of some of the folks who were here at the time, it was distributed throughout the country. Now the COPS department at Justice in the hands of the Republican party fervently says, you know what, having a COPS program without having hiring in it is like having no COPS program at all.

Also, in the reauthorization, we acknowledged in a bipartisan way some of the weaknesses of the program. Some departments said, you know what, the way it was structured was too limited. They wanted flexibility. We acknowledged that. The chairman, to his credit, and this House, to its credit, overwhelmingly reauthorized that program, but it is a hollow victory if we have the COPS program and no money.

So the offset admittedly is not ideal. I think you and the gentleman from Virginia do yeoman's duty each year trying to squeeze more and more into a smaller bag.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentlewoman from Texas to speak in opposition to the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, Mr. WEINER knows that I have voted with him consistently on the COPS program and, of course, am chagrinned to stand here to argue against a program that is so vital, but Mr. MOLLOHAN is correct.

These are tough decisions that have to be made, and the decision that has to be made is whether we want to remain competitive in science and technology, and we have to cut the science programs. It is a bad budget that we have to operate under, but frankly, in the shadow of a pending launch and the commitment to remain at the cutting edge of science that generates out of exploration and technology and science that comes under this particular funding, we are losing ground.

I would hope that we go back to the drawing board and get the money that we need for the COPS program. It is a good program, but this is not the kind of decision that draws anyone to a degree of happiness. This is splitting the baby, and we have nothing when we get through with it.

This is an important program to support, and that is the space exploration, the science programs. The minimum moneys we have and the fact that we have to take moneys for the COPS program, we need to fund it from the President's budget. He needs to fund the COPS program. This is not the way to do it.

I would ask my colleagues to oppose the Weiner amendment.

Mr. Chairman, I reluctantly rise in opposition to my colleague's amendment, not because of the merit of the intent, but because of the harm it does in taking money away from an already under-funded NASA. This amendment would cut $476.5 million from science, aeronautics and space exploration systems. I wish the President's budget had allowed for full funding of the COPS program. The quarral is with the White House not with NASA.

I wholeheartedly support the work of NASA, and I am committed to the future of scientific and space exploration. I am deeply concerned that the amount appropriated in the FY07 budget does not meet all the needs for future space exploration as we move forward in this new century. A lack of necessary budget authority makes scientific innovation and space exploration very difficult. As I have stated before, this Administration has made many bad budgetary choices, including zeroing out the COPS program. However, it is not in the nation's best interest to compound that mistake with this one.

My greatest concern at this point is that we may not allocate enough money or resources to ensure the safety of all NASA astronauts and crew. After the Columbia disaster, safety must be our highest priority and it is worrisome that there is not a noticeable increase in funding to address all safety concerns.

Additionally, I am concerned that pressure to retire the Shuttle by a fixed date to free up resources for other activities, coupled with the need to fly up to 28 Shuttle flights to assemble the Space Station, could—if not handled properly—lead to the types of schedule and budgetary pressures that were cited by the Columbia Accident Investigation Board, CAIB, as contributing to the Columbia accident. I know that this concern is paramount at NASA as we move forward in the future.

NASA has the ability to inspire the generations toward untold discoveries. As always I look forward to working with the good men and women of NASA as we push the boundaries of our world once again.

Thus, because this amendment cuts funding so desperately needed by the researchers, engineers, and innovators at NASA, I cannot support it, and I urge my colleagues to follow my lead.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply point out that if we were not immersed in this stupid war in Iraq, the money that we are spending in just 2 months would correct all of the problems we have in all of these appropriation bills and we would not be facing this tradeoff. We could, in fact, afford to do both the COPS program and the space program that others in this chamber would prefer to see us pursue.

But the fact is, our Republican friends have voted for a budget resolution which has imposed these kinds of tradeoffs, and given that fact, I worry a whole lot more about Chinese products wiping out American jobs than I worry about Chinese flags somewhere else in the world, although I do not like either.

Some people attack Members of Congress for having Potomac fever. I think some Members of this House have Mars fever. The fact is, if we are going to make a choice about where to put the best money, right now, I think a far better bet is law enforcement.

Mr. RAMSTAD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. RAMSTAD. Mr. Chairman, I thank the distinguished ranking member and also my cosponsor. I rise as the cosponsor of this amendment.

President Clinton was right back in 1994 when many of us worked in a bipartisan way to fashion the 1994 Crime Control Act and when community policing was made part of that important legislation. I remember those meetings at the White House, talking about community policing, and President Clinton was right. The COPS program has been a key component of the Federal effort to keep our communities safe, and crime has dropped significantly.

President Clinton was right that community policing works to reduce crime. Ask any cop on the street, whether it is in the Third and Fourth Precincts of Minneapolis Police Department or my suburban police departments in the Third Congressional District, they all say it is shortsighted and counterproductive to underfund this critical law enforcement tool.

I think it is simply wrong to shortchange public policy, and I understand the dilemma faced by the appropriators, believe me. This amendment, the Weiner-Ramstad amendment, would fund the COPS program at its fully authorized level by adding about $476 million for the program.

I understand how painful that offset is to many of you who prioritize NASA, but I think we have to ask ourselves, all of us, the simple question: What is more important, spending more money to fly to Mars or keeping millions of Americans safe here on earth? That is the key question.

As I said, I have seen in my home State of Minnesota firsthand the importance of the COPS program to local police in reducing crime and improving public safety. The COPS program really does work, and it has helped State and local law enforcement agencies in their hiring, technology, school safety grants, personnel, equipment, training, technical assistance.

In short, the COPS program has been a critical tool in the war on drugs and now in homeland security efforts.

So as cochair with my friend from Michigan, Mr. STUPAK, of the Congressional Law Enforcement Caucus, I encourage my colleagues to support this amendment to increase the funding levels for the COPS program. I think it is critical to all Americans. Certainly Edmund Burke had it right over 200 years ago when he said, the main reason we have government is to keep people safe.

No question the COPS program has kept people safer, and I believe we should pass this amendment to increase the funding here today. By passing this funding, we also honor the sacrifices made each and every day by our country's law enforcement community and give our Nation's finest the support they need.

Again, I thank the gentleman for yielding.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I thank the gentleman from Wisconsin.

Let me conclude by saying that I have been listening to what has been said, and I think I have got a compromise we can all accept.

What if we pass an amendment that increases the number of COPS by 6,500? There are none in the bill now. We make it 6,500, and we still give a $300 million plus up, an increase of 10 percent in the President's moon and Mars initiative, give an increase in space exploration and COPS program? Sound like a deal?

Well, this is the amendment. That is what the Weiner-Ramstad amendment does. It gives an increase to both. This notion that we are eviscerating a program is just not true. We are taking a program and giving it a 10 percent increase and funding another program that has done this much good around the country. This is the number of police officers around the country.

The CHAIRMAN. The gentleman's time has expired.

The Chair would remind Members that the gentleman from New York (Mr. WEINER) has 1½ minutes remaining on his time, and the gentleman from Virginia (Mr. WOLF) has 1 minute remaining. Who seeks time?

Mr. WOLF. Mr. Speaker, if I yield 1 minute to the gentleman from Florida, then if I strike the requisite number of words, I can get 5 minutes, correct?

The CHAIRMAN. That is correct.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to this amendment, and it is not exactly correct to say this is just going to cut money from the Moon and Mars. We have a program underway to develop a safer, less expensive, more reliable vehicle than the space shuttle, and that is called the crew exploration vehicle. If this amendment goes through, it is going to delay that program; it is going to run up the costs, and it is going to create a situation where we are going to have no way to get men and women into space.

Now, this program, I agree, sounds like a worthwhile program, but frankly, when it got established, I had serious misgivings in the 1990s because I thought we were going to have a real serious problem finding the funding for it on into the future. It was originally sold as just a short-term thing, but as you would expect, people are going to come back.

This is really the Federal Government getting involved in a local issue, and I would say the decline in the crime rate in the United States was because of locking up repeat offenders and not because of the COPS program.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, do not make any mistake about this. The Weiner amendment will gut NASA. Do not make any mistake. This amendment will transfer the preeminence that we presently have in space to India and others and China especially.

As my friend, Mr. FEENEY, from Florida was saying, China is investing significant amounts of dollars in their program, and their program is not a civil space program.

Our country's economy and success is because we prevailed in doing hard things. That is why we have the technology and the ability to do the computers, the cell phones, the satellites, that NASA helped create.

Do not vote for this amendment. It is the wrong thing to do. Vote down the Weiner amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I thank the chairman for this time. I am a member of his subcommittee, and I appreciate his leadership and the leadership of the ranking member as well.

I rise in opposition to this amendment, and it troubles me to do that. I was a district attorney prior to my time in Congress, and so I know a little bit about law enforcement and what law enforcement needs.

These programs that are the object of the Weiner amendment, they are important programs, there is no doubt, but the chairman and the ranking member have worked together in a bipartisan manner to restore $1.1 billion in proposed cuts to State and local law enforcement programs.

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Now, that is not as much as it should be, but that is a good-faith effort within the budget allocation to get money here. This is the wrong offset. Please vote against the Weiner amendment.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the chairman for yielding, and I rise in opposition to this amendment, regrettably for my friend from New York.

I also am a very strong supporter of the COPS program, like my friend from Alabama, a former prosecutor. I have always supported and continue to support the COPS program. But robbing one vital program to support another is not the answer.

Representing Southern California, the home of the Jet Propulsion Laboratory, I have seen the tremendous space science that has come out of our robotic exploration of Mars and out of the entire space program. This has manifest itself in health technology and telecommunications technology. It has had tremendous benefits to all of our constituents.

I don't want to see that research go away. I don't want to see that space science go away. And already there are dramatic cuts and delays in some of the space sciences that we just cannot afford. We have to find a different way to fund the COPS program. Taking the money out of this vital NASA effort is not the answer, and I must oppose the amendment.

Mr. WOLF. Mr. Chairman, let me say that I strongly urge defeat of the amendment. China is using their space program for military reasons. They now have laser beams. For the members of the committee that came to the subcommittee briefing, the closed briefing, you saw where they are. It is frightening. China has 200,000 engineers working on the space program, and we have 75,000.

If the Weiner amendment passed, the nmber of U.S. engineers would drop. America, under the Weiner amendment, would no longer be number one. That would be dangerous to our country and absolutely wrong. So I strongly, strongly urge the defeat of this amendment, which I think would almost guarantee, if it passed and stayed in the law, the loss of American leadership in space.

Mr. WEINER. Mr. Chairman, first of all, let me say that I disagree with very little of what has been said on both sides. I think the chairman and ranking member have done a remarkable job balancing the equities, but it is simply not fair that the COPS program gets zero.

To keep saying that State and local enforcement has got additional funds, let us not forget that we authorized the COPS program at $1 billion. This amendment doesn't seek to fund it at that level, but it seeks to put some money in.

And if you think we are going to lose the edge in space exploration because we have the audacity to give it a 10 percent increase this year, I just disagree. It is a matter of trying to find a way that we can do both.

We do not gut the space program. We give it a 10 percent increase with the Weiner amendment. But what we do is we make sure that we don't have this. This is what the bill presently has in the number of new cops under the COPS program. None. Zip. Zero.

Crime rates around the country are creeping back up. I heard at least one gentleman over there say, at least he is being honest, he believes that cops deserve no credit for the reduction in crime. It is an unusual position to take. The Fraternal Order of Police, the National Association of Police Associations, and every law enforcement group nationwide supports the Weiner amendment.

What we are seeking to do here is to say, you know what, we can't in the Federal Government be at the sidelines in the fight against crime. We need to be in the game. We need to participate.

The COPS program was a success. Congressman SENSENBRENNER said it. Attorney General Ashcroft said, and I quote, "Let me say that I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments if you put additional people, feet on the street, that crime would be affected and people would be safer."

He is right. I am sure if he were here today he would say support the Weiner amendment. I ask for an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. On that I request a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

My amendment would prohibit funds from the United States being used for the design, renovation, construction or rental of any headquarters for the United Nations in any location in the United States.

I offered this type of amendment 1 year ago, and then I agreed to withdraw it. My honorable colleague, Chairman WOLF joined me in requesting a GAO investigation of the United Nations headquarters renovation. That ongoing investigation has done little to advance our understanding of what the U.N. is doing besides how good the U.N. is at spending our taxpayers' money.

One of the lead experts in the GAO's ongoing investigation, Thomas Malito, testified in the Senate just last week. "The U.N. is vulnerable to fraud, waste, abuse, and mismanagement due to a range of weaknesses in existing oversight practices." That is why I have returned to ask that we withhold funding until the United Nations makes public and transparent its contracting and disbursement information relative to the renovations.

The United Nations estimates that the planned renovation of its headquarters building in New York City would cost $1.7 billion, billion, for a work site that is over 2½ million square feet.

The most expensive building sold in Manhattan, the General Motors building, recently sold for $1.4 billion. The entire U.N. building could be built again for under $2 billion. Still, repair and refurbishing are activities that involve greater financial opportunities, one would suppose.

Now, even if the U.N. cost estimates remain constant, a big if, the U.S. share of renovation would be about $480 million. That would be in addition to our regular annual dues of $423 million, plus all other contributions of nearly $2.4 billion.

The General Assembly has yet to approve a plan amongst the four being considered, but the U.N. has already spent almost $40 million on preferred renovation plans, $20 million in the last month alone, according to the GAO.

The GAO also found that the $1.7 billion cost estimate only scratches the surface of the expected costs. The estimate does not include any of the following: new furniture, at least $100 million per year for an unknown number of years; new security costs, as well as temporary security costs during construction; new phones and information technology systems; and new office equipment.

Moreover, according to the GAO, "While the U.N. has yet to finalize a specific procurement strategy for the renovation project, to the extent that it relies on current U.N. processes, implementation of the planned renovation is vulnerable to the procurement weaknesses we have identified previously." And the GAO continues: "For example, it has not," the U.N. now, "has not established an independent process to consider vendor protests that could alert senior U.N. officials of failure by procurement staff." And the U.N. has yet to establish an independent bid process, something that the U.S. Government has in place and we all take for granted.

In addition, although the U.N.'s Office of Internal Oversight Service, OIOS, has a mandate establishing it as an independent oversight entity and to conduct oversight of the renovation, it lacks the budgetary independence it requires to carry out its responsibilities. The OIOS is dependent on the whims of the very department and program heads it is auditing. The problems with this setup were made plain in the Oil-for-Food program when OIOS was prevented from examining high-risk areas where billions of dollars were subsequently found to have been misused.

Mr. Chairman, I appreciate the patience of my good friend from Virginia, Chairman WOLF, on this amendment, and his approach to the very difficult work of crafting and passing the appropriation bill for this subcommittee. In this case, dealing with the United Nations, we have 61 years of patience, and this patience has to be very frustrating for all of us. But, Mr. Chairman, do we simply continue to grant the United Nations the possibility of continued corruption and possibly graft with this project? I don't think so.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment; and I would first like to yield 2½ minutes of my time to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the chairman for yielding; and I want to join him in opposing this amendment.

Really, to support this amendment you have to oppose the U.N., because this goes to the very ability of the United Nations to perform its responsibilities. It has to have a home. It has to have a house. It has to have space to operate in.

The U.N. is old. It is a fire hazard. There is a number of safety concerns associated with it. There is a request in this bill from the administration for $22 million to address these concerns, or our share of these concerns, and I think that a limitation amendment is exactly the wrong thing to do here.

We have had a lot of cuts in this bill, and this kind of a limitation really is a statement that the United States of America does not want to participate in the U.N. into the future. It is just that serious. It has to have a home. It is, in my judgment, not only ill-advised but really silly if you believe we should have a United Nations to begin with.

I oppose the amendment and encourage very strongly that everyone oppose the amendment.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to this amendment, and let me read a letter from our Secretary of State, Secretary Rice.

She says, "I write in strong support of our contribution to the U.N. Capital Master Plan." That is what we are talking about, CMP.

"The U.N. facilities pose a number of serious safety and security concerns for the American and foreign staffs, diplomats, and visitors." Many of these are American citizens. "In particular, the U.N. facilities do not," do not, "meet fire and life-safety building codes or modern security requirements. We support the renovation of the facilities to address these deficiencies.

"The Department remains strongly committed to ensuring transparency and effective oversight of the project. We have worked closely with U.N. Under Secretary General Chris Burnham," who is an American, "to take steps to strengthen internal controls of the CMP. In particular, Under Secretary General Burnham, with our support, has set up a U.N. CMP Project Office as an independent office reporting to him. The U.N. CMP Project Office has allowed access to project documents and review of ongoing work. And, the CMP Project Office has used a value engineering process and third-party contractor reviews of design documents to improve cost and quality control.

"We realize this will be an ongoing effort and are committed to close U.S. Government monitoring of the project's implementation throughout its life span. I urge full funding for this important renovation project."

What if there were a fire at the U.N.? What if something happened and we were to deny this money?

I have been as critical of the U.N. as anybody for their failure to deal with the issue of Darfur and things like this. They stood by and allowed Srebeniza to take place. They stood by and allowed Rwanda. But I am not going to stand by and allow the building to crumble and not have safety conditions in the building.

So I ask you, before you vote on this, take a minute to look at the letter of the Secretary of State. The administration is not for the Stearns amendment. It is a safety issue not only for American citizens but also the foreigners at work in the building. But also American visitors. If you go to the U.N., there are many tourists that go through the building.

So I strongly urge a "no" vote on the amendment; and again I urge you, if you have any doubts, come over and read the letter from Secretary Rice. It is a safety issue.

I urge defeat of the Stearns amendment, and I yield back the balance of my time.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New Jersey.

Mr. ROTHMAN. I thank the distinguished ranking member for yielding and would ask to enter into a colloquy with the distinguished chairman of the subcommittee, the gentleman from Virginia (Mr. WOLF).

Mr. Chairman, recent data released by the FBI shows violent crime on the rise for the first time in 15 years. The violent crime rate rose 2.5 percent across the country. Areas of New Jersey, including the cities of New York and Jersey City have disproportionately high rates of crime, two to three times more than the average national rate.

These cities, while only about 5 miles apart are the two largest cities in my State. Preliminary data for 2005 shows that the violent crime rate for Jersey City, New Jersey, is 1.302 crimes per 100,000 people and the violent crime rate for Newark, New Jersey, is 1,008 crimes per 100.000 people. The national average is significantly lower, 478 violent crimes per 100.000 people, less than half of Newark's and Jersey City's.

These high levels of violent crime, including murders, rapes and aggravated assaults, tear families and communities apart. Just this past Sunday evening, at least two people were killed and eight injured in four separate shootings in Newark.

Mr. Chairman, it is my understanding there is $16 million in the bill for 15 violent crime impact teams. These teams of ATF agents, U.S. Marshals, DEA agents and Federal prosecutors work together to reduce violent crime for an area. Will you, Mr. Chairman, work with me to direct one or more of the violent crime impact teams to these areas of New Jersey?

I yield to the chairman.

Mr. WOLF. I thank the gentleman. I completely agree with what he said. I appreciate his efforts to combat violent crime, and I am happy to do everything I can to work with the gentleman and the ATF to address the crime in New Jersey. Quite frankly, there ought to be an office in New Jersey.

I thank the gentleman, and will try to help.

AMENDMENT OFFERED BY MRS. JONES OF OHIO

Mrs. JONES of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. JONES of Ohio:

At the end of the bill, before the short title, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available under this Act may be used for operation of the National Contact Center (NCC) of the Equal Employment Opportunity Commission.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from Ohio (Mrs. JONES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Chairman, my amendment would prohibit any funds under this act to be used for the operation of the National Contact Center of the Equal Employment Opportunity Commission, something that was created and has already failed, and now they want to make it permanent.

As a result of the support that I enjoy from my colleagues, I yield 1½ minutes to Congresswoman ELEANOR HOLMES NORTON. Congresswoman NORTON was the former member, actually Chair, of the Equal Employment Opportunity Commission.

Ms. NORTON. I thank the gentlewoman for her initiative. As a former chair of the EEOC credited with bringing efficiencies that eliminated the backlog, I strongly support her amendment. The efficiencies that I brought to the commission included settling cases. At first, they were controversial, but the civil rights community focused in and around them. When the remedy rate increased, the businesses were very grateful for them because they got them out of the city.

The call system is not such an efficiency. It makes work that has not saved either work or money. Callers instead want to get to somebody who really knows something, the way when you have a recording or a customer service person and you say, let me speak to a real person who can tell me some real information.

Meanwhile the Nation's civil rights enforcement agency is being dismantled. What other agency has lost 20 percent of its staff since this administration took power? What kind of message is the 109th Congress sending to civil rights. Eliminate the call center. Let trained staff do their work.

Mrs. JONES of Ohio. Mr. Chairman, at this time, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I am honored to support this amendment because it properly refocuses the mission of the Equal Employment Opportunity Commission. The goal is to ensure that all Americans are protected against discrimination in the workplace, and to do this, we should make sure that EEOC offices are properly staffed with workers to handle complaints and assist employees in taking action.

Instead, the current chair has pushed for the development of this National Contact Center. In effect, we are outsourcing the protection of civil rights on the job to entry level personnel who rely on scripts instead of expertise. The National Contact Center, which costs $2.5 million annually, continues to have a backlog of cases. The caseloads grow. The staff has expressed great frustration in dealing with this new structure.

In fact, 91 percent of the employees when surveyed reported that the process required through the call center is as long or even much longer than when calls come directly through the field offices. That doesn't sound like a streamlined process to me.

Focusing resources into the contact center is directly inhibiting the EEOC's ability to perform its duty of protecting victims of discrimination. I urge passage of this amendment that we may end wasteful spending and refocus our energies in hiring more qualified staff on the ground where the workforce is.

Mrs. JONES of Ohio. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. In 2003, the National Academy of Public Administration, NAPA, completed a study recommending the creation of the EEOC National Contact Center. So NAPA, a nonpartisan, bipartisan group, has recommended that the call centers, which the gentlewoman wants to shut down, be established.

Following a 6-month startup period, the National Contact Center handled 402,383 inquiries in a 12-month period in addition to the 118,322 hits on frequently asked questions. The National Contact Center staff handled 302,622 of these inquiries, resolving 70 percent without further involvement of EEOC field staff.

Also, it has been said, if you shut these call centers down, the technology that EEOC would have to have would cost anywhere from $10 to $12 million. Currently, the volume of inquiries coming into the National Contact Center is increasing as field offices have begun to route their calls through the contact center.

By handling these inquiries, the National Contact Center has not caused any further staff reductions but rather has freed up EEOC employees to devote more time to the critical functions of mediating, investigating and litigating charges.

I do agree it has to be monitored, but to that, I believe the staff and Mr. MOLLOHAN's staff have worked together to provide oversight in this regard. The report accompanying the bill includes language to require the commission to implement the recommendations of the Inspector General. We are working to ensure a better EEOC National Contact Center, but prohibiting the funds for the center would increase the workload on the EEOC front line, detract from the people that are helping. So I urge a "no" vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. JONES of Ohio. Mr. Chairman, in all due respect, that is not what the IG report, in fact, stated. It stated that the EEOC backlog continued to accelerate with 39,061 unresolved cases in 2006. In fact, they are up from 33,562 in 2005. It only saves the agency six full-time positions. The contractors do not understand their role as an agency. That is the report of the IG.

The importance that I need to bring to your attention, sir, is that a contract center for equal employment opportunity complaints is not like a contact center for your utility bill or your telephone bill or your gas bill. This is about employment discrimination in jobs across this country.

Having worked as a trial lawyer for the EEOC, as a person who worked in the Equal Employment Opportunity Commission, I know that the contact center is not the place in which you want to resolve your claims. If you had an age discrimination claim, you wouldn't want to do it over the telephone.

So what I am suggesting to you is, the reason I am opposing these contact centers is because it is not giving people the opportunity to do what they really do need to do, which is have the opportunity to talk with a person who is experienced. It is like all the centers now who are using India in order to take calls from people in America, and you have to explain four or five, six times. I don't have anything against Indians. But in order to make my complaint, I want to make sure that I have someone who is experienced and knowledgeable of the Equal Employment Opportunity Commission and the laws and what I need to do.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Do I get to close?

The CHAIRMAN. The gentleman from Virginia has the right to close.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mrs. JONES of Ohio. I want you to note, recently the Washington Post published preliminary findings of a study commissioned by the EEOC which highlighted various concerns by job performance commissions, 'recommended significant changes, significant changes, or that the national call center be eliminated. I agreed with them that the center should be eliminated, that people across America who have claims with regard to employment ought to have the opportunity not to deal with the call center but to deal with an experienced employee who has worked with the Equal Employment Opportunity Commission and has the background and experience to take those claims.

I want to thank my staffer, Terence Houston, for all the work he did in helping us put this amendment together. I thank you for the opportunity.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. I urge a "no" vote on the amendment. But what I would like to do, this is a pilot program, and the pilot, if my memory serves me, ends in September of this year, September of 2006, so the pilot has not finished.

So to destroy the pilot before the pilot is finished, what I would like to do is, when we finish the pilot in September or maybe even we could try to expedite it a little bit to see, is to invite the gentlewoman up and ask NAPA to come up with us and sit down and have NAPA take a look at that, maybe at an appropriate time.

But I think the pilot has to go. NAPA is a very good organization. We have used the NAPA people with regard to the reorganization of the FBI and many other agencies.

What I would ask is we have a "no" vote. At the end of the pilot, in September, I am going to remind the staff; we will call NAPA up, also call the EEOC. I would invite the gentlewoman to come to the meeting and kind of see where we are. Fortunately, we will still have time to kind of deal with the issue, because I don't believe that we will be in conference by then.

But we are in the middle of the pilot; you don't kill it while the pilot is still operating. This is the National Academy of Public Administration, which so many individuals have used so many times.

Mrs. JONES of Ohio. Mr. Chairman, would you yield for just a moment?

Mr. WOLF. Yes, I would yield.

Mrs. JONES of Ohio. The reason I am making the amendment, I brought up the amendment, is the proposal is to make the NCC permanent before the pilot is over with. That is why I am screaming and hollering. If you are saying to me that it is not going to be made permanent by this bill and that we will have an opportunity after the pilot is completed to have a conversation about this and make sure things are taken care of, I am willing to work with you. I would love to be able to wait until the pilot ends before we make an amendment.

Mr. WOLF. I can't answer that. The staff said they are going to vote. But what I would like to do tomorrow is write the commission or ask the commission that they not vote in July to make it permanent until the pilot is finished.

Mrs. JONES of Ohio. I would love to join you in a letter like that.

Mr. WOLF. Does that mean you withdraw the amendment?

Mrs. JONES of Ohio. Let me just say this, if I have the assurance of the chairman, and I have not worked with you before, but I know that you are a man of your word, you are willing to work with me to try to keep it from being permanent until we hear what is happening with the pilot, I will withdraw my amendment.

Mr. WOLF. Yes. I would do that. I would also ask if we can ask the National Academy of Public Administration also be part of that process.

Mrs. JONES of Ohio. If you would allow me, I would love to have my colleague, Congresswoman NORTON, join me. She was a former commissioner and worked with the Equal Employment Opportunity Commission.

Mr. WOLF. Sure.

Mrs. JONES of Ohio. Mr. Chairman, I ask unanimous consent to withdraw my amendment based on the comments of the Chair.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GINGREY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in title IV of this Act may be used for negotiating the participation of additional countries under the visa waiver program described in section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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Mr. GINGREY. Mr. Chairman, I believe our Nation needs to secure its points of entry and we need to do it now. Specifically, I believe we should prevent any additional countries from joining the United States Visa Waiver Program until we have the technical and human resources to secure our points of entry. And that is my amendment. I do not believe our Nation can afford the security risk of allowing more visitors to the United States without screening them prior to arrival. This amendment would prevent funds from being used to negotiate additional visa waiver countries.

Mr. Chairman, the State Department would not be using funds to negotiate new visa waivers until the machine-readable and tamper-resistant biometric identification standards on passports that were mandated by the PATRIOT Act and the 9/11 Act in 2004 as the cornerstone of this entry-exit system are fully operational. There are currently 27 visa waiver countries, and I believe it is simply too risky to negotiate additional countries without first having our security screening system in place.

Mr. Chairman, we cannot allow additional visa waiver countries which could provide more opportunities for terrorists to breach a loophole in our security. How long will it be before Immigration Customs Enforcement, ICE, the Air Marshals, or TSA, Transportation Security Administration, misses the next Richard Reid?

Mr. Chairman, I understand concerns about how spending or limiting the Visa Waiver Program may adversely affect cultural exchange or possibly hurt the airline and tourist industry. However, at what point are we willing to risk security for new pen pals and business as usual?

Habib Zacarias Moussaoui, a French citizen of Moroccan descent and a name we all know very well, used his French passport without a U.S. visa on February 23, 2001, to fly from London to Chicago and on to Oklahoma City where he began flight training at an aviation school. On August 16, 2001, the INS arrested Moussaoui because he remained in the United States well beyond the 90 days allowed for the Visa Waiver Program entrants and was in violation of the requirement that Visa Waiver Program travelers enter for business or tourism.

Had INS and law enforcement not been on top of their game, Moussaoui could have been a part of the 9/11 attacks, thanks to a visa waiver. In fact, we have referred to him as the twentieth hijacker.

So, Mr. Chairman, the Visa Waiver Program was only designed to be a temporary program for a small and a select group of nations, starting with the UK, Japan and France in 1986. Today, 27 countries are eligible under visa waivers, opening the door widely for unscreened terrorists to attack the United States. Twenty-seven countries are enough to keep ICE and TSA exceedingly busy. Do we really need to fund efforts to add a 28th and 29th country to their list of responsibilities?

I just don't want to see our Nation attacked because we couldn't carry through with our commitments to security first.

So, Mr. Chairman, I ask my colleagues, please support this Gingrey amendment.

I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, I have great respect for Dr. Gingrey. We have talked about this amendment prior to him bringing it up; and I know he is very, very sincere. But there is more that has to be told about the visa waiver and the success of not the program itself but in the way in which it is moving to get to an arena where we all want it to be, where we want biometric passports, where we want identification.

I chair the Baltic Caucus. The Baltic Caucus has about 45 Members of this body. The Baltic countries are Estonia, Latvia and Lithuania. Some of the newly emerging democracies have only been in existence after the fall of the Soviet Union, and yet they are some of our strongest allies in the war against terror. They have had successful integration into NATO, NATO membership. They are members of the European Union. They have soldiers that have not only fought and died in Afghanistan but also in Iraq. In fact, Lithuania is leading one of the provincial reconstruction teams. These countries are doing everything that we are asking them to do as a nation, as part of the coalition of the willing.

How does this relate to visa waiver? Well, we have other allies who aren't part of the coalition of the willing, who already have this venue of visa waiver. So what kind of message are we telling these new emerging democracies, those that are, by percentage of soldiers, committed by far outstripping some of the larger countries that are part of our alliance? We say, these countries have this visa waiver process, but you can't have access to that; and I would say that that sends a terrible signal that we, in essence, now are asking some of our strongest allies, and we are discriminating against them.

And the point that really, the point about the amendment is that Chairman SENSENBRENNER, I think, is going to come down and speak on this amendment. We disagree on some of this visa waiver debate. I would like to see it happen now.

He wants to proceed on the plan with the State Department which says there has got to be a road map. Let's bring in these new countries, but let them meet these requirements, requirements like recidivism. Get their numbers down. Process like biometric passports, things that countries that have visa waiver now aren't even required to do.

So when you pull the money and freeze it from the developing of the road map, then what you are, in essence, doing is stopping the encouragement of people to do the very things we want to do to secure our borders.

So, with that, I am going to strongly oppose this amendment.

I would like to yield to my colleague from Chicago for as much time as he may consume, Mr. LIPINSKI.

Mr. LIPINSKI. Mr. Chairman, I completely understand the concerns that the gentleman from Georgia has, talking about the potential that this could have if we would just open up the Visa Waiver Program to any country, to open it up wide.

But there are specific countries, Poland, for example. Poland was included in the Senate Immigration Reform bill. Poland has been a great ally of the United States, has been a fantastic ally, has given troops to the war on terror; and, as Mr. SHIMKUS said, I believe that this would be a very bad signal to say, no, no more countries can be included here, even on a temporary basis, even if we put all these other restrictions on. So I think we need to continue to allow other countries to possibly be accepted into the Visa Waiver Program.

So I understand the concerns with terrorism, concerns with protecting our country. Security needs to be up there foremost. But part of security is also bringing in more of our allies.

So I urge my colleagues to oppose this amendment.

Mr. SHIMKUS. Mr. Chairman, I reserve the balance of my time.

Mr. GINGREY. Mr. Chairman, I have tremendous respect for my colleague from Illinois; and I know his passion for the Baltic countries and particularly Lithuania. And this is not about them. This is not about any specific country, although there are two that are in line to expand this Visa Waiver Program from the current 27 to 29. It is not the Baltic countries. But we are in a situation where we have got to accept the reality of the risk that we are in.

If I really had my way, I would like to see the Visa Waiver Program completely suspended, all 27 countries suspended. In fact, I have introduced a bill to that effect and brought that amendment to the 9/11 bill. And I had a colloquy then, withdrew that amendment with the agreement that hearings would be held and this issue would be addressed.

The 9/11 bill in 2004, the PATRIOT Act called for making sure this entry-exit system and the biometrics on the passports were secure by a date certain. We are beyond that date certain, Mr. Chairman. And now, from these countries, no, they weren't coalitions of the willing, but France certainly has been our friend and for the sake of tourism, but we can't afford to continue to do that in this time.

I urge my colleagues, I beg my colleagues to support my amendment.

I yield back.

Mr. SHIMKUS. Mr. Chairman, I will just end in saying it is about these new emerging democracies. It is about our friends, the smallest countries and the new emerging democracies and the former captive nations. If anyone understands freedom and democracy, it is the governing officials of these Baltic countries who had fathers and grandparents enslaved in Siberia. They know what it is about to defend and fight for freedom. And you know what? They have chosen sides. And you know whose side they have chosen? They have chosen the United States.

What this amendment does is just like capital formation. You show that there is no ability of return, you lose the investment. And this is a loss of investment for our friends.

Mr. CROWLEY. Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Georgia Mr. GINGREY. His amendment would deny any Federal funding to negotiate the addition of other countries to the U.S. Visa Waiver Program.

This amendment would essentially kill the expansion of the U.S. Visa Waiver Program, something that I believe is a diplomatic mistake for our country to undertake.

The Visa Waiver Program enables nationals of certain countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa. The program was established in 1986 with the objective of promoting better relations with U.S. allies, eliminating unnecessary barriers to travel, stimulating the tourism industry, and permitting the Department of State to focus consular resources in other areas.

Currently there are 27 countries participating in the Visa Waiver Program, all strong allies of the United States. Currently South Korea is seeking to become part of the Visa Waiver Program. We have very strong economic, cultural, and diplomatic ties with South Korea and the time has come to expand that relationship further to include the citizens of South Korea under the Visa Waiver Program.

While the sponsor of this amendment states the Visa Waiver Program makes the USA less safe, I argue the exact opposite. Not all countries participate in the Visa Waiver Program, and not all travelers from Visa Waiver Program countries are eligible to use the program. Visa Waiver Program travelers are screened prior to admission into the United States, and they are enrolled in the Department of Homeland Security's U.S.–VISIT program.

The reason this program is needed is that processing visas in some countries can tie up about 80 percent of American Embassy and Consulate resources. If we extended the Visa Waiver Program to countries that have met the requirements and conditions set by our Department of State, we can free up much needed resources and devote them to other tasks such as: stopping terrorists, combating illegal immigration, drug trafficking, human trafficking, and weapons proliferations.

To stop funding the Visa Waiver Program, is wrong and dangerous for Americans.

As a Representative from one of the most diverse districts in the United States, I know first hand the contributions that our naturalized citizens can make to a community.

I have constituents, that would like their families to legally come, visit and enjoy the United States, but are having a difficult time because the visa application process has become arduous and too time consuming. On the behalf of my constituents, I say that we must expand and continue the Visa Waiver Program.

I oppose this amendment and urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LIPINSKI

Mr. LIPINSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LIPINSKI:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. For "OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" for the Law Enforcement Tribute Act program, as authorized by section 11001 of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273), and the amount otherwise provided by this Act for "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES" is hereby reduced by, $500,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Illinois (Mr. LIPINSKI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, I rise in support of this bipartisan amendment to provide $500,000 in funding for the Law Enforcement Tribute Act program. This program provides one-time grants to help State and local governments complete permanent tributes that honor the men and women of law enforcement and public safety who have been killed or disabled in the line of duty.

I would like to thank the gentleman from Virginia (Mr. DAVIS) and the gentleman from California (Mr. SCHIFF) for their cosponsorship of this amendment. This amendment would simply restore the funding for this program to the fiscal year 2003 level.

There are currently 17,535 names engraved on the walls of the National Law Enforcement Officers Memorial in Washington, including 72 who were killed on 9/11, so many heroes who have given their lives to protect our families.

Many communities also want to honor their local law enforcement heroes with memorials or other permanent tributes. This program provides support to States and localities to help them do this. Without this support, many of them could not provide these worthy tributes.

Mr. Chairman, law enforcement and public safety officers dedicate their careers and their lives to protecting us. Tributes provide us with a constant reminder of the sacrifices that they have made. The least we can do is help local communities honor these brave heroes.

I urge my colleagues to join us with their support.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, the committee has no objection to the amendment and is prepared to accept it

Mr. LIPINSKI. I thank Chairman WOLF, Ranking Member MOLLOHAN for their support on this amendment; and I thank them for accepting the amendment.

Mr. CULBERSON. We commend the gentleman for his amendment and are willing to accept it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today in support of this amendment restoring funds for the Law Enforcement Tribute Act Program to its FY03 funding level of $500,000.

Mr. Chairman, only seven weeks ago, the Fairfax County Police Department suffered the loss of two officers in the line of duty, the first fatal shooting in the department's long history.

As I join the Fairfax County community in mourning the loss of Master Police Officer Michael Garbarino and Detective Vicky Armel, I also have in my thoughts the roughly 740,000 officers nationwide who put their lives on the line for the safety and protection of others on a regular basis.

Mr. Chairman, every day, we are honored by the service these men and women give to our communities. This amendment will allow us to give those who sacrifice the most for our community and safety the recognition they deserve. I am pleased that the chairman has agreed to accept the amendment.

Mr. SCHIFF. Mr. Chairman, hundreds of thousands of men and women each day put on a uniform and put their lives in danger to protect our neighborhoods. Just last year, 154 police officers were killed in the line of duty in the United States. There were 17 police officers who were killed in the line of duty in 2005 in my home State of California, alone. These are men and women who serve us bravely and with distinction, and they will not be returning home to their families.

When I introduced the Law Enforcement Tribute Act in 2001, the city of Glendale had wanted to honor Officer Lazzaretto as well as three other police officers and one sheriff's deputy that had been killed in the line of duty. Chuck Lazaretto was tragically killed in a shooting in May 1997. Because of this House's support, we enabled Glendale to place a memorial honoring its fallen heroes outside its new police department headquarters.

The parameters of LETA are very simple. Maximum grants are $150,000, and they must have at least a 50 percent local match. This amendment would appropriate $500,000 for fiscal year 2007.

In addition to the memorial that was erected in my district, the Law Enforcement Tribute Act program provided funds in 2004 to 17 local law enforcement memorials all over this Nation, including memorials in Tacoma, Washington; Fairbanks, Alaska; Tucson, Arizona; and Memphis, Tennessee.

It is a fitting tribute for the Federal Government to continue to provide a small amount of assistance to honor these fallen heroes.

I ask for my colleague's support in honoring the fallen men and women of law enforcement, and restore funds for the Law Enforcement Tribute Act Program to its FY 03 funding level of $500,000.

Mr. LIPINSKI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. LIPINSKI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCAUL OF TEXAS

Mr. McCAUL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCAUL of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund a United Nations peacekeeping mission if an individual who is participating in that mission is under investigation for alleged human rights abuses, including sexual exploitation, and that individual has not been removed from that mission for the duration of that investigation.

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Mr. CULBERSON. Mr. Chairman, I wish to reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Texas (Mr. McCAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. McCAUL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer this amendment, which will prevent individuals who are under investigation for human rights violations, including sexual abuse, from participating in current peacekeeping missions.

The underlying bill includes good language that will prevent funds in the bill from being spent on new peacekeeping programs until the allegations of human rights violations have been investigated and the guilty have been purged. My amendment simply expands on this initiative and makes current U.N. peacekeeping missions accountable for human rights violations.

Over the past year, several cases of human rights abuses, specifically sexual exploitation and abuse, by individuals involved in U.N. peacekeeping operations have raised the suspicions of many Members of Congress and members of the International Relations Committee. The U.N. Office of Internal Oversight Services has opened an investigation into these allegations, and the evidence in several of these cases is compelling and very disturbing. Sadly, in some cases, the U.N. has failed to remove the accused individuals from their posts, leaving them in a position to continue abusing innocent victims. Whatever the world gains by placing peacekeeping forces in an embattled country or region we lose tenfold by having deviant and abusive members of the peacekeeping force exploit the local populations.

Peacekeeping funds are an important and necessary part of what America does for humanity and the rest of the world. It is a worthwhile cause and a very important resource in spreading American goodwill to other nations. However, I believe the U.N. peacekeeping program must be reformed and Americans should not be spending their valuable tax dollars on the program until this serious problem has been fixed.

I thank the chairman for allowing me to discuss this issue. I understand it is subject to a point of order, and I will withdraw my amendment with the hope that the chairman and ranking member will address this issue in conference and in future appropriations bills.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. DE LAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for "VIOLENCE AGAINST WOMEN AND PROSECUTION PROGRAMS" (consisting of an additional $2,000,000 for grants to assist children and youth exposed to violence, $2,000,000 for services to advocate for and respond to youth, and $1,000,000 for the national tribal sex offender registry, as authorized by sections 41303, 41201, and 905(b), respectively, of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and $5,000,000 for grants for sexual assault services, as authorized by section 2014 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 202 of the Violence Against Women and Department of Justice Reauthorization Act of 2005), and by reducing the amount made available for "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES", by $10,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

This amendment, which I offer with Mr. INSLEE, would provide $10 million for several newly authorized Violence Against Women Act programs, including $2 million for children exposed to violence, $2 million for youth services and $1 million for the national tribal sex offender registry, as well as $5 million for the Sexual Assault Services Program.

The House last year voted almost unanimously to reauthorize the Violence Against Women Act, which dedicated $50 million for the Sexual Assault Services Program, funding vitally needed. It was the first Federal program to provide direct funding for counseling, legal accompaniment, training for law enforcement, and the prevention and education services that rape victims rely on.

Sexual violence remains a problem in this country. Rape remains the only violent crime to still be on the rise. One out of every six women are raped or sexually assaulted in their lifetimes, more than 200,000 in 2004 alone. Worse, only 36 percent of victims say they reported the crime to the police.

Those most likely to be raped or sexually assaulted are young women between the ages of 16 and 24, women with their whole lives ahead of them. This one act of violence will alter their lives forever. But absent proper treatment and timely counseling, it could destroy any possibility of a healthy life, resulting in depression, addiction, eating disorders and even suicide.

The need to take action is now. When Congress recognized the need to authorize this program, it was one time when we spoke with one voice in this body. While the program was authorized at $50 million, the underlying appropriations bill includes no funding for it whatsoever.

We can take a small step toward following through on a commitment for direct services with this amendment, to get funding where it is needed most, to rape crisis centers.

Let us start to truly make go ahead on this commitment that we made. And by simply redirecting $5 million from the Department of Justice general administration account to this program, we can give these women hope that there are better days ahead.

Let us pass the amendment and let us do it today.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, we know two things about domestic violence and violence against women. Number one, it is still at epidemic levels across our Nation. And, number two, it is almost an inherited trait where children who are exposed to domestic violence themselves become perpetrators frequently. Ten million children a year are exposed to domestic violence in our country, and we know that men who have experienced it and viewed it as children are twice as likely to become perpetrators themselves.

So one aspect of this bill is to fund a portion of the Violence Against Women Act to break that chain, nip this in the bud, stop that chain from continuing across multiple generations. The other part of our amendment will make sure that we treat children. Teenagers are a special group that are increasingly submitted to sexual harassment, sexual abuse and domestic violence themselves. These are bills that we need to get funded. Third, this will deal with the tribal problem. We need to have a tribal registry for sexual abuse.

And just in conclusion, there will come a day, I hope, where we fathers are successful in teaching our sons that it is unmanly to abuse women. That is an obligation upon all of us as fathers. But as part of that, I am happy today and I hope this amendment will pass. It will fulfill our obligation in Congress to help break this chain of domestic violence.

Mr. CULBERSON. Mr. Chairman, the committee has no objection to the amendment and applauds the authors for its intent and for bringing it to the House tonight and are prepared to accept it.

Ms. DELAURO. Mr. Chairman, we thank the gentleman, and we appreciate the opportunity to move forward on this issue.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCAUL OF TEXAS

Mr. MCCAUL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCAUL of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to fund the administration and operation of the United Nations Human Rights Council while countries designated as state sponsors of terrorism by the Secretary of State are members of the Council.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Texas (Mr. MCCAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. MCCAUL of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer this amendment, which simply seeks to prevent the funding of a Human Rights Council that represents state-sponsored terrorists.

Currently, the United States provides 22 percent of the U.N. annual budgets, over $900 million in fiscal year 2007, and some of that funding goes to the Human Rights Council. My amendment states that no funds in this bill may be used to fund the administration or operation of the Human Rights Council while countries designated as state sponsors of terrorism remain as members of the council. The reforms to the Human Rights Council by the United Nations over the last year are purely cosmetic and without substantive change.

Today, countries that sponsor terrorism and countries that have atrocious human rights records still remain on this council, and the American taxpayer funds them. And in my opinion, that is unacceptable. Any Human Rights Council reform that allows countries that sponsor terrorism to remain as members, such as Cuba, is not real reform. And in the past, countries such as Libya, Iran and Syria have participated on this council.

Additionally, any Human Rights Council reform that allows countries with despicable human rights records to remain as members, such as China and Saudi Arabia, is not real reform. I believe that it would not only be a waste of America's valuable tax dollars, but it would be an insult to some of our taxpayers who are also soldiers who have fought so hard to defeat terrorism worldwide. It is an insult to elevate countries that sponsor terrorism to a position of authority over other countries for human rights abuses.

Until the United Nations engages in true reform to defeat terrorism, we should send them a strong message through this amendment by cutting off U.S. funding to the Human Rights Council.

I urge all my colleagues to support this commonsense amendment which will work to prevent terrorism worldwide.

Mr. Chairman, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

It is unfortunate that the United States did not participate in the establishment of the Human Rights Council. We were one of four nations out of over 170 that did support it who opposed it. But following the elections to the Human Rights Council, the Assistant Secretary of State for International Organizations, Kristen Silverburg, had this to say: On the whole, we think this demonstrates some progress. Those are her words.

And the truth is that the Human Rights Council is an improvement over the discredited Human Rights Commission. Is it perfect? Of course not. But it does require candidates to be elected for the first time by an absolute majority of the General Assembly, not through selection. It also requires that those who serve on the council have their human rights records regularly reviewed and allows the human rights abusers to be suspended from the council. And the reality is that the only member of the council that is on the list of state sponsors of terrorism is Cuba. Sudan, Syria, Libya, Iran and North Korea were kept off. And the dominant majority of its members are democracies.

I note that my friend and colleague from Texas, the proponent of the amendment, sent around a "dear colleague" about his amendment, and therein was a statement that a council that includes China does not signify reform. Well, I would submit that that puts him at odds with our ambassador to the United Nations and the Bush administration. Because Ambassador Bolton has initially suggested that the five permanent members of the Security Council, which clearly includes China, automatically be given membership on the Human Rights Council. And the administration subsequently, through Ambassador Bolton and Secretary Rice, have publicly committed to work with the council to make it effective.

If the United States turns its back on the council, it will condemn the principal international human rights forum to failure and allow the handful of bad apples that remain in the body to dominate it.

Instead, the United States should work with the 37 democracies elected to the 47-member council to strengthen and depoliticize it and ensure future elections to the council exclude members that commit human rights abuses.

Mr. Chairman, I reserve the balance of my time.

Mr. McCAUL of Texas. Mr. Chairman, I yield myself such time as I may consume.

It is amazing to me that anybody could agree that state sponsors of terrorism, that it is somehow acceptable that they serve on the Human Rights Council, and specifically countries like China, when we look at their human rights record in Tiananmen Square and the oppression that they have put on their people, countries like Iran, which is a state sponsor of terrorism, which has oppressed women in their society, oppressed their own people to a great extent.

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Also Libya and Syria. I think this is a commonsense amendment, and I urge my colleagues to support it.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. GARRETT).

The CHAIRMAN. The gentleman from New Jersey is recognized for 2 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I appreciate the gentleman yielding the time; and I commend your efforts in this regard to limit the funding to this council and limit the funding, in essence, to the U.N. as well.

This council and even the process by which members are selected to it are basically symptomatic of the problems that we see within the U.N. not just today but over its entire 60-year history.

When we step back for a moment and say this is good and the next forward step because these members are selected to it by the entire body, we must remember what the entire body is made up of. This is the same body that is made up of the G–77 that is basically thwarting all efforts to reform the U.N., efforts that this House and this gentleman has also worked for to make sure we would have going forward in the U.N.

But the G–77 and the other minority nations have worked to make sure that those reforms that this House has tried to envision and has envisioned and tried to get across in the U.N. have been thwarted.

This same group of states, made up, as you indicate, of terrorist states as well, have seen to it that they have selected nations such as China, such as Pakistan and others, terrorist nation states, to be on this body.

How can anyone sit back in good conscience and say that this council is going to be able, therefore, to judge any other nation in the world when their own nations have the problems within it?

And, yes, it is true that these nations may have the opportunity or have the responsibility of having their human rights records reviewed more intensely, but I don't think that a more extensive review is necessary. The world has already seen these nations and how they conduct themselves on the international scene, and the world has already seen as well how they conduct themselves with regard to their own citizens.

A nation that subjects their own people, a nation that puts their own people under the thumb of their leadership, a nation that subjects its own women to an inferior status within their country, is not a nation that I wish to be judging the quality of life in this country or any other country.

So I commend the gentleman for his work in this regard. I think that this House should stand up behind him and make sure this legislation passes.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I acknowledge that it is not a perfect mechanism. Would I have preferred to see a pure and pristine body created? Of course. But the truth is, and the gentleman has acknowledged it, we live in an imperfect world; and I would suggest the best example of that is the allies that this Nation has brought into the coalition of the willing. Let me just cite a few:

Uzbekistan. Uzbekistan, headed by an individual by the name of Islam Karimov, who is responsible for the massacre of almost 1,000 innocent civilians in Andijan.

Part of our coalition of the willing includes Azerbaijan. Azerbaijan, where the son of the president recently came and visited with President Bush in the White House. Read our Department of State's human rights reports on Azerbaijan.

Another traditional ally of the United States, Egypt. Go read the Department of State's human rights reports on Egypt.

And the gentleman is correct to talk about Saudi Arabia, where women don't have the right to drive.

We are in a world that is imperfect, but there is no doubt that this particular council represents an improvement and has the support of the Bush administration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. McCaul).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The Clerk designated the amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the Clerk read the amendment so we can understand what amendment this is.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Ms. Eddie Bernice Johnson of Texas:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. For "Office of Justice Programs—Juvenile Justice Programs" for the Juvenile Delinquency Prevention Block Grant program, as authorized by Part C of the Juvenile Justice and Delinquency Prevention Act of 1974, and the amount otherwise provided by this Act for "Broadcasting Board of Governors—International Broadcasting Operations" is hereby reduced by, $5,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from Texas (Ms. Eddie Bernice Johnson) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to not offer my amendment concerning the Juvenile Mentoring Program but will present this one concerning the Delinquency Prevention Block Grant program.

Initially, the amount of money designated earlier for these programs was $33 million. That was the initial amendment. However, that has been reduced to $7 million, and I rise today to support the funding for Juvenile Delinquency Prevention Grants, because the funding is limited.

Mr. Chairman, as violent crime continues to rise throughout this country, it is important that we give our young people the support they need to become productive adults. Delinquency Prevention Block Grants do just that.

These grants provide assistance to at-risk youth through a number of programs, including family strengthening programs, drug and alcohol abuse treatment programs, gang prevention programs, job training and employment programs, and youth development programs. These activities are designed to prevent and reduce juvenile crime in communities that have a comprehensive youth crime prevention plan.

Simply building more prisons is not an effective crime prevention strategy. Mr. Chairman, we must give our children a path to success, not a path to prison. Delinquency Prevention Block Grants give our young people a chance to excel and become productive adults. Through youth development, prevention and intervention efforts, we can keep our children safe and out of trouble. Research has shown that early investment in youth can dramatically reduce youth crime and violence.

Additionally, delinquency prevention programs offer a considerable savings in the long term. For every dollar invested in prevention programs, we save about $4 to $7 in the long term.

Providing all children and youth with constructive programs and alternatives is essential for our Nation's at-risk children. We must give our youth every opportunity to grow into responsible, productive, healthy and law-abiding adults. I ask my colleagues for their support for this important amendment.

Mr. Chairman, I will not offer the amendment earlier we talked about. I ask for support for this one. I think this is the one that we had discussed. The one that I withdrew had to do with the mentoring program that I was told already had funding in under various organizations like Girls Clubs and Boy Scouts and organizations like that. So that is the one that I withdrew.

This one was altered to show $7 million, which had been $33 million. That was an agreed amount. It is reduced to $7 million.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank Mr. Wolf.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. Eddie Bernice Johnson).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlelady from California (Ms. Loretta Sanchez of California).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank Chairman Wolf for agreeing to enter into this colloquy with me on the subject of intellectual property rights.

Discussions of international trade and intellectual property rights are often dominated by talk about China, but I would like to bring up that there is no country in the world who is doing a worse job at fighting piracy right now than the country of Vietnam. Ninety percent of all the software used in Vietnam in 2005 was pirated. That is more than the deplorable rate of 86 percent that China has. Piracy in Vietnam is costing our businesses $45 million a year.

I know that the chairman shares my disappointment with the lack of action that we have seen from the administration on this issue so far, but despite Vietnam's complete failure to protect intellectual property rights, the administration and certain Members of this House want to grant Vietnam permanent trade relations and WTO membership. I think that it is a huge mistake.

Mr. WOLF. Mr. Chairman, reclaiming my time, I thank the gentlelady. I want to be on record I am absolutely, opposed to granting PNTR to Vietnam.

If you read the Human Rights Report of the State Department of Vietnam, which probably not many people read, it is a disaster. It is a disaster. I cannot understand why a bill would even come to the floor.

On the issue of intellectual property, if you look to see how they are treating the Catholic Church and the Buddhists, do you think they are going to be any better on intellectual property? No way.

President Bush is going to visit this fall. We are hoping that the President will meet with dissidents here and also dissidents over there and speak out on human rights, religious freedom and on the intellectual property issue. So anything that we could do in this bill that would be helpful with regard to beefing up intellectual property and doing as much is helpful.

But, also, as I told another Member from your side earlier today, it isn't just putting a couple dollars in. I want somebody who really believes, and, as of now, I think this whole issue of trade trumps everything.

I wish we could harken back to the days of Ronald Reagan, whereby Ronald Reagan just spoke out so boldly on the issue of human rights and religious freedom in Eastern Europe, called the Soviet Union the evil empire, was laughed at by the liberal media, and lived to see the fall of the Soviet Union.

That type of approach that Ronald Reagan took would be the right approach to take with regard to Vietnam, whereby we could see additional trade and human rights and religious freedom and, lastly, the respect for intellectual property, so they are not just stealing everything that we have.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, as you know, I represent the largest Vietnamese population outside of Vietnam in the world in Orange County, California; and certainly our number one issues with respect to how people are treated in Vietnam are the human rights issues, the issues of freedom of the press. There is no press that is not state-owned.

I remember being with an archbishop, and he said that he couldn't even pass out information inside the church after the church service because that would be considered the printed word, and that would not be allowed because he was not a state agency, as well as confiscation of land rights, which I have got a bill in the House and we are working on to try to get that returned to religious institutions.

But certainly there are moneys in this bill for intellectual property rights, and I would hope that this administration would concentrate some of that. Of course, we need to do it on China. It is a large economy that is growing there. But I think we really need to send a message.

As I stated before, I have voted every single time against normal trade relations with Vietnam because I believe that their human rights record is so atrocious and they really haven't changed it.

By the way, I have also been denied three times entry into Vietnam in the last few years, simply because I continue to bring up these issues.

So I hope that the chairman will work with me, especially as we move forward as the President is deciding to go to Vietnam and as many in this House have decided to push for WTO entry and for normal trade relations with Vietnam. I would hope that people would begin to read some of these reports to understand just how terrible the human rights conditions are in Vietnam.

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With that, I thank you for the time, Mr. Chairman.

AMENDMENT NO. 16 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to carry out section 924(p) of title 18, United States Code.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will prohibit any funds in this bill from being used to enforce the burdensome trigger lock law that was passed and that went into effect on April 24 of this year. I believe this law is needless and equivalent to a tax on citizens who purchase firearms.

The law states that all licensed manufacturers, licensed importers and licensed dealers must provide a trigger lock with every handgun they sell. This is not a cost that will be absorbed by the gun industry; it is a cost that will be passed on to lawful gun owners.

Trigger locks do not stop gun crimes or accidental shootings. Mandating gun buyers to pay for a gun lock is not making America safe; it just is making guns and self-defense and personal protection more costly.

Mr. Chairman, should the government mandate safety devices for every possible household danger? Lawn mowers can be dangerous. According to the American Academy of Pediatrics, approximately 9,400 children younger than 18 years of age receive emergency care for lawn mower related injuries every year. Should we mandate that all lawn mowers be sold with a blade lock?

Medicine cabinets contain dangerous substances. According to the Center for Disease Control, in 2000, over 1 million children younger than age 6 were exposed to poison, with some of the most common exposures being cosmetics and personal care products.

Should we make medicine cabinet locks mandatory? Knives, electrical outlets, power tools. I could stand here and list hundreds of household mechanisms. Safety needs to be a priority in all households; we all know that. I believe that parents should be responsible and store and manage household products in a safe manner.

But should lawn mower dealers be required to sell blade locks with every lawn mower sold or every cabinet maker sell a cabinet lock with every cabinet sold?

Mr. Chairman, my point is that many things around the home are dangerous when used without proper instructions or supervision. But it is not the government's job or responsibility to mandate every conceivable protective mechanism imaginable.

Responsible adults do not need the government to force them to purchase protective mechanisms for their homes or businesses. Responsible gun owners who need a trigger lock would have purchased one on their own without a government mandate. A government mandate is not the answer.

Forcing gun buyers to purchase gun locks will not make guns more safe; it will only result in gun lock manufacturers making larger profits and increasing costs for all lawful gun owners.

Mr. Chairman, I urge my fellow Members to vote in favor of my amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. MCCARTHY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Chairman, when the legislation was passed, it was passed with the help of 70 bipartisan Senators. With that, we had many strong certainly gun rights Senators voting for the amendment. We talk about gun safety. We talk about trying to certainly save and prevent as many injuries as possible. We talk about, you know, having it mandatory when you buy a gun. But we are not asking mandatory that the person use the gun lock.

The whole idea was, hopefully, educational-wise, as we do with so many other products, we will have that gun owner use it. Many gun owners use storage locks. And that is great. We are trying to reach out to more.

I have nurses around the country that actually go to gun stores and hand out gun locks like this. They are not expensive. They are $5 to $7. We have seen safety issues certainly at the forefront, helmets for kids when they ride their bicycles. That has saved a lot of head injuries.

When we look at the health care issues on gun violence, unfortunately, especially to children, we see a lot of money in the health care system being used. It is just one other step to hopefully bring down certainly medical care costs in this country, but also more importantly than ever before, certainly work with children to save their lives.

In this past week, we had an incident in New Jersey. A 12-year-old unfortunately got hold of a family gun. Playing with it with his friend, he shot and killed his friend. It was an accident. It was an accident that certainly could have been prevented.

I happen to think that when the Senators on the other side voted, and by the way, this House also voted for the bill, to pass it with the gun safety locks mandatory in that legislation, it is one more thing. Is it a perfect answer? No. We do not have perfect answers.

Since I have been here, I have been trying to convince people that I am not out to take anybody's right to own a gun. But I also talk to an awful lot of gun owners. And they understand the responsibility that they have. Now, if someone buys a gun and it is mandatory to have a gun lock with that gun, they can choose to use it or not to use it. I hope that if they choose not to use it, they would at least give it to someone that would.

As I said, my nurses, they do not have large budgets. But because they work in the emergency rooms and because they are the ones on the front line when these young kids come in, we have done, in my opinion, a very good job on bringing down the number of deaths with children, especially those under 18.

To take away something that this Congress and certainly the other body felt was important enough to put into legislation is something that I think that we should be fighting for. I hope that my colleagues will oppose this bill.

Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, can I inquire how much time I have left?

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from Colorado (Mrs. MUSGRAVE) have 2 minutes remaining.

Mrs. MUSGRAVE. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina.

Mr. WILSON of South Carolina. Mr. Chairman, I would like to thank Congresswoman MUSGRAVE for her leadership on this amendment, which would prohibit any funds in the appropriations bill being used to enforce the mandatory trigger lock provisions, essentially a tax on citizens who purchase a handgun.

It is my view that the new trigger lock bill is bad public policy. The new bill provides, or the law is a tax on citizens who purchase firearms. Responsible and law-abiding gun owners do not need the government to tell them to be safe. Responsible gun owners will take protective steps without the government mandating trigger locks.

Responsible users who will use a provided lock would also be using safer and more secure methods, such as a lockbox, quick-action safes or full gun safes. I would like to thank Congresswoman MUSGRAVE for her leadership in understanding there can be unintended consequences.

It is my view that many people who in good faith are working for restrictions on the use of weapons are actually not achieving what they meant. My experience with this, I worked in the State of South Carolina in the State senate. To provide concealed weapons permits, we were warned that if persons who were law-abiding citizens could apply for a concealed weapons permit, it would lead to the shootout at OK Corral. The exact opposite has occurred. There has been a reduction in gun violence, a reduction in crime, almost 50,000 people in my home State now have a concealed weapons permit.

And people who were opposing our bill now tell me that it works. And so I would like to commend Congresswoman MUSGRAVE on her vision to protect the people of the United States.

Mrs. MCCARTHY. Mr. Chairman, I think we are trying to change the debate again. Again, it is about gun safety. Mr. Chairman, I yield 1 minute to my colleague from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I thank my colleague from New York for yielding me time.

I rise to strongly oppose this amendment, which if enacted will lead to more accidental gun shootings in this country, including more deaths of children. Just last October, this Congress passed a piece of legislation that brought broad immunities to the gun industry. And we can have our differences on that issue.

But as part of that legislation that was passed by this Congress and signed by the President back in October, there was a provision, Child Safety Lock Act of 2005. Let me just describe the purposes: To promote the safe storage and use of handguns by consumers; to prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun.

Who can argue against those purposes? That was the intent of the legislation. It said, if you are a gun dealer and you are selling a gun, let's at the very least ensure that you have to sell at the same time a gun safety lock to protect against accidental shootings. We know the terrible statistics of accidental shooting deaths of children in this country. Let's not change what this Congress did on a bipartisan basis.

And when this came up in the Senate, there was a bipartisan vote in support of this.

Mrs. MCCARTHY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am here on the floor to present a different amendment. But I listened to the debate on this, and I am really amazed. This House voted overwhelming to require v-chips on television sets so parents can protect their children from improper programming.

But it would be absurd to do that and then say we are not going to at least have a gun lock to protect children who may pick up a gun and use it inappropriately, use it out of ignorance.

So I want to join you in opposing this amendment. I see nothing wrong with a gun lock. I do not think that means people want to take away the guns or anything else, just to make sure that it is locked so if it gets in the hands of a child, that the child will not use it, kill someone or do harm to other children and members of the family.

We do have requirements of locks on all sorts of products in order to protect children. I think the rule that is in effect ought to be allowed to be continued without this amendment stopping it.

Mrs. MCCARTHY. Mr. Chairman, with that being said, you have to remember, we are not forcing anyone to use the lock. We are trying to educate them to save lives. It is a commonsense law. Hopefully, everybody will oppose this amendment.

Mrs. MUSGRAVE. Mr. Chairman, I believe that the law is needless and equivalent to a tax on law-abiding citizens who buy guns. I urge Members to support my amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for—

(1) the Industry Trade Advisory Committee on Chemicals, Pharmaceuticals, Health/Science Products and Services (ITAC 3) unless the membership of the committee is "fairly balanced in terms of the points of view represented" pursuant to section 5(b)(2) of the Federal Advisory Committee Act (5 U.S. App.); or

(2) the Industry Trade Advisory Committee on Intellectual Property Rights (ITAC 15) unless the membership of the committee is "fairly balanced in terms of the points of view represented" pursuant to section 5(b)(2) of the Federal Advisory Committee Act.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I yield myself 2½ minutes.

Mr. WAXMAN. Mr. Chairman and my colleagues, the law for advisory committees requires that it be fairly balanced in terms of points of view represented, pursuant to section 5(b)(2) of the Federal Advisory Committee.

Well, there are two trade advisory committees that influence a wide array of policy and negotiating decisions that impact access to medicine, both domestically and overseas. One is known as ITAC 3. It covers chemicals, pharmaceuticals, health products and services.

The other, ITAC 15, advises the USTR on intellectual property rights. Pharmaceutical companies are represented already on these panels. But input from the public health community is nonexistent.

To its credit, in December of 2005, the administration moved to rectify this imbalance by soliciting nominations for public health representatives to be added to the two committees.

Yet more than 6 months later, despite numerous applications from the public health community and repeated inquires from Congress, no appointments have been made.

□ 2030

The longer the USTR delays, the more we need to be concerned about biased advice that is resulting in controversial trade policies on drug pricing, drug competition and reimportation and other sensitive issues.

For example, recent free trade agreements extend patent terms, delay generic competition and make it more difficult for governments to respond in the case of a public health crisis.

The USTR's 2006 Special 301 Report on intellectual property violations threatens sanctions against our ally Israel because the Israeli government declined to adopt drug regulations that go beyond the requirements of the WTO and even U.S. law.

Our FTA with Australia interferes with the pricing system they use to keep down drug prices.

Well, the consequences of not getting a balanced input from these advisory committees could lead to serious problems for people in these developing countries because, unless they have access to generic drugs, their people will not be able to afford the drugs that could be as successful in dealing with HIV/AIDS treatment programs, and it could even have an impact on the price of drugs in the United States.

The status quo is unacceptable. USTR ought to live up to its commitment to add public health representatives and meet its obligation under the Federal Advisory Committee Act, and that is what the amendment seeks to do.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. WOLF. Mr. Chairman, I understand the Ways and Means Committee has concerns with this amendment. Although, looking around, I see no one from the Ways and Means Committee.

We also are aware that the Office of the United States Trade Representative has committed to ensuring public health experts are included on this advisory committee. We have been led to believe this issue will be resolved in the near future, but with that understanding, I have no objection to the amendment personally. So I would accept the amendment.

Mr. WAXMAN. Mr. Chairman, I hope this will be resolved very quickly. This is to give a push so it will be resolved.

Mr. Chairman, I have time, and I yield the balance of the time to the gentlewoman from California (Ms. LEE), a cosponsor of this amendment, who wishes to speak on it.

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding.

I also want to acknowledge the leadership of the gentleman from California (Mr. WAXMAN) and the work of his staff, Zahava Goldman, and Jamila Thompson on my staff for their tireless advocacy for access to affordable medicines for all people.

I am delighted this amendment has been accepted tonight because it is a very important policy that we must have. It is not really an extraordinary request.

Basically, we just are asking that what has been required in the past, public health officials, that they actually be appointed to these committees. Unfortunately, 7 months later, neither the USTR nor the Department of Commerce has provided a name or a plan or even a timeline to begin these appointments.

Now, with these very aggressive bilateral and multilateral trade negotiations continuing, we cannot afford to wait.

So this is a very important step in the right direction, and I thank both sides for accepting this amendment.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GARRETT of New Jersey:

Page 110, after line 8, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I come to the floor this evening with an amendment that, quite frankly, I have offered and has been accepted on various other appropriation bills throughout this process, and I think it is time to, once again, thank the various chairmen of those respective committees for accepting some of those similar amendments.

We may differ on each side of the aisle as to how we exactly got to the point that we are today, but one thing that we do agree on, as I have said on this floor in the past, one thing we do agree on is that we spend too much and our deficit is way too high.

So my amendment that I come to the floor with tonight is basically a commonsense approach to see, how do we rein in that spending? How do we deal with the angst of our constituents at home that say we are spending too much of their hard earned dollars?

What does that amendment do? It places a limit, a number, a ceiling, if you will, on the number of staffers that can travel on international conferences. The number that we place on here, the limit that we place, is 50 staff members. I am not saying that staff are not important. All we have to do is look around us and recognize the significance that staff plays in the role of the House of Representatives and right here on the floor as well, but we are just saying that, when it comes to going over to other international conferences, there should be some reasonable limit to numbers that go there.

In the other House, the Senate has held hearings on this, and Senator COBURN from Oklahoma has actually pointed out egregious examples of over 100 or more staffers attending various conferences and literally close to millions of dollars for those respective conferences. If I wanted to take the time, I could go through a litany of such egregious examples.

But I will be brief and just simply say that, to rein in the spending, to put some appropriate, reasonable standards on this, we are going to try to do the same on this legislation as we have in the past and say that all agencies of the Federal Government should be responsible in the number of staff they send.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The Clerk designated the amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the amendment be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. For "OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS" for the Jessica Gonzales Victims Assistants program, as authorized by section 101(b)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the amount otherwise provided by this Act for "DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES" is hereby reduced by, $5,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

First of all, I want to make it clear, I am just reading this revised amendment. This should increase the Jessica Gonzales program. It should put money into that by $5 million and reduce by $5 million the general administration salaries and expenses. I want to make clear that that is the intent of the amendment.

The Nadler-Capps amendment will increase the funding for the Jessica Gonzales Victim Assistance Program by $5 million. The offset is from the Department of Justice general administration account.

The Jessica Gonzales program places special victim assistants to act as liaisons between local law enforcement and victims of domestic violence in order to improve the enforcement of protection orders.

The current system has undermined the effectiveness of protective orders. Last year, the Supreme Court decided the case of Jessica Gonzales, who had obtained an order of protection against her violent husband. Despite Ms. Gonzales' numerous pleas to the police to arrest her husband for violating the order, even providing the police with information on his whereabouts, the police failed to do so. Mr. Gonzales then murdered their three children. When Ms. Gonzales sued the police for their failure to protect her and the children by enforcing the protective order, the Supreme Court ruled the police did not have the mandatory duty to enforce the order by making an arrest. The Jessica Gonzales Victim Assistance Program restores some of the effectiveness of restraining orders that the Supreme Court destroyed with this ruling.

This is the first opportunity to fund this program which was authorized last year in the Violence Against Women Reauthorization Act.

The Jessica Gonzales Victim Assistance Program will help enforce restraining orders and protect women who are victims of domestic violence. I, therefore, urge my colleagues to support the Nadler-Capps amendment to provide it with more adequate funding.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. NADLER. Mr. Chairman, I thank the gentleman, and I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS), the cosponsor of the amendment.

Mrs. CAPPS. Mr. Chairman, I thank my colleague, and I also thank the chairman very much for his acceptance of this amendment already.

But I want our colleagues to know how much we all appreciate the fact that there was a tremendous bipartisan victory this past year with the reauthorization of the Violence Against Women Act. In VAWA 2005, we were able not only to keep in place the successful programs of the past 11 years but also to initiate new programs to serve victims of domestic violence, sexual assault and stalking.

One such program is the Jessica Gonzales Victim Assistance Program, which improves our local law enforcement agencies' effectiveness in complying with restraining orders.

Now that we have taken the initiative and instituted this program, we must also now take that next step and properly fund this program. That is why I thank the chairman very much.

Nearly one in three women experiences at least one physical assault during her adulthood, assaults by a partner, but far too many of these cases go unreported, often because victims are skeptical about receiving adequate protection against their attackers. Not surprisingly, nearly half of all victims who obtain restraining orders are abused again.

What kind of message does that send about our Nation's ability to protect victims of domestic violence? This newly authorized program to address the shortfalls of restraining order enforcement is named after, as my colleague has said, Jessica Gonzales who, as many of you may remember, was ignored when she informed police that her estranged husband had violated his restraining order and kidnapped their three children. Ms. Gonzales' three children were murdered that night by her husband, even though the police had been informed about Mr. Gonzales' whereabouts with the children. We must vow not to let this happen again.

I urge my colleagues to support this amendment so that we can properly fund the Jessica Gonzales Victim Assistance Program. We owe victims enforced protection against their attackers, and we must ensure that the next time a woman is attacked, she knows that reporting a crime and obtaining a restraining order are not fruitless gestures.

I thank the chairman, and I thank my colleague.

Mr. NADLER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 110, after line 8, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. (a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I come to the floor tonight to address the issue of funding for the U.N. We have heard some discussion about it already, whether we are spending too little, not enough; whether we should not be making cutbacks in the various funding for the U.N.

The real question is, how can we make any of those decisions if we do not know the total amount of money that we are spending for the U.N. and its programs and its services?

Each year, the United States spends literally billions of dollars to fund the United Nations and its work. We fund the U.N.'s work year after year, regardless of how it is used or misused, and certainly, with the countless instances of waste, fraud and abuse, scandals and corruption over the last several years that we have talked about on this floor in the past, we can at the very least question the body's ability to police itself, at the very most call for that money as being misused.

At this time, the United States Government does not have a method for knowing the total amount of money we send to the U.N. While we can tally what is paid in dues, what we can contribute to various peacekeeping operations, additional funding is spent on voluntary programs and other support; there is no collective number for it. There is no comprehensive and public report of all the different ways that we fund U.N. operations with U.S. tax dollars.

□ 2045

So the amendment that I bring to the floor today calls for such a comprehensive accounting of all those dollars. Not for a cutting, not for increasing, just an accounting so we know what is being spent.

A similar amendment was made on various legislation on the Senate side.

Reform at the United Nations, that is that this Congress has encouraged in the past, has been complicated, as I have indicated earlier this evening, by the fact that the majority of the nations in the U.N. General Assembly oppose even the most modest forms of reform put forth by this House or even by the General Secretary. For instance, almost 5 years after the events of September 11, the U.N. has not yet even today agreed on a definition of terrorism. As I spoke earlier, they have also not agreed on a definition of genocide, even though that continues to go on to this day.

How can the U.N. expect to contribute to the fight against genocide or continue to fight against terrorism, one of the greatest threats to peace in the world today, if it can't even decide how to define it? Yet while the majority of the nations at the U.N. stand in the way of progress, they only fund 10 percent of the U.N.'s budget.

So it is up to the United States to lead for the U.N. That has worked in the past. In 1979, the Camp-Moynihan amendment successfully limited the U.N.'s support of terrorist organizations simply by the threat of withholding funds. And when the U.N. budget was ballooning in the 1980s, our use of financial leverage helped to bring about a compromise in 1986. And in 1992, Congress again had to withhold funds in order to see that an inspector general would be appointed to expose and fix mismanagement.

You see, Mr. Chairman, reform is possible at the U.N., but only if the United States is willing to lead. And for us to be able to lead, we must be fully aware of just how big a stick we carry; that is, how much we are funding. We must be fully aware of how much U.S. tax dollars goes from this House to the U.N.

So on behalf of the citizens that we represent at home who demand that we call for accountability in the U.S. Government, we should be doing the same from the U.N. We must have an accounting for those dollars spent.

I reserve the balance of my time.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if changing existing law. The amendment imposes additional duties.

I ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. GARRETT of New Jersey. Mr. Chairman, I appreciate the chairman's citing the point of order; and I am in agreement that the point of order appropriately falls within this amendment that I bring before the House tonight.

It is, of course, a frustration for us when we are dealing with spending of dollars that we do not know exactly how much of the total dollars we are spending for a particular purpose, especially when that purpose is the U.N. and especially with their dismal record of the past.

With that said, Mr. Chairman, at this point I seek unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

At the end of the bill, before the short title, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to issue a national security letter to a health insurance company under any of the provisions of law amended by section 505 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment prohibits any funds from being used to issue National Security Letters to health insurance companies to obtain people's private and personal medical records.

Currently, under section 505, any FBI field office director can demand your personal medical records without a warrant or any judicial approval and the insurance company is legally required to give it to them and is legally prohibited or gagged from telling you or anyone else about the order.

Last year, almost 10,000 unreviewed National Security Letters were issued by the FBI without showing any connection between the records sought and any suspected foreign terrorist. Post PATRIOT Act reauthorization, I remain very concerned, because National Security Letters are still issued without court approval simply on the letter's assertion that the request is relevant to a national security investigation, without any showing of a connection to a suspected terrorist.

The right to challenge the gag order is not real, since the government's mere assertion that lifting the gag order would pose a threat to national security must be treated by the court as conclusive, with no evidence necessary as to the truth of that assertion.

Government officials already have access to so much of our personal information, such as credit reports, library user, and telephone communications. Do we want the government to have such unchecked access to personal and private information as revealed by our medical history: psychiatric profiles, lab studies, and diagnostic tests like CAT scans and MRIs?

If somehow your medical records are necessary in fact to a terrorist investigation, the government should be required to explain to a judge why they are needed, as is provided in section 215 of the PATRIOT Act, rather than simply allowing an FBI field agent to demand those records in secret.

The FBI already has far-reaching compulsory powers to obtain documents when it is investigating terrorism under both its criminal and intelligence authority. The FBI can obtain a search warrant if there is judicial finding of probable cause that a crime has or will be committed. The FBI can use Grand Jury subpoenas; and, in terrorism cases, the FBI has sweeping authority to obtain all the records, including medical records, under section 215 of the PATRIOT Act. But it has to go to a judge.

Given these existing search powers, there is no reason to authorize the FBI to issue unchecked National Security Letters demanding medical records without any showing of anything to a judge.

Mr. Chairman, if you have visited a doctor's office or a hospital in the last few months, you may have seen a notice telling you that your medical records may be turned over to the government for law enforcement or intelligence purposes. We can all agree that giving the FBI access to our most intimate private information is too great an intrusion on our privacy to leave unlimited and unsupervised.

There may very well be reasonable legitimate reasons for the FBI to need this information in terrorist investigations. Section 215 of the PATRIOT Act provides for them to get that information if they simply go to a judge and tell them why they need it. The NSLs, which this amendment would stop, or would say you can't spend money on, skips the necessity of even going to a judge in private, in secret, and saying why they need that.

Let them use section 215. We had almost a majority on this floor to eliminate section 215, but at least that requires a showing to a judge. The National Security Letters allows any FBI field office director to get these most private records without any showing to a judge. That is wrong, and I urge my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself 2 minutes.

We are talking about terrorism. Every time the gentleman gets up, he paints something that really is inaccurate; and I think the gentleman from California will explain what you said. There have been changes in the PATRIOT Act.

The threat of terrorism and espionage is real. Thirty people from my district died in the attack on the World Trade Center. Two of my children live up in your congressional district. And if you read the article the other day about gas in the subways, you sort of make these statements, and you act like the Justice Department and the FBI is going to go after somebody's medical records. They are trying to stop terrorism. They are trying to stop what took place on 9/11 from taking place again.

We have a letter from the Justice Department. "National Security Letters are extremely valuable to investigations of international terrorism." Not your MRIs, but international terrorism and espionage, al Qaeda.

This Congress stood by and did nothing while Osama bin Laden lived in Sudan from 1991 to 1996. I was the author of the National Commission on Terrorism, which came out in the year 2000. In 2000, NANCY PELOSI supported me in the committee when we got the funding for it. On the cover of the Bremer Commission report that came out in the year 2000, there is a picture of the World Trade Center on fire, and this body did nothing. It stood by and it watched, and the previous administration did nothing. And now there are people that have died because they have done nothing.

This is a bad amendment. The PATRIOT Act has been authorized by the Judiciary Committee. Mr. LUNGREN will tell you the changes that have been made. There have been protections put in it.

My goodness, do we want to tie the FBI's hands when they are trying to catch bin Laden and people like that? This is a bad amendment. We went through it on the authorizing act.

I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I would like to hear what Mr. LUNGREN has to say before I use the balance of my time.

The CHAIRMAN. The gentleman from New York reserves his time.

Mr. WOLF. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman from Virginia has the right to close.

Mr. WOLF. How much time do I have?

The CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. WOLF. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Let us be clear what this would do. The Nadler amendment would prohibit the FBI from using these NSLs to obtain any financial records or health records from health insurance companies even if those records are indisputably relevant to an international terrorism or espionage investigation.

Indeed, the FBI would be prohibited from using the NSL to obtain financial records of a known terrorist from a health insurance company, no matter how much evidence the FBI possessed of the target's involvement with terrorism. It would not just prevent the FBI from obtaining medical records.

Currently, the FBI can obtain health insurance records through the use of administrative subpoenas without the approval of a judge to investigate not terrorism but health care fraud offenses. So if the FBI is allowed to use administrative subpoenas to obtain these records to investigate health care fraud by dirty doctors, then it should be allowed to use these NSLs, which are similar to administrative subpoenas, to obtain these same records in international terrorism investigations which may involve dirty bombs.

This is basically the same amendment Mr. NADLER offered to last year's appropriation bill that was defeated on this floor. The only thing that has changed since that time is not the language of his amendment but in fact the enactment of the reauthorization of the USA PATRIOT Act which contains several new protections to prevent abuse of this authority.

However, even without the new protections, there is no evidence of the abuse of these letters. Nonetheless, in March of this year, the President signed the bill; and it adds these protections which were not present last year when we debated this same amendment:

Clarification that recipients may disclose that they have received an NSL to an attorney or others necessary to comply with the NSL.

Secondly, explicit language that a recipient may challenge an NSL in court.

Third, explicit language that a recipient of an NSL may challenge the prohibition on publicly disclosing that he or she has received an NSL.

Next, for the first time, language requiring public reporting on the use of NSL authorities.

Next, requirement for additional classified reporting to Congress on the use of NSL authorities so we can exercise oversight in a more effective way.

And, finally, requirement that the Inspector General conduct two audits of the Justice Department's use of NSLs.

Last year, we debated this same amendment, same issue, similar appropriation bill. The only difference is we have added protections since that time by the reenactment of the PATRIOT Act and the signature of the President.

So if you voted against it last year, if you thought we should defeat it last year, you have more than sufficient reason to defeat it this year.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. NADLER. I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. I thank the gentleman.

Right now, everybody has access to your medical records. Obviously, I would like to support more privacy. But, frankly, your insurance company has a right to your medical records, all the data processing companies have a right to your medical records, and all the financial institutions that are colocated with the insurance companies have your financial records.

The Health Care Information and Privacy Act in this country has no teeth. Some nurse or doctor can sell your medical records and not be liable civilly or criminally. Someone can sell your records to a tabloid, and you have no right to sue the tabloid. They can obtain it under illegal and false pretenses. No recourse whatsoever.

This notion of privacy is really bunk. We have no privacy in terms of medical records. And I would ask the American people, please call your representative and demand medical privacy from our HIPAA laws.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members to address their remarks to the Chair and not to a viewing audience.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I respect everything that the gentleman from Virginia said. 9/11 happened in my district. Terrorism is terrible. We are waging a war against it, and we have to wage that war against it, and we have to protect ourselves. The question is intelligent protection.

The FBI should not have the right to get our medical records without going to a court. That is what this question is about. Should they have the right to get these records simply on an assertion or a letter that nobody even has to look at, that it is simply relevant to an investigation, without going to court?

Yes, certain protections were put into the bill. Those protections are insubstantial. For example, you can challenge the gag order. Yeah, but if the government says that lifting the gag order would harm national security, that assertion must be taken as dispositive. The court can't say, really? The court can't say, what evidence?

☐ 2100

For all practical purposes, they have an absolute right to these records without showing them to a court. I am not saying they should not get the records. My amendment doesn't say they shouldn't get the records. What it says is a general principle, one that we should always adhere to, if they think they need the records for a terrorist investigation, go to a court, go to a FISA court, go to a secret court. Use section 215 of the PATRIOT Act.

But we shouldn't allow the FBI to have access to private records without some showing in court of necessity of probable cause or something. That is why this amendment should pass.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, just one last point. We have no medical privacy in this country now. The health care and privacy act is nonexistent. It has no teeth in it. Your medical records can be found out from anybody anywhere.

They pass through a million different institutions as they get processed through transaction companies, insurance companies, financial companies. It is absolutely bogus.

We haven't even passed the genetic nondiscrimination act here in this place, which means, if you have genetic disposition to a particular illness, you are not protected. There is no privacy in our medical records. Let us just understand that from the get-go.

The American people are outraged by not having privacy, they have to get to their Members of Congress and request that we do more to strengthen the HIPAA law, the healthcare information and privacy act.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

I agree with the gentleman from Rhode Island on the medical records' safety and privacy. I think the gentleman makes a valid point, but that is really not what we are talking about tonight. We are dealing with the FBI dealing with terrorism.

As I mentioned, a newly released book by a Pulitzer Prize winning author states that al Qaeda came within 45 days of attacking the New York subway system with lethal gas. We never completely know why they didn't move ahead, but within 45 days. If a National Security Letter would stop something like this, and they are still out there. Al Qaeda is still out there. They are still committed.

There is a book by Mary Habeck, Knowing the Enemy. They are still out there and committed to coming. So if a National Security Letter could stop what took place on 9/11 at the World Trade Center or at the Pentagon over in that area or in the bombing of the Khobar Towers, the USS *Cole* or the Marine barracks or places like that, we certainly would want to stop that.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. Let us be clear what we are talking about here. We are not talking about, generally speaking, about the question of the privacy of medical records. We are asking whether NSLs are an appropriate means with which to obtain information from health insurance companies as they are utilized or a similar process, that is administrative subpoenas that are not obtained by a court, are utilized to look at health care fraud.

One of the things that we got out of the 9/11 Commission was the fact that we had failed to not only connect dots but failed to adapt our criminal justice investigative procedures in the face of this new threat, which is terrorism. Some people would say, well, why would health records be relevant to such a case?

Well, in the instance of anthrax, for instance, it would be relevant if someone had sought medical attention that would, in fact, basically inoculate them if they came into contact with anthrax. It would be of some assistance if a group of people involved, that we had suspicion were involved with a terrorist group, were inoculated for smallpox. I mean, these are those sorts of things that help us connect the dots.

Mr. WOLF. If the gentleman would yield.

Mr. DANIEL E. LUNGREN of California. Yes.

Mr. WOLF. I appreciate what the gentleman said. Members should know in our bill our committee established in the Justice Department an Office of Privacy and Civil Liberty for the very reason that Mr. SERRANO used to raise, and rightly, to protect to make sure something did not happen.

Mr. DANIEL E. LUNGREN of California. If the gentleman will recall, the Judiciary Committee has been very aggressive in oversight of Justice Department actions with respect to the PATRIOT Act. Several of the changes made in the law that I referred to before give us a greater handle on that because it requires more reporting to the Congress on what has been done with respect to NSLs in this regard.

So as I said, the biggest difference between our consideration of the gentleman's amendment last year and this year is there are more protections built in to the use of NSLs by the Justice Department than there were before. I thank the gentleman for yielding.

Mr. WOLF. Mr. Chairman, I submit the letter that I referenced earlier.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 28, 2006.

Hon. FRANK R. WOLF,
Chairman, Subcommittee on Science, the Departments of State, Justice, and Commerce and Related Agencies, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We have been advised that Congressman Nadler may offer an amendment to the pending Justice Appropriations bill that would restrict the use of National Security Letters ("NSLs") relating to medical records. Congressman Nadler offered a very similar amendment last year. That amendment was defeated. We remain opposed to any such amendment.

NSLs are similar to subpoenas and may be used by the Federal Bureau of Investigation (FBI) to obtain from specified companies information relevant to authorized investigations of international terrorism and espionage. It is unwise to create carveouts from the scope of these important investigative tools, particularly since there has been no allegation of abuse regarding medical information, the subject of the proposed carveout. NSLs are generally used to obtain: (1) billing and transactional records maintained by telephone companies and Internet service providers; (2) credit reports and other consumer information maintained by consumer reporting agencies; and (3) financial information maintained by financial institutions. It would be an exceedingly rare circumstance in which an NSL issued to one of these institutions would capture medical records.

Moreover, the Congress addressed in a full and considered manner the concerns of critics of the use of NSLs when it passed the USA PATRIOT Improvement and Reauthorization Act earlier this year. That bill included numerous changes to all the NSL statutes to clarify and improve the laws' privacy protections. Congress also mandated a comprehensive audit by the Department's Inspector General on the use and effectiveness of NSLs. The findings of that review are expected to be available early next year.

It is also interesting to note that Congress has already provided the FBI the authority to obtain health insurance records through the use of administrative subpoenas (without the approval of a judge) when investigating criminal health care fraud. NSLs and administrative subpoenas are very similar except for some of the additional civil liberty protections added to the NSL statutes during the debate to reauthorize the USA PATRIOT Act. It would be odd if the Congress were to make a different policy determination when, rather than a health care fraud matter, the investigation involved international terrorism.

NSLs are extremely valuable to investigations of international terrorism and espionage. Information obtained through NSLs has significantly advanced numerous sensitive terrorism and espionage investigations and has assisted the FBI in discovering links to previously unknown terrorist operatives. We see no justification for artificially restricting the reach of those investigative tools.

Thank you for this opportunity to express our concerns. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to this letter.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MICA:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of the Buy American Act (41 U.S.C. 10a et seq.).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

This is a Buy America amendment. I usually don't offer these. I believe in free and open competition. But I am pleased that the committee is going to entertain this amendment. Just for the record. I want to enter into the record why I am here and why I think this is necessary.

For the record, the Department of Commerce has awarded for nearly two decades a contract which promotes United States products and goods overseas in European trade fairs to a Dutch firm. Now, this has gone on for some two decades.

Several years ago, I was contacted by a U.S. firm that was interested in competing back in 2004. They contacted me and said they wanted to compete, and there were problems in entering.

NOAA handles the contracting and solicitation for, again, for this civilian business and awards the contract. They issued a solicitation.

When I was contacted, this firm said, all we want to do is compete. This Dutch firm has had this for two decades. They made some moves toward considering others, but then they gave the contract to the European Dutch firm and excluded the U.S. They just continued the contract.

I told the American firm, well, maybe next year, we will try it again, a little late, see if you can't get fair competition. Then they opened it again this past year, and in fact, they put out a request for proposal. The American firm was allowed to compete, and then once this process and submissions had started, they ended the competition; they changed the rules. They changed the rules to favor the European firm, the Dutch firm, which has had the contract for 20 years.

Now, I think all that should be fair is that an American firm also gets the opportunity, and this is to put on an exposition of United States goods sponsored by the Department of Commerce and the U.S. taxpayers. All I want is a fair shot for Americans to compete in putting on exhibitions and compete in a fair and open manner. That is the purpose of this, and I want that as part of the record.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. We accept the amendment.

Mr. MICA. Thank you. Again, I am pleased, I appreciate the cooperation and want to make certain that hopefully this amendment corrects an unfair situation, unfair competition.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

Mr. MOLLOHAN. Mr. Chairman, I rise to strike the last word.

I yield to the gentleman from Ohio for a colloquy with the chairman.

Mr. KUCINICH. I want to thank the gentleman from West Virginia.

Mr. Chairman, I would like to thank the chairman, Mr. WOLF, for his leadership in helping to keep our NASA centers healthy in the long term, a concern that I share and that requires extremely difficult decisions under tight funding caps.

At the same time, I am concerned with the bedrock of NASA's success, its world class workforce. The 2005 NASA Authorization Bill enacted a moratorium on involuntary reductions in force until March of 2007.

In addition, the act required 11.5 months between the submission of a complete workforce plan and the end of a ban on RIFs. However, NASA has thus far been unable to determine their existing skills mix and future skills mix demand. Any hasty action would cause NASA to lose irreplaceable intellectual capacity and institutional memory and would harm its recruiting capabilities.

Any workforce reshaping should therefore only be implemented after clearly establishing the agency's current and future workforce needs and after exhausting all cost-effective voluntary means to maintain critical skills and to fill any gaps. This is especially true given that so much Constellation work on the horizon relies heavily on Apollo era and shuttle era design elements.

Mr. WOLF. Would the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Virginia.

Mr. WOLF. I share the gentleman's concerns about NASA's high quality workforce, and I expect NASA to develop and move forward with a long-term strategy to replenish the skills of its aging workforce while also maintaining key institutional memory. I urge NASA to address and correct any imbalances through an aggressive campaign of retraining, work transfer across centers, judicious buyouts and carefully managed recruitment, all with a minimum of disruption to the workforce. The people really have to be treated fairly, fair in the sense that everyone will say it is fair.

I expect that NASA will respect the moratorium on reductions in force in the 2005 NASA Reauthorization Act and will not engage in any reduction in force until they have met the workforce planning requirements in that act and provide it sufficient time for congressional oversight. So I would be happy to continue to work with the gentlemen on these issues as the gentleman moves forward in conference.

Mr. KUCINICH. I want to thank the gentleman for his commitment and thank him for the outstanding work that he has done in the past in helping us on these matters.

Thank you, Mr. Chairman and, thank you Mr. MOLLOHAN.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, insert the following:

SEC.   . None of the funds made available in this Act may be used to support programs that target segments of the Muslim and Arab communities for national security investigations.

Mr. WOLF. I reserve a point of order.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I intend to ultimately withdraw this amendment, but I thank the chairman for allowing me to rise to discuss, I think, a very important element of our foreign policy.

First of all, I will like to acknowledge the U.S. Global Leadership Campaign that brought to my attention, after meeting with former Secretary Powell and former Secretary Albright, the very poor state of foreign aid in terms of dollars. Previously, we had some $35.1 billion, and now $32.28 billion.

Obviously, working under the constraints of the budget amendment passed by this administration and this Congress certainly misdirected or at least caused confusion among the population because they believe we spend too much on foreign aid; whereas it really shows it is only about 1.2 percent.

I say that because my amendment specifically talks about eliminating funds for supporting programs that target segments of the Muslim and Arab American communities for national security investigations.

Now, Mr. Chairman, as a Member of the Homeland Security Committee, I am not standing here in complete ignorance of the war on terror and of the importance of securing the homeland and ensuring that all of our law enforcement agencies are able to conduct the investigations necessary to secure the homeland.

□ 2115

In fact, I am a strong proponent, as a member of the Subcommittee on Intelligence of that Homeland Security Committee, of increasing intelligence, if you will, backed up by civil liberties and other necessary protections.

But it is well known that after 9/11 the Muslim community and the Arab community in America have been racially profiled. In fact, recently, at an Arab American Economic Summit just held in Houston this week, some of the diplomats, dignitaries, individuals with the appropriate paper, if you will, ambassadors that were traveling from the District of Columbia to Houston were, in fact, detained by our local airports and other authorities. And one would say that an ounce of prevention is worth a pound of cure, if you will, and I have probably made that particular phrase up, but I do understand the cautiousness.

But what we are doing is we are discouraging the legitimate travel for business, cultural exchange, diplomacy and education. We are distracting focus and attention from the guilty to the innocent, and we are diverting scarce Federal law enforcement resources by utilizing them in a targeting fashion.

I hope that we will have an opportunity in this Congress to focus on the issues of intelligence so that we can target individuals who are truly here to harm us.

But I also hope that we can establish the fact that racial profiling for your last name, for your religious faith, is clearly un-American and that what we should be doing is encouraging travel from the Mideast of those who are here for cultural reasons, those who come for business and, yes, the many, many students who have been discouraged from coming to the United States because of the tough requirements on visas directing and their family sending them to European countries, as much for not being able to get visas as being fearful for their young people to be here, that they might be racially profiled.

This is a concern that I believe is necessary to express to this body, and I hope as the various initiatives of this particular appropriations through Justice, through the State Department, really become concerned with the unfair targeting of the Muslim American and Arab American community.

Mr. Chairman, I reserve my time.

Mr. WOLF, I intend to withdraw this amendment.

Mr. WOLF. That is what I was led to believe. I still reserve the point of order.

Ms. JACKSON-LEE of Texas. I accept the unfortunate aspect of legislating on an appropriations bill. But I do believe it is an important enough issue that I hope, as it is placed in the RECORD, we will know that it is important as we proceed with the appropriation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SODREL

Mr. SODREL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SODREL:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the purpose of enforcing the final judgement of the Federal District Court for the Southern District of Indiana issued in Hinrichs v. Bosma.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Indiana (Mr. SODREL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SODREL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today as a means to protect the rights of State legislatures and the speech, conscience and independence of State legislators from unelected and unaccountable judges serving for life. While my amendment is only half the solution, it is a step in the right direction which I hope this body will adopt until a broader solution can be enacted.

A Federal court in Indiana has imposed itself on the independence of State legislators. A Federal district court judge, David Hamilton, in the case of Hinrichs v. Bosma, has made a ruling to limit religious speech within the Indiana State Legislature and to impose this restriction on the legislators themselves. This decision threatens freedom of speech and imperils the separation of powers in the U.S. Constitution. If Federal courts can regulate any speech of the members of a legislative body, it follows that those courts can regulate all speech.

Our neighboring State, Kentucky, adopted what is known as the Kentucky Resolutions on November 10, 1798, when our republic was in its infancy. These resolutions were adopted as a protest against the Alien and Sedition Acts passed by Congress. This historic document protesting violations of the first amendment states in part, and I quote, "Another and more special provision has been made by one of the amendments to the Constitution, which expressly declares that Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press: Thereby guarding in the same sentence, and under the same words, the freedom of religion or speech and of the press; insomuch, that whatever violated either, throws down the sanctuary which covers the others." End quote.

These words are not my own. They come from the pen of Thomas Jefferson, author of the Declaration of Independence and our third president, who wrote the Kentucky Resolution. They were adopted by the Kentucky Legislature and are a matter of historical record. Jefferson understood these rights were, and are, inseparable. A Federal judge is not above the law. A judge cannot amend the Constitution, nor should a judge be permitted to ignore the context of a constitutional right.

Mr. Chairman, the Indiana Legislature did not make any law. They didn't enact any statute. They didn't even pass a resolution. The legislature was only carrying out a 188-year tradition by beginning each session with a prayer just like the U.S. House of Representatives. Many other legislative bodies throughout the Nation practice this same tradition. But Judge Hamilton ruled the Indiana Legislature must not make any reference to Jesus Christ or to the Christian religion. In addition, the judge specified he would review the speech of the legislators to ensure that they also did not make reference to Christianity or Jesus Christ as Lord. The judge did not make any reference to other religions for any similar restrictions.

Mr. Chairman, my amendment would prohibit the use of funds in this bill from being used to enforce Judge Hamilton's erroneous decision and send a message that Congress is serious about judges legislating from the bench. The Indiana State Legislature is appealing the Judge's decision in this case, but I believe Congress must exercise its right to protect the independence of State legislatures from overzealous judges.

Mr. Chairman, earlier this year, I introduced H.R. 4776 to limit the review of Federal courts over the content of speech in State legislatures. My amendment does not encompass all of H.R. 4776, but it does enough to send a signal to the judiciary that Congress will not tolerate legislating from the bench. Congress cannot permit the court system to rewrite our Constitution.

I have heard the argument that some were offended at hearing a Christian prayer, and that was the reason for the lawsuit. Mr. Chairman, I have searched the U.S. Constitution, and I have found no mention of the right that protects any citizen from being offended. Members of this body, in this Chamber, say things that offend me. But as the patriot Patrick Henry once said, "I do not agree with what you say but I will defend to the death your right to say it."

Mr. Chairman, some may question why this amendment is necessary. I would counter by saying what can be more necessary than upholding the U.S. Constitution? We all took an oath to do so. If Congress cannot correct the court when it has strayed from the letter and the intent of the U.S. Constitution, who can? If we don't, who will?

Right now, Indiana legislators must huddle in the back of the chamber, hidden from public view, to pray.

The courts are now going beyond interpreting laws and have begun inserting themselves in the legislative process. The U.S. Constitution prohibits the legislative branch from restricting the free exercise of religion. Why should the judicial branch be an exception?

Judge Hamilton's court is presuming to dictate what State legislators may or may not say and decide how they should represent their constituents. It violates the principles of separation of legislative and judicial powers and separate sovereignty between State and Federal power.

As Jefferson wrote 208 years ago, they are guarded in the same sentence and under the same words, the freedom of religion or speech and of the press. To fail to uphold any of these puts them all at risk.

I urge my colleagues to support my amendment to stand up for freedom of speech and the autonomy of the State legislators.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NADLER. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment can be very simply summed up simply by reading the one sentence of it. None of the funds made available in this Act may be used for the purpose of enforcing the final judgment of the Federal District Court for the Southern District of Indiana issued in Hinrichs v. Bosma.

I listened to the distinguished gentleman from Indiana as he told us why he disagrees with this, the judgment of the court, of the Federal court of Indiana and why he thinks the court is wrong. He is entitled to his opinion. But let the litigant appeal the decision. That is why we have courts.

The Soviet Union under Stalin in 1936 adopted a constitution. That constitution had a bill of rights, freedom of speech, freedom of association, freedom of the press, freedom of religious and anti-religious propaganda, as they quaintly put it. The problem, of course, was that if you tried to assert the rights they shot you instead of letting you go to court.

No rights are worth anything. There is a maxim in the law, there is no right without a remedy. No right is worth anything if you can't enforce that right. The way we enforce rights in this country is in courts. We tried it a different way once. We had a civil war.

Either Mao is right, that power comes out of the barrel of a gun, or we do it the way we do in this country. We obey court orders.

When a court says something unpopular, you shall not have Jim Crow segregated schools in the South, we obey the law. The President sends in the National Guard in Little Rock in 1957 if he has to. No matter how unpopular the court's decision is.

And here we have an amendment that says, because we disagree with a given decision of a local court, a Federal court in Indiana, no funds will be expended to enforce that decision. That way lies tyranny, Mr. Chairman.

If the gentleman from Indiana doesn't like the opinion, it should be appealed. And if he still doesn't like it, if he doesn't like the final judgments, let him bring an amendment to the Federal Constitution to this body. We can amend the Constitution.

But to say that when a court has decided on a matter of rights, the court has decided that something or other, I am not sure what this case was about, but something or other, some action that someone was taking violated some plaintiff's civil rights, that we should say that no funds will be expended to obey the court order to protect the civil rights of whoever the plaintiff was that the court found that somebody was violating; that some agency of government was violating someone's rights. The Court said that that is the case and, therefore, they should stop it; and we should say, no, no, no? No funds should be used to enforce the order of the court because the victim of the discrimination or the violation of civil rights is unpopular, unpopular with our constituents or unpopular on this floor?

The whole point of religious liberty is that it is not subject to a popularity contest. Minority religions have the right to be protected. Your liberty is protected because you are an American, because we value liberty, not because you can win a vote on the floor of the House or the Virginia Legislature or the Indiana Legislature.

It is absolutely destructive of the structure of our society, the structure of our government and of our guarantees of liberty to say, with regard to any court order, I am not going to defend this court order because I don't know much about it. But to say we will not allow the expenditure of the funds to enforce a court order, that is not our judgment.

If you want to destroy the Constitution, destroy the Constitution, destroy the Bill of Rights, vote for this bill.

I reserve the balance of my time.

The CHAIRMAN. The gentleman from Indiana's time has expired.

Mr. NADLER. I will take the balance of my time.

Mr. Chairman, I will simply say again, it is extremely subversive of liberty, of civil rights, of civil liberties to vote for this bill. I cannot recall a worse bill. To say that we won't enforce a court order because we don't agree with the court, change the judges. You have got the President. Amend the Constitution if you think it is that bad. But don't say that we are going to usurp the function of the courts and let somebody who went to court, exercised his American right to go to court, won in court, and we are going to shaft him and say your rights are violated. The court found your rights are violated, but we, because you are unpopular, we won't let the court enforce your rights. We will take the money away. For shame.

Vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SODREL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SODREL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

□ 2130

AMENDMENT OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman. I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BAIRD:

Page 110, after line 8, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to file a motion under section 3730(b)(3) of title 31, United States Code, for an extension of time of more than 6 months, or to file more than one motion under such section in any one case.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Washington (Mr. BAIRD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume.

My amendment is about something that we talk about a lot in this body, and that is reducing waste, fraud and abuse and the waste of U.S. taxpayer dollars. People are concerned about this in the Katrina area. They are concerned about it quite a bit in Iraq as well.

What this amendment would do is ensure that contractors are held accountable for any fraudulent claims they may make against the U.S. Government and the American taxpayers. The most pressing need for the amendment is in Iraq, where the Department of Defense reports spending $6 billion a month, a substantial portion of which currently goes to contractors.

Under present law, whistle blowers may sue contractors suspected of defrauding the government. The administration is then granted 60 days to decide if they will join the case or not. However, the administration can also continually request extensions and thereby delay making a decision, which keeps the cases sealed and unable to proceed through the courts, thereby effectively allowing any fraudulent practices to go uninterrupted and unpunished.

Since the cases are sealed, we can only estimate how many are actually pending in the value of the contracts. But one estimate that is well informed suggests that at least 50 cases are currently awaiting action.

The American taxpayers deserve their day in court. If contractors are being paid for services which they did not perform or when they did not fulfill contracted objectives, those dollars must be recovered on behalf of the American taxpayers.

My amendment would limit the Justice Department to one extension of 6 months. This mirrors a provision of the Stop Fraud in Iraq Act, H.R. 5290, which I introduced along with my colleague, Congresswoman LOFGREN of California. Once the 6-month period lapses, the administration would have to decide to either join the case or to let it proceed without administration participation. One way or another, the cases must be brought before a court and resolved.

Again, this is about ensuring the taxpayer dollars are managed better, and for too long we have seen these cases delayed.

I would urge a "yes" vote on the Baird-Lofgren amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I am inclined to accept the amendment, but before doing so, I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I appreciate the opportunity to address this issue. As a member of the Judiciary Committee, we do have concerns about our jurisdiction over this particular subject matter. But it is certainly true that there are whistle blower cases where multiple requests for extensions by the Department of Justice unnecessarily delay a final resolution of the case in the courts. But this amendment in its rigidity is not an appropriate solution, and I am concerned about this.

The courts currently make the decision as to whether an extension should be provided to the government in these cases. The government cannot singularly decide to stall the case, and the use of the False Claims Act has proven to be one of the most effective tools we have to go after fraud against the government, especially large-scale fraud.

But in those cases where a whistle blower has brought large acts of fraud to the attention of the government, the fraud is spread throughout a large enterprise. And in those cases, there may be a very real need to request multiple extensions in order to establish a viable prosecution on behalf of the government and therefore maximize the chances of recovery. In those cases, multiple extensions are to the benefit of both the government and the whistle blower.

I point out some issues that have to be dealt with by the Department of Justice in these cases, and that would be, first of all, that if the government has a tip, they will have a 5-year statute of limitations to bring a criminal charge, a 6-year statute of limitations to bring a civil charge. And when you look at all the things that a case has to do, first we should keep in mind, each case is different, and they cannot all fit in necessarily to a 6-month extension clause, but they might be stretched out across that. They might be less time than that. The whistle blower often agrees to those extensions, but it is the judge that has to decide.

And then, think in terms of the work that must be done by the Department of Justice. First of all, they have got to interview the whistle blower and document evidence and establish an investigative team and then to consider whether to conduct a criminal investigation and coordinate that with the agency. They may need also to issue subpoenas for documents, interview relevant witnesses and even perhaps defer a decision in case to case and also perhaps also include a grand jury. All of these things are things that have to be considered into this amendment that is offered by Mr. BAIRD.

So I would suggest also that, of these kinds of whistle blower cases, a list of some of the very high dollar cases that took extensions beyond what the limitation of this amendment would be, for example, these are the things that would not have happened if we had been limited to a 6-month extension:

HCA, $1.7 billion claim; Serono, $700 million claim; GlaxoSmithKline, $140 million claim; TAP Pharmaceuticals, $875 million; Astra Zeneca, $354 million; and I hesitate to say this, King Pharmaceuticals, $124 million; Advanced PCS, $137 million; Schering-Plough, $345 million.

You get the understanding. That is about half of my list that I present here. I know there is a lot more discussion to take up. But all extensions must be approved by the judge, and I think it is worthy of deliberation.

I appreciate the gentleman for bringing the amendment, and I am hopeful that we can find a resolution that is constructive to the justice we all seek and the efficiency that we seek within the judicial branch of government and the Department of Justice.

Mr. WOLF. Mr. Chairman, reclaiming my time, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RENZI

Mr. RENZI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RENZI:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available under title I for "COMMUNITY ORIENTED POLICING SERVICES" and reducing the amount made available under title IV for "INTERNATIONAL ORGANIZATIONS—CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS", by $5,000,000.

The CHAIRMAN. Pursuant to the order of House of Tuesday, June 27, 2006, the gentleman from Arizona (Mr. RENZI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. RENZI. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman for working with me on this amendment. My amendment increases the funding for tribal law enforcement through the COPS program by $5 million, while decreasing the funding for the United Nations.

I appreciate your help on this.

I represent the largest land mass of poverty in America. And many of my colleagues also represent areas in America as shown on the 2000 census that are poverty ridden. Some of you represent areas that have more concentrations of poverty than I do, but I represent an area the size of West Virginia that is the largest land mass of poverty in America.

You want to see children malnutritioned with extended bellies? You do not need to go to Africa. You can go to Kaibito in the Navajo Nation. You want to see children who have not seen a doctor in 30 days, whose jaws are so swollen shut, so infected with pus because they haven't seen an oral surgeon in 30 days, you can go to San Carlos Reservation. The map proves it and shows it.

And you lay on top of this poverty the fact that there is a lawlessness that has come back. The days of the Wild West are back, and they exist on tribal lands. They have no police officers, no equipment. They do not have the tools to bring back the rule of law. On the Navajo Nation, the size of West Virginia, there is one police officer per 4,000 residents. Do you know what the rest of us have in America? We get one police officer for every 800 residents in America.

I am really sorry to interrupt your conversation and bother you all back there. Not real funny.

The people of the San Carlos Reservation, 1.8 million acres, they have five police officers at any time patrolling the San Carlos, 13,000 residents, 20,000 offenses reported last year. Do you know that 25 percent of their babies are born testing positive to meth? Fifty percent of the babies born in the San Carlos test positive to drugs or alcohol. The gangs have taken over. It is a lawlessness.

If you are a felon in Los Angeles, do you know where you run to hide? Do you know a safe haven in America? The Navajo Nation. Safe haven. Do not tell me about terrorist safe havens. I got you a safe haven in America right here in our backyard. All of us share this responsibility.

Now, I realize this bill and the parameters of the bill and the fact that we needed to cut and eliminate pork and earmarks and Members' spending, and this bill is reduced $3 million from last year for tribal law enforcement. My amendment simply says, give back a little bit, one first step towards helping tribal law enforcement, those police agents out there in tough areas in the Wild West trying to pull back a whole generation of Native American youth who are losing their heritage, who are losing their culture, who have become so addicted that no one can even help pull them back. This is a first step.

I ask my colleagues, please, to help me and join with me. I beg on behalf of the Native Americans for $5 million from the U.N. Before you spend it overseas, let us spend it at home. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

I will certainly accept it, and I think the gentleman makes a very powerful case. I had an amendment several years ago which was defeated on this floor which would have set up a national commission to really go in and look at the conditions on the reservations. I used to work for former Congressman Jon Kyl, the father of now Senator JON KYL, who had really a great burden for many of the Indians, particularly in that area in Arizona. And it is a disgrace. And I really believe, not to make this too controversial, but I think this whole issue of gambling on reservations has almost made people say, well, now, they can have a gambling casino, so we are not going to put any money in.

Many of these reservations are in areas that are very difficult to access, very difficult to get there. Some are in very barren areas, and others are in very cold areas, so people aren't going to go there. So listening to the gentleman, at an appropriate time, I think maybe next year, I am going to offer this thing again. I think it got tied up in the whole gambling issue, which I think is corrupting this Nation, and unfortunately, this Congress and this administration have been too silent on the issue.

But the gentleman makes a very powerful case. So what I think I may do when we come up next year at the appropriate time is offer an amendment to set up a commission that doesn't get involved with the gambling issues but looks at crime. I read the New York Times series about 2 or 3 months ago, back in February, about some of the reservations where organized crime was coming in and the meth problem. And I want to see if we can put together some bold new way to really help the first Americans, the Native Americans.

So I accept the amendment. We will work hard to keep it in conference, too, not just to kind of get out of your hair, to accept it, but to really kind of keep it. And I think listening to you sensitizes me to next year offer this amendment to create this Blue Ribbon Panel of people who really care about the conditions on reservations and see what we can do to really make it concrete.

But I do accept the amendment.

Mr. RENZI. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Just to compliment the gentleman on his argument, I am very supportive of his amendment. I support the chairman's comments. And I invite the gentleman to testify before our subcommittee next year. He is obviously well versed on the issue, and the committee and the Congress need to be more sensitive to the concerns that the gentleman raises.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to congratulate the gentleman for his passion in advocating on behalf of Native Americans. I salute him entirely in his efforts to represent his district but also all of Native American country.

Growing up, I had a picture in my house of my Uncle Robert Kennedy out in Pine Ridge Reservation, and the pictures were of like a developing country that we would never think was here in our own country. And your description today of the conditions are no different than the descriptions that occurred 40 years ago when people were thinking what a tragedy it is, the way we are treating our Native Americans. And what is even more of a tragedy is that, over all of these years, we have done nothing to improve the conditions of Native Americans in this country who have absolutely been decimated in so many ways because the United States has failed to fulfill its very basic trust responsibility to our first Americans.

I cannot thank the gentleman enough for his passion and his advocacy, and I think he has done an admirable job laying out the statistics for the American people. I think if the American people only knew how bad these situations were, their conscience would be raised and we would be about trying to solve the problems that the gentleman talked about in his speech.

□ 2145

Mr. RENZI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Arizona is recognized for 1½ minutes.

Mr. RENZI. Mr. Chairman, I want to thank all of you for helping me on this. It is something that is so big, it is something that is so severe, it is going to need all of our help.

PATRICK, you have come out and you have seen San Carlos. Your family has visited there. There is a school named after your uncle there, and that schoolyard is filled with gang leaders right now. So I need your help, and I need the ranking member's help and all of those who weighed in on this issue, and I am grateful for it.

Mr. Chairman, I want to thank you also for your understanding on this. This money doesn't go to Arizona or for me. It is for all of us. It is for the gentlelady from South Dakota. It is for the gentlemen from New Mexico and Arizona, everyone who represents our first Americans, who are watching them become addicted. They are watching the gangs take over. They are watching their whole culture be destroyed, be wiped out. Much like in the 1800s when they were wiped out by alcohol and smallpox, the same thing is occurring with methamphetamines. They are more susceptible to it.

I also want to want to say I also appreciate the view on the gaming issue. The Hopis and the Navajo don't engage in gaming. It is against their spiritual foundations. So there are no extra revenues to pull in, and I recognize the social ills tied to that.

But these are safe havens for drug dealers and for felons. When you have five police officers on the San Carlos Reservation, 13,000 people, there is lawlessness, there is no rule of law, and the gangs are running the show and the rats have taken over the ship. And I need help on this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. RENZI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The Clerk designated the amendment.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the amendment be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title) insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in contravention of section 3109 of title 18, United States Code.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New York (Mr. HINCHEY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am introducing this amendment today with my good friend and colleague, RON PAUL. It is a bipartisan amendment.

This amendment simply states that none of the funds in this Act can be used to obtain evidence in contravention of the United States Code pertaining to the knock and announce policy.

The history of the knock and announce requirement can be traced back to common law. The rule requires officers with a warrant to knock and announce their presence before entering a private residence.

Earlier this month the Supreme Court ruled in a 5-4 decision in Hudson v. Michigan that evidence can still be obtained even if the officer or officers violated the knock and announce policy.

In that case, Justice Breyer gave a passionate dissent. Among his dissenting objections were these. He said, "As a result of this decision, the Court destroys the strongest legal incentive to comply with the Constitution's knock and announce requirement, and the Court does so without significant support in precedent. At least I can find no such support in the many fourth amendment cases the Court has decided in the near century since it first set forth the exclusionary principle in Weeks v. The United States back in 1914."

This ruling goes against the precedents set by the Supreme Court most recently in Wilson v. Arkansas, 1995. The court held that the fourth amendment's reasonable search and seizure clause requires police officers to knock and announce their presence before entering a private residence.

Just a couple of years ago, in United States v. Banks, 2003, the court held that officers must wait at least 15 to 20 seconds before breaking a door down, again reaffirming the knock and announce rule. This ruling by this activist Supreme Court will create a slippery slope unless we stop it.

Justice Breyer also mentioned in his dissenting opinion the slippery slope and in mentioning it stated that if a warrant specifies that you can search the home on Monday, can police officers arrive on Tuesday?

We have a very serious issue before us, and that is a Supreme Court which has taken it upon itself to enact new law, in contrary not just to existing law, but in contrary to the Constitution of the United States, and this particular decision against the knock and announce policy goes markedly against the fourth amendment to the Constitution.

It is something against which this Congress must stand up. We cannot have a Supreme Court which continues to infringe upon the rights and privileges of American citizens, a Supreme Court which continues to insist on violating the privacy rights of American citizens which are protected in the fourth amendment to the Constitution. That is why I am offering this amendment this evening.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, you are hearing history tonight. A member of the House Appropriations Committee is offering an amendment to repeal, overturn, a Supreme Court decision. I think that is unbelievable. At first, when I asked what the Hinchey amendment was, then I said, the Hudson case, was that the case 2 weeks ago on June 15? And they said it is.

The gentleman's amendment would overrule a Supreme Court decision through a funding limitation on an appropriations bill. If this ever passed, I think it would be just horrible.

This is not an appropriate way. There is much more I can say. I will just end, the Justice Department sent a letter up here, and we will submit it for the record, that says, "The department also believes that it is inappropriate to hamstring law enforcement efforts that are permissible under the Constitution. If the Constitution does not require the application of the exclusionary rule to knock and announce searches that are subsequently deemed by a judge to have been conducted in an unreasonable manner, then Congress ought not force Federal law enforcement agents to play by rules not constitutionally required, especially when there is no way procedurally to comply with the amendment."

We ought not on the floor of the House at 10 minutes before 10 overrule Supreme Court decisions, no matter what you think of the decision. I don't think this is the way to go.

If the gentleman wants to offer a constitutional amendment, go through the Judiciary Committee. But with 5 minutes on this side, 5 minutes on that side, 10 minutes, to overrule the Supreme Court of the United States I think would be a mistake.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to debate the Hinchey amendment, but I do want to make one observation: We have just been told by my good friend from Virginia that we should not overturn a Supreme Court decision. I don't disagree with that. But just a few minutes ago this House considered an amendment overturning another court decision or insisting that no money be allowed to enforce that decision, and a few weeks ago you had this House vote to deny funds to enforce another court decision on eminent domain.

Now, I happen to disagree with that court decision on eminent domain. Demagogues, when they attack me on that, will forget that fact. But I would just say it is interesting to me to see the selectivity with which we produce sudden concern about vacating court decisions.

I don't think this institution has any business trying to, by law, deny funds for the enforcement of any court decision, even if I disagree with those court decisions, because I respect the processes of law defined by the Constitution.

But if we are going to attack this amendment, then I would suggest we go back and take a look at the other amendments that this House has whooped through without a modicum of thought about what it means if politicians start arbitrarily refusing to support funding for any court decision. That crosses the line.

I attended a meeting at the Supreme Court, a luncheon called by the Supreme Court, where the previous majority leader, Mr. DeLay, informed Justice Scalia and Justice O'Connor, roughly this: You need to understand we are coming after you, and we are going, we are coming after you with your jurisdiction, and you need to listen to us because we are the only ones connected with public opinion. That is what Mr. DeLay said to Justice Scalia and Justice O'Connor.

So although I greatly respect the gentleman from Virginia, I don't think we need to hear any lectures suddenly expressing concern for this Congress trying to withhold support for court decisions. It is a little late, given the track record of the majority on that score.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I appreciate the gentleman yielding.

I would simply like to point out that this amendment differs fundamentally from the Sodrel amendment that we heard a few minutes ago. The Sodrel amendment is subject to the disparaging comments that the gentleman from Virginia just made, because the Sodrel amendment does say no funds herein appropriated shall be used to enforce the court decision in a certain case and says we are not going to enforce a court decision.

The Hinchey amendment doesn't do that. Nor does the Hinchey amendment, contrary to what we heard from the distinguished chairman, overturn a Supreme Court decision. The Supreme Court decision in this case said you may do something. You may execute a search warrant without knocking. What this amendment says is, because we may doesn't mean we should.

So what the gentleman's amendment is saying is, despite the fact that the Supreme Court gave us permission to do this, we will deny funding to do this because we don't think it is right. So the gentleman's amendment is not overturning an Supreme Court decision. It is saying, thank you for the permission; we choose not to exercise the permission you gave us.

It is very different from the Sodrel amendment, which says do not enforce the court order. Do not spend any money enforcing the court order. That is subversive of the Constitution. That is subversive of a liberty.

Mr. HINCHEY's amendment, whether you agree with it or not, does not subvert the court order, does not subvert what the court said, and simply says, what you gave us permission to do, we choose not to do.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would point out that the Supreme Court said that the actions that were taken were wrong. That is what the Court said. They just suggested there were other remedies.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. KING).

□ 2200

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, let's be clear about what we are talking about here. This is a case where the police officers had a warrant, and it was a legitimate warrant, and that is not in question. And then, when they approached the location to serve the warrant, they knocked, and within about 3 seconds, and they admit this, then they entered to conduct the search, there was the subject of the warrant.

And the question is, did the police officers then wait a reasonable time? Did they meet that reasonableness standard? And they agreed that they did not. But the issue really is, the warrant was there. It was a legitimate warrant. It was a warrant that, had it been served exactly according to the letter of the intent of previous case law and the Constitution, then that evidence would have been admissible in court, not excluded.

So the court ruled that simply because the officers were abrupt in their entry was not a reason to exclude the evidence from the court. That is the case here with Hudson v. Michigan. That is the kind of thing that the Hinchey amendment would seek to preclude.

Now, I do not know what the motivation is for that. I do not know why one would want to, because we had some maybe abrupt or rude police officers exclude evidence from a court, especially criminal court. I would think we would want to have that evidence available to the court, and then we would want to take a look at the kind of activities on the part of those officers, because there are other remedies that can be found.

Those other remedies are in the civil courts, the remedies are in police officer enforcement, and there is also a particular Federal statute that allows for that relief. So I would submit then, Mr. Chairman, that there is plenty of relief here to resolve this, and the Hinchey amendment goes the wrong way.

Furthermore, by the time, it would be impossible for Justice to comply with this amendment, because by the time the court ruled that they had not complied with the Hinchey language, they would have already served the warrant, already taken action on this, and already the funds would have been expended. So it would be impossible to comply with this particular amendment.

The effect of it would be to tie the hands. If they did, they would have to be very, very cautious about how they take care of these activities, and that would mean that there will be times when these criminal cases that would not be investigated, warrants that would not be appropriately served for fear that they would be in violation of this amendment, even though there is a not a way to avoid it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman.

Let me simply say, without getting into the merits of the Hinchey amendment, I would simply suggest that if arguments are going to be made on that side of the aisle, that they not be based on the question of whether we should be vacating court decisions, and the majority has already tried to do that on two separate occasions

Mr. KING of Iowa. Mr. Chairman, reclaiming my time. I do not believe that was my argument, was the practicality of how we comply with the Hinchey amendment, and the fact that it is impossible to comply with the Hinchey amendment, however impractical it is.

So I would submit that this does tend to circumvent Hudson v. Michigan, and I would ask for opposition to the amendment.

The CHAIRMAN. The gentleman from New York has 1½ minutes remaining.

Mr. HINCHEY. Mr. Chairman, I just want to make it clear what we are doing here. The knock and announce policy is enshrined in the Constitution, in the context of the fourth amendment. It goes back at least to the 13th century. It is enshrined in common law. It is held up by numerous Supreme Court decisions over the last 100 years, going back at least to 1914, and several of them in recent years, late 1990s, one again in 2003.

Now, all of a sudden, we have this more activist Supreme Court coming to the fore and intruding itself on the law, a Supreme Court which believes it can make the law, not just interpret it. One of the most brilliant aspects of our Constitution is the separation of powers provision. Every law in this country can be made only by this Congress.

Now I know some of my friends on the other side want the President to make the law. But if they do so, they are violating the Constitution again. Every law in this country, according to the Constitution, can only be made by this Congress. Not by the President, not by the Supreme Court. The Courts can only interpret the law.

What this court has done is attempt to make the law and to intrude itself upon previous Supreme Court decisions and, by doing so, violate the fourth amendment to the Constitution and the knock and announce provision which has been in effect for many centuries.

It is up to this Congress to stop that. That is why this amendment is being offered.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is not appropriate, no matter what the gentleman from New York thinks, for a House Appropriations Committee to take this action tonight. I think it is wrong and therefore urge a defeat of the Hinchey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WOLF:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for the item "COMMUNITY ORIENTED POLICING SERVICES", and by reducing the aggregate amount made available for "Department of Justice, General Administration, Salaries and Expenses", by $2,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I will be very brief.

I am offering this amendment to add $2 million for prisoner reentry programs. I think that reentry programs help offenders to move back into their communities and be productive citizens.

Mr. Chairman, I thank the gentleman from Florida (Mr. STEARNS) for bringing this to my attention. I think the more we can help people, and there is a record number of people that are being released from prisons at this time, the more that we can do and help them as they reenter and become good citizens is good.

Mr. Chairman, so I offer that amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF.)

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 21 by Mr. STEARNS of Florida.

Amendment by Mr. WEINER of New York.

Amendment No. 20 by Mr. STEARNS of Florida.

Amendment No. 16 by Mrs. MUSGRAVE of Colorado.

Amendment by Mr. NADLER of New York.

Amendment by Mr. SODREL of Indiana.

Amendment by Mr. HINCHEY of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 21 OFFERED BY MR. STEARNS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 254, not voting 11, as follows:

[Roll No. 340]

AYES—167

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Carter
Chocola
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Feeney
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Latham
Leach
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry

McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Otter
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schmidt
Schwarz (MI)
Shaw
Shimkus
Shuster
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—254

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Cannon
Davis (FL)
Evans
Ford
Gerlach
Holden
Holt
Hyde
Johnson, Sam
Kanjorski
Sherwood

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 2232

Ms. VELÁZQUEZ, Mr. SWEENEY, and Mr. DAVIS of Tennessee changed their vote from "aye" to "no."

Messrs. CONAWAY, WELDON of Florida, TERRY, HUNTER, BACHUS, PORTER, SCHWARZ of Michigan, Ms. HARRIS, Messrs. ISSA, GILLMOR, and FOSSELLA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 236, not voting 11, as follows:

[Roll No. 341]

AYES—185

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Bradley (NH)
Brady (PA)
Butterfield
Camp (MI)
Capito
Capuano
Cardoza
Carson
Case
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Doyle
Duncan
Emanuel
Emerson
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Gibbons
Gillmor
Green (WI)
Grijalva
Gutierrez
Hefley
Herseth
Higgins
Hinchey
Hooley
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (IL)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (NY)
Kingston
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCollum (MN)
McHugh
McIntyre
McKinney
McNulty
Meehan
Melancon
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Neal (MA)
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Renzi
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (NM)
Upton
Velázquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Woolsey
Wynn

NOES—236

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boucher
Boustany
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cantor
Capps
Cardin
Carnahan
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (TN)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Edwards
Ehlers
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Honda
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Keller
Kilpatrick (MI)
King (IA)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern

McHenry
McKeon
McMorris
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Myrick
Napolitano
Neugebauer
Northup
Nunes
Ortiz
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Price (NC)
Putnam
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryun (KS)
Sabo
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Simpson
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Udall (CO)
Van Hollen
Visclosky
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—11

Cannon
Davis (FL)
Evans
Ford
Gerlach
Holden
Holt
Hyde
Johnson, Sam
Kanjorski
Sherwood

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2236

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 288, not voting 13, as follows:

[Roll No. 342]

AYES—131

Aderholt
Akin
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown-Waite, Ginny
Burton (IN)
Buyer
Campbell (CA)
Cantor
Capito
Chabot
Coble
Conaway
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
Doolittle
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hunter
Istook
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Poe
Pombo
Porter
Price (GA)
Rehberg
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Wu
Young (AK)
Young (FL)

NOES—288

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Calvert
Camp (MI)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pickering
Pitts
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wynn

NOT VOTING—13

Cannon
Davis (FL)
Evans
Ford
Gerlach
Holden
Holt
Hyde
Johnson, Sam
Kanjorski
Reynolds
Sanders
Sherwood

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2242

Mr. POMBO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SANDERS. Mr. Chairman, on rollcall No. 342, had I been present, I would have voted "no."

AMENDMENT NO. 16 OFFERED BY MRS. MUSGRAVE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 191, not voting 11, as follows:

[Roll No. 343]

AYES—230

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez

Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Dingell
Doolittle
Drake
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—191

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Granger
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Reichert
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Sweeney
Tauscher
Thomas
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—11

Cannon
Davis (FL)
Evans
Ford
Gerlach
Holden
Holt
Hyde
Johnson, Sam
Kanjorski
Sherwood

Mr. CONYERS and Mr. TOWNS changed their vote from "aye" to "no."

Messrs. STRICKLAND, BACA, KUHL of New York, BILBRAY, GREEN of Wisconsin and Mrs. KELLY changed their vote from "no" to "aye."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2249

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 230, not voting 13, as follows:

[Roll No. 344]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Conyers
Costa
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Gingrey
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Poe
Pomeroy
Price (GA)
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—13

Bishop (UT)
Cannon
Davis (FL)
Evans
Ford
Gerlach
Holden
Holt
Hyde
Johnson, Sam
Kanjorski
Marchant
Sherwood

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2253

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SODREL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SODREL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 174, answered "present" 1, not voting 11, as follows:

[Roll No. 345]

AYES—246

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hunter
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOES—174

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Dicks
Doggett
Doyle
Dreier
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

ANSWERED "PRESENT"—1

Watt

NOT VOTING—11

Cannon
Davis (FL)
Evans
Ford
Gerlach
Holden
Holt
Hyde
Johnson, Sam
Kanjorski
Sherwood

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute left in this vote.

☐ 2258

So the amendment was agreed to.

The result of the vote was announced as above.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 310, not voting 13, as follows:

[Roll No. 346]

AYES—109

Abercrombie
Ackerman
Baldwin
Bartlett (MD)
Becerra
Berman
Bishop (NY)
Blumenauer
Boucher
Brown, Corrine
Capps
Capuano
Cardoza
Carson
Clay
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Engel
Eshoo
Farr
Filner
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Thompson (CA)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Wexler
Woolsey
Wu
Wynn

NOES—310

Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cannon
Davis (FL)
Evans
Ford
Gerlach
Holden
Holt
Hyde
Johnson, Sam
Kanjorski
Obey
Sherwood
Sullivan

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

□ 2304

Mr. MARKEY and Mr. BLUMENAUER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of the fiscal year 2007 Science, State, Justice Commerce Appropriations bill. I am particularly pleased that Chairman. WOLF included language that directs the Bureau of Prisons (BOP) to renew agreements with local governments housing federal criminal aliens, as long as the facilities meet Bureau of Prisons' standards and a fair and reasonable price is offered.

This provision of the bill is notably important to Big Spring, Texas and Garza County, Texas, both of which are located in my district, because these communities currently house federal criminal aliens and operate under an intergovernmental agreement (IGA) with the BOP. Renewing IGA's in west Texas will ensure that the federal government can meet the increasing demand for the incarceration of criminal aliens and continue to build upon already strong relationships for the long term.

This language also proves that Congress is committed to fiscal discipline. Big Spring and Garza County offer secure facilities to house dangerous individuals, while providing the American taxpayers some of the lowest per diem rates in the Nation.

Mr. Chairman, in closing I urge my colleagues to support this important piece of legislation.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise to express my support for the fiscal year 2007 Science-State-Justice Commerce appropriations bill. The subcommittee has taken a difficult allocation and done an admirable job of funding important federal programs within these agencies. I am particularly grateful to the subcommittee for dedicating funding for Houston Community College's Public Safety Institute within the Department of Justice's accounts.

The Houston Community College has taken the steps to build a much-needed Public Safety Institute in Houston, Texas. PSI will be a state-of-the-art facility that will offer specialized training for area fire fighters, law enforcement, medical technicians and other first responders. While Houston-area first responders will be the first to benefit from PSI's training programs in bio-hazards, command and control, shipboard spills and swift water rescue, I have no doubt that first responders from across the state—if not the Nation—will soon be traveling to PSI for this high-tech training.

Houston is home to the country's fourth largest metropolitan area and the Nation's second largest port in terms of foreign tonnage. We are also home to the world's second largest petrochemical complex and the world's single largest petrochemical refinery. Given the critical nature of these assets, the PSI's training programs will help further not only our local law enforcement but also our homeland security.

Mr. Chairman, with great pride that we are working to secure federal funding for PSI, which will be located in our district. While no training scenario can fully simulate a true emergency, the offerings at PSI will be as close as technology will allow. First responders will benefit from PSI's "skills village," which will house a number of structures that simulate a real-world training environment for participants. PSI will also house a 10,000 square foot burn building to create fire-fighting scenarios and a 10,000 square foot tower for fire and rescue training.

I appreciate the subcommittee's recognition that PSI is an important project worthy of federal investment. The Congress can be as proud as I am that this funding will further

PSI's mission to provide comprehensive training to the firefighters and local law enforcement who serve as first responders to any threat the City of Houston, and the national security assets in our area.

Mr. GORDON. Mr. Chairman, I am very pleased that the report accompanying H.R. 5672, the Science, State, Justice, Commerce, and Related Agencies Appropriations Act of FY 2007, has directed funding under the COPS Methamphetamine Enforcement and Clean-up account for the Tennessee Meth Educational Program.

Tennessee Tech University will use this funding to design and implement the meth educational program in keeping with President Bush's National Drug Control Strategy, which aims to reduce all drugs in the United States by 25 percent within 5 years.

Some schools in Tennessee have begun implementing educational programs in public schools designed to stop meth abuse. However, in many cases, there have not been effective follow-up programs for classroom teachers, school counselors, school nurses, school psychologists, and administrators. And, school counselors report that methamphetamine abuse is an inhibiting factor in the personal and educational development of their students—whether or not their school has had a methamphetamine program. To address these issues, Tennessee Tech University will develop an in-service program for public middle and high school personnel in 15 counties (17 school districts) to: review the symptoms and identification of meth use; explain the hazards of meth abuse for children; and examine how to utilize reporting procedures (such as those involving the school field officers) and legal consultation.

Since 1999, the number of meth labs in Tennessee has increased by more than 500 percent. Last year, Tennessee accounted for 75 percent of all meth lab seizures in the Southeast. Only three states nationwide had more meth lab seizures in 2005. Many of the worst effects of meth are felt by the children involved. Children taken from active meth labs are separated from adult family members and sometimes from siblings, and cannot even keep their toys or clothing for comfort. In addition, children often must be taken to the hospital to test for exposure to a variety of toxic substances. In 2004, Tennessee was forced to place more than 700 children of meth users in state custody.

I am pleased that Tennessee Tech University will be collaborating with schools in Tennessee to address this critical problem, and I am very grateful to the Appropriations Committee for directing this important funding to Tennessee Tech University.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McCAUL of Texas) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5688

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5688.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

AMENDING SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5689) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The Clerk read as follows:

H.R. 5689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) Correction of Internal References in Disadvantaged Business Enterprises.—Section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) is amended in each of paragraphs (3)(A) and (5) by striking "(1)" each place it appears and inserting "(2)".

(b) Technical Correction of Distribution of Obligation Authority.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking "among the States".

(c) Correction of Description of National Corridor Infrastructure Improvement Project.— Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended by inserting "LA," after "TX," in the listing of States.

(d) Correction of Interstate Route 376 High-Priority Designation.—(1) Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking "and on United States Route 422".

(2) Section 1105(e)(5)(B)(i)(I) of such Act (105 Stat. 2033; 119 Stat. 1213) is amended by striking "and United States Route 422".

(e) Correction of Amendment to Advance Construction.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(f) Correction of Amendment to Move and Redesignate Infrastructure Finance Section.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking "through 189 as sections 601 through 609, respectively" and inserting "through 190 as sections 601 through 610, respectively".

(g) Correction to Add Definition for Transportation Systems Management and Operations.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

"(39) Transportation systems management and operations.—

"(A) In general.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) Inclusions.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.".

(h) Corrections to Reference in Apportionment of Highway Safety Improvement Program Funds.—Section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways".

(i) Transfer of Unused Protective-Device Funds to Other Highway Safety Improvement Program Projects.—Section 130(e)(2) of title 23, United States Code, is amended by striking "purposes under this subsection" and inserting "highway safety improvement program purposes".

(j) Correction of National Scenic Byways Program Coverage.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking "a National Scenic Byway under subparagraph (A)" and inserting "a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)"; and

(2) in subsection (c)(3) by striking "or All-American Road" each place it appears and inserting "All-American Road, or one of America's Byways".

(k) Correction of Reference in Toll Provision.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking "paragraph (3)" and inserting "paragraph (4)".

(l) Correction of Recreational Trails Program Apportionment Exceptions.—Section 206(d)(3)(A) of title 23, United States

Code, is amended by striking “(B), (C), and (D)” and inserting “(B) and (C)”.

(m) Correction of Miscellaneous Typographical Errors.—(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(f)(2)(A) of such Act (119 Stat. 1229) is amended—

(A) by striking the comma after “training”; and

(B) by striking the comma after “volunteers”.

SEC. 2. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking “Minneapolis-St. Paul, Minnesota” and inserting “Minneapolis, Minnesota”.

SEC. 3. GOING-TO-THE-SUN ROAD.

Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (1) through (3), respectively; and

(C) by striking “$10,000,000” each place that it appears and inserting “$16,666,666”; and

(2) by adding at the end the following:

“(c) Contract Authority.—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.”.

SEC. 4. SURFACE TRANSPORTATION PROGRAM.

Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 140) is amended by striking “2003” and inserting “2009”.

SEC. 5. MAGLEV.

(a) Funding.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following:

“(A) $20,000,000 for fiscal year 2007; and

“(B) $35,000,000 for each of fiscal years 2008 and 2009.”.

(b) Contract Authority.—Section 1307 of such Act (119 Stat. 1217) is amended by adding at the end the following:

“(e) Contract Authority.—Funds authorized under section 1101(a)(18) of this Act shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project under this section shall be determined in accordance with sections 120(b) and 120(c) of such title.”.

SEC. 6. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5)(A) of title 23, United States Code, is amended to read as follows:

“(A) receive (i) a driver's license suspension for not less than 1 year, or (ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the propose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;”.

SEC. 7. HIGHWAY SAFETY.

(a) State Minimum Apportionments for Highway Safety Programs.—Section 402(c) of the title 23, United States Code, is amended by striking “The annual apportionment to each State shall not be less than one-half of 1 per centum” and inserting “The annual apportionment to each State shall not be less than three-quarters of 1 percent”.

(b) Technical Corrections.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting “and” after the semicolon at the end of subparagraph (A);

(B) by striking “and” at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking “clause (i)” and inserting “clauses (i) and (ii)”.

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

SEC. 8. PROJECT AUTHORIZATIONS.

The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item numbers 959 and 3327 by striking “Northern Section,”;

(2) in item number 983 by striking the project description and inserting “Land acquisition for Highway Mitigation in Cecil, Kent, Queen Annes, and Worcester Counties”;

(3) in item number 3410 by striking the project description and inserting “Construct eligible sound walls on I–65 between Old Hickory Blvd. and Harding Place in Davidson County”;

(4) in item number 3631 by striking the project description and inserting “Reconstruct or modify the existing 5th Street Bridge and railroad trestle to provide a 4-lane crossing of the Feather River between Yuba City and Marysville as well as providing improvements to connector roads from east and west”;

(5) in item number 3219 by striking “Forest” and inserting “Warren”;

(6) in item number 770 by striking the project description and inserting “Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road”;

(7) in item number 2698 by striking the project description and inserting “I–95/Ellis Road and between Grant Road and Micco Road, Interchange Justification Reports, Brevard, FL”;

(8) in item number 2234 by striking the project description and inserting “North Atherton Signal Coordination Project in Centre County, PA”;

(9) in item number 1852 by striking “Milepost 9.3” and inserting “Milepost 24.3”;

(10) in item number 3397 by striking the project description and inserting “Cathodic Bridge Protection, allow the Virginia Department of Transportation (VDOT) to select the bridge or bridges that VDOT considers appropriate for cathodic bridge protection modification”;

(11) in item number 1210 by striking the project description and inserting “Town of New Windsor Riley Road and Shore Drive”;

(12) in item number 3673 by striking the project description and inserting “Ketchikan: Improve marine dry-dock and facilities”;

(13) in item number 1575 by striking the project description and inserting “Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities”;

(14) in item number 3255 by striking the project description and inserting “Facility acquisition, road construction, and other transportation enhancement related improvements in the Northwest Triangle Redevelopment Area in the city of York, PA”;

(15) in item number 655 by inserting “, safety improvement construction,” after “Environmental studies”;

(16) in item numbers 1926 and 2893 by striking the project description and inserting “Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio”;

(17) by striking item number 2031;

(18) in item number 3327 by striking “$1,600,000” and inserting “$2,400,000”;

(19) by striking item number 2800;

(20) in item number 1487 by striking “$800,000” and inserting “$1,600,000”;

(21) by striking item number 61;

(22) in item number 128 by striking “$2,400,000” and inserting “$4,800,000”;

(23) by striking item number 248;

(24) in item number 240 by striking “$800,000” and inserting “$2,400,000”;

(25) in item number 34 by striking the project description and inserting “Removal and Reconfiguration of Interstate Ramps—I-40, Memphis”;

(26) in item number 87 by striking the project description and inserting “M–291 Highway Outer Road Improvement Project”;

(27) in item number 193 by striking the project description and inserting “Improvements to or access to Route 108 to enhance access to the business park near Rumford”;

(28) in item number 259 by striking the project description and inserting “Corridor study, EIS, and ROW acquisition for a bridge from east of the Crow Wing Highway 3 bridge crossing the Mississippi River in Brainerd to west of the Minnesota State Highway 6 bridge crossing the Mississippi River north of Crosby”;

(29) in item number 463 by striking “Cookeville” and inserting “Putnam County”;

(30) in item number 590 by inserting “, including” after “Safety”;

(31) in item number 595 by striking “Street Closure at” and inserting “Transportation Improvement Project near”;

(32) in item number 649 by striking the project description and inserting “Construction and enhancement of the Fillmore Avenue Corridor, Buffalo”;

(33) in item number 881 by striking the project description and inserting “Pedestrian Safety Improvements near North Atlantic Boulevard, Monterey Park”;

(34) in item number 1039 by striking the project description and inserting “Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111”;

(35) in item number 1124 by striking "bridge over Stillwater River, Orono" and by inserting "routes";

(36) in item number 1206 by striking "Pleasantville" and inserting "Briarcliff Manor";

(37) in item number 1281 by striking the project description and inserting "Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County";

(38) in item number 1639 by striking the project description and inserting "Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate";

(39) in item number 1810 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multi-use trail, North Branch";

(40) in item number 1933 by striking the project description and by inserting "Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving";

(41) in item number 2375 by inserting ", including streets" after "Astoria";

(42) in item number 2482 by striking "Country" and inserting "County";

(43) in item number 2663 by striking the project description and inserting "Rosemead Boulevard safety enhancement and beautification, Temple City";

(44) in item number 2826 by striking "State Street and Cajon Boulevard" and inserting "Palm Avenue";

(45) in item number 2931 by striking "Frazho Road" and inserting "Martin Road";

(46) in item number 3014 by inserting ", including" after "Safety";

(47) in item number 3078 by striking the project description and inserting "US 2/Sultan Basin Road Improvements in Sultan";

(48) in item number 3174 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector—NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(49) in item number 3254 by striking the project description and inserting "Reconstruct PA Route 274/34 Corridor, Perry County";

(50) in item number 3456 by striking the project description and by inserting "Phase II/part I project—Elizabeth Ave. in Coleraine to 0.2 Miles West of CSAH 15 (2.9 miles)";

(51) in item number 3537 by inserting "and the study of alternatives along the North South Corridor," after "Valley";

(52) in item number 3582 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector—NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(53) in item number 2015 by striking the project description and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements";

(54) in item number 154 by striking "Virginia" and inserting "Eveleth";

(55) in item number 277 by striking the project description and inserting "Construct connector road from Rushing Drive North to Grand Ave., Williamson County";

(56) in item number 314 by striking the project description and amount and inserting "Streetscape/landscape enhancements, traffic calming, and improvements to traffic flow in the Las Olas Boulevard, Ft. Lauderdale" and "$610,000", respectively;

(57) in item number 3632 by striking the State, project description, and amount and inserting "FL", "Pine Island Road Pedestrian Overpass, City of Tamarac", and "$610,000", respectively; and

(58) in item number 3634 by striking the State, project description, and amount and inserting "FL", "West Avenue Bridge, City of Miami Beach", and "$620,000", respectively.

SEC. 9. BUY AMERICA.

Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by inserting after paragraph (1) the following:

"(2) the Federal Highway Administration's current application of the Buy America test is only applied to components or parts of a bridge project and not the entire bridge project and this is inconsistent with this sense of Congress;"; and

(2) by redesignating paragraphs (2), (3), (4), and (5) as (3), (4), (5), and (6), respectively.

SEC. 10. CORRECTION OF INTERSTATE AND NHS DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking "from the Arkansas State line" and inserting "from Interstate Route 540".

SEC. 11. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking "charter," and inserting "charter, sightseeing,".

(b) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in paragraph (2)(A) by striking "mass transportation" and inserting "public transportation"; and

(2) in paragraph (3) by striking "section 5305(a)" and inserting "section 5303(k)".

(c) SECTION 5309.—Section 5309(m) of such title is amended—

(1) in the heading for paragraph (2)(A) by striking "MAJOR CAPITAL" and inserting "CAPITAL"; and

(2) in paragraph (7)(B) by striking "section 3039" and inserting "section 3045".

(d) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking "for any purpose other than operating assistance" and inserting "for a capital project"; and

(2) in subsection (i)(1) by striking "Sections 5323(a)(1)(D) and 5333(b) of this title apply" and inserting "Section 5333(b) applies".

(e) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking "MASS TRANSPORTATION" and inserting "PUBLIC TRANSPORTATION".

(f) SECTION 5314.—Section 5314(a)(3) is amended by striking "section 5323(a)(1)(D)" and inserting "section 5333(b)".

(g) SECTION 5319.—Section 5319 of such title is amended by striking "section 5307(k)" and inserting "section 5307(d)(1)(K)".

(h) SECTION 5320.—Section 5320(a)(1)(A) of such title is amended by striking "intra—agency" and inserting "intraagency".

(i) SECTION 5323.—Section 5323(n) of such title is amended by striking "section 5336(e)(2)" and inserting "section 5336(d)(2)".

(j) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking "Of the amount" and all that follows before paragraph (1) and inserting "Of the amount apportioned under subsection (i)(2) to carry out section 5307—";

(B) in subsection (d)(1) by striking "subsections (a) and (h)(2) of section 5338" and inserting "subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338"; and

(C) by redesignating subsection (e), as added by section 3034(c) of Public Law 109-59 (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Effective August 10, 2005, section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking "paragraph (2)" and inserting "subsection (a)(2)".

(k) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking "for each of fiscal years 1998 through 2003" and inserting "for each of fiscal years 2005 through 2009".

(l) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking "section 5315(a)(16)" and inserting "section 5315(b)(2)(P)".

(m) SAFETEA–LU.—

(1) Section 3040.—Section 3040(4) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (119 Stat. 1639) is amended by striking "$7,871,895,000" and inserting "$7,872,893,000".

(2) Section 3043.—Section 3043(c)(217) of such Act (119 Stat.1648) is amended by striking "San Diego" and inserting "San Diego Transit".

(3) Section 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1652) is amended—

(i) in item number 36 by striking the project description and inserting "36. Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area";

(ii) in item number 94 by striking the project description and inserting "94. Pacific Transit, WA Vehicle Replacement";

(iii) in item number 361 by striking "Roanoke Railway and Link Passenger facility" and inserting "Intermodal Facility"; and

(iv) in item number 416 by striking "Improve marine intermodal" and inserting "Improve marine dry-dock and".

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting ", or other entity," after "State or local government authority"; and

(ii) by striking "projects numbered 258 and 347" and inserting "projects numbered 258, 347, and 411".

(4) Section 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking "hydrogen fuel cell vehicles" and inserting "hydrogen fueled vehicles";

(B) by striking "hydrogen fuel cell employee shuttle vans" and inserting "hydrogen fueled employee shuttle vans"; and

(C) by striking "in Allentown, Pennsylvania" and inserting "to the DaVinci Center in Allentown, Pennsylvania".

SEC. 12. TRANSPORTATION IMPROVEMENTS.

Item number 436 of the table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended by inserting ", Saole, " after "Sua".

SEC. 13. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) Conforming Amendment Relating to High-Priority Activities.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) New Entrant Audits.—

(1) Corrections of references.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking "Section 31104" and inserting "Section 31144"; and

(B) in paragraph (2) by inserting "(c)" after "the second subsection".

(2) Conforming amendment.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) Prohibited Transportation.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking "the second subsection (c)" and inserting "(f)".

(d) Effective Date Relating to Medical Examiners.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking "amendment made by subsection (a)" and inserting "amendments made by subsections (a) and (b)".

(e) Roadability Technical Correction.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "section".

(f) Correction of Subsection Reference.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking "31139(f)(5)" and inserting "31139(g)(5)".

(g) CDL Learner's Permit Program Technical Correction.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking "license" and inserting "licenses".

(h) CDL Information System Funding Reference.—Section 31309(f) of title 49, United States Code, is amended by striking "31318" and inserting "31313".

(i) Clarification of Reference.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting "of title 49, United States Code," after "31502".

(j) Registration of Brokers.—Section 4142(c)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1747) is amended by inserting "each place it appears" before the semicolon.

(k) Redesignation of Section.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(l) Office of Intermodalism.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking "Surface Transportation Safety Improvement Act of 2005", and inserting "Motor Carrier Safety Reauthorization Act of 2005"; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(m) Use of Fees for Unified Carrier Registration System.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Use of Fees for Unified Carrier Registration System.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.".

(n) Commercial Motor Vehicle Definition.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking "a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier" and inserting "determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier".

(o) Clarification of Unreasonable Burden.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking "interstate" the last place it appears and inserting "intrastate".

(p) Contents of Agreement Typo.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking "or" the last place it appears.

(q) Other Unified Carrier Registration System Technical Corrections.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking "the a" and inserting "a"; and

(2) in subsection (f)(1)(i) by striking "in connection with the filing of proof of financial responsibility".

SEC. 14. HIGHWAY RESEARCH FUNDING.

(a) F-SHRP Funding.—Notwithstanding any other provision of law, for each of fiscal years 2006 through 2009, whenever an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, and the highway safety improvement program, the Secretary of Transportation shall deduct from each of such sums an amount not to exceed 0.205 percent of each such sum and shall transfer the amount so deducted, and make such amount available, to carry out section 510 of title 23, United States Code.

(b) Conforming Amendments.—(1) Section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1179) is amended by striking "509, and 510" and inserting "and 509".

(2) Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) Contract Authority.—Funds made available under this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of such title, except that the Federal share shall be determined under section 510(f) of title 23, United States Code.

(d) Applicability of Obligation Limitation.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs in section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) Equity Bonus Formula.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2006 through 2009, the Secretary of Transportation shall make the required calculations under such section as if this section had not been enacted.

(f) Funding for Research Activities.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779), at least $1,000,000 shall be made available for each of fiscal years 2006 through 2009 to carry out section 502(h) of title 23, United States Code, and at least $4,900,000 shall be made available for each of fiscal years 2006 through 2009 to carry out section 502(i) of such title.

(g) Technical Amendments.—(1) Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking "Program appreciation.—" and inserting "Program application.—".

SEC. 15. RESEARCH TECHNICAL CORRECTIONS.

(a) University Transportation Research Grants.—Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking "$2,225,000"and inserting "$2,250,000".

(b) University Transportation Research Funding.—Section 5101(a)(4) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended by striking "$69,700,000" and all that follows through "2009" and inserting "$40,400,000 for fiscal year 2005, $76,400,000 for each of fiscal years 2006 through 2008, and $78,900,000 for fiscal year 2009".

SEC. 16. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) Definition of Hazmat Employees.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1982) is amended—

(1) by striking "(3)(A)" and inserting "(3)";

(2) in subparagraph (A) by striking "clause (i)" and inserting "clause (i) of subparagraph (A)"; and

(3) in subparagraph (B) by striking "clause (ii)" and inserting "subparagraph (A)(ii)".

(b) Technical Correction.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "subsection".

(c) Relationship to Other Laws.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting "the first place it appears" before "and inserting".

(d) Section Heading.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

"§ 5128. Authorization of appropriations".

(e) Chapter Analysis.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking "Transportation" and inserting "transportation".

(f) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting "(including delegations by the Secretary of Transportation)" after "All orders".

SEC. 17. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is amended by striking "$8,543,000,000" each place it appears and inserting "$8,713,000,000".

SEC. 18. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act; except that the amendments made by this Act (other than sections 8, 11(m), and 12) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) and the amendment made by section 13(a) of this Act shall take effect simultaneously with the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. For purposes of all Federal laws, the amendments made by this Act (other than sections 8, 11(m), and 12) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users shall be treated as being included in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users at the time of the enactment of such Act, and the provisions of such Act (including the amendments made by such Act) (as in effect on the day before the date of enactment of this Act) that are amended by this Act (other than sections 8, 11(m), and 12) shall be treated as not being enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5689.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5689 amends the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users, or SAFETEA-LU, to make technical corrections. This bill was introduced by myself, Mr. JIM OBERSTAR of Minnesota, Mr. PETER DEFAZIO of Oregon and Mr. PETRI from Wisconsin, who worked together on the development and passage of SAFETEA-LU authorization bill last year.

Mr. Speaker, this bill is necessary because the technical corrections included in this bill have been identified by the Department of Transportation and are mostly of a conforming nature, or correct drafting errors. The most important correction we are making is the strengthening of the Federal highway research program by ensuring the continuation of legacy research programs carried out by the Department of Transportation. This bill has been scored by CBO and has no budgetary impact.

Mr. Speaker, I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

This legislation simply corrects a number of oversights and drafting errors, technical mistakes made in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

It does a number of things, clarifying the sense of Congress concerning Buy America requirements and the Federal aid bridge program. It addresses errors made in the research program funding calculations, the Future Strategic Highway Research Program, University Transportation Center Program and the biennial Conditions and Performance Report, and it modifies the Repeat Intoxicated Driver Law to allow for use of ignition interlock devices.

These are technical matters that we have both agreed on, need to be adjusted. They do not result in any increase of cost over the original bill as passed.

I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the ranking member. I thank the chairman for bringing this bill forward with such dispatch.

The bill, as the chairman has stated, has no budgetary impact. It makes other technical corrections, particularly going to those where we research the future needs and the condition of our interstate system, which will be vital for future transportation initiatives.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 5689.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE NATIONAL HOCKEY LEAGUE CHAMPIONS, THE CAROLINA HURRICANES, ON THEIR VICTORY IN THE 2006 STANLEY CUP FINALS

Mrs. SCHMIDT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 881) congratulating the National Hockey League Champions, the Carolina Hurricanes, on their victory in the 2006 Stanley Cup Finals.

The Clerk read as follows:

H. Res. 881

Whereas on Monday, June 19, 2006, in Raleigh, North Carolina, the Carolina Hurricanes won the National Hockey League (NHL) Stanley Cup with a 3–1 victory over the Edmonton Oilers in the decisive seventh game of the championship series;

Whereas the Edmonton Oilers proved worthy opponents and should be congratulated for a hard-fought Stanley Cup series;

Whereas the Hurricanes' win marked their first Stanley Cup title in franchise history;

Whereas the Hurricanes' win marked the first major professional sports championship won by a team from the State of North Carolina;

Whereas owner Peter Karmanos and general manager Jim Rutherford have created a model franchise, assembling a team that rose from last place three years ago to the pinnacle of its sport today;

Whereas the Hurricanes were ably led by head coach Peter Laviolette, also the head coach of the 2006 United States Olympic team, and assistant coaches Kevin McCarthy, Jeff Daniels, and Greg Stefan;

Whereas Hurricanes team members Craig Adams, Kevyn Adams, Anton Babchuk, Rod Brind'Amour, Erik Cole, Mike Commodore, Matt Cullen, Martin Gerber, Bret Hedican, Andrew Hutchinson, Frantisek Kaberle, Andrew Ladd, Chad LaRose, Mark Recchi, Eric Staal, Cory Stillman, Oleg Tverdovsky, Josef Vasicek, Niclas Wallin, Aaron Ward, Cam Ward, Doug Weight, Glen Wesley, Ray Whitney, and Justin Williams are all worthy of praise and admiration for their contributions to the resilient championship team;

Whereas Cam Ward, the Hurricanes' goalkeeper and a 22-year-old rookie, was awarded the Conn Smythe Trophy as the most valuable player of the NHL post-season;

Whereas the Hurricanes' championship run and intense Stanley Cup series have reinvigorated professional hockey following the 2004–2005 lockout and lost season;

Whereas the Carolina Hurricanes represent a new future for the NHL, introducing hockey to additional regions of the country and creating new fans of the sport's high level of athleticism and competition;

Whereas the entire Hurricanes organization has contributed considerably to the community it represents, generously donating time and resources to a variety of charitable and educational programs for children throughout the State of North Carolina; and

Whereas Raleigh, the Triangle region, and all of North Carolina are proud of the accomplishment and dedication of the Carolina Hurricanes' team, organization, and fans: Now, therefore, be it

Resolved, That the House of Representatives congratulates the National Hockey League Champions, the Carolina Hurricanes, on their victory in the 2006 Stanley Cup Finals.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Ohio (Mrs. SCHMIDT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

Mrs. SCHMIDT. Mr. Speaker, I yield as much time as he needs on this resolution to the gentleman from the State of North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentlelady from Ohio for yielding.

Mr. Speaker, I inevitably and innocently likely will omit some cities. But when I think hockey I think Boston, New York, Philadelphia, Washington, Pittsburgh, Detroit, Chicago, and, of course, the entire country of Canada.

So how do we explain the success of the Carolina Hurricanes?

Two weeks ago, I asked my good friend, Congressman ED MARKEY, the distinguished gentleman from Massachusetts, his thoughts about our Hurricanes. In this tone of voice, he replied, "unbelievable."

But I say to ED and all others who reside beyond the confines of Tobacco Road, very believable today as the revered Stanley cup is proudly displayed in North Carolina.

And what an exciting Stanley cup series. The Edmonton Oilers regular season record was not that impressive. But the Oilers play-off record was impressive indeed. And the final seven games, Mr. Speaker, were exercises in international diplomacy as the Oiler fans and the Hurricane fans enthusiastically sang Oh Canada and the Star Spangled Banner with obvious pride prior to the commencement of each match.

Carolina hockey came to be known as redneck hockey, and our fans were superb.

I know virtually knowing nothing about hockey, Mr. Speaker, but I have become a full-fledged hockey fan. Strike that. I have become a full-fledged redneck hockey fan.

□ 2315

Last evening and today I met with Canadian friends who were visiting Washington, and Mr. PRICE, I say to you that they said for us not to become too comfortable with that Stanley Cup. My Canadian friends said that cup is destined to go north.

Finally, Mr. Speaker, I would be remiss if I failed to acknowledge that the Hurricanes' outstanding goalie is an Edmontonian. So it is all in the family. I may drive 95 miles next year, Mr. Speaker, just to see a match or a game, whatever it is called, but meanwhile, best wishes and congratulations to the Carolina Hurricanes 2006 Stanley Cup champions.

And I thank the gentlewoman for yielding.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to one of the proud sons of North Carolina and a sponsor of this legislation, Representative DAVID PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, I, too, rise to honor the Carolina Hurricanes, the proud winners of an outstanding seven-game Stanley Cup series with the Edmonton Oilers.

You know, the skeptics said that hockey would never work in North Carolina. Who would ever watch this northern sport in a southern city? Even if some small crowd showed up, could they even follow the rules of the game? Some doubted we could put ice to any purpose beyond cooling sweet tea.

Well, I stand here this evening to report that those early skeptics were wrong. Hockey has found a welcome home along Tobacco Road. Although I represent a constituency that I have to admit is more familiar with Tar Heels and Blue Devils, and the Wolfpack, we North Carolinians have found another winter sport in which to place our pride. We are proud of the Hurricanes and the Stanley Cup they have brought to our State.

We are proud of Cam Ward, the 22-year-old rookie goalkeeper who was recognized as the post-season most valuable player. Also veterans like Rod Brind'Amour, Glen Wesley, and Bret Hedican, who played a combined 49 NHL seasons before winning the Stanley Cup. We celebrate every team member as well as Coach Peter Laviolette and the rest of the Hurricanes' management and staff.

We are proud of the newfound energy and excitement that the Hurricanes have brought to their sport following that 2004–2005 lockout and the lost season. The thrilling championship run gave fans everywhere a chance and a reason to celebrate hockey again while also introducing many to the sport for the first time.

We are proud of how this team gives back to the community, generously donating time and resources to several charitable organizations across the State. The Hurricanes' Kids 'n Community Foundation serves my district by funding scholarships and youth sports and the arts and educational and children's health programs.

And of course, we are proud of the first major professional sports championship won by a team from North Carolina. This team's outstanding achievement and the dedication of their loyal fans have electrified Raleigh and the Triangle and our entire State.

So as the proud Representative of their home district, I offer my congratulations to the Carolina Hurricanes, winner of the Stanley Cup and the 2006 National Hockey League Champions. Go Canes.

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 881, offered by the distinguished gentleman from North Carolina (Mr. PRICE), congratulates the National Hockey League Champions, the Carolina Hurricanes, on their victory in the 2006 Stanley Cup Finals.

On their way to their second Stanley Cup appearance in four seasons, the Hurricanes notched an impressive 55–22–8 regular season record, second best in the Eastern Conference. Carolina boasted the best home record in the league, experiencing record crowds at the RBC Center, the loudest house in the NHL. Four Carolina players recorded 30 goal seasons, led by emerging superstar Eric Staal, who finished seventh in the NHL with 100 points. As for the team's last line of defense, Martin Gerber set a franchise record for goaltender wins in a season.

The team's depth was instrumental as well as their success was a testament to the character of its players and the "whatever it takes" mentality that permeated the locker room. Rookies and all-stars lined up side by side, playing key roles in the Hurricanes' run to respectability. Through the myriad of injuries, General Manager Jim Rutherford and Head Coach Peter Laviolette mixed and matched players as well as lines and pairings, shocking the Hockey Nation as Carolina stayed atop the Southeast Division standings. Knocking off the Montreal Canadiens, the New Jersey Devils, and Buffalo Sabres along the way, the Hurricanes returned home to beat the Edmonton Oilers with a score of 3–1 and claimed the first NHL championship in their franchise history.

I urge all Members to come together and commend the hard work and perseverance of the Carolina Hurricanes by adopting House Resolution 881.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is now my pleasure to yield 3 minutes to another favorite son of North Carolina, who probably didn't play much hockey but who in all likelihood delighted many North Carolinians on the basketball court, Representative BOB ETHERIDGE.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to join my colleagues from North Carolina in congratulating the Carolina Hurricanes on winning the Stanley Cup.

And, yes, Mr. DAVIS, I did not play any hockey and know very little about the rules. I played with a much bigger ball, one that bounced a little bit rather than one that slides.

As has already been stated, in an exciting seven-game series, the Carolina Hurricanes defeated the Edmonton Oilers to win the Stanley Cup. And as has been stated, the win is truly unprecedented for North Carolina. Not only is it the first time the Hurricanes have won the Stanley Cup, but it really is the first time that any professional sports team from North Carolina has won a championship.

North Carolinians are not only proud of how well the Canes played on the ice, we are proud of their sportsmanship that they displayed throughout the playoffs and really throughout the season. The Canes truly are a class act, and North Carolinians are proud to call them our own.

They give back to the community. It is amazing on Saturdays to see the number of young children grabbing their hockey sticks and going out to practice, and the Canes help with that.

Mr. Speaker, let the record show that hockey is here to stay in North Carolina. In less than a decade, in 1997, when the Hartford Whalers relocated to North Carolina, many of our northern friends questioned whether our fine southern State could support a hockey team. Well, Mr. Speaker, we sure proved that we could. Not only did the Carolina Hurricanes win the Stanley Cup, but we sold out every single game of the playoffs. Hockey is right up there with barbecue and beach music in terms of popularity in the Old North State. North Carolinians are proud of our Hurricanes, and as you have already heard, we cannot wait until next season.

Mrs. SCHMIDT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to another son of North Carolina, Representative MIKE MCINTYRE.

Mr. MCINTYRE. Mr. Speaker, I rise today in support of House Resolution 881, legislation congratulating the new National Hockey League Champions, the Carolina Hurricanes. Many thanks to my colleague, Mr. PRICE, for introducing this bill.

The 2006 Stanley Cup champions exemplify the qualities of a true team: dedication, determination, perseverance and professionalism; dedication to the pursuit of victory, determination to get the job done, perseverance never to stop, and the professionalism to play fairly and with honor and dignity.

Both the Hurricanes and their worthy opponents, the Edmonton Oilers, displayed in these Stanley Cup Finals exactly what hockey should be: energy and enthusiasm and excellence. The veteran leadership of Rod Brind'Amour, the youth and vigor of Erik Staal, the unexpected return of Eric Cole, and the rising talent of Cam Ward led the Hurricanes to capturing their first title in history.

And what a thrilling series in the Stanley Cup Finals. From the dramatic come-from-behind victory in the opening game through the final moments of a tense thriller in the last game. This was not just a win for the Hurricanes but also a great victory for all of North Carolina. Our State's first major league sports championship came in an unexpected form in a region known for its basketball. Hockey has found a home in the south, and the Carolina Hurricanes are here to stay.

And their charity is also exemplified by Mike Commodore, who allowed his curly hair and beard to be clipped and shaved by fans who gave almost $15,000 for cancer research, which was done through the Jimmy V Celebrity Junior Golf Classic.

Throughout the years, the Stanley Cup has had the names of many of hockey's greats etched into its history, and today the U.S. House of Representatives congratulates the Carolina Hurricanes for joining this elite group.

This newspaper headline from a special edition of the Raleigh News & Observer says it all, that the "Canes Reign." And, indeed, it has been a season of memories and one for the history books and one that we all look forward to having many more moments of Hurricane success. I say congratulations to the Carolina Hurricanes.

Mrs. SCHMIDT. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to close.

I had the good fortune on this past Saturday night to run into and spend some time with Dr. John Hope Franklin, one of the legendary historians of our time. And, of course, he, too, was talking about hockey, I think, which sort of is an indication of how widespread interest there is and it has become relative to North Carolina's winning the Stanley Cup.

You see, Mr. Speaker, the Stanley Cup is a trophy awarded to the winners of the annual National Hockey League playoffs. It is one of the most recognized symbols in North American sports, and it is at the center of several legends and superstitions. The Stanley Cup is treated like royalty, attended to by full-time chaperones who wear white gloves to carry it.

Unlike the trophies awarded by the other three major professional sports leagues of North America, the Stanley Cup is never kept. The Stanley Cup winners keep it for only 1 year unless they repeat as league champions. It is also the only trophy in professional sports that has the name of every member of the winning team engraved upon it.

The Carolina Hurricanes, based in Raleigh, North Carolina, will have the honor of keeping the Stanley Cup for the next year. The franchise won its first Stanley Cup title in its 26 years in existence using grit, togetherness and a rookie goalie who unexpectedly carried his team on the ride of their lives. The Carolina Hurricanes did what most deemed impossible when the season started; they won the Stanley Cup in a game seven showdown against Canadian hockey royalty. The Hurricanes worked hard for home ice all season, and it paid off when 22-year-old Cam Ward turned back the Edmonton Oilers 3–1 to win the Conn Smythe trophy as the post-season's most valuable player.

□ 2330

The Carolina Hurricanes are the second consecutive Southeast Division team to defeat a Northwest Division team in post-season play. The Tampa Bay Lightning during the 2003 2004 season, like the Hurricanes, defeated a team from the Northwest Division.

Congratulations to the players, coaches and North Carolina for winning the Stanley Cup. I know that Representative BRAD MILLER had intended to be here to also add his congratulations, so on his behalf, and not only on behalf of all North Carolinians, but on behalf of all of us in America, we congratulate this outstanding franchise for a job well done.

I urge passage.

Mr. Speaker, I yield back the balance of my time.

Mrs. SCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is obvious that the hometown pride has been well received with the Hurricanes. At the beginning of the season, they dreamed the impossible dream, and they captured it. I believe that we as this body deserve no less than to recognize them for their effort.

I urge all Members to support the adoption of House Resolution 881.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to congratulate the winners of this year's National Hockey League Championship—the Carolina Hurricanes.

The team's Stanley Cup victory last Monday night ended a seven-game championship series versus the Edmonton Oilers, and wrapped up a fantastic season with North Carolina's first major professional sports title.

I congratulate Hurricanes owner Peter Karmanos, general manager Jim Rutherford, coach Peter Laviolette, team captain Rod Brind'Amour and all of the team's players, veterans and rookies alike, on their hard-earned success.

The team's 3–1 win in Game 7 of this year's Stanley Cup finals was proof that hard work pays off.

After years of losses and the trials involved in the team's move to North Carolina, the Hurricanes have conquered the world of hockey by winning the most famous trophy in the world of sports.

Despite hockey's short history in our region and sparse crowds in the team's early years on the ice, I have been amazed at how lovingly the people of North Carolina have embraced the former Hartford Whalers once they became the Hurricanes and owner Peter Karmanos moved the team to our state in 1997.

I am amazed that so many people in eastern North Carolina, who, like me, were not familiar with the sport of hockey, have grown to love the sport because of the Hurricanes.

Even in the town where I live, 68 miles East of Raleigh, I see countless cars flying the Hurricanes flag throughout the hockey season.

North Carolina residents, well-known fans of college basketball and NASCAR, have warmly embraced the sport of hockey by catching Hurricanes fever.

These athletes have become an integral part of their communities by actively involving themselves in the communities where they live.

For this, they have gained the respect and admiration of their North Carolina neighbors and fans.

When I go to a game, I am always so impressed by how many families I see cheering together for the Hurricanes, who we have welcomed into our communities and into the North Carolina family.

Their hard work, talent, and teamwork have been an incredible gift to loyal fans across the state.

There is a saying that a successful team beats with one heart.

Now, Mr. Speaker, with the team's Stanley Cup victory, it is without a doubt that the Carolina Hurricanes beat with one heart—the heart of a champion.

I am proud that the Hurricanes call North Carolina home and I congratulate their hard-earned success.

Mrs. SCHMIDT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Mrs. SCHMIDT) that the House suspend the rules and agree to the resolution, H. Res. 883.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHMIDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

BENEDICT ARNOLD PRESS?

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, we are fighting a war on terror, and now we are being told we are battling the press as well. The United States has rooted out terror on a global scale. They have also gotten unprecedented help from other countries and international banking institutions to seek out accounts used for al Qaeda money laundering, because without a supply of money, the terrorists have no fuse to light.

Now the New York Times has apparently detailed that security program to the entire world, and we find ourselves pondering what to do when the press willingly reveals national security secrets to terrorists.

Prior to World War II, the United States had broken the Japanese military communications codes. A journalist published a book revealing this classified information, so right before the surprise attack on Pearl Harbor, the Japanese changed their codes so the United States was unaware of this invasion.

In 1950, a law was passed making releasing such classified information a crime. If the New York Times has violated this law by becoming the Benedict Arnold press, they need to be held accountable. Not even a journalist from the Times has the right to violate the law just to get a byline.

And that's just the way it is.

REAUTHORIZE THE VOTING RIGHTS ACT NOW

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I hold in my hand partly the continued reasoning for the reauthorization of the Voting Rights Act of 1965, and I encourage my colleagues from Georgia and Texas to recognize that the vestiges of discrimination still require this particular initiative to be authorized and do so immediately.

This is a Supreme Court decision in the League of United Latin American Citizens versus the Governor of Texas. Specifically it says against this background, the Latinos' diminishing electoral support indicates their belief that the person was unresponsive to the particularized needs of the members of the minority group. In essence, the State took away the Latino's opportunity because Latinos were about to exercise it. This bears the mark of intentional discrimination that could give rise to an Equal Protection violation. The Voting Rights Act protects those from discrimination and protects their right to vote.

Although this opinion gives a reckless aspect to midterm redistricting, which I hope we can correct legislatively, it does reaffirm the value, the importance and the sanctity of the Voting Rights Act in encouraging and protecting all Americans' rights to vote.

I ask my colleagues to read this opinion for a better understanding of why the Voting Rights Act is an effective civil rights initiative that should be reauthorized.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HOUSE RECYCLING CAUCUS

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take the time of Mr. DEFAZIO.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise to commend Members of the other body, Mrs. SNOWE of Maine and Mr. CARPER of Delaware, for forming the Senate Recycling Caucus. Their effort compliments the prior formation of the House Recycling Caucus, which I was proud to establish with the gentleman from Ohio, Mr. GILLMOR.

I would suggest that the House and Senate Recycling Caucuses work together on issues facing the recycling industry in the United States. I would also like to urge my colleagues here in the House to join our respective caucuses.

When most of us think of recycling, we think either of the bright blue bins in our offices, or of collecting cans, bottles and newspapers at home. As important as municipal recycling is to our country, however, it represents just the tip of the iceberg of the $30 billion-plus manufacturing industry that employs over 1.1 million Americans.

Most of us are probably also unaware that recyclables is one of our country's largest export commodities and are also one of the bright stars in our country's balance of trade.

Many like myself see recycling as an important environmental issue facing our country, but there are a whole host of other issues that face, and possibly inhibit, recycling in the United States, far beyond just getting people to throw cans in the proper receptacle. That is why we created the Recycling Caucus, so we can focus our efforts on this important sector and address not only environmental issues, but also issues of trade, energy and commerce.

Chief among those issues is the very simple statement that should guide any legislative efforts that impact this industry. Recyclables are not just waste and recycling is not just disposal. In fact, recycling is the opposite of both. By thinking of recycling as waste and recycling as a disposal activity like trash or garbage collection, we risk encouraging unintended consequences that can and do inhibit recycling.

We need to avoid inhibiting recycling efforts because the benefits are tremendous. For example, recycling kept over 140 million tons of material out of landfills last year. In addition, manufacturing products from recycled materials save energy. For example, using recycled aluminum can save as much as 95 percent of the energy used when producing products from virgin ore. Recycling also reduces eight major categories of water pollutants and ten major categories of air pollutants, including greenhouse gas emissions, compared with manufacturing from scratch.

Mr. Speaker, I again want to thank my caucus cochair, Mr. GILLMOR of Ohio, and our other colleagues who have already joined us on the House Recycling Caucus. I also want to thank the members and staff of the Institute of Scrap Recycling Industries for their assistance over the past 2 years in helping us make the idea of the caucus into a reality.

The Recycling Caucus is a broad-based caucus that will address all facets of recycling, with input from a wide range of associations, industry groups, experts, environmental organizations and other stakeholders.

Again I want to wish Mrs. SNOWE and Mr. CARPER much success in the other body. I look forward to working with them to promote all aspects of recycling in the United States.

STRAIGHT FACTS ABOUT IRAQ

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take my 5-minute Special Order out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, the President likes to say as the Iraqi people stand up, the U.S. will stand down. He has changed the mission from finding weapons of mass destruction to removing a dictator and bringing democracy to Iraq, saying the Iraqi people would decide what is best for their country. The President essentially likes to point to the recent formation of a new Iraq government as vindication of his policies and a turning point in bringing peace to a troubled land.

Last week, Iraqi Prime Minister Maliki announced a 24 point reconciliation to stabilize the country, his government's first major independent initiative. Within hours, we learned the U.S. had been deeply involved in watering down what the administration did not like about the Iraqi reconciliation plan, including two key elements, an offer of amnesty for insurgents and calling for a timetable for U.S. troop withdrawal.

Well, Mr. Speaker, you can't have it both ways. U.S. troops will never be able to leave Iraq as long as we stay the course of allowing the Iraqi government to make decisions only so long as we agree with.

After all the sacrifices made by the American people, after all the American soldiers lost in combat, wounded and psychologically scarred in combat, the President's Iraq strategy is evolving into a corporate subsidy strategy. Influential leaders at home and abroad are beginning to raise questions about the President's intentions.

Mr. Speaker, I will enter into the record three recent articles from the mainstream influential news media in the Mideast and the U.S. "Sovereignty is just a word on paper until Iraq is allowed to run its own affairs," is the title of an editorial published in the Daily Star, a distinguished newspaper in Lebanon.

On the same day, the Daily Star reprinted a commentary originally published in the Los Angeles Times entitled: An Iraq Amnesty Will Split the Insurgency. The Arab News published a commentary entitled Reconciliation in Iraq: If Only Maliki Had Freedom of Action.

Thoughtful people are raising troubling questions. This is the conclusion of the Daily Star's editorial: "The Iraqis need the space to make hard decisions that will help them restore stability in their country. But they will never find this space so long as the U.S. officials continue to micromanage the Iraqi government according to their own plan. What the Iraqis really need most now is what the Americans promised them long ago, freedom. And that ought to include the freedom to govern their own country in a way that would benefit the Iraqi people."

The President keeps telling Congress and the American people that it is stated policy to let Iraq stand up. If that is the case, then the President cannot instruct the administration to hold the Iraqi government down. Otherwise, we are installing a U.S. government, run by Iraqis, and that is one of the worst fears of the Middle East.

If the President is going to follow his own policy, then Iraqi leaders may make decisions we don't like. If the President is calling the shots behind the scenes, then the new Iraqi government will have no credibility. Without credibility an Iraqi government is living on borrowed time, and we know it.

This Nation has some history with attempts to install or prop up governments around the world beholden to the United States, and the record is dismal. How many times have we thrown billions at so-called friends, only to see these leaders ousted or ignored because they are seen as puppets of the United States?

The Arab News commentary says, "If left to his own devices Iraq's new Prime Minister Maliki has a good chance of uniting his fractured country and stamping out the violence. But there is just one problem. U.S. internal politics appear to be thwarting his efforts."

Running Iraq from behind the scenes cannot be the President's definition of stay the course, or the U.S. will stay in Iraq indefinitely. The Iraq war has divided this Nation, and the Iraq government's decisions on difficult issues like amnesty for insurgents will divide America even more.

The President said he wanted a free and independent Iraq. Well, perhaps he got what he wanted. Now what is he going to do about it?

☐ 2345

Finding a way to end the war can be as difficult as finding a way to start a war. It will be impossible unless the President starts talking straight to the American people and to the Iraqi people. You cannot install a puppet government and think that that is going to fool the Iraqis. They will continue to attack, which will keep our troops there and keep the death going.

We must be honest about what our policy in Iraq really is.

[From the Arab News, June 27, 2006]

RECONCILIATION IN IRAQ: IF ONLY MALIKI HAD FREEDOM OF ACTION

(By Linda Heard)

If left to his own devices Iraq's new Prime Minister Nuri Al-Maliki has a good chance of uniting his fractured country and stamping out the violence. But there is just one problem. U.S. internal politics appear to be thwarting his efforts.

On Sunday, Al-Maliki presented his Parliament with a 24-point national reconciliation plan that was backed by Sunni opposition figures. This included amnesty for insurgents without blood on their hands, further prisoner releases, and a timetable for Iraqis to takeover all aspects of their country's security.

Des Browne, Britain's defense secretary, applauded the moves saying, "There is no conflict in the world that has been resolved without dealing with the issue of reconciliation. Reconciliation requires risks, whether it is in South Africa, Northern Ireland or the Balkans . . ."

These are undoubtedly good steps on the road to cementing various factions but earlier press releases suggest Al-Maliki's initial grand design has been considerably watered-down.

According to a report in last Friday's Times newspaper titled "Peace deal offers Iraq insurgents an amnesty" Al-Maliki was set to "promise a finite, U.N.-approved timeline for the withdrawal of all foreign troops from Iraq; a halt to U.S. operations against insurgent strongholds" and an amnesty to insurgents responsible for the deaths of American forces.

In the event, the above crucial points were excluded from the prime minister's proposals.

In light of the turnaround, it is almost certain that U.S. officials have been busy whispering in his ear. On Thursday, Democratic senators proposed a vote to begin the drawdown of U.S. troops but were rebuffed by mostly Republican opponents, who believe an earl pullout would empower terrorists, weaken the U.S.-sponsored Iraqi government and endanger the security of the U.S.

In reality, most Bush supporters perceive the argument in terms of America winning or losing the war placing concerns about Iraq's stability secondary. For them an imminent withdrawal would be tantamount to an admission of failure or, worse, surrender that they fear will affect the outcome of next November's midterm elections.

The idea that insurgents could be forgiven for the killing of U.S. military personnel has also failed to sit well with either members of the U.S. administration or Congress, who predict public outrage.

An article by Lincoln Lease, a U.S. Army specialist serving in Baghdad, published on insidebayarea.com illustrates how some Americans might view that move.

Lease writes: "I take personal offense to Al-Maliki's proposition to grant any kind of amnesty—limited or unlimited—to any insurgent who has been involved in terrorism against the United States. It seems to me that Al-Maliki has slapped all the families of wounded or dead soldiers in the face."

The idea that the Iraqi leader is intent on humiliating the families of American soldiers or bent on offending Lincoln Lease and his ilk is entirely preposterous.

Al-Maliki faces not only the daunting task of quelling a bloody insurgency; he must also rid his country of foreign fighters, gain control over sectarian militias and commence the rebuilding process.

To do this he must bring his people together in a process of forgiveness and reconciliation, a process that cannot be effective as long as Iraqi insurgents are being labeled "terrorists" for their attempts to oust invading armies that from the standpoint of most Iraqis entered the country under false pretences in the first place.

In his article Lease asks Al-Maliki "How can you even consider the possibility of granting any kind of reprieve for any insurgent? How can you view these terrorists as patriots defending their country? How can you justify the murder of U.S. soldiers on your streets? We came here to rebuild Iraq, not to occupy it."

Poor Lincoln Lease has patently fallen hook, line and sinker for the official line. He says, "we came here to rebuild Iraq" while every one knows the reason given for the invasion was Iraq's stockpiles of WMD which turned out to be nonexistent.

He might also be reminded that billions of dollars slated for reconstruction have been channeled elsewhere or simply disappeared into the ether. Moreover, his government's construction of up to five permanent military bases and the largest and most fortified embassy in the world indicates Americans plan to stay in Iraq for the long haul.

While it is tragic that 2,500 U.S. soldiers have lost their lives since the 2003 invasion, new official figures point to the deaths of 50,000 Iraqi civilians during the same period; 20,000 more than George W. Bush's recent estimate.

If Lease, who began his rant by expressing his "rage and contempt" was sincere in his concern for military families, he would be backing an imminent military pullout rather than focusing on his own ego-led sensibilities.

A growing number of specialist think-tanks and Middle East pundits are now of the opinion that the very presence of foreign troops serves to fuel the insurgency, while evidence points to the fact that far from bettering the lives of Iraqis the occupation has thrust their war-torn land into an abyss of desperation and despair.

Should Lease care to relinquish his rose-colored spectacles for a moment, he might care to read the recently leaked memo from the U.S. Ambassador to Iraq Zalmay Khalilzad to the U.S. State Department that reveals a country in turmoil, run by armed militias, its people traumatized by fear.

Dated June 6 and published by the Washington Post, the memo highlights negative experiences encountered by nine members of the U.S. Embassy's staff afraid to tell even family members that they work for the Americans.

It's been three years and three months since "Shock and Awe". The Bush administration has surely had its chance to bring some semblance of normality to Iraq and has failed dismally. There is only one thing left for it to do and that is to back off and allow Al-Maliki a free hand.

Former U.S. Secretary of State Colin Powell was famously reported as telling Bush "if you break it, you'll own it" with reference to Iraq. That may be true but the only ones who can give that country back together are the Iraqis themselves. It's time they were given that chance.

[From the Daily Star, June 28, 2006]

AN IRAQ AMNESTY WILL SPLIT THE INSURGENCY

(By Henri J. Barkey)

The new Iraqi government is considering giving amnesty to some insurgents, including those who committed attacks against the United States, other coalition forces and the Iraqi military. It's understandable that many U.S. soldiers and other Americans would find the idea offensive. Nevertheless, it is critical for the Bush administration to quietly back the proposal behind the scenes.

The details of the amnesty haven't been announced, and the details are crucial. It would be a grave mistake to offer amnesty to the foreign fighters who have poured into Iraq to help with—or foment—the insurgency. But amnesty for former Baathists and other Sunni rejectionists could help divide them from their Al-Qaeda comrades, to the benefit of Iraq and the U.S. However distasteful, some sort of amnesty is a prerequisite for Iraqi reconciliation. American troops will leave one day, and the Iraqis will have to find a way to live together. If the U.S. wants to succeed in Iraq, it must put Iraqi interests first.

The killing of the Al-Qaeda leader in Iraq, Abu Musab al-Zarqawi, has created an unprecedented opportunity for the new Iraqi government. Zarqawi triggered resentment not just because he slaughtered civilians indiscriminately but because he hogged international attention, eclipsing his homegrown jihadist competitors.

Moreover, although he controlled only a segment of the Iraqi insurgency, Zarqawi had an aura of invincibility. His death gives the Iraqi government a chance to divide and co-opt the insurgents, exploiting whatever intelligence was gained in the Zarqawi raids and whatever disarray his death has created to score more military gains.

The government of Prime Minister Nuri al-Maliki enjoys more legitimacy than its predecessors, and for the first time it includes bona fide Sunni representatives. But it needs to change the pessimistic mood in Iraq while retaining the goodwill of its American backers. As a sovereign government, Iraq has every right to set the terms of the amnesty, but it should proceed with caution.

An amnesty aimed only at insurgents not affiliated with Al-Qaeda would deepen the divide between the foreign and Iraqi fighters. On the other hand, an amnesty for those who perpetrated the hideous and indiscriminate bombings of mosques and marketplaces would both condone terror and validate the insurgents' cause. Anyone involved in recruiting suicide bombers, or planning or helping execute bombing attacks, should not qualify for amnesty.

Americans will find it repugnant that those who blew up our soldiers may get off scot-free. But ironically, that outcome is in our best interests. An Iraqi government that insists, in the face of American objections, on implementing an amnesty would demonstrate to its people, especially the Sunnis, that it is not a stooge of Washington, that it is capable of acting independently of the Bush administration. And the stronger and more independent the Iraqi government is, the more likely that U.S. soldiers can come home.

Amnesties have succeeded in ending insurgencies in many other countries because they bring the rebels in from the cold and undermine their support structure. Algeria, which experienced some of the most violent civil strife of the modern era, offered repeated amnesties, and today its nightmare appears to be ending. Turkey, which has refused even to consider a meaningful amnesty for its Kurdish rebels, is engaged in a seemingly unending low-intensity conflict.

Amnesties alone are not a panacea. There will always be die-hards for whom the cause is too sacred or for whom violence is a raison d'etre. Still, every militant has an extended family network. These relatives are unwittingly drafted into the conflict; they are likely to worry about their sons' or brothers' fates, to be extremely antagonistic toward the authority pursuing them and to help fighters evade their pursuers. A meaningful amnesty, accompanied by a counter-insurgency campaign, can turn these relatives into allies. They will, often for their own sakes, put pressure on fighters to take advantage of such an offer.

In Iraq, the jihadists Zarqawi trained will not lay down their arms, but their Iraqi brethren may do so—and betray the foreigners to save their own skins. Even a few such victories would give the counter-insurgency momentum and the Maliki government breathing space. A decisive victory against the Iraqi insurgency could take a decade or more. But Washington and Baghdad have demonstrated that they can be allies for the long haul. Washington can best demonstrate its commitment to the new government accepting an Iraqi amnesty that allows Maliki to give his foes a reason to lay down their arms.

[From the Daily Star, June 27, 2006]

SOVEREIGNTY IS JUST A WORD ON PAPER UNTIL IRAQ IS ALLOWED TO RUN ITS OWN AFFAIRS

Back in June 2004, the U.S. administrator in Iraq, L. Paul Bremer, handed a leather-bound document to then-interim Prime Minister Iyad Allawi, and with this symbolic gesture pronounced Iraq a free and sovereign state. One could easily challenge the fantasy that the Americans ever really owned Iraq's sovereignty and could return it or withhold it as they pleased. But in addition, one could easily challenge the idea that the Iraqis have been "granted" any sovereignty at all.

Although sovereignty was long ago transferred, the Iraqis remain on the receiving end of a 9,996-kilometer screwdriver that officials in Washington still wield in their effort to shape the future of Iraq. The most recent example of U.S. tutelage at work was the amending of an amnesty plan put forth by Premier Nuri al-Maliki on Sunday. An earlier version offered to pardon Iraqi insurgents who have attacked U.S. troops. But after a series of closed-door talks between U.S. and Iraqi officials, Maliki announced a watered-down version of the amnesty, one which is unlikely to lure any of the major insurgent groups that aren't already participating in the political process.

It is understandable that U.S. officials would react with outrage to the idea of forgiving insurgents with American blood on their hands. As Senator Carl Levin said, "the idea that they should even consider talking about amnesty for people who have killed people who liberated their country is unconscionable." But Senator Levin and others like him seem to forget that liberating something means setting it free.

The Iraqis need the space to make hard decisions that will help them restore stability in their country. But they will never find this space so long as U.S. officials continue to micro-manage the Iraqi government according to their own plan. What the Iraqis really need most now is what the Americans promised them long ago: freedom. And that ought to include the freedom to govern their own country in a way that will benefit the Iraqi people.

REINTEGRATING EX-OFFENDERS BACK INTO NORMAL LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the problem of successfully reintegrating ex-offenders back into normal life is one of the major issues facing especially low-income and minority communities throughout the Nation.

This problem continues to fester throughout the United States of America. It is indeed a social as well as a public safety problem. Nearly 650,000 people are being released from Federal and State prisons this year. There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year these jails will release in excess of 10,000 people back into communities throughout the Nation. We will continue to have these massive releases over the next several years. The massive increase in incarceration in the United States that occurred during the past 25 years now must turn public attention toward the consequences of incarceration without providing meaningful rehabilitation measures and access to reentry programs and opportunities.

As we know, the large numbers of ex-offenders being released from prison will cause enormous public safety problems for many communities, especially where large numbers of ex-offenders will return and live in the same neighborhoods.

The Justice Department reported that the cost of crime to victims is approximately $450 billion a year. Therefore, these communities will absorb the high cost of further victimization as a result of the presence of such a high number of ex-offenders.

The Congressional Black Caucus is concerned about the administration not requesting or adequately funding the Edward Byrne Memorial Justice Assistance Grant Program, Residential Substance Abuse Treatment Program, Gang Prevention Program, Juvenile Accountability Block Grant, Juvenile Delinquency Block Grants and other programs.

The Congressional Black Caucus recommended increasing the funding level up to $3.1 billion for Justice programs and to expand the re-entry programs for nonviolent ex-offenders to facilitate their transition from prison to normal community life.

The CBC wants to ensure that specific programs are receiving adequate funding to prevent crime, increase public safety, and reduce recidivism. We, of course, can do that by passing the Second Chance Reentry Bill that now has more than 100 sponsors in the House, 22 sponsors in the Senate, is actually awaiting markup in the Judiciary Committee. And I would urge all of my colleagues to sign on, join up, help rehabilitate and prepare the individuals who are coming home from jail and prison. Support the Second Chance Reentry Bill.

TRIBUTE TO THE DAHL FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

MR. KIND. Mr. Speaker, I rise today to pay tribute to the Dahl family of Viroqua, Wisconsin. With their operation of the Dahl Pharmacy for more than 100 years and four generations, the Dahls wove themselves into the fabric of their community. Their pharmacy has been one of the pillars of Viroqua's downtown buisness district for over a century. From medication to a soda fountain, prescriptions to snacks, all sorts of services have been available to old and young alike since the early 1900s.

Chuck and Karen Dahl are good friends of mine who owned and operated the pharmacy for many years. Decent, principled people, the Dahls worked hard to grow a successful small buisness that would be attentive to local concerns. They have been actively involved in their community, displaying their belief in the responsibility to give back to the people who allowed their business to prosper. The Dahls' leadership has made the city of Viroqua and Vernon County better places to live, work, and raise children. In 2001, Chuck and Karen passed the Dahl Pharmacy along to another generation by selling it to Chuck's daughter, Katherine Dahl.

The Dahl Pharmacy, like many providers throughout the Nation, is facing a myriad of complications with the new Medicare Prescription Drug Plan. I commend Dahl and all the other pharmacies which have been on the frontlines of this new program. They have tirelessly served seniors uncertain about the new Medicare Part D regulations.

The Dahl family business will close its doors for the last time on June, 28 but leave behind a lasting legacy by having been a focal point in Viroqua for generations. The people of Viroqua have countless wonderful memories linked with the Dahl Pharmacy. Generations of residents have grown up with the pharmacy as a fixture in their childhood and a mainstay in their community. Known for their friendly, fast, and precise service, the Dahls established personal connections with their customers that went beyond the normal owner-client relationship.

I Want to thank the Dahl family for their many years of service to the Viroqua community. While the Dahl Pharmacy will be missed, I wish the family the best of luck in their future endeavors.

[From the Vernon County Broadcaster]

DAHL PHARMACY TO CLOSE JUNE 28

(By Tim Hundt)

Dahl Pharmacy in Viroqua will shut its doors for good on June 28 due to a buyout by national competitor Walgreens.

The business has been in Viroqua for more than 100 years and has been owned by four generations of the Dahl family.

Dahl Pharmacy owner Katherine Dahl said she informed employees on Sunday that she had reached a deal with Walgreens and would be closing the doors. She said all employees would be first in line for positions at the new Walgreens store that will open in Viroqua the following day, June 29.

"I thought about this for a long, long, long time," Dahl said. "I discussed it a lot with friends. I finally decided this was something I should do."

Dahl said she was concerned about the business and her employees with two new pharmacies set to open in June that would directly compete with her operation.

"The hospital will be opening its new pharmacy and Walgreens was also opening," Dahl said. "My concern was for the employees and to have continuity for them."

Dahl said as a part of the deal she reached with Walgreens executives, she will work for the company as a pharmacist for at least a year and all Dahl employees will be given first opportunity for employment at the new store.

"They were very interested in our employees because they know the people and they know the medical community here," Dahl said.

Dahl said the deal includes the prescription files of the pharmacy as well as the store's inventory of prescription and over-the-counter medication. Dahl said her store will close the evening of the June 28, the inventory and staff will move to the new store and Walgreens will open the morning of June 29.

Dahl said Walgreens emphasis on customers also sold her on the deal.

"I researched their company literature and they are really focused on the pharmacy aspect of the business," Dahl said. "All of their store managers are pharmacists."

As for closing a business that has been one of the pillars of Viroqua's downtown business community, Dahl said it has been difficult.

"Every employee reacts differently, but there have been a few tears," Dahl said.

Steve Felix of Felix's Men's and Women's Wear, which is the second oldest business in Viroqua, was concerned about the development.

"The big guys will come," Felix said. "People have to make choice about where they want to shop and if they don't support downtown businesses they won't be here. Just because a business is 100 years old doesn't necessarily mean they will be 101."

Karen Dahl, wife of Chuck Dahl, who was the third generation Dahl to own the pharmacy before it was sold to Katherine in 2001, said her husband was saddened by the news.

"He is sad because it is an end of era," Karen Dahl said. "The timing is good for employees and clients that will have a smooth transition to the new store, but it is sad for the community."

Karen Dahl said she is concerned about other small businesses in the community.

"We pay an enormous amount of property tax, as does any small business, but I think granting TIF district tax deferment to a major corporation heavily weighs things against local business owners," Dahl said.

Last year the city of Viroqua granted about $600,000 to the developer of the Walgreens site. A group of citizens protested the use of TIF district funding for the Walgreens project, but city officials said that without the incentives, the project would not have gone forward.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2007 AND THE 5-YEAR PERIOD FY 2007 THROUGH FY 2011

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2007 and for the five-year period of fiscal years 2007 through 2011. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 401 and 501 of H. Con. Res. 376, which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 818. This status report is current through June 23, 2006.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 376. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2007 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 376 for fiscal year 2007 and fiscal years 2007 through 2011. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2007 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2008 of accounts identified for advance appropriations under section 401 of H. Con. Res. 376. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table provides the current level of the nondefense reserve fund for emergencies established by section 501 of H. Con. Res 376. The table is required by section 505 of the budget resolution, and is needed to determine whether an increase in the reserve fund, allocations and aggregates will be necessary for any pending legislation that contains emergency-designated discretionary budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2007 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 376

[Reflecting Action Completed as of June 23, 2006—On budget amounts, in millions of dollars]

	Fiscal years—	
	2007	2007–2011
Appropriate Level:		
Budget Authority	2,283,029	n.a.
Outlays	2,325,998	n.a.
Revenues	1,780,666	10,039,909
Current Level:		
Budget Authority	1,376,961	n.a.
Outlays	1,712,391	n.a.
Revenues	1,787,094	10,189,839
Current Level over (+) / under (−) Appropriate Level:		
Budget Authority	−906,068	n.a.
Outlays	−613,607	n.a.
Revenues	6,428	149,930

n.a. = Not applicable because annual appropriations Acts for fiscal years 2008 through 2011 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2007 in excess of $906,068,000,000 (if not already included in the current level estimate) would cause FY 2007 budget authority to exceed the appropriate level set by H. Con. Res. 376.

OUTLAYS

Enactment of measures providing new outlays for FY 2007 in excess of $613,607,000,000 (if not already included in the current level estimate) would cause FY 2007 outlays to exceed the appropriate level set by H. Con. Res. 376.

REVENUES

Enactment of measures that would reduce revenue for FY 2007 in excess of $6,428,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 376.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2007 through 2011 in excess of $149,930,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 376.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF JUNE 23, 2006

[Fiscal years, in millions of dollars]

House Committee	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	45	45	45	45
Current level	0	0	0	0
Difference	−45	−45	−45	−45
Education and the Workforce:				
Allocation	0	1	0	30
Current level	1	0	5	4
Difference	1	−1	5	−26
Energy and Commerce:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Financial Services:				
Allocation	0	0	2	2
Current level	0	0	0	0
Difference	0	0	−2	−2
Government Reform:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
House Administration:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current level	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF JUNE 23, 2006—Continued

[Fiscal years, in millions of dollars]

House Committee	2007		2007–2011 Total	
	BA	Outlays	BA	Outlays
Difference	0	0	0	0
International Relations:				
Allocation	1	1	5	5
Current level	0	0	0	0
Difference	−1	−1	−5	−5
Judiciary:				
Allocation	19	16	116	113
Current level	0	0	0	0
Difference	−19	−16	−116	113
Resources:				
Allocation	0	0	6	6
Current level	0	0	0	0
Difference	0	0	6	−6
Science:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	13	13	22	22
Current level	0	0	0	0
Difference	−13	−13	22	−22
Veterans' Affairs:				
Allocation	0	0	0	0
Current level	−3	−3	0	0
Difference	−3	−3	0	0
Ways and Means:				
Allocation	0	0	0	0
Current level	0	0	0	0
Difference	0	0	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of June 6, 2006 (H.Rpt. 109–488)		Current level reflecting action completed as of June 23, 2006		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	17,812	19,497	7	5,827	−17,805	13,670
Defense	377,357	393,165	42	142,855	−377,315	250,310
Energy & Water Development	30,017	31,411	0	12,624	−30,017	−18,787
Foreign Operations	21,300	23,441	0	14,607	−21,300	8,834
Homeland Security	32,080	38,711	0	19,234	−32,080	−19,477
Interior-Environment	25,889	26,902	0	10,660	−25,889	16,242
Labor, HHS & Education	141,930	145,631	19,168	100,082	−122,762	−45,549
Legislative Branch	4,030	4,013	0	622	−4,030	3,391
Military Quality of Life-Veterans Affairs	94,705	88,728	−2,329	18,768	−97,034	69,960
Science-State-Justice-Commerce	59,839	62,143	0	23,536	−59,839	−38,607
Transportation-Treasury-HUD-Judiciary-DC	67,819	130,069	4,273	75,894	−63,546	54,175
Unassigned	0	0	0	0	0	0
Total (Section 302(a) Allocation)	872,778	963,711	21,161	424,709	−851,617	−539,002

Statement of FY2008 advance appropriations under section 401 of H. Con. Res. 376, reflecting action completed as of June 23, 2006

[In millions of dollars]

	Budget Authority
Appropriate Level	23,565
Current Level:	
Elk Hills	0
Corporation for Public Broadcasting	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Transportation (highways, transit, Farley Building)	0
Payment to Postal Service	0
Section 8 Renewals	0
Total	0
Current Level over (+) / under (−) Appropriate Level	−23,565

Statement of nondefense reserve fund for emergencies under section 501 of H. Con. Res. 376, discretionary budget authority for FY2007, reflecting action completed as of June 23, 2006

[In millions of dollars]

	Budget Authority
Appropriate Level	6,450
Current Level	0
Current Level over (+) / under (−) Appropriate Level	−6,450

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 28, 2006.
Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through June 23, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 376, the Concurrent Resolution on the Budget for Fiscal Year 2007, as approved by the House of Representatives. Although the House and the Senate have not reached agreement on a concurrent budget resolution for 2007, H. Con. Res. 376 has the force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress pursuant to House Resolution 818.

Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report). This is my first report for fiscal year 2007.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF JUNE 23, 2006

[In Millions of Dollars]

	Budget Authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a.	n.a.	1,819,599
Permanents and other spending legislation	1,355,241	1,303,587	n.a.
Appropriation legislation	0	409,185	n.a.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF JUNE 23, 2006—Continued

[In Millions of Dollars]

	Budget Authority	Outlays	Revenues
Offsetting receipts	−549,710	−549,710	n.a.
Total, enacted in previous sessions	805,531	1,163,062	1,819,599
Enacted this session:			
An act to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes (P.L. 109–204)	−1,000	−520	0
Native American Technical Corrections Act of 2006 (P.L. 109–221)	11	11	0
Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222)	0	0	32,674
Heroes Earned Retirement Opportunities Act (P.L. 109–227)	0	0	−4
Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (P.L. 109–233)	−3	−3	0
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)[2]	0	388	168
Broadcast Decency Enforcement Act of 2005 (P.L. 109–235)	0	0	1
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236)	1	0	1
Total, enacted this session	−991	−124	−32,508
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs not yet enacted	572,421	549,453	n.a.
Total Current Level [2,3]	1,376,961	1,712,391	1,787,091
Total Budget Resolution	2,283,029	2,325,998	1,780,666
Current Level Over Budget Resolution	n.a.	n.a.	6,428
Current Level Under Budget Resolution	906,068	613,607	n.a.
Memorandum:			
Revenues, 2007–2011:			
House Current Level	n.a.	n.a.	10,189,840
House Budget Resolution	n.a.	n.a.	10,039,909
Current Level Over Budget Resolution	n.a.	n.a.	149,931
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

1. The effects of the Deficit Reduction Act of 2005 (P.L. 109–171) and the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (P.L. 109–173) are included in this section of the table, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level totals exclude $48 million in budget authority and $39,461 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–234).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

Notes: n.a. = not applicable; P.L. = Public Law.

PRIVATE SECTOR MANDATE ANALYSIS FOR H.R. 4761

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. POMBO) is recognized for 5 minutes.

Mr. POMBO. Mr. Speaker, I am filing in the House a copy of the private sector mandate analysis for H.R. 4761, the Deep Ocean Energy Resources Act of 2006. This analysis was not included in the cost estimate prepared for the Committee on Resources' report on the bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 28, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate of the impacts of private-sector mandates in H.R. 4761, the Deep Ocean Energy Resources Act of 2006. CBO's analysis of the federal costs and intergovernmental impact of H.R. 4761 was transmitted on June 26, 2006.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tyler Kruzich.

Sincerely,

DONALD B. MARRON,
Acting Director.

H.R. 4761—Deep Ocean Energy Resources Act of 2006

Summary: H.R. 4761 would make several changes to programs related to the development of federally-owned resources, particularly oil and natural gas production on the Outer Continental Shelf (OCS). The bill would impose new "conservation of resources" fees on oil and natural gas production on certain deep-water acreage, as well as on all deep-water acreage that is not in production. At the same time, the bill would make additional areas of the OCS available for lease for oil and natural gas production. It also would change some of the terms of existing leases to the benefit of the lessees.

CBO estimates that, if the bill were enacted, private entities would make additional payments to the government totaling about $12.5 billion over the 2007-2016 period. It is unclear whether those payments would be the result of new mandates as defined in the Unfunded Reform Mandates Act (UMRA).

Private-sector mandates contained in the bill: H.R. 4761 would establish a set of "conservation of resources" fees for certain leaseholders. Section 6 would amend the Outer Continental Shelf Lands Act to require that the Department of the Interior issue regulations establishing a "conservation of resources" fee set at $9 per barrel for oil and $1.25 per million Btu for natural gas on production from certain leased acreage. This fee would effectively apply to certain deep-water leases entered into in 1998 and 1999 that provided royalty relief regardless of the market price of oil or gas. Those leaseholders could avoid the fee, though, if they request that the Secretary of the Interior renegotiate the royalty relief provisions of their original leases so that they would pay royalties on oil and gas production when prices exceed $40.50 per barrel of oil and $6.75 per million Btu of natural gas (both prices in 2006 dollars). The Department of the Interior also would be required to issue regulations establishing a "conservation of resources" fee on all acreage that is not in production for both new and existing leases. The bill would direct the Secretary to set that fee at no less than $1 per acre and no more than $4 per acre. Both fees would apply retroactively to volumes produced since October 1, 2005.

CBO estimates that leaseholders affected by the fee on wells currently in production would pay an additional $11.4 billion over the next 10 years, assuming most leaseholders opt to pay royalties under a renegotiated lease instead of the proposed fee. The "conservation of resources" fee on leased acreage that is not in production would cost the private sector an estimated $1.1 billion over the next 10 years. These costs to the private sector are equal to the fees that would be collected by the federal government, as reported in CBO's federal cost estimate of H.R. 4761 released on June 26, 2006.

It is, however, unclear whether these fees are mandates as defined in UMRA. The fees would apply to existing deep-water leases that include a standard provision providing that they are subject to "all regulations issued pursuant to [the Outer Continental Shelf Lands Act] in the future which provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf and the protection of correlative rights therein." Excluded from UMRA's definition of "federal private-sector mandate" are duties "arising from participation in a voluntary federal program." Therefore, CBO considers any requirements that are imposed pursuant to a voluntary contract with the federal government, such as a deep-water lease, not to be private-sector mandates. It is unclear whether the imposition of "conservation of resources" fees is so clearly contemplated by the existing lease agreements that it can be said to have been voluntarily accepted by the leaseholders and therefore is not a mandate under UMRA. If the fees do not constitute pre-existing duties under the leases, they would represent new enforceable duties imposed by H.R. 4761 and would be mandates under UMRA.

The bill contains other changes in the financial terms of oil and gas leases that would benefit the private sector. Under the bill, the Secretary of the Interior would offer some OCS areas for leasing that otherwise may not be leased over the next 10 years under current policies. Section 17 would direct the Secretary of the Interior to repurchase and cancel certain federal leases and to compensate the lessee for the amount that the lessee would receive in a restitution case for material breach of contract. Also, some terms of existing leases would be changed to the benefit of leaseholders.

Previous CBO estimate: CBO's analysis of the federal costs and intergovernmental impact of H.R. 4761 was transmitted on June 26, 2006.

Estimate Prepared by: Tyler Kruzich.

Estimate approved by: Joseph Kile, Assistant Director for Microeconomic Studies.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0025

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 12 o'clock and 25 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 895, SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report

(Rept. No. 109–539) on the resolution (H. Res. 896) providing for consideration of the resolution (H. Res. 895) supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4761, DEEP OCEAN ENERGY RESOURCES ACT OF 2006

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–540) on the resolution (H. Res. 897) providing for consideration of the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLDEN (at the request of Ms. PELOSI) for today on account of floods in the district.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today and the balance of the week on account of business in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today until 5:00 p.m. on account of important business in the district.

Mr. POE (at the request of Mr. BOEHNER) for today on account of speaking to a convention of police officers in San Antonio, Texas.

Mr. GERLACH (at the request of Mr. BOEHNER) for today after 3:00 p.m. on account of flooding problems within the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. NUSSLE, for 5 minutes, today.

Mr. POMBO, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, June 29.

Mr. TIAHRT, for 5 minutes, June 30.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2650. An act to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse"; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5403. An act to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 27 minutes a.m.), the House adjourned until today, Thursday, June 29, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8327. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research Projects and Centers Program; Disability Rehabilitation Research Projects (DRRPs) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8328. A letter from the Acting Legal Advisor to the Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Amdt. of Pt. 1, 21, 73, 74 & 101 of the Commission's Rules [WT Dkt. No. 03-66; RM-10586]; Pt. 1 of the Commission's Rules [WT Dkt. No. 03-67]; Amdt. of Pt. 21 & 74 [MM Dkt. No. 97-217]; Amdt. of Pt. 21 & 74 [WT Dkt. No. 02-68; RM-9718]; Promoting Efficient Use Of Spectrum Through Elimination of Barriers to the Dev. of Sec. Mrkts. [WT Dkt. No. 00-230]; Rev. of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Serv. [IB Dkt. No. 02-365]; Amdt. of Pt. 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Serv. [ET Dkt. No. 00-258] Received June 9, 2006, pursuant to 5 to the Committee on Energy and Commerce.

8329. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Revisions to Record Retention Requirements for Unbundled Sales Service, Persons Holding Blanket Marketing Certificates, and Public Utility Market-Based Rate Authorization Holders [Docket No. RM06-14-000; Order No. 677) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8330. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Submission of Annual Financial Reports: Elimination of Requirement (RIN: 3150-AH39) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8331. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 06-09, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on International Relations.

8332. A letter from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule—Implementation of Unilateral Chemical/Biological (CB) Controls on Certain Biological Agents and Toxins; Clarification of Controls on Medical Products Containing Certain Toxins on the Australia Group (AG) Common Control Lists; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No. 060228055-6055-01] (RIN: 0694-AD62) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 5061. A bill to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia (Rept. 109–533). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 413. A bill to establish the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area, and for other purposes; with an amendment (Rept. 109–534). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5534. A bill to establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels (Rept. 109–535). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5611. A bill to provide for the establishment of a partnership between the Secretary of Energy and appropriate industry groups for the creation of a transportation fuel conservation education campaign, and for other purposes; with an amendment (Rept. 109–536). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5632. A bill to amend Chapter 301 of title 49, United States Code, to establish a national tire fuel efficiency consumer information program, and for other purposes; with an amendment (Rept. 109–537). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5646. A bill to study and promote the use of energy efficient computer servers in the United States (Rept. 109–538). Referred to the Committee of the Whole House on the State of the Union.

[Filed on June 29 (legislative day of June 28), 2006]

Mr. SESSIONS: Committee on Rules. House Resolution 896. Resolution providing for consideration of the resolution (H. Res. 895) supporting intelligence and law enforcement programs to track terrorists and terrorists finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances (Rep. 109–539). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 897. Resolution providing for consideration of the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes (Rep. 109–540). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HAYES:

H.R. 5693. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income mileage reimbursements to volunteer emergency medical responders and volunteer firefighters and to increase the mileage allowance for charitable contributions for the benefit of volunteer fire departments, and for other purposes; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 5694. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance; to the Committee on Education and the Workforce.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. Thompson of Mississippi, Mr. Shays, Ms. Loretta Sanchez of California, Mr. Linder, Ms. Harman, Mr. McCaul of Texas, Ms. Jackson-Lee of Texas, Mr. Simmons, Mrs. Christensen, and Mr. Fossella):

H.R. 5695. A bill to amend the Homeland Security Act of 2002 to provide for the regulation of certain chemical facilities, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. Salazar, Mr. Filner, Mr. Marshall, and Mr. Osborne):

H.R. 5696. A bill to respond to the unreasonable and unnecessary Japanese prohibition on the importation of United States beef by prohibiting importation of Japanese beef into the United States; to the Committee on Ways and Means.

By Mr. POMBO (for himself and Mr. Porter):

H.R. 5697. A bill to provide for the appropriate designation of certain Federal positions involved in wildland fire suppression activities; to the Committee on Government Reform.

By Mrs. BONO (for herself, Ms. Granger, Mr. Blumenauer, Mr. Wamp, and Mrs. Lowey):

H.R. 5698. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself, Mr. Brown of Ohio, Mr. Obey, Ms. Woolsey, Ms. Lee, Mr. DeFazio, Mr. Lantos, Mr. Owens, Mr. Hinchey, Mr. Conyers, and Ms. Solis):

H.R. 5699. A bill to provide Federal contracting preferences for, and a reduction in the rate of income tax imposed on, Patriot corporations, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUNT (for himself, Mr. Cantor, Mr. Ryan of Wisconsin, Mr. Green of Wisconsin, Mr. Putnam, Mr. Kirk, Mr. McHenry, Mr. Wicker, Mr. Sensenbrenner, Mr. Petri, Mr. Conaway, Mr. Akin, Mr. Kingston, Mr. Calvert, and Mr. Franks of Arizona):

H.R. 5700. A bill to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KNOLLENBERG:

H.R. 5701. A bill to amend the Internal Revenue Code of 1986 to increase the annual contribution limit to Coverdell education savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. LINDER:

H.R. 5702. A bill to suspend the excise tax on fuel used in commercial aviation; to the Committee on Ways and Means.

By Mr. MEEHAN:

H.R. 5703. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of qualified flexible fuel motor vehicles, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. Ferguson, Mr. English of Pennsylvania, Mr. Bass, Mr. Gillmor, Mr. Hall, Mr. Norwood, Mr. Pickering, Mr. Shimkus, Mrs. Capps, Ms. Eshoo, Mr. Gonzalez, Mr. Gene Green of Texas, Mr. Inslee, Mr. Pallone, Mr. Ross, Mr. Towns, Mr. Wynn, Mrs. McCarthy, Mr. Brady of Pennsylvania, Mrs. Jo Ann Davis of Virginia, Mr. McNulty, Mr. Miller of Florida, Mr. Dent, Mr. Fitzpatrick of Pennsylvania, Mr. Sam Johnson of Texas, Mr. LaTourette, Mr. LoBiondo, Mr. Peterson of Pennsylvania, Mr. Price of Georgia, Mr. Ramstad, Mr. Schwarz of Michigan, Mr. Saxton, Mr. Sessions, Mr. Souder, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Boyd, Mr. Cardin, Mr. Crowley, Mr. Hinchey, Ms. Jackson-Lee of Texas, and Mr. Jefferson):

H.R. 5704. A bill to amend title XVIII of the Social Security Act to provide for a budget-neutral two-year moratorium on certain Medicare physician payment reductions for imaging services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG:

H.R. 5705. A bill to authorize the Secretary of the Interior to conduct studies to determine the feasibility and environmental impact of rehabilitating the St. Mary Diversion and Conveyance Works and the Milk River Project, to authorize the rehabilitation and improvement of the St. Mary Diversion and Conveyance Works, to develop an emergency response plan for use in the case of catastrophic failure of the St. Mary Diversion and Conveyance Works, and for other purposes; to the Committee on Resources.

By Mr. RYAN of Wisconsin (for himself and Ms. Moore of Wisconsin):

H.R. 5706. A bill to amend part D of title IV of the Social Security Act to provide for the pass through of all child support collected on behalf of families receiving assistance under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mrs. Maloney):

H.R. 5707. A bill to require the owner of a cruise ship that calls at a port in the United States to report to the Secretary of the department in which the Coast Guard is operating crimes that occur on the cruise ship in which a citizen of the United States was a victim, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SWEENEY (for himself, Mr. Fossella, Mr. Meeks of New York, Mr. Ackerman, Mr. Bishop of New York, Mr. Higgins, Mr. McHugh, Mr. Crowley, Mr. Owens, Mrs. Kelly, Mr. Boehlert, Mr. Kuhl of New York, and Mr. Nadler):

H.R. 5708. A bill to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building"; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H.R. 5709. A bill to amend the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BERRY:

H. Con. Res. 439. Concurrent resolution calling on the President to order the flag to be flown at half-staff upon the death of any member of the Armed Forces dying from an injury or illness incurred in the line of duty: to the Committee on the Judiciary.

By Mr. OXLEY:

H. Res. 895. A resolution supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances; to the Committee on Financial Services.

By Ms. HOOLEY (for herself, Mr. DEFAZIO, Mr. WALDEN of Oregon, Mr. BLUMENAUER, and Mr. WU):

H. Res. 898. A resolution congratulating the Oregon State University Beavers baseball team for winning the 2006 National Collegiate Athletic Association Division I College World Series; to the Committee on Education and the Workforce.

By Mr. LEWIS of Kentucky:

H. Res. 899. A resolution congratulating Kentucky on being selected to host the 2010 Federation Equestre Internationale (FEI) Games; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

379. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 740 memorializing the Congress of the United States to extend critical provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

380. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 523 encouraging the Congress of the United States to take action on federal immigration reform; to the Committee on the Judiciary.

381. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Joint Resolution No. 15-2 supporting the passage of S. 1954, the Insular Passessions Act of 2005; to the Committee on Ways and Means.

382. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Resolution No. 2021 urging the President of the United States and the Congress of the United States to permit emergency workers and equipment to cross the international border with Mexico to address emergencies that threaten both sides of the border; jointly to the Committees on the Judiciary and International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 47: Mr. DEAL of Georgia.

H.R. 97: Mr. HINOJOSA and Mr. WYNN.

H.R. 156: Ms. SCHAKOWSKY.

H.R. 503: Ms. MOORE of Wisconsin, Mrs. LOWEY, and Mr. CHANDLER.

H.R. 515: Mr. MCNULTY.

H.R. 533: Mr. BRADY of Pennsylvania.

H.R. 550: Mr. SCOTT of Georgia.

H.R. 558: Mr. ISTOOK.

H.R. 713: Miss MCMORRIS and Mr. SHIMKUS.

H.R. 807: Mr. SANDERS.

H.R. 808: Mrs. EMERSON and Ms. BORDALLO.

H.R. 968: Mr. KENNEDY of Minnesota and Mr. ISTOOK.

H.R. 1070: Mr. WHITFIELD.

H.R. 1106: Mr. GERLACH.

H.R. 1175: Mr. MURTHA.

H.R. 1227: Mr. WELLER, Mr. NEAL of Massachusetts, Mr. MANZULLO, Mr. OBERSTAR, Mr. OXLEY, and Mrs. NAPOLITANO.

H.R. 1384: Mr. PUTNAM.

H.R. 1441: Mr. WYNN.

H.R. 1548: Mr. TIBERI.

H.R. 1578: Mr. HOLDEN.

H.R. 1649: Ms. CORRINE BROWN of Florida.

H.R. 1687: Mr. DOYLE.

H.R. 1876: Mr. BISHOP of Georgia.

H.R. 1951: Mr. CLEAVER, Mr. GILLMOR, and Mr. PAYNE.

H.R. 2103: Mrs. EMERSON.

H.R. 2112: Mr. BARRETT of South Carolina, Mr. NORWOOD, Mr. CHOCOLA, Mr. LUCAS, Mr. MEEK of Florida, Miss MCMORRIS, Mr. GUTKNECHT, Mr. WAMP, Mr. GOODE, Mr. CULBERSON, Mr. RYUN of Kansas, Ms. FOXX, Mr. CAMPBELL of California, Mr. AKIN, and Mr. LINDER.

H.R. 2121: Mr. CHOCOLA.

H.R. 2184: Mr. MCNULTY, Mr. BOSWELL, Mr. HINCHEY, Mr. MOORE of Kansas, and Mr. GRIJALVA.

H.R. 2421: Ms. BERKLEY.

H.R. 2428: Mr. LOBIONDO, Ms. MCKINNEY, and Mrs. KELLY.

H.R. 2567: Mr. GONZALEZ.

H.R. 2631: Mr. HOLT.

H.R. 2662: Ms. SLAUGHTER.

H.R. 2716: Mr. BROWN of Ohio.

H.R. 2808: Mr. MARSHALL, Mrs. MALONEY, Mr. GONZALEZ, MR. STARK, Mr. SERRANO, Mr. TOM DAVIS of Virginia, Mr. KENNEDY of Rhode Island, Mr. PALLONE, Mr. THOMPSON of California, Mr. CALVERT, Mr. HASTINGS of Florida, Mr. GARY G. MILLER of California, Mr. MURPHY, Mr. BROWN of Ohio, Mr. RAMSTAD, Mrs. SCHMIDT, Mr. GRAVES, and Ms. HERSETH.

H.R. 3145: Mr. SANDERS.

H.R. 3336: Mr. GARRETT of New Jersey.

H.R. 3584: Mr. SANDERS.

H.R. 3760: Mr. WU.

H.R. 3762: Mr. SCOTT of Georgia.

H.R. 3795: Mr. CASTLE, Mr. CARTER, Mr. RANGEL, and Mr. RAHALL.

H.R. 3950: Mr. SANDERS.

H.R. 4188: Mr. FRANK of Massachusetts.

H.R. 4197: Mr. HINOJOSA.

H.R. 4217: Mr. SODREL.

H.R. 4264: Mr. CASE.

H.R. 4547: Mr. PUTNAM.

H.R. 4560: Mr. ENGLISH of Pennsylvania, Ms. MCKINNEY, and Mr. SANDERS.

H.R. 4597: Mr. DICKS.

H.R. 4703: Mr. PUTNAM.

H.R. 4736: Mr. FRANK of Massachusetts.

H.R. 4772: Mr. BACHUS.

H.R. 4773: Ms. SCHAKOWSKY and Ms. BORDALLO.

H.R. 4808: Mr. STRICKLAND.

H.R. 4873: Mr. NEAL of Massachusetts.

H.R. 4896: Ms. CORRINE BROWN of Florida, Mrs. LOWEY, and Mr. DAVIS of Illinois.

H.R. 4914: Ms. CARSON.

H.R. 4927: Mr. DELAHUNT, Mr. CASTLE, Mr. ALEXANDER, Mr. SCHIFF, and Mr. WELDON of Pennsylvania.

H.R. 4942: Mr. DOYLE.

H.R. 4953: Mr. LATOURETTE.

H.R. 4987: Mr. LIPINSKI, Mr. MCHUGH, Mrs. JO ANN DAVIS of Virginia, and Mrs. CAPITO.

H.R. 5005: Mr. MCCRERY and Mr. SIMPSON.

H.R. 5092: Mr. ROSS, Mr. HIGGINS, Mr. REHBERG, Mr. SIMPSON, Mr. MCCRERY, Mr. MURPHY, Mr. OTTER, Ms. HARRIS, and Mr. PUTNAM.

H.R. 5134: Mr. BOUCHER.

H.R. 5139: Mr. LIPINSKI.

H.R. 5145: Ms. BORDALLO and Mr. WHITFIELD.

H.R. 5148: Ms. DELAURO and Ms. MCKINNEY.

H.R. 5149: Mrs. BONO.

H.R. 5161: Mr. FARR.

H.R. 5182: Mr. EMANUEL, Mr. HOEKSTRA, Mr. BOYD, Mrs. MCCARTHY, Mr. MILLER of Florida, and Ms. ZOE LOFGREN of California.

H.R. 5201: Mrs. LOWEY.

H.R. 5206: Mr. LAHOOD and Mr. RUPPERSBERGER.

H.R. 5236: Mr. GONZALEZ, Mr. RANGEL, Ms. JACKSON-LEE of Texas, and Ms. PRYCE of Ohio.

H.R. 5249: Mr. CONAWAY and Mr. CLAY.

H.R. 5291: Mrs. DRAKE.

H.R. 5300: Mr. CLAY.

H.R. 5317: Mr. TERRY and Ms. CARSON.

H.R. 5319: Mrs. DRAKE.

H.R. 5321: Mr. SCHIFF.

H.R. 5333: Ms. BERKLEY.

H.R. 5351: Mr. SOUDER.

H.R. 5369: Mr. PAYNE.

H.R. 5371: Ms. MILLENDER-MCDONALD and Mr. LANGEVIN.

H.R. 5416: Mr. MCCOTTER.

H.R. 5444: Mr. CLEAVER.

H.R. 5453: Mr. BARRETT of South Carolina and Mr. HOLDEN.

H.R. 5457: Mr. ROYCE and Mr. SODREL.

H.R. 5468: Mr. KOLBE.

H.R. 5496: Mr. ROTHMAN.

H.R. 5513: Ms. SCHWARTZ of Pennsylvania, and Mr. HINCHEY.

H.R. 5515: Mr. SANDERS.

H.R. 5538: Mr. BASS.

H.R. 5551: Mr. ROGERS of Alabama and Mr. PEARCE.

H.R. 5556: Mr. ENGEL.

H.R. 5558: Mr. FEENEY and Mr. WILSON of South Carolina.

H.R. 5562: Mr. WALSH.

H.R. 5587: Mr. FOLEY.

H.R. 5588: Ms. LEE, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. HOLT, Mr. MCINTYRE, Mrs. MCCARTHY, Ms. JACKSON-LEE of Texas, and Mr. DAVIS of Florida.

H.R. 5602: Mr. SIMMONS and Mr. OXLEY.

H.R. 5615: Mr. BRADY of Pennsylvania and Mr. GENE GREEN of Texas.

H.R. 5640: Mr. CAMP of Michigan, Mr. RANGEL, Mr. STARK, Mr. BECERRA, Mr. Doggett, and Mr. EMANUEL.

H.R. 5653: Mr. PICKERING.

H.R. 5669: Mr. CALVERT, Mr. MCCOTTER, and Ms. WATSON.

H.R. 5680: Mr. ISSA and Ms. LEE.

H.R. 5682: Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, and Mr. MCDERMOTT.

H.R. 5685: Mr. WALSH and Mr. SWEENEY.

H. Con. Res. 410: Mr. GUTIERREZ and Mr. JACKSON of Illinois.

H. Con. Res. 434: Mr. MCDERMOTT and Mr. GRIJALVA.

H. Con. Res. 435: Mr. GORDON.

H. Res. 189: Mr. ADERHOLT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GERLACH, Mr. ENGEL, Mr. BUTTERFIELD, Mr. LATHAM, Mr. WHITFIELD, Mr. LYNCH, Mrs. TAUSCHER, Mr. SESSIONS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. CASTLE, Mr. ROGERS of Alabama, Mr. BAKER, Mrs. EMERSON, Mr. CANNON, Mr. CRENSHAW, Mr. FOSSELLA, Ms. BORDALLO, Mr. SHAYS, Mr. BEAUPREZ, Ms. KILPATRICK of Michigan, Mr. DENT, Ms. GINNY BROWN-WAITE of Florida, and Mr. VAN HOLLEN.

H. Res. 222: Mr. SCOTT of Virginia.

H. Res. 490: Mr. GORDON.

H. Res. 498: Mr. INSLEE and Mr. DENT.

H. Res. 526: Mr. Ferguson and Mr. Weldon of Pennsylvania.

H. Res. 723: Mr. Carnahan.

H. Res. 760: Ms. Harman.

H. Res. 790: Mr. Ross, Mr. Snyder, Mr. Gene Green of Texas, Ms. Slaughter, Mr. Holt, Mr. Scott of Georgia, Ms. Norton, Mr. Waxman, Ms. Bordallo, Mr. Kind, Ms. Corrine Brown of Florida, Mr. Meeks of New York, Mr. Gordon, Mrs. Davis of California, Mr. Oberstar, Mr. Hoyer, Ms. Velázquez, Mr. Butterfield, Mr. Scott of Virginia, Mr. Meek of Florida, Mr. Al Green of Texas, Mr. Watt, Mr. Cleaver, Ms. Baldwin, Ms. Herseth, Mr. Larson of Connecticut, Ms. Hooley, Mr. Kildee, Mr. Schiff, Mr. Ruppersberger, Mr. Faleomavaega, Ms. Matsui, Ms. Jackson-Lee of Texas, Mr. Berman, and Ms. Kilpatrick of Michigan.

H. Res. 800: Mr. Shimkus.

H. Res. 823: Mr. Payne, Mr. Gohmert, Mr. Alexander, Mr. Kennedy of Minnesota, Mr. Fossella, Mr. Hayes, Mr. Pitts, and Mr. Ryan of Wisconsin.

H. Res. 838: Mr. Levin, Mr. Conyers, Mr. Berman, and Mr. Price of North Carolina.

H. Res. 871: Mr. Brown of Ohio, Mr. Sessions, Mr. Souder, Ms. Carson, and Ms. Kaptur.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5688: Mr. Gene Green of Texas.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

123. The SPEAKER presented a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-475-06 urging the Legislature of the State of Florida to enact House Bill 1363 commonly known as the Community Workforce Housing Innovation Program or similar legislation; to the Committee on Financial Services.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5672

Offered By: Ms. DeGette

Amendment No. 33: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. The amounts otherwise provided by this Act are revised by increasing the amount made available for "Office of Justice Programs—Justice Assistance" and reducing the amount made available for "Department of Justice—General Administration—Salaries and Expenses", by $3,000,000.

EXTENSIONS OF REMARKS

RECOGNIZING NATHAN RICHARD DUDA FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nathan Richard Duda, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Nathan has been very active with his troop, participating in many scout activities. Over the many years Nathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nathan Richard Duda for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF CORPORAL ANDY D. ANDERSON

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of Corporal Andy D. Anderson one of the true heroes of the conflict in Iraq, and to recognize his service to our Nation.

Corporal Anderson, a longtime resident of Falls Church, VA, graduated from J.E.B. Stuart High School in 2001. While at Stuart, he enjoyed a prolific athletic career. He was a leader of the football team and was among the leading scorers in the county in basketball. After a year of college, he followed in his father's footsteps and enlisted in the Army, in which he was assigned to the Army's B Company, 46th Engineer Battalion at Fort Rucker, AL.

Just a few weeks ago, Cpl. Anderson had been home to visit his family in Vienna, VA. He proposed to his high school sweetheart and impressed friends and relatives with his self-assurance.

Corporal Anderson was ambitious and selfless, hoping to make the Army a career. Tragically, on June 6, 2006, Cpl. Anderson gave his last full measure for our Nation, when he was killed by mortar fire in Ar Ramadi, Iraq.

Corporal Anderson is survived by his father, Harold Anderson, mother Xiomara Mena, and his brothers Rafael and Randall.

Words cannot express the gratitude we feel toward those who have made the ultimate sacrifice for our country. This is a debt that can never be repaid. I hope the family of Cpl. Anderson, who are suffering in the wake of the loss, will take some solace in knowing that we will never forget Cpl. Anderson's sacrifice or the sacrifices made by other patriots like him in the defense of our Nation.

Mr. Speaker, I call upon my colleagues to remember in our minds and in our hearts the bravery and sacrifice of Cpl. Andy D. Anderson, as well as that of all the men and women of the armed services who honorably protect the American people.

INTRODUCTION OF THE NO CHILD LEFT BEHIND IMPROVEMENTS ACT OF 2006

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to introduce the No Child Left Behind Improvements Act of 2006. This legislation will improve accountability for the academic performance of children enrolled in the nation's public schools. My bill builds on the major reforms of the No Child Left Behind (NCLB) Act of 2001 signed into law on January 8, 2002 and offers improvements that address many of the unintended consequences of the federal legislation while holding states and school districts accountable.

As a former teacher, I am committed to providing our nation's children with the best possible education. I firmly believe in the original goals of NCLB but I understand that a "one size fits all" approach to student achievement is not possible. Alaska is more than two times the size the state of Texas, yet only has a population of 660,000 compared to the 22.9 million residents of Texas. As you can see, providing education services in Alaska can be difficult as 190,000 Alaskan students are literally scattered over 572,000 square miles.

Alaska has approximately 500 public schools and they are organized into 53 school districts. These include 34 city and borough school districts and 19 Regional Educational Attendance Areas which serve students living in towns and villages in politically unorganized areas of rural Alaska.

Alaska schools vary greatly in size. High schools in Anchorage, the state's largest city, may serve more than 2,000 students. Schools in other urban areas such as Juneau, Fairbanks, the Kenai Peninsula, or the Matanuska-Susitna Valley may serve hundreds and are similar to schools in small cities in the rest of the United States. However, many schools in rural areas are small, some with 20 or fewer students at a variety of grade levels. They may be many miles from population centers and services, and accessible only by aircraft or boat. In remote villages, schools often serve as centers of community activity.

In addition to the geographic barriers, Alaska, like many other states is faced with cultural obstacles. There are 20 different Alaska Native languages spoken in the state and during the 2004–2005 school year, students in the Anchorage School District spoke 95 different languages. Roughly 42 percent of students are from ethnic minority groups including Native Alaskan, Asian and Pacific Islander, Hispanic, and African American.

Alaska is not alone in having to face unique challenges as it struggles to educate its children. Each state in this country one has geographic, economic or cultural barriers that impede its schools from reaching a level of success as mandated by NCLB. My bill will establish an improved framework for accountability that fairly and accurately assesses student, school, and school district performance. As a result, states and local school districts will be able to more strategically use their resources to bring about meaningful and measurable results.

This legislation contains more than 40 provisions that focus on five areas: Assessments, Measuring Adequate Yearly Progress, Sanctions, State Flexibility by the U.S. Department of Education and Non-Public Schools. Specifically the bill provides the following:

Assessments. The bill offers greater flexibility to states in the use of alternate assessments for students with disabilities based on the individual education program (IEP) and authorizes states and school districts to count the scores in the calculation of AYP. The bill also offers states the flexibility to use alternate assessments for students who are not proficient in English. In both categories of students the assessment instruments must be valid and reliable in measuring the performance based on the specific needs of the student. The bill would also grant states the flexibility to assess students more than once within the full academic year, and to use the higher scores in calculating the performance of subgroups.

Measuring Adequate Yearly Progress. The bill would authorize states to expand their AYP measurement systems to include gain score approaches like value-added and give partial credit for meeting basic proficient targets. Additionally, states would be permitted greater flexibility in using alternate methods of measuring AYP as long as the ultimate goals of NCLB are achieved. Use of these specific flexibilities would require approval by the U.S. Department of Education. Further, the bill would authorize school districts and schools with diverse student populations to calculate AYP in a way that more accurately reflects subgroup and school performance.

Sanctions: Public School Choice and Supplemental Services. The bill would strengthen the use of sanctions by applying such sanctions only when AYP is not met by the "same

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

group" for two or more consecutive years in the same subject on the same indicator rather than applying sanctions when different groups or different indicators are involved from year to year in that subject. Additionally, the bill offers greater flexibility to states and school districts in the sequence of offering supplemental services and public school choice. Finally, the bill requires more effective use of local funds by limiting the options of public school choice and supplemental services only to those students within the subgroup that failed to meet their AYP targets in the same subject for two or more years—not all the students in the school.

The bill would also remove restrictions from the current law that prohibit local school districts from providing supplemental services solely because the school district did not make AYP or is in improvement, corrective action, or restructuring status. However, the state would have to grant such authority to local school districts.

Restructuring. With respect to requiring schools or school districts to implement certain broad restructuring provisions, the total number of students not scoring proficient or above would have to exceed 35 percent of the enrollment, and Congress would be required to appropriate an increase for Title I of at least $2.5 billion over the previous year, and appropriate at the authorized levels contained in the Individuals with Disabilities Education Improvement Act of 2004.

State Flexibility. The bill would grant authority to the Secretary of Education to (1) approve state accountability plans that vary from the federal framework to align with effective state accountability systems, (2) grant statutory and regulatory waivers that are unnecessarily burdensome or duplicative of state requirements, and (3) make public any approved amendments to state accountability plans. Further, the bill would require that any waivers of the state's plan approved by the Secretary would be available to any state on a case-by-case determination provided the state or agency meets any requirements issued by the Secretary applicable to such waivers.

Non-Public Schools. The bill authorizes students enrolled in non-public schools who receive Title I services to be given the same assessments as public school students; and gives states the option to withhold Title I support to the non-public schools if their Title I students do not make AYP and perform at lower levels than their counterparts in the area's public schools for three years or more.

I am pleased to be working with the National School Boards Association and am looking forward to pushing this important legislation through the House and Senate. Accordingly, I urge my colleagues to support the No Child Left Behind Improvements Act of 2006.

RECOGNIZING JUSTIN SMITH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Justin Smith, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many scout activities. Over the many years Justin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Justin Smith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATIONS TO RYAN MILLER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to congratulate Mr. Ryan Miller of Arlington, Virginia, on being awarded the Air Force Association's DW Steele Chapter "Teacher of the Year Award."

Mr. Miller teaches Astronomy and International Baccalaureate-level Environmental Science at Washington-Lee High School in Arlington. Mr. Miller opens up the often demanding field of math and the sciences through his challenging, but innovative, lab experiments and lessons. Furthermore, his expertise and exuberance for science has significantly contributed to an improved curriculum for Earth and Space Sciences, as well as the enrollment of more students into his science classes. Also as part of his responsibilities, Mr. Miller assists students in science fair competitions at Washington-Lee and in regional competitions.

Ryan's selfless dedication to public service plays a significant role in shaping our future economy. The United States is facing increasing competition in the workplace from foreign nations that are investing heavily in math and science studies. Science and technology related jobs are among the fastest growing fields in our economy, and studies have indicated that our Nation is falling behind compared to the investment of foreign nations. Mr. Miller's use of the latest technology available to students, his interesting and motivating experiences, and his passion for science have genuinely assisted in helping our Nation narrow this gap.

When he is not dedicating his time to improving the minds of his students, Mr. Miller is spending his spare time on his own education. He is currently enrolled at George Washington University, taking classes for his doctorate in Curriculum and Instruction.

Mr. Miller is truly an asset to the students he inspires and the lives he shapes in the 8th District of Virginia. I congratulate him on being awarded this great honor.

TRIBUTE TO REV. THOMAS BYRON COLLINS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Rev. Thomas Byron Collins, who recently passed away on June 17, 2006. He was an instrumental part of Georgetown University, and was involved in a number of projects that helped raise the fundraising prowess of the university in securing funds for campus projects.

Father Byron Collins was born in the town of Bradford in the State of Pennsylvania on August 16, 1920. He attended Holy Cross College in Worcester, Massachusetts, until the death of his father in 1938. He then returned back to Bradford where he entered the Society of Jesus at the Novitiate of St. Isaac Jogues in Wernersville, Pennsylvania. This was the start of a lifetime service as a Jesuit priest. Father Collins was appointed to Georgetown University in 1954, and in his first five years, he was the plant administrator, which included responsibility for construction on three campuses of the university. His ability in securing funds for these important projects and seeing them through was legendary. He was then appointed vice-president for business management in 1959. Georgetown University in the next 15 years saw an unprecedented rise in various campus construction projects than it had in the previous years. Georgetown became a pioneer among institutions of high education in securing federal legislation shaped to meet its needs due to the tireless efforts of Father Collins.

Father Collins also was well-regarded in the Georgetown University community for his deep respect for all religions. He used to say that all major religions had "a beauty and a truth." He never wanted religion to be a source of conflict but as a means of bringing people together. He has left behind a remarkable legacy, and without that legacy, Georgetown University would not have had the infrastructure needed to make it into one of the Nation's most prestigious centers of higher education.

Mr. Speaker, I am honored to have had this time to recognize the legacy of Father Thomas Byron Collins at Georgetown University.

RECOGNIZING STEVEN GLASBRENNER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Steven Glasbrenner a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop, participating in many scout activities. Over the many years Steven has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Steven Glasbrenner for his I accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF DENICE DEE DENTON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. FARR. Mr. Speaker, on behalf of myself and my colleagues, Representatives MICHAEL HONDA and ANNA ESHOO, I rise today to note, sadly, the tragic passing of Denice Dee Denton, Chancellor of the University of California, Santa Cruz, UCSC. We have lost a colleague of immeasurable creativity and intellect. Our hearts go out to her family and loved ones in this incomprehensible time. In her memory, we stand today to pay homage to her commitment and sacrifice and pledge to further her legacy of equity, diversity and academic excellence.

Chancellor Denton dedicated her professional and personal energy to increasing the presence of women and minorities in typically male-dominated academic fields. While pursuing four advanced degrees from Massachusetts Institute of Technology, including a Ph.D., she often encountered and fought against prevailing attitudes that were quietly or openly hostile to women in science. Remarkably, her academic career was just beginning to blossom. She held academic appointments at the University of Massachusetts, the Swiss Federal Institute of Technology in Zurich, and the University of Wisconsin-Madison, where she worked from 1987, leaving as professor in the Departments of Electrical and Computer Engineering and Chemistry. Beginning in 1996, Chancellor Denton was appointed Dean of the College of Engineering and Professor of Electrical Engineering at the University of Washington, the first woman to hold the position at a National Research Council-designated Research One university.

On December 14, 2004, Denice Denton was appointed by the University of California Regents as the ninth Chancellor of UCSC. While Chancellor, Denice incorporated the philosophy of achieving excellence through diversity in her agenda. She championed causes on an international level to engage the academic community in a dialogue pursuing equity and advancement in science, math and engineering. Also, as the university's first openly gay Chancellor, Denice embraced her identity and empowered young people and professionals across many disciplines to do the same. Mr. Speaker, it is with great regret that we speak in memory of a life so full of promise and future achievement. But we do so secure in the knowledge of a life already lived so full of accomplishment. Denice Denton was just 46 years old at the time of her death. But in that short time she paved the way for so many to follow.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. ORTIZ. Mr. Speaker, due to the memorial service for PFC. Kristian Menchaca in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 319: "no"; Rollcall No. 320: "yes"; Rollcall No. 321: "yes"; Rollcall No. 322: "no"; Rollcall No. 323: "no"; Rollcall No. 324: "no"; Rollcall No. 325: "yes"; Rollcall No. 326: "yes"; Rollcall No. 327: "yes"; Rollcall No. 328: "yes"; Rollcall No. 329: "no"; Rollcall No. 330: "yes."

RECOGNIZING BRIAN COMISKEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brian Comiskey, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many Scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brian Comiskey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mrs. MCCARTHY. Mr. Speaker, because of the storms in the Northeast and numerous flight delays over the past two days, I was not present for Rollcall No. 319, to prohibit consideration of the minimum wage increase, No. 320, the Coast Guard and Maritime Authorization Act, and No. 321, the Veterans COLA bill. Rollcall No. 319, "nay"; rollcall No. 320, "yea"; rollcall No. 321, "yea."

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Ms. CARSON. Mr. Speaker, I was unavoidably detained in my home district due to inclement weather and unable to record my rollcall votes. Had I been present I would have voted "yes" on votes: Rollcall vote No. 320; rollcall vote No. 321; rollcall vote No. 325; rollcall vote No. 326; rollcall vote No. 327; rollcall vote No. 328.

Had I been present I would have voted "no" on votes: Rollcall No. 319; rollcall vote No. 322; rollcall vote No. 323; rollcall vote No. 324; rollcall vote No. 329; rollcall vote No. 330.

RECOGNIZING DARRYL BELL, JR. FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Darryl Bell, Jr., a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Darryl has been very active with his troop, participating in many scout activities. Over the many years Darryl has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Darryl Bell, Jr. for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO CRAIG SNOW

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to commend Mr. Craig Snow. Mr. Snow was an extraordinary advocate for all people in need in his community. He was a coach and trainer of those who work in the non-profit sector, a man who led by example as well as by instruction, and a man who inspired others to acts of philanthropy. It would be difficult to imagine Tucson today without the tireless efforts of this remarkable individual.

Craig came to Tucson in 1977, as a visiting Lecturer at the University of Arizona. He stayed on to serve as associate director of composition and then as the founding director of the Composition Board of the University. However, at the beginning of the AIDS epidemic, Craig realized that immediate action was essential, and he organized brainstorming sessions which resulted in the formation of Tucson AIDS Project. He became the director of the project and led it for 12 years on a path which provided sustenance, direction and education to the sufferers of AIDS and the community at large. He promoted understanding and compassion in a time where few had the courage to face the issues the AIDS epidemic underscored. As a result of Mr. Snow's actions and foresight, Tucson developed one of the most forward thinking AIDS support organizations in the world. As the crowning achievement of his tenure with the Tucson AIDS Project, he was instrumental in bringing several Tucson AIDS support organizations together to form the Southern Arizona AIDS Foundation.

Craig's activism went above and beyond. He also created a consulting firm, which specialized in working with non-profit, care giving organizations. His constant theme was to help the helpers of humanity to do their work better. He assisted groups as diverse as the Brewster Center for Battered Women, the Primavera Foundation for the Homeless, Child and Family Resources, the Center for Adolescent Parents, and KARE, a group that helps grandparents raising grandchildren. His vision and work helped these organizations, and many others, improve their outreach, organizational structure, and constituent services. Craig also served as a priceless facilitator among government bodies, non-profit organizations and the people they served. Craig had a wonderful manner of using every social occasion and interaction to encourage and enlighten every person he met. Then, when they were ready, he would enlist their help in working for a cause which suited them and where they could be the most effective. No friend or acquaintance of Craig Snow's was left untouched.

Mr. Snow lost his long battle with bladder cancer this year. As a community we must celebrate Craig's life and embrace his take on life; to live fully and at every level. He will be sorely missed and as a community we must honor him by committing ourselves to providing service to those in our surrounding community.

TRIBUTE TO MRS. LOU HANDY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Mrs. Lou Handy, an exceptional lady and all around great Kentuckian. Mrs. Handy recently celebrated her 90th birthday. She has enjoyed a remarkable life and her wealth of knowledge and wisdom makes her a most treasured individual.

On behalf of myself and my colleagues in the U.S. House of Representatives, I want to honor Mrs. Lou Handy and wish her and her family the very best. I ask that an article that ran in the London Sentinel-Echo on Monday April 10, 2006, appear in the RECORD.

HAPPY BIRTHDAY LOU HANDY

Lou Handy celebrated her 90th birthday this past weekend. "Mrs. Handy" taught me English at what was then Laurel County High School. She was my favorite high school teacher. It was in her class that I first read Hemingway, Fitzgerald and Faulkner and was encouraged to write creatively. I have loved books for as long as I can remember but it was Mrs. Handy that encouraged me and gave me the confidence to believe in my ability as a writer.

When I graduated from high school and headed off to college it was because of Mrs. Handy I felt I could succeed when I first set foot on the campus at the University of Kentucky. I earned Phi Beta Kappa there, and Mrs. Handy was part of the reason for the grades that led to the honor. I finished college in three years and Mrs. Handy was part of that as well. I finished law school early and passed the bar at the age of 23, and Mrs. Handy was a contributor to that achievement.

In the years that have followed, I have tried many cases across the state and still had the time to write and publish stories and articles across the world and I thank Mrs. Handy for giving me the confidence to believe I could do those things. I'm in seminary now and every time I sit down to write another paper I think of Mrs. Handy and the encouragement she gave me to help me along the way. It has been 31 years since Mrs. Handy was my teacher yet she is still there influencing and affecting my life and the lives of others through me.

I am not a unique example of the impact Lou Handy has had on people. From my 1975 graduating class alone there are three lawyers, two doctors, two PhD's, three engineers, one record producer in Nashville, many teachers and countless successful business people and most of us had Mrs. Handy for a teacher. When you look at the years Mrs. Handy taught you realize the profound impact she has had on this community and the state as a whole. I think Mrs. Handy is proud of what her students have accomplished although I doubt she would ever take credit for what any of us have done but she deserves her share of the credit anyway.

Good teachers are a treasure for their communities and should be acknowledged as such. We are quick to point out the politics and disagreements of our public school system, and if we are not careful we can lose sight of the wonderful things that go on every day in our classrooms. Lives are being changed, young people are being awakened to the potential that lies before them and good teachers are making it happen.

A functioning school system is the bedrock of any community. When industry looks at a community to consider locating a factory or office there the quality of the school system is one of the first things the company wants to know about. A school system that is in turmoil or is underperforming or underfunded drives business away. No one wants to move their business to a community that fails to adequately educate the workforce. That is why we must stay involved with, and concerned about, our public schools. They are the great melting pot of London. Rich kids, poor kids, white, black, Asian and Hispanic kids are all there together. We learn to live together in public school so we can work together the rest of our lives. Public school can be trying at times as it struggles to meet the needs of the various constituencies that it serves but our school system cannot be allowed to fail. If we are unable to fashion a school that succeeds for our children then our community will never succeed.

When students learn to believe in themselves then the possibilities are limitless. Mrs. Handy knew that and I think that is why she was such a positive, affirming educator. Those of us who learned from her were blessed indeed.

So, if there is a teacher who made a difference in your life, who helped you get to where you are, tell them thanks. Support our public schools as they carry on the effort to educate and inspire Laurel County's children.

Thank you Mrs. Handy. Happy birthday!

Brian C. House is an attorney in London. His column appears every other Monday in The Sentinel-Echo.

RECOGNIZING RONJA WOLF

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ronja Wolf. Ronja is a student from Merzig, Germany and she came to the United States as a part of the German Parliamentary Sponsorship Program. As a committed student, Ronja chose to come to America to diversify her education and cultural experience.

Ronja left Germany on August 2, 2005 to come to Missouri. During her time in my district, Ronja has taken advantage of the many opportunities that are available to her. Sponsored by the Thurman family, Ronja quickly improved her language skills and became an accomplished student. Among her many extracurricular activities, she participated in the Academic Bowl, math competitions, Student Council, the basketball team, and is currently on the track team.

Her experiences outside of the classroom have also been exciting. With the support of her family back in Germany and her hosts, the Thurman family, Ronja was able to experience the varied American culture. She has been taken to see the historic landmarks in St. Louis, Kansas City, and the Missouri State Capitol in Jefferson City. The Thurman family was gracious enough to take in Ronja's brother and sister for 2 weeks over Easter and will take Ronja to Florida with them on their family vacation.

Mr. Speaker, I proudly ask you to join me in recognizing Ronja Wolf. Her time in America was an enriching experience for her and the people that she has met in her short time here. I wish her a safe journey back home and wish to see her back in Missouri once again. Ronja Wolf is an outstanding young woman with many bright years ahead of her and I ask this Congress to wish her luck in her future endeavors.

TRIBUTE TO CALABOOSE AFRICAN-AMERICAN MUSEUM

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor the Calaboose African-American Museum in San Marcos, Texas, for its role in representing the many historical achievements and contributions of African-Americans to the State of Texas in the past century.

The Calaboose African-American Museum is located in a small, modest building that was the first jail in Hays County. The Calaboose was built in 1973 during the Reconstruction period after the Civil War as a jail, and its function changed over the years to a United

Service Organization office for African-American men in the World War II period. It was designated as a museum by the San Marcos City Council through a petition drive started by Johnnie Armstead, one of the San Marcos community leaders, in 1997. The museum was established to focus on the local African-American history in San Marcos.

The museum contains several exhibits, including one on the Buffalo Soldiers, who helped settle the Texas Frontier after the Civil War. It also profiles well-known citizens of San Marcos such as Eddie Durham, who was one of the preeminent musicians in the jazz era. Mr. Durham was born in San Marcos in 1906, and grew up in San Marcos, and then spent the rest of his life traveling through the United States and Europe until his death in New York City in 1987. He was also the inventor of the amplified guitar. His instruments can be seen in his exhibit at the Calaboose African-American Museum in San Marcos.

Mr. Speaker, I am honored to have had this time to honor the Calaboose African-American Museum for its role in recording the history of the African-American community in the City of San Marcos in the great State of Texas.

TRIBUTE TO THE DENVILLE FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Denville Fire Department, in the Township of Denville, Morris County, New Jersey, a patriotic community that I am proud to represent. On June 27, 2006, the good citizens of Denville will begin commemorating the 80th anniversary of their esteemed fire company with the Fire Department's Annual 5 day Carnival.

In 1926, members of the Denville Athletic Club convened to discuss the growing need for fire-protection service for the town's 1200 residents. On June 26, 1926, the Denville Fire Department's first division—the Main Street Company—was officially born, led by inaugural chief Benjamin Kinsey. The Department began with more than 20 men, starting an all-volunteer tradition that continues to this day. Among the fledgling department's first purchases was a gleaming 1926 American La France pumping engine, which today remains one of the department's most treasured heirlooms.

The Denville Fire Department responded to its first distress call on August 11, 1926, and capably extinguished a dangerous roof fire. That successful operation signaled the beginning of a long history of dependable fire protection.

Since that time, the Denville Fire Department has consistently demonstrated its commitment to protecting Denville's citizens, as well as providing mutual aid to surrounding municipalities. Currently, the department is comprised of three separate divisions—the Main Street Company, the Union Hill Company, and the Valley View Company, all of which are overseen by Chief John Egbert. Today, the Denville Fire Department boasts a membership of 70 volunteers who proudly ensure the safety of local residents.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the volunteers of the Denville Fire Department on the celebration of 80 years of a rich history protecting one of New Jersey's finest municipalities!

RECOGNIZING DIXON NEAL ETHINGTON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dixon Neal Ethington, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Dixon has been very active with his troop, participating in many Scout activities. Over the many years Dixon has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Dixon Neal Ethington for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO PATRICK W. MOTT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. OTTER. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to the courageous actions of Mr. Patrick W. Mott of Rathdrum, Idaho.

On February 27, 2005, Henry W. Scheller was ice fishing on North Idaho's Lower Twin Lake approximately 700 feet from the closest bank. Mr. Scheller did not realize he was on weak ice, and he fell through, plunging into the frigid lake. Unable to pull himself from the water, he began calling out for help. His calls were heard by Patrick Mott, a 65-year-old retired logger, who was working outside his lakeside home.

As his wife called for help, Mr. Mott quickly gathered a metal dinghy and rope and set out on the ice to rescue the struggling Scheller. About 10 feet from Scheller the ice around Mott collapsed and he too fell into the water. Mott's attempts to pull himself out were unsuccessful, but firefighters arrived on the scene shortly after and were able to rescue Mott, then Scheller from the water.

Mr. Mott returned to the bank unaided, and was uninjured. Scheller received medical attention after being safely taken to shore. Although Mr. Mott did not successfully rescue Scheller, his selfless actions are a lesson to us all. Without hesitation, Mr. Mott put himself in harm's way to come to the aid of a perfect stranger.

For his heroic actions, Patrick Mott was awarded the Carnegie Medal, given to those who risk their lives while saving or attempting to save the lives of others.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing the actions of Patrick Mott. May his selflessness be an example we can follow in our own lives.

HONORING THE CAREER OF POSTMASTER LARRY JACOBS OF BLOOMINGTON, IN

HON. MICHAEL E. SODREL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. SODREL. Mr. Speaker, on June 28th, 2006, The Bloomington Post Office will lose a long-time servant to my district and in fact all of Indiana. Mr. Jacobs will retire after a 36 year long career with the United States Postal Service.

Mr. Jacobs was born and raised in Bloomington, IN where he participated in a variety of local sports. In his adult years, his community involvement only increased. He is a 17 year member of the Bloomington Kiwanis, an organization where he served as President. Additionally, he is a member of the Elks as well as the Bloomington Chamber of Commerce where he has been a member for 15 years. As an avid skier, Larry is currently serving as President of the Alpine Valley Ski Club.

On November 15, 1969, Mr. Jacobs began his career with the USPS as a clerk. Today he is retiring as the Postmaster for Bloomington, IN—a position he has held for 17 years.

Mr. Jacobs took over as Postmaster on May 20, 1989, 20 years after he began his postal service career. He rose through the ranks from clerk to supervisor of mail processing before becoming superintendent of window services. He then went on to become a labor relations representative prior to serving as Manager of Compensation and Staffing for the Greater Indiana District. Mr. Jacobs was then appointed to a detail assignment as Area Manager, Station and Branches, for the Indianapolis district before being promoted to Manager, Fleet Operation, for the Greater Indiana District. This was his final stop before becoming the Postmaster in Bloomington.

In 17 years as Postmaster, Mr. Jacobs has hosted over 20 postal customer council seminars in addition to a number of stamp ceremonies. He has served as past President for the Indiana state chapter of the National Association of Postmasters of the United States and past National Vice President of the same organization. He currently serves the organization as National Postmaster Representative.

Mr. Jacobs has been married to his wife, Nancy, for 36 years. They have two sons, Eric and Ryan.

Mr. Speaker, it is my honor and pleasure to celebrate the career of Mr. Jacobs. He has served our district and state honorably. After 36 years, I wish Mr. Jacobs the best in his much-deserved retirement.

RECOGNIZING DAN BRYAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Dan Bryan of Chillicothe, Missouri. Dan is retiring after 34 years of service to the Rural Electric Program. As the CEO of the Farmers' Electric Cooperative in Chillicothe, Dan has managed a region that includes over 12,000 meters and nearly 3,800 miles of electric power lines.

Dan began his career in the Rural Electric Program in 1972 as the Director of Member Services for Mountain View Electric in Limon, Colorado. Then after a short time as the general manager of Wells Rural Electric in Wells, Nevada, Dan became the general manager at the Farmers' Electric Cooperative in 1982. During that time he has served on the boards of the Northwest Electric Power Cooperative, the Association of Missouri Electric Cooperatives, the National Rural Electric Cooperative Association, and the National Food and Energy Council.

As a member the community of Chillicothe, Dan is very active. He is a member of the Chillicothe United Methodist Church, Fellowship of Christian Athletes, and the Chillicothe Rotary Club. In addition, he has been instrumental in various economic and community development projects, most notably as a member of the CITYMARK and "Let's Park It" committees.

Mr. Speaker, I proudly ask you to join me in recognizing Dan Bryan. He has performed with excellence in his many years of service to meeting the critical energy needs of the Farmers' Electric Cooperative. I commend his record of service to the Rural Electric Program and the community of Chillicothe over the years and I am honored to represent him in the United States Congress.

RECOGNIZING THE OREGON STATE UNIVERSITY BEAVERS AS 2006 NCAA MEN'S COLLEGE WORLD SERIES CHAMPIONS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to congratulate the baseball team of my alma mater, the Beavers of Oregon State University, for their victory over the storied Tar Heels of the University of North Carolina in a best-of-three series at the NCAA College World Series in Omaha, Nebraska.

The Beavers, with their 3–2 win over UNC, capped a storybook season with 50 wins to only 16 losses and became only the second team in any sport in OSU history to win a national title. It was a title for the College World Series record books as well, as the Beavers became the first team in tournament history to win six elimination games at the College World Series.

In the title game, just like during the regular season, great pitching combined with stellar defense, timely hitting and just a bit of luck carried the day for OSU. Five pitchers, including stalwarts Jonah Nickerson, Dallas Buck, and Kevin Gunderson, combined to allow only two unearned runs and just eight hits in the championship game.

Mr. Speaker, never in my life have I witnessed a team with more heart, grit, and guts than our OSU Beaver baseball team. The team showed outstanding dedication, resilience, character and sportsmanship throughout the season in achieving the highest honor in collegiate baseball.

The Beavers have brought pride to the Oregon State University, the Corvallis community, the State of Oregon and Beaver Nation. I ask my colleagues to join me in congratulating both teams on a hard-fought exciting series and the Beavers of Oregon State University on being the 2006 NCAA College World Series champions.

TRIBUTE TO THE COMMUNITY OF McFARLAND, WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Ms. BALDWIN. Mr. Speaker, I am proud to announce that on July 2, 2006, the community of McFarland, Wisconsin, will celebrate its 150th anniversary. Since its founding in 1856, this lakeside community has seen tremendous growth, but has maintained the beauty and hospitality characterized by the village founders

Located just a few minutes southeast of Madison, the Village of McFarland boasts a thriving business community and commerce park, numerous service clubs and organizations, and excellent recreational facilities. The sizable volunter fire and EMS departments and the outstanding new library demonstrate the residents' dedication to service and development of their community.

This community bond stretches from generation to generation. McFarland High School has a tradition of excellence and the community regularly comes together to cheer for the McFarland Spartans.

Lake Waubesa, McFarland's most famous natural landmark, serves as a center to many outdoor activities. As the symbolic heart of the village, shops and restaurants surround it, providing a picturesque backdrop of McFarland daily life since the time of its founder, William McFarland.

In genuine McFarland fashion, the residents will be celebrating the community's sesquicentennial on Sunday, July 2 with a festival featuring an array of local foods, train rides, and the singing of the village anthem, "On, McFarland!" A ceremonial cutting of the village birthday cake to honor William McFarland and his descendants and to celebrate the community's 150-year milestone will also mark this landmark achievement in McFarland's history.

It is with great pride that I serve and represent the people of McFarland, Wisconsin, and I extend my deepest congratulations to them.

CONGRATULATING REVEREND KARL EASTLACK FOR CONTRIBUTIONS TO THE WESTERN NEW YORK COMMUNITY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. HIGGINS. Mr. Speaker, I rise today in high praise of Reverend Karl Eastlack. Reverend Eastlack is the Senior Pastor of Eastern Hills Wesleyan Church in Williamsville, New York. Today, the Reverend graciously delivered the opening prayer invocation on the House of Representatives floor.

Reverend Eastlack has played an important role as a promoter of spirituality and healthy living in the Western New York community. For nearly twenty years, the Reverend has worked tirelessly to expand and enrich Eastern Hills Wesleyan Church. He first began in 1987 with a congregation of nineteen and a small worship center. Today, thousands of devout parishioners gather in a modern, technologically advanced sanctuary campus for weekly worship.

Under Reverend Eastlack's leadership, the Eastern Hills Wesleyan Church has become an epicenter of spiritual growth in my district. The Church features special programs for youth aimed at promoting religion and spirituality from an early age. Pre-school children attend Sunday morning care programs designed to teach them basic tenants of their faith. Middle and high school students enjoy summer youth camps that simultaneously entertain and educate. Plenty of quality programming serves adults as well. Parishioners attend workshops addressing a handful of topics, ranging from Biblical knowledge to personal financial management.

Reverend Eastlack is perhaps most widely known for "Today's Encouraging Word," a daily radio spot broadcast throughout Western New York on WBEN News Radio 930 AM. Monday through Friday, the Reverend uses his many years of experience as a leader and religious counselor to give listeners insight into life, relationships and God.

Speaking on behalf of myself and those in my district, I would like to thank Reverend Eastlack for his selfless service to the Western New York community. We were all truly privileged this morning to be in the company of such a noble individual.

THE CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2006

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, a terrorist attack takes three components: a weapon, a target, and a terrorist. Usually these three items are separate, as we saw in the 9/11 attack, the terrorist bombings in London, Madrid, Saudi Arabia, Iraq, Israel, and countless other places around the world faced with terrorist attacks. In special cases, however, the weapon and the target are combined. Such is the case with a facility that produces or maintains large amounts of toxic or otherwise dangerous chemicals. If such chemicals can be released and cause harm, the target itself becomes a weapon.

While the protection of all national critical infrastructure is important, chemical plants represent a special subset of those assets which should be given the highest priority in protecting. As a country, we recognized such a danger when it came to nuclear power plants. The Department of Energy made the connection and put in place rigorous security measures. The same has not been true for chemical plants, even though they are much more vulnerable, and can have much higher consequences if successfully attacked.

Recently, however, this problem has been given the attention it deserves. Successful improvements in securing chemical facilities will take the cooperation of the administration, the Congress, and the facility owner-operators. We find ourselves in a unique situation where all three of these parties are in agreement that there is a security gap that needs to be closed, and that it will require regulation to do it.

Since the formation of the Department of Homeland Security, one of its missions has been the protection of critical infrastructure. Some 85 percent of the critical infrastructure in the country is privately owned. Neither the private sector nor the government was eager to promulgate security regulations. The hope was that in a post-9/11 world, private industry would voluntarily make necessary security improvements, aided by guidance from the Department in the form of recommendations and publication of "best practices."

This worked to some degree. Many members of the chemical industry stepped up their security practices voluntarily. However, many did not, and the economic disadvantage suffered by those who made investments in security practices prompted them to ask Congress and the Administration for some regulatory mechanism that would level the economic playing field by requiring all members of the chemical sector to ensure that their facilities are secure.

The Department of Homeland Security also noticed that there was a big disparity in the level of participation and cooperation to increase security across the chemical sector. Both Secretary Michael Chertoff and former Secretary Tom Ridge recognized this problem. In October 2002, then-DHS Secretary Ridge and then-EPA administrator Christie Whitman declared in a joint statement: "Voluntary efforts alone are not sufficient to provide the level of assurance Americans deserve."

Two and a half years later, during his appearance before the House Committee on Homeland Security in April 2005, Secretary Chertoff stated, "In the area of chemical plants, the President has indicated that if we could not get what we need in terms of security using these various kinds of market-based incentives and best practices, that we would look to the possibility of some kind of regulation." He reiterated this stance in March during a forum on chemical plant security that "free riders," meaning smaller plants that have not implemented voluntary security standards, need to be brought under a regulatory scheme to ensure security.

Finally, Congress, in both houses and in both parties, is ready to act. Recently, bipartisan legislation introduced by Senators COLLINS and LIEBERMAN has been marked up in the Senate. Mr. LUNGREN, myself and (whoever else) will soon mark up a bill which is quite similar and I am proud to be a part of this effort.

The Chemical Facility Anti-Terrorism Act of 2006 will make our country more secure by giving the authority to the Secretary of Homeland Security to regulate security practices at chemical plants. However, the bill does not take a heavy-handed, overly proscriptive approach. The bill directs the Secretary to place the country's chemical plants into tiers based on risk, and to set security performance standards which increase in rigor for higher risk tiers. By setting performance standards rather than proscribing specific actions, the scheme would seek to form a partnership between the Department of Homeland Security and the chemical plants to come up with their own creative ideas to reach the desired level of security.

The tiered structure will also provide incentives to chemical manufacturers to make their plants inherently safer and therefore lower their risk tier. By lowering the inherent risk of the plant, they would not be required to have as high a level of security if the plant moves from high risk to low risk. Obviously, a plant that makes extremely toxic chemicals needs tighter security than one that makes less dangerous ones. I believe that acquiring the use of inherently safer technology where feasible would be more effective, but I am hopeful that the incentive approach will be successful. We also ensure that chemical plant workers will be our partners in securing their facilities, by directing the Secretary to set up a method that will allow workers to report security gaps that they find to the Department, and ensuring that such workers are not retaliated against.

The time for action is now. We have an opportunity to ensure this vital industry, and the population that lives around these facilities, are safe and secure. We must seize the opportunity to work together to secure our infrastructure, our economy and the lives of our citizens.

RECOGNIZING THE COMMUNITY OF BARNES, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the citizens of Barnes, KS, for continuing efforts to sustain and revitalize their community.

Deb Kruse, local bank manager and active civic volunteer, wants to see her hometown raise another generation of Kansans. "We are very fortunate and blessed to have a community that pulls together to support our businesses and projects that need volunteer or financial assistance," Kruse said. "We have a lot to offer—not always a large salary—but caring friends and neighbors."

Despite its small size—144 people—Barnes is bustling with activity.

More than a year ago, the city council started a successful initiative to rehabilitate and demolish old houses. To date, eight homes have been rehabilitated and five old structures have been demolished.

The volunteer fire department is made up of 20 dedicated members. With the assistance of local and Federal funding, the department has successfully upgraded its pumper truck, safety equipment, information system and continuing education requirements.

More than 20 years ago, the Barnes Community Development Corporation was formed to help sponsor important community services and events. In 1995, the corporation purchased and still operates the Hometown Cafe. The corporation is also working to preserve the Barnes Gym which hosts Bingo every Thursday night and is utilized for wedding receptions, programs, plays and other community events. Through the years, the corporation has organized many community activities and celebrations: Barnes Old Home Days, Water Garden Tours, Washington County Junior Miss Scholarship Program and the Annual Barnes Lighted Horse Parade.

Close to four years ago, residents came together to open a faith-based youth center called The Refuge. Thanks to generous personal donations of time and money, The Refuge is currently located in a renovated one room school house. Adult mentors, otherwise known as "Servants of the Refuge," provide area youth opportunities to gather and grow through meaningful community service projects.

Rehabilitation of the Barnes I.O.O.F. Park was initiated by Ms. Marilyn Laflin, a Master Gardener, who donated her time and expertise to the project. Community members have donated lamps, benches and various other items to the park in memory of loved ones. The local Lion's Club has been instrumental in maintaining the beauty of all community parks. In addition, the club provides assistance to the Hometown Cafe, makes improvements to the local ball field and band shell, and erected the town's welcome signs.

Our Daily Bread Family Bake Shoppe and Bistro is a family owned business that started out of a two car garage in December of 2002. Since October of 2003, people have come from all over to dine on delicious homemade meals in a beautiful, historic 100-year-old downtown building. The success of Our Daily Bread is testament to what is possible, with creativity and hard work, in rural America.

The newest community entity is the Barnes Trust for Historic Preservation. The trust is in the formation stage and is charged with preserving and restoring the historical identity of the community. The trust's first priority will be to help restore the Barnes State Bank.

The city maintains an extensive Web site that includes a list of 26 entities on its business and organization directory. That list includes three antique shops, three churches, two bed and breakfasts, two automobile repair shops, two building contractors and a plumber.

Gloria Moore, city treasurer, knows it is no accident that so much is taking place in such a small town. "The individuals that have started businesses in Barnes have invested their money and talents to keep our community alive," Moore said. "We could live anywhere in the world but choose to live in a small community, because we're sold on rural Kansas."

For rural communities to survive and prosper into the future, citizens must be willing to create their own opportunities for success. Ongoing efforts to revitalize Barnes are an example of how hard work, vision and community support can create just such an opportunity.

Citizens throughout Kansas are working together to enhance the quality of life in their communities. Barnes is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

PERSONAL EXPLANATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, due to unforseen circumstances, I was unavoidably delayed and unable to vote on final passage of H.R. 4973, the Flood Insurance Reform and Modernization Act. I fully support this bill, which makes significant reforms to the National Flood Insurance Program, further updating flood maps and increasing the phase-in of actuarial rates on vacation homes, second homes, and nonresidential properties that have been subsidized by the program since its inception. This bill also includes an amendment that I offered that would require purchasers of primary residential homes to pay actuarially-based flood insurance prices through the same phase-in structure used in the bill for nonresidential properties and nonprimary homes. I look forward to seeing this act signed into law and seeing the many improvements contained in this bill enacted. Had I been able, I would have voted "yes" for this bill.

MAKING SAFE BLOOD AVAILABLE IN AFRICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I chaired a hearing to examine the important issue of the availability of safe blood within the medical systems of sub-Saharan Africa.

My extensive travels to Africa have included visits to HIV/AIDS clinics and other health care facilities, and I have long been concerned about global health issues including HIV/AIDS, malaria, and maternal health. It is disturbing, to say the least, to visit district hospitals in remote areas of Africa that have only one or two pints of blood in their refrigerator and to see rooms filled with expectant mothers and emaciated children experiencing an emergency.

One also has to experience a long drive on the narrow sub-Saharan two-lane highways to appreciate the significant danger of serious road accidents and the resulting need for blood to save the injured. One dodges past overloaded trucks broken down in the middle of the road and passes within feet of adults and children walking on the road's edge, intermingled with goats and other livestock. The increased dangers and health crises in Africa call for increased means to address them, including adequate and safe supplies of blood.

A medical benefit related to safe blood that I have long promoted is umbilical cord-blood stem cells. On December 20, 2005, the Stem Cell Therapeutic and Research Act of 2005, which I sponsored, was signed into law. This law provides $265 million for life saving stem cell therapy, cord blood and bone marrow transplant. Today, in America, umbilical cord blood stem cells and adult stem cells are curing people of a myriad of terrible conditions and diseases.

One of my greatest hopes is that these current-day miracles will become common medical practice and available to tens of thousands of I patients, including one day to the peoples of sub-Saharan Africa. This hope is inspired by people who have overcome incredible odds thanks to cord blood stem cells transplants, like Keone Penn who was born with severe sickle cell anemia. Sickle cell anemia afflicts more than 70,000 Americans and a disproportionate number of African-Americans. It is also a serious problem in Africa. According to a WHO report on sickle cell anemia, over 200,000 infants are born each year with sickle cell disease in Africa.

After years of suffering, when no other treatments worked, Keone's doctors decided as a measure of last resort to perform a transplant with cord blood from an unrelated donor. This was the first time such a transplant had been tried for sickle cell disease, and it proved successful. One year after the transplant, Keone's doctors pronounced him cured.

Cord blood stem cells hold enormous promise, and have already been used to treat thousands of patients of more than 67 diseases. This potential should not be limited to the developed world, but should also be explored for the benefit of the peoples in Africa and around the world.

My good friend and colleague Congressman CHAKAH FATTAH knows of my interest in health issues in Africa, and shares my related interest in cord blood stem cell research and medical treatments. Therefore, I was happy to take up his suggestion that the Sub-committee on Africa, Global Human Rights and International Operations conduct a hearing on the availability of safe blood transfusions in Africa.

In its recent report for FY 2007, the House Appropriations Committee expressed its continued concern about the existence of unsafe blood as a source of HIV infection in the developing world. The report notes that contaminated blood is of particular concern for women who require a blood transfusion to address complications from pregnancy and childbirth and for children whose lives are threatened by anemia.

Based on these concerns, the Committee requested that the Office of the Global AIDS Coordinator, together with the Agency for International Development, the Department of Health and Human Services and other relevant parties, develop a comprehensive multi-year strategy for the PEPFAR focus countries. The strategy should aim at achieving a sufficient supply of blood for each country's needs, the recruitment of voluntary, non-remunerated blood donors, universal testing of donated blood for infectious diseases, and the reduction of unnecessary transfusions. A separate strategy is requested for non-focus countries that would provide for the standardized operation and control of blood collection, adequate training, documentation and assessment measures.

The hearing provided the opportunity to examine the extent of the current need in sub-Saharan Africa for an adequate and safe supply of blood. We heard from our distinguished witnesses about the challenges as well as the opportunities that this region faces in providing this essential medical service. We also learned about what we need to do to overcome the difficulties and the best means to accomplish our common goal: a safe and adequate supply of blood to meet the needs of the people of Africa.

NATIONAL SURVIVORS DAY. JUNE 28, 2006

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise to discuss the roundtable discussion held today that brought together representatives of Veterans' Widows International Network, Gold Star Wives, National Association of Uniformed Services, Military Officers Association of America, Vietnam Veterans of America and other veteran survivor organizations.

I made this statement to them today:

I want to thank Edmee Hills, Ron Armstead and the entire VWIN for organizing this 2nd Annual Conference on widow, survivors and family members.

I believe that June 28 should be made into a National Day of Recognition. for all Veterans Survivors.

As you say in your proposed proclamation—since the days more than 200 years ago, servicemen's spouses have followed their husbands from place to place within the United States as well as overseas. These women, who during their husbands' active duty career, unselfishly made great sacrifices to insure the support and welfare of our armed forces on the local and national levels.

These women, and today, the men who are here on the homefront, are the mental lifeline today's soldiers need to stay grounded in an insane situation: WAR.

Gone are the days, or they should be, when a soldier's usefulness ended when his service ended. The families are great resources and should be treated as such.

I am a cosponsor of two bills regarding the Survivors Benefit Plan.

H.R. 808, the Military Surviving Spouses Equity Act, which repeals provisions to require the offset of amounts paid in dependency and indemnity compensation from Survivor Benefit

Plan annuities for the surviving spouses of former military personnel who are entitled to military pay or retired pay.

H.R. 968, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008. It should be covered now. Survivors should not have to deal with the bureaucracy and their grief.

In addition, I am a cosponsor of H.R. 1573, a bill to provide that the increase of $250 per month in the rate of monthly dependency and indemnity compensation (DIC) payable to a surviving spouse of a member of the Armed Forces who dies on active duty or as a result of a service-connected disability shall be paid for so long as there are minor children, rather than only for two years.

I am glad you are all here to discuss the many issues of concern to survivors and I am willing to listen to your suggestions.

In addition, I would like to acknowledge the participants in this year's roundtable discussion:

Ron Armstead, Anthony Hawkins, Edmee Hills, Sharon Hayes, Kathleen Moakley, Deerdre Parke Hollowman, Joyce Karas, Eva Golleher, Dorothy Eng, Rose Lee, Marianne Nugent, Patricia Sharp, Regina Matson, Etta McAfee, Eunice Luke, Patricia Kreigel, Cynthia Dawkins, Leslie Tjarks, Elsie Ryan and Suzanne Melin.

CELEBRATING THE 133RD ANNIVERSARY OF THE VILLAGE OF BROOKLYN, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 133rd anniversary of the incorporation of the Village of Brooklyn, Illinois, the first and oldest African-American town in the United States.

Around the year, 1829, a group of 11 African-American families, some free, some fugitive slaves, crossed the Mississippi River from Missouri and settled in the area that would become Brooklyn, Illinois. The community continued to grow as it attracted both escaped slaves and free African-Americans from the St. Louis area and neighboring states. The thriving settlement was platted and named, Brooklyn, in 1837.

During Brooklyn's early years, before the Civil War, African-Americans had no ability to vote or petition for the incorporation of their community. With the ratification of the Thirteenth Amendment to the Constitution in 1865, the Fourteenth Amendment in 1868 and the Fifteenth Amendment in 1870, African-Americans gained the legal rights of citizenship. Shortly after these events, on July 8, 1873, the citizens of Brooklyn petitioned to incorporate. An election was called and, by unanimous vote, Brooklyn was incorporated as a village in St. Clair County, Illinois.

The history of Brooklyn has roughly paralleled that of neighboring municipalities in the industrial area along the Mississippi River, across from St. Louis. Many of its residents readily found work in the stockyards and factories that flourished into the middle of the last century. As those industries left, so did the jobs that allowed the citizens of Brooklyn to provide for their families.

Despite recent hard times, the same spirit that led those first courageous settlers to establish this community still lives on. The village motto is, "Founded by Chance, Sustained by Courage," and those words inspire the current generation to seek new opportunities for their community. The "North Star" Corridor Economic Alliance Project is one example of a new implementation of the community's founding values.

Mr. Speaker, I ask my colleagues to join me in celebrating the 133rd anniversary of the Village of Brooklyn, Illinois and to wish them the best as they move forward in the years to come.

KIMBERLY FLYNN ON 9/11 ENVIRONMENTAL ACTION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mrs. MALONEY. Mr. Speaker, I rise to read the statement of Kimberly Flynn, a member of 9/11 Environmental Action, a community group in New York City focused on environmental and health impacts of the terrorist attacks of 9/11. Ms. Flynn gave this statement at a rally in New York City that I attended to bring attention to the health problems that continue to exist from 9/11.

Good afternoon. I'm Kimberly Flynn and I represent 9/11 Environmental Action. We're community activists. For nearly 5 years, we've been fighting for the comprehensive EPA cleanup that never happened. And we're also fighting for the health needs of all those harmed by 9/11 pollution to be met.

In the days after 9/11, like many people, my mother in New Orleans was glued to CNN. Now, my mother has no expertise in occupational health and safety, but she called me with concern in her voice: Kim, why are some people digging through all that rubble wearing respirators, but most people are not? Isn't that going to cause serious problems down the line?

How is it that our government, whose job it is to protect human health from the unprecendented and obvious hazards never asked that question?

After 9/11, when two of tallest buildings buildings in the world were reduced to rubble, and the air was thick with dust and smoke . . . when toxic dust penetrated into buildings throughout the area, they told all of us it was safe.

At a time when your heroism and patriotism were the admiration of the entire world, they told the people of Lower Manhattan it was their patriotic duty to go about their business.

Well, I have a question for President Bush and Governor Pataki: It has been nearly 5 years, when are you going to do your patriotic duty?

To Governor Pataki: Your Ground Zero legacy is at stake. You must act to fix the unconscionable workers comp fiasco . . . NOW.

To President Bush: We will not let you leave office without acknowledging to the American people that so many of those workers, volunteers and cleanup workers who came to the rescue on and after 9/11 are sick . . . as are many others who live, work and go to school in Lower Manhattan. And that they need and deserve our government's help . . . NOW.

We will not let you leave office without making a full commitment to provide for the long-term 9/11 health needs of everyone harmed by these obvious and unprecedented hazards.

These are days of desperation for many of you, and our hearts go out to you and all those suffering from their Ground Zero exposures. But more than that, we are with you! We are yours in the struggle for justice, for the duration.

IN HONOR OF ELAINE CASS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. FARR. Mr. Speaker, I rise today to honor Elaine Cass, whose law career represents success, accomplishment, and community service. Throughout an illustrious career spanning both the professional and academic realms of law, Elaine's tireless dedication has provided inspiration for friends and colleagues alike. As City Attorney, Elaine represented citizens and their elected representatives on behalf of the cities of Hollister and Seaside.

Elaine was born and raised in Toronto, Canada, graduating from William Lyon Mackenzie High School in 1968. She attended the University of California, Berkeley where she received her Bachelor of the Arts degree in English literature. In 1975 she received her law degree from Santa Clara University and was admitted to the California State Bar the following year. Wasting no time, Elaine immediately embarked upon her law career working for the next six years with Legal Aid Society of Monterey County. Elaine returned to academia in 1978, becoming a law lecturer at both Santa Clara University and Monterey College of Law. While she continued to practice law throughout her university lecturing years, Elaine's educational contributions did nothing to diminish her professional ambition. If anything, lecturing on the ethical nature of law seemed to enhance her already impressive career trajectory.

Elaine served as the City Attorney for Seaside for 11 years. She also served in the same capacity for the City of Hollister, where she initiated the first code enforcement program with an emphasis on substandard housing. It was later expanded to include a relocation program which requires landlords to compensate tenants displaced by such housing. Always mindful of community interests and individual concerns, Elaine successfully blended responsibility and conscientiousness to be an attorney who is both respected by her colleagues and admired by the people she represents.

Elaine is married to Robert Zweben, and has two children, with her first grandchild on the way. Masterfully balancing family, career, and the desire to give back to society, Elaine's many achievements cannot be overstated.

Mr. Speaker, throughout her career, Elaine has made significant contributions, both professionally and academically, to the study of law. On behalf of the United States Congress, I would like to congratulate the accomplishments of Elaine Cass and express my sincere gratitude for her commitment to her community.

"COMFORT WOMEN"

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. TOWNS. Mr. Speaker, United States and Japan have, since the end of hostilities in 1945, enjoyed a strong friendship, an economic partnership, and a diplomatic alliance.

Because our countries have such a durable relationship, it is possible for us, when circumstances demand, to offer criticism to each other in regard to issues of grave concern.

The occasion of Japanese Prime Minister Junichiro Koizumi's visit to the United States, in which he will be meeting with President Bush and other prominent Americans, provides a special opportunity for gentle but pointed criticism of one of our ally's shortcomings.

Mr. Speaker, our colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) have introduced H. Res. 759, legislation that cals on Japan to acknowledge and accept responsibility for forcing women and girls into sexual slavery during the World War II era. In Korea, China, the Philippines, and other countries in the Pacific region, the Japanese use of women and little girls as sex slaves known as "comfort women" was among the most horrific degradations imaginable.

Sadly, despite decades of democratic rule and engagement with the United States and other countries that have condemned human trafficking of the past and of today, the Japanese government refuses to apologize to the world for its role in this atrocity. In fact, it will not even acknowledge Japan's responsibility for the suffering of so many women and girls forced into prostitution.

"Comfort women" were recruited in countries throughout Asia and the Pacific as Japanese troops advanced through conquest in the 1930s and 1940s. The suffering and humiliation of these girls and women ended only with the peace that came with the end of the war.

H. Res. 759 sends a strong signal to Japan, a friend and ally of the United States, that American leaders are not satisfied with the silence of the Japanese government on this human rights issue. I urge my colleagues to become cosponsors of this resolution and to bring this issue close to their hearts.

Mr. Speaker, on this issue, I commend to the House an article that appeared in the Philadelphia Inquirer on Sunday, June 18, written by international health consultant Cesar Chelala and entitled "Japan Must Atone for Acts of Savagery."

[From the Philadelphia Inquirer,
June 18, 2006]

JAPAN MUST ATONE FOR ACTS OF SAVAGERY

(By Cesar Chelala)

Japan's continuing refusal to reach an agreement with the former "comfort women"—women from conquered countries who were forced into sexual slavery to serve Japanese troops—has been sharply criticized by Amnesty International, which has called on the Japanese government to accept full responsibility.

Of the estimated 80,000 to 200,000 comfort women, 80 to 90 percent were from Korea. Girls as young as 11 were forced to serve between five and 40 soldiers a day, and almost 100 soldiers daily on weekends. Those who resisted were beaten, burned or wounded with the soldiers' swords. During the Japanese retreat, many were left to starve or were executed to eliminate any trace of the atrocities.

For many years after the Second World War, Japan insisted that the comfort stations had been private brothels. Only in 1993 did Japan admit any military responsibility. Although many of the comfort women have died, and many are now quite old. Japan must make restitution. The principle is not so much war as the human dignity of women, and as long as Japan does nothing, it implies that it does not care.

The first South Korean woman to tell her story was Bae Bong Ki in 1980. Kim Hak Soon, who died in 1997, related in 1991 how Japanese soldiers had abducted her when she was 17 and forced to carry ammunition by day and serve as a prostitute by night. Her testimony sparked several others. Evidence of comfort stations has already been found in Korea, China, Malaysia, the Philippines, Singapore, Indonesia, Thailand, Burma, New Guinea and Okinawa.

Chung Seo Woon, interviewed by Dai Sil Kim-Gibson in the book Making More Waves, was the only child of a wealthy landowner in South Korea. Her father was sent to prison and badly tortured. When she was 16, she was allowed to visit him. She was told that if she agreed to work in Japan for 2 years, her father would be released. Despite strong objections from her mother, she agreed.

Chung Seo Woon was placed on a ship with many other girls and women. Her group went from Japan to Indonesia, where they were sterilized and sent to Semarang, a coastal town, where they were forced to serve dozens of soldiers and officers daily. In the process, she was forced to become an opium addict. When Chung Seo Woon attempted to commit suicide by swallowing malaria pills, she was revived, and, she remarks, "It was then that I made up my mind to survive and tell my story, what Japan did to us." When war ended and she returned home, she found her house deserted. Her father had died in prison, and her mother, humiliated by a rape attempt by Japanese soldiers, had committed suicide.

Chung Seo Woon kicked her opium addiction after 8 hard months of struggle and worked hard to regain her dignity. She was never able to attain a normal sex life, but found companionship and care from a physician who had had a nervous breakdown after serving in the Japanese army.

In November 1994, an international commission of jurists stated that "it is indisputable that these women were forced, deceived, coerced and abducted to provide sexual services to the Japanese military" and that Japan "violated customary norms of international law concerning war crimes, crimes against humanity, slavery and the trafficking in women and children. . .Japan should take full responsibility now, and make suitable restitution to the victims and their families."

Still forthcoming is a formal, clear and unambiguous apology to the victims of sexual abuse by Japanese soldiers, adequate monetary compensation, and punishment of those involved.

In 1995, the Japanese government introduced the Asian Women's Fund as a response to international criticism. But the fund is widely perceived by survivors as a way for the Japanese government not to fulfill its legal responsibilities. As Purna Sen, director of Amnesty International's Asia-Pacific Program, has stated: "The Japanese government must finally right the wrongs of over 60 years by providing full reparations to the survivors of this horrific system of sexual slavery."

The money is more than money; it carries with it an important symbolism. During her testimony at the Fourth World Conference on Women held in Beijing in 1995, Chung Seo Woon declared, "I might be poor, but not that poor. I demand the compensation that is rightly due to me, even if I would burn the money after it is in my hand. It is not a matter of money but of principle. The Japanese have defiled my body but not my spirit. My spirit is strong, rich and proud."

Contact César Chelala at cchelala@aol.com.

PRESIDENT SASSOU-NGUESSO'S MEETING WITH PRESIDENT BUSH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. TOWNS. Mr. Speaker, on June 6 of this year, the President of the Republic of Congo, Mr. Denis Sassou-Nguesso, met at the White House with President Bush.

Not a mere photo opportunity, this meeting was substantive and included discussions of the situation in Darfur (Sudan), terrorism in Somalia and other parts of Africa, combating HIV/AIDS, and debt relief.

These discussions were important because, in addition to being leader of his own country, President Sassou-Nguesso serves as chairman of the African Union. Congo is also currently a member of the United Nations Security Council.

The two presidents exchanged views on issues of importance to the entire African continent, in particular the crisis of Darfur (Sudan), the electoral process in Congo's neighbor, the Democratic Republic of Congo (DRC), and the situation in the Ivory Coast.

President Bush welcomed President Sassou-Nguesso's assertion that Africa should take the lead in the search for solutions to Africa's problems. In regard to the crisis of Darfur, I the two heads of state agreed on the sending of U.N. forces to replace those of the African Union. There is a delegation of the U.N. Security Council currently carrying out a mission in the Central African Republic, and they agreed that this mission should remain in place to supervise operations in Darfur, the DRC, and Chad. President Sassou-Nguesso thanked President Bush for the U.S. leadership in the fight against the HIV pandemic in Africa.

They also discussed ecological management of the Congo Basin and the Gulf of Guinea as well as bilateral co-operation between the Republic of Congo and the United States. Congo is one of the countries eligible to participate in trade and investment opportunities under the terms of the African Growth and Opportunity Act of 2000.

After the meeting, President Bush stated: "We had a very constructive discussion about a variety of issues. We talked about our common commitment to help end the genocide in Darfur. I appreciate the President's leadership in helping negotiate a peace agreement, and I appreciate his leadership in working with the United Nations so we can get the AU forces blue-helmeted as quickly as possible.

"And one of my interests, of course, is to join with African nations in combating HIV/AIDS, and I want to congratulate the President for the low infection rate in Congo."

For his part, President Sassou-Nguesso said: "President Bush is absolutely right, we discussed a lot of issues that we're all interested in: peace, security, and not just in Africa, but beyond Africa, in the world. We talked about terrorism, we talked about the Iranian nuclear issue, we talked about the dialogue that's about to open up, I hope, and that will bring good results to that problem.

"And on behalf of all of Africa, I thank President Bush for his commitment in fighting AIDS, the commitment of the United States in the fight against HIV/AIDS. As you know, we had a special meeting on AIDS at the United Nations General Assembly, and as you know also, Africa is the continent that suffers the most from this scourge.

"And we also talked about African development issues. We talked about the situation in the Gulf of Guinea, and the Congo Basin, the NEPAD, Project for African Development in Africa. And I was happy to see President Bush give his entire support to the development of Africa."

Mr. Speaker, the emergence of the Republic of Congo as a leader in African diplomacy and economic issues is worth noting. Only a few years ago, this small country was suffering from the aftermath of protracted civil conflict. President Sassou-Nguesso has diligently embarked on a program of political reform, social reconciliation, and economic modernization that can serve as a model for other parts of Africa.

I hope that the talks at the White House result in concrete measures for addressing the many issues President Bush and President Sassou-Nguesso discussed.

ON THE ETHICS OF WAR: NON-COMBATANT INVOLVEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce an article by Alex Vernon, a professor of American Studies in Hendrix College and a former member of the U.S. Armed Forces. The article titled The Road From My Lai, published in the op-ed section of the June 23, 2006 edition of the New York Times, drew parallels between the massacre at My Lai during Vietnam and the alleged atrocities at Haditha and Hamdania.

A veteran of the first Gulf War, Mr. Vernon has firsthand experience of the atrocities the soldiers can be driven to commit in times of war. He is not making excuses for our forces in Iraq and neither do I. My Lai was a terrible tragedy and the Army's attempt of cover-up, abetted by the Nixon administration, was foiled by the efforts of Ronald Ridenhour, Congressman Morris Udall and journalist Seymour Hersh. We do not want to see a repeat of the My Lai cover-up again.

Sitting here on the Capitol, while we are deciding to continue the occupation in Iraq, our National Guard and Reserve troops are being forced to serve their third or even fourth tour of duty. The heightened tension of war and frustration at the efforts of certain groups of Iraqis to resist American occupation may have driven our troops to commit atrocities that they would never have otherwise committed. As Mr. Vernon stated in the article, the dull and boring hour-long instructions on ethics does nothing to change the situation. "Who needs to be told not to run a bayonet through a baby?"

Unfortunately regardless of the results of official enquiries and court-martial into the incidents of Haditha and Hamdania, the damage has been done. The verdict is already in; and it is not in the U.S.'s favor. While General Peter Pace, chairman of the Joint Chiefs of Staff, assures us that 99.9 percent of our servicemen and women are behaving humanely, the majority of the Iraqis confess no surprise at learning about the war crimes of the U.S. soldiers.

Mr. Speaker, our armed forces should remember novelist William Eastlake's remarks on My Lai. You cannot transfer the blame on your superior officer; use your own judgment.

And we, the legislators of the nation should keep in mind that in prolonging this needless war, we are amplifying the physical and psychological strains on our soldiers, thereby making room for more Hadithas and Hamdanias.

THE ROAD FROM MY LAI

(By Alex Vernon)

When I went to war as a junior officer in Iraq 15 years ago, we faced a far different enemy for far less time than today's troops are dealing with—four days back then, into our fourth year now. Yet in those first weeks in the desert before Desert Storm, back when we fully expected Iraq's several armored divisions to drive into Saudi Arabia and crush the two divisions we had on the ground, two soldiers under my command digging a fighting position lost their heads. One pulled a knife on the other. Fortunately, other soldiers pulled them apart.

It's impossible to imagine the frustration and stress on American soldiers in Iraq today—impossible, or maybe it's simply not something we willingly work to imagine. Then the news breaks. My first thought on hearing about the alleged atrocities at Haditha—and of the announcement this week that murder charges are being brought against eight American servicemen for killing an Iraqi civilian at Hamdania in April—was "Duh." If we didn't know this day was coming, we were fools.

I would like to ask those troops accused of war crimes in Iraq what they know about My Lai 4, the site of the most famous American atrocity in Vietnam. In the late 1990's, I did a brief stint in the Army Reserve commanding a company whose job was supporting active-duty basic training units. I recall no mention of My Lai in our classroom instruction.

These days, when I teach a college course on American war literature, My Lai inevitably comes up. Inevitably, a fair number of students raise their hands to be reminded, possibly even introduced, to that dark day in 1968. These young men and women attend a prestigious liberal arts college and probably won't find themselves in places like Haditha or Hamdania. But they should be reasonably expected to know more about American history than their peers whom we do send with guns to Haditha and Hamdania.

I am slightly encouraged by our military's new commitment, announced in the wake of the Haditha reports, to ensure that coalition forces in Iraq receive training in ethics and values. But the cynic in me groans. Not another dull, forgettable one-hour block of instruction on ethics like I endured in my years of officer training. Who needs to be told not to run a bayonet through a baby?

According to Gen. Peter Pace, the chairman of the Joint Chiefs, such training "should provide comfort to those looking to see if we are a nation that stands on the values we hold dear." With all due respect to the general, does he really think that such training will appease those who believe the Americans at Haditha and Hamdania, and our soldiers and agents elsewhere, are guilty of atrocities? Regardless of the results of official inquiries and courts-martial, the damage has been done. In the Muslim (and much of the non-Muslim) court of opinion, the verdict is already in.

Of course, learning about My Lai is hardly assurance against similarly criminal behavior; no more than graphic images of car accidents prevents reckless driving. And focusing on it today can create other problems. One is that we allow it to become representative, and to prejudice our perceptions of all American soldiers' behavior in Vietnam. The other is that we treat it as singular an aberration for that war or for any American wars.

We already feel similar tensions regarding the reports out of Iraq. While General Pace assures us that "99.9 percent of the servicemen and servicewomen" are behaving properly and humanely, too many Iraqis report registering no surprise in learning about the alleged atrocities.

So are we saviors or monsters? The truth, as it always does, lives somewhere between. Our military is as thoroughly professional as scrappy guerrilla forces usually are not. But to pretend our soldiers never mistreat others would be a gross lie. After an article in The New York Times Magazine last year about American soldiers accused of drowning an innocent Iraqi and their battalion commander's cover-up, I got an e-mail message from one veteran of the current war that the treatment of that Iraqi differed from the treatment of others only in degree and result, not in kind.

Apologists for My Lai—and presumably future apologists for Iraq atrocities are quick to lecture: That's war, buddy. You should see what the other guy does. I object to this argument because it smells like rationalization. It permits us to accept the unacceptable. It resists aspiring to a better way. The very idea of "wartime atrocity" is a 20th-century development, the most progressive and hopeful legacy of the world's bloodiest century.

There is hope. I can't imagine a Haditha or Hamdania version of "The Battle Hymn of Lieutenant Calley," a tribute to the officer responsible at My Lai that cracked the Billboard Top 40 in 1971. Its lyrics ran: "Sir, I followed all my orders and I did the best I could. / It's hard to judge the enemy and hard to tell the good. / Yet there's not a man among us who would not have understood."

Despite the calls to prosecute up the chain of command (indeed, up to President Bush himself) for the alleged crimes in Iraq, I sense more collective sympathy with the novelist William Eastlake's remarks to West Point cadets about My Lai, as quoted in the Encyclopedia of American War Literature: "You cannot say after wiping out a village, 'My superior told me to do it.' You're big boys now. Behave yourselves. Don't blame all your sins on General Westmoreland."

Last fall, around the time the Haditha events occurred, another veteran of the current war, a National Guard second lieutenant, confessed to me his war crime. His platoon was searching a home where an Iraqi man was sobbing uncontrollably for the loss of his brother. "Would somebody shut him up?" the lieutenant shouted, throwing in an expletive for good measure.

THE PATRIOT CORPORATIONS OF AMERICA ACT: INVESTING IN AMERICA

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Ms. SCHAKOWSKY. Mr. Speaker, as we approach the 4th of July and the 230th birthday of our great Nation, I am today introducing the Patriot Corporations of America Act which encourages corporations to invest in the American people and the American economy. It is time to rekindle the spirit of patriotism and create a new patriotic corporate ethic in America—one that unites workers and their employers in the mutual goal of building a stronger, more prosperous, more democratic business sector that can vigorously and proudly compete in the twenty-first-century global economy.

Since the adoption of the Declaration of Independence, we have benefited from the great work and contributions of countless American patriots and Congress has always undertaken efforts to honor those men and women. The Patriot Corporations of America Act continues that tradition by rewarding companies that commit to America and American workers.

If you want to make Americans of all stripes mad, tell them about the billions of dollars in subsidies and tax breaks our government gives to companies that outsource jobs and relocate to avoid giving back to the our great country. A recent poll in Foreign Affairs magazine reported that nearly 90 percent of Americans worry about losing their jobs to corporate outsourcing. And, it is estimated that between $30 and $70 billion is hidden away in tax havens like Bermuda by corporate ex-patriots.

To end this race to the bottom, to end the offshoring of jobs and research, Bill Edley, a former State Representative in Illinois, and political scientist Robin Johnson of Monmouth College, introduced a new idea of turning the tables around with the Patriot Corporations of America Act. It would reward companies, like New Maryland Clothing and Tama Manufacturing, that care about our Nation, our communities, and American workers. I am honored to be introducing this commonsense concept in the form of legislation in the U.S. House of Representatives.

In exchange for preferential treatment in government contracting and a 5 percent tax rate reduction, Patriot Corporations would be asked to pledge their allegiance to our country by producing at least 90 percent of their goods and doing at least 50 percent of their research and development in the United States. They would limit top managements' compensation to no greater than 100 times that of their lowest-compensated full-time workers. They would show their commitment to their workers by contributing at least 5 percent of payroll to portable pension funds and by paying for at least 70 percent of the cost of health insurance plans. Finally, Patriot Corporations would simply be required to comply with existing federal regulations regarding the environment, workplace safety, consumer protections and labor relations, including maintaining neutrality in employee organizing drives.

Mr. Speaker, the Patriot Corporations for America Act would be revenue neutral. It would be paid for by closing corporate offshoring loopholes that that have been exploited and, if necessary, reining in some of the new tax breaks for millionaires.

Patriot Corporations would create a new class of companies committed to uphold the dignity and prosperity of American workers as well as to selling their goods on the American market and around the world.

Patriot Corporations are an expression of the American spirit of our fore fathers and mothers when they took that brave step of declaring our independence and creating the United States of America.

I am honored to be introducing this bill today and I encourage my colleagues to join me in saluting American businesses and workers.

INTRODUCTION OF THE STUDENT FINANCIAL READINGS ACT OF 2006

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. KNOLLENBERG. Mr. Speaker, today I am introducing a very important piece of legislation that will provide additional relief for families as they plan for the financial cost of their children's education.

Over the past ten years, tuition at public and private four-year institutions of higher learning has increased by 38 percent. Furthermore, over the past twenty-two years the cost of a four-year degree at a public college has increased by more than 202 percent. The expense is staggering, but the financial burden of college should not prevent individuals from seeking and receiving an advanced education.

That is why I am introducing the Student Financial Readiness Act of 2006, which will increase the amount of the annual tax-free contribution a family or individual may contribute to a student's elementary, secondary, or college expenses.

Coverdell Education Savings Accounts allow families to make a yearly tax-free contribution of $2,000 per child to assist with educational costs. The money can be spent on both K–12 education, and college. By allowing families to make tax-free contributions to education savings accounts, we promote ownership of education and help ease the financial burden of education expenses.

However, the current $2,000 annual limit currently in place on Coverdell accounts needs to be adjusted to keep pace with increasing tuition rates. My bill, the Student Financial Readiness Act of 2006, would permit a contribution level of $5,000 annually and index the contribution amount by the cost-of-living adjustment.

We must give families the option of providing the very best education possible for their children. Our nation's future depends on the next generation. They must be given every opportunity to receive the highest education and the ability to be competitive in our changing job market.

Mr. Speaker, thank you for the time to speak on behalf of my bill, the Student Financial Readiness Act of 2006. I respectfully request the support of my colleagues for this important piece of legislation to help ensure the future success of our nation's children and the financial stability of American families.

THE IMMIGRANT STORY OF AMERICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to remind my fellow colleagues about the contributions of immigrants to America. In an article in the New York Daily News, published June 16, 2006, Mr. Errol Louis told us about the opportunities that America has given immigrants to leap from "humble, grinding work to middle-class prosperity."

Idrisul Alam, whose father has been a cook at the Waldorf-Astoria for the past 9 years, is one of the many who was given the chance to make something of herself. She graduated first in her class at the High School of Telecommunication Arts and Technology in Brooklyn, speaks four languages, was an editor of her school newspaper, was a student government officer, and raised money for earthquake victims in Pakistan. She is planning on studying engineering at Columbia University this coming fall.

Idrisul is only one of the 35 high school seniors whose achievements were celebrated in a ceremony at the Sheraton New York last week. Michelle Quach who is heading to University of Pennsylvania, Reuben Rafaelov who is going to St. John's University, Jessica Acosta who is starting classes at Harvard are all shining examples of the triumph of the immigrant experience.

Coming from parents who have had no choice but to perform low rung jobs like bellhops, busboys and housekeepers, because of their lack of language skills, these children symbolize the success of the dreams and wishes of their parents. In light of the controversial national debate on immigration and all the immigrant bashing, we need to remind ourselves what immigrants bring to our society. I congratulate the New York Daily News and Mr. Louis for bringing attention to these heartwarming stories about the immigrant experience and reminding us about the positive aspects of immigration.

Mr. Speaker, I would like to enter the article titled From Humble Roots, They Blossom by Mr. Errol Louis into the RECORD.

FROM HUMBLE ROOTS, THEY BLOSSOM

(By Errol Louis)

Far away from the speeches and slogans of the national debate over immigration, a simple, inspiring ceremony at the Sheraton New York this week spoke louder than all the posturing and threats coming from immigrant-bashing politicians these days.

The point of the ceremony was to give plaques, congratulations—and $8,000 scholarships for college—to 35 graduating high school seniors whose parents are members of Local 6 of the New York Hotel Trades Council. Local 6 represents the invisible New York army that prepares meals, cleans rooms and hails cabs for tourists, diplomats, politicians, movie stars and business titans.

A great many of these bellhops, busboys and housekeepers are immigrants. "You don't have to know how to speak English to wash dishes, scrub floors, polish silver or clean 14 suites a day, and so hotel jobs have always attracted immigrants," is how Local 6 spokesman John Turchiano puts it.

Hotels attract men like Idris Alam, who traded in his apron for a jacket and tie and made his way to the Sheraton to see his daughter, Idrisul, collect her award. Alam, who has been a cook at the Waldorf-Astoria for the last nine years, was quiet, dignified and understated, like the other parents.

Even on this joyous day, they carried themselves the way they do on the job: with humility and class. There was none of the silly parental whooping and screaming you normally hear at graduation ceremonies.

But there was plenty to be happy about. The ceremony showed, in stunning fashion, how New York creates Americans, giving immigrants the chance to leap from humble, grinding work to middle-class prosperity in a single generation.

Reading thumbnail sketches of the extraordinary achievements of the 35 award winners, it was hard to remember that they are teenagers, barely out of childhood.

Alam's daughter Idrisul, for instance, finished first in her class at the High School of Telecommunication Arts and Technology in Brooklyn. She speaks four languages, helped edit the school newspaper, was a student government officer and raised money for earthquake victims in Pakistan. She plans to study engineering at Columbia University.

Michelle Quach, whose father works at the New York Athletic Club, is the valedictorian of DeWitt Clinton High School in the Bronx, captain of the varsity swim team and a volunteer at the New York Chinese School. She's heading to the University of Pennsylvania. Reuben Rafaelov, the valedictorian of Thomas Edison Technical High School in Queens, will be off to St. John's University in the fall.

Jessica Acosta, whose mother works at the St. Regis, studied flamenco guitar in Spain and is going to Harvard. Innis Baah, who hails from Ghana, plans to study business at Hobart and William Smith College. Nanaba Wallace is on her way to Yale to study politics.

The national debate on immigration will take a turn in a few years, when these kids are running Congress, the courts and whatever else they set their minds to. And make no mistake about it—these kids will be running the show.

The festivities ended with a ballroom luncheon for the awardees and their parents—giving the cooks and cleaners a chance to relax and be served for a change.

On the way out, I asked Alam, the Waldorf cook, how the food tasted.

"Fantastic," he said. "Fantastic."

FAMILIES USA STUDY EXPOSES THE WEAKNESSES OF PRIVATE PRESCRIPTION DRUG PLANS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Ms. SCHAKOWSKY. Mr. Speaker, today I rise in order to bring to the attention of my colleagues a study released by Families USA on the new Plan D prescription drug plan, Big Dollars Little Sense: Rising Medicare Prescription Drug Prices. This report, which was released earlier this month, describes how private prescription drug plans have failed to secure cheaper drug prices for Medicare enrollees and have done nothing to stem the tide of rising drug prices.

By comparing the prices under private Part D plans to the prices available to veterans through the Department of Veterans Affairs (VA) health system, the Families USA report shows that the private insurers are failing to provide needed cost savings to their customers. Between November 2005 and April 2006, private Part D insurers raised the prices on seventeen of the top twenty most frequently prescribed drugs to seniors significantly, while the same drugs under the VA plan experienced little or no increase at all. The median difference in price between the Part D and VA plans was 46 percent. In other words, seniors enrolled in Part D private plan are paying an average 46 percent more for those drugs than they would have if they had been able to receive VA-negotiated prices.

As the study details:

> For each of the top twenty drugs prescribed to seniors, the lowest price charged by Part D plan was higher than the lowest price secured by the VA. For Zocor (20 mg), a drug used to prevent coronary heart disease, the lowest VA price for a year's treatment was $127.44, while the lowest Part D plan price was $1,275.36, a difference of $1,147.92 or 901 percent. For Zocor (40 mg), the lowest VA price for a year's treatment was $190.72, while the lowest Part D plan price was $1,275.36, a difference of $1,084.60 or 569 percent.

This difference is staggering, and it shows the difference between a publicly accountable plan that is committed to helping its beneficiaries and private plans that are committed to helping their profit margins. Big Dollars Little Sense debunks the myth that the price differences between the VA and private Part D plans has to do with the number of drugs covered. As the study states, the VA plan covers just as many drugs as the plans in Part D but is able to obtain "large discounts simply by using the government's negotiating power." The VA utilizes the significant leverage it has in order to get cheaper drugs for its beneficiaries—an authority Medicare is explicitly prohibited from using under the Medicare law.

Another discovery that the report made was that the private insurers have done almost nothing to protect seniors from rising drug prices. Over a six-month period between November 2005 to April 2006, drug prices for the top twenty drugs prescribed to seniors rose 3.8 percent. That increase was mirrored by the private drug plans, which raised their prices to their customers 3.7 percent. (Again, prices under the VA system either did not increase or increased at a far lesser rate.) The drug prices continue to rise and the private insurers simply pass that increase on to the seniors enrolled in their plan, making little effort to negotiate fairer prices.

The Families USA report not only draws attention to the ineffectiveness of the private insurers but highlights the fact that there is no way to hold them accountable. Part D states that these plans are required to pass the discounts they receive on to Medicare beneficiaries but does not specify the proportion of the discount that must be passed on. The insurers could actually be getting huge discounts from the drug manufacturers and just keeping the difference, but we have no way of knowing. There is no disclosure and no accountability for the private providers who supply an essential benefit to the elderly in this country. This is a serious problem for seniors. Prices are higher than necessary, can increase over the course of the year, and can vary among plans. It is also a serious problem for taxpayers, who pay 75 percent of the cost of Part D premiums. Big Dollars Little Sense reports, too, that the median difference between the highest and lowest prices that Part D plans charged for the same drug was 36 percent. This is not just a question of picking the right plan during the enrollment period—since plans can change prices throughout the year but seniors are locked in, even a smart shopper can end up paying much more for their drugs than enrollees in other plans.

This report concludes that seniors in this country would get a far better deal if they were able to benefit from Medicare price negotiation:

> Price data from the Part D plans from November 2005 and April 2006 show that these plans are failing to deliver on the promise that competition would bring prices down. The use of "market power," lauded by Medicare officials and the Administration, has not resulted in drug prices that are comparable to the low prices negotiated by the Department of Veterans Affairs. Not only are Part D plan prices high, but these prices are increasing far more often than they are decreasing, and the plans are not containing drug price inflation. These disturbing price tends do not bode well for either Medicare consumers or taxpayers. The "market power" of the plans has not delivered the low prices promised to Medicare consumers.

The law that established the Medicare prescription drug benefit, in prohibiting Medicare from using the negotiating clout of 43 million seniors and others in Medicare to obtain low drug prices, has given seniors and taxpayers a benefit that costs more than it should. When negotiations are divided among a multitude of plans, none seems to do as well as a single negotiator might. When it comes to reducing and containing drug prices, the Medicare drug program is an opportunity that has been badly squandered.

A Medicare-administered plan with Medicare price negotiation would lower prices since the drug companies would be more likely to provide a good deal to an entity representing 43 million of their best customers. That is why I urge my colleagues to read this important report and to support H.R. 752, the Medicare Prescription Drug Savings and Choice Act, which would give seniors and persons with disabilities the ability to enroll in a Medicare-operated plan with lower prices.

PRISONERS AND PUBLIC AT HEALTH RISK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to draw attention to an article from the June 8, 2006, Washington Times newspaper entitled "Prisoners, Public at Health Risk" reporting on the findings of the 21-member Commission on Safety and Abuse in America's prisons.

The article discusses the high rates of disease and illnesses among the inmates in the Nation's jails and prison and the subsequent threat this problem poses to communities outside of the prison's scope as inmates are released back into the communities.

Based on data gathered and reported by the Commission on Safety and Abuse in America's Prison, more than 1.5 million people are released from jails and prisons nationwide carrying life-threatening contagious diseases, and another 350,000 inmates have serious mental illnesses.

While this article and the report explores the prisons' inability to treat physical and mental illnesses it also examines prison overcrowding, violence and abuse. It addresses the impact of reduced funding for programming, a reduction which directly leads to inactivity and unproductiveness in our prisons. The report reveals that most correctional systems are set up to fail because they are charged with protecting public health and public safety, and reducing human suffering as they strive to care for the sick on a shoestring budget with very little support from the community health care providers and public health authorities.

Mr. Speaker: I enter this article into the RECORD to send a message that it is imperative that health officials and lawmakers realize that the issue of inadequate health care in our Nations' prisons has to be addressed and rectified sooner rather than later.

[From the Washington Times, June 8, 2006]

PRISONERS, PUBLIC AT HEALTH RISK

(By Jerry Seper)

High rates of disease and illness among inmates in the Nation's jails and prisons, coupled with inadequate funding for correctional health care, has put the Nation's 2.2 million prisoners at risk, along with corrections officers and the public, a report said yesterday.

Every year, according to a report by the 21-member Commission on Safety and Abuse in America's Prisons, more than 1.5 million people are released from jails and prisons nationwide carrying life-threatening contagious diseases, and another 350,000 inmates have serious mental illnesses.

"Protecting public health and public safety, reducing human suffering and limiting the financial cost of untreated illness depends on adequately funded, good quality correctional health care," the report said. "Unfortunately, most correctional systems are set up to fail.

"They have to care for a sick population on shoestring budgets and with little support from community health-care providers and public health authorities," it said.

The commission, co-chaired by former Attorney General Nicholas de B. Katzenbach, is based on a lengthy investigation and hearings, which included testimony from corrections professionals, prison monitors and litigators, former prisoners, scholars and others. The inquiry focused on the "crucial role of oversight and accountability" in creating safe conditions in U.S. prisons and jails, and on the nature and prevalence of gang violence.

"The questions 'who's watching' and 'who's responsible' are at the beginning and end of dealing with all of the problems we've examined," Mr. Katzenbach said.

The report also concluded:

Violence remains a serious problem in the Nation's prisons and jails, with "disturbing evidence" of assaults and patterns of violence in some U.S. correctional facilities. It said corrections officers reported a near-constant fear of being assaulted, and prisoners recounted gang violence, rapes and beatings.

Violence and abuse are not inevitable, but the majority of prisons and many jails nationwide hold more people than they can accommodate safely and effectively, creating a degree of disorder and tension almost certain to erupt into violence.

Because lawmakers have reduced funding for programming in the country's prisons and jails, inmates are largely inactive and unproductive.

The increasing use of high-security segregation is counterproductive, often causing violence inside facilities and contributing to recidivism after release. People who pose no threat and those who are mentally ill are "languishing for months or years" in high-security units and supermax prisons.

Better safety inside prisons and jails depends on changing the institutional culture, which cannot be accomplished without enhancing the corrections professional at all levels. Because the exercise of power is a defining characteristic of correctional facilities, there is a constant potential for abuse.

The report will be presented today at a hearing of the Senate Judiciary subcommittee on crime, corrections and victims' rights.

EVIDENCE OF SUCCESS IN A SMALL HARLEM COMMUNITY HOSPITAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to praise the successful financial restructuring of the North General Hospital, a small community hospital located in Harlem that caters to the neighborhood's vast majority of poor and elderly members. North General Hospital was founded in 1979 and since then, because of the uninsured population it serves who use the hospital for its primary care needs, it had been suffering from severe losses that threatened the hospital's success. However, last year, Dr. Samuel Daniel, North General's Chief Executive and his team launched a plan for a complete transformation that has since proved to be an absolute success.

I would like to enter into the RECORD an article by Rafael Gerena-Morales from the June 22nd, 2006 edition of the Wall Street Journal entitled, How a Harlem Hospital Healed Itself. This article tracks the success of North General Hospital as well as the positive outlook for the future of this promising health care center. According to Gerena-Morales, the strategy pursued by the hospital's Chief Executive and his team has been so successful that the hospital went from a nearly $20 million dollar loss in 2003 to a $2.6 million dollar surplus in 2005.

These achievements are even more appreciated when taking into account the challenges that the hospital has faced since its establishment. North General has always struggled with low government reimbursement rates and it treats a community with a high percentage of uninsured patients who cannot pay their medical bills. Furthermore, the hospital historically provided mainly low-margin routine checkups and physical exams, since it did not possess the resources to pay for high-priced medical specialists.

All this changed when North General began to focus more on treating diseases that afflicted Harlem residents in high rates such as cardiovascular problems, hypertension, obesity, diabetes and infant mortality. By offering surgical procedures to treat these illnesses, North General was able to attract more patients and expand its revenue. Additionally, it began to promote its services at community health fairs, further inviting patients to the small hospital. North General Hospital appealed to the need for emergency care by adding ambulances that brought more Harlem residents to its emergency room.

Another key to success was in the partnership established with Mount Sinai Medical Center located only one mile away from North General Hospital. Mount Sinai is one of New York's most prominent teaching hospitals, and with its alliance, North General has been able to expand the services it offers on campus by gaining access to 16 Mount Sinai specialist doctors who perform vascular surgery, lung biopsies, urology, radiology, and pediatric psychiatry.

All in all, this small community hospital embodies the example of a successful health care institution that truly cares for its own. Surely, the health of Harlem residents will benefit greatly from the achievements of North General Hospital, and this hospital remains a source of hope for other small hospitals hoping to make a difference in their own communities.

[From The Wall Street Journal, June 22, 2006]

HOW A HARLEM HOSPITAL HEALED ITSELF

(By Rafael Gerena-Morales)

Since its founding in 1979, North General Hospital, a small community hospital in Harlem that caters to the poor and elderly, had always lost money—until last year.

That's when the hospital's 2-year-old turnaround plan started to pay off. The strategy was so successful that the hospital's bottom line swung to a $2.6 million surplus in 2005 from a nearly $20 million loss in 2003. The hospital anticipates another $2 million surplus this year.

How North General, a 200-bed hospital located in a predominately black and Latino neighborhood, fixed its finances "sounds like a business-school case study," says Liz Sweeney, who covers the New York state hospital industry for Standard & Poor's, the credit-ratings service.

Struggling with low government reimbursement rates and mainly providing low-margin routine checkups and physical exams, Samuel Daniel, North General's chief executive since 2001, says he and his management team plotted a strategy to tackle a tough question: "How do we turn the hospital around?"

Among the answers: North General focused more on treating ailments that afflicted Harlem residents in high rates, including cardiovascular problems, hypertension, obesity, diabetes and infant mortality. It offered additional surgical procedures that brought in additional revenue. It promoted its services at neighborhood fairs and community centers. It struck an alliance with a nearby prominent medical center that gave North General patients access to more specialty care.

Running an inner-city hospital has long been financially draining. Such hospitals lack the money and cutting-edge equipment to compete against larger hospitals. They lose top recruits to prominent teaching hospitals. Low-income communities tend to have a higher percentage of uninsured patients who can't pay their medical bills or are covered by government health plans that typically pay less for medical services than private insurers. And low-income patients frequently bolt to hospitals in affluent areas when they need specialty care.

North General faces these obstacles, yet its plan is working. From 2002 to 2005, the number of patient discharges jumped 40 percent to nearly 9,000, and is expected to climb to 9,225 this year, according to the hospital. Outpatient volume between 2002 and 2005 rose 32 percent to 95,746 visits, and 103,520 visits are expected this year.

During the 3-year period to 2005, North General's revenue rose 45 percent, boosted by higher patient visits, including surgical procedure volumes that jumped nearly 20 percent. This year, North General estimates revenue will rise 2.7 percent to $152 million from $148 million last year. North General is paid in large part by government health plans, such as Medicare and Medicaid, and to a lesser extent by private insurers.

But before offering any new services, North General had to confront a major problem: attracting higher-skilled surgeons. "We needed the technical know-how," Dr. Daniel says.

The hospital couldn't afford to hire these surgeons, so Dr. Daniel tried another route: He forged an alliance with the Mount Sinai Medical Center, one of New York's most prominent teaching hospitals located just a mile away from North General. (In addition to his North General duties, Dr. Daniel is an associate clinical professor of medicine at Mount Sinai's medical school.)

He approached Mount Sinai's president and CEO, Kenneth L. Davis, and the two men agreed that both hospitals could benefit from a collaboration. Within 90 days, the hospitals reached an agreement that took effect in January of 2004.

North General pays Mount Sinai an annual $2.7 million and in return gains access to 16 Mount Sinai doctors who perform vascular surgery, lung biopsies, and other highly specialized services on North General's campus. Mount Sinai also provides specialists in urology, rheumatology, radiology, and pediatric psychiatry. North General receives the revenue from these services. In a separate agreement, North General and Mount Sinai have teamed up to provide free preventive care to Harlem residents with chronic illnesses in exchange for higher Medicaid reimbursement rates at its outpatient clinic. (The arrangement has benefited both Mount Sinai and New York state.

Contracting these specialists costs less than if the hospital hired the doctors on its own, says Michael Greene, North General's chief operating officer. The contract also gives North General staffing flexibility because it can ask Mount Sinai to send specialists for extra hours as more patients come in for these specialty services. This helps North General control labor costs by linking a doctor's work hours to patient volumes.

For Mount Sinai, the deal boosts the hospital's revenue and brings in patients. Last year, North General transferred roughly 375 patients to Mount Sinai for cardiology, neurosurgery and obstetrics services. As a teaching hospital handling complex cases, Mount Sinai "needs community hospitals as referral sources," Dr. Davis says.

In 2004, North General began offering bariatric, or weight-loss, surgery, in which a surgeon staples off a section of a patient's stomach, leaving a tiny pouch that absorbs less food. Last year, North General performed 109 such surgeries and it expects to perform 125 this year. Medicare and Medicaid typically pay North General $10,000 to $12,000 per bariatric surgery, though a complicated procedure can bring in as much as $20,000. Last year, the bariatric surgery program generated $725,000 in revenue and a $25,000 profit, according to Frank Hagan, North General's chief financial officer.

Since many emergency-room patients were being sent to hospitals in other neighborhoods, North General added ambulances in 2002 and 2004 that brought more Harlem residents through its emergency room—thus boosting revenue. Emergency-room visits jumped 16% to nearly 34,450 in 2005 compared with 2002. North General estimates that roughly eight out of 10 patients who are admitted to the hospital stem from emergency-room visits.

North General recognized that infant mortality is a health problem that looms large in the Harlem community. In August 2004, the hospital opened the Women's Health Center in a separate building that handled nearly 4,000 visits last year. The center offers a prenatal program with services that include ultrasound, nutritional counseling and social work. While the center isn't yet profitable, North General says female patients who are treated at the center are more likely to bring family members to North General for other medical care.

Last year, the hospital expanded its AIDS center and opened a new cardiac-catheterization laboratory that checks patients for clogged arteries, a precursor to heart trouble. The profitable AIDS center, which is promoted in Harlem through brochures, open-house events and free HIV testing at local health fairs, handled more than 6,400 visits in 2005 and projects roughly 7,250 visits this year.

Since opening in December, the catheterization laboratory has handled 152 visits, and projects 300 cases for 2006. North General markets the lab's services to primary-care physicians and cardiologists.

Henock Saint-Jacques, a North General cardiologist, says he used to refer patients to other hospitals for exams, but he estimates as many as 30 percent of patients wouldn't make the trip. "Those problems started to fade away" once North General opened its cardiac lab, he says. "This has improved the quality of care."

IN SUPPORT OF THE UNITED NATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today in support of Mr. Mark Malloch Brown, the Deputy Secretary-General of the United Nations. In a recent speech on "Power and Super-Power: Global Leadership in the Twenty-First Century" at the Century Foundation and Center for American Progress in New York, on the 6th of June, Mr. Brown criticized the U.S. government for its lack of support given to the United Nations. In his speech he claims that the U.S. in the eyes of the rest of the world has ignored our commitment to the U.N., allowing divisive issues such as the Iraq War to break up a partnership which since the founding of the U.N. has mutually benefited the U.S. and the U.N.

Historically, the U.N. was designed through U.S. leadership and other nations who emerged from World War II with the realization that there must be a vehicle to encourage the promotion of peace and provide collective security to all nations with the goal of promoting global values such as human rights and democracy. Today, the U.N. fields 18 peacekeeping operations around the world, from the Congo to Haiti, Sudan to Sierra Leone, Southern Lebanon to Liberia. Unfortunately, the U.N.'s ability to respond to the world's challenges is being weakened without U.S. leadership.

The speech identifies several key issues that have exacerbated the tension between the U.S. and the U.N. First, The U.N. is currently renovating the dilapidated U.N. Headquarters in New York. Ironically, the government not fully supporting this project is the U.S. Also, the U.N. is undergoing specific reform. This reform comes in many forms from the creation of a new Ethics Office and a whistle-blower policy, to the establishment of a new Peacebuilding Commission and Human Rights Council. Although the U.S. championed such reform, our endorsement has provoked more suspicion than support.

The U.N. will play a larger role in maintaining security around the world. No country can afford to neglect the global institutions needed to manage it. As such, the U.S. needs to be more supportive of the U.N. as a vehicle around which an international consensus can be formed to promote peace, social and economic development. America's leaders must again recognize that the U.N. matters. Ultimately, as America continues to address concerns in countries like Sudan, Iraq and Afghanistan, it should recognize that it needs the U.N. to provide an effective multilateral response that will have international legitimacy and support.

Mr. Speaker, I call upon my colleagues in the House to encourage more open collaboration and engagement between the U.S. and the U.N.

SPEECH BY U.N. DEPUTY SECRETARY-GENERAL MARK MALLOCH BROWN

Thank you for allowing me to speak to you today on Power and Global Leadership. I often get asked to talk about leadership, but rarely about power. I wonder why.

With that thought as my starting point, I am going to give what might be regarded as a rather un-U.N. speech. Some of the themes—that the United Nations is misunderstood and does much more than its critics allow—are probably not surprising. But my underlying message, which is a warning about the serious consequences of a decades-long tendency by U.S. Administrations of both parties to engage only fitfully with the U.N., is not one a sitting United Nations official would normally make to an audience like this.

But I feel it is a message that urgently needs to be aired. And as someone who has spent most of his adult life in this country, only a part of it at the U.N., I hope you will take it in the spirit in which it is meant: as a sincere and constructive critique of U.S. policy towards the U.N. by a friend and admirer. Because the fact is that the prevailing practice of seeking to use the U.N. almost by stealth as a diplomatic tool while failing to stand up for it against its domestic critics is simply not sustainable. You will lose the U.N. one way or another.

FOUNDERS' VISION

Multilateral compromise has always been difficult to justify in the American political debate: too many speeches, too many constraints, too few results. Yet it was not meant to be so. The all-moral-idealism-no-power institution was the League of Nations. The U.N. was explicitly designed through U.S. leadership and the ultimate coalition of the willing, its World War II allies, as a very different creature, an antidote to the League's failure. At the U.N.'s core was to be an enforceable concept of collective security protected by the victors of that war, combined with much more practical efforts to promote global values such as human rights and democracy. Underpinning this new approach was a judgement that no President since Truman has felt able to repeat: that for the world's one super-Power—arguably more super in 1946 than 2006—managing global security and development issues through the network of a United Nations was worth the effort. Yes it meant the give and take of multilateral bargaining, but any dilution of American positions was more than made up for by the added clout of action that enjoyed global support.

Today, we are coming to the end of the 10-year term of arguably the U.N.'s best-ever Secretary-General, Kofi Annan. But some of his very successes—promoting human rights and a responsibility to protect people from abuse by their own Governments; creating a new status for civil society and business at the U.N.—are either not recognized or have come under steady attacks from anti-U.N. groups. To take just one example, 10 years ago U.N. peacekeeping seemed almost moribund in the aftermath of tragic mistakes in Rwanda, Somalia and Yugoslavia. Today, the U.N. fields 18 peacekeeping operations around the world, from the Congo to Haiti, Sudan to Sierra Leone, Southern Lebanon to Liberia, with an annual cost that is at a bargain bin price compared to other U.S.-led operations. And the U.S. pays roughly one quarter of those U.N. peacekeeping costs—just over $1 billion this year. That figure should be seen in the context of estimates by both the GAO and RAND Corporation that U.N. peacekeeping, while lacking heavy armament enforcement capacity, helps to maintain peace—when there is a peace to keep—more effectively for a lot less than comparable U.S. operations. Multilateral peacekeeping is effective cost-sharing on a much lower cost business model and it works. That is as it should be and is true for many other areas the U.N. system works in, too, from humanitarian relief to health to education. Yet for many policymakers and opinion leaders in Washington, let alone the general public, the roles I have described are hardly believed or, where they are, remain discreetly underplayed. To acknowledge an America reliant on international institutions is not perceived to be good politics at home.

However, inevitably a moment of truth is coming. Because even as the world's challenges are growing, the U.N.'s ability to respond is being weakened without U.S. leadership. Take the issue of human rights. When Eleanor Roosevelt took the podium at the U.N. to argue passionately for the elaboration of a Universal Declaration of Human Rights, the world responded. Today, when the human rights machinery was renewed with the formation of a Human Rights Council to replace the discredited Commission on Human Rights, and the U.S. chose to stay on the sidelines, the loss was everybody's. I hope and believe the new Council will prove itself to be a stronger and more effective body than its predecessor. But there is no question that the U.S. decision to call for a vote in order to oppose it in the General Assembly, and then to not run for a seat after it was approved by 170 votes to 4, makes the challenge more difficult.

More broadly, Americans complain about the U.N.'s bureaucracy, weak decision-making, the lack of accountable modern management structures and the political divisions of the General Assembly here in New York. And my response is, "guilty on all counts". But why? In significant part because the U.S. has not stuck with its project—its professed wish to have a strong, effective United Nations—in a systematic way. Secretary Albright and others here today have played extraordinary leadership roles in U.S.-U.N. relations, for which I salute them. But in the eyes of the rest of the world, U.S. commitment tends to ebb much more than it flows. And in recent years, the enormously divisive issue of Iraq and the big stick of financial withholding have come to define an unhappy marriage.

As someone who deals with Washington almost daily, I know this is unfair to the very real effort all three Secretaries of State I have worked with—Secretary Albright, Secretary Powell and Secretary Rice—put into U.N. issues. And today, on a very wide number of areas, from Lebanon and Afghanistan to Syria, Iran and the Palestinian issue, the U.S. is constructively engaged with the U.N. But that is not well known or understood, in part because much of the public discourse that reaches the U.S. heartland has been largely abandoned to its loudest detractors such as Rush Limbaugh and Fox News. That is what I mean by "stealth" diplomacy: the U.N.'s role is in effect a secret in Middle America even as it is highlighted in the Middle East and other parts of the world. Exacerbating matters is the widely held perception, even among many U.S. allies, that the U.S. tends to hold on to maximalist positions when it could be finding middle ground.

We can see this even on apparently noncontroversial issues such as renovating the dilapidated U.N. Headquarters in New York. While an architectural landmark, the building falls dangerously short of city codes, lacks sprinklers, is filled with asbestos and is in most respects the most hazardous workplace in town. But the only Government not fully supporting the project is the U.S. Too much unchecked U.N.-bashing and stereotyping over too many years—manifest in a fear by politicians to be seen to be supporting better premises for overpaid, corrupt U.N. bureaucrats—makes even refurbishing a building a political hot potato.

MAKING REFORM WORK

One consequence is that, like the building itself, the vital renewal of the Organization, the updating of its mission, its governance and its management tools, is addressed only intermittently. And when the U.S. does champion the right issues like management reform, as it is currently doing, it provokes more suspicion than support. Last December, for example, largely at U.S. insistence, instead of a normal two-year budget, Member States approved only six months' worth of expenditure—a period which ends on June 30. Developing and developed countries, the latter with the U.S. at the fore, are now at loggerheads over whether sufficient reform has taken place to lift that cap, or indeed whether there should be any links between reform and the budget. Without agreement, we could face a fiscal crisis very soon.

There has been a significant amount of reform over the last 18 months, from the creation of a new Ethics Office and whistleblower policy, to the establishment of a new Peacebuilding Commission and Human Rights Council. But not enough. The unfinished management reform agenda, which the U.S. sensibly supports, is in many ways a statement of the obvious. It argues that systems and processes designed 60 years ago for an organization largely devoted to running conferences and writing reports simply don't work for today's operational U.N., which conducts multibillion-dollar peacekeeping missions, humanitarian relief operations and other complex operations all over the world. The report sets out concrete proposals for how this can be fixed while also seeking to address the broader management, oversight and accountability weaknesses highlighted by the "oil-for-food" programme.

One day soon we must address the massive gap between the scale of world issues and the limits of the institutions we have built to address them. However, today even relatively modest proposals that in any other organization would be seen as uncontroversial, such as providing more authority and flexibility for the Secretary-General to shift posts and resources to organizational priorities without having to get direct approval from Member States, have been fiercely resisted by the G-77, the main group of developing countries, on the grounds that this weakens accountability. Hence the current deadlock.

What lies behind this? It is not because most developing countries don't want reform. To be sure, a few spoilers do seem to be opposed to reform for its own sake, and there is no question that some countries are seeking to manipulate the process for their own ends with very damaging consequences. But in practice, the vast majority is fully supportive of the principle of a better run, more effective U.N.; indeed they know they would be the primary beneficiaries, through more peace, and more development. So why has it not so far been possible to isolate the radicals and build a strong alliance of reform-minded nations to push through this agenda? I would argue that the answer lies in questions about motives and power. Motives, in that, very unfortunately, there is currently a perception among many otherwise quite moderate countries that anything the U.S. supports must have a secret agenda aimed at either subordinating multilateral processes to Washington's ends or weakening the institutions, and therefore, put crudely, should be opposed without any real discussion of whether they make sense or not.

And power, that in two different ways revolves around perceptions of the role and representativeness of the Security Council. First, in that there has been a real, understandable hostility by the wider membership to the perception that the Security Council, in particular the five permanent members, is seeking a role in areas not formally within its remit, such as management issues or human rights. Second, an equally understandable conviction that those five, veto-wielding permanent members who happen to be the victors in a war fought 60 years ago, cannot be seen as representative of today's world—even when looking through the lens of financial contributions. Indeed, the so-called G-4 of Security Council aspirants—Japan, India, Brazil and Germany—contribute twice as much as the P-4, the four permanent members excluding the U.S.

Prime Minister Tony Blair acknowledged exactly this point on his trip to Washington last month, and it is something which does need to be addressed. More broadly, the very reasonable concerns of the full U.N. membership that the fundamental multilateral principle that each Member State's vote counts equally in the wider work of the U.N. needs to be acknowledged and accommodated within a broader framework of reform. If the multilateral system is to work effectively, all States need to feel they have a real stake.

NEW GLOBAL CHALLENGES

But a stake in what system? The U.S.—like every nation, strong and weak alike—is today beset by problems that defy national, inside-the-border solutions: climate change, terrorism, nuclear proliferation, migration, the management of the global economy, the internationalization of drugs and crime, the spread of diseases such as HIV and avian flu. Today's new national security challenges basically thumb their noses at old notions of national sovereignty. Security has gone global, and no country can afford to neglect the global institutions needed to manage it. Kofi Annan has proposed a restructuring of the U.N. to respond to these new challenges with three legs: development, security and human rights supported, like any good chair, by a fourth leg, reformed management. That is the U.N. we want to place our bet on. But for it to work, we need the U.S. to support this agenda—and support it not just in a whisper but in a coast to coast shout that pushes back the critics domestically and wins over the sceptics internationally. America's leaders must again say the U.N. matters.

When you talk better national education scores, you don't start with "I support the Department of Education". Similarly for the U.N. it starts with politicians who will assert the U.S. is going to engage with the world to tackle climate change, poverty, immigration and terrorism. Stand up for that agenda consistently and allow the U.N. to ride on its coat-tails as a vital means of getting it done. It also means a sustained inside-the-tent diplomacy at the U.N. No more "take it or leave it", red-line demands thrown in without debate and engagement.

Let me close with a few words on Darfur to make my point. A few weeks ago, my kids were on the Mall in Washington, demanding President Bush do more to end the genocide in Darfur and President Bush wants to do more. I'd bet some of your kids were there as well. Perhaps you were, too. And yet what can the U.S. do alone in the heart of Africa, in a region the size of France? A place where the Government in Khartoum is convinced the U.S. wants to extend the hegemony it is thought to have asserted in Iraq and Afghanistan. In essence, the U.S. is stymied before it even passes "Go". It needs the U.N. as a multilateral means to address Sudan's concerns. It needs the U.N. to secure a wide multicultural array of troop and humanitarian partners. It needs the U.N. to provide the international legitimacy that Iraq has again proved is an indispensable component to success on the ground. Yet, the U.N. needs its first parent, the U.S., every bit as much if it is to deploy credibly in one of the world's nastiest neighbourhoods.

Back in Franklin and Eleanor Roosevelt's day, building a strong, effective U.N. that could play this kind of role was a bipartisan enterprise, with the likes of Arthur Vandenberg and John Foster Dulles joining Democrats to support the new body. Who are their successors in American politics? Who will campaign in 2008 for a new multilateral national security?

A REVIVAL OF HARLEM'S ELEGANCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the Record, an article by Ruth La Ferla, titled Downtown Comes to Harlem. The article published on June 22, 2006, in the Thursday Styles section of the New York Times, talks about the retail potential of Harlem. Most inner city communities, such as Harlem, possess tremendous undiscovered potential, and provide manifold opportunities for success by large scale business. It is a region of the city that has a greater competitive advantage, according to Michael E. Porter, a professor of Harvard Business School and a leading authority on business strategy. Compared to the suburbs and areas in the other boroughs of the city, the Harlem community is under-serviced and under-retailed. Although the average household income is low, the dense population of the Harlem community represents a buying power that is comparable to that of other parts of the city. Because of its historical and cultural heritage, entrepreneurs in Harlem have an added marketing advantage. As Ms. La Ferla remarks, N, the new fashion emporium in Harlem, "is the latest in a growing number of retailers to invoke Harlem's multilayered heritage to put their wares on the fashion map."

Offering a mix of local labels and African American designers like Byron Lars and Tracy Reese with more established, upscale brands, these rarified stores are visible symbols of the rapid gentrification of Harlem. Springing up along and just off Seventh and Lenox Avenues, from about 114th St. to 135th St. stores like Pieces of Harlem, Montgomery, Denim Library, B. Oyama, Harlemade are realizing urban sociologists' prediction of the "branding" of Harlem using niche marketing. Meanwhile some longtime residents are fretting that the goods might not be relevant to the local population. The store owners are countering that their inventories were specifically conceived to cater to the locals, simultaneously drawing attention of the tourists.

I want to commend these business owners who are finally utilizing the competitive advantage of Harlem to revive the community. By infusing the legacy of Harlem's glory days with Cab Calloway, Dorothy Dandridge, and Nat King Cole with the modern street-inflected sensibility, these entrepreneurs are marketing Harlem's diversity and culture to revive the elegance of Harlem.

[From the New York Times, June 22, 2006]

Downtown Comes to Harlem

(By Ruth La Ferla)

Talking up N, his new fashion emporium in Harlem, Larry Ortiz posed a question: "If we had to put Harlem in a bottle, what would the scent be?" He then answered with no prompting. "It would obviously be a little retro, a little 1930's." An infusion, in short, evocative of Harlem's glory years, an era of artistic ferment that spawned Cab Calloway, Dorothy Dandridge and Nat King Cole, fused with a modem street-inflected sensibility.

For Mr. Ortiz, one of N's three partners, capturing the essence of the neighborhood is not just rhetoric. To succeed as a merchant, he maintained, he will need to distill Harlem, not just in a fragrance but in all of the upscale fashions, home accessories and cosmetic lines sold at his gracious two-level store in a town house on 116th Street between Seventh and Lenox Avenues.

His objective in showcasing brands like Nicole Miller, Hugo Boss, Marimekko and Jonathan Adler to the increasingly affluent enclave north of Central Park is partly to cater to a fashionably hip local population that has until now traveled downtown in search of popular fashion labels. He is also the latest in a growing number of retailers to invoke Harlem's multilayered heritage to put their wares on the fashion map.

"One of the things that is compelling to us is the idea of branding Harlem," Mr. Ortiz said. It is an idea he hopes to render concrete by offering a mix of local labels and African-American designers like Byron Lars and Tracy Reese with more established, upscale brands. "It's very important to push a lot of black designers who wouldn't get the same attention elsewhere," he said.

"This store is not about hip-hop," he added emphatically.

At 4,000 square feet, N, which opened in April in Mount Morris Park, is the largest upscale retailer to descend on the area. Like N, other newcomers are pointedly distancing themselves from the brash hip-hop aesthetic and offering fashion that deliberately summons Harlem's fabled past, along with current fashion trends being interpreted by downtown outposts like Scoop, Intermix and Big Drop and also by a clutch of stylish men's stores.

As well they might. They have arrived in a rapidly gentrifying neighborhood. Mount Morris Park, a 16–block area from 118th Street to 124th Street between Fifth and Seventh Avenues, has the highest concentration of Harlem households with incomes exceeding $100,000, said Nikoa Evans, a partner in the store and a former vice president for finance for the Upper Manhattan Empowerment Zone, a federal economic development initiative. Affluent residents pay about $750,000 for a one-bedroom condominium and $2 million for the traditional brownstones that are in high demand.

But Mount Morris Park, and much of Harlem, remains a relative bargain for boutique owners, who pay rents varying from $75 a square foot to as much as $150 on 125th Street, compared with $700 on prime blocks along Madison Avenue.

Flaunting an aura of exclusivity, the new shops offer a high-style—and pricey—alternative to the wares on 125th Street. That crowded, populist thoroughfare is now home to, among others, a MAC cosmetics store; Atmos, a Japanese-owned store specializing in hard-to-find sneakers, with a flagship in the Harajuku district of Tokyo; Old Navy and H & M.

"Harlem is so much more than just 125th Street," said Faith Hope Consolo, the chairwoman of the retail leasing and sales division at Prudential Douglas Elliman. "There is so much retail potential there," said Ms. Consolo, who is scouting sites for several clients. "The challenge is to choose the right location."

Springing up along and just off Seventh and Lenox Avenues, from about 114th Street to 135th Street, are stores like Pieces of Harlem, on West 135th Street, a boutique that sells denim skirts and jackets with Victorian-inspired ruffles and pearl buttons designed by the owners, Latisha and Colin Daring. It also carries draped jersey dresses ($354) by Rachel Roy, who is married to the rap entrepreneur Damon Dash, and ribbon-trimmed T-shirts ($185) by Gwen Stefani.

Montgomery, on Seventh Avenue, sells handbags, T-shirts and lingerie emblazoned with the image of Jolinda, a head-wrapped rag doll that recalls the Southern roots of its designer, Montgomery Harris, who moved her store from SoHo to Harlem about three years ago. Ms. Harris is also known for her whimsically hand-embroidered, one-of-a-kind skirts and dresses, many in a vintage mood ($400 to $500).

Another new store is Denim Library, on Seventh Avenue, a repository for premium jeans like People's Liberation, Citizens for Humanity and Ciano Farmer, all of which are displayed folded with rear pockets on view in a series of library shelves, and sell for $130 to $750. Hats by Bunn, on Seventh Avenue, sells waxed-straw chapeaus and flat-top felt hats by Bunn, the Trinidad-born milliner.

Bernard Oyama, the owner of B. Oyama, an elegant old-world style haberdashery on Seventh Avenue, sells his own designs of suits, shirts and neckwear, which are displayed amid a collection of black-and-white photographs of dapper greats like Miles Davis and Duke Ellington, each a reminder that the Harlem of the 30's through the 60's was a thriving style capital.

"The idea was to bring back the sense of quality to Harlem," said Mr. Oyama, a native of Gabon who studied fashion design in Paris. His store draws locals and, he said, even greater numbers of clients from the Bronx, Brooklyn and New Jersey, who drop in from time to time to be fitted for custom-tailored suits ($800 to $2,200), and to pick up bow ties, cravats and kaleidoscopically colorful gingham and paisley pocket squares.

Not every store is so rarefied. Harlemade, which has been at 116th Street for six years, is stocked with books and photographs offering glimpses of the historic area and its architecture. It also sells handbags, dolls and an assortment of T-shirts bearing Harlem logos.

"I was the first to brand Harlem," insisted Murphy Heyliger, an owner. "Since then I've seen other companies realize you can get cool by putting your neighborhood on a shirt."

Mr. Heyliger is typical of the merchants catering to both residents and visitors drawn to a Harlem that is increasingly perceived as romantic and vibrant enough to draw several thousand tourists on weekends, many of whom place boutique-hopping high on an itinerary that might also include dining at Emperor's Roe or Settepani, and touring the Studio Museum, which exhibits the work of contemporary African-American artists.

Despite those attractions, some skeptical local merchants and residents wonder if importing fancy wares to Harlem is not premature. The new boutiques are interspersed with bodegas, hairdressers and discount stores, and not all of the retail landscape looks promising. Stores like N "may be too early," said Minya Quirk, the owner of Brand Pimps, a fashion consulting company, and a Harlem resident.

Ms. Quirk also frets that the goods may not be relevant to a local population. "Harlem residents have a deeply ingrained sense of personal style," she said. "They know what they want, and I think a lot of retailers might underestimate that."

Not Mr. Ortiz, who argues that his inventory was conceived expressly to appeal to style-driven locals. N offers fashion at prices that vary from $165 for a cotton shirt with grosgrain detailing to $1,000 for a leather coat. Sizes range from 0 to 16.

"We have a market here that has certain needs when it comes to sizing," he said. "We're offering larger sizes mixed in with smaller ones in a very unapologetic way. And we're always making sure we'll accommodate a variety of body types."

The fashions are often more boldly patterned than those at shops in other neighborhoods. "They reflect the way our uptown customers would like to wear clothes, and an understanding that this market is more heavily into color," Mr. Ortiz said.

Harlem shoppers also are serious fragrance consumers, which is evident from the proliferation of shops displaying ever-widening selections of designer scents. That infatuation attracted Laurice Rahmé, the entrepreneur behind Bond No. 9, with scents named after New York neighborhoods. Ms. Rahmé, who was prescient in branding the area with New Haarlem, a scent introduced in 2004, plans to open a store in Harlem this year. Her flagship is on Bond Street in Lower Manhattan. "But what happened to retailing and tourism downtown is going to happen uptown," she predicted.

Bud Konheim, the chief executive of Nicole Miller, a line with hothouse colors and animated prints that are popular at N, is confident that a presence in the neighborhood is healthy for the bottom line. The collection at N is expected to generate $300,000 to $500,000 in its first year, he said.

"Harlem is an undiscovered secret for now, but that won't last," Mr. Konheim went on. "Things are moving too fast."

PERSONAL EXPLANATION

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Ms. MATSUI. Mr. Speaker, I was attending the funeral of a former colleague on Wednesday morning, June 28, 2006, and missed two procedural votes. Had I been present, I would have voted as noted: rollcall vote 331 "yea"; rollcall vote 332 "yea."

A RESPONSIBLE APPROACH TO EXPANDING AMERICA'S FRIENDSHIP WITH INDIA

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to affirm the critical importance of our Nation's friendship with India and to add my name as a cosponsor to H.R. 5682, legislation implementing the U.S.-India Civilian Nuclear Agreement concluded earlier this year.

Our friendship with India is among the most important bilateral relationships for our Nation's security and prosperity. The world's largest democracy, India is a vital partner in many different arenas: fighting the war on terrorism, expanding and advancing both the U.S. and Indian economies, modeling responsible democratic government to other regions of the world, addressing climate change and other key environmental challenges, and crafting a productive relationship with an emerging China, to name a few.

It is also a nation with which we share many common characteristics, making it a natural friend and ally. Both nations emerged from British rule to become flourishing democracies, each giving political voice and representation to hundreds of millions of citizens and each serving as a beacon of democratic values and human rights to the rest of the world. Both nations share a tremendous diversity of ethnicity and religion, and despite periodic setbacks, both have found sustainable and just models for drawing strength from this diversity. The United States and India have, in the last decade, forged increasingly intimate linkages economically, as India has emerged as one of the fastest growing free markets in the world. And, of course, our Nation has welcomed a large and vibrant community of Indian-Americans to our shores, a community that has immeasurably enriched the fabric of American life.

Unfortunately, our friendship with India over the last three decades has not been as strong as it should be. It is the only democracy with which our Nation had poor relations through most of the cold war. In 2000, President Clinton ushered in a new era in our bilateral relationship, becoming the first President to visit India since President Carter. But that positive momentum stalled in the early years of the Bush administration, as the aftermath of the September 11, 2001, terrorist attacks unsettled South Asian relationships and India-Pakistan tensions increased.

The primary obstacle to a stronger relationship remains India's nuclear program. In 1974, India defied the world by conducting a nuclear weapons test, demonstrating that it had developed nuclear weapons capability outside the bounds of the Nuclear Non-Proliferation Treaty. From that day forward, India has remained outside nuclear nonproliferation regimes and has faced international sanctions and lack of access to civilian nuclear materials and technology.

The price of its defiance—thirty-two years of sanctions and prohibitions—has not forced India to give up its nuclear weapons program or to make any discernible policy changes. The reality is, despite the best efforts of the international community to limit nuclear proliferation, India is and will continue to be a nuclear weapons state. Moreover, it is a stable, responsible nuclear weapons state that poses no threat to our national security. It is both unfair and unwise to continue to treat India as an international pariah. The time has come to recognize reality and adjust our outdated policies toward one of our most important allies.

The U.S.-India Civilian Nuclear Agreement, as a first step toward recalibrating our policies toward India, holds great promise for bringing our two nations closer together. Characteristically, President Bush has negotiated without adequately engaging Congress and the international community. But he has correctly recognized the need for this landmark policy shift.

The agreement itself is a greatly-needed improvement over current policies, yet the details of the agreement pose some questions and challenges for our national security. The agreement has both negative and positive features, and the American people need to be aware of the full array of consequences as we proceed.

The most critical entry on the positive side of the ledger must be the agreement's impact on our relationship with India. This improved relationship will strengthen our national security in a variety of ways, particularly by enhancing our partnership in the global war on terrorism and in our efforts to forge a productive relationship with an emerging China. Our role as a world leader in confronting several global moral crises—like poverty, hunger, and HIV/AIDS—will also be enhanced, as the improved relationship will allow the United States to bring greater attention to efforts to improve the lot of India's 600 million poor people. Indeed, the accelerated economic development anticipated as a result of expanded civilian nuclear energy production will hopefully lift millions of people out of poverty and into prosperity.

The agreement also has the potential to enhance our efforts to prevent nuclear proliferation around the world. Currently, India's large nuclear program is subject to only limited safeguards. Therefore, bringing any additional part of its nuclear program under the International Atomic Energy Agency's safeguards and inspections regime will be positive. Perhaps more importantly, we can reasonably hope that, upon entering the community of responsible nuclear-weapons states, India will set aside its historic resistance to nonproliferation regimes and join us in fighting nuclear proliferation around the world.

The agreement likewise could have some adverse consequences. Let us examine the facts:

Eight of India's nuclear power reactors and 9,000 kilograms of spent nuclear fuel—enough to produce more than 1,000 nuclear weapons—will not be placed under any type of international safeguards or inspections regime. India will also have the flexibility to designate any reactors built in the future as part of its military program, keeping them out of international inspections regimes.

Civilian nuclear cooperation could free India to devote more resources to its nuclear weapons program; by purchasing fissile material from the U.S. and other suppliers for its civilian reactors, India could choose to use more of its native uranium stocks for its weapons program.

The agreement could send a dangerously mixed message to other non-nuclear weapons states, namely, that they are expected not to develop a nuclear weapons program but, if they do, they could be rewarded with a Nuclear Cooperation Agreement. This mixed signal is especially harmful at a time when we are confronting reckless proliferation by Iran and North Korea.

These are serious concerns that have the potential to harm our national security. They are concerns that must be addressed in some fashion before we move forward.

Examining both sides of the ledger, I come to three conclusions:

First, the American people should not be under any illusions: this agreement is a strategic trade-off involving a significant element of risk. It states that we are willing to sacrifice some progress on the nonproliferation front in order to achieve broader benefits to our national security as a result of an enhanced U.S.-India friendship and cooperation.

Second, Congress must enact this agreement because a rejection of it would set back U.S.-India relations immeasurably. For the precise reasons I have cited in stating that a strong U.S.-India relationship is critical, a weakened relationship would be disastrous.

Finally, Congress must find a way to navigate between these two realities. We must minimize the risks associated with the gamble the agreement represents while maximizing its potential for strengthening U.S.-Indian cooperation. In other words, Congress's active engagement in refining and strengthening the agreement is essential.

I rise today to cosponsor the implementing legislation accompanying the agreement because I have gained assurances that Congress will play such an active role. I am particularly encouraged by two recent developments.

First, the Bush administration and House leaders have agreed to a two-stage process in ratifying the agreement. Congress will first vote on H.R. 5682, the legislation I am cosponsoring, which will provide the President the authority to waive provisions of the Atomic Energy Act of 1954 to allow civilian nuclear cooperation with India. Later, after agreements have been reached with the Nuclear Suppliers Group and the International Atomic Energy Agency, Congress will vote on a specific U.S.-India bilateral Nuclear Cooperation Agreement. If our concerns are not sufficiently addressed in these three additional agreements, the second stage will allow Congress to put on the brakes.

Secondly, I am encouraged by the significant steps the House International Relations Committee and the Senate Foreign Relations Committee have taken to refine the legislation and fill in important details. Both Committees have signaled that they will not simply rubber-stamp the President's proposal, but that they will conduct due diligence and ensure that the legislation implementing the agreement guarantees our national security. This commitment is embodied in H.R. 5682, which represents a tremendous improvement and refinement of the draft legislation originally submitted by the President.

Mr. Speaker, I am cosponsoring this legislation to signal my belief in its importance and to aid in its forward movement. But I also want to underscore the importance of the next steps to be taken by this body. I rise today to urge my colleagues to focus upon several key considerations as we continue our consideration of the bill.

First, the final legislation must challenge India to take its commitment against nuclear testing seriously. India has refused to sign the Comprehensive Test Ban Treaty and has only pledged to withhold nuclear testing in the absence of a provocation from another nation. As the 2002 showdown between India and Pakistan demonstrated, any nuclear tests by India will have a destabilizing effect on the region and could damage our national security. The current draft allows the President to terminate the agreement if India conducts a nuclear test, and it is essential that this provision remain in the final legislation.

Second, the agreement must provide for some reasonable transparency over the use of India's native fissile material and spent nuclear fuel. As India begins to import nuclear material for use in civilian reactors, its native material stocks will become fungible, free for use in producing nuclear weapons. Its spent nuclear fuel stocks, not subject to international monitoring under the agreement, will also be available for use in nuclear weapons. Clearly, our civilian nuclear cooperation should not be used as a means for India to accelerate its nuclear weapons development. The current legislation contains a provision that will alert us if India is taking advantage of the nuclear cooperation agreement to fuel a nuclear arms race. Of course, we will depend heavily on our intelligence community to assess India's production of nuclear weapons, and we must ensure that they have the personnel and resources they require.

Third, we must strongly urge India to cease the production of fissile material explicitly for use in nuclear weapons. For over a decade, the international community has been working toward the negotiation of a Fissile Material Cutoff Treaty that would ban the production of new fissile material for use in nuclear weapons or other nuclear explosive devices. India's endorsement of such a treaty would significantly allay the concerns about the agreement's impact on nuclear nonproliferation efforts. Our nation should also be urging India's nuclear neighbors, Pakistan and China, to sign such a treaty in order to provide India the assurances that it can do so without endangering its national security.

Fourth, the deal must be conditioned on the conclusion of an acceptable agreement between India and the International Atomic Energy Agency. The negotiations between these parties are ongoing. An acceptable outcome would have to include an acceptance by India of a permanent safeguards regime that requires the same transparency, the same access, and the same type of inspections that other countries admit under the Nuclear Non-Proliferation Treaty. The legislation contains some helpful provisions in this regard; however, we must remain engaged after the passage of this legislation to ensure that the negotiations meet our standards.

Finally, Congress and the Bush administration can strengthen the U.S.-India Nuclear Cooperation Agreement by working together to enhance and expand nuclear nonproliferation efforts in other regions of the world. Our national security depends greatly on keeping the worst weapons, nuclear weapons of mass destruction, out of the worst hands, those of fundamentalist terrorists who target our nation. Ensuring adequate protections against proliferation in the U.S.-India agreement is a key component of this priority, but it does not end there.

As we work to bring India in line with international standards for nuclear responsibility, we should also be accelerating programs that increase nuclear security elsewhere. One of the most critical programs is the Nunn-Lugar Cooperative Threat Reduction program that secures loose nuclear material and technology in the former Soviet Union, where enough nuclear material to produce thousands of nuclear weapons remains unsecured. As the 9–11 Commission's Final Report rightly noted, "the government should weigh the value of this investment against the catastrophic cost America would face should such weapons find their way to the terrorists who are so anxious to acquire them."

Of equal importance, the administration and Congress must strengthen our dismally ineffective efforts to confront Iran and North Korea as those nations defy the world. One of this Administration's single most dangerous failures has been to allow North Korea to proliferate freely for five years without crafting any viable strategy for confronting the world's worst proliferator. And the Administration's strategy to rein in Iran has been scarcely better, allowing the situation to continue unresolved for far too long. As long as these two rogue nations freely seek nuclear weapons, weapons they could easily sell or transfer to terrorists, our nation cannot be secure.

The U.S.-India Nuclear Cooperation Agreement is a dramatic departure from the past. We must not enter into it with any illusions that it is without risk; however, I believe it holds the potential to make our nation and the world safer and more secure. We have the opportunity to build a strong and lasting friendship with the world's largest democracy, one of the world's fastest growing markets, and a nation from which we have remained estranged for far too long. We should not let such a tremendous opportunity pass by. At the same time, we must proceed responsibly, ensuring that we minimize the risks inherent in the agreement. I believe Congress is taking seriously its responsibility to do so, and I look forward to working with my colleagues to craft legislation that makes our Nation stronger and forges a new era in U.S.-Indian relations.

TRIBUTE TO MEL BROOKS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

Mr. BISHOP of New York. Mr. Speaker, if you've ever seen Blazing Saddles, Young Frankenstein, or History of the World: Part I, then you've probably laughed out loud at one or all of these comedies and rank them among your all-time favorite movies. For those laughs, you can thank Mel Brooks, who I'm proud to represent and recognize today—in wishing him a happy 80th birthday.

Mr. Speaker, many people don't know that before he made movies, Mel Brooks served in the U.S. Army during World War II. One of Corporal Brooks' duties as a combat engineer was defusing landmines in areas around North Africa before the infantry moved in.

With his wife, the late Anne Bancroft, who passed away just over 1 year ago, Mel became a tremendous source of pride on Long Island. Known for his infectious sense of humor and for often breaking into a routine at the delight of surprised patrons of restaurants all around the East End, Long Islanders know Mel is just as extroverted, witty, and entertaining when you come across him in person as he appears on screen. Combined with his warmth and kindness, he has indeed earned a place among the East End's favorite sons.

Mr. Speaker, we can all be very proud of Americans like Mel Brooks who use their humor and celebrity to bring joy to the lives of so many people and to help those less fortunate than ourselves. Today, let's wish Mel Brooks a happy 80th and many happy returns as he keeps making us laugh with his movies and through his unique, very funny outlook on life.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 29, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 11

2:15 p.m.
Judiciary
To hold hearings to examine judicial nominations.
SD–226

JULY 12

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine USDA dairy programs.
SR–328A

JULY 13

2 p.m.
Appropriations
Business meeting to markup proposed legislation making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2007, and proposed legislation making appropriations for the District of Columbia for the fiscal year ending September 30, 2007.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine unmanned aerial systems in Alaska.
SD–562

JULY 19

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semiannual Monetary Policy Report to Congress.
SD–538

Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine high performance computing.
SD–562

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold an oversight hearing on the implementation of Public Law 108-148 The Healthy Forests Restoration Act.
SD–366

JULY 20

2 p.m.
Appropriations
Business meeting to markup H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military

quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007.

SD 106

SENATE—*Thursday, June 29, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Lord, we thank You for touching our Senators' lives. Continue to guide and inspire them. Help them to stand up for truth. Instill in them courage to lead us toward peace and unity. Fill their minds with wisdom and compassion as they strive to give You their best. Protect them from danger. May the desire to do Your will become their highest priority.

Bless America. Turn the hearts of our citizens toward You. Remind us that righteousness exults a nation but sin destroys.

All this we pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 29, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 2 hours, with the first 30 minutes under the control of the majority leader or his designee, the next 30 minutes under the control of the Democratic leader or his designee, the next 30 minutes under the control of the majority leader or his designee, and with the final 30 minutes under the control of the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we have set aside 2 hours of morning business in 30-minute increments. At the conclusion of morning business, we will begin the U.S.-Oman free trade agreement, which has a 20-hour debate limitation. However, we are expecting to yield back much of that time. Senators can expect a vote on final passage of that bill when we finish all debate on the measure.

We also will be trying to clear some nominations this afternoon as we finish our work before the Fourth of July recess.

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Mr. FRIST. Mr. President, I will take a few moments to address legislation to create a national sex offender registry and to protect our children from sexual predators.

On May 4, the Senate unanimously passed S. 1086, the Sex Offender Registration and Notification Act. This bill, which was introduced by our colleague, Senator HATCH, would create a national sex offender registry and would do what you would suspect, and that is protect our kids from these child predators.

A similar bill has also passed the House of Representatives. Over the last several weeks, the House and Senate have been working diligently to bridge the differences between those two bills. I am pleased with the progress that has been made so far, but I am concerned that the time is running short in the legislative session.

Because time is of the essence, I sent a letter to Chairman SPECTER and Chairman SENSENBRENNER in the House asking them to have such legislation ready for signature by the President no later than July 27, 2006. That is about a month from now. That particular date is in honor of the 25th anniversary of the tragic abduction and murder of Adam Walsh, the 6-year-old son of John and Revé Walsh, who are the founders of the National Center for Missing and Exploited Children.

I ask unanimous consent that the full text of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, June 27, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.
Hon. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SPECTER AND CHAIRMAN SENSENBRENNER: Thank you for your diligent efforts to bring the Senate and the House of Representatives together on legislation to create a national sex offender registry and protect children from sexual predators. While I am pleased with the progress made so far, I remain concerned that time may be running short in this legislative session. So today, I urge you to join me in setting a clear goal to have sexual predators legislation ready for signature by the President no later than July 27, 2006—in honor of the 25th anniversary of the tragic abduction and murder of Adam Walsh, the 6-year-old son of John and Revé Walsh, who are the founders of the National Center for Missing and Exploited Children.

John and Revé have transformed the tragedy of Adam's death into a lifelong commitment to protecting children from abduction, abuse, and exploitation. They have been at the forefront of most major child protection legislation passed by Congress over the last quarter century—from the Missing Children's Act in 1982, which improved law enforcement information sharing in missing child cases, to the Protect Act in 2003, which established a nationwide Amber Alert network to coordinate rapid emergency responses to missing child alerts. Their tireless dedication has been an inspiration to parents of child victims and millions of American families.

I know we share a commitment to strengthen laws that protect our children from sexual predators lurking in our neighborhoods or enticing our children online. Currently, there are more than 550,000 registered sex offenders in the United States and at least 100,000 are missing from the system. The loopholes in the current system allow some sexual predators to evade law enforcement and put our children at risk. In addition, we must do more to address an emerging global crisis in child pornography, an estimated $20 billion commercial industry fueled by the Internet. The Internet has become an anonymous gateway for sexual predators to initiate contact with children, win their confidence, and attempt to victimize them. By passing legislation that establishes

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

a national sex offender registry, toughens criminal penalties for sexual predators, and cracks down on child pornography, we can take another step forward in making America safer.

The Senate and the House have both passed bills addressing these issues. It is time to bridge any remaining differences and finish the job. We should not allow extraneous issues to delay the bill.

I look forward to working with you in the weeks ahead.

Sincerely,

WILLIAM H. FRIST, M.D.
Majority Leader.

Mr. FRIST. Mr. President, I am pleased to join with my colleague, Senator REID, who is endorsing this July 27 date as a goal as well. The reason why it is important for us to speak to this now is that there are a number of issues out there that are unrelated to the sex offender registry bill, which are important issues in and of themselves, but in some ways they impede or lessen the likelihood that we are going to get this particular bill through.

The registry is important. By creating a national registry, we are going to make it easier for law enforcement to act if they get a tip and to be able to identify and stop these offenders before they can commit repeat crimes and victimize more children.

Many States, including my State of Tennessee, have registries, but that information is not shared with other States. Therefore, you have these sex offenders simply going from State to State. If a sex offender is registered in Florida and then moves to Tennessee, there is no way to track him today. Under the new law, Florida would have to notify Tennessee law enforcement that the sex offender is moving. It is a big problem.

There are currently 550,000 registered sex offenders in the U.S. and at least 100,000 of them are missing from the system. Every day that we don't have this national sex offender registry, these missing sex predators are out there somewhere. We don't know where they are or whether or who they are victimizing.

So there is a lot we can do. Now is the time for to us do it. The national sex offender registry will save the lives of thousands of children. By passing this legislation, we can take another major step forward to making the country safer. I thank Senator HATCH, and especially Senator REID, for their leadership.

I urge our colleagues in the Senate and in the House to act quickly and get this bill done by July 27. It is for law enforcement officers, it is for parents, and it is especially for our Nation's children.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Mr. REID. Mr. President, first of all, I appreciate very much the statement of the majority leader. I understand that he has other matters, and I will speak to him later about a number of other things.

On the issue of sex offender legislation, yesterday, rightfully so, the majority leader sent a letter to Chairmen SPECTER and SENSENBRENNER asking them to bridge their differences and finish the legislation. I commend Senator FRIST for making this bill a priority.

I agree that this is important legislation, and it should not be stalled by disagreements over controversial, extraneous matters. Specifically, the leader asked the two chairmen to complete work on the bill by the end of July. That timetable seems perfect for me. The Senate passed its version by unanimous consent on May 4. There should be no further delay. I believe this is an urgent matter.

I remind my colleagues that when the Senate passed this version of the bill 2 months ago, Senator KENNEDY—even though he felt very strongly about the hate crime bill—agreed to set that aside. That was a major concession by all of us who favor the hate crimes bill. We made the decision that the sex offender bill should not be delayed by unrelated matters.

Since that time, I am sorry to report that some Members of the House have held up the sex offender bill by trying to add their own pet projects related to the death penalty, habeas corpus, and other matters. They are all important matters, but we have to move forward with this sex crime legislation.

As the majority leader correctly wrote in his letter, "We should not allow extraneous issues to delay this bill."

Why is the sex offender bill so important? Because the safety of children is at stake. The national sex offender registry will make it easier for local law enforcement to track sex offenders and prevent repeat offenses. The bill authorizes much-needed grants to local law enforcement agencies to establish and integrate sex offender registry systems.

Is it going to take another news story about yet another brutal assault and murder of some young child to make it clear that we need to act now? I hope not.

Obviously, there are still issues to work out between the House and Senate. I understand that. I favor, of course, the Senate-passed bill, S. 1086, which I think did a better job of distinguishing among types of offenders. We need to move forward without delays or distractions on unrelated issues.

Finally, if anyone ever doubts that one person can make a difference in our country and our world, one only need to look at John Walsh. Because of the tragic event dealing with his son Adam, we now have a National Center for Missing Children. We have a TV program called "America's Most Wanted," and because of that program, we have gotten scores of felons who have done very bad things. I have never met John Walsh, but a former Governor of Nevada was a good friend of his. He told me years ago about this good man. I applaud John Walsh. It is because of him that we are moving forward on this legislation.

Mr. FRIST. Mr. President, I know the Democratic leader has other statements to make. I think the signal that we are both sending is that this is significant legislation. It will directly impact families all over the United States of America. It is an obvious need. We have made huge progress and, as the Democratic leader said, much of that is to be attributed to John Walsh, his family, because of the tragedy they suffered with the loss of their child.

Again, the Democratic leader and I are joined at the hip pushing this through in the Senate. We, working together, agreed to have a focused bill, a targeted bill, that would accomplish the specific objectives here. And our appeal today is that the House do likewise so we can pass this by July 27.

IMMIGRATION BILL CONFERENCE

Mr. REID. Mr. President, we saw the Senate at its best a few weeks ago when we passed comprehensive immigration reform. Democrats and Republicans, working together, passed a very complicated bill in a relatively short period of time, with dozens of amendments. We passed a bill. People are looking for us to do things together and we did something together. The President was involved in this and I appreciate that very much. We did good border security. We did something to deal with guest workers. We did something to put the 12 million people who are here on a proper pathway to legalization. Even though they have the opportunity to do that, they will not go to the front of the line. It is something we have to do. They will have to have jobs, pay taxes, make sure they stay out of trouble, and learn English. We also put in the bill excellent provisions so that employer sanctions will be enforced.

So we did a good job on this bill. We passed a bipartisan, comprehensive bill that will address the urgent national security issue facing us, and that is immigration and border security. In contrast, the House passed a bill that would make felons out of 12 million people. In addition, potential felons would be a Catholic priest giving eucharist to his parishioners or a health care worker trying to help someone who is homeless or a social worker and many examples where they would become felons.

The bill in the House is mean-spirited and it is wrong. People who run soup kitchens should not be felons. People who are domestic violence counselors should not be felons. Certainly, members of the clergy should not be felons.

A little over 3 weeks ago, I proposed a unanimous-consent agreement that would allow us to move forward a House-Senate negotiation on the immigration bill. I asked consent that we take up the House immigration bill, substitute the text of the Senate bill, and then appoint conferees. My friend, the majority whip, Senator McCONNELL, objected due to a threat of the House Republicans to "blue slip" the bill. Senator McCONNELL asked that we take up and appoint conferees to H.R. 4096, a House-passed tax bill that is here in the Senate to address the House's constitutional concerns. I think they are unfounded, but I accept Senator McCONNELL's objection. Therefore, I had no choice but to object because I was concerned that House leaders would use this tax bill as an opportunity for mischief and would insert many items that are repugnant to what we are trying to do with taxes in an immigration bill.

Since then, I have asked the majority leader for some assurances that this procedural maneuver would be used solely to get around the blue slip problem and that the conference report would not be used as a vehicle for tax provisions that have nothing to do with the immigration bill.

The majority leader has provided such assurances to me orally. In addition, Senators SPECTER, GRAHAM, and McCAIN have given me written assurances that they will not sign a conference report that contains tax provisions unrelated to the immigration bill.

Among other things, this letter says:

> As chairman—

That is Senator SPECTER—

> and likely members of the immigration conference—

That is Senators McCAIN and GRAHAM—

> we would not sign any conference report that contains tax changes not related to immigration. We simply will not allow the use of the tax bill as a vehicle for comprehensive immigration reform to be abused in conference.

I very much appreciate these three fine men giving me this letter. I think this is a way to move forward.

Based on the oral assurance of the majority leader and the written assurance from these three Republican Senators, we as Democrats stand ready to appoint conferees and to move forward on this bill at any time the majority leader allows that to happen. We are willing to move forward under the terms previously suggested by the majority whip. We would consent to using the House-passed tax bill as a vehicle for this immigration conference based on these new assurances. I hope we can do that as soon as possible.

I express my apology to my friend from Kansas and thank him for being so patient waiting for Senator FRIST and I to complete our morning statements.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleague from Nevada, the Democratic leader, for his last statement of willingness to appoint conferees and use other vehicles that will not have the blue slip problem on the House side. Comprehensive immigration reform is a critical and most important piece of legislation we will pass in conference if we can get it done. I appreciate my colleague doing that.

It is a tough topic. He has been willing to work with us along the way, not without difficulties at different steps. I really appreciate his willingness to work on such a difficult topic with us.

Mr. REID. Mr. President, will my friend yield for a question?

Mr. BROWNBACK. Yes, I will.

Mr. REID. The Senator heard the statement I read into the RECORD in the letter from Senators SPECTER, GRAHAM, and McCAIN. I am confident that the Senator from Kansas agrees that the immigration bill should not contain any extraneous tax matters; is that correct?

Mr. BROWNBACK. Mr. President, I do, and I appreciate the opportunity to say so on the Senate floor as well. I don't want to see this process manipulated and the Senator put in a position where he is not comfortable with trying to get done what we all want. I don't think that is right. I don't think that is the comity of the Senate, and I stand with my colleagues who signed that letter as well.

Again, I thank the Senator for moving this forward. If we can get this immigration bill moving forward, it would be a major accomplishment for us and for the Nation.

STEM CELL RESEARCH

Mr. BROWNBACK. Mr. President, I stand to deliver some good news today to the Senate and hopefully contribute to the debate we are going to have probably in July on the overall issue of stem cells, embryonic stem cells, human cloning, adult stem cells, and cord blood.

I wish to start by saying I think everybody is of good heart and good mind in this body and that they want to try to do something to help people in this country. While we have some differences of opinion on embryonic stem cells and on human cloning, there is strong bipartisan support in the adult stem cell and cord blood area.

The differences come down to the basic view of the youngest of human life. This is a long debate. It has been going on for some time. We have differences of opinion. I view human life as sacred at all of its stages and all of its places. Period. It is unique, it is beautiful, it is a child of the living God. It deserves our respect and protection under law at the very earliest stages of life and at the very latest stages in life. It is life in this country and a life in other countries. It is life seeking to come to this country in whatever form it may be. This life is unique and sacred.

We can try to divide it under law. We can say it is property at this stage of life; it is not worth living at that stage of life. All of those, I think, are false distinctions. Life is sacred, period, per se because it is human and it is sacred, period, because it is human. That is the point of view from which I come. That is the point of view from which I think a lot of Americans come.

When people think about it, when they look at this issue they say: How else would you divide a baby? It is pretty hard to do unless you start where life begins and you end where life ends and you don't draw distinctions in between.

Others are willing to draw that distinction in between and say a human life is not sacred, per se, at certain early stages, or if it is so decrepit at other stages of life. I think those are false distinctions. I don't think they stand the test of science. I don't think they will stand the test of time. I don't think they will stand the test of reason if one really thinks it through.

That is really where we get to the point of distinction on this debate, on human embryonic stem cells, on cloning humans for stem cells. Scientifically, it may be doable. Ethically, is it moral? Is this human life a person or a piece of property? In our jurisprudence system, they are one of the two: They are either a person or a piece of property. Everything in this room—the Presiding Officer is a person; what he has on is property. People in this room are people, everything else is property.

What is the youngest of human life? Is it person or property? We have had this debate before in this country. We have looked at it; we have drawn distinctions. At points in time, even in our Constitution, we have said a person was only three-fifths of a person, and yet we knew at that time: How can you be three-fifths of a person? That didn't stand the test of time and reason then, and it doesn't stand the test in this country now.

Some will say that the youngest of human life is property and at some point in development it becomes a person. Yet in our jurisprudence system, we don't recognize the transition that you can go from property to personhood and, if so, where on Earth would you draw that line? When would it happen?

The biology is quite clear on this point. If you start out a person, you end up a person. If you start out a human being, you don't become a plant. If you start out a human being, you don't become a desk. If you start out a human, you end up a human. The biology on this is clear. If you are a human embryo and you are given nurture, you end up, by anybody's definition, a full-scale human being. You don't transition. You don't start out as a piece of property or an egg that is going to become an eagle and end up a person. It is one person.

At one point in time, we have all started out as an embryo. Whether you are SAM BROWNBACK, the Presiding Officer, or anybody in this room, we all started out being a human embryo. We didn't start another way. If you destroy us at the earliest stage, you never end up with us at this stage. That is a basic fundamental of the argument.

It is an old, old, old debate for human societies. We have had this debate. Typically, in fighting around the world, people try to dehumanize the other side.

I remember watching a film on Rwanda, "Hotel Rwanda," about the Rwandan genocide. I was just in Rwanda last year and in the Holocaust Museum. The one side persecuting the other side, killing nearly 800,000 in 3 weeks, in the very typical fashion of human beings demonizing the other side and calling them less than human, they were subhuman—they were roaches is what they actually referred to them as.

One can look at old war propaganda and typically one side tries to demonize the other side, calling them something less than human, they are subhuman. That is a very old human debate about whether this is really a person.

The truth is, the debate never stands up under any examination. Of course, the Hutus and Tutsis are humans. Of course, in our earliest Constitution, a slave was treated as three-fifths of a person; they are a full person. They are entitled to personhood. They are entitled to legal status in this Nation.

Of course, any time in the history of mankind when we have deemed somebody less than a full person, we have always lived to regret it, and we always said later on: Wasn't that a horrific episode in human history where somebody was treated less than a human?

Now we are back at that old debate. People are of different minds. They are not of ill will toward anybody. Many are seeking cures to very difficult diseases, to very difficult problems and human maladies and saying: If we can only go here, if we can only research on human embryos that are just frozen; they are not going to come out of the Cryovac; they are going to stay frozen; if we can only do that, if we can just take an egg and fuse it with a cell from my body and create a clone just for a little period of time, we are going to be able to solve all these human maladies; we are going to solve cancer, and we are going to fix Parkinson's disease, and we are going to solve spinal cord injuries.

Then, it comes back, back, back to the same old debate: What is the human embryo that is frozen? Is this a human embryo created by the cloning process? Is it a person or piece of property?

People of good will differ on that division. It is an old debate, and I think the only place to stand is that this is a person and deserves our respect.

That debate is renewed in this bioethics issue. We have been going at it about 6 years now. In August of 2001, the President articulated a strategy of funding both embryonic stem cell research and adult and cord blood research, funding both of them. We have since that time funded embryonic stem cell research to the tune of half a billion dollars, $500 million. So this isn't something people can say we haven't done. We have. Those are Federal funds. No private or State money is included in that money. This is just Federal money, half a billion dollars.

When we started this debate 6 years ago, I stated that for us to research on young human beings is illegal under our law, immoral under our rationale, under our legal system and, really, the law we know in our hearts and unnecessary because we have another way. We can go through adult stem cell work, we can go through cord blood work, and we can come at conclusions that will be successful in treating these human maladies.

The illegal and immoral remain today. We do not allow people to research on the youngest of human beings. It is immoral how you treat the youngest of human beings because if you destroy me at that stage of embryo, I never get to become a full-scale human and realize the potential I have or other people have.

Today, I want to emphasize the unnecessary part of this debate. When we started this debate in 2000, they said there was a lot of promise with adult cord blood, but we don't know if you are right. We actually think we are going to be able to come up with conclusions and solutions using embryonic stem cells or cloning, but you can't come up with them using adult stem cells. There is not enough malleability. They are not what they call in the terminology, pluripotent. In other words, if it is a nerve adult stem cell, it can't make bone. It can't make fat tissue.

It turns out there is a lot more pluripotency or plasticity to these adult stem cells than originally thought, to the point where we have 70 peer-reviewed publications, treating 70—we just celebrated this 2 weeks ago—70 different human maladies with adult stem cells or cord blood.

My good news today is on the illegal, immoral, and unnecessary. We now have a lot of information on the unnecessary side of this debate so that we can go forward full scale in saying we are going to successfully treat these human maladies, and we have 70 treatment areas. Some of these are nothing short of miraculous.

I have a very busy chart here, but that is because this is very busy subject. This is a chart indicating 70 current human—these are not animals—human clinical applications using adult stem cells today. These are the various areas: anemias, autoimmune diseases, bladder diseases. We now have people growing bladders from their own stem cells, taking them out of the body—I believe this is a Florida researcher—putting them on a skeleton and then growing artificial bladders so that people, instead of having pouches on their side, can now have their own bladder grown. This is really taking place.

Cancers, cardiovascular: I want to talk about a group having their hearts regenerated by their own stem cells, but will save that for another day.

Immune deficiencies, liver diseases, neural degenerative diseases, including spinal cord injuries—I will talk about a specific example today: a young lady walking again with the use of braces.

Ocular, wounds and injuries, and metabolic disorders: Those are the general categories that I want to put forward to show the unnecessary side of embryonic stem cells. This is a good news topic with which we can move forward. I have been challenged by some of my colleagues about the scientists who oppose embryonic stem cell research. I have submitted a list of 57 scientists and doctors for the RECORD in a previous speech who oppose destructive human embryonic stem cell research—oppose it. Embryonic stem cell research is not the right way to go, as a moral issue, for a number of reasons, but there are also a number of reasons why it is unnecessary for us to move forward in this particular category.

There is also the problem—and we saw this on the use of tissues from aborted fetuses, the fetal tissue debate, and, unfortunately, when you use these young stem cells, embryonic stem cells, they tend to form tumors. Embryonic stem cells are very fast-growing, and they form tumors instead of the type of tissue we want. They too frequently are uncontrollable, and they will form tumors. That continues to be the problem in that particular area.

I want to point out this chart to my colleagues regarding this issue. It is not necessary. It is unnecessary for us to do embryonic or cloning research. On the moral issue, it is illegal. But it is also unnecessary because we are getting human treatments to the very things my colleagues said that we needed to do embryonic stem cell research for and that they say we needed to do human cloning to get all of these cures. I am saying it is not necessary. We don't have to go that route, because we are getting the treatments using this ethical route.

So we have this big ethical debate and quagmire, and we have a legitimate route with adult stem cells where we are getting successful treatments for people. Why would we engage in and go the unethical route when we have this big debate and divide? Why would we not just go very aggressively where we are getting human clinical trials with adult stem cells, especially when we are not getting any in the embryonic area? Why wouldn't you fully engage that and say, Well, OK, then we don't have to engage the moral debate. We don't have to say somebody is subhuman and to get to a point in our research. We can say we have a legitimate route to go.

Now I want to talk about the good news highlights here. I want to put up some real patient stories for my colleagues. We had a press conference last week where we had five individuals independently treated with adult stem cells or with their cord blood. This is umbilical cord blood from mother-child that has been saved and preserved and people are being treated successfully in these areas.

I want to put up a picture of Ryan Schneider from Batavia, IL. This is a miraculous story. A beautiful Christmas picture you can see here. It is a picture of him last Christmas, taken just 10 weeks after Ryan's stem cell treatment. There is already a noticeable improvement that he has. This is a young man who has an incredible story. I met him last week and his parents, and I want to say God bless him to him and his parents who really fought through a tough problem of cerebral palsy with him.

His medical problems began at birth. His parents, Mary and Steve, noticed that he was having difficulty with feedings. He was falling behind in his motor skills. His mother is a very sensible woman. She heard the usual arguments of, "Well, every kid is different, let's wait and see." But based on her experience, including raising Ryan's older sister, Katie, his mother knew that something wasn't right.

By the age of 2 he only had two words and he was not gaining weight at all. She writes:

> Pointing, whining, and screaming were his only method of communication. I had him evaluated through the early intervention program and he started speech therapy. So she starts working.
>
> Nine months later he had only gained 1 pound, and after he started speech therapy he spoke only 40 words with no sentence structure, and only close family understood the words.
>
> His upper body strength was weakening. His hands were in fists most of the time. It hurt him to straighten out his hands and arms. It is the little things that only a parent would notice that set the bells off ringing. I presented these concerns to Ryan's pediatrician who referred us to a neurologist.

Having five children, I can just see this developing, and I can see a mother looking at this child and knowing something is not quite right here.

> On July 21, 2005, we got the diagnosis of cerebral palsy. My husband and I felt like we had been punched in the stomach. Who wouldn't, as a parent. Ryan Schneider was diagnosed with cerebral palsy, a disease that affects close to half a million Americans.

Mayoclinic.com describes cerebral palsy as:

> a general term describing a general group of disorders which affects the child's ability to coordinate body and movement. These disorders are caused by damage to a child's brain early in the course of development. Damage can occur during fetal development, during the birth process, or during the first few months after birth.
>
> The group of disorders range from mild to severe. Physical signs of cerebral palsy includes weakness and floppiness of muscles, flaccidity, and rigidity. In some cases neurological disorders such as mental retardation or seizures also occur in children with cerebral palsy.

This doesn't sound like something you would want to confront in your family. Mayoclinic.com also cites that it is not curable—is not curable.

Well, the Schneider family has a story to tell today. Thanks to their persistence and the work of Dr. Joanne Kurtzberg at Duke University, young Ryan has a new outlook on life. Thanks to the amazing work of cord blood adult stem cells. Ryan's mother, on the birth of Ryan, saved the cord blood. That is something I would urge anybody who is watching or thinking about it, to save the cord blood. This is a valuable asset.

Ms. Schneider continues about what she did:

> The light went on the morning following Ryan's diagnosis. I sat up in bed, looked at my husband and said, the doctor said brain injury. We saved his cord blood. I wonder if they are using it to treat cerebral palsy.

This is the day after. The mother sits up in bed: We saved it. What can we do?

> After days of net researching and many phone calls to leading researchers in stem cell therapy, I found very little hope or information and a lot of, "No, I won't do the transfusion." No one would give my son his own cord blood. You can get donated blood products from strangers in time for surgery or trauma. This is absurd. I called Dr. Harris at the cord blood bank where Ryan's stem cells were banked. He suggested I get in touch with Dr. Kurtzberg at Duke University.

I have had Dr. Kurtzberg in to testify—an amazing lady, great stories, and she works with these impossible cases. Remember, cerebral palsy was incurable. Was—was incurable.

> She agreed to do the transfusion, and the transfusion took place on October 11, 2005. Given this opportunity, I set up a protocol system of my own. Pre- and post-infusion evaluations and progress monitoring is being done by Easter Seals. I requested extensive metabolic and chromosomal blood work to be done to rule out any other possibilities with his pediatrician.

So this is a mother working with this doctor saying, OK, we are going to really measure it and see if this is what is happening. Ryan's mother continues:

> My thought was if this works for Ryan, it could change his life and the lives of many other children in the future. Although my efforts were applauded, this should not be the job of a parent, but of the medical community and the Federal Government to allocate research dollars. Until this is a proven treatment, insurance companies typically will deny benefits, leaving a huge financial burden on the family and precious few places to receive hope.
>
> Six months post-infusion, the progress Ryan has made is more than remarkable; it is phenomenal. He is no longer in need of any physical or observational therapy, as his dexterity in his hands and arms has returned. His feeding issues are gone—were gone within 30 days. He is now at a normal rate of growth. He speaks clearly for a 3 year old, and he does so in sentences. His vocabulary is on target and age appropriate, and he is totally engaged in his surroundings. His pediatrician, neurologist, behavioral psychologist, Easter Seals OT, physical therapist and the feeding clinic are in agreement that these changes have occurred post cord blood transfusion. They can offer us no other explanation, yet we must all err on the side of caution, preventing false hope until proper research is completed.

So you basically see a mother looking for any researcher in the country who will do this. When I talked to the mother last week, she said Dr. Kurtzberg said to her, Yes, I will do the transfusion. The worst thing that can happen here is nothing. This is his own cord blood. The worst thing that can happen is nothing. But without it, he is going the wrong way. Let's try it.

> The OB-GYN that delivered Ryan and collected his cord blood asked me, "What in the world made you think of that? It is wonderful and very exciting news." I got that kind of reaction from the other doctors in Ryan's case and thought, "How could I not think of it?" When your child is in trouble, you use all available resources to fix the situation to the best of your ability.
>
> All of Ryan's doctors are given updates and progress reports as they come. I have come in contact with Dr. Mindy Lipson-Aisen, the National Director of the United Cerebral Palsy Foundation. She would like to see a study begin with this treatment and has offered a grant to make that happen. The Easter Seals Dupage have been very accommodating with Ryan's needs. Based on conversation with them, I am sure that additional funding would be available.

Clearly, more adult stem cell work in this area is something that we need to do, with half a million CP patients in the country and more coming all the time. Why not head this off?

> We owe our thanks to the mice and men that helped us get this far, but it is not about them, it is the children and others that may benefit. The resource and treatment accessibility needs to be changed. Funding research for children in need who have access to their cord blood in either a

> private or public bank will be a low-risk, high-yield and ethical place to start. Ryan and others should not be referred to as an anecdotal response as a society. We all deserve better than that.

Part of my point in mentioning Ryan's story is that as we divert resources from these areas that are working in adult cord blood research and putting half a billion dollars in very speculative, embryonic stem cell research that is still producing tumors, or even in more speculative cloning research, kids like Ryan don't get the treatment from a protocol that has been developed and is actually working. So why do we take a half a billion dollars from Ryan to put it over here in this speculative area that has moral questions as well, and kids like Ryan don't get treatment or we don't develop a protocol or we don't expand it across the country? What sense does that make that we would do that? For the sake of research?

I am for research, but I am more for treating kids like Ryan and getting more of them cured from CP and other diseases. Funding adult stem cells which are working is more important than saying, OK, we are going to prove that something doesn't work over here. We are going to prove that this doesn't work with embryonic stem cells or we are going to prove that this doesn't work with cloning when I could instead be really treating a bunch of kids like Ryan. Why would we do that?

Ryan was on the cover of The Hill newspaper last week flexing his muscles. His mother said his arms used to retract. Now he is on the front cover of The Hill, he has his arms outstretched, and he is showing his muscles like a good 3-year-old. His sister complains that he bugs her all the time, which to a parent is usually a very healthy sign that this is working. These are real people getting real treatments and real cures.

I want to go now to an example that is another miraculous example of a treatment area. I am only giving you two stories of the five that were in last week, and these are only two areas in the 70 that are getting treated with adult cord blood.

This is Jacki Rabon, a paraplegic, an amazing case and amazing young lady. She lives in central Illinois. I have a picture of Jacki here. This is a picture after her adult stem cell treatment. I want to give you the background on her.

Jacki Rabon is an 18-year-old paraplegic. She was on Capitol Hill last week with her mother and sister touting adult stem cell advances in the area of spinal cord injuries. Three years ago, Jacki was a very active 16-year-old who played volleyball in school, and was an outstanding player. In fact, she had hopes of going to college on a volleyball scholarship. All that changed.

She was riding in an SUV on a gravel road when it flipped multiple times. She landed on her back on that country road. She spent the next month in the hospital. Jacki writes:

> That day changed my outlook. I was living a nightmare after this tragedy. I really thought my life was over. I couldn't imagine not playing volleyball anymore, jumping on my trampoline with my young nephew, chasing after my niece, or just taking a walk around my small community. Not only does something like this change the victim, but it also seriously disrupts and affects your family. I am a paraplegic with no feeling below the belly button. I had to learn to become independent again; to dress, bathe, transfer from place to place, and take care of my personal hygiene and toiletry issues. It was so difficult, and I struggled with these once simple tasks. After I accomplished these, I was released and allowed to come home. I was simply told, You will never walk again. That was my prognosis.

A 16-year-old paraplegic, an accident, "You will never walk again."

Jacki continues:

> I got back to school a few months later and that was another adjustment. Everything looks and works differently when you are sitting in a wheelchair. I had to deal with a lot of depression and sadness, but I tried to continue with my life the best that I could. I truly believe that my faith got me through. If it wasn't for this amazing love of God, my strong will and determination, I don't know if I could have proceeded with what my life had become. But I have great determination along with the comforting faith and I didn't intend on giving up that easily. I wanted to give life another opportunity with my new "lifestyle."

I would like to pause in the telling of Jacki's story for just a moment. I have asked my colleagues to imagine what goes through the mind of a 16-year-old in this predicament. Beyond the physical pain, try to imagine the mental anguish. You have your life in front of you—endless opportunities in America—and it is taken up in a snap, in an accident—gone. You wake up one morning; all is normal. You get up and you brush your teeth, put on your clothes; you go for a jog and continue on with the day. The next morning you wake up and you cannot move, cannot brush your teeth, cannot put on your clothes or go for a jog. Your entire life has changed.

You desperately long for a cure. You would follow almost anyone or believe almost any story if it seemed credible, if it might produce a cure, if the person had the right credentials and respect.

Unfortunately, some people are putting forward stories and saying we are going to cure this with embryonic stem cells or human cloning, but these areas are not working. You hear, "If only we have more Federal research money it will work." But I want to point out here, in Jacki's particular case, that she had a place to go and an area to try. I want to point out this work was done by a Portuguese doctor, Dr. Lima, and talk to you about Jacki finding Dr. Lima in Portugal and what happened.

Jacki continued, after going through this despair and depression. She writes this.

> My world changed again in the fall of 2004. My pastor was watching a PBS show when the special called "The Miracle Cell" was aired. It was about a procedure called "Olfactory Mucosa Transplantation", being done in Portugal by Dr. Carlos Lima. It involved removing tissue from a patient's olfactory sinus area and transplanting it into the spinal cord at the initial injury site. My pastor called the house and urged us to turn on the show. We did and were glued to the story. I listened to amazing recovery of returned sensation and even the ability to walk again with continued rehab from others after having this surgery. I remember thinking, "There's my chance!" I knew I wanted to pursue this possibility for me.
>
> My mom and I started researching this procedure on the Internet and collected as much information as we could. We discovered a Spinal Cord Injury Institute getting ready to open in Detroit, Michigan that summer. This institute was closely associated with Dr. Lima. We called to see if we could get an appointment to go and meet Dr. Steve Hinderer and asked about the procedure in depth and inquire about my chances of getting it done.
>
> I did go to Detroit and was told that I could well be a good candidate. I was given the guidelines and criteria for having this done. After many months of additional testing, x-rays, etc. I was accepted.
>
> This was very exhilarating for me. I had read about the success stories of the individuals that have gone before me. Their various success stories gave me so much hope!!
>
> I had so much support from my family, friends, church, community and surrounding areas to raise the $50,000.00, needed to have this surgery. Without this overwhelming support I could not have gone forward with this incredible opportunity.
>
> I went to Portugal in October 2005. I had the procedure done on October 29th. My experience in Portugal was not all pleasant. My mom and I had to deal with the language barrier and the unfamiliar culture. I returned to the states on November 5th. I rested at home for a few weeks, then went to Detroit to the Institute for aggressive rehab. Rehab was very tiring and indeed very aggressive. It was an exhausting experience but a very rewarding one. It was there that I took my first steps on the parallel bars. I was up!!!
>
> My progress since undergoing this surgery has been amazing!! I have a lot of hip movement, some tingling and heaviness in my legs. I have continued with my rehab regimen at home. I have leg braces that were fitted to me. I can walk on parallel bars and have begun walking with a walker. I am up on my feet again!!!! That's the most satisfying feeling. Unless you have been confined in a wheelchair for an extended amount of time, you can't really know how rewarding it is to be standing again.
>
> This brings me to the ongoing debate over adult stem cell research. I did not think a lot about this issue before the accident but now it has sparked a great interest within me. First, I am very much against embryonic stem cell research and advancement. I do not support this aspect at all. The killing of human life is appalling to me. But with adult stem cell and non-embryonic stem cell research I have become an advocate. My personal experience with adult stem cell transplantation should awaken the United States to the unlimited possibilities. This technique

> is simply "your body healing itself". Medical research in the United States has always been respected and admired for the advances toward cure for cancer, arthritis treatments and medication, heart disease and other well-known diseases and ailments. But when it comes to spinal cord injuries, the U.S. is very much in the negative category. We as taxpayers pay more money in the daily care of a spinal cord injury victim than we do on a cure. Now why is that???? The medical society treats the injury at the onset, then teaches the individual to live in a wheelchair and function accordingly. Then they are sent home and told, "You will never walk again". I experienced that first hand.
>
> But I am walking again. I have goals of walking by the end of the year with my braces and crutches. This was made possible by the procedure in Portugal and aggressive rehab. But I had to leave the comfort of my home and country and travel to a foreign area to get this done. Now that is sad, isn't it?
>
> This tragedy that happened to me can happen to anyone. It could be your wife, husband, son, daughter or friend. What would you want for them? Simply a statement, "You'll never walk again" or "Never give up hope—there is a better option for you."
>
> Wake up, United States!!!! We are missing out. Let's look at the issue in a more personal level—I can walk again.
>
> Sincerely,
>
> JACKI RABON,
> *Waverly, IL.*

Jacki was up last week. She now has feeling in her hips. She is out of the wheelchair. She can walk with braces. She needs more of these treatments.

My point in saying this, why are we sending her to Portugal to do this procedure when this should be done in the United States and researched in the United States? She is probably going to need more of these treatments to get the spinal cord to fully fuse. They take these cells out of the base of the nose, grow them, put them right in the spinal cord area where it has broken, and they start to knit the spinal cord back together. But it is probably not going to be just one treatment. It is probably going be multiple treatments.

She had to do fundraising to raise $50,000 to go overseas to do this. It was not covered by an insurance company. Why wouldn't we develop protocols here to get this done with adult stem cells instead of diverting research money into speculative areas like embryonic stem cells and human cloning? We should put funding into areas to help people like Jacki.

I ask unanimous consent to have printed in the RECORD a table on the level of funding we have done on embryonic and nonembryonic areas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FEDERAL TAXPAYER FUNDING—TOTAL NIH STEM CELL RESEARCH—FY 2002–FY 2006

[Dollars in millions][2]

	FY 2002 Actual			FY 2003 Actual			FY 2004 Actual			FY 2005 Actual			Combined total		
	Non Embryonic	Embryonic	Total	Non Embryonic	Embryonic	Total	Non Embryonic	Embryonic	Total	Non Embryonic	Embryonic	Total	Non Embryonic	Embryonic	Total
Human Subtotal	170.9	10.1	181.0	190.7	20.3	211.0	203.2	24.3	227.5	199.4	39.6	239.0	764.2	94.3	858.5
Nonhuman, Subtotal	134.1	71.5	205.5	192.1	[1]113.5	305.6	235.7	[1]89.3	325.0	273.2	97.0	370.2	835.1	371.3	1,206.3
NIH, Total	305.0	81.6	386.6	382.9	[1]133.8	516.6	439.0	[1]113.6	552.5	472.5	136.7	609.2	1,599.4	465.7	2,064.9

[1] Decrease from FY03 to FY04 is the result of a change in methodology used to collect nonuman embryonic funding figures. This methodology change also contributed to an increase in nonhuman non-enmbryonic.

[2] Numbers may not add due to rounding.

Mr. BROWNBACK. I thank the Chair for this time. I also note to my colleagues we are going to have, I hope, a full-scale debate on this in July, and I hope my colleagues would look at where the science is taking us. The moral questions I think are clear. To others they are not. This is illegal and immoral.

The bigger question in front of us now is, is embryonic fully unnecessary? Why would we proceed on this route?

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, what is the order of business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. DURBIN. And the minority side has?

The PRESIDING OFFICER. The minority side has 30 minutes.

EMBRYONIC STEM CELL RESEARCH

Mr. DURBIN. Madam President, I would like to follow up on the statement just recently made on the floor by my colleague and friend from the State of Kansas, Senator BROWNBACK. I deeply respect his personal, strong, moral, and religious convictions when it comes to this issue. But I respectfully disagree with his conclusion.

In August of 2001, just a few weeks before the 9/11 attacks, President George W. Bush made an announcement which was virtually unprecedented. The President made the announcement that he was, by executive order, going to restrict medical research in America.

I can't recall that ever happening before. Perhaps there had been decisions made at lower levels that could parallel this, but this was unprecedented, that our leader, our President, would announce that as a matter of policy the Federal Government, the U.S. Government, would limit research, medical research.

Of course, his announcement on how he was going to do it left many people puzzled. It was all over the question of embryonic stem cell research. It is a complicated area that I don't profess any special expertise in speaking to. But my understanding is that when a husband and wife are unable to conceive a child in the normal way, they turn to a process known as in vitro fertilization where they try to replicate in a laboratory what happens in normal human life. They bring together the egg from the woman, the sperm from the man, and join them into a life which is then implanted into the womb of the mother.

I think it is miraculous and a source of great happiness and joy for couples who otherwise would not have children.

There are some religions which believe that this whole process is immoral, that we should not allow anyone to engage in this kind of in vitro fertilization. I happen to believe from an ethical viewpoint that if a husband and wife in a loving relationship are so determined to have a child that they will go to this length and this extent and then God blesses them with a child, that is a good thing. That is my conclusion. That is how I come down on it. So I would not ban this process. I think this process is a positive thing, a positive family value.

But the process, much like the ordinary human process of conception and creation, is not one that is absolutely perfect. In the ordinary process of human conception not all of the communions of this sperm and egg result in human life. Neither do they in the in vitro fertilization process. So at the end of the day when these couples are seeking to have a baby there is left over these potential lives in this little glass dish in a laboratory.

Our debate is about those potential lives. They will never become children. They never have a chance to become children or babies, obviously, unless they are implanted in a mother's womb.

That is the reality. What happens is that many of these couples, after spending extraordinary amounts of money, end up freezing these leftover embryonic stem cells in case their effort is unsuccessful so they can try again.

When they are successful the question then arises, what happens to these embryonic stem cells? If there is no purpose for them, many of these couples say, Discard them; we don't need them anymore. And they are discarded and thrown away

So the question which we face is whether or not those stem cells should be taken and used in medical research. Why would we want to? Because they are special. Because of the nature of these stem cells, they have the greatest potential to be helpful in curing diseases and in dealing with medical challenges that no other branch of research has been able to address.

This stem cell research was addressed by President George W. Bush in August of 2001. He came up with a morally curious position. He said that all of the stem cell lines that had been created to the date preceding his speech could be used for medical research, but no others in the future.

I don't follow the moral argument of how some stem cells can be used with immunity and from that date forward no others can be used. Sadly, the stem cell lines that he identified were very limited. Some had been contaminated. Their potential for medical research is extremely restricted. So the debate has moved from the President's decision to Capitol Hill.

The House of Representatives has passed legislation. If you would pick up the calendar of the Senate, you would find H.R. 810. H.R. 810 is a legislative measure that has passed the House of Representatives and has come to the Senate and has been sitting on this calendar for 1 year. In the course of that period of time, we have received the assurance of the Republican leader, BILL FRIST, a medical doctor, that he will support the passage of stem cell research. For 1 year we have been waiting, 1 year in which thousands of Americans suffering from diabetes, Parkinson's disease, Alzheimer's, Lou Gehrig's disease, spinal cord injuries have been waiting. They have been waiting to get on the political calendar of the United States Senate. I don't understand why we have not called up this bill for consideration.

Look at what we have done in the month of June. We have considered two constitutional amendments which have been defeated, neither of which are high priorities for Americans. Don't take my word for it. In a poll of Americans they said, pick out the most important things you think the Senate can work on, and out of 40 choices that people volunteered, No. 32 on the list was gay marriage—out of 40 choices—and the flag amendment didn't even make the list. We ate up the precious time of the Senate during the month of June on these measures which were defeated. Weeks went by when we could have considered stem cell research, medical research that offers an opportunity for cures for people who are suffering across America.

Then the Republican majority leader said, it isn't enough that we are going to spend time on constitutional amendments going nowhere; we are now going to consider a change in the estate tax which will give extraordinary tax breaks to the richest people in America. The estate tax affects 3 out of every 1,000 Americans who die. Only 3 out of 1,000 pay any Federal estate tax. They are very wealthy people. By and large they make a lot of money. America has been very good to them. They have enjoyed a comfortable life because of their own talents and perhaps the good fortune of being born into a wealthy family.

Senator FRIST has suggested that rather than focus on the tens of thousands of Americans who would be benefited by stem cell medical research, we need to focus on a handful of Americans who are well off and give them a bigger tax break.

I am afraid that is why most Americans are losing hope in this Congress. They look at this Republican-led Congress and wonder, What are they thinking? Why aren't we debating an energy policy for America when gasoline prices are going through the roof? Why aren't we talking about health insurance for the 46 million Americans without health insurance and for the millions who have health insurance that isn't worth much? Why aren't we spending time passing the stem cell medical research bill, which passed on a bipartisan basis in the U.S. House of Representatives?

There is no explanation. The only explanation is, it doesn't fit into the campaign game plan of the Republican leadership. Do you know why? Because when you ask the American people, do you want us to move forward on medical research involving stem cells, 70 percent of the American people say yes.

It is an overwhelmingly popular bipartisan issue which the Republican side is scared to death of. That is unfortunate. We need to call on this.

I guarantee that when we return after the Fourth of July recess, the month of July is going to be stem cell month in the Senate. We are going to, with regularity, come to the floor and not only speak to this issue but ask unanimous consent to move to this issue. And every single day, the Republican leadership will have a chance to say, yes, to give hope to millions of people across America who want to see this medical research go forward or, no, to stick to their narrow political agenda in the hopes that the American people won't notice. I think they will. I think a lot of people will notice this one.

I have had a chance to meet with people in Chicago and across Illinois suffering from these diseases. They are heart-breaking meetings. Sit down with the parents of a child suffering from juvenile diabetes and let them tell you what their life is like as they wake up their little girl two times in the middle of the night to take a blood sample to see if perhaps her diabetes is out of control. Talk to the family of that young man suffering from Lou Gehrig's disease who looks like the picture of health but confined to a wheelchair and can no longer speak. His wife speaks for him while tears roll down his face. Talk to my friend suffering from Parkinson's disease, including my great friend and colleague, Congressman LANE EVANS from Rock Island, IL, a young man suffering from Parkinson's and decided that he must step aside from Congress because of this battle.

Speak to those people and tell them that we have higher priorities than this medical research. I don't think you can. I can't. That is why stem cell month is going to be the month of July. This Senate is going to have its chance. We are going to continue to bring this up until Senator FRIST keeps his promise to bring this measure before the Senate before he leaves at the end of this year.

We are running out of time. America is running out of time. We need this medical research, and we need it now. There are no good excuses left.

MEDICAID DOCUMENTATION REQUIREMENT

Mr. DURBIN. Madam President, it has been less than 4 months since passage of the Deficit Reduction Act. That bill cut Medicaid health benefits for our Nation's low-income children, seniors, pregnant women, and people with disabilities.

One provision of the bill requires Medicaid beneficiaries to present a passport or birth certificate as proof of citizenship before they are eligible for benefits or to renew their benefits.

All States had the legal authority to require beneficiaries to furnish these documents before we passed the Federal law. However, 47 States have made the decision not to require that identification of Medicaid recipients.

Many low-income Americans don't have these documents, and most States have decided that requiring them would create a hardship and a barrier to health care for some of the poorest people in America.

Instead, States allowed written self-declaration of citizenship and had what are called prudent person policies in place if State personnel were suspicious and wanted further proof.

The inspector general of the Department of Health and Human Services conducted a review of these self-declaration policies and found that most

States that conducted post-eligibility quality control measures have not found any problems with self-declaration of citizenship. The system was working.

Nevertheless, Congress passed the documentation requirement which will go into effect on Saturday, only 3 weeks after the Department of Health and Human Services sent guidelines out to the States. That is hardly adequate time to implement a very difficult provision.

This is going to hurt a lot of vulnerable Americans. Foster children who met citizenship requirements to enter the foster care system will have to go out and prove that they are Americans.

The 850,000 Alzheimer's patients on Medicaid will have to somehow locate these documents or run the risk of losing Medicaid protection.

Nursing home residents, 75 percent of whom have some cognitive impairments, such as Alzheimer's or Parkinson's or dementia, are going to have to come up with citizenship documents or be cut off from Medicaid.

For example, Kevin Harris, who lives in Chicago, is blind and mentally impaired. Kevin does not have a birth certificate, and his legal guardian does not know where to begin looking because Kevin doesn't remember where he was born. As of Saturday, Kevin will have to find his birthplace or he will become ineligible for health benefits when it comes time to renew.

At the very least, States should have more time to work with these unfortunate individuals who are struggling with serious medical illnesses. Throwing these paperwork requirements at people who are struggling to live day to day is not right.

The Akaka bill, sponsored by the Senator from Hawaii, which I am proud to cosponsor, will allow States to delay implementation of this rule until January 31 of next year. It will give them an additional 6 months to at least get this in place. That will give all of those involved time to figure out how to avoid letting people like Kevin Harris lose health care protection in America

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UNANIMOUS-CONSENT REQUEST—S. 3590

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3590, a bill to delay the effective date of the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid Program.

The PRESIDING OFFICER. On behalf of the leadership, I object.

Mr. DURBIN. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

JAPANESE BAN OF U.S. BEEF IMPORTS

Mr. NELSON of Nebraska. Madam President, I rise today to discuss the devastating Japanese ban on imports of American beef and a bill that I have introduced that would ban imports of Japanese beef until such time as fair trade is resumed and Japan is once again importing U.S. beef. I am raising this issue because of its importance in my State of Nebraska and to the entire American beef industry.

Today, Japanese Prime Minister Koizumi visits with President Bush—in fact, they are together right now. I hope they are talking about the beef ban, but if they are not; I am. It is important that this devastating and unfair ban on U.S. beef does not get ignored.

Japan has now banned imports of U.S. beef for over 5 months. This ban has had significant affects on the U.S. beef industry and it has hit home in Nebraska.

First, Japan used to represent a $1.4 billion market every year for U.S. beef, which equals about $115 million every month—and Nebraska was the leading beef exporting State to Japan. That means Japan's most recent ban has directly cost the U.S. beef industry at least $575 million.

But this is only part of the problem. In December of 2003, Japan closed its borders to U.S. beef over purported concerns about BSE or mad cow disease. Their borders remained closed for over 2 years, until December 2005 and were opened barely a month before closed again in January 2006. This in spite of the low prevalence of BSE in the U.S. herd, especially compared to its prevalence in the Japanese herd.

Second, my home State of Nebraska has been hit especially hard. The beef industry is a big part of Nebraska's economy—we were one of the top States in cattle fed and cattle slaughtered in 2005 and Japan imported $350 million of Nebraska beef products in 2003.

We have estimated that both Japanese bans on U.S. beef imports have caused great damage in the State—up to $875 million and more than 1,300 jobs, including two plants in West Point and Norfolk that were closed due in part because of this ban.

Because of this I write to Japanese Ambassador Kato every week to urge Japan to end the ban as quickly as possible. Each time, I emphasize two main points: (1) That American beef is the best and safest in the world and (2) that Japan needs to end its ban on U.S. beef immediately. Unfortunately, I have now written 18 letters with more on the way.

Because the beef industry cannot tolerate this unfair ban much longer, I have introduced a bill that will ban all U.S. imports of Japanese beef until such time as the U.S. Trade Representative reports to Congress that Japan has actually resumed imports of U.S. beef.

My bill is about fairness and I urge my colleagues to become cosponsors.

I want to emphasize that my bill is about fairness in our trade relations: Japan's ban on U.S. beef simply cannot be considered a fair trade practice.

Last December Japan finally agreed to lift its initial ban on U.S. beef after a long series of negotiations and overwhelming evidence of the safety of American beef.

In January, the very first shipment of U.S. beef to Japan was found by Japanese inspectors to contain a few boxes of beef that did not comply with the export protocol that Japan and the U.S. had agreed to; the very first shipment!

It is extremely important to note that this shipment posed absolutely no risk to human health, it was merely in violation of the strict export agreement between the U.S. and Japan.

And how did Japan react? They immediately banned all imports of U.S. beef. They didn't send the shipment back or even de-list the company that sent the non-compliant shipment.

No, they punished the entire U.S. beef industry for a single instance of noncompliance—a situation that came about because of human error in the implementation of the export procedures—and their actions have caused great harm to a $1.4 billion industry.

I agree that mistakes were made by U.S. officials and facilities. But fair trade requires a reasonable and fair response to mistakes.

Japan's total embargo is not, in my opinion, a fair and reasonable response.

Because of that, I am bringing this matter to the attention of my colleagues on the day that Prime Minister Koizumi meets with President Bush, as a reminder of this unfair trade practice.

I have met with Ambassador Kato multiple times and I greatly appreciate all of his efforts to resolve this situation and end Japan's ban. Unfortunately, the Japanese bureaucracy has dragged this process out entirely too long.

Let me set out a timetable of events and discuss what this slow process has cost the U.S. beef industry in real dollars:

On January 20, 2006, Japan instituted the current ban on U.S. beef imports;

Within the first month of this second ban, two beef processing plants in Nebraska were closed, costing these communities over 1300 jobs and an untold amount of money;

I wrote my first letter on February 22 and by that time USDA had already conducted a thorough investigation of the incident and delivered a report to Japan with its findings and the steps it would take to correct the mistakes;

By the time of that letter, the U.S. beef industry had lost an estimated $116 million in exports;

By the end of March, when Japanese officials finally met with a technical team from the USDA to answer lingering concerns Japan had about beef safety—even though the noncompliant shipment posed no danger to human health—the ban had cost the beef industry an estimated $264 million;

In April, Japan held a series of public meetings to communicate to Japanese consumers that there were no risks to health from American beef. These meetings were held over the course of 14 days at a cost to the U.S. beef industry of an estimated $56 million and the ban now causing about $348 million in lost exports;

On the 4-month anniversary of the Japanese ban, Japan announced that it had reached a basic understanding with the U.S. on the resumption of beef imports, but had not reached any formal agreement to resume imports. The damage to the beef industry topped $460 million when Japan finally reached this basic understanding;

Lately, we have been told that all that is left for Japan to resume importing U.S. beef is for its own inspectors to audit each of the 35 U.S. facilities permitted to export to Japan—and previously re-audited by USDA officials in April. This round of audits just began and will continue through July 21—or just past the 6-month anniversary of the ban when the cost to the beef industry will reach $700 million;

In the time that it takes Japan to re-audit the U.S. facilities, the loss in exports to the beef industry will be $116 million;

And Japan has recently said that they will not resume imports until after they submit a report on their audits—so each day that Japan takes to complete this report, the beef industry loses about $4 million.

Those numbers are only part of the real cost to an important U.S. and Nebraska industry of this slow, drawn-out process; most of the costs we are unable to estimate at this point in time. But the above timeline should serve as a real reminder of what unfair trade practices cost American industries.

I was given another real reminder of the damage caused by this ban at the end of last month. On May 31, I flew around Nebraska to meet with producers, packers and other members of the Nebraska beef industry. They all told me that the Japanese ban has been hard on them and they encouraged me to continue pushing Japan.

I talked to folks at a beef processing plant in Grand Island, where foreign beef sales once made up 16 percent of the company's sales—half of which once went to Japan. They have been hit hard by Japan's ban.

I talked to farmers and ranchers whose livelihoods have been threatened by this ban. Some of them were set to ship beef to Japan when it reopened in December. These producers couldn't emphasize enough the problems this ban has caused them and how it has affected their planning and businesses.

These Nebraskans were clear: our trade arrangements must be fair. They must be based on sound science and not on politics or emotion.

And they all supported my bill. Their message to me was clear: if Japan won't take our beef, there's no reason why we should continue to accept their beef. I couldn't agree more.

Recently the National Cattlemen's Beef Association unanimously voted to support my bill. They too emphasized that fair trade was the driving force behind their support for my bill. The cattlemen's message to Japan was simple: Enough is enough.

The Nebraska cattlemen have also recently stated that they welcomed my bill. They support this effort because they are frustrated that we have not obtained fair trade with Japan. Japan imported $350 million of Nebraska beef products in 2003 and that market has now been unfairly closed for far too long.

Japan's ban on U.S. beef has unfairly damaged the beef industries in Nebraska and the United States. This ban is not based on scientific evidence. It is not the result of real health concerns. It is based on politics and emotion. It is not a fair manner to conduct trade.

That is why I am doing all that I can to push this process along and that is why I will continue to push until trade is actually resumed and U.S. beef is once again on the shelves in Japan and available to Japanese consumers.

That is why I am speaking on the Senate floor this morning while the Japanese Prime Minister is at the White House—as a reminder that our trade relationship with Japan must be conducted fairly.

There has been progress made and I do not wish to discount that. It has come too slowly and at a high price to the beef industry. But progress has been and continues be made.

I do want to mention that I applaud Japan's agreement to refrain from closing down all trade over any future instances of noncompliance. The shared understanding reached last week between the U.S. and Japan includes a provision whereby Japan, upon finding a noncompliant shipment, will only take actions that are commensurate with the nature of the violation.

I believe that fair trade between our countries requires that action only be taken against noncompliant shipments or, at most, against the facilities responsible for the noncompliant shipment. I do not believe that it is fair to hold the entire industry at fault. I welcome Japan's agreement to conduct trade in this fair manner.

I will wrap up by again asking my colleagues to support my bill and to help send a message to Japan that trade between our nations must be fair.

It is my hope that together our efforts will continue to speed along the process for resuming the beef trade with Japan and will help ensure that when trade resumes between our nations it is conducted fairly.

I close today by reiterating what I keep telling Ambassador Kato: That U.S. beef is the best and safest in the world and that Japan's ban on it should end immediately. I am cautiously optimistic that Japanese consumers will again be able to enjoy U.S. beef before the end of July, but this ban has gone on too long and I am worried about the lingering damage it has caused—to the U.S. beef industry in particular.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

The Senator will be advised the minority still has 4 minutes remaining on their side.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent the calling of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I ask that the remaining time on the minority side be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—527 REFORM ACT OF 2006

Mr. McCAIN. Madam President, at the conclusion of my remarks, I will ask unanimous consent to move to consideration of S. 2511, legislation that requires that the law be enforced. That is, that the so-called 527s be made illegal and banned as they properly should be. I will be making that unanimous consent request after the conclusion of my remarks. I have been told the Democrat side will be objecting to moving to the legislation. I regret that very much.

The legislation is pretty straightforward. It requires any organization—including the so-called 527s—that falls under campaign finance contribution limits, as is any objective observer's reading of the law, to follow the law.

I regret we will be unable to move this important piece of legislation. It is simple and straightforward and designed to overcome the Federal Election Commissions's inexcusable failure to interpret properly the original Federal Election Campaign Act of 1974.

I point out to my colleagues that these 527s are a violation of the original Federal Election Campaign Act, now BCRA, known by some as McCain-Feingold. The Federal Election Commission, as in many cases, inexcusably fails to properly interpret the original Federal Election Campaign Act which would halt the illegal practice that has sprung up whereby 527 groups are now spending soft money on ads and other activities to influence Federal elections.

I understand fully the politics surrounding this issue, which unfortunately is going to cause some of my colleagues to oppose any reform. But the time has come to address this issue. We should put political prerogatives aside and do what is best for the American electorate. We need to have this debate. I am committed to working with my colleagues to resolve our differences. Let's bring this bill up, have a debate, and consider amendments.

As my colleagues know, a number of 527 groups raised and spent a substantial amount of soft money in a blatant effort to influence the outcome of the 2004 election. These activities are illegal under existing laws, and yet, the FEC has failed to do its job and has refused to do anything to stop these illegal activities. Therefore, it is now up to Congress to pursue all possible steps to uphold FECA and overturn the FEC's misinterpretation of the campaign finance laws, which is improperly allowing 527 groups, whose purpose is to influence Federal elections, to spend soft money on these efforts.

In McConnell v. FEC, the Supreme Court noted wisely that money, like water, will look for ways to leak back into the system. With the enactment of the Bipartisan Campaign Reform Act of 2002, BCRA, the national parties were taken out of the soft money business. It did not take long before efforts were underway by some to bring soft money back into Federal elections through the vehicle of groups that operate as "political organizations" under section 527 of the IRS Code, or so-called "527s."

The soft money game is the same with these groups; they are raising multi-million-dollar donations from wealthy individuals, as well as large contributions from corporate and union contributions, and spending that soft money on broadcast communications that promote or attack Federal candidates, and voter mobilization efforts intended to influence Federal elections. We saw, firsthand, how a number of 527 groups raised and spent huge amounts of soft money in order to influence the outcome of the last Presidential election. These activities were prohibited under longstanding campaign finance law but, again, the FEC failed to properly enforce the law. As a result, federally oriented 527s spent over $400 million on the 2004 elections.

It turns out that almost half of the financing for 527 groups in the 2004 elections came from a relatively small number of very wealthy individuals who made huge soft money contributions. According to campaign finance scholar Tony Corrado, 25 wealthy individuals accounted for $126 million raised by 527 groups active in the 2004 Federal elections. This included 10 donors who gave at least $4 million each to 527s involved in the 2004 elections and two donors who each contributed over $20 million. If that doesn't make a mockery of both campaign finance laws, nothing does. Two donors, $20 million each. Over $20 million each poured into the 2004 Presidential campaign.

Opponents of campaign finance reform like to point out that the activities of these 527s serve as proof that BCRA failed in its stated purpose to eliminate the corrupting influence of soft money in our political campaigns. Let me be perfectly clear: The 527 issue has nothing to do with BCRA. It has everything to do with a 1974 law and the failure of the Federal Election Commission to do its job and properly regulate the activities of these groups. The new campaign finance law, BCRA, has successfully accomplished its goals.

Last year, David Broder wrote in the Washington Post:

> As one who has been skeptical of the claimed virtues of the McCain-Feingold campaign finance law, I am happy to concede that it has, in fact, passed its first test in the 2004 campaign with flying colors.

It is important to point out that this was accomplished despite all of the predictions at the time about how the national political parties would be financially undermined without soft money. That was the major source of opposition. This would destroy the national political parties. The national political parties raised more hard money in the 2004 election cycle than they raised in hard and soft money combined during the Presidential election cycle in 2000. In fact, Republican and Democratic national parties raised a record $1.2 billion for the 2004 elections. What is really good about that is the majority of that came from small donors, not large, huge, soft money contributions. They increased that donor base. Again, the Democratic National Committee has more than 2.5 million new donors; the Republican National Committee, more than 1 million new donors; Republican senatorial and congressional campaign committees, 700,000 new donors; Democratic congressional campaign committee, 230,000 new donors. That was the intent of the law. That is what happened.

According to Tony Corrado, the DNC has more than 2.5 million new donors, as I pointed out; the RNC more than a million new donors.

What is the problem? The problem is, the Federal Election Commission, even though directed by the Supreme Court, will still not enforce existing law.

The fact that the overwhelming majority of Federal 527s were created after the enactment of BCRA is no coincidence. Of the 68 Democrat-leaning 527 committees involved in the 2004 cycle, 54 of them were organized after BCRA. Of the 26 Republican-leaning 527 groups in the 2004, 13 were organized after the enactment of legislation which banned the use of soft money in Federal elections.

These groups were set up with every intention of circumventing the law. They could not circumvent the law if the Federal Election Commission would enforce the law. That is why we have to go to court again and again.

For the record, in order to enforce, to write regulations to enforce the BCRA, 13 of the 15 original regulations were thrown out by a Federal court judge—a remarkable performance on their part, remarkable.

S. 2511, the bill I would like to see brought before this Senate, voted on and passed, requires that 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive unless the money they raise is spent exclusively in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to nonelected offices. And it upholds the hard-fought victory of BCRA.

The legislation also sets new rules for Federal political committees that spend funds on voter mobilization efforts affecting both Federal and local races and, therefore, use both the Federal and non-Federal account under FEC regulations. The new rules would prevent unlimited soft money from being channeled into Federal elections through abuse of the Commission's allocation rules.

Under the legislation, at least half of the funds spent on voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-Federal account would come only from individuals and would be limited to no more than $25,000 per year per donor. Corporations and labor unions could not contribute to these non-Federal accounts.

To put it in simple terms, a George Soros could give $25,000 per year to a single political action committee as opposed to the $22 million he spent to finance these activities.

Let me be perfectly clear on one point. This proposal would not shut down 527s. It would simply require them to abide by the same Federal campaign finance rules that every other Federal political committee must abide by in spending money to influence Federal elections, nor is this bill intended to affect 501(c)(3) or (4) tax-exempt organizations.

Under the Internal Revenue Code, a 527 group is a "political organization."

which is a group whose primary purpose is to influence candidate elections or the appointment of individuals to public office. In other words, the 527 groups by definition are in the business of influencing campaigns and have voluntarily sought the tax advantages conferred on such political groups. These groups cannot be allowed to shirk their responsibilities to comply with Federal campaign finance laws when they are spending money to influence Federal elections.

The use of soft money by 527 groups to pay for ads attacking and promoting the 2004 Presidential candidates was not legal. This is not a matter of the new campaign finance law, BCRA; it is a requirement of longstanding Federal campaign finance laws that go back to 1974. That law, as construed by the Supreme Court in Buckley v. Valeo, requires any group that has a "major purpose" to influence Federal elections, and spends $1,000 or more to do so, to register with the Federal Election Commission as a "political committee" and be subject to the contribution limits, source prohibitions, and reporting requirements that apply to all political committees.

Section 527 groups need to play by the rules that candidates, political parties, and all other political committees are bound by—the rules that Congress has enacted to protect the integrity of our political process. They need to raise and spend money that complies with Federal contribution limits and source prohibitions to pay for ads that promote or attack Federal candidates or otherwise have the purpose to influence Federal elections. They need to spend Federal funds for voter mobilization activities that are conducted on a partisan basis and will influence Federal elections—just like every other political committee.

Some have raised questions about whether it is constitutional to limit contributions to political committees that operate supposedly independent of parties and candidates.

I ask unanimous consent to have printed in the RECORD, Madam President, a detailed analysis of these constitutional questions prepared by Professor Daniel Ortiz, the John Allan Love Professor of Law at the University of Virginia School of Law. The memo thoroughly explains the constitutional basis for the legislation we have introduced.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF VIRGINIA
SCHOOL OF LAW,
Charlotteville, VA, March 7, 2005.

Memorandum

Re: Constitutionality of Limits on Contributions from Individuals to 527 Organizations That Make Only Independent Expenditures

This memo addresses whether S. 271's limit on contributions from individuals to §527 organizations that make only independent expenditures ("527 IECs") is constitutional. McConnell v. FEC, 540 U.S. 93 (2003), makes clear that it is. In that case, the Supreme Court not only explicitly made this point, id. at 152-53 n. 48, and upheld bans on soft money that were inconsistent with any other result, but also reaffirmed the first principles of Buckley v. Valeo, 424 U.S. 1 (1976)(per curiam), which compel it.

Any doubt that Congress can limit contributions to 527 IECs stems largely from a single source: dicta in the Supreme Court's fractured decision in California Medical Ass'n v. FEC, 453 U.S. 182 (1981) (CalMed). In CalMed, the Supreme Court upheld the Federal Election Campaign Act's (FECA's) $5,000 limit on individual contributions to multicandidate political action committees. At one point, however, the plurality appeared to avoid considering "the hypothetical application" of FECA to political committees that make only independent expenditures. Id. at 197 n. 17 (opinion of Marshall, J.). And in a separate opinion, Justice Blackmun, whose fifth vote was necessary for the decision, appeared to suggest that FECA's $5,000 limit could not apply to such committees. He wrote:

"[a] different result would follow if [the $5,000 limit] were applied to contributions to a political committee established for the purpose of making independent expenditures, rather than contributions to candidates. . . . [Political action committees like the California Medical Association are] essentially conduits for contributions to candidates, and as such they pose a perceived threat of actual or potential corruption. In contrast, contributions to a committee that makes only independent expenditures pose no such threat."

Id. at 203 (Blackmun, J., concurring in part and concurring in judgment). Since independent expenditures could pose no threat of actual or potential corruption, Justice Blackmun thought contributions used for that purpose could not corrupt either. The corruptive potential of contributions, he suggested, depended solely on the ultimate use to which an organization would put them. Dissenting on jurisdictional grounds, none of the remaining justices reached the merits. Id. at 204–09 (Stewart, J., dissenting).

CalMed necessarily decided more, however, than the plurality and Justice Blackmun suggested. Justice Blackmun's own vote (as well as the plurality's) undercut his dictum. The political committee in CalMed argued not just that the $5,000 contribution limit was generally unconstitutional but that it was unconstitutional in a particular way. Even if Congress could limit contributions that the committee would ultimately use for candidate contributions, it argued, Congress could not limit those ultimately used for administrative expenses and possibly for independent expenditures. Brief of Appellants at 34–35, California Medical Ass'n v. FEC, 453 U.S. 182 (1981) ("Like other political committees, CALPAC may make independent expenditures as well as direct contributions to candidates. To the extent it makes independent expenditures CALPAC engages in first amendment activity that cannot be limited given the result in Buckley.") Indeed, on the court below, several judges would have invalidated the $5,000 limit precisely because of its effect on political committees' independent expenditures. California Medical Ass'n v. FEC, 641 F.2d 619, 647 (1980) (Wallace, J., dissenting) ("A limitation on donations to committees restricts not only funds available for contributions by the committees to candidates, but also the funds available for independent expenditures through the committee framework. It is by repeatedly forgetting this incontestable fact that the majority erroneous likens the . . . donation restriction to the contribution limitations upheld in Buckley.").

These other uses, however, did not trouble the Court in CalMed. It upheld the $5,000 limit without regard to how the political committee would ultimately use a contribution—a position flatly inconsistent with Justice Blackmun's stated misgivings. If Justice Blackmun's view—that a contribution's ultimate use determined whether Congress could limit it—had controlled, the Court would necessarily have struck down the $5,000 limit at least in part. That limit would clearly have been overbroad insofar as it applied to contributions to political committees that would not be used in ways that counted as contributions to candidates. Congress could have addressed any fear of corruption from candidate contributions in a much more limited and focused way—by limiting only those contributions that political committees would use to contribute directly to candidates. That the Court (with Justice Blackmun's vote) did not strike down the limit on this ground necessarily undercuts Blackmun's own stated position. Despite his misgivings, he himself actually voted to support a broad limit which covered contributions that could be used for purposes of making independent expenditures.

In McConnell, the Supreme Court made clear that this reading—that CalMed necessarily upheld limits on contributions to independent expenditure committees—is correct. In rejecting Justice Kennedy's "crabbed view of corruption," 540 U.S. at 152, which held that only concern for traditional quid pro quo corruption could support campaign finance regulation, McConnell pointed to CalMed as precedent for recognizing "more subtle but equally dispiriting forms of corruption," id. at 153. The Supreme Court made clear first that CalMed upheld limits on exactly those contributions that Justice Blackmun had questioned:

"[In CalMed], we upheld FECA's $5,000 limit on contributions to multicandidate political committees. It is no answer to say that such limits were justified as a means of preventing individuals from using parties and political committees as pass-throughs to circumvent FECA's $1,000 limit on individual contributions to candidates. Given FECA's definition of contribution, the $5,000 . . . limi[t] restricted not only the source and amount of funds available to parties and political committees to make candidate contributions, *but also the source and amount of funds available to engage in express advocacy and numerous other noncoordinated expenditures.*"

Id. at 152 n. 48 (emphasis added). As the last sentence states unmistakably, CalMed held that Congress could limit contributions to entities that would use them solely for independent expenditures. McConnell then made clear why: CalMed necessarily found that such contributions pose a danger of actual or apparent corruption. As the very next sentence in McConnell explains, CalMed could not have upheld FECA's broad limit on contributions to party and multicandidate committees without necessarily deciding this point. With respect to party committees, the type of committee at issue in this portion of McConnell itself, the next sentence argues:

"If indeed the First Amendment prohibited Congress from regulating contributions to fund [express advocacy and numerous other noncoordinated expenditures], the otherwise-easy-to-remedy exploitation of parties as pass-throughs (e.g., a strict limit on donations that could be used to fund candidate contributions) would have provided insufficient justification for such overbroad legislation."

Id. at 152-53 n. 48. In other words, if contributions ultimately used to make independent expenditures had no corruptive potential, the overall limit on contributions to multicandidate committees would have been unsustainable. Congress could have justified the limit only insofar as it remedied so-called "pass-through" corruption and much more narrowly tailored remedies, like "a strict limit on donations that could be used to fund candidate contributions," could have addressed that. Thus, the overall limit on contributions to multicandidate committees would have been unconstitutionally overbroad if Justice Blackmun's view had been correct. CalMed, then, despite its ambivalent dicta, stands for two propositions: (i) that contributions can corrupt independently of their ultimate use and (ii) that Congress can limit contributions to political committees that the recipients would use to make independent expenditures. Any other reading of CalMed supplants its holding with dicta that no one on the CalMed court itself followed.

McConnell's own treatment of FECA's soft money provisions reinforces both these CalMed holdings. If contributions that were eventually used as independent expenditures on federal elections posed no corruptive potential—if they were always and necessarily sacrosanct—then the Court would have had to strike down many of the soft money provisions it upheld in McConnell, particularly §323(a), the "core" soft money provision. *Id.* at 142. This provision provides that "national committee[s] of a political party . . . may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of th[e] Act." 2 U.S.C. §441i(a)(1)(Supp. 2003). It makes all funds that the national party committees solicit, receive, spend, or direct—regardless of how the committees intend to use them—subject to FECA's amount, source, and disclosure requirements. Contributions that would be spent in coordination with candidates, contributions that would be spent independently on candidates' behalf, and contributions that would be spent on advertisements that do not even mention the party or its candidates are all subject to FECA's requirements.

In themselves, however, these different party activities pose very different threats of corruption. Coordinated expenditures create a significant danger of corruption, *FEC v. Colorado Republican Federal Campaign Comm.*, 533 U.S. 431, 457-60 (2001)(*Colorado II*), independent expenditures create less danger, *id.* at 441; *Colorado Republican Federal Campaign Comm. v. FEC*, 518 U.S. 604, 615 (1996) (*Colorado I*) (opinion of Breyer, J.), and speech on pure issues that does not refer to any candidates still less. Yet, those different threats of corruption made no difference to the Court. No matter how a national party committee would put a soft money contribution to use, Congress could ban it. The contribution's ultimate use did not determine its corruptive potential. Rather, the corruptive potential stemmed from the party's ability to give donors access to and influence over its candidates. 540 U.S. at 147–50, 153–54 (influence), 150–54 (access). In upholding FECA's central soft money provision, then, McConnell necessarily found that even though independent party expenditures on behalf of candidates could not directly corrupt, *see Colorado I*, 518 U.S. 604 (1996), contributions to party political committees for this purpose could. The corruptive potential of the one was a sufficient but not necessary condition for that of the other.

The same analysis applies to McConnell's treatment of FECA's ban on the use of soft money contributions by state and local party committees for federal election activities. Section 323(b) restricts the use of nonfederal funds by state and local party committees to help finance "Federal election activity." 2 U.S.C. §441i(b)(1) (Supp. 2003). As the Court noted in McConnell,

"[t]he term 'Federal election activity' encompasses four distinct categories of electioneering: (1) voter registration activity during the 120 days preceding a regularly scheduled Federal election; (2) voter Identification, get-out-the-vote (GOTV), and generic campaign activity that is 'conducted in connection with an election in which a candidate for Federal office appears on the ballot'; (3) any 'public communication' that 'refers to a clearly identified candidate for Federal office' and 'promotes,' 'supports,' 'attacks,' or 'opposes' a candidate for that office; and (4) the services provided by a state committee employee who dedicates more than 25% of his or her time to 'activities in connection with a Federal election.' §§431(20)(A)(i)-(iv)."

540 U.S. at 162. Significantly, none of these four categories necessarily involves contributions to candidates and categories 1, 2, and 3 necessarily do not unless there is coordination. Thus, if Congress could restrict the use of only those contributions to state and local party committees that the committees in turn contribute to candidates, §323(b), just like §323(a), would have necessarily been overbroad and unconstitutional. McConnell held, however, that Congress could restrict the use of all nonfederal contributions by state party committees "for the purpose of influencing federal elections." Id. at 167. The reason was clear. Although these activities might not pose a threat of state and local parties themselves corrupting federal candidates, they would allow the contributors to corrupt through these committees. As the Court explained it,

"Congress . . . made a prediction. Having been taught the hard lesson of circumvention by the entire history of campaign finance regulation, Congress knew that soft-money donors would react to §323(a)[, the national party committee ban,] by scrambling to find another way to purchase influence. It was neither novel nor implausible for Congress to conclude that political parties would react to §323(a) by directing soft-money contributions to the state committees, and that federal candidates would be just as indebted to these contributors as they had been to those who had formerly contributed to the national parties. . . . Preventing corrupting activity from shifting wholesale to state committees and thereby eviscerating FECA clearly qualifies as an important governmental interest."

Id. at 165 (internal citations and quotation marks omitted). Section 323(b) is premised on the simple "judgment that if a large donation is capable of putting a federal candidate in the debt of the contributor, it poses a threat or corruption or the appearance of corruption." Id. at 167. McConnell identified, moreover, precisely which contributions "pose the greatest risk of this kind of corruption: *those contributions . . . that can be used to benefit federal candidates directly.*" Id. (emphasis added).

Contributions to 527 IECs pose exactly this same "greatest risk" of corruption. Since these organizations must necessarily have the "major purpose" of nominating or electing candidates for federal office, Buckley v. Valeo, 424 U.S. at 79, contributions to them, even more than those covered by §323(b), will likely be used "to benefit federal candidates directly." It does not matter how the political committee actually uses them. Contributions used for direct candidate contributions, coordinated expenditures, and independent expenditures all represent "contributions . . . that can be used to benefit federal candidates directly."

This is not to say, of course, that all funds "used to benefit federal candidates directly" necessarily pose this risk. As McConnell makes clear, "Congress could not regulate financial contributions to political talk show hosts or newspaper editors *on the sole basis* that their activities conferred a *benefit* on the candidate." 540 U.S. at 156–57 n. 51 (first emphasis added). Something more is needed. In the case of political parties, the added risk comes from their "close relationship . . . [to] federal officeholders and candidates." Id. Parties, the Court thought, were "entities uniquely positioned to serve as conduits for corruption." Id.

527 IECs pose two special dangers long recognized by the Court that make them more like parties than like "political talk show hosts or newspaper editors." First, just as in the case of §323(b), it is safe to "ma[k]e a prediction . . . [that] soft-money donors w[ill] react to §323(a) [and §323(b)] by scrambling to find another way to purchase influence." Id. at 165. If the law does not cover 527 IECs, they will become the primary means for donors to circumvent FECA's new soft money provisions. Donors seeking to influence federal officeholders—donors who previously would have contributed large amounts of soft money to party committees for use in independent campaign advertising and other federal election activities—will contribute instead to independent expenditure committees for exactly the same uses. Such circumvention, all members of the Court agree, "is a valid theory of corruption." Colorado II, 533 U.S. at 456.

It is, moreover, an extremely powerful theory of corruption. In McConnell, the Court employed it to uphold §323(f), which bars state and local candidates and officeholders from spending soft money to fund communications promoting, supporting, attacking, or opposing a clearly identified candidate for federal office, see 2 U.S.C. 441i(f) (Supp. 2003). In particular, the Court invoked the theory to dispel the argument that soft-money contributions to state and local candidates for such communications could not corrupt or appear to corrupt federal candidates. At first glance, this argument appears a strong one. Without evidence that contributors to state and local candidates were gaining influence and access to federal candidates and officeholders—of which there was none—how could such contributions corrupt? The Court saw an easy answer, however, in "[t]he proliferation of sham issue ads." 540 U.S. at 185. As the Court described things:

"The . . . argument[s] that soft-money contributions to state and local candidates for [the covered] communications do not corrupt or appear to corrupt federal candidate[s] ignores both the record in this litigation and Congress' strong interest in preventing circumvention of otherwise valid contribution limits. The proliferation of sham issue ads has driven the soft-money explosion. Parties have sought out every possible way to fund and produce these ads with soft money: They have labored to bring them under the FEC's allocation regime; they have raised and transferred soft money from national to state party committees to take advantage of favorable allocation ratios; and they have transferred and solicited funds to tax-exempt organizations for production of such ads. We will not upset Congress' eminently reasonable prediction that, with these other avenues no longer available, state and local candidates and officeholders will become the next conduits for the soft-money funding of sham issue advertising. We therefore uphold §323(f) against plaintiffs' First Amendment challenge."

Id. (internal quotation marks omitted). In other words, the record developed in McConnell showed that sham issue ads had become such a powerful tool of corruption that contributions for this purpose to any entity were necessarily corruptive—even without formal evidence that the contributor expected influence over or access to federal officeholders in return for the contributions. Nothing in the Court's reasoning mentioned, let alone rested on, any special connection between state and local candidates and their federal counterparts. Indeed, the contribution's corruptive potential stemmed entirely from its purpose: to fund sham issue ads that would benefit federal candidates. This is, of course, one of the primary purposes for which 527 IECs put their contributions to work.

The circumvention rationale applies with special force to independent expenditure committees that accept money from the general treasuries of corporations and unions. Independent expenditures from these sources have such great corruptive potential that the First Amendment allows them to be banned completely. Austin v. Michigan State Chamber of Commerce, 494 U.S. 652 (1990); but see FEC v. Massachusetts Citizens For Life, Inc., 479 U.S. 238 (1986) (defining narrow category of ideological corporation not constitutionally subject to expenditure ban). Thus, corporate and union contributions to 527 IECs would represent direct circumvention of the corporate and union expenditure bans and so could clearly be banned in turn. The "independence" of an independent expenditure committee has no power to launder away the contribution's original source.

Second, 527 IECs share with parties—and not with talk show hosts and editors—a central characteristic that increases the corruptive potential of contributions made to them. As the Supreme Court has explained, political "parties' capacity to concentrate power to elect is the very capacity that apparently opens them to exploitation as channels for circumventing . . . spending limits binding on other political players. And some of these players could marshal the same power and sophistication for the same electoral objectives as political parties themselves." Colorado II, 533 U.S. at 455. 527 IECs, like parties and unlike talk show hosts and wealthy individuals, have this same "capacity to concentrate power to elect." As the Court recognized in Colorado II, by pooling individual resources and monitoring, rewarding, and punishing more effectively than can any individual the behavior of federal candidates and officeholders, 527 IECs can "marshal the same power and sophistication for the same electoral objectives as the political parties themselves." This ability heightens the risk of corruption inherent in their power to serve as conduits.

To ignore the relevance of this "capacity to concentrate power to elect" would take exactly the "crabbed view of corruption" that McConnell rejected. It held instead that factors like a contribution's "size, the recipient's relationship to the candidate or officeholder [it would support], [the contribution's] potential impact on a candidate's election, its value to the candidate, [and the donor's] unabashed and explicit intent to purchase influence," 540 U.S. at 152, are all relevant to determining a contribution's corruptive potential. Indeed, according to these McConnell factors, contributions to 527 IECs would easily qualify as corruptive. Some contributions are so large that they would certainly be remembered vividly by candidates and cast doubt in the public's eye that the contributor enjoyed no special influence over or access to them. The sham issue ads and other activities that these contributions generate, moreover, can have a great impact on a candidate's election—witness the Swift Boat ads in the last presidential campaign—and thus are of inestimable value to candidates. Nothing suggests, in fact, that 527 IEC spending is much less effective than spending by the candidates and parties themselves. It is simply naive to believe that 527 IEC spending cannot create influence over and access to federal candidates. As George Soros admitted in talking to a reporter, this is the point: "I've been trying to exert some influence over our policies and I hope I'll get a better hearing under Kerry." BCRA and the 527 Groups at 8.

McConnell supports the constitutionality of applying reasonable amount, source, and disclosure requirements to 527 IECs in another important way. It strongly reaffirms the basic principles the Supreme Court laid down in Buckley v. Valeo, 424 U.S. 1 (1976) and later cases, which permit appropriate regulation to prevent corruption and the appearance of corruption. In these cases, the Supreme Court has consistently held that "contribution limits, unlike limits on expenditures, entail only a marginal restriction upon the contributor's ability to engage in free communication. . . . Because the communicative value of large contributions inheres mainly in their ability to facilitate the speech of their recipients, we have said that contribution limits impose serious burdens on free speech only if they are so low as to prevent candidates and political committees from amassing the resources necessary for effective advocacy."

McConnell, 540 U.S. at 134–35 (internal quotation marks and citations omitted). And, although the Court has found that "contribution limits may bear more heavily on . . . associational right[s]" than on free speech rights, id. at 135, here too it has found their impact limited. Since "[t]he overall effect of dollar limits on contributions is merely to require candidates and political committees to raise funds from a greater number of persons. . . . [A] contribution limit involving even significant interference with associational rights is nevertheless valid if it satisfies the lesser demand of being closely drawn to match a sufficiently important interest."

Id. at 136 (internal quotation marks and citations omitted).

Subjecting 527 IECs to the reasonable contribution limit that applies to other political committees satisfies both these tests. First, it does not in any way affect 527 IECs' ability to make independent expenditures. They can spend all their available funds making such expenditures and can make them however they like. All such regulation does "is simply limit the source and individual amount of donations." [Id. at 139. That this requires 527 IECs to seek contributions from a wider range of people causes no constitutional difficulty. See id. at 140 Second, such contribution limits in no way "preven[t] . . . committees from amassing the resources necessary for effective advocacy." [Id. at 135. Again, all they do is change the committees' fund-raising strategy so that they aim for a broader group. Third, bringing 527 IECs under reasonable regulation would "satisfy[y] the lesser demand of being closely drawn to match a sufficiently important interest." [Id. at 136 (internal quotation marks omitted). It would both prevent donors from circumventing §323 (a) and (b)'s ban on soft money contributions to political party committees—money which the parties used, in part, to fund the same activities 527 IECs would engage in—and avoid making federal officeholders subject to improper influence by those who contributed the money that 527 IECs used to aid the officeholders' elections. Both of these governmental interests, the Supreme Court has held, are sufficiently important to justify reasonable amount, source, and disclosure requirements, id. at 144–45, which is what S. 271 would place on 57 IECs.

DANIEL R. ORTIZ,
John Allan Love Professor of Law.

Mr. MCCAIN. As the memo points out, the Supreme Court in the McConnell case spoke directly to this issue and said that such limits are constitutional. The Court specifically noted that in an earlier case, California Medical Association v. FEC, it had upheld the $5,000 limit on contributions to political committees even as to a committee's spending for "noncoordinated expenditures." The constitutional rationale in the California Medical Association v. FEC, as in the case of the soft money ban upheld by the Supreme Court in McConnell, is equally applicable to S. 2511. It is designed to prevent the evasion and circumvention of Federal contribution limits and prohibitions.

It is unfortunate we even need to be talking about this situation today. This legislation would not be necessary if it were not for the abject failure of the FEC to enforce existing law. As I noted earlier, some 527s raised and spent soft money to run ads attacking both President Bush and Senator KERRY. The use of soft money to finance these activities is clearly illegal under current statute, and the fact that they were allowed to continue unchecked is unconscionable.

The blame for this lack of enforcement does not lie with the Congress, nor with the administration. The blame for this continuing illegal activity lies squarely with the FEC. This agency has a duty to issue regulations to properly implement and enforce the Nation's campaign finance laws: and the FEC has failed, and it has failed miserably, to carry out that responsibility.

Let's consider two recent court rulings. First, in its decision upholding the constitutionality of BCRA in McConnell v. FEC, the U.S. Supreme Court stated that the FEC had "subverted"—"subverted"—the law, issued regulations that "permitted more than Congress had ever intended," and "invited widespread circumvention"—those are not my words; those are the words of the U.S. Supreme Court in a majority decision—of FECA's limits on contributions.

Additionally, when Judge Kollar-Kotelly threw out 15 of the FEC's regulations implementing BCRA, among the reasons for her actions were that one provision "severely undermines FECA" and would "foster corruption," another "runs completely afoul" of current law, another would "render the statute largely meaningless," and, finally, that another had "no rational basis."

No wonder a Los Angeles Times editorial stated that:

> [H]er decision would make a fitting obituary for an agency that deserves to die.

We cannot allow the destructive FEC to continue to undermine the Nation's campaign finance laws.

An article published just yesterday in the Hill points out that the FEC "is being accused of attempting to intimidate soft-money donors to 527s by targeting the donors for questioning."

The article also makes note of "the FEC decision last month not to implement new regulations for 527s this election cycle. That was widely interpreted as a green light for 527s to act without restriction." What is going on here? The job of the FEC is to write regulations to properly implement campaign finance laws—not to bully and intimidate those who choose to donate to groups the FEC refuses to regulate.

Madam President, I ask unanimous consent that the article form the Hill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hill, June 28, 2006]

INTIMIDATION SEEN AS COMMISSION EYES 527S' SOLICITATIONS

(By Alexander Bolton)

The Federal Election Commission (FEC) is being accused of attempting to intimidate soft-money donors to 527s by targeting the donors for questioning.

The agency, which is tasked with policing national and congressional political campaigns, is targeting some of the wealthiest Republican and Democratic donors.

Typically such people have escaped tough scrutiny unless suspected of deliberately evading contribution limits through the use of straw donors or other tactics. But recently the FEC appears to have aimed at donors even though it is the 527s that are suspected of evading campaign-finance law.

One prominent GOP strategist has charged that the new tactic is intended to scare big donors away from giving to 527s, which Congress and the White House have struggled to curb.

This is happening despite the FEC decision last month not to implement new regulations for 527s this election cycle. That was widely interpreted as a green light for 527s to act without restriction, as groups such as America Coming Together and Swift Boat Veterans for Truth did during the 2004 election. This was expected to mean such groups would spend even more money this year and in 2008.

But the FEC has not left the same rules in place that allowed 527s to spend $400 million in the 2004 cycle. Late that year, it subtly modified its rules, which would apparently bolster investigations of 527s in response to a series of complaints filed against the groups in 2004.

The new regulation, which took effect in January 2005, stated that 527s would be subject to regulation if, when seeking money, they "indicated" to donors that the money would be spent to support or oppose a federal candidate.

Election-agency commissioners such as Ellen Weintraub and Hans A. von Spakovsky declined to discuss the investigations. But strategists close to the 527s say donors are being targeted.

"I know for a fact that the FEC has subpoenaed donors who may have contributed to 527s in past election cycles and believe that technique is more rooted in preventing future donation to other 527s than anything else," said Chris LaCivita, a former senior adviser to Swift Boat Veterans for Truth and former head of Progress for America, both right-wing groups.

Another strategist connected with a prominent conservative 527 group, the Club for Growth, confirmed that the FEC is targeting donors.

"I've heard that lots of other groups have gotten subpoenas and requests for depositions of donors," said David Keating, the executive director of the Club for Growth, which is tied up in litigation with the FEC. Keating said he was not talking about donors to his group.

"If you look in the 2004 cycle, complaints were filed against virtually every group out there," Keating said. "None of these matters under review have been dismissed."

In 2004, a coalition of pro-campaign-finance-regulation groups including Democracy 21, the Center for Responsive Politics and the Campaign Legal Center filed at least five complaints against the major 527s: America Coming Together, the Media Fund, the Leadership Forum, Progress for America Voter Fund, Swift Boat Veterans for Truth and Texans for Truth.

Fred Wertheimer, president of Democracy 21, said that he believes all of his group's complaints are pending but that he had no further knowledge of the probes.

Because the complaints, which are 2 years old, have not been dismissed, it is assumed that the FEC has given its lawyers the go-ahead to investigate them.

One Democratic lawyer said the FEC general counsel's office is asking donors to recall the specifics of their conversations and other interactions with 527s to determine whether those groups indicated that donations would be used to support or oppose federal candidates such as President Bush and Sen. John Kerry (Mass.), the Democrats' presidential nominee.

"They're asking a lot of questions of donors about what they were told when they were asked to contribute," the lawyer said. "Who knows what the six-member commission will do with whatever is presented them? There's little doubt that the general counsel's office feels responsibility to show evidence of a violation and this is the route to get there."

Once the general counsel presents his case to the commission, its members must vote on whether there is probable cause to believe the law was broken. It is not known if the commissioners specifically approved subjecting donors to subpoenas and depositions.

"Their attorneys have been let loose to look into whether . . . the entities violated the law," the Democratic lawyer said. "They're out there trying to gather the evidence. You don't have the FEC as a six-person office approving these inquiries."

Former FEC Chairman Scott Thomas, who retired last year, declined to comment on an ongoing investigation but said scrutinizing donors would fit the legal approach that the FEC has adopted in regulating 527s. Citing the newly enacted Section 100.57, Thomas said commissioners agreed in 2004 that 527s could be policed most effectively case by case by looking at how they solicited donors.

Thomas said solicitation is a key element in the FEC's litigation against the Club for Growth. He said FEC investigators are likely to look at "whether there was some indication given to donors in the solicitation process that the funds would be used to support or oppose federal candidates. The focus is what was said when the money was coming in."

Thomas said past enforcement actions focused on what groups communicated to voters to determine whether they should have political-committee status, a designation that would subject them to contribution limits. Thomas said that approach created gridlock.

Thomas said the regulation change in January 2005 could be used to prosecute groups for activity in 2004. He said it would not apply retroactively in the technical sense but could be held up as a point of consensus among the FEC commissioners about how the laws on the books before 2004 should be interpreted.

"It's going to be arguing that the same analytical concept can be applied for figuring out what happened in '04 cycle," Thomas said in response to claims that the general counsel is focusing on conversations with donors. "That's probably why the FEC was digging for this information, because four commissioners agreed that concept was the best way to analyze these political-committee cases."

Mr. McCAIN. The track record of the FEC and its continued stonewalling proves that the Commission is incapable of upholding its responsibilities. The time has come to put an end to its destructive tactics. The FEC has had ample and well-documented opportunities to address the issue of the 527s' illegal activities, and each time it has taken a pass, choosing instead to delay, postpone, and refuse to act.

BCRA has demonstrated that, on a bipartisan basis, we care about making sure that political power in this country does not lie solely in the wealth of big corporations, labor unions, and the wealthiest of the wealthy. We need to uphold and build upon past reforms and not endorse the pursuit of ways to get around or unravel them.

I again point out with this chart that the predictions, when we passed BCRA, were that it would be the end of national parties; that it would prohibit people from any way to be able to contribute to political campaigns, and the parties would suffer mightily. Well, here is the amount of money. Here is the amount of new donors that both parties got. I have to say, in fairness, the Internet had a lot to do with the encouragement of, and ability of, millions of new donors to engage in contributions.

But let me also point out, for those who were worried about the destruction of the political parties and some kind of diminution of their capabilities, the Democratic Party raised $580 million as opposed to $212 million. This is hard money alone, with the elimination of soft money. And Republicans raised $632 million. So millions of new donors took part in the political process. The parties were strengthened.

No longer is it legal for a powerful Member of Congress to call up a labor union leader, a trial lawyer, or a corporation head and say: I need a soft money donation in six figures. And, by the way, your legislation is up before my committee. That is no longer legal and has stopped.

Do we have problems still with too much money washing around Washington in the form of campaign contributions? Yes. And do we have additional measures that need to be taken? Yes. But the first thing that needs to be done is to make the 527s fall in line with the same restrictions placed on any other organization that engages in activities to attempt to influence the outcome of an election.

I want to emphasize, we are not trying to ban them. We are trying to make them subject to campaign finance contribution limits, which are clearly, clearly called for in the 1974 law.

Again, the performance of the Federal Election Commission is really a great national disgrace. And how they can continue to fail to write regulation to enforce existing law that the Congress has passed since 2002 and enforce laws that were passed in 1974 is absolutely beyond comprehension.

Mr. President, I note the presence of my friend, the Senator from Nevada, on the floor of the Senate at this time, so I will proceed with the unanimous consent request at this time.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Committee on Rules and Administration be discharged from further consideration of S. 2511, and the Senate proceed to its immediate consideration; I further ask that there be 4 hours of debate equally divided with no amendments in order; provided further that following the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage, with no intervening action or debate.

The PRESIDING OFFICER (Mr. ENSIGN). Is there objection?

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, first of all, I want the RECORD spread with the fact of the work Senator MCCAIN did with my friend, and his friend, Senator FEINGOLD, in the now famous legislation, McCain-Feingold.

In my 1998 race that I was involved in with the Presiding Officer of the Senate, I spent $10 million, in the small State of Nevada. My friend, the junior Senator from Nevada, spent the same amount of money. It was equal spending. But the vast majority of that money we spent in Nevada in that hotly contested race was corporate money.

McCain-Feingold solved that problem. When I ran in 2004, as I have told other people, it was as if I had just climbed out of a shower and was clean and fresh. I did not have to accept corporate money, which I believe did not corrupt me, but it was corrupting when you could get these large sums of money, legally, and run them through the State parties and then run these negative ads that we all did around the country.

So I think McCain-Feingold personally was a tremendous blow for freedom and civility in this country. And I will always be grateful to Senators MCCAIN and FEINGOLD for that work.

I have listened to—I was not able to listen to all of my friend's remarks, but most of them I listened to in my office and here. And I say that I believe we have to have a full review of all campaign finance laws. Mr. President, 527s is only part of what I think we need to take a look at. There are foundations that need to be looked at. Some of the things going on with political action committees we need to take a look at. There are a lot of things we need to take a look at. I think at the appropriate time that should be done.

Now, I say to my friend who makes this unanimous-consent request, we have a bill pending in the Rules Committee requiring 527s to register as political action committees.

Now, we have a letter dated June 9 to Senator FRIST, the majority leader, from one, two, three, four, five, six, seven Republican Senators who say, among other things: We oppose taking any action on this bill, S. 2511. And they state specifically that they do not like it. So I am not sure it could be cleared on your side. It cannot be cleared on our side.

I would, on that basis, object and look forward to working with my friend to see if we can do a better job in looking at all the campaign finance problems that we have all at one time, not just 527s. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the letter to the majority leader dated June 9 of this year be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,
Washington, DC, June 9, 2006.

Hon. BILL FRIST,
Majority Leader, The Capitol,
Washington, DC.

DEAR MAJORITY LEADER FRIST. As Republicans, we strongly believe in freedom, including freedom of expression and association. We campaigned for office on the principles of a limited and constitutional government. As elected officials we took an oath of office to "support this Constitution."

The First Amendment's dictates are a model of clarity: "Congress shall make no law . . . abridging the freedom of speech." Yet the House of Representatives approved a bill (H.R. 513) that proposes new restrictions on speech about politicians and policies to be enforced under the threat of criminal penalties. The House then added the provisions of H.R. 513 to the Senate's lobbying reform bill.

One of the four pillars of a free and just society is freedom of speech. As George Washington once said, "If the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter."

The targets of the bill's speech restrictions are nonprofit advocacy groups organized under section 527 of the tax laws. The groups pose no threat of corruption as they are required to disclose all donors, barred from urging voters to support or oppose a candidate, and prohibited from coordinating with political parties or elected officials. Rather than restrict others, we should expand people's freedom of association and speech to political organizations and committees.

While many rightly criticized the McCain-Feingold bill for banning TV and radio ads within 60 days of an election, what justification is there to prohibiting any communication costing over $1,000 that mentions a congressman's name in any medium, 365 days a year, if done through one of these independent citizens' groups?

Some say this bill is needed to stop the wealthy from funding propaganda, but the bill appropriately places no limits on the wealthy to fund speech on their own. Instead, it foolishly restricts the ability of hundreds of thousands of citizens to join together to speak out about the nation's future.

Republicans do not need, and should not attempt, to muzzle their opponents. The increase in free speech over the last two decades made possible by the growth of talk radio, cable TV and the Internet has benefited our Party, which allowed us to promote individual freedom and opportunity that has led to unprecedented prosperity for our nation.

We strongly oppose adding the anti-free speech provisions of H.R. 513 to the lobbying reform bill, or any other bill.

If such provisions are added to legislation scheduled for a Senate vote, we would give serious consideration to supporting extended debate on the bill. It is important that the American public have the opportunity to learn that their freedoms are at stake and have the sufficient time to express their opinions prior to a vote of the Senate.

Sincerely,

GEORGE ALLEN,
JIM DEMINT,
NORM COLEMAN,
DAVID VITTER,
MICHAEL B. ENZI.

JOHN E. SUNUNU,
SAM BROWNBACK.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I, obviously, am not surprised at the objection of my friend from Nevada. We need to address this issue. As I mentioned, I do not think we would have to if it were not for the Federal Election Commission's failure to carry out their responsibilities.

I have observed the role of money in politics for a long time. And unless these 527s are brought under control, we are going to see ever-enlarging activities and more and more money being spent through this loophole that has been carved out, unfortunately, and allowed, as I mentioned, two individuals to contribute as much as $22 million each in the 2004 campaign.

I worry very much about one individual donor contributing millions of dollars that would come into a House or a Senate race in the last couple or 3 weeks of a campaign. Obviously, that would be a credible distortion of the process and undue influence. By the way, 99 out of 100 of these 527s come from outside the State or district in which the money is spent. So I hope we can move forward on this legislation. I think it is compelling that we do so

I hope that we can sit down with others and get this legislation debated. As to the unanimous consent request I propounded, I would be glad to have amendments to it, other debate, depending on the will of Senators. We need to take up this issue and bring it under the control for which it cries out. I regret we were not able to do so at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

WESTERN ENERGY CRISIS

Ms. CANTWELL. Mr. President, last night consumers in Washington State received welcome news: that is, that the Federal Energy Regulatory Commission decided, after 5 long years, that the ratepayers of Snohomish County, WA, do not have to pay Enron $120 million for power that it never delivered during the western energy crisis, for which it sought to charge exorbitant power rates.

The western energy crisis was certainly a tragic chapter, demonstrating corporate greed and the need to make sure we have regulatory fairness. This fight goes back to the spring of 2001. Since then, I have been working, along with my colleagues from the Pacific Northwest and other parts of the country, to make sure that ratepayers were treated fairly. There were many stops and starts in the process. There were times when our faith in the process began to erode.

But one of the high points came last summer when the Senate Energy Committee came together in an unprecedented effort to debate and pass an amendment that basically protected ratepayers throughout the country, to make sure they had a fair shot at justice. This was an important amendment I offered, which made sure that everyone understood that the federal energy regulatory authority was the proper place to decide whether utilities such as Snohomish County PUD should have to pay Enron for power at exorbitant rates, resulting from Enron's market manipulation.

I know the Chair knows this issue well and knows there were many other parts of the country that also were impacted by the same issues. That is why I want to make sure that we give thanks to all the people who played a constructive role in the debate: Certainly, I thank Senator ENSIGN, whose ratepayers in Nevada were facing a similar situation; of course, Senator REID; Chairman DOMENICI, who ran the Energy Committee in a fair and open way that allowed us to have a serious debate. The chairman deserves credit, along with the ranking member, Senator BINGAMAN, for his focus on consumer protection; Senator SMITH, Senator CRAIG and Senator ALLEN, Senators WYDEN and MURRAY, and all my Democratic colleagues on the Committee.

We also had some incredible help and support from the Energy Committee counsel and staff: Chief counsel Sam Fowler and Judy Pensabene, along with other in-depth analysis from Leon Lowery and Lisa Epiphane. These staff people helped us wade through a very challenging legal issue but, in the end, made sure that federal authority stayed where it was, and that that Federal entity gave the ratepayers a chance at the important relief they needed.

The other side of the story is that of the Snohomish County PUD, this is a David and Goliath story, of a small utility that did the job of taking on a big power company. This utility said that it was not going to be forced to pay manipulated power rates. They fought for the ratepayers of their State and for justice to make sure that this never happens again to consumers in America. It shows that sometimes the little guy can win. It shows that the Snohomish County PUD fought back against this fraudulent $122 million bill, and was vindicated in the process.

It was an important battle for them to fight, for the average Snohomish County resident who would have been forced to pay over $400 additional to Enron in utility rates; and for the county's school districts that would have seen a $2.5 million increase in electricity costs. That is money that can otherwise go to hiring teachers or paying for books. And for the businesses and other ratepayers in this county who were impacted economically by the exorbitant rates we have been paying from the western energy crisis and Enron's manipulation, last night's announcement will bring a big sigh of relief.

Now we need to make sure that we get on with the task of making sure that this never happens again. When it comes to energy markets that drive our economy, aggressive consumer protection must be part of Federal regulators' overall objective, when overseeing the wholesale electricity markets. It is far better that we continue to make sure the Federal regulators do their job. If that is what Congress needs to do by passing amendments such as the Cantwell amendment, we will continue to do so.

We also took some important steps in the Energy bill last year by saying that there is a Federal ban on market manipulation; that is, when it comes to electricity markets and natural gas markets. This Senator believes there is still more to be done in other energy markets. Just this morning we woke up to news that BP North America has been indicted for manipulation of propane markets. This is a case that is just starting to be made, but we will hear the evidence.

Our work is not done until we make sure that the Commodity Futures Trading Commission, the Federal Trade Commission, and other Federal agencies have all the tools they need to make sure there is transparency in energy markets; to make sure that propane, jet fuel, oil, diesel, gasoline markets, all are protected with the transparency and oversight necessary to make sure consumers aren't impacted by market manipulation. In the end, it is the American consumer and the American economy that suffer when we don't have functioning energy markets.

I look forward to working with my colleagues to continue to make sure that we protect consumers from exorbitant energy rates, that we do our job at the Federal level to enforce the law and uphold those standards that make these markets work and continue to help our economy grow.

Again, I thank all those who were helpful in the long process to bring justice for ratepayers in the State of Washington and all those who sought to give a good helping hand in the effort to make sure that our Federal laws were held up, implemented, and that we didn't allow this issue to continue to be punted around a variety of bankruptcy courts. But instead, we made sure that justice was delivered to the ratepayers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO NIKKI KIMBALL

Mr. BAUCUS. I rise today to recognize my friend and fellow Montanan, Nikki Kimball. Starting in the early morning hours on June 24, for 19 hours, 26 minutes, and 50 seconds, Nikki put her body through one of the most grueling endurance races in the world.

The Western States Endurance Run is a 100-mile trek through the picturesque mountains of northern California.

Since the 1970s, runners from six continents have traveled to Squaw Valley to push their bodies to the limit.

Following the Western States Trail, once used by the gold and silver miners, the runners traverse some of the most diverse terrain the mountains have to offer.

However, this run is more than just a physical challenge, it is a battle of wills between the determined runners and Mother Nature. When I talked to Nikki, the first thing that she mentioned was the excruciating heat.

The searing heat not only resulted in intense dehydration, it also caused her shoe leather to constrict on her feet resulting in horrendous blisters. Yet, she forged on.

This race became a battle against oneself. As a fellow distance runner, I know the agony that comes with these types of races. Your legs are cramping, your lungs are on fire, and everything in you says stop, sit down, quit. Yet, in the back of your mind there is the little voice saying keep going, one more mile, you can make it. Nikki listened to that voice, and turned in an epic performance.

Though challenged by hundreds of runners, including many professionals, Nikki coupled her elite physical prowess with an iron will, and won the female division, and placed second overall.

Her performance at Western States is just another addition to her phenomenal athletic resume.

Nikki's running has taken her all over the world and awarded her many honors. She has been selected as the UltraRunning Magazine's North American Runner of the Year, represented the United States on the 100K World Cup team, and has also won the U.S. national snowshoeing championship.

Currently, Nikki is training for the White River 50 mile race in Washington, which is a national championship event.

Yet, Nikki is defined by more than just her running. For all the effort she puts into sports, she puts just as much time into helping the Gallatin and Park County communities as a physical therapist.

Nikki has used her intimate knowledge of athletics to provide accurate insight into many ailments that hinder the citizens of the Gallatin Valley, as well as Paradise Valley, I might add, and all over Montana.

Nikki is an inspiration to all of us. She represents the dedication, iron will, and determination that has come to define our great State of Montana. When you talk with Nikki, you see the spirit and energy in her and also the determination and the will. She is a wonderful person. I am so honored she has graced our State with this win.

Mr. President, is there any remaining time in morning business?

The PRESIDING OFFICER. There is 15 seconds remaining.

Mr. BAUCUS. I will let that time expire.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 3569, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3569) to implement the United States-Oman Free Trade Agreement.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, in 1833, a merchant named Edmund Roberts piloted the U.S. warship Peacock to the port of Muscat, the capital of today's Oman. Roberts bore a letter from President Andrew Jackson to the Sultan Said. Three days later, Roberts and the Sultan signed a Treaty of Amity and Commerce. This was the first treaty between America and Oman, 1833. That treaty with Oman was part of a bigger picture, of course. That bigger picture included Siam, today's Thailand, and Cochin China, today's Vietnam. Edmund Roberts also traveled to those countries to initiate broader commercial ties.

Today we are considering implementing legislation for another treaty with Oman, a free-trade agreement. Today I ask again, what is the bigger picture? From where I stand, the bigger picture is a grim one. It is a picture colored by resentment, frustration, and broken promises.

This agreement, as others in the past, will be overshadowed by the unfair process by which the agreement was considered. The substance of the Oman agreement, like others, is largely good. The Omanis have made real progress in liberalizing their economy, ensuring their markets are open and fair, and improving their labor laws to meet internationally recognized norms. Yet the memories of this agreement that will linger will not be tariffs, labor laws, or intellectual property rights protection. Regrettably, what will linger will be a feeling that these trade agreements were pushed through Congress without appropriate consultation. I don't say that lightly, and I don't say that for partisan purpose because I, frankly, don't regard myself as a partisan; rather, someone who is trying to get the job done, working the Senate's business for the good of all Americans.

The Senate considers trade agreements under what is called the fast-track process. Congress agreed to this fast-track process in exchange for the assurance that the Finance and Ways and Means Committees would have an opportunity to influence these trade bills in what is called a mock markup. In these mock markups, the Finance Committee and the Ways and Means Committee can offer amendments to the bills. Under a fast-track process, that is the last time anyone in Congress gets a chance to change the bills.

During the mock markup of the Oman agreement—we call them mock markups because they are not traditional markups in which members of the committee can offer amendments which are then passed. Rather, the amendments that are offered and passed are really not part of legislation. Again, they are indications of what should be in the trade agreement, indications to the administration that when it sends up a trade agreement, it would be wise to include these amendments which members believe should be included.

During the mock markup of the Oman agreement, the Finance Committee voted 18 to 0 to approve an amendment offered by Senator CONRAD. The committee later approved the amended language unanimously.

But rather than consider these unanimous actions by the committee, this administration simply stripped the amendment from the implementing legislation that is before us today. There was no consultation. There was no mock conference to fairly consider all views.

This kind of process cannot continue. The sad truth is that at the end of the day, it won't. If the administration continues to disrespect the constitutional authority Congress exercises over international trade, there won't be any fast-track process at all. Once trade promotion authority expires mid-next year, it simply won't be renewed. That is not the result I want, but that is where we are headed. I have been warning for years that the process failures threaten to undermine support for the fast-track procedures that allow us to negotiate free-trade agreements, and that is exactly where we are today. Good trade agreements will not receive the support they might because of a widespread failure in the Congress and the administration to listen to the concerns of Congress. And the chance of renewing trade promotion authority when it expires mid-next year is a long shot at best.

As I said during the markup in the Finance Committee yesterday, this disrespect for congressional power and prerogatives—after all, it is the Congress under the Constitution which sets trade policy—is not confined just to trade agreements. It runs to other matters as well, an accumulation of matters. It runs to other pressing issues of national concern.

The administration dismisses congressional inquiries as unnecessary or harmful—legitimate inquiries—and the administration issues Presidential signing statements indicating the administration's intent to ignore whatever provisions of the law it chooses. I believe the Senate has not been sufficiently aggressive in asserting its authority as a coequal branch of Government. I commend Senator SPECTER for holding a hearing in the Judiciary Committee on Presidential signing statements. As an institutional matter, and for the good of the country, the Congress must act as a check on the power of the executive branch. Our Founding Fathers set the Constitution up that way. We were set up for one to check the other, not for one to run roughshod over the other, which is beginning to happen.

After much consideration and deliberation, I have decided to support this Oman Free Trade Agreement. It was not an easy decision, but I will do so because I believe that Oman and the Omani people should not be punished by the unfair process that tarnishes an otherwise good agreement.

Let me assure you that I will not forget these shortcomings and process failures after this vote. Let me assure you as well that the effects of these shortcomings and failures will continue to be felt when we consider further trade agreements and when we consider trade promotion authority next year.

The administration must understand that its action on this agreement will have effects far beyond and long after this agreement. I would like to work with the administration to repair the damage done. It will be a difficult job, but for the sake of the Senate and the Nation's economic well-being, we must begin that work.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume on the Oman Free Trade Agreement.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. GRASSLEY. Yes, I will.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized at such time the Senator completes his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, before I speak to the issue of the Oman Free Trade Agreement, I wish to take advantage of the opportunity to remind the public that trade agreements are not treaties, as we usually think of treaties, with just the Senate approving treaties with a two-thirds vote and the House of Representatives having nothing to do with a treaty. A free-trade agreement is negotiated by the President but must be approved by both Houses of Congress the same way that legislation is passed, except it is done under a time agreement under law with the idea that the agreement will be voted up or down and not amended But when the dust settles, it is the law of our land, just like any other law that Congress would pass.

Taking that into consideration then, the rationale behind that is the fact that the Constitution gives the Congress of the United States, as one of its specific 17 powers, the power to regulate interstate and foreign commerce. A free-trade agreement is foreign commerce. Congress has the authority completely—no questions asked—about what our trade laws are going to be.

Until the 1930s, for the most part, Congress passed those pieces of legislation, and that was the law after the President signed them. But starting in the 1930s, Congress would, to a greater extent or lesser extent from time to time, give the President the authority to negotiate certain agreements, and then Congress would approve them.

Since World War II, we have had a regime for 45 years that we called the General Agreement of Tariffs and Trades. Since about 1993, it has been referred to as the World Trade Organization, or WTO.

In not exactly the same way, but from time to time, Congress, in order to negotiate agreements since World War II, has extended authority to the President to negotiate those agreements not because Congress wanted [illegible] give [illegible] any congressional authority the Constitution prescribes over foreign trade, but, as a practical matter, if you are going to negotiate with another country, rather than unilaterally setting policy, Congress, as a body of 535 people, can't negotiate with another country or, for sure, with the World Trade Organization that has 149 members very efficiently, and never even tried. So from time to time we have negotiated—or we have delegated—to the President of the United States, under strict guidelines, the authority to negotiate for Congress with an understanding that—well, under the Constitution with the practical end result that it has to be passed by the Congress of the United States by a majority vote in both Houses to become the law of the land.

Congress doesn't just willy-nilly say to the President: You negotiate any sort of an agreement you want. In the basic law, there are some stipulations—not very many but some—but, more importantly, for the Congress to preserve its power and not give the President of the United States free reign. We have a consultation process within what we now call Trade Promotion Authority where, during the process of negotiating multilaterally under the World Trade Organization, or negotiating bilaterally with another country, that the President and his negotiators would come to Congress whenever we would invite them, or even on their own initiative, and sit down and talk, sometimes in informal sessions, sometimes in regular committee meetings, to find out how the negotiations are going and what the problems are.

But the most important thing is for that negotiator and that agency to hear what Congress says needs to be done, what our input is, with the idea that if they don't negotiate something that Congress can pass, what good is doing the negotiation? So that consultation process is very important.

Now, sometimes I feel that there has not been enough consultation, and because I am chairman [illegible] the committee that has jurisdiction over that, sometimes I can legitimately claim fault for not having enough consultation, although we have considerable. And any members of the committee should likewise [illegible] the other 19 members of the committee should likewise feel that if there is not enough consultation, [illegible] maybe they have not been forward enough in preserving the constitutional power of the Congress and the specific authority of our committee to make that consultation happen.

Now, what sometimes happens [illegible] maybe every time—in bringing a Free Trade Agreement before our committee before it comes to the floor, there is an outburst on both sides of the aisle about not having consulted enough and that the process might be a [illegible] Well, the extent to which people feel that is

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the situation, then I guess I plead with myself as chairman of the committee, I plead with members of the committee, that we need to make more specific requests of the administration to come and talk to us about these agreements.

That can be going on right now in regard to the Doha round of negotiations that are going on between the United States as part of the World Trade Organization involving another 148 countries, or it can be going on right now anytime the committee members want it to happen in our process of negotiations with Thailand bilaterally, South Korea bilaterally, Egypt bilaterally, and there are other countries as well.

So I hope that each one of us in Congress feels that we are adequately safeguarding our constitutional authority. But I hope nobody lives in the wonderland that somehow Congress ought to be negotiating directly with these other countries because we don't have that capability or the time. But we ought to make sure that we don't compromise one iota the constitutional power that we have been given and that w have to cherish and protect.

I rise in strong support of the United States-Oman Free Trade Agreement. The agreement will help cement our ties with a strong ally in the Middle East. It will contribute to greater economic opportunity and prosperity in the region. It will serve as a strong model for other economies in the region, and it will create new market access openings for farmers, manufacturers, and service providers in the United States. So I urge my colleagues to support the agreement in a strong bipartisan fashion.

We have enjoyed beneficial relations with Oman for nearly 200 years. In 1833, Oman was one of the first Arab states to sign a Treaty of Amity and Commerce with the United States. It was also the first Arab country to send an ambassador to our country. Our agreement with Oman is the fifth trade agreement that we concluded with a country in the Middle East.

It brings us one step closer to our President's vision of having a Middle East free trade area by 2013. The President's goal is very simply the same as every other free-trade agreement: to foster economic growth. But it isn't just an economic issue. It has something to do with promoting democracy, and millions of people every day doing business agreements around the world is going to do more for world peace than what we who are elected and our diplomats can do. So you ought to see a free-trade agreement not only economically in our interests, but promoting moral principles of democracy and peace through enhanced commercial ties with the world generally; in this case, to a greater extent with the Middle East.

The fact is, open economies that are actively engaged in international commerce tend to grow at much higher rates than closed economies, and that translates into greater economic opportunity. So a free trade area is in the best interests of the people of the Middle East, and it is in our best interests as well, but it is also in the interests of stabilizing that area and having peaceful relations and greater peace around the world.

This agreement enjoys strong support in the business community and in the agricultural community. It has been endorsed by a number of groups. I can't name them all, but I think it is important to note that the American Farm Bureau Federation, the American Chemistry Council, the Association of Equipment Manufacturers, the National Foreign Trade Council, and the U.S.-Middle East Free Trade Coalition are among those of over 110 companies and associations supporting trade expansion in the Middle East, including this agreement.

These groups recognize that this is a commercially meaningful agreement that is leveling the playing field for U.S. businesses. In the United States, Omani products already receive a substantial market access, with most duties ranging from zero to 5 percent. Without this agreement, U.S. exports won't have a level playing field, and haven't up until now had a level playing field, because they would continue to face those steep tariffs that Oman now has and will be giving up with this agreement.

While the economic effect of the agreement may be small in total world trade, it will certainly be possible. Upon entering into force—in other words, when it becomes the law of our land—this agreement will have Oman grant immediate, duty-free entry to virtually all U.S. industrial and consumer products. As examples, in agriculture, 87 percent of Oman's tariff lines will go to zero for U.S. agricultural exports on day one of the agreement and the remaining tariffs will be phased out over 10 years. U.S. service providers will also receive substantial improvement in market access. I have constituents who are interested in seeing this agreement implemented, and I expect many of my colleagues do as well.

I will give you just a few examples. A small business located in Cedar Rapids, IA, Midamar Corporation, will benefit from new opportunities and low costs for specialty food exports that are specifically processed for Muslim diets. The HNI Corporation in Muscatine, the second largest manufacturer of office furniture in North America, will benefit. It has a fast-growing market in the Middle East. HNI expects to forge new business ties in Oman once the agreement enters into force.

Another company is Lennox in Marshalltown, IA, manufacturing heating and cooling products. This agreement will promote increased exports for Lennox.

In sum, I expect this agreement will have a real and positive impact for my constituents in Iowa, preserving or establishing good-paying jobs, because exporting jobs pay 15 percent above the national average, and if it does that in the State of Iowa, it will be the same across the United States.

In addition to pointing out the benefits of the agreement, I would respond to just a few criticisms. Some are alleging that this agreement will provide foreign port operators an absolute right to establish and acquire operations to run port facilities in the United States. That is just plain wrong.

The truth is, nothing in our agreement with Oman diminishes our right to determine for ourselves whether to block or unwind any foreign investment in the United States when the protection of essential security interests are at stake That includes any potential investment in land or site aspects of port activity in the United States. So our ability to advance our national security and promote it and protect it as we see fit remains fully protected under this agreement.

Separately, some colleagues have been critical of the process by which this agreement has come before the Senate. In this respect, I am repetitive of how I opened my remarks. In other words, I want to make it clear that this has received substantial consideration by the Congress of the United States. We concluded our negotiations with Oman on October 13, 2005, with 7 months at the negotiating table and opportunities for Congress to be consulted during that period of time. The administration did that, both at the Member and staff level, throughout negotiations. The agreement was signed January 19, this year, and our own Government's agency, called the International Trade Commission, issued its report on likely economic effects of the agreement in February of this year.

The International Trade Subcommittee of my Finance Committee held hearings on this agreement on March 6. The Finance Committee met May 18 to informally consider proposed legislation implementing this agreement—the proposal that is pretty much as we have it before our body this very minute.

During the committee's informal consideration, I introduced a chairman's modification to the proposed statement of administrative action. My modification called upon the administration to monitor and report on the Omani efforts to prohibit compulsory or coerced labor.

The administration took my modification and broadened it. The statement of administration action that accompanies the bill to the floor of the Senate this very day contains a commitment from the administration to update Congress periodically on the progress that Oman achieves in realizing all commitments made to labor law reform. I believe that is an improvement, even on my own modification. It is an example of how the process of trade promotion authority worked in this case and is a specific case of what I was trying to describe in the opening of my statement.

In sum, this is a strong trade agreement with an important ally. I urge my colleagues to enthusiastically support the implementation of legislation before the Senate.

I yield the floor under the previous unanimous consent agreement so that Senator DORGAN can have it.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I regret I do not agree with my colleague on the merits of this issue. But I do not regret coming to the Chamber to speak on behalf of American workers, on behalf of our country's interests. I come, once again, to talk about a trade agreement that I believe is not consistent with what our country should be doing.

Let me talk about priorities. We have so many issues in front of us.

The other day, I read that the price of prescription drugs has risen triple the rate of inflation in the first 3 months of this year with the advent of this new Government prescription drug program for Medicare recipients. Is there any action on that? No. That provokes a very big yawn here in the Senate.

We have the highest budget deficits in history. We are going to add about $1.4 trillion in debt to this country's shoulders this year—$700-plus billion of trade deficits this year. We are going to borrow, increasing the Federal debt $600-plus billion this year.

We have significant challenges in education and health care.

We have enormous challenges abroad. Obviously we are involved with respect to the war on terrorism. There is a war in Iraq. There is no proposition that anybody should pay for that war. Hundreds of millions of dollars have been brought to the floor of the Senate to pay for it, with the entire cost being added to the Federal debt. We send men and women to risk their lives in Iraq. Some make the ultimate sacrifice on behalf of their country and lose their lives. But there is no discussion here about whether anyone else should probably sacrifice some and be paying for the cost of this. In fact, the administration does not even put money in their budget, when they send their budget to us, for the operations in Iraq and Afghanistan. They do not put the money in because they know then they can ask for emergency funding and just add it to the top of the debt.

We have a lot of challenges. We cannot get action on the floor by this Congress on the subject of stem cell research which will begin, I hope, to unlock the mysteries of dreaded diseases—Parkinson's, Alzheimer's, cancer, heart disease, diabetes, and more. Unlocking the mysteries of those diseases is saving lives. It is pro-life. We can't get a bill on the floor of the Senate to deal with that because we are blocked from considering stem cell research on the floor of the Senate.

We need reimportation of prescription drugs so we can put pressure on the drug companies to lower the price of prescription drugs for the American people. We pay the highest prices in the world for prescription drugs, and it is unfair. The U.S. consumer pays double, triple, in some cases 10 times the price of prescription drugs that is charged to virtually every other consumer in the world, and we can't get a piece of legislation on the floor of this Senate to consider allowing the reimportation of the identical drug, often a drug that was made in this country and then shipped to Canada.

We can't do those things. Those are not priorities for those who schedule the floor of the Senate. But we can bring to the floor of the Senate today a trade agreement, a free-trade agreement with the country of Oman. Here we have another chapter in a book of failures—a free-trade agreement with Oman.

Oman is a country with 3 million people run by a Sultan. I don't come to the floor to in any way cast aspersions or to denigrate the country of Oman. I have not been to Oman. But I do know a lot about trade agreements. I have studied them. And this is what they are ultimately about: the exporting of American jobs to countries where people work for 30 cents an hour and you can work them for 12 to 14 hours a day, 7 days a week. This has caused at least 3 to 4 million jobs to be eliminated from this country.

These free-trade agreements—and this Oman deal is yet another—these free-trade agreements have given the green light to say: Yes, let's ship American jobs overseas; and by the way, even as you ship American jobs overseas, you can bring in low-wage labor from our southern border; and by the way, you can run your income through the Cayman Islands so you don't have to pay taxes.

My colleagues are tired of hearing about the Ugland House, but I am reluctant to mention it again. There is one little house on Church Street in the Cayman islands. It is, I believe, four stories. It is called the Ugland House. It is home to 12,748 corporations. They are not there, of course. That is their official address in order to avoid paying U.S. taxes.

At any rate, these trade agreements, the so-called free-trade agreements, are agreements that in most cases are reached in secret negotiations, are then brought to the Congress under a procedure called fast track. The Congress has actually voted on it. I voted against it. It is absolutely preposterous that Congress decided to say, let's wake up in the morning and put ourselves in a straitjacket and pass legislation that makes sure we can't offer amendments to a trade agreement. That is unbelievable, that Congress has done that, but it has. So we now bring this to the floor under something called fast track.

Fast track means this: Take it or leave it. Here is the agreement. You didn't have any participation in drafting this trade agreement, you have no ability to alter this trade agreement, but take it or leave it, vote up or down, yes or no. That is the process.

With respect to this trade agreement, they actually have begun to do a procedure called a mock markup. In my hometown, you would know what a mock markup is: it is not a markup, it is just a mockery. So they had a mock markup here in the Senate Finance Committee.

My colleague, Senator CONRAD, and I believe Senator BINGAMAN, offered an amendment to the mock markup of a free-trade agreement that is going to be brought to the floor under fast track. That doesn't even sound like English, does it—a mock markup brought to the floor under fast track? So the mock markup is held, and my colleagues offer an amendment that would ban products coming into this country that is produced from sweatshops or slave labor. It passed unanimously in the Finance Committee, in the so-called mock markup.

It turns out that the markup was a mock, or a mockery, because even though that provision passed unanimously, it is not in the trade agreement that emerged on the floor of the Senate. The question is, What has happened to that amendment which was offered in the Senate Finance Committee? Where in the world is Carmen San Diego? Where is this amendment? Maybe we ought to send teams out to look for this amendment. The amendment passed. It was unanimous. But it has just disappeared. Another famous disappearing act.

This trade agreement with Oman is not the largest trade agreement. This is not CAFTA, this is not NAFTA, this is not the free-trade agreement of the Americas. Oman is a relatively small country, and in saying that I do not mean to offend Oman. This is not about whether I think Oman is a wonderful country or not a wonderful country. I want to talk about the ingredients of this trade agreement.

Let me talk a bit about the major concerns I have with this particular trade agreement with Oman. First of all, let me talk about the organizations that oppose this trade agreement. The AFL–CIO, Communications Workers of

America, Teamsters, League of Rural Voters, National Farmers Union, Presbyterian Church USA Washington Office, Sierra Club, United Methodist Church, United Steel Workers, Western Organization of Resource Councils, and many more.

Like NAFTA and CAFTA and all the other acronyms that describe recent failures, this agreement fails to put any meaningful protections or any meaningful labor or environmental provisions in the labor agreement. So the lack of any effective provisions dealing with labor or the conditions under which goods will be produced to be sent to America means that it is just "Katey, bar the door"; whatever happens, happens; we are not going to care much about that.

But particularly recent revelations of massive labor abuses in Jordan should give everyone some pause. The agreement with Jordan was supposed to represent the gold standard with respect to labor standards. Now we have seen recent examples of what has happened in parts of Jordan; that is, human trafficking, 20-hour workdays, widespread failure to pay wages.

Let me talk about last month's New York Times story, which described how a free-trade agreement with the country of Jordan was used to produce sweatshops all over Jordan. It turned out when the agreement was signed in 1999, companies began to fly in so-called guest workers to Jordan from countries such as Bangladesh and China to make products in Jordan to sell at stores in this country—Wal-Mart, Target, and so on. The conditions of these so-called guest workers can only be described as slave-like. Let me read from the New York Times piece:

> Propelled by a free trade agreement with the United States, apparel manufacturing is booming in Jordan, its exports to America soaring twentyfold in the last five years. But some foreign workers in Jordanian factories that produce garments for Target, Wal-Mart, and other retailers are complaining of dismal conditions—of 20-hour days, of not being paid for months, and of being hit by supervisors and jailed when they complain.

Those are the conditions of sweatshop labor that manufacture products in Jordan—by the way, products that used to be produced in this country when we had a textile industry providing jobs to Americans, but that has all migrated.

The question is, Should this sort of thing exist in sweatshops—not only in Jordan but in other parts of the world—to allow products to be produced under these conditions and sold in the United States? The answer to that is clearly no.

Now, consider this: this agreement with Oman provides weaker labor provisions than existed with respect to Jordan.

So with the supposedly good agreement in Jordan, we ended up seeing workers from countries like Bangladesh being flown to Jordan, and forced to work not a 40-hour workweek, but a 40-hour shift, $50 for 5 months of work for one worker, and frequent beatings of workers who complain.

Let me show you some pictures—pretty ugly pictures—from Bangladesh. I will show them for a reason, because it relates to trade agreements that don't have labor protections, and it shows you the face of this global economy. These pictures were taken by a journalist who witnessed firsthand the beating of workers in Bangladesh. Here is an example of a picture taken by a journalist of the beating. This, tragically, is a man shot through the head—a worker subjected to violence and killing. This is another picture of the beatings. Let me show a picture of four young women, if I might, very young girls. You will notice that they are tied together—working in factories, tied together to prevent them from escaping.

Should there be labor standards in trade agreements? Do we give a damn about this? Does this country care about this? I hope it does. But there is no evidence of it because we are going to pass another trade agreement today with no labor standards at all.

So all of the folks in this country who lost their jobs because they wouldn't work for 30 cents an hour, all the folks in this country who saw their jobs moved to Bangladesh, Indonesia, to Sri Lanka, to China, and elsewhere because those who want to produce can find a way to produce it there for 30 cents an hour, not pay health care benefits, work people in unsafe factories, and work them in conditions of sweatshop labor, to all of those people, I ask this question on their behalf: Is this what competition is about? Is this what this country should allow—allow the import of jobs in these circumstances? The answer is clearly no. Yet this Congress will not put labor standards in a trade agreement. It will not require an administration to put labor standards in a labor agreement. The only one which included labor standards was Jordan.

I just described to you the sweatshops in Jordan by which Bangladeshis and others were flown by the planeload into Jordan to work in sweatshops that produce products to be sent to American shelves. I believe it is an outrage. It ought to be corrected. But it is not going to be corrected with this kind of trade agreement.

I recall the movie "Casablanca." I guess everybody understands the famous words in "Casablanca" when the French police chief said he was "shocked." He said: I am just shocked to find gambling in Rick's Café. Of course, he wasn't shocked. Everybody knew there was gambling in Rick's Café in "Casablanca."

These pictures ought to shock the sensibilities of everybody. But on some level, we all understand this is going on. It's just a question of whether we are willing to do something about it. Is this country willing to do something about it? And if so, when? If not now, when? Yet this trade agreement does not do a thing about it.

The country of Oman has 3 million people, and half a million people in Oman are so-called guest workers. In fact, the majority of Oman's workers involved in manufacturing and construction are not from Oman at all. The majority of the workers in Oman are brought in from Bangladesh, Sri Lanka, and other poor countries under labor contracts to work in construction and factories.

The State Department's 2004 Report on Human Rights cited Oman for cases of forced labor. And I quote:

> The law prohibits forced or compulsory labor, including children. However, there were reports that such practices occurred. The government did not investigate or enforce the law effectively. Foreign workers at times were placed in situations amounting to forced labor.

They have changed the report just a little bit in anticipation of having an Oman free-trade agreement brought to the floor, but the fact is that this happens in Oman, and we know it happens in Oman.

There are no labor unions in Oman. In 2003, the Sultan of Oman issued a Sultanic decree which categorically denies workers the right to organize and join unions of their choosing. Under some circumstances, I am told that workers in Oman can join "representative committees," but they are not independent of employers. The Sultan of Oman has written to the USTR, our trade ambassador, and promised that he will improve Oman's labor laws by October of this year; that is, after the Senate has voted to approve a free-trade deal with Oman.

The labor provisions in the Oman Free Trade Agreement are much weaker than the labor provisions in the Jordan trade agreement, as I indicated. They simply ask Oman to follow its own laws and its own self-policing. If the supposedly model agreement on labor with Jordan was such a disaster, think of what it will be with respect to the country of Oman. But under fast-track rules, no one has an opportunity to offer any amendment under any of these provisions.

Now, let me describe another point with respect to Oman. After going through a heated debate some months ago over whether Dubai Ports World should be able to manage a half dozen of America's major seaports, we now find that there is a provision buried in annex II of this trade agreement with Oman, which says that Oman has the right to acquire companies that operate U.S. ports, and there is not a thing we can do about it. This provision in the agreement was added to a list of

U.S. infrastructure functions that Oman can't be precluded from acquiring: It is as follows:

> [L]andside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels directly to or from land, marine cargo handling, operations and maintenance of piers, ship cleaning . . .

There was a great deal of controversy about whether the United Arab Emirates and a company owned by that government called Dubai Ports World should be able to take over the management of a half dozen of America's seaports. The answer from this Congress was absolutely not: this country ought to have the capability to manage, for national security purposes and other purposes, its own seaports.

Well, guess what. We have a trade agreement that comes to the floor of the Senate which says, it is going to be all right if Oman takes over our ports. Or for that matter, if a company from the United Arab Emirates that has a subsidiary in Oman takes over our ports.

The folks at USTR say: Don't worry, be happy. There is an exception in the Oman trade agreement that allows us to block acquisitions for national security reasons.

Well, sure, that national security provision is in the agreement. But it means nothing if the President is determined to let the deal go through.

Here is what the President said about the managing of U.S. ports by the United Arab Emirates. He said this on February 2, 2006:

> Brushing aside objections from Republicans and Democrats alike, President Bush endorsed the takeover of shipping operations at six major U.S. seaports by a state-owned business in the United Arab Emirates. He pledged to veto any bill Congress might approve to block the agreement.

The President quite clearly has told the American people that he thinks it is fine to have the United Arab Emirates run America's seaports. Do you think he would think it was not fine for a company owned by the Government of Oman to run America's seaports? It doesn't seem to me he would have great objection to that. What do the supporters of this agreement have to say to this point?

So this is where we are. They have a mock markup and then create a mock trade agreement and have a mock disappearance of a provision dealing with sweat labor, sweatshop labor, and then you bring it to the floor, and we have a mock debate. Everybody is very quiet about it. Then we have a vote on the floor of the Senate, and then it passes. It always passes because there are not enough Senators here who care about this question.

We import $2 billion a day from around the world above that which we export. Each and every day, we are going $2 billion more into debt to the rest of the world. Said another way, each and every day, we sell $2 billion worth of America to foreigners. Each and every day. And $700-plus billion a year in trade deficits. We shuffle around here like there is no hurry, no rush, no worry, be happy. It is unbelievable to me. This is a very serious, unsustainable problem. We cannot sustain this. It will cause a collapse of the dollar, and it will cause economic difficulties you can't imagine unless this Congress gets serious and this administration and this President get serious and decide this is a serious issue which must be solved.

I have spoken often on the issue of trade, and I know there are disagreements about these things. Let me describe the other side of it because I can describe it easily.

They say that all who raise these questions are a bunch of xenophobic, isolationist stooges; you do not have the foggiest idea what is going on. You can't see over the horizon. This is a globalized economy. The world is flat. Are you crazy? You want to build walls around our country? What are you thinking about? That is the other side. Therefore, they say, let's have free trade agreement after free trade agreement because it is a global economy and it will all turn out just fine. Of course, after each and every agreement we have reached, we have had bigger and bigger problems.

We had a small trade surplus with the country of Mexico. We have a trade agreement with Mexico, and it turns into a huge deficit. So we are able to turn a small surplus into a huge deficit.

By the way, those hotshot economists who gave us all that advice—I didn't take that advice, but the majority of my colleagues did—all that advice saying this is going to be just fine; you should understand this is a division of labor. What is going to happen in Mexico under NAFTA is the low-skilled jobs are going to migrate to Mexico and then we will get high-skilled, high-wage jobs back here as a result. Guess what our three largest imports are from Mexico: automobiles, automobile parts, and electronics—all products of high-skilled, high-wage labor. That is what migrated out of this country. We turned a small surplus with Mexico into a huge deficit.

We turned a modest deficit with Canada into a large deficit. We turned almost a balanced trade deficit with China a couple of decades ago into the largest deficit in humankind. It is unbelievable what we have done. Europe, very large deficit; Japan, an $80 billion-a-year deficit; every single year with Japan, we have a large, recurring deficit. This country had better understand the consequences of this.

This chart represents the trade deficit, and one would have to be colorblind to not understand the consequence of this. You would have to be in a situation where you can't see red. This is red, red, red, growing in a dangerous way, giant trade deficits It is not getting better, it is getting worse. This is simply one more chapter of a book of failures.

What we have been doing is sinking this country into a sea of debt. All of this debt reflects, by the way, the shipment of American jobs elsewhere. We have nearly decimated our textile industry. We are taking apart our manufacturing industry. And it doesn't end there.

I have told the story of Natasha Humphreys who was a software engineer, Stanford graduate. Her last job for her company was to train her replacement in India because an Indian engineer worked for about one-fifth of the price of a U.S. engineer. So she lost her job.

This is not just textiles and manufacturing. Half of the Fortune 500 companies have been outsourcing software development.

That is what the lines on the chart mean. It started with textiles. Everyone knows Fruit of the Loom underwear: T-shirts, shorts, underwear. They would advertise with green grapes, red grapes, dancing down the street. Everyone was happy. Underwear was made here. People had jobs here. The grapes got jobs dancing on television.

Now, however, we do not see dancing grapes talking about American jobs because there is no Fruit of the Loom underwear made in America. That is all gone. There is not one pair of Levis made in America. Huffy bicycles. That is all gone.

I could go on forever, and I have gone on forever, as a matter of fact, in previous discussions about all of the brands. You may be wearing Tony Lama boots, but if so you may be wearing boots made in China. The list is endless.

We built in 100 years in this country something very unusual, and we did it through pain and suffering and through agonizing and debate in the Congress. Part of it was to decide: What kind of country are we? How do we improve the standard of living? How do we build something here that is unique? It was encouraging entrepreneurs, helping people who had a vision to start a business, to take risks, to say go for it, absolutely, to create a hospitable environment where people started businesses and created jobs, and to say on behalf of workers: You have a right, too, a right to organize unions, a right to have a safe workplace, child labor laws. You cannot dump chemicals into the air or water as you produce those things.

James Fyler was shot 56 times—56 times this man was shot. Do you know why? Because in 1917 he believed the people ought to be free to form a labor union to protest the conditions of coal miners deep in the coal mines of Colorado. For that he was shot and killed: 56 times that man was shot.

This history of our country is replete with the people who have decided to exercise the bravery to help build this country and create the standards, the work rules, and the opportunities that we enjoy. Men and women who start businesses, men and women of the labor movement, and Members of Congress decided what the rules are.

Now, in one swoop we can decide a company can move those jobs to China, just like that, shut their American plant, move the job to China—and, by the way, this Congress gives them a tax break for doing so—ship the product back to be sold in this country, run the income through the Ugland House on Church Street, and not pay taxes to the United States.

None of that adds up. So today we have a trade agreement from Oman which persuades me to show, once again, a chart with dancing grapes. Does it relate? Yes, it does, because this is one more chapter in a book of failures.

The question is, Will this country stand up for its economic interests?

I say to Japan—we have had robust trade with the country of Japan for decades. Yet every single year we have these large deficits with Japan and the growing deficits with China which even dwarf the Japanese deficits, yet our country does not seem to care.

All these deficits translate to lost jobs, they threaten this country's economic future and whether we progress and improve the standard of living and expand the middle class. Our government says, you know something, this is a global economy. Whatever happens, happens, and we do not want to offend anyone. We do not want to tell China: Look, the way we will trade with you is this: our trade must be fair trade; you open your markets to us, we open our markets to you; but the methods of production must be fair.

We do not do that. We do not do any of that because we do not have the nerve and the backbone or will to stand up for this country's economic interests. Frankly, it baffles me that this will be passed this afternoon. There is no question about it. This Congress will, once again, snore through this discussion, and we will pass a trade agreement with the country of Oman.

At the end of this year, we will see another record, the highest trade deficit in history.

Alan Blinder is the former Vice Chairman of the Federal Reserve Board. He is not some nut way off on the edge of the political debate. This is a guy who is a mainstream economist. He has written in the Foreign Affairs Journal that there are 42 to 56 million American jobs that are subject to outsourcing.

Let me say that again: 42 to 56 million American jobs in manufacturing, and especially the service sector, that are tradeable jobs, subject to outsourcing. Not all of them will be outsourced, for sure, but even those that remain here will be subject to competing with those in other parts of the world who can do the job for less.

Does that matter to anyone? Doesn't that say to all of us what this is really about? This is about reducing the standard of living in this country. It is not about raising other countries up, it is about pushing us down. That is why this trade strategy is wrong. I don't believe in building walls. I don't believe we ought to decide we should withdraw from the global economy. I just believe there ought to be rules with respect to the global economy that stand up for this country's interests.

For the first 25 years after the Second World War, we were the biggest, the strongest, the toughest. We could beat anybody at almost anything, and we knew it. With one hand tied behind our backs we could trade with anybody and give concessional circumstances and win. It was not a problem.

Then we saw the emergence of shrewd international competitors—yes, Europe, Japan, and others—things changed. But our notions did not change. Our trade policy is still a heavy dose of foreign policy that is, in my judgment, soft headed. We still are concessional. We still do not have the willingness to stand up for this country's economic interests. And we now are seeing the results of that with the highest trade deficit in history.

If I might show that chart one more time, the trade deficits on this chart are the result of these trade agreements. Republicans and Democrats, together—administrations run by both political parties—have failed to do what they should do.

We have a trade deficit with almost every country. And those with whom we do not have a deficit, if we can just get an agreement with them, we will have a deficit. Every single agreement we have made produces a deficit.

We have a huge trade deficit with Korea, which is another country with which we are negotiating a free trade deal.

Here are the cars in Korea: 99 percent of the cars on the road in Korea are Korean-made cars. Why? The Korean government doesn't want other cars in Korea; 99 percent of the cars on the streets in Korea are Korean made.

In Korea, they exported 730,000 Korean cars to the United States last year; 730,000 Korean vehicles were put on ships and sent to America. We were able to export 4,251 into Korea. We almost had a success with the Dodge Durango pickup, but they shut that down. And 95 percent of the cars on the road in Japan are Japanese-made cars in that country. Why? That is the way they want it.

Our country says: That is fine. It does not matter to us. I suppose it is fine because nobody wearing a blue suit and suspenders is losing their jobs. I don't see any CEOs losing their jobs. I don't see any Members of the Senate losing their jobs. The folks making cars are losing their jobs. The textile workers are losing their jobs. Family farmers are having the rug pulled out from under them with bad trade agreements, but folks here are safe. And this administration is, I guess, probably the worst we have had for some while on trade.

But having said that, the Democratic administration that preceded it was not particularly good on trade issues, and no one is very interested in doing anything to address a serious and growing trade problem, which if not addressed will cause havoc with this country's economy and will affect every American worker in a very serious way.

It is probably clear to at least those hearing me that I will vote against the Oman Free Trade Agreement. I think it is a serious mistake. While I think it will pass today, we will await the next bad trade agreement and continue this fight. At some point there will be a tipping point on this issue. The American people will demand the Congress to finally start doing the right thing. No, not building walls, but demanding trade be fair, fair trade on behalf of this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. REED. Mr. President, I rise today to speak in opposition to the Oman Free Trade Agreement.

International trade, if reached through the right paths, can confer tremendous benefits on all of its participants. Through this practice and agreements like this one, we have the opportunity not only to open up market access for American business but also to improve economic conditions for all participants.

Unfortunately, the Oman Free Trade Agreement fails to live up to that potential. This agreement does not provide for American business, while at the same time it fails workers both here, I believe, and potentially in Oman.

In 2001, the United States entered into a similar trade agreement with the country of Jordan. At that time, the agreement was heralded for its progressive labor standards. However, we have recently seen in Jordan instances of foreign workers forced into slave labor, stripped of their passports, denied their wages, and compelled to work for days without rest.

These incidents have been occurring in Jordan because Jordanian labor laws are only applicable to its own citizens and preclude protections for foreign workers.

What I sense is happening is that we have allowed, unwittingly, I believe, individuals and corporations in Jordan to exploit this agreement, to actually move people from countries outside of Jordan into Jordan, and to set up conditions that are not only horrible for the individuals but continue to put pressure on American working men and women in terms of reduced wages, and also do not act to raise the standard of living in Jordan.

One of the points of our agreement with Jordan was to provide the kind of conditions that would raise the standard of living for Jordanian workers. So I am terribly concerned about what could happen in Oman.

My fear in Oman is that they have far weaker labor standards, and that would lend itself to even worse conditions than in Jordan. In fact, the potential for seeing these types of abuses is much higher in Oman, where up to 70 percent of its workforce is comprised of foreign workers already.

During the "mock markup" of this agreement last month—the practice of the Finance Committee where they would go through and, in theory and concept, make the changes they would like to see take place—the Finance Committee unanimously approved an amendment to explicitly prohibit products made with slave labor or through human trafficking from benefitting from this deal, conditions similar to those in the Jordanian Free Trade Agreement. However, the administration chose not to include this simple, commonsense provision in the final implementing legislation before us today.

When our trade partners are held to different, less stringent standards, no one is better off. When Omani firms can employ workers in substandard conditions, the Omani workers and American workers both lose. The playing field is not level. The enforceable provisions of this free-trade agreement require only that Oman and the United States enforce their existing labor laws.

In Oman, this means that workers can be denied the right to collectively bargain and to strike. More egregious, Omani law is vague in its forbiddance of forced labor. I appreciate the commitments of Oman to clarify these provisions and to improve enforcement. However, the timeline for doing this is far too long. If we implement this agreement, and Oman fails to live up to its promises, then this agreement will benefit a few while hurting many.

I would note that part of the problem with all of these agreements is that they are considered under the President's fast-track authority, under which Congress is forced to take or leave even the most imperfect deals. And when the President ignores valuable input from Congress, particularly on issues such as labor standards, we are put in a position where our only choice is to vote against it.

I am a supporter of free trade, but that does not require me to support bad deals from an administration that is more concerned about getting a deal than getting the deal right.

We cannot allow other countries to break the rules. Our foreign trade partners must play by the same rules as we do because American companies and workers cannot compete with countries that engage in substandard labor practices. We have seen it again and again: trade policies that don't establish a real threshold for labor standards do not work.

So, Mr. President, I will vote against the Oman Free Trade Agreement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. May I inquire of the Chair, what is the pending matter before the Senate?

The PRESIDING OFFICER. The Oman Free Trade Agreement.

Mr. DODD. I thank the Chair. I gather at some point the Senate will be asked to vote on the trade agreement; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DODD. I thank the Chair.

Mr. President, this legislation effecting the U.S.-Oman Free Trade Agreement is an important one. Implementing legislation for this agreement is currently pending before the Senate and will likely come up for a vote later this afternoon. Regrettably, I will be opposing this proposal.

In the past, I have voted for many free-trade agreements. I think they are very important. If well constructed, free-trade agreements are essential if we are going to have a growing economy, and if the role of the United States is going to be a positive one in the 21st century. But too often these trade agreements neglect critical points when it comes to how they affect American workers, as well as workers in the country with whom we are entering into the agreement. As I said, I have been supportive of a number of free-trade agreements over the years. I have also opposed a number of them. I will explain why and why I think this particular agreement needs further work and consideration before it is to be adopted.

Properly constructed, I believe that free trade agreements are in the long-term interests of the United States and our trading partners. Today's world is interconnected in ways we couldn't even imagine a generation ago—even 5 or 10 years ago. Faster and more efficient means of transport and communications have made it relatively easy to conduct transactions of all types and in all corners of the globe.

Today, with Internet access, people in the most remote places are better informed about what is happening than ever before.

Globalization has affected countries all around the world. From Latin America to India, Africa to China, no nation has escaped the impact of this process. The difference is that while globalization has helped lift some nations up, it has left others way behind. While it has helped certain entities in various countries, it has left many people in those same nations staggeringly behind in their chances to enjoy greater economic opportunity.

The march toward a more globalized world has significantly affected our own Nation as well. On balance, I believe free trade has benefitted our country in many respects. But quite simply, we haven't done enough in many areas, especially during the past few years, to help ease the transition for many Americans who are struggling. I know the Presiding Officer comes from a part of the country where trade agreements can have a huge impact on major sectors of the economy, as in our Southern States where textiles have been a huge part of economic growth. If not handled properly, for people in these States, many of whom are working for businesses that not many years ago came from New England, trade agreements can have a very negative impact.

Nor have we done enough to ensure a level playing field to ensure that American businesses and workers are protected from would-be violators of the rules.

Ultimately, trade agreements should be designed to lift up people in both countries. I believe in free trade because in order to compete in the global marketplace, America has to keep up and adjust to the changes around us.

We can't just sell goods and services to ourselves and expect to have a growing economy. It is critically important that we have access to these foreign markets. Barriers and tariffs that prevent goods and services from ending up on the shelves in those countries ultimately do great damage to our Nation.

So free and fair trade is critically important to our own economic success. Job loss would be staggering, if we were not able to open up markets around the globe for U.S. products and services.

But for free trade to be beneficial and worthwhile, our trade agreements must also adjust to changes that are occurring around the world.

Much as I regret to say it, the U.S.-Oman Free Trade Agreement does not reflect this reality. Although negotiators had a real opportunity to learn from the past, to raise the standards and to produce a better agreement, we can see in the agreement before us many of the same problems that plagued previous free-trade agreements such as CAFTA-DR.

The issue of labor rights is one key example of how this agreement falls short. I have long been an advocate of vigorous enforcement of U.S. trade laws, especially with respect to those provisions that require our trading partners to respect internationally recognized rights of workers in their countries. Workers rights violations not only give other nations an unfair trade advantage, they also hurt U.S. workers by depressing wages here at home and causing American jobs to be shipped overseas.

Certainly, Oman is not the egregious violator of workers rights that some of our other trading partners are. Indeed, Oman has ratified the International Labor Organization's Convention 29 on forced labor, Convention 182 on the worst forms of child labor, Convention 105 on the abolition of forced labor, and Convention 183 on minimum age of employment. Oman has also ratified the United Nations protocol to prevent, suppress, and punish trafficking in persons, especially women an children.

On the surface, therefore, one might think that there is little to worry about with respect to this agreement, which requires Oman to enforce its labor laws. But this notion overlooks a simple fact—that Oman's labor laws and its enforcement thereof is lacking. Collective bargaining is still not legally enshrined in Oman, nor is the right to strike. Existing law dealing with forced labor is vague. So asking Oman to uphold its own laws is not holding that country to the high standards necessary to protect U.S. workers.

While I understand that Oman is committed to improving its labor laws and enforcement, we should first see some significant action on their end to make sure that both United States and foreign workers are going to be protected. Or better yet, use the ILO standards, not domestic laws, as the benchmark for workers rights provisions in this and other free-trade agreements.

Right now there is an October deadline that Oman has agreed to as a target for achieving some reforms. Besides the late date, I have serious doubts as to what incentives Oman will have to carry out these reforms once this agreement is in place. If this agreement passes before those reforms take place, as may be the case today, many of the incentives for Oman to reform will be gone.

My colleagues should also be aware that we are not just talking about how Omani laws will protect Omani workers.

The fact is that guest workers from impoverished Asian countries perform much of the labor in Oman. These guest workers need to enjoy the same worker protections as Omani citizens. To that end, we have learned in the last 2 months of rampant labor abuses of foreign workers in Jordanian sweatshops.

I don't mean to malign our friends in Jordan. They have been wonderful allies, and very helpful on a number of issues that affect the United States in that part of the world. I am hopeful that abuses by unscrupulous employers in Jordan will be punished and prevented in the future because even the best intentioned countries can never prevent all occurrences of abuses. But given that the Oman Free Trade Agreement has much weaker labor provisions than the Jordanian agreement, the Oman deal certainly seems like it will be a recipe for similar abuses in the future.

I also have concerns about a small provision included in the second annex to the Oman Free Trade Agreement, in the section governing U.S. rights and obligations. In that annex, it is stated that the "United States reserves the right to adopt or maintain any measure . . . " except "landside aspects of port activities, including operation and maintenance of docks."

Simply put, this raises questions as to whether the United States would be able to prevent Oman from acquiring companies that run U.S. port operations without essentially being sued in the World Trade Organization.

Why are we including provisions such as that in a trade agreement and leaving ourselves vulnerable to legal action if we decide that it is in our own self-interest, because of our concerns about terrorism and national security, to prevent Oman from acquiring port operations in the United States?

The only caveat to this section of the Oman Free Trade Agreement is that Oman must provide similar market access to the United States. Now, according to the U.S. Trade Representative, all of our trade agreements include an article on essential security which basically provides that nothing in the agreement can prevent us from applying measures that we consider necessary for the protection of our essential security interests.

That is all fine and well and would seem to indicate that the President or the Committee on Foreign Investment in the United States could still review proposed acquisitions. But why should our trade agreements contain language such as this that is legally confusing at the least and potentially opens us up to being sued, if we decide that something is in our national security interest?

There are other issues I could raise about the content of the U.S.-Oman Free Trade Agreement, but I believe that the two issues I have mentioned are critically important and reason enough to oppose this agreement.

Once again, the Bush administration had an opportunity to use fast-track authority to promote a trade agreement that would be in the best interest of our Nation, of our workers and businesses. I wish that this was the case when it comes to the Oman Free Trade Agreement. Unfortunately, we are instead seeing more of the same disregard for American workers in the pending proposal.

As a result, I intend to oppose this agreement and urge my colleagues to review it very carefully, review the provisions dealing with labor standards and review the standards when it comes to port operation activities included in this free-trade agreement.

I should mention as well, another reason why I support strong labor provisions in these agreements. It is critically important that our trading partners have enough people who can afford to buy the goods and services that we produce here in the United States. Even if countries open up their borders to our goods, what percentage of their population could ever afford our goods and services if they mainly receive low wages and little or no benefits? The only alternative to strong labor protections is that we drop the prices of our goods tremendously, which would obviously be disadvantageous to our future economic prosperity.

The rationale for insisting that there be labor standards and decent wages provided to these people is a wealth creation idea. Labor protections, therefore, are not only about human rights, which is legitimate enough, but are also about enlightened self-interest.

For those reasons, this agreement should not be approved. When the vote occurs, I will be urging my colleagues to vote against it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I come to the floor today to oppose the Oman Free Trade Agreement. There are two primary reasons that I oppose this agreement.

First, this trade agreement is part of the administration's failed trade policy. I believe strongly that we need to change direction, and we need to change direction now, before our trade and budget deficits cripple our economy.

This chart shows how badly off target our trade policy is. Our trade deficits have exploded. In 1992, our trade deficit was just $40 billion. Thirteen years and 10 trade deals later, our trade deficit last year was $718 billion—$718 billion.

NAFTA provides one example of how these trade deals have affected our trade deficits. In 1993, the year before NAFTA took effect, we had a trade surplus with Mexico of about a little less than $2 billion. Last year, after 12 years of NAFTA, our trade deficit with Mexico had mushroomed to $50 billion. So we went from a trade surplus with Mexico to a massive trade deficit with Mexico.

Agriculture provides another example. When this administration took office, we had a healthy trade surplus of $15 billion in agriculture. But that surplus has been shrinking every year since then. This year the surplus is expected to fall to just $2 billion, the smallest agricultural trade surplus in 35 years. Yet we keep going down the same path, trumpeting each agreement as a resounding success.

If this set of policies is a success, I would hate to see a failure. How can anybody suggest that this is a success? We have gone from being the biggest creditor nation in the world to being the biggest debtor nation in the world, and a key reason are these failed trade policies that over and over have promised the American people that they were going to turn the tide, that they were going to make a difference, that they were going to change the circumstance. And over and over they have failed, not in the world of theory, not in the world of make-believe, but in the real world, in the real world where we can measure the results, and the results have been clear: We mushroomed the trade deficit with this set of trade policies.

There is an old saying that the definition of insanity is doing the same thing over and over again expecting a different result. Under that definition, our trade policy is certifiably nuts. We need to stop giving more than we are getting in trade agreements. We need to stop sending American jobs overseas. We need to reduce our trade deficits. And we need a trade strategy that will boost incomes for American workers and farmers.

The agreement before us is a continuation of this failed trade policy. We are not getting more than we are giving. When we read the fine print and the study done by the United States International Trade Commission, the nonpartisan U.S. agency in charge of analyzing trade agreements, we discover that this agreement will increase our trade deficit with Oman—will increase our trade deficit with Oman.

Why are we entering into more trade agreements that make our trade deficit that is at record levels even worse? What kind of a plan is this?

Imports of apparel from Oman will increase by $42 million annually, according to the International Trade Commission. But the ITC says our exports of all products to Oman will only increase by $14 million to $41 million, depending on how responsive our exports are to tariff reductions.

So this agreement, as I have said, actually makes our trade deficit with Oman worse, not better. Perhaps it should not be surprising that this agreement would increase our trade deficit. It is produced by an administration that says that outsourcing jobs to other countries is a good thing. It is produced by an administration that does not believe in having other countries improve their labor standards so that American workers don't have to compete with workers who are paid pennies an hour to work in abusive conditions. In fact, this administration has repeatedly rebuffed the efforts of my colleagues to strengthen labor laws in Oman so that they meet international labor standards.

I don't think this is a good agreement on its merits, but the process by which it has come to the floor is even worse. The way this bill has been brought to the Senate floor makes a complete mockery of the fast-track process.

The fast-track process is now revealed, for anyone who cares to look, as a complete sham. How so? As all Members of this body already know, the Constitution gives the Congress, not the President, the responsibility for regulating foreign trade. Yet in recognition that we cannot have 535 trade negotiators, the Congress has agreed to the fast-track process for considering trade agreements.

By the way, I have supported that approach in the Senate Finance Committee. I thought it was the right approach to take, given the commitments that were made to us on how these trade agreements would be negotiated, how these talks would be conducted. But what we have seen in this agreement is a flagrant failure to keep the agreement.

In agreeing to fast track, each Senator gives up their most fundamental rights as a Senator. We give up our right to amend. We give up the right to extended debate. In essence, we are giving up our right to protect the interests of our individual States. In return, there is supposed to be detailed consultation with the Congress throughout the process of negotiating trade agreements and developing implementing legislation.

In practice, the Finance Committee, of which I am a member, is the focus of this consultation because the Finance Committee has jurisdiction over trade policy. In theory, the committee has extensive input during the process of negotiating trade agreements and developing the legislation to implement it. Theoretically, it does not then need to amend the implementing bill once it is formally introduced.

When it comes to developing the implementing bill, this consultation occurs through what is known as a mock markup process. The mock markup is the Finance Committee's opportunity to amend the implementing bill before it is formally introduced, and then cannot be amended under fast-track rules.

This informal process has a long history. During consideration of previous trade agreements, the process has lasted months and produced a host of changes.

On the Oman agreement, I offered an amendment in the Finance Committee to prevent products made with slave labor or under sweatshop conditions so egregious to be tantamount to slave labor from benefiting from the agreement. I did so because current law has failed to prevent horrific sweat shops in Jordan under the Jordan FTA. I did so because it is not free trade when foreign workers are locked in factories and forced to work 100 hours a week for pennies an hour. That is not free trade. That is not what Members of this body support when they vote in favor of free trade.

This story from the New York Times entitled "An Ugly Side of Free Trade: Sweat Shops in Jordan" tells the story. The recent study in Jordan found that the use of what amounts to slave labor is precisely what has happened. Workers from Bangladesh, China, and other parts of Southeast Asia were promised much greater pay than they could earn in their home countries. They paid hundreds of dollars to recruiters to get a job in a Jordanian apparel factory. When they got to Jordan, their passports were taken away so they could not leave or change jobs. They were then forced to work 90 to 120 hours a week. They were paid far less than Jordan's minimum wage, and if they complained, they were beaten or jailed.

Here is what workers reported, according to the news stories:

> We used to start at 8 in the morning, and we'd work until midnight, 1, or 2 a.m, 7 days a week. When we were in Bangladesh, they promised us we would receive $120 a month, but in the 5 months I was there in Jordan, I only got 1 month's salary, and that was $50.

Mohammed Saiful Islam, a Bangladeshi, said that several times the workers had to work until 4 a.m. and then sleep on the factory floor for a few hours before resuming work at 8 a.m.

> The workers got so exhausted they became sick. They could hardly stay awake at their machines.

Several workers said when they were sick, they did not receive medical care but were instead punished and had their pay docked.

Hazrat Ali said he sometimes worked 48 hours in a row—48 hours in a row—and received no pay for 6 months. "If we asked for money, they hit us," he said.

Nasima Akhter said the western factory gave its workers a half glass of tea for breakfast and often rice and some rotten chicken for lunch. "In the 4 months I was in Jordan," he said, "they didn't pay us a single penny. When we asked management for our money and for better food, they were very angry at us. We were put in some sort of jail for 4 days without anything to eat, and then they forced us to go back to Bangladesh."

Mr. President, these conditions are appalling. We should not be asking American workers to compete with these practices, and we should not be giving special trade benefits to products made under these conditions.

In the case of Oman, its labor laws fall far short of the core International Labor Organization standards. Oman, like Jordan, relies heavily on guest workers who are often at a serious disadvantage in trying to assert their rights. Oman has been cited by our own State Department for human trafficking. According to the International Trade Commission, the Oman Free Trade Agreement is expected to greatly increase apparel production and exports to the United States.

This means there are significant reasons to be concerned about the same thing that happened in Jordan. There is good reason to be concerned that they might happen in Oman as well.

That is why I offered the amendment in the Finance Committee. It simply clarified that goods produced with slave labor or de facto slave labor will not get the benefits of the agreement. The administration raised objections in the committee, but the committee rejected the organization's advice and unanimously adopted my amendment—unanimously. It did so because the members of the committee believed that products manufactured in these sorts of abusive conditions should not get special benefits under this trade agreement.

The Finance Committee spoke loudly and clearly. By an 18-to-nothing recorded vote, the committee disagreed with the administration and said that we needed to add protections in this agreement because, clearly, local labor laws and U.S. laws did not work in the case of Jordan. Yet the bill before us today does not include these protections. It does not include my amendment.

This process says that a unanimous vote in the Senate Finance Committee means nothing. It says that adopting an amendment by a unanimous vote is tantamount to rejecting the amendment because the outcome is exactly the same. This makes a complete mockery of the markup system for trade legislation in the Finance Committee. It demonstrates how completely broken this process is. No matter what the Finance Committee says, no matter how strongly it says it, the administration is free to ignore it.

Two years ago we debated the Australia Free Trade Agreement and the Finance Committee adopted an amendment I offered at that time. It then went through procedural contortions to drop the amendment. I said at the time:

> This precedent strikes me as dangerous. It opens the process for abuse, and it reduces the committee's role in crafting trade policy and trade legislation. It may have been expedient, but I believe we will come to regret this precedent. It invites a future President to ignore any recommendations made by the committee on future trade implementing legislation.

Mr. President, that is what has happened here today on the Oman Free Trade Agreement. The administration has concluded that it is free to ignore the unanimous recommendation of the Finance Committee.

I believe this action has serious consequences for the fast-track process itself. If consultation is without meaning, there is no reason Senators should give up their rights under Senate rules to amend and debate trade agreements.

Fast track is up for renewal next year. This egregious abuse of the process is just another nail in the coffin of fast track. It is becoming crystal clear to me that consultation promised in the fast-track process is completely a sham.

Let me conclude. The Oman Free Trade Agreement promises few, if any, benefits to the U.S. economy and will make our trade deficit with Oman worse. Moreover, the safeguards that were supposed to protect against imports made under abusive sweatshop conditions and slave labor have been dropped from the bill.

Finally, the process that the Finance Committee followed sets a terrible precedent. No Senator should welcome the precedent that the administration can simply ignore the will of the Finance Committee on a particular trade issue very important to the people we represent, secure in the knowledge that a trade implementing bill can be pushed through as part of a larger take-it-or-leave-it package.

So I hope my colleagues, even those who generally support free-trade agreements, will think long and hard about this vote. If you believe the Senate and the Finance Committee should not have a voice in trade agreements and trade implementing bills, if you support the use of slave labor and human trafficking and egregious, abusive sweatshops, you should vote for this bill. But if you believe that consultation under fast track should be meaningful, if you believe that the markup process should not be a mockery, and if you oppose slave labor, you should oppose this bill.

I urge my colleagues to stand for a new direction in trade policy, to stand for agreements that benefit America and to vote against the Oman Free Trade Agreement.

I thank the Chair, and I yield the floor.

Mr. HATCH. Mr. President, the Senator makes some good points, but I don't think we should saddle Oman with what happened in Jordan. Saddling this agreement with that accusation, it seems to me, is not quite fair.

Mr. President, whenever I begin my examination and analysis of a proposed free-trade agreement, my first question is always: How will this agreement affect my folks, my people in Utah?

Any objective analysis would indicate that the passage of the United States-Oman Free Trade Agreement will have only a de minimis effect on the State of Utah, since Oman only has a gross domestic product of $24.8 billion.

The second question I ask is whether an agreement will have a positive effect on the American economy. According to the U.S. International Trade Commission, the FTA will have a small, but it will be a positive, impact.

Specifically, trade between our two nations totaled over $1 billion in 2005, with the U.S. exporting $593 million worth of goods and services to Oman and importing $555 million from that country. This is a trade surplus for us of $38 million, which is a positive development, since our Nation bore a $18 million trade deficit with Oman as recently as 2004. Yet despite this positive trade balance, trade with Oman only accounts for 0.04 percent of all U.S. trade.

So what is the advantage for the American people and the people of Utah?

The United States-Oman Free Trade Agreement, as does the Bahrain FTA that preceded it, sends a very important message that the United States strongly supports the economic development of moderate Middle Eastern nations. This is a vital message in the global war on terrorism.

As you well know, since the end of the Second World War, the United States has, on a number of occasions, accepted nonreciprocal trade concessions in order to further important Cold War and post-Cold War foreign policy objectives. Examples include offering Japan and Europe nonreciprocal access to American markets during the 1950s and 1960s in order to strengthen the economies of our allies and prevent the spread of communism. At the time, this policy was affordable due to the tremendous size of the trade surpluses the United States enjoyed. However, those times have passed.

Our Nation has not enjoyed a trade surplus since 1975, and last year's deficit widened to a record $726 billion, increasing to 5.8 percent of the gross domestic product, from 5.3 percent in 2004 and 4.5 percent in 2003.

My colleagues may look at these hard truths and question the need for any further trade agreements, including the United States-Oman Free Trade Agreement. But I must remind my colleagues that we have a trade surplus with Oman and this agreement will permit more American companies to have full access to the Omani market.

Further, Oman is quickly running out of oil and, as a result, has launched a series of measures to reform its economy. Those measures will require American products, and this free-trade agreement immediately removes Oman's uniform tariff of 5 percent ad valorem on U.S. goods and phases out other tariffs on U.S. goods. Now, this means that the Omanis will have more money to buy what they are buying from us now: machinery, transportation equipment, and measuring instruments—products that provide good jobs for our fellow Americans.

I have also become aware of media reports that state the agreement provides Omani port operators an absolute right to establish or acquire operations to run port facilities within the United States. This, of course, is not accurate. The Oman FTA preserves the right of the United States to determine for itself whether to block a foreign investment in the United States in order to protect our essential security interests, including any potential investment in port authorities and activities. I also should point out this agreement does not affect current U.S. law that authorizes the President to block proposed foreign investment in the United States that threatens U.S. national security.

Mr. President, these Middle Eastern nations such as Oman are countries who work with us in the global war on terrorism. They are people who have taken care of our troops. They are people who help us with our military. They are people who are moderate in nature, and, for the most part, do a lot of good things and have a constructive view of the world. Therefore, I think a free-trade agreement with Oman is very important.

I also want to thank the vast majority of the people of the United Arab Emirates for the friendship they have shown to our country and, really, to the world at large.

Therefore, Mr. President, I will continue to support such agreements as the United States-Oman Free Trade Agreement, and I urge all of our colleagues to join us in supporting this agreement. Let's not give too much credibility to some of these arguments that are being made against this agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask to be permitted to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAEL AND THE PALESTINIANS

Mr. LAUTENBERG. Mr. President, I rise now to discuss the tense situation we are witnessing in the Middle East between Israel and the Palestinians. It has been said that governing is about choices. Right now, Hamas has to make a choice that can determine the future of the Palestinian people and the Palestinian state.

Hamas is, at its roots, a terrorist organization. That has been established in the view of the United States and in the view of the European Union. So we can't kid ourselves about what it is that we see in front of us. They used a strategy to usurp power in the Palestinian territories. First, Hamas offered some social services among the Palestinian people by running social service programs even as it pursued its terrorist objective, to destroy Israel.

But now Hamas has a choice. Does it really care about the Palestinian people or is it simply too dedicated to its terrorist ways? If Hamas is really concerned about the Palestinian people, they would release, promptly and safely, the Israeli soldier they now hold hostage. We have seen them brag—crow about the fact that they killed a young settler they abducted, 18 years of age.

We see a new tactic being used by terrorists over the last few weeks—by terrorists in general. We saw what happened in Iraq when they kidnapped two of our soldiers, Private Kristian Menchaca and Private Thomas Tucker. They were mutilated and tortured before they were killed. So brutally handled by these terrorists in Iraq. I know our troops are working very hard to find these terrorist killers, and I hope we will.

But now Hamas, replicating that kind of terror behavior, has kidnapped an Israeli soldier, a young corporal—Gilad Shallit his name is—and Israel has been on the search to try to rescue him while trying to get the Palestinian people to understand they cannot win this fight for peace with a government composed of terrorism advocates.

Hamas shows their hand choosing this confrontation. To make matters worse, they then abducted this young man, 18-year-old Eliyahu Asheri—they showed pictures of him—and shot him in the head.

The events of these past few days are vividly illustrating to the world that Hamas is not a valid governing body. They can't be taken seriously as a civilized leader of its people. That has to be understood by the people in those communities. There is so much to be gained by a peaceful resolution of the differences. No, it is probably true that neither side can fully gain all of its own interests. But Hamas, a terrorist organization, cannot be taken seriously as a civilized leader of its people. It is a terrorist organization masquerading as a government.

But now they are faced with a critical choice. If they have decided that the path of violence is the one that they would like to follow, it dooms the Palestinian people to isolation and economic hardship. Or now they can make a humanitarian gesture on behalf of the people they purport to represent.

I have had a deep interest in the area. Israel is a very important ally. They provide us with a degree of presence that we otherwise would have to gain ourselves with more ships, more troops, more airplanes. But this democratic society survives in a sea of totalitarianism.

It has to be understood that we want to work with the Palestinian people. Believe me, when I see pictures of Iraqi children or Palestinian children, families torn apart, a father or mother lost with a child weeping, sobbing alongside the dead parent, brother or sister, we don't want any violence to come to any side in these attempts to govern. But Hamas is a terrorist organization. Suggesting that they represent the view of the people there presents a very sad picture.

Violence is not helping any cause in the Middle East. But Hamas seems intent on continuing the downward spiral of violence and death. One cannot blame the Israelis for fighting to save their people. That is their responsibility as a government.

We have reached out to Iraq, ostensibly, as is said by the administration, to protect our freedoms in this country. We have come face to face with terror, and it has changed life in America. The downing of the World Trade Center and the attack on the Pentagon, the violation of our territorial borders, the violation of life and the pursuit of regularity by our people—it is all different now.

I happened to visit a community of Native Americans in New Jersey. One man was complaining that he can't fish in the reservoir anymore. He can't put a boat in there because they are afraid that he might be a terrorist. But they still depend on that for sustenance, hunting animals, fishing. When you see that kind of reach—that is not the most terrible thing that has happened in our world, but it just tells you about the extent that terror can inflict punishment on the free world.

So this situation then between Israel and the Palestine territories really exemplifies what can be. They have this young man captive, threatening to kill him. My advice is, return him promptly and safely, and show the real face of the Palestinian people. They are essentially a hard-working, industrious people who ultimately want to have peace for their families and a chance for them to exist with a standard of living that is reasonable.

The United States and the European Union already know Hamas is a terrorist organization. The rest of the world now knows it, too.

The reach of terror is beyond anything that might have been anticipated, whether it is an attack in a Japanese subway or a train in Great Britain or Spain or wherever; everybody is on guard. We are all looking at how horrible examples of terror are. We are going to see tense days in Israel and Gaza. My hope, and I think the hope of everybody who knows anything about the situation, is that Hamas comes to its senses and quickly releases Corporal Shallit.

Some time ago I was with other Senators on a trip to Iraq. On the way we stopped in Israel to meet with Prime Minister Sharon when he was in power. While we were sitting around the table, I and the four other Senators suddenly saw activity, hustle-bustle in the conference room. The Prime Minister, Sharon then, looked like he was suddenly deflated. He slumped in his chair. He said he had bad news. There was a suicide bombing attack in a port just south of Tel Aviv and 10 people were killed and many others wounded.

I volunteered for the five of us that we could adjourn the meeting and permit the Prime Minister to go on and conduct his necessary function.

He said to me: Senator, when you are the Prime Minister of Israel, you must continue to function no matter what the circumstances are. And we will continue our discussions here.

Israel as we know it is going to fight back against terror with every ounce of energy and blood that it can muster. It is not going to let the Palestinians or any other terror come into their country and kill or injure its citizens without paying a terrible price. The price not only is to the people where the perpetrators come from but the tensions that spread throughout the world.

Let's hope that Hamas comes to its senses and quickly returns the young soldier they are holding.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

THE HAMDAN DECISION

Mr. DURBIN. Mr. President, we are a nation at war. There is no doubt that America must devote all of its energy and resources to defeating terrorism and stopping those who attacked us on 9/11 and would attack us again.

But we are also a nation of law. No one from the highest ranks in America to the lowest is above the law—even during a war. That is what makes America special and in many ways different from other nations.

Today, across the street from where we meet in the Senate, the United States Supreme Court handed down a decision reminding the Bush administration that no President is above the law. The Court rejected the Bush administration's decision to turn its back on treaties and laws that have served America so well for generations. The Supreme Court held that the Bush administration must comply with the Uniform Code of Military Justice and the Geneva Conventions in its treatment of suspected terrorists.

Why did this matter come before the Supreme Court? Because, with no input from Congress, the Bush administration set aside our treaty obligations and agreements and created new rules for detaining, interrogating, and trying detainees. They claimed that the Congress had no voice in the matter and the courts had no right to review what this President decided.

The administration claimed that it could act as legislator, executive, and judge when it came to the treatment of these prisoners. But today the Constitution prevailed. The Supreme Court made it clear that it is Congress's responsibility to make the laws and the President's responsibility to follow the laws, just as the Constitution provided.

Our Founding Fathers understood that it is a human and a natural political reaction for Kings and Presidents and those in power to try to be more powerful. They warned us.

In writing our Constitution over 200 years ago, they warned us that we needed to separate power in America so no one branch of Government would become too powerful. In the Federalist Papers, James Madison, our fourth President and the primary author of our Constitution, wrote:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands may justly be pronounced the very definition of tyranny.

You do not hear the word "tyranny" much anymore. It meant a lot to the men and women who waged the wars and risked their lives in the great revolution creating this Government.

But the decision of the Supreme Court today is entirely consistent with that goal in our Constitution, to make certain that no President, no branch of our Government, becomes so powerful that it isn't held to check by our Constitution and our laws.

Today, the Supreme Court ruled against the Bush administration and for James Madison and for the rule of law. Here is what Justice Anthony Kennedy said:

> Concentration of power (in the executive branch) puts personal liberty in peril of arbitrary action by officials, an incursion the Constitution's three-part system is designed to avoid.

This is a historic decision—a decision that reminds this President and every President to come that they must answer first to the Constitution of the United States. It says to President Bush and all of those who promulgated these policies that they must answer to our Constitution.

The Supreme Court has taken the same position that former Secretary of State Colin Powell took almost 5 years ago when the President and his administration first decided to set aside the standards and values of the Geneva Conventions. The Geneva Conventions, of course, were agreements entered into by civilized nations which said we should guide our conduct by common principles. The Geneva Conventions applied until this administration after 9/11 felt we could no longer hold to those standards. They were reminded today by the U.S. Supreme Court that they were wrong.

Secretary of State Colin Powell suggested we could live up to the Geneva Conventions and still fight terrorism and still make America safe. He pointed out that the Geneva Conventions do not limit the ability to hold detainees and do not give POW status to terrorists. That was a straw man created by this administration to avoid generations of legal precedents.

Secretary Powell also said that setting aside the Geneva Conventions "will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain."

These are the words of Colin Powell, a man who dedicated his life to our military, to our country, and to public service.

When you look at the negative publicity about Guantanamo and Abu Ghraib today, you understand that Colin Powell's remarks were prophetic. He was right. Ignoring the law of war hurts our efforts to fight terrorism, and sadly it puts our troops at risk. And it is not the American way.

Unfortunately, the President did not follow Secretary Colin Powell's counsel when it came to this decision. He listened to others within his administration. That led to this confrontation before the Supreme Court. That led to this decision today.

I hope this decision will set a standard for us when it comes to dealing with this war on terrorism—that we can win this war without losing our souls. The Supreme Court reminded us today that America—this great and strong Nation—can be a safe nation without compromising the values that make us different.

I urge the President to use today's decision to move on a bipartisan basis to establish a standard consistent with our values, consistent with our laws, and consistent with the treaties that we have signed for the treatment of prisoners.

Anyone who is dangerous to America should be held and should not be released. Anyone who has real value to America, in terms of intelligence, should be interrogated properly to find out what they know and how it could help protect us. But the Supreme Court makes it clear today that we have to move beyond where we are holding hundreds of prisoners at Guantanamo and other places without charges and without any clear disposition under the law.

Several of my friends have volunteered to be attorneys for those who are detained at Guantanamo. I have met with my friends in Chicago. They are men who have spent a lifetime in the practice of law, one a former U.S. Attorney for the Northern District of Illinois, another a defense counsel for many decades in the city of Chicago.

They went down to Guantanamo to meet with the detainees that they volunteered to represent and came back to Chicago begging me for a meeting. We got together and they told me the stories. First, they couldn't understand how this could happen, how the United States of America would not be following basic standards of conduct, which everyone assumed we would follow when it came to legal procedure. They asked me how this could happen. I couldn't answer it, but I knew the Supreme Court would have to answer it.

When Chief Justice Roberts, who recused himself from today's decision, and Justice Alito came before the Judiciary Committee, we reminded them that Sandra Day O'Connor, in an earlier decision concerning the treatment of prisoners, made it clear that even during time of war no President is above the law. In the Hamdi decision, she said, "A state of war is not a blank check for the President." We asked each of these nominees if they agreed, and they said they did, without any equivocation.

The decision today by the Supreme Court, this majority decision, is a reminder of the greatness of this Nation. It is a reminder that following the rule of law we can keep America safe. We can treat these prisoners properly and legally. If they are a danger, we can hold them. But there comes a time when this President and every President must be held accountable to our Constitution.

Mr. McCAIN. Mr. President, I strongly support the United States-Oman Free Trade Agreement and urge my colleagues to support this legislation.

Two-way trade between the U.S. and Oman stands at nearly $1 billion, and it is projected to grow under the terms of this new agreement. Upon enactment, 100 percent of industrial and commercial products and 87 percent of agricultural products will be duty free. The agreement, which covers textiles, telecommunications, intellectual property rights, investment, and other sectors, will promote economic growth and prosperity in both countries. American producers, consumers, and investors will benefit from the FTA.

Not only is this free-trade agreement good for the economic prosperity of Americans, it will promote growth and employment in Oman. Given Oman's long strategic ties to the United States and the efforts of Sultan Qaboos to reform the economy and the political process, this agreement is an important sign of our support.

Since 1833, when the United States signed a treaty of friendship with Oman, our ties to that country have been close. The U.S. used Oman's Masirah Island air base during the attempt to rescue U.S. Embassy hostages in Iran during the Carter administration. Oman hosted thousands of U.S. personnel during Operation Enduring Freedom in Afghanistan and during Operation Iraqi Freedom. Our governments have cooperated in the nonsecurity aspects of the war on terror, and Oman has made important strides toward greater democratization. The Sultan has made women's rights an important part of his reform plans. While work remains, the liberalization project in Oman remains on a positive trajectory.

In recognition of this deep cooperation, and to further enhance our economic and security ties, this free-trade agreement should win quick approval by the U.S. Senate. I urge my colleagues to support it

Mr. LEVIN. Mr. President, we have a failed trade policy and the United States-Oman Free Trade Agreement, OFTA, implementation legislation the Senate is being asked to consider today is a continuation of that failed trade policy. This failure is reflected in a trade deficit that reached a record $717 billion last year and in the loss of 2.8 million manufacturing jobs over the past 5 years.

The OFTA implementing legislation fails to insist on basic internationally recognized labor standards, yet this agreement is being rushed through the Senate under fast-track procedures that only allow Members of Congress an up-or-down vote and no chance to amend or improve it one day after it was voted out of the Finance Committee and with no report. Although I support free and fair trade, as well as increasing our economic ties with Oman, I believe any trade agreement entered into by the United States should include commitments to international labor standards.

Writing labor and environmental standards into trade agreements is an important way to ensure that free trade is fair trade. But unlike the 2001 Jordan Free Trade Agreement, the OFTA fails to include internationally recognized, core labor standards supported by most countries in the world. Those standards include the right to organize/associate; the right to bargain collectively; a prohibition on child labor; a prohibition on discrimination in employment; and a prohibition on forced labor.

In the case of Oman, its laws do not meet core International Labor Organization, ILO, standards, and therefore the agreement's requirement that Oman simply "enforce its own laws" is inadequate.

Rejecting the OFTA implementing legislation as currently drafted would be a sound rejection of the failed and flawed trade policies of the past and a signal of support for a better approach to trade that is a two-way street and trade that supports the rights of workers.

I am disappointed that the administration ignored the Senate Finance Committee amendment forbidding any goods produced with slave labor or benefiting from human trafficking from benefiting from the agreement. This amendment passed the committee unanimously, yet the administration did not include it in the legislation it sent to Congress. This is especially unfortunate in light of recent revelations that such labor abuses are occurring in Jordan despite a United States-Jordan FTA that included labor and environmental protections unlike the agreement under consideration today. It also shows a blatant disregard on the part of the administration of the advice and input of Congress in developing trade agreements.

I do not support the agreement before us as crafted, and without the chance to improve it, I must oppose it. Trade should not be a race to the bottom in which U.S. workers must compete with countries that do not recognize core international labor standards and basic worker rights.

Mr. LUGAR. Mr. President, I rise today to speak in support of the U.S.-Oman Free Trade Agreement. At a time when commerce routinely crosses national borders, the United States should be positioned to compete in all arenas. Bilateral free trade agreements facilitate this goal. The FTA with Oman is significant for many reasons. Foremost, it encourages trade and economic cooperation with a friend and partner in the Middle East. FTAs are vital tools in providing new opportunities for our domestic companies as well as shaping our international business and foreign policy. Cooperation on the commercial front enhances our ability to work with nations in other matters, including security and intelligence.

FTAs promote trade and growth which in turn support overall government stability and cooperation in this region. Continued cross-border trade ties will ensure the emergence of new capital markets and provide U.S. firms with new business partners. This agreement with Oman is also a further step in the direction of the goal to have a Middle East Free Trade Area by 2013.

Oman acceded to the World Trade Organization in 2000, and entered into a Trade and Investment Framework Agreement, TIFA, with the U.S. in July 2004. The TIFA provided a foundation upon which the U.S. and Oman were able to begin discussing areas of increased cooperation in trade that could be achieved. Subsequently, this FTA was signed in October 2005 and sent to Congress on June 26 under Trade Promotion Authority timelines.

This agreement will provide for greater market access in services, consistent legal protections for investors, effective enforcement of labor and environmental laws, and protection of intellectual property. There has been some debate over strengthening of labor laws in Oman. The government there passed significant labor reforms in 2003 and has made a commitment to implement further reforms by October of this year. Additionally, the Omani government has committed to increased protections for intellectual property. It has indicated that existing intellectual property protection laws will be enforced and enhanced civil and criminal penalties will be instituted for violators of these protections. Further, in addition to commitments not to relax environmental standards in order to attract investment, there was a separate agreement signed establishing a Joint Forum on Environmental Cooperation, through which ongoing assessments of environmental issues will be addressed.

In 2004, U.S. goods exports to Oman totaled $330 million, and two-way trade was $748 million. Of these amounts, U.S. agriculture comprised $20 million. The stock of U.S. foreign direct investment in Oman in 2003 was $358 million. Enactment of this agreement will further expand the market for U.S. exports which currently include machinery, automobiles, medical instruments, and agricultural products such as vegetable oils, sugars, sweeteners, and beverage bases. In addition to greater market access for agriculture and consumer goods, this agreement will also specifically create greater opportunities for service industries such as banking, insurance and securities.

FTAs provide benefits that enable American companies and workers to compete effectively around the world. I encourage my colleagues to support the U.S.-Oman FTA.

Mrs. BOXER. Mr. President, I oppose the proposed U.S.-Oman Free Trade Agreement. This agreement is not fair to American workers, plain and simple.

The theory behind free trade agreements is that two nations will agree to the free flow of goods as long as there is a relatively even playing field in terms of labor and environmental standards.

Without that even playing field, we face a worldwide "race to the bottom," where the nations that pay their workers the least and offer them the fewest rights and protections, wins.

Sadly, the Bush administration has entered this particular race with gusto.

The Sultanate of Oman does not have much of a track record on worker's rights. There is no right to form independent unions or bargain collectively. The Omani constitution and labor laws do not prohibit the use of forced labor for public services and child labor is still permitted in law and practice.

The country of Oman has only 3 million people—and half a million of them are foreign "guest workers," mainly from Bangladesh, Sri Lanka and other Asian countries. And there have been numerous reports about how guest workers in that region have been exploited and underpaid, enabling their employers to turn out extremely low-cost products.

Unfortunately the trade agreement we are considering today offers no guarantees that Oman will not treat its "guestworkers" in the same way, and then be able to sell the products of their labor, duty free, to U.S. companies.

And we are asking American workers to compete against that? That's not free trade, defined as a mutually beneficial arrangement between two nations that raises living standards and general prosperity for the citizens of both countries. That's merely pitting American workers against the poorest, most desperate workers in the world, who work as foreign contract workers and have few legal or institutional protections.

I cannot support that approach to free trade. I proudly join with 400-plus labor, environmental, religious, human rights, consumer, business and family farm organizations, to oppose the U.S.-Oman Free Trade Agreement.

Mr. OBAMA. Mr. President, the Oman Free Trade Agreement is not a threat to American workers, and it could help us build better relations in the Middle East. I believe that the administration has handled its relationship with Congress on this agreement poorly, but our foreign policy interests in the region require greater engagement with it. For this reason, I am voting for this agreement.

The economics of the agreement are negligible. U.S. exports entering Oman today face tariffs that this agreement will remove. As a result, American sales to that country will increase by about 14 percent, or $41 million. This increase is a very small share of U.S. exports to the world—less than .05 percent—making the effect on U.S. output and employment minimal. On the import side, according to the International Trade Commission, "the expected changes in U.S. trade with Oman . . . would likely be very small and, therefore, have almost no effect on U.S. imports, employment, or welfare." In other words, imports would be so small that they don't even register.

Because the economic impact on the United States is not a compelling factor, I believe that we must base our vote on the kind of message it sends about our approach to trade generally and the potential effects of trade agreements on our foreign policy. In general, I believe that more trade between the U.S. and other countries is good. It helps build constructive political relationships and can create wealth both here and abroad. And I would like to see us build better relationships with countries like Oman and its neighbors.

I have been informed by the State Department that Oman has been a valuable partner for the United States in a volatile part of the world. I will not take the time to list all of the areas of cooperation between our two governments, but this relationship is important and is the main reason I am voting for this agreement today. I believe we have a strategic interest in working to enhance our relationships with friendly governments in the region.

I should also point out that Oman, with respect to the Arab world, is forward leaning on a range of economic and political issues, including women's suffrage. This is not to gloss over some of the problems in Oman, including restrictions on the press and a lack of a free and independent judiciary; one only needs to look at the State Department's Human Rights Report to know that there is room for improvement. With this vote, I want to send a signal to the government of Oman that we respect the progress it is making, but expect that there is much more to come.

I would caution the administration, however, not to take for granted Congress' support for trade agreements. We give the President streamlined authority to negotiate trade agreements and send them to Congress to make it easier for Presidents to conclude negotiations. We do that to encourage trade. But that does not mean that he can or should ignore this co-equal branch of government.

The Senate Finance Committee specifically directed the administration to exclude from the Oman agreement goods that were produced with slave labor or benefited from human trafficking. The administration refused to do so. That sends a loud message to Congress that the administration believes fast track authority is the authority to ignore Congress. It is not, and I caution the President that such an approach to trade policy will lead to the death of Trade Promotion Authority and a wave of protectionist policies.

I support this agreement because I believe in the potential of the Middle East and our responsibility to engage and build partnerships in the region. But I will continue to work to make trade agreements better for workers and the environment as we move forward with the Nation's trade agenda.

Mr. KOHL. Mr. President, I rise today to express my opposition to the Oman Free Trade Agreement implementing legislation before us. I am concerned about shortcomings in Oman's labor laws, in particular the lack of any provisions allowing workers to form independent unions or to bargain collectively. Also, Oman has no legal prohibitions of sweatshop labor.

Some have argued during today's debate that Oman has made improvements in their labor laws and are willing to make more. And it is true that recent labor law reforms in that country have moved the situation for workers from criminal to just terrible. But we should have learned from our experience with Jordan—a country with which we have a free-trade agreement, one that was justified by promised improvements in their labor laws. Just recently, the New York Times published an expose of the dreadful conditions in Jordan's sweatshops. What makes us think that Oman, with weaker labor standards than Jordan, will behave any better after they get their free-trade agreement? Congress needs to stand up for the workers in countries with which we trade before we reward them with unfettered access to our markets—and that means Congress must reject against trade agreements that do not demand strong labor laws and respect for fundamental workers' rights.

My "no" vote on the Oman Free Trade Agreement is also a vote against the way in which the Bush administration has handled trade negotiations. A year ago, Congress debated and ratified CAFTA. I voted against CAFTA because I could not see offering trade concessions to countries with labor standards so far below our own. I challenged this administration to negotiate trade agreements with countries that have strong labor laws. So far, they have not responded.

I also voted against CAFTA—and will vote against the Oman agreement today—in protest of a trade policy that is ignoring our rising trade deficit and the job drain that accompanies it. Instead of finding ways to pander to countries with deplorable human rights and worker protection records, the President and his trade negotiators ought to get tough with China and make them play by the rules. In the past 8 months, the President has met with President Hu of China twice. Each meeting was seen as an opportunity to begin to develop policies to respond to China's unfair trade practices, and each time this administration has been eerily silent.

In the meantime, our trade deficit has ballooned to $805 billion, and our trade deficit with China alone has risen to $201 billion. What is the President's plan? The U.S. Trade Representative wants to push through as many trade agreements as it can before fast-track Presidential trade negotiating authority expires in 2007. Peru, Columbia, United Arab Emirates, Thailand, and Korea are all in the queue. When is enough, enough? When will this administration focus on keeping jobs at home rather than handing out trade concessions abroad?

Workers in this country are looking to the President for leadership and answers on how we can keep jobs in the United States. Unfortunately, the Oman Free Trade Agreement offers neither. I urge my colleagues to reject the Oman Free Trade Agreement—and reject the misguided, disastrous trade policy it represents.

Mr. KERRY. Mr. President, today the Senate is considering a free-trade agreement with Oman. And here we are, once again, facing a free-trade agreement with an important ally that is the product of a failed process, an inattentive administration, and a basic neglect of the will of Congress.

I think this is a decent agreement with Oman, and I am not interested in harming relations with an important Middle East ally because of my frustration with the administration. Economic integration of the Middle East is too critically important a goal and vital to our efforts in the war on terror. I understand that deficiencies remain in this agreement. I will monitor Oman's remaining commitments on worker rights very closely. We must continue to engage this volatile region of the world economically if we expect to make progress on a number of fronts.

I have said repeatedly to the administration that our trade agreements must include the basic International Labor Organization, ILO, standards within the four corners of the trade agreement and that those standards must be enforceable. I have said that we must address other abuses such as the recent reports of abhorrent working conditions in Jordan. So what have we done? On CAFTA, I offered an amendment calling on the administration to require equivalent dispute resolution procedures for workers' rights as we provide for patent violations. And even though that vote failed on a 10 to 10 tie, the administration did not even consider strengthening the standards.

On Oman, Senators CONRAD, BINGAMAN and I offered an amendment to strengthen slave labor laws. The committee adopted the amendment unanimously. Inexplicably, the administration has returned the implementing bill without the language—without an explanation—without justification. It is absolutely inconceivable that the administration would not support a ban on the importation of goods produced with slave labor. At a time when America is attempting to restore its image around the world, this certainly sends the signal that as long as this administration is in place, we should not anticipate common sense in Government.

But I will say that the intransigence demonstrated by the administration this week does not bode well for renewal of fast-track authority. Under the Constitution, Congress is empowered to manage our economic relationships. We grant that power to the administration so that we may present the world with one voice in our economic diplomacy. But we must evaluate under what conditions we grant this authority in the future—if we grant it at all. There is no doubt that the system is broken. And I will be actively engaged as we reevaluate this strategy.

Mr. LIEBERMAN. Mr. President, consistent with my longstanding record of supporting trade as good for America's economy and economic development in Arab and Muslim countries as important for peace in the world, I am supporting the Oman Free Trade Agreement. However, I do so with some reluctance because of my concerns about its labor provisions.

For me, trade must be fair. This agreement is flawed in its failure to provide the tools necessary to ensure rigorous labor protections. I have been pressing for some time for the inclusion of stronger labor protections in our trade agreements. While the agreement would bind Oman to enforce its own laws regarding slave labor, I am disturbed by the administration's decision to ignore the bipartisan views of the Finance Committee by not including a unanimously approved stronger provision against slave labor.

Serious labor violations now occurring in Jordan, despite the stronger labor provisions contained in the Jordan FTA, demand that this administration insist on stronger labor protections in our trade agreements and stronger enforcement of the labor protections that do exist.

I will vote for this FTA because Oman is a strategically important nation in the Middle East, with which we enjoy excellent relations. The failure of Congress to pass this agreement would threaten our future relations with Oman and our allies in the Middle East generally. I will also support this FTA because trade helps to open the economies of countries in the Arab world and provides a better path up for its people than the fanaticism and violence al-Qaida offers. In that sense, these trade agreements represent progress in the war for the hearts and minds of the people in the Arab world which is a critical part of our larger war against Islamist terrorism.

But today I want to lay down a marker. I will not continue to support future free-trade agreements unless the administration becomes serious about negotiating labor and other improvement that build on our experience rather than continue to produce a series of FTAs that in the end penalize too many of our workers here at home and do not adequately protect workers overseas.

Mr. GRASSLEY. Mr. President, I want to respond to some of the points made by my colleagues today.

First, I have heard concerns that the United States-Oman Free Trade Agreement will give foreign port operators an absolute right to establish or acquire operations to run port facilities in the United States. As I explained earlier, that is just wrong. The United States clearly has the right to prohibit foreign investments in the United States that would harm our national security. Nothing in the United States-Oman Free Trade Agreement changes that.

Some of my colleagues have also expressed concerns about the process by which the bill we are considering was brought to the Senate floor. They focus on a proposed amendment adopted by the Finance Committee during its informal consideration of proposed legislation to implement our trade agreement with Oman. This amendment was offered by Senator CONRAD. It was meant to withhold benefits under the agreement to products made with the benefit of forced or indentured labor. I voted for the amendment because I shared some of Senator CONRAD's concerns, and I subsequently transmitted the text of the adopted amendment to the U.S. Trade Representative.

In addition to voting for the Conrad amendment, I introduced a chairman's modification to the proposed statement of administrative action which was approved by the committee. My modification called upon the administration to monitor or report on the efforts of the Government of Oman to prohibit compulsory or coerced labor.

Separately, the House Ways and Means Committee had approved the same draft implementing legislation but without approving any amendments. So we had a situation where the Finance Committee and the Ways and Means Committee sent different versions of informal nonbinding recommendations to the President. In this case the differences were limited and discrete. They were not of the type and degree that would warrant a mock conference.

The administration made the determination that existing law already precluded the legal importation of products made with forced or indentured labor. The administration therefore concluded that the Conrad amendment was not necessary or appropriate to implementation of the agreement. I received a letter from the general counsel of the Office of U.S. Trade Representative articulating the legal basis for the administration's position. I distributed this letter to all members of the Finance Committee prior to the committee's formal markup of this implementing legislation. I will ask unanimous consent that this letter be included in the record with my remarks.

I understand that some of my colleagues are upset that the proposed Conrad amendment isn't included in S. 3569. I believe that the process concerns raised by my colleagues could have been avoided if we had had more consultations by the U.S. Trade Representative with members of the Finance Committee. I am going to make it a point to see that there is better dialogue between the Finance Committee and the U.S. Trade Representative in the future. I want to see improved dialogue both during the negotiation of a trade agreements and prior to the point that the administration sends implementing legislation for a trade agreement to the Congress. I am confident that improved consultation and communication will help avoid such process concerns in the future.

With that, Mr. President, I say again that this is a very good trade agreement for both Oman and the United States. I urge my colleagues to lend their enthusiastic support to the bill before the Senate to implement this agreement.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, June 22, 2006.

Hon. CHARLES GRASSLEY,
Chairman, Senate Finance Committee,
Washington, DC.

DEAR CHAIRMAN GRASSLEY: During the Finance Committee hearing on May 18, Senator CONRAD introduced an addition to the draft implementing legislation for the United States-Oman Free Trade Agreement (FTA) to "add a provision to prevent goods made with slave labor (including conditions of de facto indentured servitude), or with the benefit of human trafficking, from benefiting from the agreement." At the hearing, I promised to provide you with a letter detailing our views on this proposal.

The proposed addition is neither necessary nor appropriate because the FTA already deals effectively with products of forced or indentured labor. In addition, U.S. law prohibits the importation of products produced with convict, forced, or indentured labor under penal sanctions. Moreover, we are aware of no evidence suggesting that goods are produced in Oman using slave labor or with the benefit of human trafficking.

First, Oman already prohibits forced labor and Oman has promised to take steps to clarify and strengthen its laws further. Article 12 of Oman's Basic Law provides that "Every citizen has the right to engage the work of his choice within the limits of the law. It is not permitted to impose any compulsory work on anyone except in accordance with the Law and for the performance of public service, for a fair wage." Oman has further committed in writing to "issue a Royal Decree, no later than October 31, 2006, specifying the forms of public service that could be required in the event the Government were ever to exercise its power under Article 12, consistent with Convention 29." Oman is, in fact, already a signatory to ILO Conventions 29 and 105, which prohibit forced labor. At your request; the Administration has committed to update the Congress periodically on the progress that Oman achieves in realizing all its commitments made to labor law reform.

Second, Article 16.2.1(a) of the FTA requires Oman to enforce its labor laws. If it fails to do so, then the United States is entitled to resort to the FTA's dispute settlement procedures, and if the United States prevails, Oman may be required to pay up to $15 million per year in fines that can be used for appropriate labor initiatives in Oman, including enforcement.

Third, U.S. law already prohibits the importation of products produced with convict labor, forced labor, and indentured labor under penal sanctions. Specifically, 19 U.S.C. 1307 states as follows:

> All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.
>
> "Forced labor", as herein used, shall mean work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. For purposes of this section, the team "forced labor or/and indentured labor" includes forced or indentured child labor.

Notably, the statute is not limited to prison labor, but extends to products manufactured with forced or indentured labor. In fact, the statute was specifically amended in 1930 to add forced and indentured labor.

The statute is also not limited to involuntary labor. The term "indentured labor" is understood to mean labor undertaken pursuant to a "'contract entered into by an employee the enforcement of which can be accompanied by process or penalties.'" China Diesel Imports, Inc. v. United States, 855 F. Supp. 380, 384 (CIT 1994) (citing 71 Cong. Rec. 4489 (1929) (statement of Senator Blaine)).

While the statute provides for an exception in the case of goods that are not produced in the United States, we cannot envision a situation where this exception would be applied in practice. Given the broad economic base of the United States, we do not anticipate a situation where the United States would be obliged to import an otherwise banned product from Oman to satisfy domestic demand because it cannot be obtained in the United States.

In determining whether importation of a product should be prohibited, Customs will look closely at the circumstances of the case. For example, the Forced Child Labor Advisory issued by the Department of Treasury and U.S. Customs Service in December 2000 lists several "red flag" factors indicating the existence of forced or indentured child labor. These red flags may alone provide evidence of forced/indentured labor, and include, e.g., slave labor conditions, employment to discharge a debt, financial penalties that eliminate wages, etc. The Advisory also lists several "yellow flag" factors that may indicate the need for further investigation. These yellow flag factors include, for example, employment in violation of local laws and regulations, or employment in hazardous industries or under extreme conditions.

Other agencies have interpreted the statute in a similar way. Pursuant to Executive Order 13126, the Department of Labor applies the Section 1307 standard in developing a list of products produced by child labor that are not eligible for federal government procurement. According to the Department of Labor, "The essential elements of the definition [of forced or indentured child labor] are either the presence of coercion or the existence of a contract enforceable by penalties." The Department has listed illustrative factors it will look at in making this determination, including, e.g., confinement, little or no pay, deprivation of basic needs, etc. Bureau of International Labor Affairs; Notice of Preliminary List of Products Requiring Federal Contractor Certification as to Forced or Indentured Labor Under Executive Order No. 13126; Request for Comments, 65 Fed. Reg. 54108 (Sept. 6, 2000).

Fourth, Congress recently affirmed that goods made with forced or child labor in violation of international standards cannot be imported into the United States. On February 17, 2005, the President signed into law the Trafficking Victims Protection Reauthorization Act of 2005 (P.L. 109–164). Specifically, section 105(b) of that Act requires United States Government departments and agencies to "consult with other departments and agencies of the United States Government to reduce forced and child labor internationally and ensure that products made by forced labor and child labor in violation of international standards are not imported into the United States."

For these reasons, the Administration does not consider the proposed addition to be "necessary or appropriate to implement" the Oman-trade agreement under the terms of 19 USC §3803(b)(3)(B)(ii) and the Administration will not include the proposed addition in the text of the legislation implementing the United States—Oman Free Trade Agreement.

Sincerely,

JAMES E. MENDENHALL,
General Counsel.

Mr. REID. Mr. President, I rise to express my deep disappointment over the legislation to implement the U.S.-Oman Free Trade Agreement. When sending this legislation to Congress, President Bush inexplicably deleted an amendment that would have barred goods made with slave labor or forced labor from benefiting under the FTA.

This amendment was originally proposed by Senator CONRAD and other Democrats on the Finance Committee, but ultimately received unanimous bipartisan support from the Finance Committee in a recorded vote.

The amendment was very simple it would have ensured that goods produced with slave labor, goods produced from forced labor, and goods produced based on human trafficking could not come into the U.S. under the preferential rules established by the agreement. I do not know how anyone could oppose this amendment. I think the American public would be united in support for the concept that they do not want to help support slave labor, forced labor, and human trafficking. President Bush really has some explaining to do.

The genesis for this amendment was a report revealing that companies in Jordan were importing workers from Bangladesh, Pakistan, and other poor countries, confiscating their passports, forcing them to work 80 to 100 hours per week, paying them inadequately, if at all, and subjecting them to physical intimidation and in some cases violence. Many of these workers actually paid recruiters thousands of dollars to get these "good jobs" and could not leave until they had earned enough money to pay off their debts.

Admittedly, these problems were in Jordan, not Oman. There are important reasons, however, why we need to be even more vigilant about this type of problem in Oman.

First, Oman's basic economic structure is currently based on the use of foreign workers—about 70 percent of Oman's workforce is foreign. Pretty much anywhere in the world, foreign workers are a particularly vulnerable lot.

Second, Oman already has a record on related issues that is cause for concern the International Confederation of Free Trade Unions has stated that migrant workers "suffered extreme exploitation" in Oman. And, the U.S. State Department has criticized Oman for inadequate efforts to stop human trafficking:

> Oman is a destination country for men and women primarily from Pakistan, Bangladesh, and India who migrate willingly, but may subsequently become victims of trafficking when subjected to conditions of involuntary servitude . . . as . . . laborers. Oman is placed on Tier 2 Watch List because of a lack of evidence of increasing efforts to combat severe forms of trafficking in persons over the last year.

Third, Oman's labor laws, enforcement, and history are much weaker than Jordan's. Oman's labor laws do not currently meet basic international standards. Oman is to be applauded for making numerous changes to its laws in the run up to the FTA to try to improve them. And, it has committed to making additional changes. Still, as I understand it, a few important areas remain where Oman's laws and enforcement fall short of standards that virtually every country in the world has accepted as a minimum.

Negotiations with some Democrats had been ongoing to resolve the continuing labor issues, but the administration appears to have decided that it will ignore their concerns. That was a regrettable decision. I have heard a lot of people lament the decline of bipartisanship in trade policy. I think if you were to date this decline, it would have started in 2001. The administration cannot just roll Democratic concerns one day and then expect a great working environment the next.

I am not sure why President Bush thinks we need excuses to ban goods made from slave labor and forced labor, but if we do, then I think I have just outlined a pretty good rationale.

I have heard some argue that we do not need to ban goods made with slave labor from Oman because U.S. law already bans all goods made with slave labor. People who make this argument are either misinformed or being misleading. The law at issue unfortunately has a "consumptive demand" exception—it does not block imports of products made with slave labor if there is not sufficient U.S. production to meet U.S. demand. The Court of International Trade just last year confirmed that the consumptive demand exception applies. Given that our trade deficit stands at over $700 billion, the exception clearly swallows the rule. So, again, anyone making a defense of this indefensible position by pointing to existing law is just plain wrong.

The President's decision to undermine Senate Democrats' efforts to curb slave labor and forced labor is not the only reason that I oppose this bill. As I noted above, Oman's labor laws—while much improved from 3 years ago—are still not up to international norms. The Bush administration has steadfastly refused to incorporate these minimum standards into the text of the agreement itself. There are minimum standards for intellectual property, for protecting the rights of foreign investors, for certain regulatory decisions, and in numerous other areas—as there should be. But the Bush administration has refused to include minimum standards for workers.

Finally, I want to restate my serious concerns about the Arab League Boycott against Israel. For decades now, the United States has had a policy to oppose the Arab League boycott against Israel. There is an entire office in the Department of Commerce tasked with implementing this anti-boycott policy. Congress has also directed USTR to "vigorously oppose" WTO admission for countries that engage in the boycott. In my view, it is an implicit corollary of this latter rule that the U.S. should not enter into bilateral trade agreements with countries that participate in the boycott.

Here, Oman has traditionally been one of the good guys. It renounced the boycott—primary, secondary, and tertiary—in 1994. The Government of Oman has stated numerous times that it does not apply any aspect of the boycott.

So, it was confusing to say the least that the Jerusalem Post reported earlier this month that an interview with two separate senior Customs officials in Oman revealed that Oman does in fact enforce the primary boycott. An official from Oman's Directorate of Customs stated, "Products from Israel are not permitted because of the boycott. . . . You might put yourself in problems if you do that [i.e., if you try to bring in products from Israel]." The chief of Customs Officers at the capitol airport stated, "No products from Israel are allowed."

The Government of Oman quickly sought to correct the record. I again applaud these efforts. Still, it certainly raises a serious question when you have nonpolitical people with no agenda whose very job it is day in and day out to enforce the Oman customs law claiming that the boycott exists. There seems to be a major disconnect here.

The administration should be able to lift the cloud of confusion, but unfortunately, the administration lacks credibility on this issue. Unwittingly or not, USTR has helped obfuscate the issue by giving incomplete, inaccurate, and on occasion misleading information to Congress on the boycott. In light of this lack of credibility, there is too much uncertainty on whether Oman has indeed terminated all aspects of the Arab League boycott. Accordingly, until this uncertainty is cleared up, I cannot support giving Oman the most preferential trade treatment under U.S. law.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, in a few minutes, we will be voting on the United States-Oman Free Trade Agreement

This agreement is a model for free trade in the Persian Gulf region and will become America's fourth agreement with an Arab country.

We struck similar deals with Jordan in 2000, Morocco in 2004, and Bahrain in 2005. Like these earlier deals, the Oman agreement will open and expand opportunities for exports of many American products to the benefit of America's workers, manufacturers, consumers, farmers, ranchers, and service providers.

As soon as the agreement takes effect, Oman and the United States will provide each other immediate duty-free access on virtually all products in their tariff schedules, including all consumer and industrial products, and will phase out tariffs on the remaining products within 10 years.

Former Trade Representative Rob Portman calls it "a high quality, comprehensive free trade agreement that will contribute to economic growth and trade."

America's relationship with Oman dates back to the early years of our Republic, when a treaty of friendship and navigation was signed with Muscat in 1833.

Since then, relations between our two countries have continually expanded. Today we enjoy a close and cooperative partnership.

Although not a formal member of the coalition, Oman has been a committed, dependable ally in the global war on terror. Oman has been a solid partner on terrorist finance issues and has reached out to work with partner nations in the region on trans-border terror threats.

Oman cooperates closely with us and other allies on counterterrorism and has publicly supported the democratic transition in Iraq. It has also supported stabilization operations, and the democratic and economic transition in Afghanistan. And its government and religious leaders consistently and courageously denounce acts of terror and religious intolerance.

Unfortunately, some have sought to undermine the agreement with myths that do not stand up to the scrutiny of the facts. For example, despite claims to the contrary, Oman does not implement any aspect of the boycott of Israel, a position they publicly reaffirmed in a letter from its commerce minister in September of 2005.

Moreover, Oman does not tolerate or allow the use of slave labor. To the contrary, Oman has also substantial commitments to the United States on labor reform and has promised to enact additional reforms by October 31, 2006.

The agreement before us builds on the progress already made and strengthens our relationship with a key friend and ally in the region. Indeed, rejection of the trade agreement would send a strong negative signal to our friends in the Middle East.

I urge my colleagues to vote for this measure. As the 9/11 Commission advised, expanding trade with the Middle East will "encourage development, more open societies and opportunities for people to improve the lives of their families."

Passing the free trade agreement will promote economic reform and development in the gulf and advance President Bush's broader goal of freer and more open Middle East. It will help both our allies and America move forward.

I yield back all time for both sides.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill, having been read the third time, the question is, Shall the bill pass?

Mr. FRIST. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Rhode Island (Mr. CHAFEE) and the Senator from New Hampshire (Mr. GREGG).

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Mrs. MURRAY), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Ms. STABENOW) would each vote "nay."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—60

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Cantwell
Chambliss
Clinton
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Kerry
Kyl
Landrieu
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—34

Akaka
Bayh
Biden
Bingaman
Burr
Byrd
Carper
Coburn
Collins
Conrad
Dayton
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kohl
Lautenberg
Levin
Lincoln
Menendez
Mikulski
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Wyden

NOT VOTING—6

Boxer
Chafee
Gregg
Leahy
Murray
Stabenow

The bill (S. 3569) was passed, as follows:

S. 3569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Oman Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.

Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.
TITLE II—CUSTOMS PROVISIONS
Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Customs user fees.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Reliquidation of entries.
Sec. 206. Regulations.
TITLE III—RELIEF FROM IMPORTS
Sec. 301. Definitions.
Subtitle A—Relief From Imports Benefiting From the Agreement
Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.
Subtitle B—Textile and Apparel Safeguard Measures
Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.
TITLE IV—PROCUREMENT
Sec. 401. Eligible products.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Oman entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Oman for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) Agreement.—The term "Agreement" means the United States-Oman Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) Textile or apparel good.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) Approval of Agreement and Statement of Administrative Action.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Oman Free Trade Agreement entered into on January 19, 2006, with Oman and submitted to Congress on June 26, 2006; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on June 26, 2006.

(b) Conditions for Entry Into Force of the Agreement.—At such time as the President determines that Oman has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Oman providing for the entry into force, on or after January 1, 2007, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) Relationship of Agreement to United States Law.—

(1) United states law to prevail in conflict.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) Construction.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) Relationship of Agreement to State Law.—

(1) Legal challenge.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) Definition of state law.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) Effect of Agreement With Respect to Private Remedies.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) Implementing Actions.—

(1) Proclamation authority.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) Effective date of certain proclaimed actions.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) Waiver of 15-day restriction.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) Initial Regulations.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with the Committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) Establishment or Designation of Office.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year after fiscal year 2006 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) Effective Dates.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) Exceptions.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) Termination of the Agreement.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) Tariff Modifications Provided for in the Agreement.—

(1) Proclamation authority.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.2.8, and 3.2.9, and Annex 2-B of the Agreement.

(2) Effect on Omani GSP status.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Oman as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) Other Tariff Modifications.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Oman regarding the staging of any duty treatment set forth in Annex 2-B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Oman provided for by the Agreement.

(c) Conversion to Ad Valorem Rates.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States to Annex 2-B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) Application and Interpretation.—In this section:

(1) Tariff classification.—The basis for any tariff classification is the HTS.

(2) Reference to HTS.—Whenever in this section there is a reference to a heading or subheading, such reference shall be a reference to a heading or subheading of the HTS.

(b) Originating Goods.—

(1) In general.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Oman into the territory of the United States; or

(ii) from the territory of the United States into the territory of Oman; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Oman or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Oman or the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 3-A or 4-A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Oman or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) Requirements.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Oman or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Oman or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) Cumulation.—

(1) Originating good or material incorporated into goods of other country.—An originating good, or a material produced in the territory of Oman or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) Multiple producers.—A good that is grown, produced, or manufactured in the territory of Oman or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) Value of Materials.—

(1) In general.—Except as provided in paragraph (2), the value of a material produced in the territory of Oman or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of the good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Oman or the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Oman or the United States, as the case may be.

(2) Exception.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Oman or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) Packaging and Packing Materials and Containers for Retail Sale and for Shipment.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers has been included in meeting the requirements set forth in subsection (b)(2).

(f) Indirect Materials.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) Transit and Transshipment.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Oman or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Oman or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Oman or the United States.

(h) Textile and Apparel Goods.—

(1) De minimis amounts of nonoriginating materials.—

(A) In general.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 3-A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) Certain textile or apparel goods.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Oman or the United States.

(C) Yarn, fabric, or group of fibers. For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term "component of the good that determines the tariff classification of the good" means all of the fibers in the yarn, fabric, or group of fibers.

(2) Goods put up in sets for retail sale.—Notwithstanding the rules set forth in Annex 3-A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless

each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) DEFINITIONS.—In this section:

(1) DIRECT COSTS OF PROCESSING OPERATIONS.—

(A) IN GENERAL.—The term "direct costs of processing operations", with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Oman or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) EXCEPTIONS.—The term "direct costs of processing operations" does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) GOOD.—The term "good" means any merchandise, product, article, or material.

(3) GOOD WHOLLY THE GROWTH, PRODUCT, OR MANUFACTURE OF OMAN OR THE UNITED STATES, OR BOTH.—The term "good wholly the growth, product, or manufacture of Oman or the United States, or both" means—

(A) a mineral good extracted in the territory of Oman or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Oman or the United States, or both;

(C) a live animal born and raised in the territory of Oman or the United States, or both;

(D) a good obtained from live animals raised in the territory of Oman or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Oman or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Oman or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Oman or the United States and flying the flag of that country;

(H) a good taken by Oman or the United States or a person of Oman or the United States from the seabed or beneath the seabed outside territorial waters, if Oman or the United States, as the case may be, has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Oman or the United States or a person of Oman or the United States and not processed in the territory of a country other than Oman or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Oman or the United States, or both; or

(ii) used goods collected in the territory of Oman or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Oman or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Oman or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term "indirect material" means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term "material" means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Oman or the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF OMAN OR THE UNITED STATES, OR BOTH.—The term "material produced in the territory of Oman or the United States, or both" means a good that is either wholly the growth, product, or manufacture of Oman or the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Oman or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term "new or different article of commerce" means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Oman or the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) RECOVERED GOODS.—The term "recovered goods" means materials in the form of individual parts that result from—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition.

(9) REMANUFACTURED GOOD.—The term "remanufactured good" means an industrial good that is assembled in the territory of Oman or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term "simple combining or packaging operations" means operations such as adding batteries to devices, fitting together a small number of components by bolting, gluing, or soldering, and repacking or packaging components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term "substantially transformed" means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of different processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3–A and Annex 4–A of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title, consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS (as included in Annex 3–A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Oman pursuant to article 3.2.5 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS (as included in Annex 3–A of the Agreement).

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19

U.S.C. 58c(b)) is amended by adding after paragraph (16) the following:

"(17) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Oman Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) Action During Verification.—

(1) In general.—If the Secretary of the Treasury requests the Government of Oman to conduct a verification pursuant to article 3.3 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) Determination.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Oman is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 202, or

(ii) is a good of Oman,

is accurate.

(b) Appropriate Action Described.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such good; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) Action When Information Is Insufficient.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) Appropriate Action Described.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "or"; and

(B) by striking "for which" and inserting ", or section 202 of the United States-Oman Free Trade Agreement Implementation Act for which"; and

(2) in paragraph (3), by inserting "and information" after "documentation".

SEC. 206. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 202;

(2) the amendment made by section 203; and

(3) proclamations issued under section 202(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) Omani article.—The term "Omani article" means an article that—

(A) qualifies as an originating good under section 202(b); or

(B) receives preferential tariff treatment under paragraphs 8 through 11 of article 3.2 of the Agreement.

(2) Omani textile or apparel article.—The term "Omani textile or apparel article" means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is an Omani article.

(3) Commission.—The term "Commission" means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) Filing of Petition.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) Investigation and Determination.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, an Omani article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Omani article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) Applicable Provisions.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) Articles Exempt From Investigation.—No investigation may be initiated under this section with respect to any Omani article if, after the date on which the Agreement enters into force with respect to the United States, import relief has been provided with respect to that Omani article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) Determination.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) Applicable Provisions.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) Additional Finding and Recommendation if Determination Affirmative.—

(1) In general.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) Limitation on relief.—The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c).

(3) Voting; separate views.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) Report to President.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) Public Notice.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not, in the aggregate, be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 3 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of an Omani article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Oman has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Oman Free Trade Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, an Omani textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), any import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information that is submitted in a proceeding under this subtitle and that the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party shall also submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking "or" at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(vi) a party to the United States-Oman Free Trade Agreement, a product or service of that country or instrumentality which is covered under that Agreement for procurement by the United States.".

Mr. GRASSLEY. With today's passage of S. 3569, the U.S.-Oman Free Trade Agreement Implementation Act, we have solidified our commercial relations with Oman, a longstanding friend and ally for over 200 years. The agreement will result in new economic opportunities for U.S. farmers, manufacturers, and service providers.

None of this would have been possible without the support of my colleagues. In particular, the Senator from Montana, ranking Democrat of the Committee on Finance, Senator MAX BAUCUS. I want to thank Senator BAUCUS for his cooperation and good faith in moving this legislation through the Senate with bipartisan support. We would not be here today without his strong commitment to raising the living standards of people in the United States and abroad.

Senator BAUCUS's trade staff deserves recognition. The Democratic Staff Director on the Finance Committee, Russ Sullivan, and the Deputy Staff Director, Bill Dauster, worked well with my staff and provided helpful insight throughout the process. I also appreciate the efforts of Brian Pomper, Chief International Trade Counsel, as well as Demetrios Marantis, Anya Landau, Janis Lazda, and Chelsea Thomas.

I would also like to thank President Bush for his leadership. His commitment to improving the U.S. economy through increased access to foreign markets has made this agreement a reality. Oman is just one of his latest successes on this front.

The dedication of two former United States Trade Representatives, Robert Zoellick and Rob Portman, merits special thanks. Their efforts at the negotiating table produced a comprehensive, commercially-meaningful agreement. I would like to recognize the current United States Trade Representative, Susan Schwab. Ms. Schwab was confirmed in her current position after negotiations of the agreement were concluded. Her consultations with the U.S. Congress are appreciated. Her negotiating skills and experience make her well suited for future talks. I also appreciate the service and hard work of Assistant United States Trade Representative for Europe and the Middle East Shaun Donnelly.

My trade staff on the Finance Committee deserves recognition. First, my Chief Counsel and Staff Director, Kolan Davis, merits special mention. His legislative expertise has been instrumental in moving countless bills. The work of the Finance Committee's International Trade Counsel, David Johanson and Stephen Schaefer, is invaluable. Their depth of knowledge, dedication, and ability to juggle several policy issues at that same time is key in advancing the Committee's trade agenda. Their long hours are much appreciated. I would like to recognize my former Chief International Trade Counsel, Everett Eissenstat. While on my staff, he worked diligently on this agreement and others. I want also want to thank Tiffany McCullen Atwell, International Trade Policy Advisor on the Committee for her hard work that produces results behind the scenes. Claudia Bridgeford, International Trade Policy Assistant, has also contributed significantly to the Committee's work. Russ Ugone, my detailee from Customs and Border Protection, has lent us his technical expertise.

I am grateful to Justin McCarthy, Assistant United States Trade Representative for Congressional Affairs, and Andy Olson, Deputy Assistant United States Trade Representative for Congressional Affairs, for their work with Congress on the U.S-Oman Free Trade Agreement.

Finally, I would like to thank Polly Craighill of the Office of the Senate Legislative Counsel for the long hours she put into working on this legislation. Without her patience and hard work, today's vote would not have been possible.

I look forward to the signing of this legislation into law by President Bush.

Mr. CARPER. Mr. President, it is with great disappointment that I cast a "nay" vote on the Oman Free Trade Agreement today.

Last summer, when we were debating the Central America Free Trade Agreement, or CAFTA, I expressed frustration with the direction of free-trade agreements and free-trade policy, in general. I expressed a hope that the administration would do more to consult with Congress and, particularly, with moderate, free-trade Democrats.

Many times, representatives of this administration have said that they want to bring back the strong bipartisan support for free-trade agreements and "make it easier for Democrats to support free-trade agreements." Well, one of the ways they can do that is by consulting with and responding to concerns expressed by Democrats and moderates in Congress—before we are asked to vote up or down on those agreements.

When the Oman Free Trade Agreement was considered in the Finance Committee, 18 members voted in favor of an amendment offered by Senator Conrad that would ban the import of goods made by slave labor or by workers trapped in abusive conditions through human trafficking. And with that amendment approved, all 19 members of the Finance Committee were able to support the free-trade agreement. Clearly, supporting that language was a way to make it easier for Members of Congress to support this agreement.

Yet the administration decided to ignore that strong signal. They did not try to address the concerns voiced through the adoption of the Conrad amendment. They chose to omit the amendment from the implementing language they sent to the Congress for its approval.

This action may not backfire today; the Oman agreement may still pass. However, it will backfire one day, and I expect it to be in the not so distant future.

Next year, Congress will be asked to reauthorize trade promotion authority. But trade promotion authority is about trust, and the actions taken by this administration in agreement after agreement have not inspired trust. And at this point, they have very little time to reestablish that trust before the vote on trade promotion authority next summer.

Lowering trade barriers and promoting free trade is about more than just economics. It is about increasing opportunities and improving quality of life both here and abroad. In offering access to our markets, we can help to peacefully spread democracy and encourage developing countries to increase transparency in government, strengthen their judiciary, improve conditions for their workforce, and protect their environment. But this administration does not seem to recognize this opportunity, even when strong supporters of trade—like myself—tell them that this is an important part of our support for free-trade agreements.

So today we have been sent a free-trade agreement that does not reflect an understanding of the concerns expressed by Members of Congress. This bill is not amendable. All I can do is vote yes or no. Last summer I voted yes, giving the administration the benefit of the doubt and hoping that they would listen to the concerns expressed by moderates in Congress. Today, I am going to vote no and hope that the administration will recognize that they must listen to the concerns expressed by the legislative branch and that they cannot take our votes for granted.

I invite the administration to use the time between now and the consideration of the Peru Free Trade Agreement to show that you are listening, to incorporate our ideas into that agreement, and to prove that you deserve the trust we showed in granting trade promotion authority.

I believe in lowering trade barriers, and that is why I have supported every trade agreement that has come before me, until today. But that will become considerably more difficult without trade promotion authority. I sincerely hope we can work together over the next year to save it.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3614 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair. I thank my distinguished colleague from West Virginia for waiting. I know he has an important speech to give. I just conferred with the Senator from West Virginia, and it is his Fourth of July speech. It is a little early for the 4th, but there may not be too many people in the Chamber on the 4th or the 3rd or the 2nd or the 1st or even tomorrow, the 30th of June. I compliment Senator BYRD in advance.

I yield the floor.

Mr. BYRD. Mr. President, I thank my distinguished friend, my longtime friend, the Senator from Pennsylvania, Mr. SPECTER, for his kind reference to me. I value his friendship. I value his views on the Constitution. I do, indeed, always.

Mr. SPECTER. I thank my colleague

A PATRIOTIC FOURTH

Mr. BYRD. Mr. President, this coming Tuesday is the Fourth of July. Two hundred and thirty years ago, in 1776, our Founding Fathers declared independence from Britain, establishing a nation on fundamentally new principles of government. Those principles, laid out in ringing tones in the Declaration of Independence and given flesh and substance in our Constitution, have stood us well for these last 230 years. That is 84,007 days, including leap years, and we are still going strong.

Already, one can see the red, white, and blue bunting decorating stores, and one can see the fireworks for sale in those places where they are permitted. People are purchasing picnic and barbeque makings at the grocery stores and filling the propane tanks that will fuel the backyard grills. Next Tuesday, the Nation's air will be filled with the sizzle and aroma of good old hot dogs and hamburgers, steaks and shishkebobs, and barbeque of infinite regional variety. Sweet, luscious corn on the cob may lay atop the grill, roasting in its own leafy wrapping. Picnic tables will groan under the weight of creamy potato salad—potato salad like they make in Tennessee—tart coleslaw, egg salad or macaroni salad. Cold slabs of watermelon—Mr. President, cold slabs of watermelon—and fresh cherries will tempt some to initiate seed spitting contests. It is hard to imagine a more all-American feast. Even Thanksgiving, with its formality and fine china, does not capture the American spirit in the same manner as a barefoot feast like a Fourth of July picnic.

And the entertainment, too, is all-American. In the morning, we line the sidewalks of countless small towns and communities to watch the parades of fire engines and floats. Small children ride on father's shoulders to get a better view, and dogs—yes, like my little dog—circle below, tangling leashes around legs as they bark happily at the passing show. We wave at bands and we wave at the beauty queens, too, and local politicians before heading home to go boating, fishing, swimming, or just visiting with family in the cool shade of a tall tree. Americans celebrate the Fourth outdoors.

In the evening, we gather after our picnics to listen to concerts and wait for the fireworks. The air now is filled with whizzing acceleration followed by an anticipatory pause, then the bursting pop of the exploding sparks. We ooh and ahh and clap. We are, generally, filled with a pride and love of our nation on the Fourth of July. We feel patriotic—yes, we do—in a general and fuzzy sense—a patriotism borne of a full stomach and stirring martial music, tinged with the scent of black powder and wrapped in red, white and blue bunting.

This general sense of patriotism and this general sense of love of country is, of course, a good thing. We are the very fortunate few, just 299,062,710 or so of the world's 6,524,438,583 citizens as of June 25, 2006, according to the U.S. Census Bureau. That is just 4.6 percent or so of the world's population. We live in a nation richly endowed by nature, generally temperate in climate, and sparsely populated, though that may not seem true to anyone seeking to leave Washington for the beach this weekend. For 230 years—yes, two centuries and two decades—America has expanded geographically, economically and intellectually, literally reaching the moon and the stars. We have made great discoveries in the sciences and in medicine. We look after our own and reach out to help others. Our Nation is far from perfect, to be sure, but I doubt that many of us would willingly trade it for another.

George William Custis wrote that "A man's country is not a certain area of land, of mountains, rivers, and woods, but it is a principle and patriotism is loyalty to that principle." I think he is only partly correct patriotism is loyalty to that principle as well as to the homeland over which that principle governs. We love our Nation for all that it is physically, the collection of geography and peoples that we know and love.

But it is also the principles upon which our Nation was founded 230 years ago—principles to which we must always hold fast, lest they be eroded away.

Our Nation was founded on the principles of equality and the rights of man to life, liberty, and the pursuit of happiness. It is the job of government to ensure and protect these rights, and governments should only be based upon the consent of the people, not some powerful elite. Those fundamental principles should never be taken for granted. Even after 230 years of hearing them, they are not tired, run-of-the-mill, banal, or ordinary. Most of the other 96 percent of the world's population does not enjoy the blessings of those principles. Much of the rest of the world's population must live in the shadow of fear. Their governments have greater power and fewer restraints, and need not pay much attention to public opinion or internal dissent. In too many nations, dissenters can be jailed or simply "disappeared" if they dare to raise their voices to question their government's actions or policies.

We are blessed to live under a system of government established to serve all of the people. Mark Twain wrote that "The government is merely a servant merely a temporary servant; it cannot be its prerogative to determine what is right and what is wrong, and decide who is a patriot and who isn't. Its function is to obey orders, not originate them." The orders that it is to obey should come from the people, and from a consensus of what constitutes the common good. That is rare in this world, a treasure to be guarded jealously.

Our Founding Fathers drafted our Constitution to defend individual freedom and to provide opportunity for all. It is a government expressly designed to balance power so that no one person can ever become a tyrant unless the people, in their foolishness or their apathy, allow it. Abraham Lincoln once said that "America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves."

In his book, Notes on Virginia, Thomas Jefferson wrote that, "If once [the people] become inattentive to public affairs, you and I, and Congress and Assemblies, Judges and Governors, shall all become wolves. It seems to be the law of general nature, in spite of individual exceptions." We the people are the guardians of our own liberty.

Power and the trappings of power are as addictive as the strongest drug. When people in power come to believe that they know the interests of the Nation better than the people who are the Nation, and when people cease to listen to the people or to remember the folks back home, a dangerous situation is created.

The historian, Henry Steele Commager, said that "Men in authority will always think that criticism of their policies is dangerous. They will always equate their policies with patriotism, and find criticism subversive."

Each of us, as citizens of this great land and benefactors of our system of government, must serve as its defenders, against invasion from without, of course, but also against erosion from within. We must be prepared to criticize when government strays from our fundamental principles, when it ceases to be the servant of the people. In doing so, we must be prepared to be called unpatriotic. That is hard to do when we are fired up on barbeque and fireworks and patriotic music. That is hard to do when we have troops in the field and anxious families back home. But criticism is not unpatriotic. Far from it. When we speak up, we emulate our Founding Fathers, who were not afraid to spread criticism where it was warranted.

On the Fourth of July and on every day, Americans should feel patriotic in every sense of that word. We have every right to be proud of our Nation and our history. We Americans have every reason to look forward to a bright future, as long as we protect and encourage the right of every American to express his or her views and keep this Nation on the track that has carried us so well for so long.

I close with a poem Arthur Nicholas Hosking, "Land of the Free." I wish everyone a Happy Fourth of July.

America, O Power benign, great hearts revere your name. You stretch your hand to every land, to weak and strong the same; You claim no conquest of the sea, nor conquest of the field, But conquest for the rights of man, that despots all shall yield.

America, staunch, undismayed, your spirit is our might; No splendor falls on feudal walls upon your mountain's height, But shafts of Justice pierce your skies to light the way for all, A world's great brotherhood of man, that cannot, must not fall.

America, in God we trust, we fear no tyrant's horde; There's light that leads toward better deeds than conquest by the sword; Yet our cause is just, if fight we must until the world be free Of every menace, breed, or caste that strikes at Liberty.

America, home of the brave, our song in praise we bring—Where Stars and Stripes the winds unfurl, 'tis there that tributes ring; Our fathers gave their lives that we should live in Freedom's light Our lives we consecrate to thee, our guide the Might of Right.

Mr. President, I hope that all the Senate family will have a safe, joyous Fourth of July.

THE BUILDING OF THE SHIP

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with three,—are all with thee!

—Henry Wadsworth Longfellow.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURING OUR INDEPENDENCE

Mr. ALLEN. Mr. President, as we all depart in celebration of our Declaration of Independence, our secession from the British monarchy, let us, as Senators and as Americans, assess what should be accomplished to secure our independence and, most importantly, the ideals and the freedom that need to be secured, as was expressed in our Declaration of Independence, authored by Thomas Jefferson 260 years ago.

The people of America are the owners of our Government, and they expect us to do certain things. I hope when we return, after the Independence Day celebration, one of the first things we will recognize is we are a nation of laws, we are a nation of immigrants. We will recognize that at Monticello, Mr. Jefferson's home where there is always an Independence Day naturalization ceremony there, which is always so inspiring. For those of us who believe we should have immigration reform, that is how people should become citizens in this country—legally.

The American people have noticed our country has, for far too long, neglected to secure our borders. The first thing we need to do, when we get back, is to find the funds for border personnel, for detention center capacity, for a fence, for sensors. We need to make sure this is Nation of laws, and a Nation of immigrants, that has been built by immigrants, and improved by immigrants.—My mother is an immigrant, so I appreciate the value and the improvements and the promise of America that have been born by so many people who have come to this country from some other land.

But the American people expect us to do our job. The first responsibility of a government is security. And we need to secure our borders.

Secondly, dealing with independence, is our energy. We are far too dependent as a country on foreign sources of energy. We need to—and I think we can do it—help out not just short term but long term in a policy that has our country less dependent on foreign sources of energy. We need more production of oil and natural gas here at home. Some of it can be in deep waters far off our coast. I would like to share some of those royalties and revenues with the people in the States so they can share in some of the benefits while also making sure we have more oil and natural gas from this country.

For my Commonwealth of Virginia, on a bipartisan basis, our legislature, 2 years running, has passed a measure to allow the Commonwealth of Virginia to opt out of the moratorium or the prohibition of deep sea, deep water offshore exploration. Georgia may want another approach; Louisiana would take a different approach—but if a State were able to share in the royalties. For Virginia I would like to have one-quarter of those royalties go to colleges and universities; and it could be used for scholarships for, young people who have attributes or desires to study and be proficient in science, in technology and engineering, where there is such a great demand for people with those talents and skills in our country.

Then, I would take 50 percent and use it for transportation and roads. There are great needs for roads. And if we were getting hundreds of millions of dollars, 50 percent of it ought to go for transportation and roads and highways in the Commonwealth of Virginia.

And then a quarter of it would go to coastal communities, say, Virginia Beach, for example, that would probably use the money they get for sand or beach replenishment on our coast.

In addition to developing more oil and natural gas in this country, we also ought to recognize that we are the "Saudi Arabia" of the world in coal, and we ought to be using clean coal technology for electricity generation. Clean coal technology, in fact, can be used in a way that could be gasified to be like a natural gas and could be used as a fuel similar to diesel fuel.

Natural gas is so important for us for the manufacturing of everything from tires to plastics, to chemicals and fertilizers and forestry products. To be using natural gas for baseload electricity generation, as I have said, is like using bottled water to wash our dishes. It will do the job, but why would you want to use such a clean-burning fuel—which is so important for jobs and manufacturing jobs here in this country, as well as for heating our homes—for electricity generation when we can be using clean-coal technology?

We also ought to be using advanced nuclear technologies for electricity generation.

Beyond that, there are other advancements in technology. With nanotechnology, there are solar powers, solar photovoltaics, which makes more sense now and are much more efficient. There are lithium ion batteries. We can also grow some of our fuels, biofuels, particularly soy diesel. Ethanol in some areas of the corn belt makes a great deal of sense. But I think soy diesel as well as cellulosic biofuels also make a great deal of sense.

My colleagues, not any one of these will solve our energy dependence situation. But if we have diversity of fuels, and more of these fuels and more of this energy grown in America—explored and developed and produced in America for American jobs and American competitiveness and American security—that will improve this country's energy independence rather than having to worry about the whims of some mullah 8,000 miles away.

So let us resolve on this Independence Day week to find ways and actually adopt energy independence policies. We also need to recognize who the owners of the Government are; and that is the people. We ought to be working to lessen the burden, the tax burden, on working people, on families, on family businesses, and on family farms.

REAUTHORIZATION OF THE VOTING RIGHTS ACT

Mr. ALLEN. Mr. President, I also want to speak at length on a very important matter that I hope will also come to a vote on the floor of this Senate shortly; and that is the reauthorization of the Voting Rights Act. I am pleased this bill is moving through the committee process, and I commend Chairman ARLEN SPECTER, who is moving on yet another important piece of legislation this session.

The enactment of the Voting Rights Act was absolutely necessary 41 years ago and was initially passed during a very tumultuous time in our country's history. In fact, the Voting Rights Act should have been passed many years before then. But history has proven that the law was just and appropriate to provide equal opportunities and protections to persons with the desire to express themselves at the ballot box.

This is completely consistent with the spirit of the Declaration of Independence. And I believe we are all better off for the choices that were made back 41 years ago. And that has strengthened the fabric of our country. It has helped make us a more perfect union, and made us stronger as a country as we face challenges presently.

The present legislation before us reauthorizes several key sections of the Voting Rights Act that will expire next year if no action is taken. The expiring parts are section 5, section 203, and sections 6 through 9.

This legislation helps ensure the fundamental right of all eligible citizens to vote. It sends a strong message that no matter what your race, religion, gender, or national origin, if you are a law-abiding citizen you have the right to vote. At the core of representative democracy is the participation of informed people. The people are the owners of this Government.

While the U.S. Constitution surely guarantees the right to vote, legislation was and is still necessary to ensure that in practice that guarantee is never diminished. My Commonwealth of Virginia has come a long way since this law was first enacted, and a reauthorization is necessary to ensure this progress continues throughout the United States, from Florida to New York to Alaska.

Now, some will argue that counties and cities and States cannot be removed from or "bail out" of the preclearance aspects of this if they so desire and have a good record on voting rights. Now, the facts are, though, that—and I am just speaking for the Commonwealth of Virginia—11 cities and counties in Virginia have been able to "bail out" of the Voting Rights Act by proving that "no [racial] test or device has been used within such State or political subdivision for the purpose or with the effect of denying or abridging the right to vote on account of race or color." The counties in Virginia that have been removed from preclearance review are—in alphabetical order—Augusta, Frederick, Greene, Pulaski, Roanoke, Rockingham, Shenandoah, and Warren, and the cities of Fairfax, Harrisonburg, and Winchester.

Renewal of the act does not mean that the reauthorizing States still engage in voter discrimination on the basis of race. Renewal should instead be viewed as a continued unflagging commitment to ensuring the protection of a law-abiding persons's right to vote without subversion or unwarranted interference.

The Voting Rights Act is a real and visible commitment made to ensure that voter discrimination will be stamped out and effectively prohibited if and when it does occur. Great strides have been made in ending voter discrimination in all of its forms since the Voting Rights Act was passed. It should also be noted that recognizing and addressing these problems is the appropriate prudent approach. It is responsible rather than ignoring those problems.

Thanks in part to the Voting Rights Act, Virginia was the first State in the Nation to popularly elect the first Governor who is an African American. I hope after this November's elections, Virginia is not still the only State with this record, and that there will be two States that have elected Governors who are African Americans.

Now, the election in Virginia, represented an inspirational success for a person, L. Douglas Wilder, who persevered and won that election. It was also an achievement for a State that only decades earlier had counties that closed their public schools rather than integrate them to comply with the U.S. Supreme Court ruling in Brown v. Board of education.

My friend and colleague in the other body, Representative JOHN LEWIS, and I recently returned from a pilgrimage to Farmville, VA, as part of a group organized by the Faith and Politics Institute. During this pilgrimage, and previous pilgrimages I have taken to Birmingham, Montgomery, and Selma, AL, we heard first-hand stories from still-living civil rights leaders and also personal heartbreaking stories from people about the impediments faced by African Americans as they grew up with the racial discrimination that existed at that time.

Now, as we strive for a society where all people are judged by the content of their character rather than by the color of their skin, we must join together in our great country of promise to make sure that everyone has an equal opportunity to participate and to succeed. Reauthorization of the Voting Rights Act is a tool that has, can, and will help achieve this goal of fairness. I am committed and dedicated to ensuring that the voting rights of all law-abiding Americans are protected, and the Voting Rights Act has proven to be an able vessel for accomplishing this important objective.

I urge my colleagues to bring this important piece of legislation to the Senate floor as soon as practicable this summer so we can debate the issues and amendments and ultimately renew the Voting Rights Act.

Mr. President, I wish my colleagues and all Americans a happy, safe, and patriotic Independence Day. With our friends and families, let's reflect on our foundational values that must be preserved. And a lot of these values need to be preserved from monarchical judges who prevent the pledge of allegiance in schools because of the words "under God," but, on the other hand, allow the desecration of the flag.

We have judges who redefine the institution of marriage, but allow local government officials, in a place like New London, CT, to act like lords—the reason we seceded from the monarchy—among those lords in New London, CT, to take people's homes—the American dream—using eminent domain, not because there was a public purpose of a school or a road to be built, but because they wanted to derive more tax revenue off of that property and that land.

As Senators, let us return to act to secure our borders, develop energy independence, confirm sound judges, and renew the Voting Rights Act to make sure this is a land of opportunity for all.

MORNING BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DR. GENE SIMON

Mr. DURBIN. Mr. President, I rise today to pay tribute to a man for whom I have great respect: Dr. Gene Simon.

Tomorrow, June 30, Dr. Simon will retire after 31 years of exceptional service as chief executive officer of Chaddock, a nationally acclaimed, faith-based, child welfare agency in Quincy, IL.

In the New Testament, James, the disciple of Jesus, tells us, "Suppose a brother or sister is without clothes and daily food. If one of you says to him, 'Go, I wish you well; keep warm and well fed,' but does nothing about his physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead."

Gene Simon has taken that Bible lesson to heart his whole life. He has taken action. For more than 30 years, he has provided a home and food and clothing for children who might otherwise have had nowhere to turn.

Chaddock serves more than 6,500 people a year—children and families. Many of the young people Chaddock helps are at-risk. Some have endured serious abuse or neglect. Chaddock provides outpatient and residential treatment and the help young people and their families need to heal.

Chaddock was founded in 1853 as a college. Over the years, it has been a boys school and a treatment center for at-risk young people. It opened its doors to girls in 1982.

Chaddock is proud of its history, but it is not bound by that history.

One of the hallmarks of Gene Simon's leadership is his commitment to continual learning and innovation. You can see that at Chaddock.

Chaddock's school and treatment programs are national models for dealing with changing emotional and behavioral needs of children and their families. Chaddock offers a residential treatment program for adolescents with severe trauma and attachment disorders—one of only a handful of such centers in America.

Chaddock also has an outstanding program that works with families who have adopted children, helping the children and their new families to develop strong, loving bonds. I understand that this program has helped families from more than 20 States.

In recent years, Chaddock has risen to meet another critical need: helping children and adolescents move from foster care to adoption.

Gene Simon was born and raised on a family farm in Farmersville, IL. His parents, Eldon and Beryl Simon, owned a grain and livestock farm.

Dr. Simon holds a bachelor of science degree in agriculture from Southern Illinois University in Carbondale, a master's degree in human development counseling from the University of Illinois-Springfield, a master's of divinity degree from Garrett Evangelical Theological Seminary at Northwestern University in Evanston, IL, and a doctoral degree from Nova Southeastern University in Fort Lauderdale, FL.

From 1959–1971, he served as a United Methodist minister in the Illinois communities of Iroquois, Pontiac, Moweaqua, and Decatur.

With the importance Gene Simon places on family, it should come as no surprise that he is deeply committed to his own family, including his wife Peggy, who has been a constant partner in his work at Chaddock. Gene and Peggy Simon take great pride in their two sons, Chris and Paul, and four grandchildren.

The outstanding work of Gene Simon and the Chaddock staff has brought the agency much praise and many awards.

In 2001, the United Methodist Association of Health and Welfare Ministries honored Dr. Simon as one of the association's Administrators of the Year. And this year, the United Methodist Association named Chaddock its Organization of the Year—so Dr. Simon is going out on a high note.

But the testimonials that mean the most to Gene Simon are not from professional committees: they are from the young men and women who have found new hope at Chaddock.

I would like to close with a quote from one of those testimonials—from a former student of Chaddock. "Gene Simon and this Chaddock family were here for me when I needed them most. The lessons I learned at Chaddock, such as dealing with emotions and just the everyday needs for love, care, and concern for myself and others, have helped me to become me . . . a good husband, father, employee, and a great friend to many."

Imagine thousands of similar testimonials and you begin to see the tremendous amount of good he has done and the positive difference he has made in the lives of so many young people and families who have walked through the doors at Chaddock over the years.

On a personal note, Gene has been a source of friendship and inspiration to me for many years. He has helped me understand the reality of the human condition and he has reminded me never to give up on a person in need.

I wish Gene Simon well in his retirement, and I know that the difference his life has made will continue to be felt by the many people he has helped

HONORING OUR ARMED FORCES

SPECIALIST JEREMY JONES

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SPC Jeremy Jones from Nebraska. Specialist Jones died of wounds received from a roadside bomb in Iskandariyah, Iraq on June 27. He was 25 years old.

Specialist Jones was a resident of Omaha and graduated from Millard West High School in 1999, where he competed in football and wrestling. He enlisted in the Army in 2003, shortly after being married to his wife Jenny. He was deployed to Iraq in November, serving with the Army's 1st Battalion, 67th Armored Regiment of Fort Hood, TX. Specialist Jones hoped to make a career in the Army. In April, he reenlisted for another 6 years.

In February, Specialist Jones flew from Iraq to Omaha to see his newborn daughter Mackenzie for the first time. He was a proud father, and he was proud of his service to his country. Thousands of brave Americans like Specialist Jones are currently serving in Iraq.

In addition to his daughter and wife, Specialist Jones is survived by his son Anthony; his mother Diane; his father Scott; and his sister Abbi. Our thoughts and prayers are with them at this difficult time. America is proud of Specialist Jones' heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SPC Jeremy Jones.

HAMDAN v. RUMSFELD

Mr. LEVIN. Mr. President, today the Supreme Court ruled in the case of Hamdan v. Rumsfeld that Congress did not intend to strip Federal courts of jurisdiction over pending habeas corpus cases when it passed the Detainee Treatment Act of 2005. The Court got it right.

The original amendment offered by Senator GRAHAM on the Senate floor, and which passed the Senate by a vote of 49 to 42, contained language that would have stripped the Federal courts of habeas corpus jurisdiction in both pending and future cases brought by detainees at Guantanamo. The amendment specifically stated that the jurisdiction-stripping provision "shall apply to any application or other action that is pending on or after the date of the enactment of this Act."

However, this language was removed from the provision by the subsequently adopted Graham-Levin amendment. The Graham-Levin amendment passed the Senate by a vote of 84 to 14, and replaced the earlier Graham amendment in the bill. The legislative history makes clear that the jurisdiction-stripping provisions did not apply to pending habeas corpus cases.

The day before the Senate adopted the Graham-Levin modification, I said on the Senate floor: "The amendment will not strip the courts of jurisdiction over [pending] cases. For instance, the Supreme Court jurisdiction in Hamdan is not affected." Despite efforts by the House of Representatives during our conference with the House to reinsert language stripping the courts of jurisdiction over pending habeas corpus cases, the final text of the Detainee Treatment Act retained the language of the Graham-Levin amendment.

In today's decision, the Supreme Court, applying "ordinary principles of statutory construction," determined that Congress did not intend to strip the courts of jurisdiction in pending habeas cases. The Court held that "Congress' rejection of the very language that would have achieved the result the Government urges here weighs heavily against the Government's" argument that the jurisdiction-stripping language should be interpreted to be retroactive. That was, indeed, the only conclusion that is supported by the language and legislative history of the Detainee Treatment Act.

The substance of the ruling in Hamdan establishes that the President, acting alone, lacks the power to unilaterally determine the legal rights of detainees at Guantanamo Bay, Cuba. Only Congress and the President, acting together, have the power to make such a determination, the Court ruled. Today's decision demonstrates once again the vital constitutional role of the Supreme Court as a check on the actions of the executive and legislative branches of Government.

I believe that Congress should give this issue careful deliberation, including full committee hearings, before we act. I look forward to thorough hearings in the Armed Services Committee this summer in anticipation of consideration of possible legislation in the fall.

IMPORTANCE OF CRIME GUN TRACE DATA

Mr. LEVIN. Mr. President, over the past decade, through the gathering and dissemination of crime gun trace data, the need has been highlighted for stronger measures to stem the flow of guns into the illegal market and too often, into the hands of criminals.

One of the responsibilities of the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, is to trace firearms recovered by local law enforcement at crime scenes. The gun is traced from its manufacturer to the first purchase using records maintained by firearms manufacturers and sellers. The process begins when law enforcement recovers a gun in the course of a criminal investigation and contacts the ATF with information on the crime being investigated, the name of the gun's manufacturer, the caliber and serial number. The ATF first checks its records of out-of-business dealers and its multiple sales records. If the traced gun is not located in these records, the ATF will then contact the manufacturer for the name of the dealer or distributor to whom the manufacturer first sold the gun. The dealer is then contacted for information on who originally purchased the gun.

This information provides an invaluable investigative tool for law enforcement. Analysis of crime gun traces allows the ATF, as well as State and local law enforcement, to not only investigate specific gun crimes but also to work to identify the sources of guns used in crimes. Crime gun traces can link a suspect to a firearm in a criminal investigation, identify gun traffickers whether they are licensed or unlicensed sellers, and detect both instate and interstate patterns in the sources and types of crime guns.

It was not until the most recent decade that law enforcement agencies have routinely traced guns recovered in crimes. Initially, crime gun traces amounted to about 100,000 a year. Today, gun tracing has resulted in a database of over 2 million crime guns. The database has become a rich source of information for guiding public policy and the work of law enforcement officers.

The rapid expansion of crime gun tracing and the resulting trace database has produced a great deal of valuable information on how the illegal gun market is supplied. It is this information that helps point the way to policies to keep guns out of the hands of criminals.

Mr. LEAHY. Mr. President, I want to make the Senate aware of a report I recently became aware of by the Advocacy Forum, a respected organization which documents human rights violations in Nepal by both government security forces and the Maoists.

The Forum's latest report, released this week, describes the widespread use of torture on persons in custody. The overwhelming majority of documented cases are attributed to the Nepalese police, military and armed police. There are also cases attributed to the Maoists.

The descriptions of the use of torture in this report are difficult to read. It is appalling that such barbaric acts of cruelty occur in the 21st century. Unfortunately, we know that this is not unique to Nepal. Torture is routine in dozens of countries.

Nepal today is at a crossroads. Since popular demonstrations forced King Gyanendra to back away from his foolhardy power grab last February 1, there has been progress towards strengthening Nepal's fledgling democratic institutions and beginning a dialog to resolve the conflict. The future is unpredictable, however, and we continue to receive disturbing reports of extortion and abductions by the Maoists, and of resistance by the Nepalese military to much needed reform.

Addressing these issues, and ending the use of torture and other human rights violations, will require new laws to protect the rights of detainees in accordance with international norms, reform of the judiciary so it is fully independent and has the resources to effectively carry out its responsibilities, reform of the military and police so they are placed fully under civilian authority and subject to the rule of law, and prosecutions of those responsible for violations. The international community can and should help support Nepal in taking these difficult, essential steps.

All Senators should be aware of the cases documented by the Advocacy Forum, and I ask unanimous consent that a summary of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Advocacy Forum—Nepal]

SHARING EXPERIENCES OF TORTURE SURVIVORS—SUMMARY OF DATA

Advocacy Forum is a non-profit making non-governmental organization working to promote the rule of law and human rights in Nepal. Our core activities are documentation of cases of human rights violations, monitoring of detention centres, providing legal aid to the victims of human rights violations and involving advocacy in contesting impunity. As part of our on-going work to address human rights violations and denials of access to justice, through our central, regional and district-based offices, we make daily visits to a number of police detention centres in 9 districts and document and monitor human rights violations. We do not have access to military detention centres, but victims of torture at these centres have contacted us to report their experiences, as have victims of the Maoists. Evidence of human rights' abuse is systematically and thoroughly documented.

Over a period of five years (July 2001 to April 2006) Advocacy Forum documented 5682 cases of human rights violations focusing on extra-judicial killings (198), forced disappearances (335), torture (2,271), rape of women (41); and illegal detention (2,837) committed by the state security forces and the Maoists. During this period we were put under extreme threatening pressure by the State, Maoist and vigilantes in carrying out our activities. Similarly we observed the great security risk experienced by victims and witnesses.

Last year Advocacy Forum issued a press statement on 26 June covering the cases that we had documented up to March 2005. Because of the political situation we could not provide details of the torture and experiences of the victims. Between March 2005 to April 2006, we documented 951 cases of torture and 17 cases of rape committed by the State and Maoists. This report sets out some of the experiences of those torture victims who managed to survive and want to share their experiences. Some of the victims' names have been changed to protect their safety.

When Advocacy Forum intensified the challenge against illegal detention, last year alone (March 05-April 06) through habeas corpus, 418 people who had been detained illegally for a prolonged period of time were released from different detention centres. We were shocked to learn that every single person arrested by army soldiers and held in military detention reported that they had been severely tortured. Their torture experiences varied from deprivation of food to electric shock and rape of women. We do not have the capacity to measure the psychological torture and its effect on the victims and their families. Many of the victims reported that they were threatened not to share their experiences with anyone, in particular human rights groups. Many said that they were ordered to report to the barracks regularly. There was a complete absence of any protection for the victims. So, they were forced into silence, and no survivor could dare to challenge these atrocities.

Despite all these difficulties, even putting their lives at risk, some victims who had been released from detention played a significant role in the release of others who were languishing in different detention centres undergoing severe torture for a prolonged period of time. By sharing their experiences as to how other fellow detainees were treated in detention and their conditions, they helped us to coordinate our efforts and publicize the whereabouts of some missing people and to release many others.

From July 2001 to April 2006 Advocacy Forum documented 2271 cases of torture. Last year alone (March 2005-April 2006), we documented 951 cases of torture and 17 rape cases. Out of these 951 torture cases, 511 were committed by the police, 371 by the military and 11 by the armed police. We also documented 12 cases of torture by the state sponsored vigilantes and 46 cases of torture inflicted by the Maoists. Because of the security risk, 177 survivors released from military detention did not want to share the full details of their torture with us. Excluding those cases, we have thoroughly documented the details of torture in 774 cases. Children as young as 14 years old were also arrested and detained. Out of 951 torture survivors 349 (37%) were juveniles (below the age of 18 years old).

It should be borne in mind that, due to the limitations on our access to victims, our records only cover a small proportion of the victims of torture. It is impossible to estimate how many victims of torture there are in total in Nepal, but we would guess that we have recorded only 10% of the current cases.

Analyzing the 774 cases documented last year, we have found that the commonly used methods of torture in barracks include blindfolding for a prolonged period of time (up to 21 months), electric shocks, suffocating the victims by pouring water into the nose and mouth, hanging upside down, rape and sexual abuse, piercing under nails, burying, keeping in an abnormal position, tying hands and feet around a stick and swinging the body around, random beatings, fake executions and threats of killing.

The commonly practiced methods of torture in police detention centers are beatings on soles by plastic pipes, rolling the muscles of thighs, random beatings and forcing victims to sit in an abnormal position.

We also documented 46 cases of torture inflicted by the Maoists. They have also been practicing torture systematically to punish and to terrorize people. The commonly used methods of the Maoists are breaking the legs and bones of different parts of the body by hitting with heavy objects, wounding and random beatings. They have also put people for a prolonged period of time in "labor camps".

Out of 371 reported cases of torture in the barracks, Bhairabnath Battalion, Maharajgunj Barracks, Kathmandu, Youdha Bhairab Battalion, Maharajgunj Barracks, Kathmandu, Jagadal Battalion, Chauni Barracks, Kathmandu, Mahabirgan Battalion, Chauni Barracks, Kathmandu, Bhimkali Battalion, Chisapani Barracks, Banke, Rajdal Barracks, Lalitpur, Fulbari Barracks, Pokhara, Kaski, Bijaypur Barracks, Kaski, Shivadal Battalion, Gorusinghe Barracks, Kapilvastu, Dhulikhel Barracks in Kavre, Devi Dutta Battalion, Suparitar Barracks in Makawanpur, and Bhawani Box Battalion, Dailekh Barracks in Dailekh are the ones where most of the victims were tortured.

Out of 511 torture cases by the police, Valley Crime Investigation Branch, Hanumandhoka, Gausala Ward Police Station, Boudha Ward Police Stations, Kalimati Ward Police Stations, Balaju Ward Police Stations, District Police Office Morang, District Police Office Banke, District Police Office Kanchanpur, District Police Office Udapur, District Police Office, Kapilbastu, District Police Office, Kaski are the police stations where most of the victims were tortured. Of those people we interviewed in police detention centres, 35.5% in Nepal, 43.8% in Kathmandu said that they had been tortured. However, Advocacy Forum only has access to those people detained by the police who are then taken to Court for remand. If statistics for people released before being taken to Court were included, we consider the percentage of those who have been tortured by the police may be considerably higher.

Torture is also a result of the failure of the criminal justice system. Though the political context of the country has been changed, the practice of torture has not. Torture is routinely practiced in detention even today. In May 2006 alone we documented 72 cases of torture in 21 different police detention centers. The pattern, ways and techniques of the police remain the same as before. Likewise, the judges and the prosecutors continue with their previous prejudices and practices. Neither the judges nor the public prosecutors are adequately sensitized on the issue.

The existing system forces victims of torture to remain silent. What happens in practice is that if a person is arrested, generally that person will be detained for some days without any custody record, the authority does not even acknowledge the detention of that person, and there is no mechanism that allows inspection or scrutiny of the detention records of the police. During this period the detainee is tortured. When his or her wounds and bruises are healed, the police prepare a paper that shows that the detainee was arrested less than 24 hours previously, 24 hours being the legal limit within which a detainee should be presented to a judge. The detainee is then escorted by the police from the same office to the court. In the presence of the police the judge extends the remand. During this period, detainees are rarely given access to medical services or lawyers. When a detainee goes to prison or comes out of custody only then does he or she share the incidences of torture with others. If a case for compensation is filed, the victim is likely to lose the case as he or she will be fail to prove evidence of torture. In the absence of medical reports, it is hard to convince a judge!

The whole issue of torture is also related to the issues of an independent and professional police system, independent judiciary and the office of the Attorney Generals. So, it is important that we have a wider discussion about making the criminal justice system more functional and efficient in eliminating torture and for the promotion of rule of law and fair trial.

Since 2001, Advocacy forum has helped 40 torture victims to bring a case challenging their torture and demanding compensation. Out of 40 cases, 11 have been already been quashed as the victims were unable to provide sufficient evidence of torture, in particular any medical report proving the claim. Victims have also lost their cases because they were unable to establish that they were in custody when they were tortured. For example, Mainya Tamang was arrested on 7 November 2004 by the police of Ward Police Station, Bouddha. Following her arrest, she was then taken to the same ward police station where she was detained for two days illegally and for two days she was severely beaten and tortured. On 9 November 2004 she was transferred to Kalimati Women's Cell where she was again beaten. On 11 November 2004 the police prepared a paper showing that she was arrested that day and produced her to the District Court of Kathmandu for remand. On 27 December 2004, Advocacy Forum filed a case on her behalf demanding compensation for the torture inflicted upon her while she was in detention. Her case was quashed both in the District Court and on appeal in the Appellate Court as both Courts said that at the time when she claims that she was tortured, there was no evidence to prove that she was in detention!

Out of the 40 cases that we have represented, only 4 victims of torture by the police have so far been awarded compensation of 10,000 Nepali Rupees (approximately US$ 135), but they still have not received this compensation. Other cases are still subjudice of the court.

Advocacy Forum has faced a number of difficulties in bringing cases of torture. In the beginning, the Court would not even let us register a complaint where military were the accused. The Court asks a victim to prove that he or she was tortured rather than the accused having to prove that the victim was not tortured while in their custody. Those people who remained in custody for many weeks and months without any records of their detention, without access to medical services, lawyers or families have very little chance of proving that they were tortured. In addition, the Torture Compensation Act provides that if the complaint is filed with "malafide" intention, the victim will be fined up to 5,000 Nepali Rupees. As it is very difficult to prove the case of torture, many victims are discouraged from doing so as the chances of being found guilty of bringing the case with malafide intention and being fined are very high. Thus, the victims have no protection. In many incidents they reported to us that they were put under pressure to retract their complaint. No witness could dare to testify in their favor as they also have no protection. Thus, the whole system is hostile against the victims and favors the perpetrators.

One of the major problems in the case of torture is the failure of the State to criminalize the act of torture. Since 1996 the UN Committee against Torture has been asking the Government of Nepal to criminalize the act of torture, but the State has failed to do so. Furthermore, the existing Torture Compensation Act does not comply with Nepal's international obligations. To make it compatible with Nepal's international obligations, the Torture Compensation Act of Nepal has to be amended in such a way that criminalizes the act of torture, puts the burden of proof on the custody taking officers, includes provisions for the protection of victims and witnesses, ensures lawyers and families have access to detainees right from the beginning of arrest, makes it mandatory for the list of detainees to be made public and put under public scrutiny, if anyone is found to be detained without record, the officer incharge is accountable, makes provision that ensures perpetrators of torture from other countries are extradited or prosecuted, and ensures that no-one will be extradited to any country if there is a risk of torture in that country.

In addition, the following changes to the law are necessary:

Mechanisms of transitional justice to deal with past cases of human rights violations including torture;

An increase in the current maximum amount of compensation, which is currently 100,000 Nepali Rupees (approximately US$ 1,350) plus a change to allow the recovery of medical expenses; and

Changes to the laws of evidence to ensure that evidence produced under torture or duress is inadmissible by making prosecutors provide proof that evidence was voluntary.

In conclusion, the State has the obligation to investigate all past cases of human rights violations including torture and to prevent violations in the future. A functional mechanism has to be set up to address past violations of human rights including torture and to take measures to prevent such occurring in the future. One way to prevent the future occurrence of such violations is to prosecute those responsible for violations committed in the past. It is also urgent to amend the existing Torture Compensation Act to make it compatible with the provisions of the U.N. conventions against torture.

MANUFACTURING EXTENSION PARTNERSHIP

Mr. KOHL. Mr. President, since 2001 America has lost 2.5 million manufacturing jobs, eroding an industry that was once the pride of the United States. Manufacturing represents the cornerstone of our economy and the best in American values. It creates the cars we drive to work, the computers our children use to learn, and the household appliances we use each day. I rise today to talk about the Manufacturing Extension Partnership, MEP, one of the few Federal programs that has provided tangible assistance to the manufacturing sector, keeping companies in business and retaining jobs.

MEP is a public-private partnership working with small and medium sized manufacturers, helping them streamline operations, integrate new technologies, shorten production times, and lower costs. MEP clients surveyed in fiscal year 2004 reported 43,600 jobs created or retained and $1.889 billion in additional sales.

In Wisconsin, where manufacturing employs 512,000 people and contributes 22 percent of the State's gross product, MEP has assisted 1,700 small and medium sized manufacturers to improve their productivity and profitability. One example is the Jor-Mac Company, a metal fabrication company in Grafton, WI, which was beset by fierce Chinese competitors. After working with MEP, Jor-Mac improved its production efficiency, increasing sales by $5 million.

Since its inception in 1988, the Manufacturing Extension Partnership has been an invaluable resource to manufacturers. Without strong Federal support, MEP will be unable to maintain its mission of serving America's small manufacturers. At a time when we want to increase economic activity, expand U.S. exports, and strengthen the manufacturing base of our Nation, MEP is a fiscally sound investment of Federal resources.

RENEWABLE FUELS

Mr. DAYTON. Mr. President, this week is the long-anticipated Energy Week over at the House of Representatives. It is the response of that Chamber's leadership to the soaring energy prices which are hurting this Nation's consumers, families, and businesses.

After hearing the House Energy Week touted for months, I was naturally curious about what would be on the agenda. A plan to put more alternative fuel vehicles on the road? Incentives to make renewable fuels available to more consumers? A plan to rein in the Federal Government's vast consumption of fossil energy?

No, Mr. President, none of those worthy initiatives are being discussed during House Energy Week. In fact, I am told that their only initiative is a plan to weaken a quarter-century ban on offshore drilling. That is it. That is evidently the House's plan to provide relief for Americans from the high cost of energy. Not the slightest mention of the role that renewable fuels might play in solving this energy crisis.

For most American families who drive passenger cars, ethanol is this country's most promising alternative to foreign oil. Ethanol is not merely an additive to gasoline, it is a replacement for gasoline, which is why major oil companies have sought to block its entry into the marketplace.

I have heard from gas station franchise owners in my State of Minnesota that the major oil companies have prevented them from selling E85 with a requirement that only branded products be sold under the company's branded canopy. This means that, rather than selling E85 from one of several existing pumps, a station owner must dig a new hole in the ground somewhere in the parking lot, and install a new pump, often at costs of up to $75,000.

Perhaps this explains why, of the estimated 170,000 service stations in the country, just 800, or less than 5 percent, offer E85 fuel. And of those 800 stations, over one-fourth, or 210 stations, are located in my State of Minnesota.

I have introduced legislation, the Renewable Fuels Promotion Act, that would prohibit oil companies from restricting where E85 and biodiesel can be sold on the premises of franchised gas stations.

E85 is a very popular fuel, where it is available. This year, first quarter sales in Minnesota increased 320 percent over last year, as the price of gas soared. Americans all over the country should have access to E85, and my bill would ensure that every gas station owner who wants to sell it has the ability to do so.

My legislation also targets the Federal Government's failure to embrace renewable fuels. In his State of the Union address, the President said our Nation is addicted to oil. What he failed to mention was that the Federal Government is the biggest addict of them all. The Federal Government is far and away the largest consumer of energy in the United States. In fact, the Department of Defense alone is the single largest consumer of petroleum fuel in the world. So what would happen if the largest consumer in the most energy-hungry nation in the world used its tremendous market power to purchase renewable fuels?

Consider this: In 2004, the Federal Government consumed 2 billion gallons of petroleum diesel fuel. If every gallon of that diesel had been a blend of 20 percent biodiesel and 80 percent diesel fuel, the Government would have consumed 400 million gallons of biodiesel—a great boost for the nascent industry. Instead, the Federal Government is using its massive purchasing power to buy petroleum fuel—a windfall for the oil companies. In 2004, the Federal purchases of ethanol and biodiesel fuels combined amounted to a paltry 3 million gallons, less than two-tenths of 1 percent of the total fuel consumption.

According to the Department of Energy, "One reason for the relatively low alternative fuel use rate is the lack of sufficient alternative fuel infrastructure." "The Renewable Fuels Promotion Act" would require every Federal fueling station to be equipped with a renewable fuels pump. On May 17, I sent a letter to President Bush asking him to accomplish the same thing with an Executive order.

In the world of renewable fuels, infrastructure is half the battle. If you don't have the pumps, you can't sell the fuel. My bill addresses the fundamental problem underlying the Federal Government's failure to embrace biofuels: the fuels are not available at Federal fueling stations. In Congress, we can't control the private energy markets, but we do have some sway over the Federal Government. My bill would ensure that the tremendous purchasing power of the Federal Government would take us in the right direction: toward a stronger biofuels industry, and away from reliance on foreign oil.

In conclusion, I wish our House colleagues the best as they proceed with their Energy Week agenda. However, I would caution them that a plan to drill offshore is not really a plan for relief from high energy prices. Even if legislation were passed today, no new oil would come online for a decade or more. Americans don't have a decade to wait.

Ethanol and biodiesel are here today. They are ready for consumers, and automakers are ready with the vehicles. The Renewable Fuels Promotions Act would help bring biofuels to the customers that need energy security today.

INTERNATIONAL POLAR YEAR

Ms. MURKOWSKI. Mr. President, I rise to take this time to speak about the Arctic and the upcoming International Polar Year. The Arctic is still a new frontier for many in Congress. For many, it is too far away, too dark and too cold to merit much attention. But whether you represent Florida, Iowa, or any other State, Americans around the country are connected to events in the Arctic. From climate change and the development of our natural resources, to international treaties and maritime rights, more knowledge about each of these issues is needed to help us formulate and shape the policies that will impact the Arctic and our country for future generations.

It has been nearly 14 years since the United States last developed an Arctic policy. The world was a different place 14 years ago. The Cold War had just ended. Climate change was barely being considered as an issue. An accessible, navigable Arctic Ocean was nowhere near as real a prospect as it is today. The Arctic Council, an intergovernmental organization that addresses many of the common concerns and challenges faced by the Arctic states, was just getting started. And we had nowhere near the sensitivity to the changes life is bringing to indigenous residents of the Arctic.

Times have changed, and we need a new Arctic policy. The upcoming International Polar Year will be the 50th anniversary of the International Geophysical Year of 1957–1958 and continues a tradition of international science years that began in 1882–1883 and again in 1932–1933.

The purpose of the International Polar Year is to spark an interest in those whose expertise may not be in the Polar Regions. Most importantly, the theme is international.

IPY is being led by the International Council for Science, ICSU, and the World Meteorological Organization, WMO. Participating nations so far include Argentina, Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Chile, China, Denmark, Finland, France, Germany, Greenland, Iceland, India, Ireland, Italy, Japan, Korea, Malaysia, New Zealand, Norway, Poland, Portugal, Russia, South Africa, Spain, Sweden, Switzerland, the Netherlands, Ukraine, United Kingdom, United States of America, Uruguay, and others.

The International Polar Year is actually 2 years, from March 1, 2007, until March 1, 2009, allowing two field seasons of research in both the Arctic and the Antarctic. The timeframe was selected to encourage an intensive burst of effort that can be coordinated among many nations. During this time, scientists will lay the groundwork for sustained assessments of environmental change and variability. In addition, the resulting enhanced infrastructure and observation systems will provide an improved foundation for ongoing science.

In the United States, the administration has asked the National Science Foundation to lead U.S. IPY activities. NSF allocated roughly $13 million for this fiscal year for research opportunities. The announcements for these research grants will occur sometime in late July or August of this year.

Another round of grants is expected in February or March of 2007, as the President requested $62 million for fiscal year 2007 just in time for the start of the IPY.

Other agencies are contributing to IPY, including the National Institute of Health, NASA, the State Department, and the Department of Energy. In fact, the Department of Energy is sponsoring a summit on energy development and rural power as it relates to the Arctic. The core of the summit will be a technology conference held in Anchorage, AK, the week of October 14, 2007. Leading up to the technology conference and following the summit to its completion will be an education and outreach effort with the goal of capturing the interest of the public and decisionmakers and attracting and developing the next generation of scientists, engineers, and leaders.

Despite the many events and research projects that will be happening around the world, it is important that we not lose focus on why we are having IPY: to make a contribution that will not only serve as a benchmark in understanding the polar regions but also help leave a legacy for future scientists and researchers. The worst-case scenario for IPY is for great scientific achievements to happen over the next 2 years, and nobody knows about it. Showcasing IPY is essential.

As scientists work to achieve breakthroughs in their respective fields, they will also be increasing their collaboration with local communities and indigenous people as partners in research from designing the projects and collecting and interpreting the data to disseminating the results.

There are already projects trying to achieve a greater partnership. For example, The STUDENT-PARTNERS Project, SPP, headed by the Woods Hole Research Center in Massachusetts, unites students, teachers, and scientists to study the role of rivers in the Arctic system and create an innovative and effective education and outreach program. By partnering with K-12 grade students and teachers living beside the largest Arctic rivers in Russia, Canada, and Alaska, the high frequency river water samples that are needed to understand hydrologic and biogeochemical fluxes in the river systems will be obtained. In the process, the capability we seek in a multinational Arctic river observing network will be developed.

In the Bering Strait School District in Alaska, teachers are trained to educate students in grades K–12 about climate change data collection and scientific study. The project blends modern science with Native tradition, language, and subsistence needs. Full community involvement has been achieved in 13 of the 15 villages in the school district.

Scientists from the Geophysical Institute at the University of Alaska work with teachers and students to collect data on weather, erosion, sea ice movement, and wave and wind action. Native elders are involved in teaching the students using the Native language, culture, and historical observations. The elders use the data to assist them in predicting dangerous weather and sea conditions as the plan for subsistence activities. What they are doing not only benefits the community and sustains Native traditions, it also generates a new generation of individuals interested in Arctic science.

The upcoming International Polar Year can play a significant role in focusing our Nation, and for that matter the world, on the work that is being done, and needs to be done, in the Arctic. I plan to use the occasion of the International Polar Year to bring more of my colleagues to the north. When I say the north, I mean going to the Permafrost tunnel in Fairbanks or the Toolik Field Station on the North Slope of Alaska to see for themselves what the Arctic is really like.

The IPY is also an opportunity to craft greater coordination and cooperation among Arctic nations so that those who live in the Arctic benefit. And perhaps most important of all, it is an opportunity to develop the next generation of Arctic researchers to carry on this important work.

I look forward to further discussions on the Arctic as the International Polar Year draws closer and the relevance of the Arctic to the Nation and the world as a whole.

CAPE VERDE INDEPENDENCE DAY

Mr. REED. Mr. President, today I recognize the 31st anniversary of the independence of Cape Verde. On July 5, 1975, this island nation gained independence from Portugal and since then has established itself as one of the most politically stable and economically viable countries in Africa.

After discovery by Portuguese explorers in 1457 and then again in 1462, Cape Verde was incorporated into the Portuguese Empire as the first European settlement in the tropics. Over the next several hundred years, it was a lucrative trading post between Europe, Africa, and the Americas.

A few years after World War II, with a growing nationalist movement, Portugal granted Cape Verde overseas province status. Within 5 years a group of Cape Verdeans and neighboring Guinea-Bissauans organized a coalition for the independence of Guinea-Bissau and Cape Verde. After the 1974 Portuguese revolution, the new government signed an independence agreement with all of Portugal's overseas provinces, including Cape Verde. After six centuries of colonial rule, Cape Verde formally gained independence on July 5, 1975.

Since the beginning of its independence, Cape Verde has strived for a democratic government. In 1991, the first multiparty elections in Cape Verdean history were held. Today, the Cape Verdean government is stable, with four parties sharing seats in the National Assembly. It has established market-oriented economic policies that are attracting foreign visitors, ensuring Cape Verde a strong service and tourism economy.

Cape Verde has also been an essential part of international security. Over the past month, Cape Verde has served as the proving grounds for the latest testing of the emerging NATO Response Force, NRF. With over 7,000 soldiers, sailors, and airmen, Exercise Steadfast Jaguar 2006 is a major test of the NRF's ability to operate quickly, strategically, and at distance. Facing a variety of environmental conditions, the NRF is able to execute its largest military maneuvers since its creation exercising a wide array of missions. The archipelago's terrain provide challenging beaches for amphibious assault, arid flatlands for ground warfare, and a mountainous volcano for humanitarian relief after a fictitious eruption. These exercises, while still ongoing, can only be measured as a success and a true representation of international cooperation.

Today there are close to 350,000 Cape Verdeans living in the United States, almost equal to the population of Cape Verde itself. Many of these Cape Verdeans make their home in Rhode Island. On behalf of the residents of my State, I wish to thank them for their contributions to our country.

Finding its place in the international community, Cape Verde has stood up to assist the world's peacekeeping force in their infancy. It is fitting we honor Cape Verde's independence along side of our own. They understand the importance of a democratic society and international responsibility. I send all Cape Verdeans in Rhode Island and around the world my best wishes as they celebrate their homeland's independence

NATIONAL LITERACY DAY

Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 21st anniversary of National Literacy Day, designated on July 2, 1985, by President Ronald Reagan.

In 1986, Caryl Mackin-Wagner, the executive director for Focus on Literacy Inc., worked with Congress to establish recognition by a Senate resolution of a National Literacy Day, which Congress has honored each year since.

Caryl Mackin-Wagner established Focus on Literacy, Inc., to bring a greater awareness to the problem of illiteracy in our Nation and to promote effective ways to address this problem while improving the reading skills of children and adults in America.

Developing one's reading and writing skills is a necessary tool to succeeding in this world today. It is extremely important that Americans continue to advance in order to bring about a more successful nation as a whole. We must not ignore the fact that there are many individuals who are not well educated and who are not contributing to society in ways that they could. What is cause for concern is that with inadequate education, people don't reach their full potential and contribute all that they can to our Nation. On Sunday, July 2, Congress will recognize the significance of improving the literacy of individuals, which further contributes to the growth of our society.

Each year, Congress honors National Literacy Day to celebrate literary accomplishments, which have contributed to developing a better and more educated society. As Caryl Mackin-Wagner has said, "Illiterate individuals are our untapped resource for they possess underutilized talents and abilities."

Through hard work and a commitment to helping others, Focus on Literacy, Inc. has made remarkable strides in the battle for literacy and I am proud to salute its efforts on National Literacy Day.

2005 SLOAN AWARD WINNERS

Mr. ALEXANDER. Mr. President, I rise today to congratulate the 2005 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility, which recognizes companies that have successfully used flexibility to meet both business and employee goals. The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute in partnership with the Center for Workforce Preparation, an affiliate of the U.S. Chamber of Commerce, and the Twiga Foundation. The When Work Works initiative is sponsored by the Alfred P. Sloan Foundation.

I would like to draw your attention to the Sloan Awards because I think these companies are to be commended for their excellence in providing workplace flexibility practices which benefit both employees and employers. Achieving greater flexibility in the workplace—to maximize productivity while attracting the highest quality employees—is one of the key challenges facing American companies in the 21st century.

During the inaugural phase of the Sloan Awards in 2004-05, businesses in the following eight cities were eligible for recognition: Brooklyn, NY; Chicago, IL; Dallas, TX; Detroit, MI; Durham, NC; Long Beach, CA; Providence, RI; and Salt Lake City, UT. The Chamber of Commerce in each city hosted an interactive business forum to share research on workplace flexibility as an important component of workplace effectiveness. In these same communities, businesses applied for, and winners were selected for, the Sloan Awards through a process that included employees' views as well as employer practices.

I would like to take this opportunity to congratulate the inaugural winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility. These businesses are to be commended for their excellence in providing workplace flexibility.

In Long Beach, CA, the winners are Dun & Bradstreet, PeacePartners, Inc., and Ward's Furniture.

In Chicago, IL, the winner is Accenture.

In Detroit, MI, the winners are Accenture, Amerisure Mutual Insurance Company, Brogan & Partners Convergence Marketing, Detroit Regional Chamber of Commerce, Plexus Systems LLC, and Rossetti.

In Brooklyn, NY, the winner is Urban Monster.

In Durham, NC, the winners are the Durham Convention & Visitors Bureau and Durham Family Court.

In Providence, RI, the winners are Atrion Networking Corporation, Citizens Financial Group, Inc., KPMG, LLP, North Star Marketing, Quality Partners of Rhode Island, Rhode Island Housing, Rhode Island Legal Services, Inc., and Sojourner House, Inc.

In Dallas, TX, the winners are Accenture, CareerLink Companies, Center for Housing Resources, Inc., Community Council of Greater Dallas, Lee Hecht Harrison, McQueary Henry Bowles Troy, LLP, Medical City Hospital, Texas Instruments, and TravisWolff & Company, LLP.

In Salt Lake City, UT, the winners are ARUP Laboratories, Enterprise Rent-A-Car, McKinnon-Mulherin, Inc., and Radius Engineering Inc.

2005 was the inaugural year for these awards. Building on the success of the first year, Phase II of the When Work Works initiative will extend the number of participating communities to 17 in 2006 and 24 in 2007. Again, I congratulate the 2005 winners and look forward to the expansion of this exciting initiative.

COMMENDING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESCUE TEAMS

Mr. BINGAMAN. Mr. President, I rise today to commend the efforts and extraordinary dedication of the volunteer firefighters and emergency rescue teams throughout New Mexico who have been working tirelessly to assist in fighting fires and meeting the needs of citizens throughout the State as they cope with the worst fire season in decades.

It has already been an incredibly difficult fire season for the people of the Southwest. New Mexico is suffering a drought of historic proportions. The State spent the winter preparing for a summer fire season they hoped wouldn't happen. Unfortunately, the worst fears of the State are quickly becoming a reality. By the end of June, more than 100,000 acres of land will have burned and the State will have already faced more than 20 named fires and countless unnamed fires of varying size and intensity. Hundreds of people have been evacuated, property lost, and communities changed forever. Bear Paw, Rivera Mesa, Energen, Martinez, Skates, Bear, Eicks, Wilson, and Malpais, are the names of just a few of the large fires that the State has already faced this year.

Throughout this time I have been deeply impressed by the work of Federal, State, Tribal, and local fire fighters. But the work of these professionals would be impossible without the commitment of the volunteer firefighters and rescue teams who have unfailingly answered the call to service. These volunteers exemplify the best spirit of New Mexico. They have courageously worked the fire lines, offered their support and a shoulder to cry on, provided a bed and warm meal to evacuees, and helped to corral and move pets and livestock out of harm's way. They do all this while some of their own families and homes face the same fire danger. While I am not surprised at the selflessness of my fellow New Mexicans, I am forever grateful to these volunteers.

The work of these volunteer firefighters and rescue teams has been essential in meeting the challenges of a very active fire season. Throughout New Mexico volunteer firefighters and rescue teams have responded at all times of the day and night. Some have worked for many days in a row to ensure that all the needs of their community were met and the necessary resources were in place. Their bravery and selflessness has been an example to all New Mexicans, and I strongly commend them for their work.

I know that I am joined today by every New Mexican in saying thank you to our volunteer firefighters and rescue teams and in the hope for their continued safety in the face of the fire dangers they face.

ADDITIONAL STATEMENTS

HANDS-OFF TELEPHONE BAND TEAM

• Mrs. BOXER. Mr. President, today I wish to recognize an exceptional group of students with disabilities in southern California from Hesperia Junior High School. Kattie Greene, Emilee Landon, David Perez, and Eric Coldwell have achieved outstanding success in science and problem solving.

These students formed the Hands-Off Telephone Band Team. Together, they developed an apparatus that allows a cellular telephone to be mounted to a wrist or arm—creating an effective and simple assistive technology device that enables some individuals with disabilities to independently use a cellular phone.

The Hands-Off Telephone Band Team's ingenious creation was chosen as one of eight projects from nationwide to be judged by the renowned Christopher Columbus Foundation, which, along with the National Science Foundation, strive to improve America's middle school students' literacy in mathematics and science. Despite facing formidable competition, the Hands-Off Telephone Band Team's project was deservedly selected as the Gold Medal Award Winning Team. Kattie, Emilee, David, and Eric's commitment to excellence, coupled with their mastery of the scientific process, enabled them to return to Hesperia Junior High School as heroes of the community.

I commend these students not only for their success in this prestigious competition but also because they are the first team comprised of students with disabilities to win this national competition. Each of these incredible young people utilized their abilities and coordinated their efforts to succeed. Eighth grade instructor Barbara Jacobs deserves commendation on her successful mentorship of these young students.

I applaud the dedication of the Hands-Off Telephone Band Team from Hesperia Junior High School. Their success has provided an example of determination to us all.•

TRIBUTE TO PETE WHEELER

• Mr. CHAMBLISS. Mr. President, it is my honor today to pay tribute to a man who has passionately spent his career in service to the United States and past members of its Armed Forces. Mr. Pete Wheeler has served with the Georgia Department of Veteran Services since 1949 and as chairman of the National Veterans Day Committee since 1954. From the beginning of his work, he has served as a dedicated advocate and friend to veterans and their families. For his nearly 60 years of service, Commissioner Wheeler will be honored by the Veterans Council of the Golden Isles as "Veteran of the Century."

Pete was born in Albany, GA, in 1922. At the age of 20, he enlisted in the Army as an infantry soldier just a year prior to his 1943 graduation from the University of Georgia. He married Geraldine Odenweller, and the couple raised three children: Chip, Jane Watkins, and Frances Jones. Pete and Geraldine are now the proud grandparents of six grandchildren.

After his graduation from John Marshall Law School in 1948 and his admission to the Georgia State Bar in 1949, Mr. Wheeler began his career with the Georgia Department of Veterans Services. He was appointed the Georgia chairman of the National Veterans Day Committee in 1954 and has served in the office for over 50 years. Commissioner Wheeler has worked on a wide spectrum of Veterans Affairs panels, associations and programs, but in addition to his civilian services, he retired in 1978 as a brigadier general from the Georgia Army National Guard.

Among State directors and commissioners, Pete is known as the "Dean of Veterans" because of his influential leadership in State and national veterans affairs. He served as president of the National Association of State Directors of Veterans Affairs from 1964 to 1965. Two years later, President Lyndon B. Johnson appointed Mr. Wheeler to the U.S. Veterans Advisory Commission. His national work has continued since then to include serving as chairman of the 1994 World War II Memorial Advisory Board commissioned by President Clinton and President Bush.

In addition to Mr. Wheeler's national influence in veterans affairs, Georgia is especially proud of Mr. Wheeler's work as State chairman. During his tenure, Mr. Wheeler worked tirelessly to assist veterans and their families throughout Georgia. He was instrumental in the development of innovative programs such as the "State Supermarket of Veterans Benefits", a one-stop information service on veterans' benefits, and the "Georgia Veterans Bulletin," a quarterly publication dedicated to keeping veterans and their families informed of law changes, benefits, and special events. Commissioner Wheeler also worked to found the Annual Service Officer School, an event which brings together veterans' benefit counselors and leaders from the State and National veterans groups and offices for veterans issues. Under Mr. Wheeler's leadership, Georgia is still the only State to provide free nursing home and domiciliary care to its eligible veterans. To honor past veterans, he has also helped to establish two veterans cemeteries, including the Georgia National Cemetery in Cherokee County.

Pete Wheeler has lived by his statement that "there is little that cannot be accomplished if one doesn't care who gets the credit." Considering his invaluable contributions to veterans and veterans affairs, it is no wonder that others are quick to pay tribute to Pete for much of what has been accomplished for Georgia veterans.

These tributes among many others, illustrate the tremendous impact of Pete Wheeler's work in veterans affairs. His enduring dedication to his fellow veterans has shown through his nearly 60 years of service to the community, the State of Georgia, and the Nation. I am very proud to join the Georgia Department of Veterans' Services and the Veterans' Council of the Golden Isles in honoring Pete Wheeler as one of the century's finest examples of service to our Nation's veterans.●

125TH ANNIVERSARY OF LARIMORE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 13–16, the residents of Larimore will gather to celebrate their community's history and founding.

Founded in 1881 by Anthony Clark and named for Newell Green Larimore, Larimore is located just north of Grand Forks. Many of Clark's descendents still live in Larimore and are part of the tight knit community. Larimore's post office was established on October 31, 1881, with Lyman P. Goodhume as its postmaster.

Today, Larimore continues to thrive with a bustling downtown area that has a grocery store, a flower shop, and an appliance store. During the summer, citizens of Larimore head out to the Larimore Dam for swimming, boating, camping, and fishing. In the winter, the Men's Club of Larimore and the American Legion hold an annual ice fishing derby.

An annual highlight is the celebration of Larimore Days. Each year Larimore holds festivities that are meant to bring the community, family, and friends together. Larimore celebrates with parades, school reunions, and family events. This year, the 125th anniversary of the town will be held in conjunction with the Larimore Days celebrations.

Mr. President, I ask the Senate to join me in congratulating Larimore, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Larimore and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Larimore that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Larimore has a proud past and a bright future.●

100TH ANNIVERSARY OF NEWBURG, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 8–9, the residents of Newburg will gather to celebrate their community's history and founding.

Newburg is a vibrant community in northern North Dakota. Newburg was established when the Great Northern Railroad built a station in the town and named it after an early settler to the area, Andrew Newborg. About a year after the railroad station opened, the town's post office was established. Newburg is also home to a local inventor and businessman, Frederick Sund. Sund began Sund Manufacturing Company, which employs many community residents.

Along with Sund Manufacturing Company, Newburg is home to several other businesses, many of which support farming business in the town and surrounding area. The town also has many recreational activities, including fishing and duck hunting. Guide services are available to assist wildlife enthusiasts in the area.

The residents of Newburg are proud of all of their accomplishments over the past 100 years and have planned a celebration that includes a parade, a car show, a variety show, a street dance with fireworks, a community-wide pot-luck meal, and an ecumenical church service.

Mr. President, I ask the Senate to join me in congratulating Newburg, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Newburg and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Newburg that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Newburg has a proud past and a bright future.●

100TH ANNIVERSARY OF McVILLE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 7–9, the residents of McVille will gather to celebrate their community's history and founding.

McVille is a small but welcoming community located in the northeastern part of North Dakota. In 1906, McVille, like many rural towns, relocated to a new townsite along the Great Northern Railroad. McVille has a rich history. It is one of the oldest settled areas in North Dakota outside of the Red River Valley. The name McVille was coined from the many families in the region whose surname began with "Mc."

Today, McVille is a great place for outdoor enthusiasts. McVille Dam offers great opportunities for sports fishermen, and is stocked with walleye, northern trout, large mouth bass, blue gills, and perch. McVille also hosts "McVille Days," an annual three-day community celebration that offers residents and visitors many fun and exciting activities to participate in.

McVille is a close-knit community that fosters unity and cooperation among its residents. The citizens of McVille have many exciting events planned to celebrate their centennial, including a dance, art show, basketball tournament, pig race, canoe race, car show, golf tournament, and parade.

Mr. President, I ask the Senate to join me in congratulating McVille, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring McVille and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as McVille that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

McVille has a proud past and a bright future.●

MAX SCHUMACHER'S 50TH ANNIVERSARY WITH THE INDIANAPOLIS INDIANS

● Mr. LUGAR. Mr. President, today I wish to celebrate an important milestone in the life of my fellow Hoosier, former classmate, and close friend, Max Schumacher. On July 15, I will have the opportunity to join Max's family and many friends in Indianapolis at Victory Field to celebrate his 50 years of important leadership with the Indianapolis Indians baseball team.

Since I came to know Max while we were both students at Shortridge High School, I have always been impressed by his commitment to leadership and public service. During our time at Shortridge, I admired his remarkable athletic and journalistic abilities. Max went on to study at Butler University where he was a member of the baseball team and editor of the school's newspaper, The Collegian. After receiving a bachelor of science degree in journalism in 1954, Max joined the U.S. Army, where he served until 1956. Butler recently recognized his accomplishments when he was inducted into the Athletic Hall of Fame.

For the past 50 years, Max has worked in several different capacities within the Indians organization, including ticket manager, publicity director, general manager, and now president and chairman of the board. His leadership has helped the Indians achieve 31 consecutive years of profits and business success. In 1988 Max received the John H. Johnson President's Award to recognize him as the individual who "best exemplifies the standards of a complete baseball franchise."

Another milestone of Max's leadership of the Indians was the opening of Victory Field 10 years ago. Fans from across the country have marveled at this beautifully modern facility, which has been recognized as one of the premier baseball stadiums in the country. Victory Field has been an important addition to downtown Indianapolis, enabling families to enjoy memorable experiences together in such a welcoming atmosphere.

Max's leadership in the Indianapolis community goes far beyond his work with the Indians. Max has served as president of the Indianapolis Downtown Kiwanis Club, the Indianapolis Kiwanis Foundation board of directors, the board of directors of the Boys and Girls Club of Indianapolis, and is a member of the board of directors of the Greater Indianapolis Chamber of Commerce. As a recognition of this service, Governor Bowen named Max a "Sagamore of the Wabash" in 1980, and he was designated a member of the Honorable Order of Kentucky Colonels.

I also congratulate Max's wife Judy and their three children, who have been such an integral part of the Indians family for these many years. I was honored to be an usher in the wedding ceremony when Judy and Max were married, and Max was an usher when Charlene and I were married.

I appreciate this opportunity to congratulate my friend Max Schumacher, and I look forward to many more adventures with him, his family and friends, and the entire Indians organization as we cheer the Indians on to victory.●

HONORING A GREAT COLORADAN

● Mr. SALAZAR. Mr. President, I wish to recognize the work of a great Coloradan, Randy Rusk, and share some thoughts about the role that conservation easements can play in protecting Colorado's open spaces and rural way of life.

Mr. Rusk was recently named one of "15 People Who Make America Great" by Newsweek Magazine for the contributions he has made to the protection of Colorado's Wet Mountain Valley. The Wet Mountain Valley is near my own San Luis Valley in southern Colorado. It is known for its lush pastures, for the jagged mountains that flank it, and for the men and women who ranch its lands.

Mr. Rusk's family raises cattle on their 1,500 acres, but it would be a prime setting for second homes, 35-acre ranchettes, or a subdivision. Clearly he could sell his land to a developer if money was his primary concern, but Mr. Rusk would rather that his grandchildren be able to enjoy and work the ranch as he has.

As someone who comes from a ranching family, I can tell you, that ranchers generally don't like to be told what they can or can't do on their lands. But Mr. Rusk decided that the best way to protect his land was to put its development rights in a trust. With a conservation easement on his land, he can be certain that the property will remain intact in perpetuity.

Mr. Rusk has taken this idea beyond his own ranch and has convinced other ranchers in the Wet Mountain Valley to place conservation easements on their land, too. Some get reimbursed for parting with their land's development rights, while others simply donate them. Thanks to Mr. Rusk's leadership, around 11,000 acres of the Wet Mountain Valley will be protected from development.

Knowing how useful conservation easements are to ranchers and farmers across Colorado how much good they have done for preserving our open lands and rural way of life, I am troubled by proposals that would punish those who use conservation easements to protect their lands.

Our current tax law says that donated conservation easements can be claimed as a deduction. This is how it should be. If a rancher donates development rights to a nonprofit, to be held in trust, he or she should be able to claim a Federal tax deduction. This deduction, in conjunction with State and local incentives, is a valuable tool in protecting Colorado's natural heritage.

There have been some instances of fraud in the use of conservation easements. The IRS should punish those responsible and Congress should explore ways of tightening up our laws to avoid abuses of the system. But, by and large, those who place easements on their lands are like Randy Rusk, and they do so for the right reasons.

Mr. President, I am proud of the innovative ways that Coloradans are finding to protect open spaces, strengthen rural economies, and continue traditional ways of life. We have a common interest in supporting the work of ranchers like Mr. Rusk, whose stewardship of his lands yields benefits for all of us. I encourage this body to stand behind these wise conservation practices by protecting the Federal tax deduction for conservation easements.●

TRIBUTE TO COLONEL ROBERT J. DAVIS, JR.

● Mr. SARBANES. Mr. President, I wish to pay tribute today to COL Robert J. Davis, Jr., commander of the Baltimore District, U.S. Army Corps of Engineers. Colonel Davis is retiring after 26 years of distinguished service in the U.S. Army, and I take this opportunity to express my appreciation for his many years of dedicated service to our Nation.

Robert Davis graduated from the U.S. Military Academy at West Point in 1980 and was commissioned into the U.S. Army. He has served in numerous staff and command positions here in the United States and abroad including an associate professorship in the Department of Mechanics and Civil and Mechanical Engineering at West Point, commanding the C Company of the 14th Engineer Battalion in Fort Ord, CA, and directing public works for the 6th Area Support Group in Stuttgart, Germany. He also served as assistant to the commanding general of the U.S. Army Corps of Engineers and as commander of the Detroit District.

Since August, 2003, when Colonel Davis was selected as commander and district engineer for the Baltimore Engineer District, I have had the pleasure of working closely with him on numerous civil works and military construction projects vitally important to the State of Maryland. These included the completion of the first phase of the rewatering of the C&O Canal in Cumberland, MD, the initiation of the Gwynns Falls Restoration Project in Baltimore, the dredging of St. Jerome Creek in Southern Maryland, the advancement of dredged material management plans for the Port of Baltimore and the opening of a new recreational trail at Jennings Randolph Lake. Colonel Davis has continued a long tradition of outstanding leadership of the Baltimore District, and the citizens of Maryland and the other States served by the Baltimore District will benefit from his leadership for years to come.

In recognition of his exceptional service, Colonel Davis has received numerous awards and commendations including the Defense Meritorious Service Medal, Army Meritorious Service Medal, the Army Commendation Medal, and the Army Medal of Achievement. But above all, Colonel Davis has exemplified a steadfast commitment to serving his fellow citizens and country with his very best, most dedicated efforts. In this most honorable mission, he has earned the admiration and high regard of everyone with whom he has worked. I extend my personal congratulations and thanks for his hard work and dedication and wish him the very best in the future.•

TRIBUTE TO RUSSELL AND BETTY BECK

• Mr. THUNE. Mr. President, today I wish to recognize Russell and Betty Beck of Pierre, SD. Russell and Betty Beck will celebrate their 50th wedding anniversary this year on December 22.

Russell and Betty met in June of 1956 at the Central States Fair in Rapid City, SD. Russell, a fly boy in the Air Force, was stationed at Ellsworth AFB, and Betty, who was just a few years out of high school, was working in Rapid City at the time. The couple was later married in their pastor's home with Nancy Gibson and William Clarkson as their witnesses. Russell and Betty eventually made their home in Murdo, SD, where they raised four children: Bernard, Bernardine, Darsey, and Robin.

I offer my congratulations to Russell and Betty on their 50th wedding anniversary and wish them many years of continued happiness.•

KRISTEN CHRISTENSEN

• Mr. THUNE. Mr. President, today I wish to thank Kristen Christensen, an intern in my Washington, DC office, for all of the hard work she has done for me, my staff, and the State of South Dakota this summer.

Kristen is a graduate of Yankton High School in Yankton, SD, and is currently a rising sophomore at the University of South Dakota where she is studying English and psychology. She is a hard worker and has been dedicated to getting the most out of her internship experience.

I would like to give my thanks to Kristen and wish her continued success in the years to come.•

CHRIS TIMMERMAN

• Mr. THUNE. Mr. President, today I wish to thank Chris Timmerman, an intern in my Washington, DC office, for all of the hard work he has done for me, my staff, and the State of South Dakota this summer.

Chris is a graduate of Lincoln High School in Sioux Falls, SD, and is currently a rising junior at Emory University where he is studying philosophy. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I would like to give my thanks to Chris and wish him continued success in the years to come. •

AIMEE BREWSTER

• Mr. THUNE. Mr. President, today I wish to also thank Aimee Brewster, an intern in my Washington, DC office, for all of the hard work she has done for me, my staff, and the State of South Dakota this summer.

Aimee is a graduate of St. Thomas More High School in Rapid City, SD, and is currently a rising sophomore at the University of Notre Dame where she is studying political science and French. She is a hard worker and has been dedicated to getting the most out of her internship experience.

I would like to give my thanks to Aimee and wish her continued success in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5689. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

At 4:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 440. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 5:00 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 5672. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

ENROLLED BILLS SIGNED

At 6:31 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 889. An act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

H.R. 4912. An act to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. MCCONNELL).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5672. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

H.R. 5689. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3590. A bill to amend title XIX of the Social Security Act to delay the effective date of the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 408. Commending the Government of Canada for its renewed commitment to the Global War on Terror in Afghanistan.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7378. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Postponement of Filing Date for Form 8898" (Notice 2006–57) received on June 18, 2006; to the Committee on Finance.

EC–7379. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of the Federal Insurance Contributions Act to Payments Made for Certain Services" ((RIN1545–BE32)(TD 9266)) received on June 18, 2006; to the Committee on Finance.

EC–7380. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—April 2006" (Rev. Rul. 2006–33) received on June 18, 2006; to the Committee on Finance.

EC–7381. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—July 2006" (Rev. Rul. 2006–35) received on June 18, 2006; to the Committee on Finance.

EC–7382. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amounts Paid Pursuant to a Leave-Sharing Plan to Assist Employees Affected by a Major Disaster Declared by the President of the United States" (Notice 2006–59) received on June 21, 2006; to the Committee on Finance.

EC–7383. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Pacific Gas and Electric Company v. United States" (AOD: TL–R–618–98) received on June 21, 2006; to the Committee on Finance.

EC–7384. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Returns Required with Respect to Certain Foreign-Owned Domestic U.S. Corporations" ((RIN1545–BF49)(TD 9268)) received on June 21, 2006; to the Committee on Finance.

EC–7385. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Methods for Determining Casualty and Theft Loss Deductions for 2005 Gulf Hurricanes" (Rev. Proc. 2006–32) received on June 21, 2006; to the Committee on Finance.

EC–7386. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Identification of Backward Compatible Version of Adopted Standard for E-Prescribing and the Medicare Prescription Drug Program" (RIN 0938–AO42) received on June 22, 2006; to the Committee on Finance.

EC–7387. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of firearms sold commercially under contract in the amount of $1,000,000 or more to the Hashemite Kingdom of Jordan; to the Committee on Foreign Relations.

EC–7388. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Relief from Fingerprinting and Criminal History Records Check for Designated Categories of Individuals" (RIN3150–AH94) received on June 21, 2006; to the Committee on Environment and Public Works.

EC–7389. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Support Enforcement Program; Reasonable Quantitative Standard for Review and Adjustment of Child Support Orders" (RIN0970–AC19) received on June 22, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7390. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of the rule entitled "NARA Facility Location and Hours" (RIN3095–AB50) received on June 21, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7391. A communication from the Director, Regulatory Management Division, Office of Executive Secretariat, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Affidavits of Support on Behalf of Immigrants" (RIN1615–AB45) received on June 22, 2006; to the Committee on the Judiciary.

EC–7392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Myclobutanil; Pesticide Tolerances for Emergency Exemptions" (FRL No. 8068–2) received on June 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments; Change of Address for the Office of Pesticide Programs" (FRL No. 8070–7) received on June 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7394. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerance Technical Correction" (FRL No. 8073–9) received on June 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7395. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the United States-Oman Free Trade Agreement; to the Committee on Finance.

EC–7396. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Factoring of Receivables Audit Techniques Guide" received on June 27, 2006; to the Committee on Finance.

EC–7397. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distributions of Interests in Loss Corporation from Qualified Trusts" ((TD 9269)(RIN1545–BC00)) received on June 27, 2006; to the Committee on Finance.

EC–7398. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act—2005 Annual Report"; to the Committee on Foreign Relations.

EC–7399. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, an Accountability Review Board report relative to the examination of the facts and circumstances surrounding attacks on two U.S. motorcades in Iraq; to the Committee on Foreign Relations.

EC–7400. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed authorization for the export of significant military equipment in the amount of $50,000,000 or more to Italy, Kazakhstan, and Russia; to the Committee on Foreign Relations.

EC–7401. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of proposed export authorizations for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–7402. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the

Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad (Japan); to the Committee on Foreign Relations.

EC–7403. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2006 annual report on the financial status of the railroad unemployment insurance system; to the Committee on Health, Education, Labor, and Pensions.

EC–7404. A communication from the Assistant General Counsel for Regulations, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Waivers for the Native American Vocational Technical Education Program and the Tribally Controlled Postsecondary Vocational and Technical Institutions Program and Funding of Continuation Grants" (CFDA Numbers 84.101 and 84.245) received on June 27, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7405. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Reauthorization of the Temporary Assistance for Needy Families Program" (RIN0970–AC27) received on June 28, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7406. A communication from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Liability Pursuant to Section 4062(e) of ERISA" (RIN1212–AB03) received on June 28, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7407. A communication from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on June 28, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7408. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "Physicians' Comparability Allowance Program Fiscal Year 2006"; to the Committee on Homeland Security and Governmental Affairs.

EC–7409. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; North American Industry Classification System Based Federal Wage System Wage Surveys" (RIN3206–AK94) received on June 28, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7410. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a vacancy in the position of Principal Deputy Director of National Intelligence, received on June 28, 2006; to the Select Committee on Intelligence.

EC–7411. A communication from the Acting Director, Executive Office for the United States Trustees, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies and Approval of Providers of a Personal Financial Management Instructional Course by United States Trustees" (RIN1105–AB17) received on June 27, 2006; to the Committee on the Judiciary.

EC–7412. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Personnel Authorized to Accompany U.S. Armed Forces" ((RIN0750–AF25)(DFARS Case 2005–D013)) received on June 27, 2006; to the Committee on Armed Services.

EC–7413. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Security-Guard Services Contracts" ((RIN0750–AF37)(DFARS Case 2006–D011)) received on June 27, 2006; to the Committee on Armed Services.

EC–7414. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Free Trade Agreement—El Salvador, Honduras, and Nicaragua" ((RIN0750–AF43)(DFARS Case 2006–D019)) received on June 27, 2006; to the Committee on Armed Services.

EC–7415. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Sole Source 8(a) Awards to Small Business Concerns Owned by Native Hawaiian Organizations" (DFARS Case 2006–D031) received on June 27, 2006; to the Committee on Armed Services.

EC–7416. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Berry Amendment Exceptions—Acquisition of Perishable Food, and Fish, Shellfish, or Seafood" ((RIN0750–AF32)(DFARS Case 2006–D005)) received on June 27, 2006; to the Committee on Armed Services.

EC–7417. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Principal Deputy Director of National Intelligence, received on June 28, 2006; to the Select Committee on Intelligence.

EC–7418. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Peanut Promotion, Research, and Information Order" (FV–05–701–FR) received on June 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7419. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Decreased Assessment Rate" (FV06–923–2 IFR) received on June 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7420. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Weatherization Assistance Program for Low-Income Persons" (RIN1904–AB56) received on June 27, 2006; to the Committee on Energy and Natural Resources.

EC–7421. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "5 CFR Part 511—Classification Under the General Schedule; 5 CFR Part 532—Prevailing Rate System" (RIN3206–AH38 and RIN3206–AI14) received on June 27, 2006; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2023. A bill to amend the Oil Pollution Act of 1990 to improve that Act, and for other purposes (Rept. No. 109–272).

By Mr. GREGG, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5441. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–273).

By Mr. DOMENICI, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5427. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–274).

By Mr. BURNS, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5386. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 460. A resolution expressing the sense of the Senate that the United States should increase its support to the people of Somalia in their efforts to end decades of violence, establish lasting peace, form a democratically elected and stable central government, and become an effective partner in eradicating radicalism and terrorism from their country and the region.

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1554. A bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security of the United States and to address the homeland security needs of Federal, State, and local governments.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 105. A concurrent resolution commending the Government of Canada for its renewed commitment to the Global War on Terror in Afghanistan.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*James S. Simpson, of New York, to be Federal Transit Administrator.

By Ms. SNOWE for the Committee on Small Business and Entrepreneurship.

Steven C. Preston, of Illinois, to be Administrator of the Small Business Administration.

By Mr. LUGAR for the Committee on Foreign Relations.

*John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues.

*Gaddi H. Vasquez, of California, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

*Michael E. Ranneberger, of Virginia, to be Ambassador to the Republic of Kenya.

Nominee: Michael E. Ranneberger

Post: Ambassador to the Republic of Kenya.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse: none.
3. Children and Spouses: none.
4. Parents: none.
5. Grandparents: deceased.
6. Brothers and Spouses: none.
7. Sisters and Spouses: none.

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*Robert D. McCallum, Jr., of Georgia, to be Ambassador to Australia.

Nominee: Robert D. McCallum, Jr.

Post: Ambassador to Australia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $1,000, 3/01, Isakson Campaign: $4,000, 12/03, Bush-Cheney Campaign.

2. Spouse: Mary Rankin Weems McCallum, None other than above made from joint account.

3. Children and Spouses: R. Davis McCallum, III, and Sarah Eddy McCallum, son and spouse: $200, 2004, John Kerry Presidential Campaign; $50, 2004, John Edwards Presidential Campaign; $50, 2004, Wesley Clark Presidential Campaign; $50, 2004, Howard Dean Presidential Campaign.

John Bailey McCallum, son: $50, 2003, Howard Dean Presidential Campaign; $50, 2003, Howard Dean Presidential Campaign.

4. Parents: Robert D. and Virginia McCallum; deceased parents: $500, 10/01, TN Republican Party Federal Election Acct.; $1,000, 10/02 TN Republican Party Federal Election Acct.; $500, 9/04, TN Republican Party Federal Election Acct.; $500, 10/04, TN Republican Party Federal Election Acct.; $500, 9/04, John Thune, U.S. Senate; $1,500, 10/02, Volunteer Pac: $500, 9/03, Volunteer Pac; $500, 5/04, Volunteer Pac; $500, 2/05, Volunteer Pac.

5. Grandparents: Deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Virginia McCallum Syer and John B. Syer, sister and spouse: $250, 5/05, Friends of George Allen; $250, 6/03, Bush-Cheney Campaign; $250, 6/03, Bush-Cheney Campaign; $250, 3/04, Bush-Cheney Campaign; $250, 8/02, Virgil Goode for Congress; $250, 4/04, Virgil Goode for Congress; $500, 9/04, Republican National Cmte.; $250, 10/04, Virgil Goode for Congress.

Mary McCallum McDonald and Michael McDonnell, sister and spouse: $1,000, 2004, Bush-Cheney Campaign; $10,000, 2004, Volunteer Pac.

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*Eric M. Bost, of Texas, to be Ambassador to the Republic of South Africa.

Nominee: Eric M. Bost.

Post: Ambassador to the Republic of South Africa.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, donee, date, and amount:

1. Self, Bush for President, 7/2000, $500; Bush-Cheney 2004, 9/2004, $1000; Rep. National Comm., 11/2005, $120.

2. Spouse, Rose Mary Brownridge, none.

3. Children and Spouses, Raynee Brownridge Verner, none; Kevin Brownridge, none; Natalie Brownridge-Kemen, none; Gordson Kemen (Spouse), none; Courtney M. Bost, none; Lauren Brownridge, none.

4. Parents, Mr. and Mrs. Frederick N. Bost, none.

5. Grandparents, Jim Bost, deceased; Sophornia Bost, deceased; C.W. Mills, Deceased; Janie Mills, Deceased.

6. Brothers and Spouses, Harold and Shirley Bost, none; Edwin M. Bost, none.

7. Sisters and Spouses, Fredda and Fred Peay, none.

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*Earl Anthony Wayne, of Maryland, to be Ambassador to Argentina.

Nominee: Earl Anthony Wayne

Post: Argentina

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: Pamela J.P. Wayne, $100, 09/19/04, Democratic Nat'l Cmte.

3. Children and Spouses: Kristen A. Wayne (daughter), $25, 01/16/04, Howard Dean; Brian Hoss (son-in-law) none; Justin A. Wayne (son) none.

4. Parents: Earl Alfred Wayne—deceased 1980; Letha M. Wayne—deceased 1998.

5. Grandparents: Earl Albert Wayne—deceased around 1930; Grace Wayne Bone—deceased 1960; James Loyd—deceased around 1930; Maybelle MacCauley Loyd—deceased around 1955.

6. Brothers and Spouses: None.

7. Sisters and Spouses: None.

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*Leslie V. Rowe, of Washington, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu.

Nomiee: Leslie V. Rowe

Post: Papua New Guinea

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse: none.

3. Children and Spouses: Paul Dieffenbacher, none; Daniele Dieffenbacher, none; Jacqueline Dieffenbacher, none.

4. Parents: John L. Rowe and Sara Rowe—Both Deceased.

5. Grandparents: John Rowe and Mary E. Rowe—Both deceased; Leon Ventura and Pauline Ventura—Both Deceased.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Nancy V. Rowe, none.

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*W. Stuart Symington IV, of Missouri, to be Ambassador to the Republic of Djibouti.

Nominee: W. Stuart Symington IV.

Post: Djibouti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee:

1. Self, $100, 9-26-02, Ike Skelton for Congress.

2. Spouse: $100, 9-26-02, Ike Skelton.

3. Children and Spouses: Jane W., and W. Stuart, none.

4. Parents: Stuart Symington, Jr. $100, 7-01-05, Ike Skelton for Congress; $500, 1-05-04, Gephardt for President; $50, 10-04-04, W. Lacy Clay for Congress; $500, 3-24-03, Gephardt for President; $100, 9-28-03, Carnahan for Congress. Janey Belle Symington, none.

5. Grandparents: W. Stuart Symington, (deceased); Evelyn W. Symington, (deceased); Sidney M. Studt, (deceased); Jane S. Studt, (deceased).

6. Brothers and Spouses: Sidney S. Symington, $20, 10-03, John Dean for President; John S. Symington, $2100, 2005, Klobuchar for Minnesota; $200, 2004, Kerry for President; and spouse Margaret Symington, $2000, 2005, Klobuchar for Minnesota; $300, 2004, Kerry for President; $100, 2004, Emily's list; $100, 2003, Emily's list; $100, 2003, Boxer for Senate; $100, 2003, Murray for Senate; $200, 2002, DNC; $100, 2002, Democratic Sen. Comm.; $100, 2002, Emily's list; $100, 2002, Richardson for Congress; $100, 2002, Herseth for Congress; $25, 2002, Johnson for Senate.

7. Sisters and Spouses: Anne W. Symington, (deceased).

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*Gayleatha Beatrice Brown, of New Jersey, to be Ambassador to the Republic of Benin.

Nominee: Gayleatha Beatrice Brown.

Post: U.S. Embassy Cotonou, Benin.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: NA.

3. Children and Spouses: NA.

4. Parents: Mr. David L. Brown (deceased); Mrs. Nellie H. Brown, none.

5. Grandparents: Mr. Will Brown, Mrs. Gayleatha Fullen Brown (deceased).

6. Mr. Tom Hunter, Mrs. Sally Murrell Hunter (deceased), none.

7. Brothers and Spouses: Mr. Curtis H. Brown, none; Mr. David L. Brown II (deceased); Mr. Darrell Jerome Brown (deceased); Mr. Dennis W. Brown (deceased).

8. Sisters and Spouses: NA.

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*Peter R. Coneway, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

Nominee: Peter Richard Coneway (Pete Coneway)

Post: U.S. Ambassador to Switzerland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, $2,100, 11/21/2005, McCaul for Congress; $2,100, 10/24/2005, Hastert for Congress; $200, 6/15/2005, Texans for Senator John Cornyn Inc.; $500, 6/13/2005, Friends of Roy Blunt; $2,000, 3/1/2005, Kay Bailey Hutchison for Senate Committee; $200, 2/21/2005, Kay Bailey Hutchison for Senate Committee; $2,000, 5/18/2004, Pete Sessions for Congress 2004; $7,500, 5/11/2004, 2004 Joint State Victory Committee; $16,500, 5/11/2004, 2004 Joint Candidate Committee; $25,000, 5/11/2004, Republican National Committee; $1,000, 5/6/2004, Committee to Elect Bridgewater; $4,000, 4/30/2004, Texans for Senator John Cornyn Inc.; $2,000, 4/21/2004, Tom DeLay Congressional Committee; $1,000, 3/24/2004, McCaul for Congress Inc.; $1,000, 2/26/2004, McCaul for Congress Inc.; $500, 2/12/2004, Chris Bell U.S. Congress Committee; $2,000, 1/26/2004, Phillips for U.S. Congress Committee; $1,500, 12/31/2003, Kay Bailey Hutchison for Senate Committee; $25,000, 12/29/2003, Republican National Committee; $547, 6/30/2003, Bush-Cheney '04; $1,453, 6/17/2003, Bush-Cheney '04; $2,000, 5/8/2003, Hastert for Congress Committee; $1,000, 10/15/2002, Thune for Senate—South Dakota; $1,000, 10/2/2002, Texas Victory 2000—Rep. Party Texas; $500, 10/2/2002, Chris Bell for Congress Committee; -$5,000, 4/26/2002, Republican Party of Florida Federal Campaign Acct.—refund; $1,000, 4/18/2002, John Cornyn for Senate Inc.; $1,000, 3/20/2002, KPAC; $1,000, 2/20/2002, Ken Bentsen for U.S. Senate Committee; $10,000, 2/1/2002, Republican Party of Florida Federal Campaign Acct.; $1,000, 1/16/2002, Wareing for Congress; $1,000, 11/19/2001, John Cornyn for Senate Inc.; $500, 5/1/2001, Kay Bailey Hutchison for Senate Committee; -$250, 1/31/2001, RNC Republican National State Elections Committee (excluded from limits); $12,500, 2000, RNC Presidential Trust; $2,000, 2000, Jon Corzine for Senate, New Jersey; $1,000, 1999, Gov. G. Bush Exploratory Committee.

2. Spouse: Lynn M. Coneway, $2,200, 2/22/2005, Kay Bailey Hutchison for Senate Committee; $25,000, 5/11/2004, Republic National Committee; $25,000, 12/29/2003, Republican National Committee; $2,000, 12/29/2003, Kay Bailey Hutchison for Senate Committee; $2,000, 6/17/2003, Bush-Cheney '04; $2,000, 5/8/2003, Hastert for Congress Committee; ($250), 1/31/2001, RNC Republic National State Elections Committee—excluded from limits; $12,500, 2000, RNC Presidential Trust; $1,000, 1999, Gov. George W. Bush Exploratory Commission.

3. Children and Spouses: Natalie Coneway Page, (now Natalie Coneway), $2,000, 6/17/2003, Bush-Cheney '04; $1,000, 1999, Gov. George W. Bush Exploratory Committee; Cecile Coneway, (now Cecile Coneway Puckett), $2,000, 6/17/2003, Bush-Cheney '04; $1,000, 1999, Gov. George W. Bush Exploratory Committee.

4. Parents: Albert Earl Coneway, (deceased); Clara Durham Coneway, (deceased).

5. Grandparents: Albert Earl Coneway, (deceased); Rose Klein Coneway, (deceased).

6. Brothers and Spouses: Patrick Michael Coneway, $50, 8/02/2004, RNC; Albert Earl Coneway, Jr., none.

7. Sisters and Spouses: none.

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*Clifford M. Sobel, of New Jersey, to be Ambassador to the Federative Republic of Brazil.

Nominee: Clifford M. Sobel.

Post: Ambassador to Brazil.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date,and donee:

1. Self, $2,061, 01/30/2001, RNC Republican National State Elections Committee; $3,206, 01/30/2001, RNC Republican National State Elections Committee; $2,060, 01/30/2001, RNC Republican National State Elections Committee; $1,350, 02/01/2001, RNC Republican National State Elections Committee; $1,000, 03/08/2001, Friends of Mike Ferguson; $5,000, 03/27/2001, WISH List; $5,000, 03/27/2001, NORPAC; $2,000, 03/10/2004, Bush-Cheney '04 (Primary) Inc.; $25,000, 10/24/2005, Republican State Committee.

2. Spouse: Barbara Sobel, $1,000, 03/08/2001, Friends of Mike Feguson; $50, 04/20/2001, Republican Woman 2000; ($658), 08/15/2001, New Jersey Republican State Committee (refund); $1,300, 04/18/2002, Republican Women 2000; $25,000, 07/10/2003, Republican National Committee; $2,000, 07/10/2003, Bush-Cheney '04 (Primary) Inc; $25,000, 04/20/2004, Republic National Committee; $812, 09/30/2004, Walcher for Congress; $275, 08/29/2004, Fed Political Action Committee (AKA Fed PAC); $2,000, 10/20/2004, Martinez for Senate; $25,000, 09/15/2004, 2004 Joint Candidate Committee; $4,200, 02/27/2006, Tom Kean Jr. for Senate.

3. Children and Spouses: Scott Sobel, $25,000, 03/05/202, RNC Republican National State Elections Committee; $1,000, 06/13/2002, Brown-Waite for Congress; $500, 08/21/2002, Majette for Congress, Inc.; $25,000, 10/04/2002, RNC Republican National State Elections Committee; $2,000, 07/08/2003, Bush-Cheney '04 (Primary) Inc.; $25,000, 10/02/2003, Republican National Committee; $25,000, 10/04/2004, Republican National Committee; $4,200, 03/30/2006, Tom Kean for Senate; Lori Jacobs Sobel (Wife of Scott Sobel) (married 6/18/05), none; Jonathan Sobel (Son of Clifford M. Sobel), $2,000, 07/10/2003, Bush-Cheney '04 (Primary); $4,200, 03/03/2006, Tom Kean for Senate; Julie Sobel Kaplan (Daughter of Clifford M. Sobel), $2,000, 07/10/2003, Bush-Cheney '04 (Primary); $2,500, 10/21/2004, New Jersey Republican State Committee; 4,200, 03/30/2006, Tom Kean for Senate; Matthew Kaplan (Husband of Julie Sobel Kaplan) (married 7/9/05), none.

4. Parents: Theodore Sobel (Father of Clifford M. Sobel), deceased; Claire Sobel (Mother of Clfford M. Sobel), $2,000, 03/20/2001, Bush-Cheney '04 (Primary) Inc.; Eli Grober (Father-in-Law to Clifford M. Sobel), deceased; Katherine B. Grober (Mother-in-Law to Clifford M. Sobel), deceased.

5. Grandparents: N/A.

6. Brothers and Spouses: Peter Sobel (Brother of Clifford M. Sobel), none; Elizabeth Sobel (Sister-in-Law to Clifford M. Sobel), none.

7. Sisters and Spouses: Wendy Sobel Barr (Sister of Clifford M. Sobel), none; Aaron Barr (Brother-in-Law to Clifford M. Sobel), none.

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*Robert O. Blake, Jr., of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.

Nominee: Robert Orris Blake Jr.

Post: Sri Lanka.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

Self: $1,000, 3/8/2002, Sheldon Whitehouse.

1. Spouse: None.

2. Children and Spouses: None.

3. Parents:

Sylvia Blake (mother): $2,000, 12/11/2004, Sheldon Whitehouse; $2,100, 3/31/2005, Sheldon Whitehouse; $2,100, 9/20/2005, Sheldon Whitehouse; (one of these is for the primary, and the other is in escrow to be used in the general election if he wins the primary; $5,000, 3/29/2004, Environment 2004; $2,000, 10/2/2004, Kerry Edwards Victory.

Robert Blake (father): $500, 6/25/2001, Chris Van Hollen; $500, 9/30/2002, Chris Van Hollen; $500, 6/1/2002, Mark Shriver; $500, Oct. 2002, League of Conservation Voters Action Fund.

4. Grandparents: Father's parents Frank Blake and wife Sada Blake are deceased more than four years ago. Mother's parents Sheldon and Mary Whitehouse also are deceased more than four years ago.

5. Brothers and Spouses: No contributions. Names: George and Sylvia Blake.

6. Sisters and Spouses: Lucy Blake (sister); $500, 1/28/2002, Taxpayers for Better Government; $1,000, 10/10/2004, DNC Services Corp; $2,000 (for primary), 6/27/2005, Sheldon Whitehouse; $2,000 (for general election), 9/30/2005, Sheldon Whitehouse.

Steven Nightingale (brother in law): $5,000, 10/24/2002, Searchlight Leadership Fund; $2,100 (for primary), 9/25/2005, Sheldon Whitehouse; $2,100 (for general election), 9/28/2005, Sheldon Whitehouse.

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*Thomas C. Foley, of Connecticut, to be Ambassador to Ireland.

Nominee: Thomas C. Foley.

Post: Ambassador to the Republic of Ireland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, $1000, 01/31/02, McConnell Senate Committee; $1000, 09/30/02, Sununu For Senate; $1000, 10/31/02, Thune For Senate; $1000, 11/30/02, Dole 2002 Committee; $1000, 12/31/02, Suzanne Terrell For Senate; $1000, 12/31/02, Suzanne Terrell For Senate; $1000, 06/30/03, Inglis For Congress; $1000, 08/31/03, Republican Governors Assoc.; $2000, 08/31/03, Bush-Cheney '04, Inc.; $1000, 05/31/04, CT Republicans (Federal Account); $1000, 08/31/04, Christopher Shays for Congress; $1000 8/31/04, Friends of Jack Orchulli; $1000, 08/31/04, Nancy Johnson For Congress; $1000, 08/31/04, Simmons For Congress; $2000, 08/31/04, Thune For Senate; $25000, 08/31/04, RNC Presidental Trust; $1000, 10/31/04, Go For It Pac; $1000, 04/30/05, CT Republicans (Federal Account); $2000, 05/31/05, Simmons For Congress; $750, 05/31/05, CT Republicans (Federal Account); $1000, 06/30/05, Shays For Congress; $1000, 09/30/05, New Friends Pac; $500, 09/30/05, Christopher Shays for Congress; $250, 11/30/05, Steele For Maryland Inc; $600, 12/31/05, Shays For Congress; $500, 12/31/05, Sam For Senate 06; $2100, 12/31/05, Shays For Congress; $1000, 03/29/06, Steele For Maryland Inc; $4200, 03/29/

06, Nancy Johnson for Congress: $10000, 03/29/06, CT Republicans Victory 2006 (Federal); $2200, 03/31/06, Simmons For Congress.

2. Spouse: None.

3. Children and Spouses: Thomas C. Foley, Jr. (son), none—No Children's Spouses.

4. Parents: Gifford P. Foley, none; Catherine C. Foley, deceased.

5. Grandparents: Thomas E. Coleman, deceased; Catherine H. Coleman, deceased; John R. Foley, deceased: Theresa L. Foley, deceased.

6. Brothers and Spouses: Gifford T. Foley, deceased; April Foley (spouse), $1000, 3/27/2002, Sue Kelly for Congress; $2000, 5/5/2003, Sue Kelly for Congress; $250, 7/28/2003, Republican National Committee; $2000, 9/13/2003, Bush-Cheney '04 (Primary) Inc.: $2000, 3/7/2004, Sue Kelly for Congress; $500, 7/23/2004, Hudson Valley Victory Fund; $2000, 9/1/2004, Bush-Cheney '04 Compliance Committee Inc.; $1000, 2/15/2005, Sue Kelly for Congress; $1000, 10/31/2005, Sue Kelly for Congress; $5000, 1/2/2005, 55th Presidential Inaugural; $110, 1/31/2006, Republican National Committee; $500, 3/7/2006, Hudson Valley Victory Fund.

7. Sisters and Spouses: Emily Mutz, deceased; Ellen F. James, none; Catherine H. Foley, none; Laura Foley Coleman, none.

Sister's Spouses: Greg Mutz, $1000, 10/25/2002, John Thune for South Dakota; $10,000, 6/30/2003, Illinois Republican Party; $500, 2/26/2004, National Association of Real Estate Investment Trusts, Inc. PAC; $6000, 2/27/2004, McKenna for Senate; $2000, 6/30/2004, John Thune for U.S. Senate; $1000, 10/14/2004, Martinez for Senate; $2000, 10/27/2004, Illinois Republican Party; $400, 1/28/2005, National Multi Housing Council Political Action Committee; $500, 2/15/2005, National Association of Real Estate Investment Trusts, Inc. PAC; $10,000, 3/1/2005, Illinois Republican Party; $300, 8/1/2005, National Association of Real Estate Investment Trusts, Inc., PAC; $1000, 3/15/2006, Nelson for Senate; Gerald Mack, $250, 6/4/2003, Dean for America.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 3596. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain concentrated animal feeding operations for the cost of complying with environmental protection regulations; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. MENENDEZ):

S. 3597. A bill to increase public access to the Statue of Liberty; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 3598. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3599. A bill to establish the Prehistoric Trackways National Monument in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 3600. A bill to amend the Internal Revenue Code of 1986 to allow the allocation of the alternative fuel vehicle refueling property credit to patrons of agricultural cooperatives; to the Committee on Finance.

By Mr. SCHUMER:

S. 3601. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products by enhancing the ability of the Secretary of Agriculture to retrieve the history, use, and location of a meat or poultry product through a recordkeeping and audit system or registered identification, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING:

S. 3602. A bill to provide duty-free treatment for certain parts of motor vehicles; to the Committee on Finance.

By Mr. ISAKSON:

S. 3603. A bill to amend the Internal Revenue Code of 1986 to provide economic incentives for the preservation of open space and conservation of natural resources, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON:

S. 3604. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle destruction devices and the disposal of needles and lancets through a sharps-by-mail or similar program under part D of the Medicare program; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3605. A bill to enable the Great Lakes Fishery Commission to investigate the effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 3606. A bill to amend title XVIII of the Social Security Act to provide fair payments for care provided in a hospital emergency department; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. OBAMA):

S. 3607. A bill to amend title IV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes; to the Committee on Finance.

By Mr. ALLARD:

S. 3608. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Mr. THOMAS, Mr. BUNNING, and Mr. CONRAD):

S. 3609. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3610. A bill to suspend temporarily the duty on certain Giardiniera prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than 0.5 percent; to the Committee on Finance.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 3611. A bill to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 3612. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 3613. A bill to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER:

S. 3614. A bill to provide comprehensive procedures for the adjudication of cases involving unprivileged combatants; to the Committee on Armed Services.

By Mr. HARKIN:

S. 3615. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself, Mr. SMITH, Mr. BOND, Mr. REED, Mrs. MURRAY, and Mr. SARBANES):

S. 3616. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged; to the Committee on Finance.

By Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mrs. LINCOLN, Mr. CRAPO, Mr. NELSON of Nebraska, Mr. CORNYN, Mr. CRAIG, Mr. COCHRAN, and Mr. BAUCUS):

S. 3617. A bill to reauthorize the North American Wetlands Conservation Act; to the Committee on Environment and Public Works .

By Mrs. CLINTON (for herself, Mr. LEAHY, Mr. JEFFORDS, and Mr. SCHUMER):

S. 3618. A bill to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE:

S. 3619. A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mrs. DOLE, Mr. REED, Mr. JEFFORDS, Mr. VOINOVICH, and Mr. MARTINEZ):

S. 3620. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID:

S. 3621. A bill to permit certain local law enforcement officers to carry firearms on aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself and Mr. COLEMAN):

S. 3622. A bill to authorize the President to negotiate the creation of a North American

Investment Fund between the Governments of Canada, of Mexico, and of the United States to increase the economic competitiveness of North America in a global economy; to the Committee on Foreign Relations.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. BURNS, Mr. PRYOR, Ms. MURKOWSKI, and Mr. BOND):

S. 3623. A bill to promote coal-to-liquid fuel activities; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Mrs. LINCOLN):

S. 3624. A bill to amend title XVIII of the Social Security Act to enhance disproportionate share hospital treatment for sole community hospitals under the Medicare program; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3625. A bill to provide for the reliquidation of certain entries of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania; to the Committee on Finance.

By Ms. LANDRIEU:

S. 3626. A bill to amend the Internal Revenue Code of 1986 to provide estate tax relief and reform, and for other purposes; to the Committee on Finance.

By Mr. OBAMA:

S. 3627. A bill to prohibit the Department of Defense and the Department of Energy from selling, distributing, or transferring elemental mercury, to prohibit the export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. KERRY):

S. 3628. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. DURBIN):

S. 3629. A bill to require a 50-hour workweek for Federal prison inmates, to reform inmate work programs, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. REID, Mr. STEVENS, and Mr. BYRD):

S.J. Res. 40. A joint resolution authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN (for himself and Mr. ROBERTS):

S. Res. 524. A resolution condemning the unauthorized disclosure and publication of classified information about the Terrorist Finance Tracking Program, the National Security Agency's Terrorist Surveillance Program, and other vital counter-terrorism programs; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. OBAMA):

S. Res. 525. A resolution to amend the Standing Rules of the Senate to provide greater transparency in the legislative process; to the Committee on Rules and Administration.

By Mrs. CLINTON (for herself and Mr. BROWNBACK):

S. Res. 526. A resolution condemning the murder of United States journalist Paul Klebnikov on July 9, 2004, in Moscow, and the murders of other members of the media in the Russian Federation; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 330

At the request of Mr. ENSIGN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 330, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 470

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 470, a bill to amend the Public Health Service Act to expand the clinical trials drug data bank.

S. 576

At the request of Mr. BYRD, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1309

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1353

At the request of Mr. REID, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1930

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 2125

At the request of Mr. OBAMA, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 2125, a bill to promote relief, security, and democracy in the Democratic Republic of the Congo.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2393

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2419

At the request of Mr. STEVENS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2460

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2460, a bill to permit access to certain information in the Firearms Trace System database.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2652

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2652, a bill to amend chapter 27 of title 18, United States code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country.

S. 2725

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2725, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress.

S. 2819

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2819, a bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3274

At the request of Mr. SPECTER, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Ohio (Mr. DEWINE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 3274, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 3325

At the request of Mr. BUNNING, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 3325, a bill to promote coal-to-liquid fuel activities.

S. 3571

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3571, a bill to suspend temporarily the duty on certain footwear valued over $20 a pair with coated or laminated textile fabrics.

S. 3572

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3572, a bill to suspend temporarily the duty on certain women's footwear with coated or laminated textile fabrics.

S. 3573

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3573, a bill to suspend temporarily the duty on certain men's footwear with coated or laminated textile fabrics.

S. 3574

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3574, a bill to suspend temporarily the duty on certain men's footwear valued over $20 a pair with coated or laminated textile fabrics.

S. 3575

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3575, a bill to suspend temporarily the duty on certain women's footwear valued over $20 a pair with coated or laminated textile fabrics.

S. 3576

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3576, a bill to suspend temporarily the duty on certain other footwear valued over $20 a pair with coated or laminated textile fabrics.

S. 3577

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3577, a bill to reduce temporarily the duty on certain men's footwear covering the ankle with coated or laminated textile fabrics.

S. 3578

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3578, a bill to reduce temporarily the duty on certain footwear not covering the ankle with coated or laminated textile fabrics.

S. 3579

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3579, a bill to reduce temporarily the duty on certain women's footwear covering the ankle with coated or laminated textile fabrics.

S. 3580

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3580, a bill to reduce temporarily the duty on certain women's footwear not covering the ankle with coated or laminated textile fabrics.

S. 3581

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3581, a bill to reduce temporarily the duty on certain other footwear covering the ankle with coated or laminated textile fabrics.

S. 3587

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3587, a bill to reduce temporarily the duty on certain footwear with coated or laminated textile fabrics.

S. 3593

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3593, a bill to amend the Higher Education Act of 1965 to provide additional support to students.

S. CON. RES. 92

At the request of Mr. DEMINT, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Con. Res. 92, a concurrent resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school attendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Alabama (Mr. SESSIONS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. RES. 507

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 513

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 513, a resolution expressing the sense of the Senate that the

President should designate the week beginning September 10, 2006, as "National Historically Black Colleges and Universities Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 3598. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today, I am introducing legislation to correct an unfair decision that hurts aging, retired VA nurses. This legislation is designed to correct a problem from a bill we passed in 2001, to help VA nurses. That legislation improved nurses' pensions, and Congress intended it to be retroactive. Unfortunately, administrative officials took a very narrow view of that law. Currently VA nurses who retired between 1986 and 2002, do not get the full pension benefits as current retirees do.

In the 1980s, VA aggressively recruited nurses to fill a huge need at VA medical centers by promising full retirement for part-time work. Sadly, the VA and the Office of Personnel Management, OPM, does not want to fulfill that promise. This legislation would explicitly require the Federal Government to honor its commitment to our retired VA nurses. Pension benefits are a vital promise. It is disturbing when we do not fulfill our obligations, and we simply must correct this error.

Nurses play a critical role in our health care system, including the VA. Recruiting and retaining nurses is important, and this pension shortfall does not help. It is time to deliver full pension benefits to the nurses who cared for our veterans.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 3599. A bill to establish the Prehistoric Trackways National Monument in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce legislation today to protect a site of worldwide scientific significance in the Robledo Mountains in New Mexico. The bill, which is cosponsored by my colleague from New Mexico, Senator Domenici, would create a national monument to preserve and allow for the continuing scientific investigation of a remarkable "megatracksite" of 280,000,000 year-old fossils and trackways.

The vast tidal mudflats that made up much of modern New Mexico 60 million years before the first dinosaurs preserved the marks of some of the earliest life on our planet to make its way out of the ocean. The fossil record of this time is scattered throughout New Mexico but, until this discovery, there were few places where the range of life and their interactions with each other could be studied.

Las Cruces resident and paleontologist Jerry MacDonald first brought the find to light in 1988 when he revealed that there was far more to be found in the Robledos than the occasional fossil that local residents had been seeing for years. The trackways he hauled out on his back, some over 20 feet long, showed that there was a great deal of useful information buried in the rock there. The trackways include footprints of numerous amphibians, reptiles, and insects, including previously unknown species. These trackways help complete the puzzle of how these ancient creatures lived in a way that we cannot understand from only studying their fossilized bones.

Senator Domenici and Representative Skeen joined me in sponsoring legislation, passed in 1990, to protect the area and study its significance. In 1994, the Bureau of Land Management, along with scientists from the New Mexico Museum of Natural History & Science, the University of Colorado, and the Smithsonian Institution, completed their study and documented the importance of the find. Particularly owing to the quality of the specimens and the wide range of animals that had left their imprint there, the study found that the site was of immense scientific value. The study concluded, in part, "[t]he diversity, abundance and quality of the tracks in the Robledo Mountains is far greater than at any other known tracksite or aggregation of tracksites." The study also described the site as containing "the most scientifically significant Early Permian tracksites" in the world. However, despite the recognition of the significance of the site, it has remained essentially unprotected, and many of the trackways and fossils have been lost or damaged. This bill would take the next logical step to follow up from these efforts and set in place permanent protections and allow for scientific investigation of these remarkable resources.

In addition to permanently protecting the fossils, the bill would authorize the continuation of existing uses in the area, such as motorized recreation, as long as the trackway resources aren't harmed. The bill would also help ensure that local residents get the opportunity to see these unique specimens and participate in their curation. This should provide a unique scientific and educational opportunity to Las Cruces and the surrounding community.

I look forward to working with my colleagues to protect these important resources and allow for their continuing contribution to our understanding of life on the ancient Earth.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prehistoric Trackways National Monument Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Monument.—The term "Monument" means the Prehistoric Trackways National Monument established by section 4(a).

(2) Public land.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101-578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing "the most scientifically significant Early Permian tracksites" in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 4. ESTABLISHMENT.

(a) In General.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) Description of Land.—The Monument shall consist of approximately 5,367 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled "Prehistoric Trackways National Monument" and dated June 1, 2006.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 4(a); and

(B) in accordance with—

(i) this Act;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(3) PROTECTION OF RESOURCES AND VALUES.—The Secretary shall manage public land adjacent to the Monument in a manner that is consistent with the protection of the resources and values of the Monument.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this Act; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 4(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this Act, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument, including the "Chile Challenge"—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) HUNTING.—

(1) IN GENERAL.—Nothing in this Act diminishes the jurisdiction of the State of New Mexico with respect to fish and wildlife management, including regulation of hunting on public land within the Monument.

(2) REGULATIONS.—The Secretary, after consultation with the New Mexico Department of Game and Fish, may issue regulations designating zones in which and establishing periods during which hunting shall not be allowed for reasons of public safety, administration, or public use and enjoyment.

(j) WATER RIGHTS.—Nothing in this Act constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DOMENICI. Mr. President, the fossilized trackways near the Robledo Mountains in Dona Ana County came to my attention in the early 1990s. During the 101st Congress, I cosponsored Senator BINGAMAN's legislation that directed the Bureau of Land Management to study and report on the prehistoric sites.

I understand the very difficult challenge we face in managing our public lands in a responsible and environmentally sensitive manner. I believe our Federal lands are truly National treasures that demand our most thoughtful management. Local leaders, special interest groups, multiple users, New Mexico State University, and the Bureau of Land Management, BLM, have identified numerous land issues in the Las Cruces area that need to be addressed. The trackways are but one of these issues that can and should be addressed in the context of a broader lands bill. I believe that introduction of comprehensive or omnibus legislation is a preferable approach, rather than the introduction of individual bills to deal each separate issue.

I support the intent of this bill, as the trackways are remarkable artifacts that need and deserve protection. While I am very supportive of the overall goal to protect these prehistoric trackway sites, there are several particulars in this bill that I do not fully embrace and on which I want to continue to work with Senator BINGAMAN, such as ensuring that we authorize all uses in the area that are not inconsistent with the purposes of the bill, and reworking the section regarding BLM authority with respect to hunting activities. As we work through the committee process, I look forward to working with Senator BINGAMAN to accomplish the objective of protecting the prehistoric trackway sites, while at the same time addressing some of the broader Federal land issues that need to be addressed in Dona Ana County.

By Mr. HARKIN:

S. 3600. A bill to amend the Internal Revenue Code of 1986 to allow the allocation of the alternative fuel vehicle refueling property credit to patrons of agricultural cooperatives; to the Committee on Finance.

Mr. HARKIN. Mr. President, today I am introducing the Agricultural Cooperative Renewable Fuel Stations Act of 2006. This legislation closes a gap in the existing tax incentive for installing alternative refueling stations. The bill extends the existing alternative fuel vehicle refueling property credit to patrons of agricultural cooperatives.

Our continued dependence on foreign oil is extremely worrisome. Today, about 60 percent of our oil comes from overseas. Last year, Americans imported almost 5 billion barrels of oil. Our Nation's overreliance on oil-derived gasoline poses a threat to National security and places a heavy economic burden on the citizens of our Nation. In addition, this heavy dependence on oil negatively impacts the environment.

That is why Senator LUGAR and I, with strong bipartisan support, have pushed to replace foreign oil with more home-grown biofuels and biobased products. We recently introduced the Biofuels Security Act to aggressively ramp up the production and use of ethanol and biodiesel, ensure greater E-85 availability as well as what are known as flex-fuel cars, those that can run on E-85, a blend of 85 percent ethanol and 15 percent gasoline. Last year I authored critically important biomass research, development and deployment provisions to the energy bill. This new measure complements such efforts.

Cooperatives play an important role in the marketing of agricultural products. According to the USDA, there are over 3,000 agricultural cooperatives in America today representing millions of American farmers and investors. The production and distribution of bioenergy offers a new and lucrative economic opportunity for these organizations.

This year the ethanol industry alone will add more than 5 billion gallons of clean burning, renewable fuel to our energy supply. Between now and 2012 ethanol is expected to contribute $200 billion to the GDP. Not surprisingly, many cooperatives are eager to participate in the budding bioeconomy. One way for them to do this is to offer E-85 to their customers. This is a natural fit for farmer cooperatives, given that they already often produce the feedstocks as well as the ethanol itself that goes into E-85.

Section 30C of the Internal Revenue Code—26 U.S.C. §30C—provides a tax credit of 30 percent of the cost of qualified alternative fuel vehicle refueling properties up to $30,000. This legislation would simply allow agricultural cooperatives to pass the section 30C tax credit through to their members. It parallels pass-through provisions we have enacted previously, such as the small-producer ethanol tax credit and the wind power tax credit of the Energy Policy Act of 2005. The section 30C credit is fostering the creation and expansion of alternative fueling infrastructure and this legislation would bolster its effectiveness.

The benefits of this legislation are clear. By supporting the production, distribution and use of renewable fuels such as E-85 we can help reduce pollution, increase farm income, create jobs, bolster economic growth and promote energy and national security. Farmer owned agricultural cooperatives can and will be leading the way in the months and years ahead.

By Mr. BUNNING:

S. 3602. A bill to provide duty-free treatment for certain parts of motor vehicles; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce a bill to provide for relief from duties on the import of certain parts of motor vehicles. It is my intention that this duty suspension bill will be considered for inclusion in the Miscellaneous Tariff Bill, MTB, that the Senate Finance Committee is expected to consider this year.

As the Members of the Senate are aware, Congress on occasion passes a bill, known as the Miscellaneous Tariff Bill or MTB, as a vehicle for enacting pending noncontroversial duty suspensions. The rules for the inclusion of a duty suspension in the MTB are straight forward. First and foremost, in order to be included in the MTB, a bill must be noncontroversial. A bill will be controversial if it is objected to by a domestic producer of the product for which the duty reduction is being sought. Secondly, the cost for each bill must amount to less than $500,000 of lost revenue per year.

As my colleagues are aware, the MTB provides an opportunity to temporarily eliminate or reduce duties on narrowly defined products that are imported into the United States because there is not available domestic source for the products. These duty suspensions reduce input costs for U.S. businesses and thus ultimately increase the competitiveness of their products.

I have been approached by a number of manufacturers in Kentucky that use imported inputs while making their products. These manufacturers have represented to me that, to their knowledge, there currently exists no American-made source for these inputs.

In an effort to assist these Kentucky manufacturers, I have introduced in the past month a number of these duty suspension bills so that the items they address will be able to be considered for inclusion in the MTB prepared by the Senate Finance Committee.

My intention in introducing these bills is to begin the process of public comment and technical analysis by the International Trade Commission, ITC, on the items addressed by the bills. During this review, the ITC will determine which of these bills are necessary and meet the selection criteria. My support for a duty suspension for the items is contingent on a determination by the ITC analysts that the items in question are proper candidates for inclusion in the noncontroversial MTB.

I look forward to working with Chairman GRASSLEY, Ranking Member BAUCUS and my colleagues on the Senate Finance Committee as the process for assembling a final MTB package continues.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 3605. A bill to enable the Great Lakes Fishery Commission to investigate the effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I join my colleague, Senator STABENOW, in introducing the Great Lakes Migratory Bird Research and Management Act to learn more about a potential problem regarding double-crested cormorants.

Cormorants are dark-feathered water birds with voracious appetites for alewives, perch and other fish in the Great Lakes. The double-crested cormorants reside throughout North America, but according to the U.S. Fish & Wildlife Service, the largest concentration of double-crested cormorants is in the Great Lakes. The Great Lakes cormorant population migrates south, along the Atlantic coast and Mississippi River drainage to the southeastern States and Gulf of Mexico.

The Great Lakes population of cormorants was once in great jeopardy. By the early 1970s, the population had been severely harmed by chemical exposure and human contact. The U.S. Fish and Wildlife Service reports that around that time the Great Lakes population fell sharply, with few birds remaining or breeding successfully. Since then, however, there has been a huge turnaround due to conservation and pollution reduction efforts. And today the Great Lakes population of double-crested cormorants is at an historically high level.

Double-crested cormorants are very skilled at diving for fish. The increased population have led many people to believe that cormorants are at least partly responsible for declining fish populations near several northern Michigan communities.

To help provide better information on the impact of cormorants on the fish populations in the Great Lakes, we are introducing this legislation, which authorizes the Great Lakes Fishery Commission to develop a coordinated double-crested cormorant research program. As part of that research program, the Commission will recommend measures that will provide maximum sustained productivity of fishery stocks.

Under this legislation, the Great Lakes Fishery Commission would establish a committee that represents the multiple jurisdictions engaged in cormorants management to identify all of the existing control tactics and strategies in the Great Lakes region, determine the effectiveness of those tactics and strategies, and compare the tactics and strategies to the known life history of cormorant populations in the Great Lakes. In determining the effectiveness of existing control practices, the Commission will examine the impact that cormorants have on the Great Lakes fisheries.

Congress has authorized tens of millions of dollars for programs designed to restore and protect fish in the Great Lakes. Those efforts are in jeopardy because of our ignorance about the impact of double-crested cormorants on the Great Lakes fisheries. Having the best possible information about this unique problem is critical for ensuring a healthy balance between the cormorant and the fish populations.

By Mr. BINGAMAN:

S. 3606. A bill to amend title XVIII of the Social Security Act to provide fair payments for care provided in a hospital emergency department; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation entitled the Save Our Safety—SOS—Net Act of 2006. This legislation will help repair the fraying safety net that provides critical health care to patients throughout the United States. This legislation is important to the continued survival of many of our Nation's emergency departments and rural hospitals that provide services to millions of American's on a daily basis. It is these facilities that are there for us in the most remote regions of the country, it is these facilities that are there for us at all times of day and night, and it is these facilities that will be there for us in time of disaster. We need to take the steps to ensure the survival of this safety net.

This week, The Institute of Medicine's—IOM—Committee on the Future of Emergency Care in the United States Health System released a series of reports detailing the problems facing emergency care in the U.S. These reports make it clear that emergency departments—EDs—struggle daily with overcrowding, ambulance diversion, the boarding of admitted patients in the ED, limited staffing, and poor reimbursement. They face all of these challenges while continuing to provide access to safe, high-quality care without regard to ability of the patient to pay for their care. Similarly, rural hospitals face shortages of staff and specialists, poor reimbursement, and the isolation that sometimes complicates medical care. This system is stressed and is poorly prepared to accept the additional burdens that could occur in a disaster or terrorist attack. These safety net systems and the people who work within them deserve our support and yet the trends are not promising.

The demand for emergency departments has been growing fast. In the recent study conducted by the Institute of Medicine, emergency department visits grew by 26 percent between 1993 and 2003, but due to lack of funding 425 emergency departments have closed resulting in almost 200,000 less hospital beds in the U.S. In my own State of New Mexico, we have seen a decrease from 4.2 to 3.6 beds per 1,000 population from 1990 to 2002. Ambulances are frequently diverted from overcrowded emergency departments an average of once every minute. With the growth of the number of elderly patients and the growth of uninsured patients seeking care in the ED, these statistics will only worsen if nothing is done.

There are approximately 535 sole community hospitals in 46 States. Congress has long recognized the special role of these facilities, because they serve as safety net providers offering hospital services to isolated communities and regions. These hospitals struggle with poor reimbursement and difficulty finding staff. Despite the service they provide, these facilities face the possibility of closing on a yearly basis.

To improve the ability of our safety net facilities to function, this bill proposes several steps. By improving Medicare payments for emergency department services, this bill would provide SOS payments to physicians and hospitals for the care that is provided in the emergency department. It would improve reimbursement to emergency departments by an additional 10 percent for outpatient services delivered to Medicare beneficiaries.

This legislation will also permanently extend outpatient hold harmless payment protections to some of the Nation's most vulnerable institutions, small rural hospitals and sole community hospitals that serve as safety net providers in rural communities.

Finally, to further strengthen the rural hospital safety net, this bill will improve disproportionate share hospital—DSH—payments to these facilities. Congress has historically provided additional payments to health care providers who treat large numbers of indigent patients. Disproportionate share hospital payments are made in addition to the base payments hospitals receive from the Medicare and Medicaid Programs for inpatient services. This bill will eliminate the cap that is present on DSH add-on payments to rural hospitals. This will remove some of the inequities between urban and rural hospitals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Save Our Safety Net Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Ensuring adequate physician payment for emergency department visits.
Sec. 3. Ensuring adequate hospital outpatient fee schedule amounts for clinic and emergency department visits.
Sec. 4. Permanent extension of adjustment to limit decline in payments for certain hospitals under hospital outpatient PPS.
Sec. 5. Fairness in the Medicare disproportionate share hospital (DSH) adjustment for rural hospitals.

SEC. 2. ENSURING ADEQUATE PHYSICIAN PAYMENT FOR EMERGENCY DEPARTMENT VISITS.

Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

"(v) SAVE OUR SAFETY NET PAYMENTS FOR PHYSICIANS' SERVICES PROVIDED IN AN EMERGENCY DEPARTMENT.—In the case of physicians' services furnished to an individual covered under the insurance program established by this part in an emergency department on or after January 1, 2006, in addition to the amount of payment that would otherwise be made for such services under this part, there also shall be paid to the physician or other person (or to an employer or entity in the cases described in clause (A) of section 1842(b)(6)) from the Federal Supplementary Insurance Trust Fund an amount equal to 10 percent of the payment amount for the service under this part.".

SEC. 3. ENSURING ADEQUATE HOSPITAL OUTPATIENT FEE SCHEDULE AMOUNTS FOR CLINIC AND EMERGENCY DEPARTMENT VISITS.

(a) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(1) in paragraph (3)(C)(ii), by striking "paragraph (8)(B)" and inserting "paragraphs (8)(B), (11)(B), and (13)(A)(i)";

(2) in paragraph (3)(C)(iii), by inserting "(but not the conversion factor computed under paragraph (13)(B))" after "this subparagraph";

(3) in paragraph (3)(D)—

(A) in clause (i), by striking "conversion factor computed under subparagraph (C) for the year" and inserting "applicable conversion factor computed under subparagraph (C), paragraph (11)(B), or paragraph (13)(B) for the year"; and

(B) in clause (ii), by inserting ", paragraph (9)(A), or paragraph (13)(C)" after "paragraph (2)(C)";

(4) in paragraph (9), by amending subparagraph (B) to read as follows:

"(B) BUDGET NEUTRALITY ADJUSTMENT.—

"(i) IN GENERAL.—If the Secretary makes revisions under subparagraph (A), then the revisions for a year may not cause the estimated amount of expenditures under this part for the year to increase or decrease from the estimated amount of expenditures under this part (including expenditures attributable to the special rules specified in paragraph (13)) that would have been made if the revisions had not been made.

"(ii) EXEMPTION FROM REDUCTION.—The relative payment weights determined under paragraph (13)(C) and the conversion factor computed under paragraph (13)(B) shall not be reduced by any budget neutrality adjustment made pursuant to this subparagraph."; and

(5) by redesignating paragraphs (13) through (16) as paragraphs (14) through (17), respectively, and by inserting after paragraph (12) the following new paragraph:

"(13) SPECIAL RULES FOR CALCULATING MEDICARE OPD FEE SCHEDULE AMOUNT FOR CLINIC AND EMERGENCY VISITS.—

"(A) IN GENERAL.—In computing the medicare OPD fee schedule amount under paragraph (3)(D) for covered OPD services that are furnished on or after January 1, 2006, and classified within a group established or revised under paragraph (2)(B) or (9)(A), respectively, for clinic and emergency visits (as described in subparagraph (D)), the Secretary shall—

“(i) substitute for the conversion factor calculated under paragraph (3)(C) the conversion factor calculated under subparagraph (B); and

“(ii) substitute for the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, the relative payment weight determined under subparagraph (C) for such group.

“(B) CALCULATION OF CONVERSION FACTOR.—For purposes of subparagraph (A)(i), the conversion factor calculated under this subparagraph is—

“(i) for services furnished during 2006, an amount equal to the product of—

“(I) the conversion factor specified for such year in the final rule published on November 10, 2005, increased by the percentage by which such conversion factor is reduced for such year pursuant to paragraph (2)(E), and not taking into account any subsequent amendments to such final rule; and

“(II) 1.10; and

“(ii) for services furnished in a year beginning on or after January 1, 2007, the conversion factor computed under this subparagraph for the previous year increased by the OPD fee schedule increase factor specified under paragraph (3)(C)(iv) for the year involved.

“(C) DETERMINATION OF RELATIVE PAYMENT WEIGHTS.—For purposes of subparagraph (A)(ii), the relative payment weight determined under this subparagraph for a covered OPD service that is classified within such a group is—

“(i) for services furnished during 2006, the relative payment weight specified for such group for such period in the final rule published November 10, 2005, and not taking into account any subsequent amendments to such final rule; and

“(ii) for services furnished in a year beginning on or after January 1, 2007—

“(I) for ambulatory patient classification group 0601 (relating to mid-level clinic visits), or a successor to such group, the relative payment weight specified for such group in the final rule referred to in clause (i); and

“(II) for other ambulatory patient classification groups described in subparagraph (D), the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, for such group for such year (but without regard to any budget neutrality adjustment under paragraph (9)(B)).

“(D) GROUPS FOR CLINIC AND EMERGENCY VISITS.—For purposes of this paragraph, the groups established or revised under paragraph (2)(B) or (9)(A), respectively, for clinic and emergency visits are ambulatory patient classification groups 0600, 0601, 0602, 0610, 0611, 0612, and 0620 as defined for purposes of the final rule referred to in subparagraph (C)(i) (and any successors to such groups).”.

(b) LIMITATION ON SECRETARIAL AUTHORITY.—Notwithstanding section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)), as amended by subsection (a), the Secretary of Health and Human Services may not make any adjustment under—

(1) paragraph (2)(F), (3)(C)(iii), (9)(B), or (9)(C) of section 1833(t) of the Social Security Act (42 U.S.C. 1395 *l*(t)); or

(2) any other provision of such section;

to ensure that the amendments made by subsection (a) do not cause the estimated amount of expenditures under part B of title XVIII of such Act (42 U.S.C. 1395j et seq.) to exceed the estimated amount of expenditures that would have been made under such part but for such amendments.

SEC. 4. PERMANENT EXTENSION OF ADJUSTMENT TO LIMIT DECLINE IN PAYMENTS FOR CERTAIN HOSPITALS UNDER HOSPITAL OUTPATIENT PPS.

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 5105 of the Deficit Reduction Act of 2005 (Public Law 109-171), is amended—

(1) in the clause heading—

(A) by striking “TEMPORARY” and inserting “PERMANENT”; and

(B) by striking “RURAL”

(2) by striking subclause (II);

(3) by striking “(I) In the case” and inserting “In the case”;

(4) by striking “located in a rural area, for” and inserting “, for”; and

(5) by striking “furnished before January 1, 2006”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to covered OPD services furnished on or after January 1, 2006.

SEC. 5. FAIRNESS IN THE MEDICARE DISPROPORTIONATE SHARE HOSPITAL (DSH) ADJUSTMENT FOR RURAL HOSPITALS.

Section 1886(d)(5)(F)(xiv)(II) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(xiv)(II)) is amended—

(1) by striking “or, in the case” and all that follows through “subparagraph (G)(iv)”; and

(2) by inserting at the end the following new sentence: “The preceding sentence shall not apply to any hospital with respect to discharges occurring on or after October 1, 2006.”.

By Mr. BAYH (for himself and Mr. OBAMA):

S. 3607. A bill to amend title IV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, today, I wish to join my good friend, Senator BAYH, in introducing the Responsible Fatherhood and Healthy Families Act of 2006. This bill addresses a crisis afflicting too many communities and shortchanging the opportunities of too many kids in America: the absence of supportive fathers.

If we are serious about breaking the cycle of poverty in America and raising healthy kids, we have to get serious about the breakdown of families. We can do that without blame or fingerpointing. We can do it an openness to new ideas.

It is the same story all across America. More than a quarter of all families with children have only one parent present, and more than a third live without their father. And 40 percent of children who live without their father have not seen him their father in over a year.

Many single mothers are doing a heroic job raising their kids. They are working two and three jobs, dropping the kids off at school and daycare, and, quite simply, being both a mother and a father to their children. I appreciate the work of single mothers, because my own father was not around during my life, and my mother and grandparents had to step up to the plate to fill my father's role. But most people would agree that children are almost always better off with a father contributing his fair share, and the data shows this. Children are more likely to be poor and to do worse in school without a father in their life. And a healthy relationship between children and their father is important to healthy growth and development.

The Responsible Fatherhood and Healthy Families Act addresses these problems by removing government barriers to healthy relationships and responsible fatherhood. It improves the economic stability of parents who accept their parenting responsibility. Our bill sets a high standard for parents and helps them to reach it with incentives, support, and tougher enforcement of child support obligations.

We can't simply legislate healthy families and expect all parents to get and stay married. We can't legislate good parenting skills or good behavior role models. We can't legislate economic success for all families. But we can eliminate some of the roadblocks that parents face, roadblocks often created by the government. And we can provide some tools to help these parents succeed.

The first way this act removes governmental roadblocks is by eliminating a perverse disincentive to marriage in the Temporary Assistance to Needy Families Program. Congress is now telling States that they may be penalized for serving married couples. That is the wrong message to send. There should be equality for two-parent families receiving TANF, and States should not be required to meet a separate work participation rate for the two-parent families in their caseload.

Second, this act makes important improvements to the child support system which affects noncustodial fathers as much or more than any other government program. We restore funding for child support enforcement and we require States to pass the full amount of child support collected along to the family. A father is more likely to pay child support if he knows that the money is going to his kids. Research from States that have implemented a “full pass through” confirm this.

We also require States to review the amount of child support arrears that are owed to the State and we clarify existing State authority to forgive such arrearages. A father who earns only $10,000 per year, and who has $20,000 of child support debt because the State billed him for the Medicaid birthing costs of his child, is probably going to work underground and avoid paying child support altogether. He needs an incentive to get a legitimate job and to begin taking care of his family. It is in everybody's best interest.

States are also providing funding to assess any other barriers to healthy family formation or sustainable employment created by their child support and criminal justice systems. They are encouraged to establish commissions to propose State law changes that would be in the best interest of children.

Another important aspect of this act is fostering economic stability for fathers and their families. This act establishes three employment demonstration programs. One program is supervised by courts or State child support agencies that serve parents who are determined to be in need of employment services in order to pay child support obligations. The court can arrange temporary employment services for the father rather than throwing him in jail for nonpayment of support. The second is a transitional jobs program that combines temporary subsidized employment with activities that help fathers develop skills and remove barriers to employment. The third program establishes public-private partnerships to provide fathers with "career pathways" that help them advance from jobs at low skill levels to jobs that require greater skills and provide family-sustaining wages and benefits.

These programs are modeled on successful initiatives in Indiana and Illinois and will be subject to rigorous evaluations to ensure the goals are being achieved.

This bill fixes the earned-income tax credit to increase the incentive for fathers to engage in full-time work and paying child support obligations. The EITC is one of the most successful anti-poverty programs because it rewards work and supplements wages that may be too low to support a family. Our bill ensures that the work incentives under the EITC also apply to noncustodial parents who pay child support. To be eligible for the enhanced credit, a low-income parent must be working and current on all child support obligations. We also accelerate marriage penalty relief for families who receive the earned-income tax credit. Perversely under the U.S. Tax Code, these families have been the last to get such relief.

Finally, this bill improves the Responsible Fatherhood and Marriage Promotion Programs that were funded by the Deficit Reduction Act. Funding is increased and all fatherhood and marriage programs are required to coordinate with domestic violence prevention services to reduce instances of domestic violence and promote healthy, nonviolent relationships.

This bill takes these steps because Congress needs to get serious about the problem of family breakdown. This is a problem that cuts across all income levels, religions, races and ethnicities, and communities across this country. There is no segment of our population that is immune to these challenges.

But some segments of the population are worse off than others. I would like to speak specifically, for a moment, about family breakdown in the African-American community—and not just because I, myself, am an African American. I am addressing this because I know, as Senator BAYH knows, and as most of my colleagues know, that a problem for one community is a problem for all of America. Hope deferred for one group is hope delayed for us all.

Around 70 percent of Black children are born outside of marriage. Of the 30 percent born to married parents, more than half experience a divorce. That means that about 85 percent of Black children spend some or all of their childhood in a home without their father. Fewer than 6 of every 10 young Black men are employed, and in some of our urban and rural areas the rate of unemployment is over 50 percent. Roughly one-third of young Black men are involved in some way with the criminal justice system. And young Black men have the lowest educational attainment among Black and White men and women.

These factors contribute to low marriage rates among African-American men. But by age 34, nearly half of Black men are fathers. And roughly two-thirds of all Black men leaving prison are fathers. I could quote statistics all day, but the bottom line is, as hard as some of these men try, it is likely that their children will also be denied the advantages of healthy parental relationships and married families. Their children will be more likely to live in poverty and to become young, unmarried parents themselves. Their children's life chances will be limited. The cycle of despair will continue.

But there is reason for hope. At the time of the birth of the child, most fathers are close to both the mother and their child. The challenge is to maintain healthy relationships between parents and to strengthen the early bonds between fathers and their children. The challenge is to improve economic opportunity for all parents so they can support themselves and their families. The challenge is to break the cycle by strengthening America's most vulnerable and fragile families.

That is what this bill does, and it is fully paid for by revenue raised by closing abusive corporate tax loopholes and blocking the exploitation of tax havens. This is a solid first step forward in removing government barriers to healthy family formation, and addressing the crisis of fatherhood among our Nation's low-income populations. I urge you to support the Responsible Fatherhood and Healthy Families Act of 2006.

By Mr. ALLARD:

S. 3608. A bill to modify the boundary of Mesa Verde National Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I rise today on the 100th anniversary of Mesa Verde National Park to offer legislation that would expand the boundary of this national treasure. Mesa Verde is one of our Nation's most impressive national parks. In addition to its role preserving the home of some of our Nation's earliest inhabitants, it also serves as an impressive educational resource. The park also acts as the preeminent example of heritage tourism in the Nation. Allowing visitors to actively experience the rich historical and cultural history our Nation has to offer. The park is able to draw people with over 4,400 recorded archeological sites, including the impressive cliff dwellings which number more than 600. People travel from all around the world to see what we in Colorado are fortunate to have at our fingertips: one of the most well preserved and exhibited active archeological sites in the world. Mesa Verde also represents an impressive example of collaboration: they work with everyone from local elementary school students to international scholars. Mesa Verde, like its former inhabitants who flourished here for more than 700 years, has displayed an impressive resiliency and mystique over the years. The fire the park experienced a few years ago even revealed to us more of the area's secrets with newly discovered archeological sites.

I am pleased to be able to introduce this legislation today, because this legislation shows how the Government should preserve public lands. This is a good example of finding public support and working with outside groups and private property owners to find mutually beneficial ways to preserve our land. The majority of the land that will be added to the park will come from the Henneman family, who has owned this land for generations. During this time the Henneman family have been great stewards of their land. I commend them for their work as land managers. I would also like to commend the Conservation Fund for their willingess to work with the Henneman's and the park to protect this land. In addition I would like to thank the Mesa Verde Park Foundation for the land that they are generously donating to the park.

Mesa Verde National Park protects some of the best preserved and notable archeological sites in the world and this legislation will not only expand its boundaries but also its ability to preserve an important part of our history.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 3612. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise to introduce the Railroad Antitrust Enforcement Act of 2006. This legislation will eliminate obsolete antitrust exemptions that protect freight railroads from competition. The unneeded exemptions stand in stark contrast to the historical basis for antitrust law and once again allow railroads to abuse their dominant market power and raise rates for those who rely on them.

Antitrust law was born out of these same circumstances. Rail barons abused the power they had over shippers—especially farmers. Any American history student can describe the anti-consumer policies that led to the birth of the Sherman Act and later the Clayton Act—the building blocks of today's antitrust law.

The historical ties between the railroads and the birth of antitrust law make the situation we face today remarkable. I have heard from a growing number of shippers in Wisconsin—and I know many of my colleagues have heard from their shippers in their States—about the monopolistic practices in which the freight railroads are currently engaged. Consolidation in the railroad industry, allowed under antitrust exemptions my legislation would repeal, has resulted in only four class I railroads providing over 90 percent of the Nation's rail transportation.

Many industries—known as "captive shippers"—are served by only one railroad. These captive shippers face constantly rising rail rates. They are the victims of monopolistic practices and price gouging by the single railroad that serves them, price increases which they are forced to pass along into the price of their products and, ultimately, to consumers. And in many cases, the ordinary protections of antitrust law are unavailable to these captive shippers—instead, the railroads are protected by a series of exemptions from the normal rules of antitrust law to which all other industries must abide.

In Wisconsin, victims of a lack of railroad competition abound. In fact, a coalition has formed, consisting of more than thirty affected organizations—Badger CURE. From Dairyland Power Cooperative in La Crosse to Wolf River Lumber in New London, companies in my State are feeling the crunch of years of railroad consolidation. The reliability, efficiency, and affordability of freight rail have all declined, and Wisconsin consumers feel the pinch.

There is no better example than Wisconsin's electric utilities. Dairyland Power serves the electricity needs of more than 575,000 people. As of January of this year, they faced a 93 percent average increase in rail rates. According to Dairyland, it will now cost about $80 million to ship $35 million worth of coal, costs that Wisconsin consumers will absorb if Congress does not take action soon. And this problem is not unique to Wisconsin—shippers across the Nation suffer from monopolistic practices of the dominant railroads in their regions.

That is why I am introducing the Railroad Antitrust Enforcement Act of 2006. This legislation will force railroads to play by the rules of free competition like all other businesses.

The current antitrust exemptions protect a wide range of railroad industry conduct from scrutiny by governmental antitrust enforcers. Railroad mergers and acquisitions are exempt from antitrust law and are reviewed solely by the Surface Transportation Board. Railroads that engage in collective ratemaking are also exempt from antitrust law. Railroads subject to the regulation of the Surface Transportation Board are also exempt from private antitrust lawsuits seeking the termination of anti-competitive practices via injunctive relief. Our bill will eliminate these exemptions.

No good reason exists for them. While railroad legislation in recent decades including most notably the Staggers Rail Act of 1980—deregulated much railroad rate setting from the oversight of the Surface Transportation Board, these obsolete antitrust exemptions remained in place, insulating a consolidating industry from obeying the rules of fair competition.

Our bill will bring railroad mergers and acquisitions under the purview of the Clayton Act, allowing the Federal Government, state attorneys general, and private parties to file suit to enjoin anti-competitive mergers and acquisitions. It will restore the review of these mergers to the agencies where they belong—the Justice Department's Antitrust Division and the Federal Trade Commission. It will eliminate the exemption that prevents FTC's scrutiny of railroad common carriers. It will eliminate the antitrust exemption for railroad collective ratemaking. It will allow state attorneys general and other private parties to sue railroads for treble damages and injunctive relief for violations of the antitrust laws, including collusion that leads to excessive and unreasonable rates.

In sum, by clearing out this thicket of outmoded antitrust exemptions, railroads will be subject to the same laws as the rest of the economy. Government antitrust enforcers will finally have the tools to prevent anticompetitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anti-competitive conduct and to seek redress for their injuries.

As ranking member on the Antitrust Subcommittee, I have found—in industry after industry—that vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products—whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its finished product—deserve the full application of the antitrust laws to end the anti-competitive abuses all too prevalent in this industry today. I urge my colleagues support the Railroad Antitrust Enforcement Act of 2006.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Antitrust Enforcement Act of 2006".

SEC. 2. INJUNCTIONS AGAINST RAILROAD COMMON CARRIERS.

The proviso in section 16 of the Clayton Act (15 U.S.C. 26) ending with "Code." is amended to read as follows: "*Provided*, That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit for injunctive relief against any common carrier that is not a railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code.".

SEC. 3. MERGERS AND ACQUISITIONS OF RAILROADS.

The sixth undesignated paragraph of section 7 of the Clayton Act (15 U.S.C. 18) is amended to read as follows:

"Nothing contained in this section shall apply to transactions duly consummated pursuant to authority given by the Secretary of Transportation, Federal Power Commission, Surface Transportation Board (except for agreements described in section 10706 of title 49, United States Code, and transactions described in section 11321 of that title), the Securities and Exchange Commission in the exercise of its jurisdiction under section 10 (of the Public Utility Holding Company Act of 1935), the United States Maritime Commission, or the Secretary of Agriculture under any statutory provision vesting such power in the Commission, Board, or Secretary.".

SEC. 4. LIMITATION OF PRIMARY JURISDICTION.

The Clayton Act is amended by adding at the end thereof the following:

"SEC. 29. In any civil action against a common carrier railroad under section 4, 4C, 15, or 16 of this Act, the district court shall not be required to defer to the primary jurisdiction of the Surface Transportation Board.".

SEC. 5. FEDERAL TRADE COMMISSION ENFORCEMENT.

(a) CLAYTON ACT.—Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking "subject to jurisdiction" and all that follows through the first semicolon and inserting "subject to jurisdiction under subtitle IV of title 49, United States Code (except for agreements described in section 10706 of that title and transactions described in section 11321 of that title);".

(b) FTC ACT.—Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 44(a)(1)) is amended by striking "common carriers subject" and inserting "common carriers, except for railroads, subject".

SEC. 6. EXPANSION OF TREBLE DAMAGES TO RAIL COMMON CARRIERS.

Section 4 of the Clayton Act (15 U.S.C. 15) is amended by—

(1) redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) inserting after subsection (a) the following:

"(b) Subsection (a) shall apply to common carriers by rail subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code, without regard to whether such railroads have filed rates or whether a complaint challenging a rate has been filed.".

SEC. 7. TERMINATION OF EXEMPTIONS IN TITLE 49.

(a) IN GENERAL.—Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking ", and the Sherman Act (15 U.S.C. 1 et seq.)," and all that follows through "or carrying out the agreement" in the third sentence;

(B) in paragraph (4)—

(i) by striking the second sentence; and

(ii) by striking "However, the" in the third sentence and inserting "The"; and

(C) in paragraph (5)(A), by striking ", and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement"; and

(2) by striking subsection (e) and inserting the following:

"(e) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section exempts a proposed agreement described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

"(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such proposed agreement for the purpose of any provision of law described in paragraph (1), the Board and any other reviewing agency shall take into account, among any other considerations, the impact of the proposed agreement on shippers, on consumers, and on affected communities.".

(b) COMBINATIONS.—Section 11321 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "The authority" in the first sentence and inserting "Except as provided in sections 4 (15 U.S.C. 15), 4C (15 U.S.C. 15c), section 15 (15 U.S.C. 25), and section 16 (15 U.S.C. 26) of the Clayton Act (15 U.S.C. 21(a)), the authority"; and

(B) by striking "is exempt from the antitrust laws and from all other law," in the third sentence and inserting "is exempt from all other law (except the antitrust laws referred to in subsection (c)),"; and

(2) by adding at the end the following:

"(c) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section exempts a transaction described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8–9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

"(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such transaction for the purpose of any provision of law described in paragraph (1), the Board and any other reviewing agency shall take into account, among any other considerations, the impact of the transaction on shippers and on affected communities.".

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 10706 of title 49, United States Code, is amended to read as follows: "**Rate agreements**".

(2) The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows:

"10706. Rate agreements.".

By Mrs. CLINTON:

S. 3613. A bill to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, I am proud to introduce legislation which would designate the United States Postal Service located at 2951 New York Highway 43 in Averill Park, NY, as the Major George Quamo Post Office Building.

MAJ. George Quamo was a highly decorated Green Beret who served in the Special Forces Unit of the Army in the Vietnam war. In the years George Quamo served, he established himself as one of the Army's most highly respected field commanders. Quamo commanded three reconnaissance teams, leading a number of covert missions and saving the lives of 14 of his men. During his distinguished career he was awarded 26 medals which included the Distinguished Service Cross, Two Silver Stars, Bronze Star, Legion of Merit and Presidential Unit Citations. While conducting a mission in Vietnam, Major Quamo's helicopter crashed. He was killed at the young age of 27. He was the youngest major ever to have served in the Special Forces Unit.

MAJ. George Quamo was a Class of 1958 graduate of Averill Park High School in upstate New York. A natural leader, he was president of his high school junior class and a quarterback on the football team. After joining the Army he attended Officer Candidate School. While he died at a young age, it is clear that his presence was profound on those around him. "I still receive phone calls from guys who served under him," said his brother James Quamo, now of Spencerport, Monroe County, NY. "Some of them even cry telling me how they felt about my brother."

I ask that the Senate come together and honor this brave American hero for his service to our Nation.

By Mr. SPECTER:

S. 3614. A bill to provide comprehensive procedures for the adjudication of cases involving unprivileged combatants; to the Committee on Armed Services.

Mr. SPECTER. Mr. President, I have sought recognition to discuss the case of Hamdan v. Rumsfeld which was decided by the Supreme Court of the United States today and to address the question as to where we go from here. There have already been many inquiries as to what is the import of this Supreme Court decision and what are the next steps in order to establish a framework to deal with the people who are detained at Guantanamo Bay.

Since the opinions were released this morning, my staff and I have been reviewing them: 177 pages. 6 opinions. The essence of the decision of the Supreme Court of the United States on a 5-to-3 vote is that the President did not have the authority to establish the military commissions and that the authority rests with the Congress under the Constitution.

The Court dealt with the issue of the resolution that authorizes the use of military force, a resolution which the administration has sought as authority for amending the Foreign Intelligence Surveillance Act, and when the Court dealt with the resolution authorizing the use of military force, the Court said that it did not give the President the authority to establish the military commissions. The Court did not deal with any issue of inherent authority. But the decision that the President lacked the authority to establish the military commissions makes it obvious that the conclusion of the Supreme Court is that there is no inherent authority, an inference and a proposition which may have some weight as we consider collateral matters, for example, on the electronic surveillance under NSA.

The Constitution of the United States is explicit in article I, section 8, which states, and I am leaving out some of the irrelevant language: Congress has the authority "to make rules concerning captures on land and water." So it is a congressional matter.

In reaching its conclusion, the Supreme Court of the United States found that the military commissions violated the Code of Military Justice and also violated the terms of the Geneva Convention. The Court found that the military commissions violated the Code of Military Justice because they did not provide for very basic due process considerations. The Court said that the military commissions violated the Geneva Convention, which the Court found applicable, reversing the Court of Appeals for the District of Columbia where the Supreme Court said: The Geneva Convention, common article 3, plainly affords some minimal protection to individuals, associated with a signatory or even a nonsignatory, who are involved in a conflict.

The Court dealt with the issue of jurisdiction by saying the Government contention that the Supreme Court had no jurisdiction was wrong. The Supreme Court referred to a provision of the Detainee Treatment Act of 2005, which provides:

> No court shall have jurisdiction to hear or consider an application for habeas corpus filed by an alien detained at Guantanamo Bay. . . .

There was a reference to the statutory provision which gave exclusive jurisdiction, according to the statute, to the District of Columbia court.

The statute provided specifically:

> . . . the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of any final decision of a Combatant Status Review Tribunal which determines that an alien is properly detained as an enemy combatant.

I argued as forcefully as I could when that amendment was considered, that it was really atrocious—without any hearings, without any extended floor debate, and I had 2 minutes to speak under the rules governing the amendment—that we would be taking away jurisdiction of the Federal courts except for the District of Columbia. On its face, that language would say that the Supreme Court of the United States had no jurisdiction.

The Supreme Court made short shrift of that point, saying that it did have jurisdiction. When you deal with a constitutional issue, it is hard for this lawyer to understand how you can take away jurisdiction from the Supreme Court of the United States. How can you do that, when we know since Marbury v. Madison in 1803 that the Supreme Court of the United States is final arbiter of the Constitution? But this language, this clumsy language sought to vest exclusive jurisdiction in the Court of Appeals for the District of Columbia. The Supreme Court made short shrift of that.

On a personal note, and relevant to this consideration as well, in Justice Scalia's dissent he cites my floor argument in a footnote saying, at page 12 of his opinion:

> An earlier part of the amendment provides that no court, justice or judge shall have jurisdiction to consider the application for writ of habeas corpus. . . .Under the language of exclusive jurisdiction in the D.C. Circuit, the U.S. Supreme Court would not have jurisdiction to hear the Hamdan case. . . . Id., at [Senate Congressional Record] S12796 (statement of Sen[ator] Specter).

Interesting that Justice Scalia, who doesn't believe in congressional intent or congressional deliberation, would make that citation. But when I made the point that the statute, on its face, took away jurisdiction from the Supreme Court of the United States, I made it plain that I did not think it had any validity. A statute can not do that.

What the statute was trying to do, in part, was to look to a favorable court. The DC Circuit was a favorable court—they engaged in a little court shopping—and there was an effort to take away the jurisdiction of the district court from habeas corpus proceedings.

Under the logic of Hamdan, where you have a statutory provision that the DC Circuit has sole jurisdiction and the Supreme Court interprets that as not taking away jurisdiction of the Supreme Court, inferentially the same conclusion would follow for the district court.

It doesn't say the district court does not have jurisdiction, just like it does not say the Supreme Court does not have jurisdiction. It just says exclusive jurisdiction is in the DC circuit. It is a little hard to see how that would work out if you filed a petition for a writ of habeas corpus in the DC Circuit. That would be anomalous. Those petitions are filed in the district court.

In any case, the Supreme Court claimed jurisdiction over the case and found that the procedures which the administration has prescribed do not comport with law.

The Judiciary Committee held a hearing on Guantanamo and made a field trip there. A number of us, including myself, went to take a look at Guantanamo, to see it firsthand and to question people there. I had gone there with the expectation of having a field hearing there. I wanted to hear from the officials at Guantanamo. When I got to Guantanamo, after the flight in, I was told there would be no field hearing—which was a disappointment, and really contrary to what I had understood the arrangement to be. But we held a hearing and devoted a considerable amount of work to the issue. Knowing, or thinking that, the administration's military commissions would be struck down because they did so little and had no real relationship to due process, we prepared legislation.

I had it put in final form last week when we considered the Department of Defense authorization bill, and one Senator did talk about legislation. I considered offering it at that time but decided that it was not a good time to do so. But we have it ready to go, ready for introduction.

Senator DURBIN and I introduced a bill to handle the Guantanamo detainees on February 13, 2002. The issue was not picked up again until the Judiciary Committee held hearings last June, and this bill, which I am introducing today, I believe, will satisfy the requirements of the Supreme Court of the United States.

This bill provides for two divisions. One is for the people who are charged with specific offenses. We retain the description of a military commission. We provide that there would be three officers on the commission, one president—a presiding judge from the Judge Advocate General's Office. Also an attorney will be provided for the accused, there will be competent evidence, there will be cross-examination and a unanimous verdict.

In the event of the use of classified information, we prescribe that the provisions of the Confidential Information Protection Act would govern, which is a statute which has been used in our courts for many years, which authorizes the presiding judge to sift through the information and make available to the defense whatever is appropriate and not classified. And if it is classified, then to make it available at the discretion of the judge to the attorney.

The attorney for the accused would be cleared through regular channels to deal with classified information so that we would be protecting the classified information by having it viewed only by someone authorized to take a look at it, so that the defense lawyer would be able to use it in the defense of his client. That is not a perfect situation, but that is the way we have dealt with confidential information under the so-called Confidential Information Protection Act.

In our legislation, we also deal with the enemy combatants. These are the individuals who have been detained at Guantanamo under an arrangement where there is no limit as to the length of their detention. That has caused considerable angst, considerable objection. But it is a very difficult matter. When we are in a war, fighting terrorists—and we should never lose our focus that we are in that war and that there are continuing dangers and we have to protect Americans—until somebody has a better idea, they are going to be detained. Some have been released and some of those released have been found on the battlefields killing Americans, so the detention of enemy combatants is an ongoing issue.

Our legislation provides that there would be a classification tribunal so that there would be a review of their status, to make a determination on a periodic basis that they continue to be a threat to the United States, either on the continent or because they will go back and fight a war. We provide for an attorney, again, an attorney who would be cleared to view classified information.

The issue of evidence is much more difficult because these enemy combatants are frequently taken into custody in a battlefield situation where competent evidence is not present, so we allow for hearsay.

In the Supreme Court opinion, if there is a showing of necessity, there is leeway granted in terms of defining sufficient due process. The Supreme Court found, for example, that the President had demonstrated sufficiently that there could not be trials in the U.S. Federal district courts, so ruling that out was fine. It was acceptable. And leeway, too, for some deviation from all of the generalized rules might be acceptable. The Supreme

Court really didn't reach the issue of granting leeway because they didn't have a specific situation, but there would have to be a showing of necessity, a showing that no other system would work.

So in dealing with the enemy combatants, we are still struggling with how to handle the issue of indefinite detention, recognizing that they continue to be a threat.

The legislation which I am introducing today has received considerable thought and considerable analysis. As I say, it picks up on legislation which Senator DURBIN and I introduced on February 13, 2002. But it still requires a great deal more analysis and a great deal more thought, which we will give it in due course on the legislative process. We have altered our schedule in the Judiciary Committee to reserve July 11 for a hearing, the second day we are back—on that Tuesday we really swing into action—we will take up an analysis of Hamdan v. Rumsfeld in greater detail than we could do this afternoon in a short floor statement and with only a few hours to digest the 6 opinions and 177 pages. We will consider this legislation at that time.

I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD at the conclusion of my comments, and a short summary of the bill, which will enable the reader to follow without going through the extended text.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AUTHORITY; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Unprivileged Combatant Act of 2006".

(b) AUTHORITY.—The requirements, conditions, and restrictions established by this Act are made under the authority of Congress under clauses 1, 10, 11, 12, 13, 14, and 18 of article I, section 8 of the Constitution of the United States.

(c) FINDINGS.—Congress finds the following:

(1) Article I, section 8, of the Constitution provides that the Congress has the power to "constitute Tribunals inferior to the Supreme Court; ... define and punish ... Offenses against the Law of Nations; ... make Rules concerning Captures on Land and Water; ... make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof".

(2) The Supreme Court has repeatedly recognized military tribunals, as stated in Madsen v. Kinsella 343 U.S. 341, 1952, "[s]ince our nation's earliest days, such tribunals have been constitutionally recognized agencies for meeting many urgent governmental responsibilities related to war....They have taken many forms and borne many names. Neither their procedure nor their jurisdiction has been prescribed by statute. It has been adapted in each instance to the need that called it forth." Madsen, citing In re Yamashita, 327 U.S. 1 (1946).

(3) The President has inherent authority to convene military tribunals arising from his role as Commander and Chief of the Armed Forces under article II of the Constitution and from title 10 of the United States Code. Due to the extraordinary circumstances of the ongoing war on terrorism, it is appropriate for Congress to provide additional and explicit authorization of and procedures for military tribunals to adjudicate and punish offenses relating to the war on terrorism.

(4) This Act is in direct response to the United State Supreme Court's ruling in Rasul v. Bush. With the passage of this Act, the 109th Congress will have addressed the concerns of the Supreme Court's Rasul majority, and therefore alien enemy combatants detained or prosecuted under this Act may not challenge their detentions in the Federal courts of the United States via the habeas or any other statute.

SEC. 2. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) CLASSIFICATION TRIBUNAL.—The term "classification tribunal" means any tribunal conducted under section 9 or any related proceeding.

(2) CLASSIFICATION TRIBUNAL BOARD.—The term "classification tribunal board" means a board established pursuant to section 9(d).

(3) CLASSIFIED INFORMATION.—The term "classified information" has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(4) COMMISSION.—The term "commission" means a military commission established pursuant to section 3.

(5) CRIMINAL PROSECUTION.—The term "criminal prosecution" means a prosecution for a violation of any criminal law, including subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) or pursuant to the Department of Defenses Military Commission Instruction number two.

(6) DETAINEE.—The term "detainee" means a person who is in the custody of the Department of Defense at Guantanamo Bay, Cuba, and who has not been charged with a criminal offense during that period.

(7) INTERNATIONAL TERRORISM.—The term "international terrorism" has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(8) JUDGE.—The term "judge" means a United States military judge designated by the Secretary of Defense to hear cases under this Act.

(9) PROTECTED INFORMATION.—The term "protected information" means information—

(A) that is classified information;

(B) protected by law or rule from unauthorized disclosure;

(C) the disclosure of which may endanger the physical safety of participants in Commission proceedings, including prospective witnesses;

(D) concerning intelligence and law enforcement sources, methods, or activities; or

(E) the disclosure of which would otherwise jeopardize national security interests.

(10) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(11) UNPRIVILEGED COMBATANT.—The term "unprivileged combatant" means an individual—

(A) who has been designated as an enemy combatant by a Combatant Status Review Tribunal prior to the enactment of this Act; or

(B) who a Field Tribunal conducted by the United States military as provided in this Act determines—

(i) is not entitled to the protections set out in the Convention Relative to the Treatment of Prisoners of War, done at Geneva, August 12, 1948 (6 UST 3516) (referred to in this Act as the "Geneva Convention"); and

(ii) has—

(I) knowingly assisted, conspired with, or solicited for a group or an individual hostile to the United States;

(II) knowingly attempted to assist others in taking up arms against the United States;

(III) conspired with or solicited others to take up arms against the United States; or

(IV) has taken up arms against, or intentionally assisted combat operations against, the United States.

(12) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on the Judiciary and the Committee on Armed Services of the Senate and the Committee on the Judiciary and the Committee on Armed Services of the House of Representatives.

SEC. 3. AUTHORIZING MILITARY COMMISSIONS.

The President is authorized to establish military commissions for the trial of individuals for offenses as provided in this Act.

SEC. 4. JURISDICTION.

(a) UNPRIVILEGED COMBATANTS.—This Act establishes exclusive jurisdiction to hear any matter involving an unprivileged combatant who has been detained by the Department of Defense for not less than 180 consecutive days at Guantanamo Bay, Cuba.

(b) OFFENSES.—

(1) CRIMINAL PROSECUTIONS.—A commission shall have jurisdiction to hear any criminal prosecution involving international terrorism, including any offense under chapter 113B of title 18, United States Code.

(2) OFFENSES AGAINST THE LAWS OF WAR.—A commission shall have exclusive jurisdiction over violations of the laws of war committed by unprivileged combatants.

(3) OTHER OFFENSES.—A commission shall have jurisdiction over other offenses traditionally triable by military commissions or pursuant to the Department of Defense's Military Commission Instruction Number Two.

SEC. 5. APPELLATE JURISDICTION.

(a) FINAL DECISIONS.—The United States Court of Military Appeals shall have exclusive jurisdiction of appeals from all final decisions of a classification tribunal board or commission under this Act.

(b) REVIEW BY SUPREME COURT.—

(1) CERTIORARI.—The decisions of the United States Court of Military Appeals are subject to review by the Supreme Court by writ of certiorari.

(2) EXEMPTION FROM CERTAIN PETITION REQUIREMENTS.—A person who files a petition for a writ of certiorari under paragraph (1) shall not be required to submit—

(A) prepayment of any fees and costs or security therefor; or

(B) the affidavit required by section 1915(a) of title 28, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1005 of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended—

(A) in subsection (e), by striking paragraphs (2) through (4); and

(B) by striking subsection (h) and inserting the following:

"(h) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.".

(2) HABEAS.—Section 2241(e) of title 28, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking "section 1005 of the Detainee Treatment Act of 2005" and inserting "the Unprivileged Combatant Act of 2006";

(B) by striking paragraph (2)(B) and inserting the following:

"(B) has been determined by a classification tribunal to meet the requirements of paragraph (1) or (2) of section 9(a) of the Unprivileged Combatant Act of 2006.".

SEC. 6. COMMISSION.

(a) COMMISSION PERSONNEL.—

(1) MEMBERS.—

(A) APPOINTMENT.—The Secretary of Defense shall designate no less than 12 United States military judges to serve as members of a commission and to assume other duties assigned in this Act.

(B) NUMBER OF MEMBERS.—Each commission shall consist of at least 3 military officers, at least one of whom shall be a military judge.

(C) ALTERNATE MEMBERS.—For each such commission, there shall also be 1 or 2 alternate members. The alternate member or members shall attend all sessions of the commission. In case of incapacity, resignation, or removal of any member, an alternate member shall take the place of that member.

(D) QUALIFICATIONS.—Each member and alternate member of the commission shall be a military officer.

(E) PRESIDING OFFICER.—

(i) IN GENERAL.—From among the members of the commission, the Secretary of Defense shall designate a presiding officer who is a military judge to preside over the proceedings of that commission.

(ii) DUTIES.—The duties of the presiding officer shall be as follows:

(I) The presiding officer shall admit or exclude evidence at trial in accordance with the rules of this Act. The presiding officer shall have authority to close proceedings or portions of proceedings in accordance with this Act or for any other reason necessary for the conduct of a full and fair trial.

(II) The presiding officer shall ensure that the discipline, dignity, and decorum of the proceedings are maintained, shall exercise control over the proceedings to ensure proper implementation of the President's Military Order and this Act, and shall have authority to act upon any contempt or breach of commission rules and procedures. Any attorney authorized to appear before a commission who is thereafter found not to satisfy the requirements for eligibility or who fails to comply with laws, rules, regulations, or other orders applicable to the commission proceedings or any other individual who violates such laws, rules, regulations, or orders may be disciplined as the presiding officer deems appropriate, including revocation of eligibility to appear before that commission. The Court may further revoke that attorney's or any other person's eligibility to appear before any other commission convened under this Act.

(III) The presiding officer shall ensure the expeditious conduct of the trial. In no circumstance shall accommodation of counsel be allowed to delay proceedings unreasonably.

(IV) The presiding officer may certify interlocutory questions to the Military Commission Review Panel for the Armed Forces as the presiding officer deems appropriate.

(b) POWERS OF A COMMISSION.—A commission shall have the following powers:

(1) To summon witnesses to the trial and to require their attendance and testimony and to put questions to them.

(2) To require the production of documents and other evidentiary material.

(3) To administer oaths to witnesses.

(4) To appoint officers for the carrying out of any task designated by the commission, including the power to have evidence taken.

SEC. 7. PERSONS IN CUSTODY.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall develop—

(1) a complete listing of all persons who—

(A) are being detained by the Department of Defense at Guantanamo Bay, Cuba; and

(B) the Government wishes to continue to detain as an unprivileged combatant; and

(2) a detailed summary of the evidence upon which the determination to keep a person described in paragraph (1) in custody was made.

(b) CONGRESSIONAL OVERSIGHT.—Not later than 10 days after developing the list described in subsection (a), the Secretary of Defense shall submit an unclassified version of that list to the appropriate committees of Congress. A classified, unredacted version of that list shall also be submitted to the appropriate committees of Congress for review.

(c) UPDATED LIST.—

(1) IN GENERAL.—Not less than once every 60 days after the date the list described in subsection (a) is completed, the Secretary of Defense shall update the list of the persons described in subsection (a) and submit to the appropriate committees of Congress a detailed report for each person on such list that includes—

(A) the name and nationality of each such person; and

(B) with respect to each such person—

(i) a detailed statement of why such person has not been charged, repatriated, or released;

(ii) a statement of when the United States intends to charge, repatriate, or release such person;

(iii) a description of the procedures to be employed by the United States to determine whether to charge, repatriate, or release such person and a schedule for the employment of such procedures; and

(iv) if the Secretary of Defense has transferred or has plans to transfer such person from the custody of the Secretary to another agency or department of the United States, a description of such transfer.

(2) FORM OF REPORTS.—Each report required by this subsection shall be submitted in an unclassified form, to the maximum extent practicable, and may include a classified annex, if necessary.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) CONGRESSIONAL OVERSIGHT.—Not later than 10 days after updating the list of persons under subsection (c), the Secretary of Defense shall submit that updated list to the appropriate committees of Congress in both unclassified and unredacted, classified form.

SEC. 8. FIELD TRIBUNALS.

(a) IN GENERAL.—Not more than 30 days after a suspected unprivileged combatant has been detained by United States forces, the Department of Defense shall conduct a field tribunal in order to determine whether the detainee is an unprivileged combatant and whether the detainee is entitled to the rights afforded under the Geneva Convention.

(b) PROCEDURES.—The procedures governing a field tribunal shall be promulgated by the Department of Defense

SEC. 9. CLASSIFICATION TRIBUNALS.

(a) IN GENERAL.—A detainee shall be released and repatriated to an appropriate country unless a classification tribunal board finds by a preponderance of the evidence that—

(1) the detainee is a threat to the national security interest of the United States; or

(2) there are reasonable grounds to believe that if released the detainee would take up arms against the United States.

(b) COMPLIANCE WITH GENEVA CONVENTIONS.—If a detainee is found to be a privileged combatant entitled to provisions under the Convention Relative to the Treatment of Prisoners of War, done at Geneva, August 12, 1948 (6 UST 3516), then the detainee must be treated in accordance with that convention.

(c) CITIZEN OF THE UNITED STATES.—If a detainee is found to be a citizen of the United States of America, the detainee shall not be held or tried under this Act.

(d) CLASSIFICATION TRIBUNAL BOARD.—A classification tribunal shall be conducted by a board appointed by the Secretary of Defense and consist solely of line officers, one of whom shall be an attorney.

(e) DETERMINATION.—

(1) IN GENERAL.—If a classification tribunal board finds that a detainee meets the requirements of subsection (a), the classification tribunal board shall order that the detainee shall continue to be detained by the Department of Defense, subject to periodic review under subsection (h).

(2) TIME PERIOD.—The time period for the detention of a detainee under paragraph (1) may not exceed the time period that United States forces are engaged in combat operations as defined by the Department of Defense in the nation or theater where the detainee was captured so long as the detainee is found to be a privileged combatant.

(3) CONCLUSION OF COMBAT.—At the conclusion of combat operations within a given theater or nation—

(A) a privileged combatant that was captured in that area shall be either indicted under this Act or repatriated to the appropriate country; and

(B) an unprivileged combatant may continue to be detained pursuant to subsection (a).

(f) CONSIDERATIONS.—

(1) IN GENERAL.—In making a determination under subsection (a), a classification tribunal board shall consider any information brought to its attention regarding the need for continued detention, including—

(A) the detainee's alleged position or rank in any hostile organization;

(B) the activities of that hostile organization;

(C) any statements made by the detainee in response to interrogation; and

(D) the detainee's history of violence or terrorist activity.

(2) PRIMA FACIE EVIDENCE.—If the Government represents that a detainee was captured during a military engagement while taking up arms against, or supporting military operations against, the Armed Forces of the United States or its allies, there shall be prima facie evidence that, if released, the detainee would take up arms against the United States.

(g) TIMING.—A detainee shall be afforded a classification tribunal as soon as is reasonably practicable but not later than 180 days after the detainee's capture and not later than 30 days after the detainee is listed under section 7, unless continued.

(h) PERIODIC REVIEW.—

(1) IN GENERAL.—

(A) SEMIANNUAL REVIEW.—The classification tribunal shall conduct a classification hearing for each detainee not less frequently than every 180 days, in accordance with the procedures established under this section and section 10.

(B) ACTION PERIOD.—A detainee apprehended during a military engagement while taking up arms against, or supporting military operations against, the Armed Forces of the United States or its allies may be detained until the cessation of armed hostilities in the nation or region in which they were captured.

(2) ARGUMENT.—The Government and the detainee may be heard regarding the review under paragraph (1).

SEC. 10. CLASSIFICATION TRIBUNAL PROCEDURES.

(a) DETAINEES.—

(1) IN GENERAL.—A detainee shall not be required to testify or present any evidence at a classification tribunal.

(2) PRESENCE.—A detainee shall be entitled to be present at the classification tribunal, unless the head of the tribunal has decided to admit classified information.

(b) COUNSEL.—

(1) IN GENERAL.—A detainee is entitled to the assistance of counsel admitted to practice under this Act at every stage of the classification tribunal, including the periodic review of orders under subsection (e).

(2) RIGHT TO APPOINTED COUNSEL.—A detainee who is unable to obtain counsel is entitled to have counsel admitted to practice before a commission under this Act.

(3) REFUSAL OF COUNSEL.—A detainee may waive counsel but shall not be entitled to protected information.

(c) DISCOVERY.—

(1) GOVERNMENT'S DISCLOSURE.—Not later than 3 days prior to the classification tribunal, the Government shall make available for inspection by counsel for the detainee any affidavit or affirmation the Government intends to offer in support of continuing to detain the detainee. A classification tribunal board shall maintain a copy of any submissions made by the Government for inspection by the detainee and for transmittal, if necessary, to that tribunal.

(2) DETAINEE'S DISCLOSURE.—If the detainee chooses to submit any evidence, such evidence, including a list of any witnesses the detainee intends to call, shall be made available to the Government for inspection not later than 3 days prior to the classification tribunal.

(d) EVIDENCE.—

(1) IN GENERAL.—The Federal Rules of Evidence shall not apply to a classification tribunal.

(2) ADMISSIBILITY STANDARD.—Evidence shall be admitted if the classification tribunal board determines the evidence would have probative value to a reasonable person.

(3) AFFIDAVIT OR AFFIRMATION.—The Government may proceed by proffer and submit any relevant information by affidavit or affirmation, unless decided unreliable by the members of the classification tribunal board.

(4) CROSS-EXAMINATION.—

(A) GOVERNMENT WITNESSES.—If a Government chooses to call witnesses, the detainee may cross-examine those witnesses on all relevant facts.

(B) DETAINEE WITNESSES.—If a detainee calls any witnesses, they shall be subject to cross examination.

(C) DETAINEE.—If the detainee chooses to testify, the detainee shall be subject to cross-examination.

(e) DEFENSES.—A detainee may challenge whether the detainee satisfies the elements required under subsection (a).

(f) PROCEEDINGS.—

(1) IN GENERAL.—A classification tribunal shall be closed to the public.

(2) SECURITY CLEARANCES.—Each person present at a classification tribunal, other than the detainee, shall possess a security clearance appropriate to the level of any classified information being presented.

(3) PUBLIC INFORMATION REGARDING PROCEEDINGS.—After the classification tribunal board rules in the classification tribunal, the parties shall propose a nonclassified summary to that board. The board shall publicly release a summary, containing any information generated at the tribunal which can be disclosed in a manner consistent with the Classified Information Procedures Act (18 U.S.C. App.) and the national security of the United States.

(g) REINSTITUTING CLASSIFICATION PROCEEDINGS.—

(1) IN GENERAL.—If a matter involving the classification tribunal of a detainee is dismissed without prejudice by the classification tribunal or withdrawn by the Government at, or prior to, the classification tribunal, the Government may reinstitute the matter with the tribunal board that dismissed or permitted the withdrawal of the matter.

(2) TIME LIMIT.—A complaint reinstituting proceedings under paragraph (1) shall be filed not later than 10 days after the dismissal or withdrawal of the matter.

(3) NUMBER.—The Government may reinstitute proceedings under paragraph (1) not more than twice and only if approved by the ranking member on the classification tribunal board.

SEC. 11. CONTINUANCE OF CLASSIFICATION TRIBUNALS.

(a) CONTINUANCES.—

(1) IN GENERAL.—A classification tribunal board may, for cause shown, grant a continuance of a classification tribunal.

(2) CONTINUANCE.—

(A) IN GENERAL.—Upon motion of the Government, the classification tribunal board may grant a continuance for as long as necessary, but no longer than a 6-month period, under paragraph (1) if the classification tribunal board determines that the detainee is a high level individual in the planning or financing of terrorist activities or the individual possess information vital to the safety of the United States or its citizens.

(B) SUBSEQUENT CONTINUANCES.—The Government may obtain subsequent continuances for additional 6-month periods so long as the classification tribunal board finds such continuances are necessary to the informational gathering purposes as it related to the national security of the United States.

(3) EX PARTE APPLICATIONS.—

(A) IN GENERAL.—The Government may move for a continuance under paragraph (1) ex parte.

(B) DETAINEE RIGHTS.—A detainee—

(i) is not entitled to representation by counsel in connection with any such ex parte motion; and

(ii) shall not be given notice of the request for a hearing prior to the ruling of the classification tribunal board on the Government's request for a continuance pursuant to paragraph (2).

(b) GRANT OF CONTINUANCE.—For each continuance granted under subsection (a), the classification tribunal board shall note on the record of the proceedings—

(1) the grounds for granting each such continuance;

(2) the identity of the party requesting the continuance;

(3) the new date and time for the tribunal hearing; and

(4) the reasons that the date under paragraph (3) was chosen.

SEC. 12. CRIMINAL PROSECUTION PROCEDURES GENERALLY.

(a) COUNSEL.—

(1) IN GENERAL.—A defendant in a criminal proceeding under this Act has a right to be represented by counsel admitted to practice before a commission under this Act.

(2) APPOINTED COUNSEL.—

(A) IN GENERAL.—A defendant who is unable to obtain counsel is entitled to have counsel appointed and to be represented by such counsel at every stage of the proceeding subsequent to being indicted.

(B) APPOINTMENT PROCEDURE.—The Secretary of Defense shall determine the rules for appointing counsel to practice before the commission.

(b) DISCOVERY.—

(1) CLASSIFIED DOCUMENTS AND OBJECTS.—The Government shall provide the defense with access to evidence the Government intends to introduce at trial and with access to evidence known to the Government or which should be known to the Government that tends to exculpate the accused. Information disclosed to the defense may not be disclosed to the defendant if it is classified as defined by this Act. The defense may submit classified information for review under section 12(b)(2).

(2) SEPARATE COMMISSION CONCERNING CLASSIFIED INFORMATION.—The Secretary of Defense shall appoint a commission to conduct a thorough review of the classification system for national security information, including the policy, procedures, and practices of the system. The Secretary of Defense shall determine what level of security clearance is necessary to conduct the review under this paragraph. No person shall be appointed as a member of the commission who does not have a security clearance at or above the level of clearance so designated by the Secretary. The commission shall make recommendations to the Secretary of Defense as to the declassification of information relevant to the trial of detainees.

(3) REGULATING DISCOVERY.—

(A) IN GENERAL.—A commission may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief.

(B) EX PARTE REQUEST.—A party may make an ex parte request in writing that a commission deny, restrict, or defer discovery or inspection under subparagraph (A). If the a commission grants a request under this subparagraph, the Commission shall preserve the entire text of the party's request under seal.

(C) FAILURE TO COMPLY.—If a party fails to comply with the rules of discovery applicable to a commission, the commission may—

(i) order that party to permit the discovery or inspection, specify its time, place, and manner, and prescribe other just terms and conditions; or

(ii) grant a continuance.

(c) OPEN PROCEEDINGS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a proceeding before a commission shall be open to the public.

(2) CLASSIFIED INFORMATION.—

(A) IN GENERAL.—Upon motion by the Government, a proceeding before a commission shall be closed to the public if necessary to avoid disclosure of classified information.

(B) NONDISCLOSURE.—A priority under subparagraph (A) shall not disclose any information presented during a closed session to individuals excluded from such proceeding or part thereof including the defendant.

(3) OTHER BASES.—A commission may order that a hearing be held, in whole or in part, in camera, if the commission determines—

(A) it is appropriate for the security of a witness or a Government employee or to protect public safety; or

(B) that an open hearing would deter a witness from testifying freely or prevent the witness from testifying at all.

(4) EXTRAJUDICIAL STATEMENTS.—At the discretion of a commission, the commission may issue an order limiting extrajudicial statements by the parties.

(d) PROTECTED INFORMATION.—

(1) IN GENERAL.—A commission may issue protective orders as necessary to safeguard protected information in a proceeding before that commission.

(2) NOTIFICATION.—As soon as practicable, a party shall notify a commission of any intent to offer evidence including protected information .

(3) TRIAL RECORD.—

(A) IN GENERAL.—All exhibits admitted as evidence but containing protected information shall be sealed and annexed to the record of trial.

(B) PROTECTED INFORMATION NOT ADMITTED.—Any protected information not admitted as evidence, but reviewed by a commission in camera and withheld from the defendant's counsel over objection shall be sealed and annexed to the record of the trial, with any associated motions and responses and any materials submitted in support thereof, as additional exhibits.

(e) RECORD OF TRIAL.—

(1) REQUIREMENT FOR RECORD.—A record of each proceeding by a commission shall be prepared promptly after the conclusion of the trial.

(2) VERBATIM TRANSCRIPT.—The record of trial shall include a verbatim written transcript of all sessions of the trial.

(3) EXHIBITS AND OTHER EVIDENCE.—The record of trial shall also include all exhibits and other real or demonstrative evidence, except that photographs may be substituted for any large written or graphic exhibits and any other real or demonstrative evidence. If a photograph is substituted for an exhibit or other evidence, the Government shall retain the original exhibit or other evidence, respectively, until no further appeal of the results of the trial is authorized.

(4) CLASSIFIED INFORMATION.—In the case of a conviction of a charge on which classified information is admitted as evidence by a commission, the copy of the record of trial submitted to the commission shall include the classified information.

SEC. 13. TRIAL PROCEDURES FOR UNPRIVILEGED COMBATANTS.

(a) SPECIALIZED PROCEDURES.—

(1) STANDARD OF PROOF.—All 3 members of a commission shall agree that the defendant is guilty beyond a reasonable doubt for a defendant to be found guilty.

(2) RULES OF PROCEDURE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary of Defense shall draft supplementary rules to govern all proceedings under this section.

(B) STANDARD.—Evidence is admissible if the Secretary of Defense determines that the evidence would have probative value to a reasonable person.

(3) FORM OF TRIAL.—Any trial under this subsection shall take place before 2 military officers or attorneys and at least one military judge.

(4) BAD ACTS.—Other bad acts may be considered if they would have fallen within the definition under this Act of either terrorism or terrorist activity and they are deemed to be relevant by a commission including propensity.

(b) CUSTODY.—The Department of Defense shall retain custody of any person determined by a commission to be unprivileged combatants after the person has been either convicted or sentenced in accordance with this Act, unless the Department of Defense deems otherwise. Decisions made by a commission in regards to a detainee's guilt or innocence may be considered by a tribunal when assessing the need to continue the detention of a detainee.

SEC. 14. COMMUNICATION WITH PERSONS IN CUSTODY.

An individual detained, indicted, or convicted under this Act shall only be permitted to communicate with the interpreter assigned to the individual, the counsel representing the individual, prison personnel, and any other individual approved by the Secretary of Defense.

SEC. 15. COMMISSION COUNSEL.

(a) IN GENERAL.—A person shall be admitted to practice before a commission if the person—

(1) is a United States citizen;

(2) has been admitted to the practice of law in a State, district, territory, or possession of the United States, or before a Federal court;

(3) has not been sanctioned or otherwise the subject of disciplinary action by any court, bar, or other competent governmental authority for misconduct;

(4) is eligible for access to information classified at the level of secret as defined by the Department of Defense; and

(5) signs a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the course of proceedings.

(b) CONSULTATION WITH COLLEAGUES.—Any person admitted under subsection (a) shall not confer with any colleague who does not have the appropriate clearance.

(c) SECURITY CLEARANCE.—

(1) EXPEDITED CONSIDERATION.—The Secretary of Defense shall ensure that a person seeking to be admitted under subsection (a) is timely processed for the security clearance required for access to materials necessary for providing a defendant with effective assistance of counsel.

(2) COUNSEL INELIGIBLE FOR CLEARANCE.—If the Secretary of Defense determines a person is not eligible for the necessary security clearance, the person shall not be permitted to represent an individual in any proceeding before the Commission. The determination of the Secretary of Defense shall be final and is not subject to appeal to, or other review by, any court of the United States.

(d) TRAVEL EXPENSES.—The Secretary of Defense shall reimburse any person not employed by the Government who is representing an individual before the Commission for travel away from the home or regular place of business of the person in connection with such representation. The rates for the payment of travel expenses under this subsection shall be those authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Unprivileged Combatants Act of 2006 is a follow-up to the Military Commissions Procedures Act of 2002 (S. 1937, 107th Congress) which you cosponsored with Senator DURBIN in February 2002. The goal of this bill is to balance the need for national security (interrogations and detention of combatants) with the need to afford detainees with sufficient due process so that nations such as Great Britain and Australia will not place undue pressure on the United States to release their citizens from Guantanamo Bay. This bill addresses only those combatants currently held at Guantanamo Bay. The Act clarifies the procedures used in Combatant Status Review Tribunals and establishes procedures for the trial of detainees. These procedures constitute "a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker." (Hamdi v. Rumsfeld, 542 U.S. 507, O'Connor, J.) This bill does not address the issue of unprivileged combatants contesting their detentions through habeas appeals. Although the Graham-Kyl-Levin amendment to the 2005 DoD appropriations bill has addressed this issue, a forthcoming Supreme Court decision (Hamdan v. Rumsfeld, 04-5393) will probably require additional legislation on this matter.

Section 301: Findings: This title is in direct response to the United States Supreme Court's ruling in Rasul v. Bush.

Section 302: Definition Section: Definition section of the bill which defines primary terms such as field tribunal, classification tribunal, military commission, and unprivileged combatant.

Section 303: Authorizing Military Commissions: The President is authorized to establish military commissions for the trial of individuals for offenses as provided in this title.

Section 304: Jurisdiction Over Unprivileged Combatants: This title establishes exclusive jurisdiction to hear any matter involving an unprivileged combatant who has been detained by the Department of Defense at Guantanamo Bay, Cuba. These detainees may be tried via laws of war or pursuant to the Department of Defense's Military Commission Instruction Number Two.

Section 305: Appellate Jurisdiction: The U.S. Courts of Military Appeals shall have exclusive jurisdiction over appeals from all final decisions of a classification tribunal board or military commission under this tide. These decisions are then subject to review by the Supreme Court by writ of certiorari.

Section 306: Military Commission: The Commissions shall consist of three military officers, at least one of whom is a Judge Advocate General. These Commissions shall decide the guilt or innocence of detainees charged under section 304 of this Act. This is basically what happens now.

Section 307: Persons in Custody: Not more than 60 days after the enactment of this Act, the Secretary of Defense is required to develop a list of all persons who are being detained at Guantanamo Bay, Cuba, and whom the government wishes to continue to detain as an unprivileged combatant. The Act requires that the original list and subsequent lists, updated at least once every 60 days, be submitted to the appropriate House and Senate committees.

Section 308: Field Tribunals: Not more than 30 days after a suspected unprivileged combatant has been detained by United

States forces, the Department of Defense shall conduct a field tribunal ("FT") in order to determine whether the detainee is an unprivileged combatant and whether the detainee is entitled to the rights afforded under the Geneva Convention. The procedures governing a field tribunal shall be promulgated by the Department of Defense.

Section 309: Classification Tribunals: A Classification Tribunal ("CT") is very similar to the current Combatant Status Review Tribunal. The CT shall be composed of three military officers, one of whom shall be an attorney. Pursuant to a hearing before a CT, a designee shall be released and repatriated to an appropriate country unless a CT finds by a preponderance of the evidence that—(1) the detainee is a threat to the national security interest of the United States; or (2) there are reasonable grounds to believe that if released the person would take up arms against the United States. Decisions of the CT shall be repeated every six months. Detainees may be released only when the CT or the Administrative Board determines the detainee is no longer a threat to national security. This section also expressly states that a detainee who is also a United States citizen may not be held or tried under this act.

Section 310: Classification Tribunal Procedures: Procedures for CT's are the same as those of Combatant Status Review Tribunals except detainees shall be represented by counsel and are permitted to view unclassified discovery that the prosecution plans to present before the tribunal.

Section 311: Continuance of Classification Tribunals: Classification tribunals may be continued in order for the government to continue their interrogation of a detainee. Upon a motion from the Government, the classification tribunal board may grant a continuance for up to a 6-month period, if the classification tribunal board determines that: 1) the individual being detained is a high level individual in the planning or financing of terrorist activities, or 2) the individual possesses information vital to the safety of the United States or its citizens. The Government may obtain more than one continuance if it demonstrates that such continuances are necessary for information gathering purposes as it relates to national security. Said applications for Continuances shall be made ex parte and before a detainee is given an attorney. Accordingly, a detainee is only given an attorney once the tribunal is informed that the interrogation efforts have been exhausted.

Section 312 & 313: Criminal Prosecution Procedures: Military Commission procedures will be the same as the current procedures afforded detainees under the current system.

Section 314: Communication with Persons in Custody: Limits communications by any detainee indicted or convicted under this Act to the individual's interpreter, assigned counsel, prison personnel, and any other individual(s) approved by the Secretary of Defense.

Section 315: Commission Counsel: Provides the following criteria for persons to be admitted to practice before a commission: 1) U.S. Citizen, 2) has been admitted to practice law in a State, district, territory or possession of the United States or before Federal Court, 3) has not been disciplined by any court, bar or other competent governmental authority for misconduct, 4) maintains a minimum of "secret" clearance and 5) signs a written agreement to comply with all applicable regulations aid instructions for counsel during the course of proceedings. It further provides persons admitted to practice will not confer with any colleague who does not have at least a "secret" clearance. This section provides that individuals seeking to practice before a commission will be expedited in consideration for obtaining the necessary security clearance. The decision of the Secretary of Defense regarding the granting or not of the security clearance is final and is not eligible for appeal or review. Finally, this section provides that persons practicing before the commission are eligible to have their travel expenses reimbursed.

By Mr. HARKIN:

S. 3615. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, I am introducing the Safe and Fair Enforcement and Recall for Meat, Poultry, and Food—SAFER—Act. This legislation will protect consumers from contaminated meat and poultry by giving the Department of Agriculture, USDA, and the Department of Health and Human Service's Food and Drug Administration, FDA, greater authority to remove unsafe products from the market.

If enacted, the bill would give USDA and FDA the following three key tools in keeping food safe for consumers: authority to mandate that a company recall unsafe meat, poultry, and food products if a company fails to voluntarily recall unsafe or unwholesome food; require companies to notify USDA or FDA if they know a product is adulterated or misbranded; and authority to USDA and FDA to levy civil penalties if a company violates federal meat, poultry, or food laws. USDA and FDA are lacking fundamental authorities to maintain a safe and secure food supply. This legislation would change that.

Foodborne illness continues to be a far too common problem in the United States. The Centers for Disease Control and Prevention, CDC, estimate that each year 76 million illnesses, 325,000 hospitalizations, and 1,800 deaths can be attributed to foodborne diseases. USDA's Economic Research Service estimates that the cost of foodborne illness is $6.9 billion a year in medical costs, productivity losses, and premature deaths. Even in the face of such numbers, companies say USDA and FDA do not need more effective tools to enforce food safety standards. They say the food industry is compliant with voluntary recalls. It is true most companies do comply, but there have been problems and delays in recalls. The problem is, USDA and FDA have no backup authority to order a recall if the company refuses. What happens then? Without this legislation, USDA and FDA have to lose precious time to get unsafe product off the shelves. Another criticism of this legislation is that it would give USDA too much power to mandate recalls, and may even push the Department to go too far. However, the bill has a procedure for due process, so that if a company has evidence that a recall or civil penalties are unjustified, they are appealable before an administrative law judge.

In addition to mandatory recall authority, the authority to levy a financial penalty if a company does not comply with our food safety laws is crucial to enforcing the standards. Civil penalties are an effective deterrent to stop violators and are already used to enforce analogous federal safety standards. Currently, USDA and FDA can only withdraw inspectors and shut down a plant that repeatedly or willfully violates our meat, poultry and food laws, which can often be a lengthy and costly process. Such drastic action is very seldom even taken. The ability to levy civil penalties gives USDA and FDA a much-needed tool for ensuring compliance with our food safety laws.

USDA recently proposed a rule to provide the public with valuable information about meat and poultry that is voluntarily recalled. The rule will disclose the names and locations of stores where such products have been sold. While I believe this is a step in the right direction, it is not enough to protect consumers. This USDA rule does little more than place the burden on consumers to protect their families or themselves from foodborne illnesses. The SAFER Meat, Poultry, and Food Act would act as a complement to this USDA proposal, and would give USDA, as well as FDA, the power to enforce the food safety standards they have set. I urge my colleagues to support this legislation to protect the American consumer.

By Mr. SCHUMER (for himself, Mr. SMITH, Mr. BOND, Mr. REED, Mrs. MURRAY, and Mr. SARBANES):

S. 3616. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged; to the Committee on Finance.

Mr. SCHUMER. Mr. President, today I rise to introduce mine and Senator GORDON SMITH's bill, The Affordable Housing Preservation Act of 2006. Our bill provides a solution to preserve federally assisted affordable multifamily housing.

I want to thank all of our colleagues— Senators BOND, REED, MURRAY, and SARBANES—for realizing the importance of this issue and agreeing to cosponsor our legislation.

I have often said that few Federal programs have helped mothers and fathers keep their families together more than our low income and public housing programs. And while I always fight to make sure New York and the country at large gets all the money it can from Washington, frankly I am not the kind of elected official who believes that all government programs are equally good. But low income housing programs are some of the best things our government has ever done to help families, mothers, the elderly, and the disabled.

Unfortunately—the current housing climate has reached a crisis point and the good that we are doing just is not enough anymore. Consider that in 2001, 95 million people—a whopping one third of the nation—had housing problems: ranging from high cost burden, to overcrowding, to poor quality, or worse to homelessness.

In the same year, 41 million people, 14.6 percent of the U.S. population, were without health insurance and 12 percent of all people in the U.S.—33.6 million—lacked food security. These are all interrelated. If rent is too high—you go without health insurance. Maybe you trim down spending on groceries.

Sixty-five million Americans with housing problems are low income, and 87 percent of them face high housing cost burdens. In New York, the numbers are even worse. New York State ranks 47th out of the 50 States in renter affordability.

Across the board, housing problems are plaguing low income people who live in both renter and owner households, and by people in all age groups, including children and seniors.

The bottom line is that twice as many people who lack health insurance and three times more people who struggle on a regular basis to put food on their table have housing problems.

But for whatever reason, the housing issue does not attract the same level of public concern and political attention as other programs. And that's why housing programs have been cut back by more than just about any other program over the last decade.

Whenever I speak to New Yorkers—there is a common refrain: from gas prices to milk costs to rent hikes, the cost of living in New York keeps going up and up.

It is a demonstrated pattern and we have worked diligently to try to defend every penny. We have had some successes but it is a yearly battle and I unfortunately have no doubt that we will continue to fight to defend every penny of funding for housing programs.

But scraping our pockets for money is not enough. I served on the Housing Subcommittee for my entire 25 years in Congress and I'm tired of just playing defense and preventing things from happening.

If we want to actually get something done to improve the housing market and prospects for millions of low income families we've got to not just be satisfied with a good defense.

What we need right now is a good offense. As the newest member on the Senate Finance Committee in addition to my current post on the Banking, Housing and Urban Affairs Committee, I intend to use this position to help fight for housing and particularly new funding for housing for New York and America.

Today I am introducing legislation with my fellow Finance Committee member, Senator GORDON SMITH—proposing that we bring this fight to a playing field many more are comfortable on. We should focus on housing tax incentives rather than just relying solely on new spending to expand the number of affordable housing units.

Since its inception the Tax Reform Act of 1986, the low-income housing tax credit, for example, has helped build and convert 1.6 million apartments with rents affordable to low income families, by providing investors in affordable housing developments with a dollar-for-dollar reduction in their Federal tax liability.

We anticipate that the Affordable Housing Preservation Act of 2006 will afford renters and developers similar benefits. Our legislation will work to ensure that we can preserve the current supply of affordable housing by providing tax relief to owners.

At the moment the inadequate present stock of affordable housing might shrink even further—much of it was built in the 60s and 70s and is aging and needs to be rehabilitated.

Under normal circumstances—developers who own this housing and have no interest in rehabilitating it themselves would sell it to another developer who would refinance and rehabilitate it for affordable housing.

But because a so called "exit tax" is placed on any developer who plans to sell their subsidized property—more and more are deciding not to sell and to just sit on the property until they die.

Let's say back in the 70s Developer Dan purchased a plot of land in Queens for $200,000 and built $800,000 worth of affordable housing on it—for a total investment of $1 million.

At the time, Developer Dan was able to secure tax benefits as part of the accelerated tax depreciation program and was able to deduct 70 cents on every dollar invested in affordable housing over a 15-year period.

So now in 2004 his accelerated depreciation has expired and Dan is getting on in his years and wants to sell the property—simply to break even and get out of the business.

But he can't do it very easily. If Dan sells the property for $1 million he must then pay an exit tax. The exit tax for Dan will be 25 percent applied to the building that was subsidized. So Dan must pay a $200,000 tax when he sells the building. That is not a very appealing situation for our friend Dan.

So Dan entertains two other options—instead of keeping the units as affordable housing he sells his property into the traditional housing market where he can garner a greater price which includes the amount of the exit tax but removes the units from the affordable housing market.

Or even more likely, Dan holds onto the property and neglects its upkeep at a detriment to his tenants and waits until he dies because then the tax consequence is erased. The property is likely sold in the traditional market and lost to the affordable housing community.

The Local Initiatives Support Coalition estimates that there are 1 million housing units held in this manner because owners are unwilling to sell and take on the new tax burden.

That is 1 million housing units—many of which are rapidly deteriorating and not providing good homes for the people who are living in them and one million units that will eventually be removed from the affordable market if we don't do something to make it easier and more attractive for affordable housing owners to sell their properties to other affordable housing developers.

So today, we are proposing a plan to waive exit taxes for owners who sell their properties to buyers who agree to keep the properties affordable for no less than 30 years. It is a simple fix—and one that could save us 1 million affordable housing units.

While we await a full scoring of our proposal from the CBO, our back of the envelope estimate shows that waiving the exit taxes to preserve this supply of affordable housing represents a $422 million incentive program over a 10-year period.

We hope this bill will move quickly, especially since we have clear support in both the House and the Senate. Congressman JIM RAMSTAD has introduced a similar bill on the House side. In addition, we have widespread support from the housing, real estate and investment community

Before I close I want to make clear—this and similar types of housing tax proposals are not meant to replace funding for current housing programs. We will still fight for full funding of every housing program—from section 8 to CDBG. We just need to modify our strategy and operate more on the offense rather than the defense.

Mr. SMITH. Mr. President, I rise to join Senator SCHUMER in offering legislation that will help maintain our Nation's affordable housing inventory. Our country's stock of affordable rental housing is shrinking. Every day, we lose affordable units to rent increases, deterioration, and conversions to market-rate housing or commercial use. For millions of Americans, this means that it is getting harder to put a roof over their family's heads and food on the table.

In 2000—recognizing that we had a looming crisis—Congress established the bipartisan Millennial Housing Commission. The Commission was tasked with studying the importance of affordable housing to the infrastructure of the United States as well as the various methods to increase the effectiveness and efficiency of the private sector's role in providing affordable housing.

The bill Senator SCHUMER and I are introducing is based on a recommendation by the Millennial Housing Commission. Our bill would waive the depreciation recapture tax liability if investors sell their property to owners who will preserve the property as affordable housing for 30 years. Through a simple change in the Tax Code, our bill will help preserve the federally assisted affordable housing stock of the United States at a minimal cost to the Federal Government. This proposal is supported by a broad coalition of affordable housing advocates, including the National Housing Conference, the National Housing Trust, the National Low-Income Housing Coalition, and the National Council of State Housing Agencies.

According to Oregon Housing and Community Services, OHCS, there are approximately 4,000 households at risk of losing their homes in the OHCS portfolio alone. There are another 6,000 households at risk in section 8 projects not currently in the OHCS portfolio. All of these properties could benefit from the change Senator SCHUMER and I are proposing.

The Neighborhood Partnership Fund of Portland estimates that an additional 215 Rural Housing Service properties with more than 6,000 units in Oregon could also benefit.

I thank the Senator from New York, Mr. SCHUMER, for working with me on this bill. I believe this is important legislation and will help stem affordable housing losses in the United States. I look forward to working with my colleagues to see the legislation passed and signed into law.

By Mrs. CLINTON (for herself, Mr. LEAHY, Mr. JEFFORDS, and Mr. SCHUMER):

S. 3618. A bill to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. CLINTON. Mr. President, it gives me pride and pleasure to introduce revised legislation to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission.

I began this effort with legislation I introduced 4 years ago during the 107th Congress. Because my colleagues in the other body and I were not able to enact our bill that time, we returned in the 108th Congress with new legislation including needed revisions. I now lay down the next version of the bill that incorporates welcomed input and reflects a consensus reached among key leaders who share the goal of honoring important events in our Nation's and New York State's history.

The United States of America has long been celebrated for its leadership in innovation, exploration, and ingenuity. These qualities have been evident dating back as far as 1609 when Englishman Henry Hudson became the first European to sail up the river later named for him in the vessel Half Moon. Also in 1609, French explorer Samuel de Champlain became the first European to see the lake later named for him, as well as the shores in Northern New York and Vermont.

These explorations led to the establishment of trading posts, military posts, and settlements as far south as Lake George. From these early establishments came trade, commerce, cultural, and religious impact deep into the Mohawk Valley and as far west as Lake Erie. These settlements influenced our Nation's history, culture, law, commerce, and traditions of liberty that extend to the present day.

Almost 200 years later, in 1807, Robert Fulton navigated the Hudson River from the city of New York to Albany in the steamboat Clermont, successfully inaugurating steam navigation on a commercial basis. This event helped revolutionize waterborne commerce on the great rivers of the United States and fostered international relations through transoceanic travel and trade.

We are now almost 400 years removed from the voyages of Hudson and Champlain and 200 years removed from the voyage of Fulton. If America intends to continue in its role as a world leader in innovation, exploration, and ingenuity, it is important that we provide a suitable observance of those before us who have contributed to what our nation is today.

The Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission represents a unique opportunity to celebrate New York, Vermont and America's glorious heritage. In 1909, Americans celebrated the 300th anniversaries of these events with maritime celebrations and art exhibitions. The Dutch built the first replica of Hudson's ship, the Half Moon, and sent it up the Hudson River for the observance. In 1959, Congress recognized the 350th anniversary by establishing a similar commission to coordinate federal participation in the celebrations.

I ask that the Senate come together not only to honor these events that have contributed to our past, but to celebrate the effects they will have on our future.

By Mr. LEVIN (for himself, Mrs. DOLE, Mr. REED, Mr. JEFFORDS, Mr. VOINOVICH, and Mr. MARTINEZ):

S. 3620. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I introduced the Brownfields Redevelopment Enhancement Act of 2006 with Senators DOLE, REED, JEFFORDS, VOINOVICH, and MARTINEZ. This bill would allow the U.S. Department of Housing and Urban Development to assist communities in transforming idle brownfield sites into productive uses. Brownfields are abandoned or underused industrial and commercial properties where redevelopment is complicated by real or perceived environmental contamination. More than 450,000 of these sites taint our Nation and limit the economic growth of communities. Brownfields redevelopment can provide new opportunities for businesses, housing, and recreational spaces such as urban parks.

Brownfields redevelopment is a fiscally sound way to bring investment back to neglected neighborhoods, clean up the environment and maximize use of existing infrastructure. My home State of Michigan has benefited from hundreds of brownfields redevelopment projects, and this bill would help to ensure that federal tools are in place to continue with these successes in Michigan and throughout the Nation.

The Brownfields Redevelopment Enhancement Act would provide the Department of Housing and Urban Development with new tools to spur brownfields redevelopment. This bill would provide local governments with increased accessibility to HUD's Brownfields Economic Development Initiative grants by allowing HUD to make brownfields grants without requiring that communities pledge their future community development block grant funds as collateral. Removing this restriction from the HUD Brownfields Economic Development Initiative program would allow many more communities, especially smaller communities, to participate in the program. The bill also adopts the definition of brownfields used by the EPA, which would bring greater consistency and clarity to the federal government's brownfields programs.

The bill authorizes $50 million annually for this important Federal program, which provides funding for a wide variety of brownfield redevelopment activities—from site remediation to construction. Supporters of this bill include the U.S. Conference of Mayors, the National Association of Home Builders, the National Association of Industrial and Office Properties, the Real Estate Roundtable, the National Association of Development Organizations, the Northeast-Midwest Institute, the National Association of Local Government Environmental Professionals, the Associated General Contractors of America, the National Association of Real Estate Investment Trusts, and the Environmental Bankers Association.

I want to thank my Senate colleagues for working with me on this bill, and I want to especially thank Jack Reed who played a key role in the early drafting of the bill.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brownfields Redevelopment Enhancement Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) grants under the Brownfields Economic Development Initiative of the Department of Housing and Urban Development provide local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development, and other activities;

(2) to be eligible for such grant funds, a community must be willing to pledge community development block grant funds as partial collateral for a loan guarantee under section 108 of the Housing and Community Development Act of 1974, and this requirement is a barrier to many local communities that are unable or unwilling to pledge such block grant funds as collateral; and

(3) by providing grants for the economic development of brownfield sites independent from section 108 loan guarantees and the related pledge of community development block grant funds, more communities will have access to funding for redevelopment of brownfield sites.

(b) Purpose.—The purpose of this Act is to provide units of general local government and Indian tribes with increased accessibility to brownfields redevelopment funds by permitting the Secretary of Housing and Urban Development to make grants for brownfields development independent from section 108 loan guarantees.

SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following new section:

"SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.

"(a) In General.—The Secretary may make grants under this section, on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545), only to eligible public entities (as such term is defined in section 108(o) of this title) and Indian tribes for carrying out projects and activities to assist the development and redevelopment of brownfield sites, which shall include mine-scarred lands.

"(b) Use of Grant Amounts.—Amounts from grants under this section—

"(1) shall be used, as provided in subsection (a) of this section, only for activities specified in section 105(a) in connection with a brownfield site;

"(2) shall be subject to the same requirements that, under section 101(c) and paragraphs (2) and (3) of section 104(b), apply to grants under section 106; and

"(3) shall not be provided or used in a manner that reduces the financial responsibility of any nongovernmental party that is responsible or potentially responsible for contamination on any real property and the provision of assistance pursuant to this section shall not in any way relieve any party of liability with respect to such contamination, including liability for removal and remediation costs.

"(c) Availability of Assistance.—The Secretary shall not require, for eligibility for a grant under this section, that such grant amounts be used only in connection or conjunction with projects and activities assisted with a loan guaranteed under section 108.

"(d) Applications.—Applications for assistance under this subsection shall be in the form and in accordance with the procedures established by the Secretary.

"(e) Selection Criteria.—

"(1) In general.—The Secretary shall establish criteria for awarding assistance under this subsection.

"(2) Criteria.—The criteria established under paragraph (1) shall include—

"(A) the extent of need for such assistance;

"(B) the level of distress in the community to be served and in the jurisdiction applying for assistance;

"(C) the quality of the plan proposed and the capacity or potential capacity of the applicant to successfully carry out the plan; and

"(D) such other factors as the Secretary determines to be appropriate.

"(f) Definition of Brownfield Site.—For purposes of this section, the term 'brownfield site'—

"(1) has the meaning given such term in section 101(39) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(39)); and

"(2) includes a site that meets the requirements under subparagraph (D) of such section for inclusion as a brownfield site for purposes of section 104(k) of such Act (42 U.S.C. 9604(k)).

"(g) Authorization of Appropriations.—There are authorized to be appropriated for grants under this section $50,000,000, for each of fiscal years 2007, 2008, 2009, 2010, and 2011.".

SEC. 4. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG FUNDS TO ADMINISTER RENEWAL COMMUNITIES.

Section 105(a)(13) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(13)) is amended by inserting "and renewal communities" after "enterprise zones".

SEC. 5. APPLICABILITY.

The amendments made by this Act shall apply only with respect to amounts made available for fiscal year 2007 and fiscal years thereafter for use under the provisions of law amended by this Act.

Mrs. DOLE. Mr. President, across North Carolina and our Nation, many local communities face the challenge of what to do with blighted lands where factories and businesses once thrived. Though abandoned, these sites still hold great promise for prosperity. In fact, around the country, deserted, contaminated industrial facilities, called brownfields, are being reclaimed, cleaned up and redeveloped. Communities are partnering with the private sector and State and Federal agencies to turn brownfields into productive sites that promote economic growth and job creation.

With nearly 1 million brownfields remaining in the United States, we need to strengthen these important public-private partnerships. That is why I am very pleased to introduce the Brownfields Redevelopment Enhancement Act with my colleagues, Senators Martinez, Levin, Reed, Voinovich, and Jeffords. This legislation will enable more local communities to use grant funding from the Department of Housing and Urban Development's Brownfields Economic Development Initiative, BEDI, program to literally unearth opportunity.

For several years, HUD has provided more than $200 million to local governments in BEDI grants of up to $3 million to support demolition, site clearance, site preparation, infrastructure upgrades, and redevelopment activities that are needed to transform brownfields into productive sites once again. This HUD support for brownfields projects is critical because redevelopment requires more than the environmental assessment and cleanup funding that is provided by the U.S. Environmental Protection Agency.

BEDI grants generate tremendous private investment in brownfields redevelopment. In fact, every dollar in BEDI grant funding generates 10 dollars in private sector support for brownfields projects. Still, these funds could be provided in a much more effective way. Currently BEDI grants are available only if they are coupled with HUD section 108 loan guarantees, typically in a high loan-to-grant ratio. These section 108 loans must be backed and collateralized by the local government's future allocations of HUD community development block grant, CDBG, funds. This requirement is unworkable for many communities. For smaller localities that do not have an entitlement to CDBG funds, BEDI funds are very difficult to obtain. And larger CDBG entitlement communities also have great difficulty in obtaining BEDI funding, either because they have reached their allowable CDBG borrowing limit or because the demand for scarce CDBG funding is so great.

The legislation we introduce today would amend the Housing and Community Development Act of 1974 by untying the BEDI program from the requirement to obtain Section 108 loans, thus making BEDI funding more accessible for communities large and small. The legislation also would authorize

$50 million in annual HUD grant funding for brownfields projects.

Communities around the country, including many in my home State of North Carolina, would benefit tremendously from this adjustment in BEDI grant requirements. For example, Wilson, N.C. wants to clean up and redevelop 30 acres of vacant tobacco warehouses in the downtown district. But because Wilson is not a CDBG entitlement community, these BEDI funds currently are unattainable under the section 108 requirement. And in Winston-Salem, city leaders seek to make a corridor of underutilized brownfield land into part of the Piedmont Triad Research Park, a global center for life science and medical technology. Winston-Salem, though a CDBG entitlement city, cannot access any additional BEDI funding because the city is nearing its CDBG debt guarantee limit. The legislation we propose today would remove these barriers for places like Wilson and Winston-Salem and enable our communities to turn great visions for economic development into reality.

The House of Representatives has already approved a similar measure to spur brownfields cleanup, and this legislation is broadly supported by many localities and private sector organizations, including the U.S. Conference of Mayors, the National Association of Development Organizations, the National Association of Local Government Environmental Professionals, the National Association of Homebuilders, the Associated General Contractors of America, the National Association of Industrial and Office Properties, the National Brownfield Association, the Real Estate Roundtable, the National Association of Real Estate Investment Trusts, and North Carolina-based Cherokee Investment Partners.

With such strong support—in Congress and in communities across the Nation—for this improvement to the BEDI program, I urge the Senate to act swiftly on this legislation. Brownfields revitalization projects are models of successful public-private partnering, and we at the Federal level must do our part to encourage and enable these endeavors to continue.

By Mr. REID:

S. 3621. A bill to permit certain local law enforcement officers to carry firearms on aircraft; to the Committee on Commerce, Science, and Transportation.

Mr. REID. Mr. President, I rise today to reintroduce legislation I originally introduced last Congress, a bill to make air travel safer by allowing local law enforcement to carry their firearms on aircrafts, the Safer Skies Act of 2006.

This legislation is needed to increase the safety of our airplanes, as well as to make it easier for local law enforcement to travel across the county. Whether on official travel or personal travel, Federal law enforcement officers are allowed to carry firearms with them throughout their flights. The legislation I am introducing today would extend the same privilege—and responsibility—to local law enforcement officers.

Ever since the horrific terrorist attacks that occurred on September 11, 2001, we have seen how our local emergency responders, including local law enforcement officers, play a vital role in protecting not just their local communities, but the entire Nation. Hurricanes Katrina and Rita are the most recent examples. We think of local law enforcement officers as our Nation's first responders, but they are also the Nation's early preventers. They are the first to identify local crimes that could turn into national attacks. They are the first to report suspicious behavior that could thwart a future terrorist attack. And they are the ones who can keep our nation safe by stopping a terrorist threat before it becomes an attack. Their eyes, ears and experience are critical to our national security, and that includes on airplanes.

Hundreds, thousands of police officers use the Nation's airlines each day. Authorizing certain qualified local police officers to carry their weapons onto planes, whether on or off duty, will give airline personal access to additional assistance if needed. The unique, long-term training in handling various disturbances including hostage situations, barricaded subjects, drunken persons and the mentally ill will provide added security to our Nation's flights and enhance passenger safety. Authorizing qualified local officers to carry their duty weapons on aircrafts is a way to be proactive in enhancing the security of our Nation's air travel. It will also have a deterrent effect on potential hijackers, knowing their may be more armed law enforcement on any given flight.

A terrorist attack in any city is a national concern. Local law enforcement officers are a crucial element of the plan to protect our Nation. I want to thank the Las Vegas Police Protective Association and the National Association of Police Organizations for their support of this important legislation. In particular, I would like to thank Detective David Kallas, Executive Director Las Vegas Police Protective Association, Detectives Chris Collins and Michelle Jotz, and John Dean Harper for their input and advice.

With their help, we have produced legislation that will keep our country safe, by giving law enforcement the standing they deserve as they continue to protect our hometowns and the nation. I ask unanimous consent that both this letter of support from the National Association of Police Organizations and the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safer Skies Act of 2006".

SEC. 2. AUTHORITY OF LOCAL LAW ENFORCEMENT OFFICERS TO CARRY FIREARMS ON AIRCRAFT.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44926. Authority of local law enforcement officers to carry firearms on aircraft

"(a) IN GENERAL.—Not later than 30 days after the date of the enactment of the Safer Skies Act of 2006, the Under Secretary of Transportation for Security shall prescribe regulations that permit qualified local law enforcement officers to carry accessible weapons while onboard an aircraft to the same extent and subject to the same limits as Federal law enforcement officers are permitted under section 1544.219 of title 49, Code of Federal Regulations, or any successor regulation.

"(b) QUALIFIED LOCAL LAW ENFORCEMENT OFFICER.—In this section, the term 'qualified local law enforcement officer' means any full-time State or local enforcement officer, whether or not on official travel, who—

"(1) is a direct employee of a government agency that—

"(A) employs more than 400 employees; and

"(B) is accredited by a nationally recognized law enforcement accreditation program;

"(2) is armed in accordance with an agency-wide policy established by the employing agency by directive or policy statement; and

"(3) otherwise complies with the requirements relating to Federal law enforcement officers.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 449 of title 49, United States Code, is amended by inserting after the item related to section 44925 the following:

"Sec. 44926. Authority of local law enforcement officers to carry firearms on aircraft.".

NATIONAL ASSOCIATION OF
POLICE ORGANIZATIONS, INC.,
Washington, DC, June 29, 2006.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the National Association of Police Organizations (NAPO), representing 238,000 rank-and-file police officers from across the United States, I would like thank you for introducing the "Safer Skies Act of 2006," and advise you of our support for the legislation. If enacted, this legislation would provide additional protection to those flying our nation's skies by permitting qualified local law enforcement officers to carry accessible weapons while onboard an aircraft.

NAPO was actively involved in fighting for the passage of the "Law Enforcement Officers' Safety Act," which rightly allows off-duty and retired police officers to carry their firearms for the protection of themselves, their families and our nation's communities. NAPO stands by this law and firmly believes that allowing an officer the right to carry an accessible weapon on a plane is a natural and appropriate extension of this law.

"Safer Skies Act of 2006" is necessary and beneficial for the general welfare of the public, especially after the events of September 11, 2001. NAPO supports the bill and looks forward to working with you to expand its coverage in the future. Ultimately, we feel it is important to include all of our nation's law enforcement officers in order to provide greater protection to the officers and our nation's citizens flying the American skies. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Andrea Mournighan.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

By Mr. CORNYN (for himself and Mr. COLEMAN):

S. 3622. A bill to authorize the President to negotiate the creation of a North American Investment Fund between the Governments of Canada, of Mexico, and of the United States to increase the economic competitiveness of North America in a global economy; to the Committee on Foreign Relations.

Mr. CORNYN. Mr. President, I rise today to introduce legislation—previously introduced in the 108th Congress—which I believe is important to the long-term competitiveness of North America. And I would like to thank my distinguished colleague, Mr. COLEMAN, for his support and recognition of the value of this legislation. He is an original co-sponsor of the bill, and I look forward to working with him and others to ensure its success.

Currently, a significant development gap exists between Mexico and the United States and Canada. I believe it is in our best interests to find creative ways to bridge this development gap.

As my colleagues undoubtedly are aware, Mexico will elect a new President this weekend. When President Fox was elected in 2000 it was a watershed event for Mexico because the election was fair and the transfer of power was peaceful. I hope that the same fair, peaceful process takes place this weekend. So I wish all the candidates well and I look forward to working with the new Administration and the new Congress on issues of mutual importance to our countries.

Considered in the context of history, Mexico has—particularly within the past decade—made significant strides related to its system of government and its trade policies. However, much work remains to be done, and I think it is important that we explore ways to help our neighbor move their development efforts to the next level, to assist them as they continue on a path of prosperity and growth.

I have come to view the creation of a North American Investment Fund as both central to our relationship with Mexico and necessary to ensure the economic prosperity of North America as part of an ever-changing and growing global economy. I hope that this legislation will be a useful vehicle to help jump-start discussions on this very important topic.

My bill authorizes the President to negotiate the creation of a North American Investment Fund with the governments of Canada and Mexico. The fund can only be created if Mexico satisfies two conditions.

First, the Government of Mexico must raise tax revenue to 18 percent of the gross domestic product of Mexico. Their current tax rate is approximately 9 percent.

Second, Mexico must develop and execute a program of economic reforms to increase private investment and economic growth, while also maintaining economic stability in Mexico.

These steps are of the utmost importance because any lasting changes in Mexico must start from within.

The purpose of this fund is to reinforce efforts already underway in Mexico to ensure their own economic development. The funding would make grants available for projects to construct roads in Mexico to facilitate trade, to develop and expand their education programs, to build infrastructure for the deployment of communications services and to improve job training and workforce development for high-growth industries.

As I have mentioned on several occasions, I have heard from Mexico leaders who say they want desperately to "export goods and services, not people" to our country. Well, I think we all recognize that opportunity in one's home country and immigration are linked, and I believe we should be more involved in helping to promote the strength and stability of our neighbors.

Development provides a positive and stabilizing influence on economies, on government institutions, and also on immigration. We've seen, in past years, a steady flow of immigrants—particularly undocumented workers—coming across our borders. A vast number of these immigrants are here to work hard so they can send money home to their families and relatives. They may be well-intentioned, but at the same time, these hard workers are doing nothing to help their own economies.

Mexico does not want the most entrepreneurial members of its society to permanently leave. What it wants most of all is for economic development to grow in their region, so that citizens would have real opportunities to stay and grow the economy there. But with the entrepreneurs and risk-takers coming to the United States, Mexico cannot hope to improve its own economy.

Economic growth creates new jobs and raises incomes. This growth lifts people out of poverty even as it spurs positive economic reform. The potential for good is nearly limitless; as with such a fund we could spur sustainable development, strengthen private property rights, while also encouraging competition, regional integration, the open flow of technology.

So the best solution for all of us is a Mexico economy that is vibrant—and one important way is to ensure its continued development of infrastructure and resources. The legislation I am proposing today would encourage this development, and I urge my colleagues to support it.

I have no illusions that Congress will move quickly to approve the idea of a North American Investment Fund. In fact, I think it will likely take some time to make our case regarding the important role this fund would play in helping spur much-needed reforms in Mexico. But this investment in Mexico's future will only serve to contribute to a more stable and prosperous North America, which should be a goal we all work to actively support.

It is important that we consider not only what is immediately feasible, but also what is ultimately desirable—the ultimate goal—in terms of the relationship between our three countries, and so I urge my colleagues to cosponsor this important legislation.

By Ms. LANDRIEU:

S. 3626. A bill to amend the Internal Revenue Code of 1986 to provide estate tax relief and reform, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, this is a bill that will reduce the estate tax and reform a system that needs to be reformed. It is an issue that many of us have been working on for several—not only several months but for several years. Leaders on both sides of the aisle and Members on both sides of the aisle have been trying to come up with a compromise position that would be respectful of the fiscal situation of our country and also mindful that this tax in its current form, at least the rates and the way it is applied in its current form, can simply not be sustained. It makes no sense for this tax to be in place 1 year and go completely away the next year and then come back in the next year at a completely different rate.

We have been trying to make this much more simple for taxpayers who have to comply with it and much more fair so that it is not a discouragement for people who want to start businesses at later years. We want to try to be fair to the Federal Treasury and to the many demands.

At one point, I supported the total repeal of this tax. That one time was when we were running a surplus and before we were engaged in the wars in Afghanistan and Iraq. The war in Iraq is costing this country approximately $4 billion to $6 billion a month. It has been going on for 3 years. Unfortunately, there does not seem to be an end in sight because things are not going as well as many of us had hoped. We must continue to make a priority of this Nation supporting our men and women in uniform—whether they are here at home or in Iraq in the frontline or in Afghanistan in the frontline or other frontlines around the world. So we simply cannot afford to repeal this tax. It takes too much money out of the Treasury at a time when we need it to support our troops. Most Americans, regardless of how they feel about the war, realize we need the money to support our troops and keep them safe and help bring them home as soon as possible.

I offer this bill in the spirit of compromise. Hopefully, it will give some guidance to those who may be looking for something they can support, that costs significantly less than what Chairman THOMAS has proposed, what Senator KYL has proposed, and what others have proposed, yet gives that assurance to businesses that they will not have to pay a fluctuating rate.

The most important thing I think my bill does is it completely eliminates the estate tax for 99.9 percent of the people in Louisiana and a great percentage of people throughout the country. If you are an estate of less than $10 million, you will pay no tax. If you are a single person with $5 million or an estate worth $10 million, you have to pay income tax, you will pay capital gains tax, you will pay payroll tax, you will pay a lot of other taxes that come with the rights and privileges of being an American citizen, but you will not pay an estate tax. Only those estates over $10 million will pay the tax. And those over $100 million—which I would call superstates—would pay a little more than those that are in the middle.

As a Democrat and as a Senator, I believe in a free enterprise system where people can make money and benefit from their hard work. We need to balance between the individual's right to keep as much money as they can make and the Nation's needs to conduct wars, to protect our borders, to protect our coasts, to build our highway system—which is 50 years old today and certainly did not get built on a wish and a prayer. It got built with good design, good political will, and a lot of money that went into building that highway system that we can be proud of. It needs to be improved.

So for those who say every American should be able to keep all the money they make, I don't know who would keep the public sector that does so much good—from the men and women in uniform, to building the highways, to keeping our air clean and water clean, and other things that we depend on Government to help operate and collect in a sensible way.

I offer this in a spirit of compromise. It is something I certainly can support, and I look forward to working with my colleagues as we move through this recess to come to terms with something that is fiscally responsible and also cognizant of trying to get this tax leveled so people can plan on what they are going to have to pay and it will not become a burden on anyone and so everyone can plan, even those with a great deal of money.

By Mr. OBAMA:

S. 3627. A bill to prohibit the Department of Defense and the Department of Energy from selling, distributing, or transferring elemental mercury, to prohibit the export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, last December, the Chicago Tribune published an in-depth report on the extent of mercury contamination in the fish eaten by the American people.

As I am sure my colleagues know, mercury is a potent neurotoxin that can cause serious developmental problems in children, ranging from severe birth defects to mental retardation. As many as 630,000 children born annually in the U.S. are at risk of neurological problems related to mercury.

In adults, mercury can cause major neurological problems affecting vision, motor skills, blood pressure and fertility. As many as 10 percent of women in the U.S. of childbearing age have mercury in their blood at a level that could put a baby at risk.

Mercury, in short, is a poison, and it often reaches humans through the fish that we eat.

Sampling conducted by the Tribune showed surprisingly high levels of mercury concentrations in freshwater and saltwater fish purchased by Chicago area consumers—fish like tuna, swordfish, orange roughy, and walleye. The Tribune series also reported on how existing programs at the Food and Drug Administration and the Environmental Protection Agency have failed to adequately test and evaluate mercury levels in fish.

As someone who regularly eats fish, I was surprised at the range of species with high mercury levels in the Tribune tests. Fish is an excellent source of nutrients and other compounds indispensable for good health. More of us should eat more fish. But for all Americans—and especially pregnant women and other at-risk groups—there are risks to eating fish with high mercury levels. That's why we need to work harder to get at the root causes of mercury contamination.

You see, the long-term solution isn't eating less fish, or issuing consumption advisories, or printing labels on tuna cans, or posting placards at the supermarket. If we're really serious about making fish safer to eat, we need to reduce the amount of mercury in fish, which means reducing the amount of mercury used in industry.

But, the solution can't be just a U.S. one. Half of mercury settles near where it is emitted and the other half gets transported around the globe—often settling in oceans, lakes, and rivers nowhere near mercury sources. For that reason, we need a comprehensive, global strategy, and the two bills I am introducing today are designed to be part of that strategy.

My first bill, the Mercury Market Minimization Act, or M3 Act, establishes a ban on U.S. exports of mercury by the year 2010. Such a ban, when coupled with a European Union proposal to ban mercury exports by 2011, will constrain global supply of commercially available mercury in sufficient quantities that developing nations that still use mercury will be compelled to switch to affordable alternatives to mercury that are already widespread in industrialized nations.

My second bill, the Missing Mercury in Manufacturing Monitoring and Mitigation Act, or M5 Act, requires the remaining eight of more than 30 chlor-alkali plants in the United States to complete the transition from mercury to alternative technologies.

Chlor-alkali facilities manufacture chlorine gas and caustic soda, important chemicals that serve as the building blocks of many of the products and plastics essential to modem everyday life. For decades, mercury was a key component in the chlorine process, but today, more than 90 percent of the chlor-alkali industry has switched to an alternative catalyst. Only eight chlor-alkali plants remain in the U.S. that still use mercury. The chlorine industry has instituted voluntary policies to help capture and reduce mercury missions into the atmosphere—with laudable success. The time has come, however, to finish these upgrades and end the use of mercury in the chlor-alkali process.

The amount of mercury emitted or lost by these eight chlor-alkali plants rivals the amount of mercury emitted by all of the coal-fired plants in the United States. In 2003, the average chlor-alkali facility released 1,055 lbs. of mercury into the air—six times as much as the 183 lbs. of mercury released by the average coal-fired powerplant. And it is likely that the actual amount of mercury released by chlor-alkali plants is even higher because of emissions that escape through unmonitored ventilation systems and other leaks.

The M5 Act also solves another gap in the current system: it puts procedures in place to track and report mercury input and output statistics in the chlor-alkali industry. The evidence suggests that between 2000 and 2004, the industry could not account for more than 130 tons of mercury, in addition to the 29 tons that were released into the environment. The EPA calls this "an enigma." The M5 Act puts an end to this enigma and requires documented tracking of mercury.

Although this bill deals with chlor-alkali plants, it's important to acknowledge that coal-fired powerplants are a significant contributor to the mercury in our atmosphere. We must continue to pursue balanced policies that address those emissions, but our policy approaches on mercury cannot single out coal-fired power plants alone. In truth, the largest source of global mercury contamination is the continued worldwide use of mercury in developing countries, particularly in gold mining and general industry, even thought there are proven and economically viable mercury substitutes.

Mr. President, I believe these two bills will go a long ways towards improving the health of the American people. I urge the swift enactment of these bills.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mercury Market Minimization Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury and mercury compounds are highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of mercury and mercury compounds on the world market, at relatively low prices and in ready supply, encourages the continued use of mercury outside of the United States, often involving highly dispersive activities such as artisinal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of mercury exports globally;

(11) the European Union is in the process of enacting legislation that will prohibit mercury exports by not later than 2011;

(12) the United States is a net exporter of mercury and, according to the United States Geologic Survey, exported 506 metric tons of mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of mercury from the United States will have a notable affect on the market availability of mercury and switching to affordable mercury alternatives in the developing world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF MERCURY BY DEPARTMENT OF DEFENSE OR DEPARTMENT OF ENERGY.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

"(f) MERCURY.—

"(1) PROHIBITION ON SALE, DISTRIBUTION, AND TRANSFER BY DEPARTMENT OF DEFENSE.—Effective as of the date of enactment of this subsection, the Secretary of Defense may not convey, sell, distribute, or otherwise transfer to any other department or agency of the Federal Government, any State or local government, or any private person or entity any elemental mercury under the control or jurisdiction of the Department of Defense.

"(2) PROHIBITION ON SALE, DISTRIBUTION, AND TRANSFER BY DEPARTMENT OF ENERGY.—Effective as of the date of enactment of this subsection, the Secretary of Energy may not convey, sell, distribute, or otherwise transfer to any other department or agency of the Federal Government, any State or local government, or any private person or entity any elemental mercury under the control or jurisdiction of the Department of Energy.

"(3) EXCEPTION.—The prohibitions in paragraphs (1) and (2) shall not apply to the transfer of elemental mercury to any storage or other facility established under section 12(c)(3).".

SEC. 4. PROHIBITION ON EXPORT OF MERCURY.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c) PROHIBITION ON EXPORT OF MERCURY.—

"(1) ELEMENTAL MERCURY.—Effective January 1, 2010, the export of elemental mercury from the United States is prohibited.

"(2) EXTENSION OF PROHIBITION TO MERCURY COMPOUNDS.—

"(A) IN GENERAL.—Beginning on January 1, 2010, the President may prohibit the export of any mercury compound from the United States as necessary—

"(i) to avoid subversion of the mercury ban; and

"(ii) to achieve the full force and effect of the prohibition under paragraph (1).

"(B) NOTICE TO CONGRESS.—

"(i) IN GENERAL.—If the President exercises the authority in subparagraph (A), the President shall notify Congress.

"(ii) REQUIREMENTS.—A notification under clause (i) shall describe—

"(I) each mercury compound the export of which from the United States will be prohibited; and

"(II) a justification of the prohibition of export of each compound.

"(3) STORAGE OF EXCESS MERCURY.—

"(A) ESTABLISHMENT OF STORAGE CAPACITY.—In order to implement the prohibition on the export of elemental mercury under paragraph (1) and the prohibition, if any, on the export of mercury compounds under paragraph (2), the President shall establish the capacity (including 1 or more storage facilities) to store safely such elemental mercury and mercury compounds covered by the prohibitions as are in excess of quantities necessary for domestic consumption.

"(B) REGULATIONS.—The establishment and operation of facilities to provide the capacity required by subparagraph (A) shall be governed by such regulations as the President may prescribe for purposes of this paragraph.

"(4) INAPPLICABILITY OF UNREASONABLE RISK REQUIREMENT.—Subsection (a) shall not apply to this subsection.".

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. KERRY):

S. 3628. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I am introducing another piece of legislation with Senator FEINSTEIN that addresses the critical issue of the Nation's energy policy, the EXTEND the Energy Efficiency Incentives Act of 2006. The Senator from California and I have come together once again—given where we are as a Nation in terms of reliance on foreign oil, the historically high costs of energy, the state of our environment, and the status of our technological know-how—to introduce realistic, doable legislation that represents one of the best opportunities for developing bipartisan consensus on tax policy to further securing our Nation and its future.

The EXTEND Act, also cosponsored by Senator KERRY, takes a comprehensive and practical approach to assure that America gets the maximum possible energy savings and relief from high energy prices at the lowest cost. It builds on the incentives for efficient buildings adopted in the Energy Policy Act of 2005, EPAct 2005, and modifies them where necessary to achieve these policy goals.

The bill extends the temporary tax incentives for energy efficiency buildings established in EPAct 2005, providing 4 years of assured incentives for most situations, and some additional time for projects with particularly long lead times, such as commercial buildings. A sufficient length of time is needed by the business community to make rational investments. The bill is meant to incentivize not discourage. I want to encourage businesses to make investments to qualify for energy efficiency tax incentives. Commercial buildings and large residential subdivisions have lead times for planning and construction of 2 to 4 years. This is why the EXTEND Act provides 4 years of assured incentives for most situations, and some additional time for projects with long lead times.

I am pleased to have the support of Finance Committee Chairman GRASSLEY for crafting the correct policy for large-scale commercial projects, recognizing that these large commercial building projects take years to design and build. As a mater of fact, I entered into a colloquy with the chairman the day EPAct 2005 passed the Senate and received his assurance that he will continue to work with me to make this a long-term policy of the Tax Code.

Also, the EXTEND Act makes modifications to the EPAct 2005 incentives so that the incentives are not based on cost but based on actual performance. These are measured by on-site ratings for whole buildings and factory ratings for products like solar water heaters and photovoltaic systems as well as air conditioners, furnaces, and water heaters. The EXTEND bill provides a transition from the EPAct 2005 retrofit incentives, which are based partially on cost and partially on performance, to a new system that can provide larger dollar amounts of incentives based truly on performance.

The Snowe-Feinstein legislation also extends the applicability of the EPAct 2005 incentives so that the entire commercial and residential building sectors are covered. The current EPAct 2005 incentives for new homes are limited to owner-occupied properties or high rise buildings. Our bill extends these provisions to rental property and offers incentives whether the owner is an individual taxpayer or a corporation. This extension does not increase costs significantly, but it does provide greater fairness and clearer market signals to builders and equipment manufacturers.

I have worked hard over the past 5 years for performance-based energy tax incentives for commercial buildings—one-third of energy usage is from the building sector, so there are great energy savings to be made with the extension of these incentives. My energy efficiency tax incentives provisions for commercial buildings that came to fruition in the EPAct 2005 were tasked to Treasury to promulgate regulations to harmonize with the law. On June 2, 2006, the Internal Revenue Service issued guidance on how to comply with section 179D of the Internal Revenue Code establishing a deduction for commercial buildings that achieve a reduction in energy consumption of 50 percent.

Unfortunately, the guidance is inadequate, according to energy efficiency experts, which may stem from the fact that we are into some uncharted territory and there may be a basic lack of understanding of what it takes to make energy efficiency tax incentives work, and specifically those based on performance, not cost. It is critical that the IRS guidance is written correctly so as to actually incentivize greater energy efficiencies while making sure any guidance promotes the best use of taxpayer dollars. I brought these issues to the attention of the now Secretary of the Treasury Paulson at his nomination hearing in the Senate Finance Committee on June 27, and I look forward to working with his people at Treasury to resolve these important issues relating to the IRS guidance.

It is reasonable to expect many annual benefits after 10 years if we put into place the appropriate incentives. For instance, direct savings of natural gas would amount to 2 quads per year or 7 percent of total projected natural gas use in 2017. And, to this figure must be added the indirect gas savings from reduced use of gas as an electricity generation fuel. Total natural gas savings would be 35 quads per year, or 12 percent of natural gas supply. Total electric peak power savings would be 115,000 megawatts; almost 12 percent of projected nationwide electric capacity for the year 2017.

In addition, reduction in greenhouse gas emissions would be 330 million metric tons of carbon dioxide annually, about 16 percent of the carbon emissions reductions compared to the base case necessary to bring the U.S. into compliance with the Kyoto Protocol; or roughly 5 percent of projected U.S. emissions in 2017. Also, importantly, the bill will result in the creation, on net, of over 800,000 new jobs.

The value of energy savings should not be overlooked as both business and residential consumers will be saving over $50 billion annually in utility bills by 2017, as a direct result of the reductions in energy consumption induced by the appropriate incentives. Also, the projected decrease in natural gas prices will be saving businesses and households over an additional $30 billion annually.

I would also like to take this opportunity to comment on the Feinstein-Snowe 10 in 10 CAFE standards legislation introduced this past week as the bill is yet another piece for solving the Nation's energy crisis.

The ten in ten measure is straightforward—we increase the average mileage of each company's vehicles fleet by 10 miles per gallon in 10 years—10 in 10. This would save 2.5 million barrels of oil a day by 2025—the same amount we currently import daily from the Persian Gulf—while eliminating 420 million metric tons of carbon dioxide emissions, a climate change-causing greenhouse gas, from entering the atmosphere.

Certainly, we ought to be able to at least meet these goals. Yet, thus far, Congress and the administration have regrettably sent exactly the wrong message at a time when we have already witnessed a crisis—and that is, a "can't do" attitude, rather than the "can do" spirit that has defined progress in America since our fledgling days as a nation. We have the means, we have seen the demonstrated necessity, we possess the entrepreneurial spirit, what exactly is there left not to get?

There should be no question that increasing fuel economy standards an average of 1 mile per gallon across a manufacturer's fleet for the next 10 years is a challenge to which this country can rise—in fact, it is long overdue. We are long past the point of watching and waiting it out while the U.S. auto makers dither—Congress has a responsibility to provide leadership on this issue by refusing to accept the notion that "this is as good as it gets."

We must reject the administration's request that we just cede to the Department of Transportation our statutory authority to reform CAFE standards for passenger cars—especially as DOT has had the opportunity to increase CAFE standards for SUVs, minivans, and light pickups, but only incrementally increased the miles per gallon to 22.2 mpg by model year 2007 that is an increase of less than 1 mile per gallon. This minimal increase will save less than 2 weeks worth of gasoline each year for the next 2 decades. We can do better and under our legislation we will do better.

A wide variety of experts, including some of those who took part in the 2001 congressionally mandated National Academy of Sciences report on CAFE standards, agree that the most effective action we could take today to decrease the price of gasoline is to increase fuel economy standards for all vehicles—passenger cars and light trucks. Yet the only time we raised fuel economy standards for passenger cars was back in 1976. Think about it—in 1976, our computers were about the size of cars—and now we hold them in the palm of our hand—are we really saying the United States of America doesn't have the technological wherewithal to provide 10 more miles-per-gallon over the next 10 years, at a time when the transportation sector accounts for fully 40 percent of all the Nation's fossil fuel consumption?

Morever, we give manufacturers the flexibility to develop an entire fleet that accomplishes the overall fuel economy standard in the most cost-effective manner—it can be done and it must be done. And with a third of American drivers now considering trading their current vehicle for another that gets great fuel economy, frankly, if our auto makers had embraced higher fuel economy standards when our SUV loophole bill was first introduced in 2001, or way back in the early 1990s when an increase in CAFE was a compelling argument for that decade's energy bill, perhaps the U.S. industry would be in better shape today. Consumers certainly would be.

And how can there be any question—at this time when our reliance on foreign oil has skyrocketed from 44 percent 3 decades ago to 72 percent this year—and prices hover at near historic highs of $70 per barrel—that we must take a page from America's greatest quests—like putting a man on the Moon—to finally reduce our consumption of precious fossil fuels. We are financing the ambitions of radical leaders in some of the most volatile regions of the world to supply the energy to power America's future. This makes no sense—not when our bill, through its resulting fuel savings, would effectively develop Middle Eastern oil production within our own country within just the next 19 years.

Mr. President, these two bills, the EXTEND Act and the 10 in 10 Act, are synonymous with the security of America's future. These bills are two pieces of an overall national energy picture that we need to address now. Consumers throughout the United States, from small businesses to families, are demanding leadership on energy prices. Congress should advance past rhetoric, gimmicks, and photo-ops and move to substantive legislation such as the EXTEND Act and the 10 in 10 CAFE bill. It is imperative that Congress begin these policy discussions—we cannot wait for yet another crisis.

I look forward to working with my Senate colleagues and the administration to provide the American people the leadership they deserve on these issues.

By Mr. FRIST (for himself, Mr. REID, Mr. STEVENS, and Mr. BYRD):

S.J. Res. 40. A joint resolution authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure; considered and passed.

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRINTING OF SUPPLEMENT TO, AND REVISED EDITION OF, SENATE PROCEDURE.

(a) IN GENERAL.—Each of the following documents shall be prepared under the supervision of Alan Frumin, Parliamentarian and Parliamentarian Emeritus of the Senate, and shall be printed and bound as a Senate document:

(1) A supplement to "Riddick's Senate Procedure", to be styled "Frumin's Supplement to Riddick's Senate Procedure".

(2) A revised edition of "Riddick's Senate Procedure", to be styled "Frumin's Senate Procedure".

(b) COPIES.—One thousand five hundred copies of each document described in subsection (a) shall be printed for distribution to Senators and for the use of the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 524—CONDEMNING THE UNAUTHORIZED DISCLOSURE AND PUBLICATION OF CLASSIFIED INFORMATION ABOUT THE TERRORIST FINANCE TRACKING PROGRAM, THE NATIONAL SECURITY AGENCY'S TERRORIST SURVEILLANCE PROGRAM, AND OTHER VITAL COUNTER-TERRORISM PROGRAMS

Mr. CORNYN (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 524

Whereas on June 22, 2006, news organizations publicly disclosed the existence of an ongoing, highly classified national security program to track terrorists' financial transactions, known formally as the "Terrorist Finance Tracking Program";

Whereas the President condemned the unauthorized leak and subsequent publication in the strongest possible terms, calling those acts "disgraceful" and explaining that public disclosure of the Terrorist Finance Tracking Program "does great harm to the United States of America";

Whereas the Secretary of the Treasury noted that this unauthorized leak of classified information and subsequent publication "undermined a highly successful counterterrorism program and alerted terrorists to the methods and sources used to track their money trails";

Whereas similar to the leaks and public disclosure of the National Security Agency's Terrorist Surveillance Program, the disclosure of the Terrorist Finance Tracking Program puts America's terrorist enemies on notice of tactics used to hunt them down and makes defending against further terrorist attacks more difficult;

Whereas Administration officials and the co-chairmen of the 9/11 Commission (a Democrat and a Republican) urged news organizations to refrain from publicly disclosing the existence of the Terrorist Finance Tracking Program because of the probable harm to America's national security;

Whereas there have been no credible allegations of abuse or infringements on civil liberties in the execution of the Terrorist Finance Tracking Program;

Whereas the 9/11 Commission in its Final Report concluded that "information about terrorist money helps us to understand their networks, search them, and disrupt their operations";

Whereas the 9/11 Commission had given the Administration high marks in its pursuit of terrorist-finance networks, and recommended that "vigorous efforts to track terrorist financing must remain front and center in U.S. counter-terrorism efforts"; and

Whereas the United States must remain vigilant in its War on Terror: Now, therefore, be it

Resolved, That—

(1) the Senate joins the President in condemning the damaging leaks and subsequent publication of vital national security information about the Terrorist Finance Tracking Program and the National Security Agency's Terrorist Surveillance Program; and

(2) it is the sense of the Senate that the Department of Justice should vigorously and tirelessly investigate and prosecute any and all persons responsible for the unauthorized disclosure to news organizations of the Terrorist Finance Tracking Program, the National Security Agency's Terrorist Surveillance Program, and other vital counter-terrorism programs.

SENATE RESOLUTION 525—TO AMEND THE STANDING RULES OF THE SENATE TO PROVIDE GREATER TRANSPARENCY IN THE LEGISLATIVE PROCESS

Mr. FEINGOLD (for himself and Mr. OBAMA) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 525

Resolved,

SECTION. 1. SHORT TITLE.

This resolution may be cited as the "Senate Legislative Transparency and Accountability Resolution of 2006".

SEC. 2. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting "1." before "Other";

(2) inserting after "Ex-Senators and Senators elect" the following: ", except as provided in paragraph 2";

(3) inserting after "Ex-Secretaries and ex-Sergeants at Arms of the Senate" the following: ", except as provided in paragraph 2";

(4) inserting after "Ex-Speakers of the House of Representatives" the following: ", except as provided in paragraph 2"; and

(5) adding at the end the following:

"2. (a) The floor privilege provided in paragraph 1 shall not apply to an individual covered by this paragraph who is—

"(1) a registered lobbyist or agent of a foreign principal; or

"(2) is in the employ of or represents any party or organization for the purpose of influencing, directly, or indirectly, the passage, defeat, or amendment of any legislative proposal.

"(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.".

SEC. 3. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting "(A)" after "(2)"; and

(2) adding at the end the following:

"(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.".

SEC. 4. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) IN GENERAL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

"(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

"(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

"(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

"(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

"(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

"(iv) registered lobbyists will not participate in or attend the trip;

"(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

"(i) a detailed itinerary of the trip; and

"(ii) a determination that the trip—

"(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

"(II) is consistent with the official duties of the Member, officer, or employee;

"(III) does not create an appearance of use of public office for private gain; and

"(iii) has a minimal or no recreational component; and

"(C) obtain written approval of the trip from the Select Committee on Ethics.

"(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.".

(b) DISCLOSURE OF NONCOMMERCIAL AIR TRAVEL.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

"(g) A Member, officer, or employee of the Senate shall—

"(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

"(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.".

(c) PUBLIC AVAILABILITY.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.".

SEC. 5. POST EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

"(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.".

(b) EFFECTIVE DATE.—This section shall take effect 60 days after the date of adoption of this resolution.

SEC. 6. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"14. A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after the election for his or her successor has been held, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.".

SEC. 7. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively; and

(2) inserting after paragraph 9, the following:

"10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member's spouse or immediate family member.

"(b) In this paragraph, the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.".

SEC. 8. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

"6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) take or withhold, or offer or threaten to take or withhold, an official act; or

"(2) influence, or offer or threaten to influence the official act of another.".

SENATE RESOLUTION 526—CONDEMNING THE MURDER OF UNITED STATES JOURNALIST PAUL KLEBNIKOV ON JULY 9, 2004, IN MOSCOW, AND THE MURDERS OF OTHER MEMBERS OF THE MEDIA IN THE RUSSIAN FEDERATION

Mrs. CLINTON (for herself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Foreign Relations:

S. RES. 526

Whereas, on July 9, 2004, United States journalist Paul Klebnikov was murdered by gunmen as he exited the Moscow offices of Forbes Magazine;

Whereas no person has been convicted of any offense in connection with the murder of Mr. Klebnikov;

Whereas Mr. Klebnikov is survived by his wife Helen and his 3 young children;

Whereas 12 journalists have been murdered in the Russian Federation since 2000 and Mr. Klebnikov was the first and only citizen of the United States among those journalists;

Whereas the Office of the Russian Prosecutor General arrested and tried Musa Vahaev and Kazbek Dukzov for the murder of Mr. Klebnikov;

Whereas Musa Vahaev and Kazbek Dukzov were acquitted on May 5, 2006, of the charges of murdering Mr. Klebnikov;

Whereas the Government of Russia has stated that the murder of Mr. Klebnikov was ordered by Khozh-Akhmed Nukhayev, a fugitive Chechen criminal gang leader, but has not publicly released any evidence of the complicity of Mr. Nukhayev;

Whereas it remains unclear who ordered the murder of Mr. Klebnikov or if any party will be convicted of that crime;

Whereas the attorneys that represented the Klebnikov family have alleged that numerous procedural violations occurred during the trial;

Whereas a group of investigative journalists from the United States has launched an independent inquiry into the death of Mr. Klebnikov;

Whereas the 2005 Country Reports on Human Rights Practices published by the Department of State indicated that the Government of Russia had continued to weaken the independence and freedom of expression of the media industry of Russia, particularly among the major national television networks and regional media outlets of that country; and

Whereas, on June 4, 2006, President Putin told a conference of the World Association of Newspapers that "A progressive state requires a free press.": Now, therefore, be it

Resolved, That the Senate—

(1) condemns—

(A) the murder of United States journalist Paul Klebnikov on July 9, 2004, in Moscow; and

(B) the murders of other members of the media in the Russian Federation;

(2) commends the Office of the Russian Prosecutor General for its continuing investigation of the murder of Mr. Klebnikov;

(3) urges the Government of Russia—

(A) to continue its inquiries to determine all parties involved in the murder of Mr. Klebnikov; and

(B) to bring those parties responsible for the murder of Mr. Klebnikov to justice;

(4) urges the Government of Russia to accept offers of assistance with the investigation of the murder of Mr. Klebnikov from—

(A) the United States; and

(B) other concerned governments;

(5) urges the Government of Russia, upon request, to extend appropriate assistance to investigative journalists who have started to conduct independent inquiries relating to the death of Mr. Klebnikov, to the extent that such assistance conforms with the privacy safeguards and the laws of Russia; and

(6) urges the Government of Russia to take appropriate action to protect the independence and freedom of—

(A) the media of Russia; and

(B) all visiting members of the media.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4545. Mr. McCONNELL (for Mr. OBAMA) proposed an amendment to the bill S. 2125, to promote relief, security, and democracy in the Democratic Republic of the Congo.

SA 4546. Mr. McCONNELL (for Mr. ENZI) proposed an amendment to the bill S. 1021, to reauthorize the Workforce Investment Act of 1998, and for other purposes.

TEXT OF AMENDMENTS

SA 4545. Mr. McCONNELL (for Mr. OBAMA) proposed an amendment to the bill S. 2125, to promote relief, security, and democracy in the Democratic Republic of the Congo; as follows:

On page 1, line 6, strike "2005" and insert "2006".

On page 3, beginning on line 7, strike "promoting security, peace, and prosperity in the" and insert "a secure, peaceful, and prosperous".

Beginning on page 4, strike line 19 and all that follows through page 5, line 18, and insert the following:

(9) According to the 2005 Department of State report on human rights practices in the Democratic Republic of the Congo, "In all areas of the country, the human rights record remained poor, and numerous serious abuses were committed; however, there were some improvements during the year.".

On page 6, beginning on line 4, strike "fair and democratic elections within the timeframe provided by the Sun City Peace Accords" and insert "that the elections scheduled to be held on July 30, 2006, and future elections in the Democratic Republic of the Congo are carried out in a fair and democratic manner".

On page 6, line 23, insert "through the provision of necessary equipment and training" after "establish".

On page 7, line 15, insert "and other illegally armed groups" before the semicolon at the end.

On page 12, beginning on line 7, strike "2005 (division D of the Consolidated Appropriations Act, 2005; Public Law 108-447; 118 Stat. 3015)" and insert "2006 (Public Law 109-102; 119 Stat. 2218)".

On page 14, line 20, strike "60" and insert "180".

On page 15, after section (b) insert:

(c) ELIGIBILITY OF DEPARTMENT OF STATE EMPLOYEES.—The individual designated to serve as the Special Envoy may be an employee of the Department of State with the rank of Deputy Assistant Secretary or higher.

On page 16, line 9, strike "IN GENERAL.—".

On page 19, strike lines 3 through 11.

On page 20, strike lines 3 through 15 and insert the following:

(b) SUPPORT CONTINGENT ON PROGRESS.—If the Secretary of State determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives in section 102, the President shall consider withdrawing United States support for the assistance described in subsection (a) when future funding decisions are considered.

SA 4546. Mr. McCONNELL (for Mr. ENZI) proposed an amendment to the bill S. 1021, to reauthorize the Workforce Investment Act of 1998, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Investment Act Amendments of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

Sec. 101. Definitions.

Subtitle B—Statewide and Local Workforce Investment Systems

Sec. 111. Purpose.
Sec. 112. State workforce investment boards.
Sec. 113. State plan.
Sec. 114. Local workforce investment areas.
Sec. 115. Local workforce investment boards.
Sec. 116. Local plan.
Sec. 117. Establishment of one-stop delivery systems.
Sec. 118. Eligible providers of training services.
Sec. 119. Eligible providers of youth activities.
Sec. 120. Youth activities.
Sec. 121. Adult and dislocated worker employment and training activities.
Sec. 122. Performance accountability system.
Sec. 123. Authorization of appropriations.

Subtitle C—Job Corps

Sec. 131. Job Corps.

Subtitle D—National Programs

Sec. 141. Native American programs.
Sec. 142. Migrant and seasonal farmworker programs.
Sec. 143. Veterans' workforce investment programs.
Sec. 144. Youth challenge grants.
Sec. 145. Technical assistance.
Sec. 146. Demonstration, pilot, multiservice, research, and multistate projects.
Sec. 147. National dislocated worker grants.
Sec. 148. Authorization of appropriations for national activities.

Subtitle E—Administration

Sec. 151. Requirements and restrictions.
Sec. 152. Reports.
Sec. 153. Administrative provisions.
Sec. 154. Use of certain real property.
Sec. 155. General program requirements.

Subtitle F—Incentive Grants

Sec. 161. Incentive grants.

Subtitle G—Conforming Amendments

Sec. 171. Table of contents.
Sec. 172. Conforming amendments.

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

Sec. 201. Short title; purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Home schools.
Sec. 205. Reservation of funds; grants to eligible agencies; allotments.
Sec. 206. Performance accountability system.
Sec. 207. State administration.
Sec. 208. State distribution of funds; matching requirement.
Sec. 209. State leadership activities.
Sec. 210. State plan.
Sec. 211. Programs for corrections education and other institutionalized individuals.
Sec. 212. Grants and contracts for eligible providers.
Sec. 213. Local application.
Sec. 214. Local administrative cost limits.
Sec. 215. Administrative provisions.
Sec. 216. National Institute for Literacy.
Sec. 217. National leadership activities.
Sec. 218. Integrated English literacy and civics education.
Sec. 219. Transition.

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

Sec. 301. Wagner-Peyser Act.

TITLE IV—REHABILITATION ACT AMENDMENTS

Sec. 401. Short title.
Sec. 402. Technical amendments to table of contents.
Sec. 403. Purpose.
Sec. 404. Rehabilitation Services Administration
Sec. 405. Definitions.
Sec. 406. Administration of the Act.
Sec. 407. Reports.
Sec. 408. Carryover.

Subtitle A—Vocational Rehabilitation Services

Sec. 411. Declaration of policy; authorization of appropriations.
Sec. 412. State plans.
Sec. 413. Eligibility and individualized plan for employment.
Sec. 414. Vocational rehabilitation services.
Sec. 415. State rehabilitation council.
Sec. 416. Evaluation standards and performance indicators.
Sec. 417. Monitoring and review.
Sec. 418. State allotments.
Sec. 419. Reservation for expanded transition services.
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Subtitle B—Research and Training

Sec. 431. Declaration of purpose.
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Sec. 433. National Institute on Disability and Rehabilitation Research.
Sec. 434. Interagency committee.
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Sec. 441. Training.
Sec. 442. Demonstration and training programs.

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Subtitle D—National Council on Disability
Sec. 451. Authorization of appropriations.
Subtitle E—Rights and Advocacy
Sec. 461. Architectural and Transportation Barriers Compliance Board.
Sec. 462. Protection and advocacy of individual rights.
Subtitle F—Employment Opportunities for Individuals With Disabilities
Sec. 471. Projects with industry.
Sec. 472. Projects with industry authorization of appropriations.
Sec. 473. Services for individuals with significant disabilities authorization of appropriations.
Subtitle G—Independent Living Services and Centers for Independent Living
Sec. 481. State plan.
Sec. 482. Statewide Independent Living Council.
Sec. 483. Independent living services authorization of appropriations.
Sec. 484. Program authorization.
Sec. 485. Grants to centers for independent living in States in which Federal funding exceeds State funding.
Sec. 486. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
Sec. 487. Standards and assurances for centers for independent living.
Sec. 488. Centers for independent living authorization of appropriations.
Sec. 489. Independent living services for older individuals who are blind.
Sec. 490. Program of grants.
Sec. 491. Independent living services for older individuals who are blind authorization of appropriations.
Subtitle H—Miscellaneous
Sec. 495. Helen Keller National Center Act.
TITLE V—TRANSITION AND EFFECTIVE DATE
Sec. 501. Transition provisions.
Sec. 502. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by redesignating paragraphs (1) through (4), (5) through (16), (17), (18) through (41), and (42) through (53) as paragraphs (2) through (5), (7) through (18), (20), (23) through (46), and (48) through (59), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) ACCRUED EXPENDITURES.—The term ‘accrued expenditures’ means charges incurred by recipients of funds under this title for a given period requiring the provision of funds for—

“(A) goods or other tangible property received;

“(B) services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

“(C) other amounts becoming owed under programs assisted under this title for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.”;

(3) in paragraph (2) (as redesignated by paragraph (1)), by striking “Except in sections 127 and 132,” and inserting “Except in section 132,”;

(4) by striking paragraph (5) (as redesignated by paragraph (1)) and inserting the following:

“(5) BASIC SKILLS DEFICIENT.—The term ‘basic skills deficient’ means, with respect to an individual, that the individual—

“(A) has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test; or

“(B) is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.”;

(5) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

“(6) BUSINESS INTERMEDIARY.—The term ‘business intermediary’ means an entity that brings together various stakeholders with an expertise in an industry or business sector.”;

(6) in paragraph (9) (as redesignated by paragraph (1)), by inserting “, including a faith-based organization,” after “nonprofit organization”;

(7) in paragraph (10) (as redesignated by paragraph (1)), in subparagraph (C), by striking “for not less than 50 percent of the cost of the training,” and inserting “for—

“(i) a significant portion of the cost of training as determined by the local board, taking into account the size of the employer and such other factors as the local board determines to be appropriate; and

“(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) with an employer in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.”;

(8) in paragraph (11) (as redesignated by paragraph (1))—

(A) in subparagraph (A)(ii)(II), by striking “section 134(c)” and inserting “section 121(e)”;

(B) in subparagraph (C), by striking “or” after the semicolon;

(C) in subparagraph (D), by striking the period and inserting “; or”; and

(D) by adding at the end the following:

“(E)(i) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

“(ii) is the spouse of a member of the Armed Forces on active duty who meets the criteria described in paragraph (12)(B).”;

(9) in paragraph (12)(A) (as redesignated by paragraph (1))—

(A) by striking “and” after the semicolon and inserting “or”;

(B) by striking “(A)” and inserting “(A)(i)”; and

(C) by adding at the end the following:

“(ii) is the dependent spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and”;

(10) in paragraph (14)(A) (as redesignated by paragraph (1)), by striking “section 122(e)(3)” and inserting “section 122”;

(11) by inserting after paragraph (18) (as redesignated by paragraph (1)) the following:

“(19) HARD-TO-SERVE POPULATIONS.—The term ‘hard-to-serve populations’ means populations of individuals who are hard to serve, including displaced homemakers, low-income individuals, Native Americans, individuals with disabilities, older individuals, ex-offenders, homeless individuals, individuals with limited English proficiency, individuals who do not meet the definition of literacy in section 203, individuals facing substantial cultural barriers, migrant and seasonal farmworkers, individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), single parents (including single pregnant women), and such other groups as the Governor determines to be hard to serve.”;

(12) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

“(21) INTEGRATED TRAINING PROGRAM.—The term ‘integrated training program’ means a program that combines occupational skills training with English language acquisition.

“(22) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101(a), and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001(a), 1002(a)(1)).”;

(13) in paragraph (30) (as redesignated by paragraph (1))—

(A) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(B) by inserting after subparagraph (C) the following:

“(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);”;

(14) in paragraph (31) (as redesignated by paragraph (1)), by inserting after “fields of work” the following: “, including occupations in computer science and technology and other emerging high-skill occupations,”;

(15) in paragraph (35) (as redesignated by paragraph (1)), by inserting “, subject to section 121(b)(1)(C)” after “121(b)(1)”;

(16) by striking paragraph (38) (as redesignated by paragraph (1)) and inserting the following:

“(38) OUT-OF-SCHOOL YOUTH.—The term ‘out-of-school youth’ means an out-of-school youth as defined in section 129(a)(1)(B).”;

(17) by inserting after paragraph (46) (as redesignated by paragraph (1)) the following:

“(47) SELF-SUFFICIENCY.—The term ‘self-sufficiency’ means self-sufficiency within the meaning of subsections (a)(3)(A)(x) and (e)(1)(A)(xii) of section 134.”;

(18) in paragraph (49) (as redesignated by paragraph (1)), by striking “clause (iii) or (v) of section 136(b)(3)(A)” and inserting “section 136(b)(3)(A)(iii)”;

(19) in paragraph (58) (as redesignated by paragraph (1)), by striking “(or as described in section 129(c)(5))” and inserting “(or as described in section 129(a)(2))”; and

(20) in paragraph (59) (as redesignated by paragraph (1)), by striking "established under section 117(h)" and inserting "that may be established under section 117(h)(2)".

Subtitle B—Statewide and Local Workforce Investment Systems

SEC. 111. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended to read as follows:

"SEC. 106. PURPOSES.

"The purposes of this subtitle are the following:

"(1)(A) Primarily, to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, self-sufficiency, and earnings of participants, and increase occupational skill attainment by participants.

"(B) As a result of the provision of the activities, to improve the quality of the workforce, reduce welfare dependency, increase self-sufficiency, and enhance the productivity and competitiveness of the Nation.

"(2) To enhance the workforce investment system of the Nation by strengthening one-stop centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment and training and related services, establishing a targeted approach to serving youth, improving performance accountability, and promoting State and local flexibility.

"(3) To provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.

"(4) To provide workforce investment systems that are demand-driven and responsive to the needs of all employers, including small employers.

"(5) To provide workforce investment systems that work in all areas of the Nation, including urban and rural areas.

"(6) To allow flexibility to meet State, local, regional, and individual workforce investment needs.

"(7) To recognize and reinforce the vital link between economic development and workforce investment activities.

"(8) To provide for accurate data collection, reporting, and performance measures that are not unduly burdensome.

"(9) To address the ongoing shortage of essential skills in the United States workforce related to both manufacturing and knowledge-based economies to ensure that the United States remains competitive in the global economy.

"(10) To equip workers with higher skills and contribute to lifelong education.

"(11) To eliminate training disincentives for hard-to-serve populations and minority workers, including effectively utilizing community programs, services, and agencies.

"(12) To educate limited English proficient individuals about skills and language so the individuals are employable.

"(13) To increase the employment, retention and earnings of individuals with disabilities.".

SEC. 112. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) in paragraph (1), by striking subparagraph (C) and inserting the following:

"(C) representatives appointed by the Governor, who—

"(i) are the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners, except that—

"(I) in any case in which no lead State agency official has responsibility for such a program or activity, the representative shall be a representative in the State with expertise relating to such program or activity; and

"(II) in the case of the programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), the representative shall be the director of the designated State unit, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

"(ii) are the State agency officials responsible for economic development;

"(iii) are representatives of business in the State, including small businesses, who—

"(I) are owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

"(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

"(III) are appointed from among individuals nominated by State business organizations, business trade associations, and local boards;

"(iv) are chief elected officials (representing cities and counties, where appropriate);

"(v) are representatives of labor organizations, who have been nominated by State labor federations; and

"(vi) are such other State agency officials and other representatives as the Governor may designate."; and

(B) in paragraph (3), by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(C)(iii)".

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C. 2821(c)) is amended by striking "subsection (b)(1)(C)(i)" and inserting "subsection (b)(1)(C)(iii)".

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2821(d)) is amended—

(1) in paragraph (1), by striking "development" and inserting "development, implementation, and revision";

(2) in paragraph (2)—

(A) by striking "section 134(c)" and inserting "section 121(e)"; and

(B) in subparagraph (A), by inserting after "section 121(b)" the following: ", including granting the authority for the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) to plan and coordinate employment and training activities with local boards";

(3) by striking paragraph (3) and inserting the following:

"(3) reviewing and providing comment on the State plans of all one-stop partner programs, where applicable, in order to provide effective strategic leadership in the development of a high quality, comprehensive statewide workforce investment system, including commenting at least once annually on the measures taken pursuant to section 113(b)(3) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2323(b)(3)) and title II of this Act;";

(4) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(5) by inserting after paragraph (3) the following:

"(4) development and review of statewide policies affecting the coordinated provision of services through the one-stop delivery system described in section 121(e) within the State, including—

"(A) the development of objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers under section 121(g);

"(B) the development of guidance for the allocation of one-stop center infrastructure funds under section 121(h)(1)(B);

"(C) the development of—

"(i) statewide policies relating to the appropriate roles and contributions of one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the one-stop delivery system;

"(ii) statewide strategies for providing effective outreach to individuals, including hard-to-serve populations, and employers who could benefit from services provided through the one-stop delivery system;

"(iii) strategies for technology improvements to facilitate access to services provided through the one-stop delivery system, in remote areas, and for individuals with disabilities, which may be utilized throughout the State; and

"(iv) strategies for the effective coordination of activities between the one-stop delivery system of the State and the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(D) identification and dissemination of information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies, including for hard-to-serve populations; and

"(E) conduct of such other matters as may promote statewide objectives for, and enhance the performance of, the one-stop delivery system;";

(6) in paragraph (5) (as redesignated by paragraph (4)), by inserting "and the development of statewide criteria to be used by chief elected officials for the appointment of local boards consistent with section 117" after "section 116";

(7) in paragraph (6) (as redesignated by paragraph (4)), by striking "sections 128(b)(3)(B) and 133(b)(3)(B)" and inserting "sections 128(b)(3) and 133(b)(3)(B)";

(8) in paragraph (9) (as redesignated by paragraph (4))—

(A) by striking "employment statistics system" and inserting "workforce and labor market information system"; and

(B) by striking "and" after the semicolon;

(9) in paragraph (10) (as redesignated by paragraph (4))—

(A) by inserting "section 136(i) and" before "section 503"; and

(B) by striking the period and inserting "; and"; and

(10) by adding at the end the following:

"(11) increasing the availability of skills training, employment opportunities, and career advancement, for hard-to-serve populations.".

(c) ALTERNATIVE ENTITY.—Section 111(e) (29 U.S.C. 2821(e)) is amended—

(1) in paragraph (1), by striking "For" and inserting 'Subject to paragraph (3), for"; and

(2) by adding at the end the following:

"(3) FAILURE TO MEET PERFORMANCE MEASURES.—If a State fails to have performed successfully, as defined in section 116(a)(2), the Secretary may require the State to establish a State board in accordance with subsections (a), (b), and (c) in lieu of the alternative entity established under paragraph (1).".

(d) CONFLICT OF INTEREST.—Section 111(f)(1) (29 U.S.C. 2821(f)(1)) is amended by inserting "or participate in action taken" after "vote".

(e) SUNSHINE PROVISION.—Section 111(g) (29 U.S.C. 2821(g)) is amended—

(1) by inserting “, and modifications to the State plan,” before “prior”; and

(2) by inserting “, and modifications to the State plan” after “the plan”.

(f) AUTHORITY TO HIRE STAFF.—Section 111 (29 U.S.C. 2821) is amended by adding at the end the following:

“(h) AUTHORITY TO HIRE STAFF.—

“(1) IN GENERAL.—The State board may hire staff to assist in carrying out the functions described in subsection (d) using funds allocated under sections 127(b)(1)(C) and 132(b).

“(2) LIMITATION ON RATE.—Funds appropriated under this title shall not be used to pay staff employed by the State board, either as a direct cost or through any proration as an indirect cost, at a rate in excess of the maximum rate payable for a position at GS–15 of the General Schedule as in effect on the date of enactment of the Workforce Investment Act Amendments of 2005.”.

SEC. 113. STATE PLAN.

(a) PLANNING CYCLE.—Section 112(a) (29 U.S.C. 2822(a)) is amended—

(1) by inserting “, or a State unified plan as described in section 501,” before “that outlines”;

(2) by striking “5-year strategy” and inserting “4-year strategy”; and

(3) by adding at the end the following: “At the end of the first 2-year period of the 4-year State plan, the State board shall review and, as needed, amend the 4-year State plan to reflect labor market and economic conditions. In addition, the State shall submit a modification to the State plan at the end of the first 2-year period of the State plan, which may include redesignation of local areas pursuant to section 116(a) and specification of the levels of performance under sections 136 for the third and fourth years of the plan.”.

(b) CONTENTS.—Section 112(b) (29 U.S.C. 2822(b)) is amended—

(1) in paragraph (8)(A)—

(A) in clause (ix), by striking “and” after the semicolon; and

(B) by adding at the end the following:

“(xi) programs authorized under title II of the Social Security Act (42 U.S.C. 401 et seq.) (relating to Federal old-age, survivors, and disability insurance benefits), title XVI of such Act (42 U.S.C. 1381 et seq.) (relating to supplemental security income), title XIX of such Act (42 U.S.C. 1396 et seq.) (relating to medicaid), and title XX of such Act (42 U.S.C. 1397 et seq.) (relating to block grants to States for social services), programs authorized under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), and programs carried out by State agencies relating to mental retardation and developmental disabilities; and”;

(2) by striking paragraph (10) and inserting the following:

“(10) a description of how the State will use funds the State received under this subtitle to leverage other Federal, State, local, and private resources, in order to maximize the effectiveness of such resources, expand resources for the provision of education and training services, and expand the participation of businesses, employees, and individuals in the statewide workforce investment system, including a description of incentives and technical assistance the State will provide to local areas for such purposes;”;

(3) in paragraph (12)(A), by striking “sections 128(b)(3)(B) and 133(b)(3)(B)” and inserting “sections 128(b)(3) and 133(b)(3)(B)”;

(4) in paragraph (14), by striking “section 134(c)” and inserting “section 121(e)”;

(5) in paragraph (15), by striking “section 116(a)(5)” and inserting “section 116(a)(4)”;

(6) in paragraph (17)—

(A) in subparagraph (A)—

(i) in clause (iii)—

(I) by inserting “local” before “customized training”; and

(II) by striking “and” at the end;

(ii) in clause (iv), by striking “(including displaced homemakers),” and all that follows through “disabilities)” and inserting “, hard-to-serve populations, and individuals training for nontraditional employment”; and

(iii) by adding after clause (iv) the following:

“(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (42 U.S.C. 12131 note; relating to community-based alternatives for individuals with disabilities), including the provision of outreach, intake, the conduct of assessments, service delivery, the development of adjustments to performance measures established under section 136, and the training of staff; and”; and

(B) in subparagraph (B), by striking “and” at the end;

(7) in paragraph (18)(D)—

(A) by striking “youth opportunity grants under section 169” and inserting “youth challenge grants authorized under section 169 and other federally funded youth programs”; and

(B) by striking the period and inserting a semicolon; and

(8) by adding at the end the following:

“(19) a description of how the State will utilize technology to facilitate access to services in remote areas, which may be utilized throughout the State;

“(20) a description of the State strategy for coordinating workforce investment activities and economic development activities, and promoting entrepreneurial skills training and microenterprise services;

“(21) a description of the State strategy and assistance to be provided for ensuring regional cooperation within the State and across State borders as appropriate;

“(22) a description of how the State will use funds the State receives under this subtitle to—

“(A) implement innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies that better engage employers in workforce investment activities and make the statewide workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title; and

“(B) provide incentives and technical assistance to assist local areas in more fully engaging all employers, including small employers, in local workforce investment activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts to contribute to the economic well-being of the local area, as determined appropriate by the local board;

“(23) a description of the State strategy—

“(A) for ensuring cooperation between transportation providers, including public transportation providers, and providers of workforce investment activities; and

“(B) for ensuring coordination among appropriate State agencies and programs to make available skills training, employment services and opportunities, and career advancement activities, that will assist ex-offenders in reentering the workforce;

“(24) a description of how the State will assist local areas in assuring physical and programmatic accessibility for individuals with disabilities at one-stop centers;

“(25) a description of the process and methodology that will be used by the State board to—

“(A) review statewide policies and provide guidance on the coordinated provision of services through the one-stop delivery system described in section 121(e);

“(B) establish, in consultation with chief elected officials and local boards, objective criteria and procedures for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system as described in section 121(g); and

“(C) determine—

“(i) one-stop partner program contributions for the costs of the infrastructure of one-stop centers under section 121(h)(2); and

“(ii) the formula for allocating the funds described in section 121(h)(2) to local areas;

“(26) a description of the State strategy for ensuring that activities carried out under this title are placing men and women in jobs, education, or training that lead to comparable pay; and

“(27) a description of the technical assistance available to one-stop operators and providers of training services for strategies to serve hard-to-serve populations and promote placement in nontraditional employment.”.

(c) MODIFICATIONS TO PLAN.—Section 112(d) (29 U.S.C. 2822(d)) is amended—

(1) by striking “5-year period” and inserting “4-year period”; and

(2) by adding at the end the following: “In addition, the State shall submit the modifications to the State plan required under subsection (a), under circumstances prescribed by the Secretary that are due to changes in Federal law that significantly affect elements of the State plan.”.

SEC. 114. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS.—

(1) CONSIDERATIONS.—Section 116(a)(1) (29 U.S.C. 2831(a)(1)) is amended—

(A) in subparagraph (A), by striking “paragraphs (2), (3), and (4)” and inserting “paragraphs (2) and (3)”; and

(B) in subparagraph (B), by adding at the end the following:

“(vi) The extent to which such local areas will promote maximum effectiveness in the administration and provision of services.”.

(2) AUTOMATIC DESIGNATION.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

“(2) AUTOMATIC DESIGNATION.—

“(A) IN GENERAL.—The Governor shall approve a request for designation as a local area that is submitted prior to the submission of the State plan, or of a modification to the State plan relating to area designation, from any area that—

“(i) is a unit of general local government with a population of 500,000 or more, except that after the initial 2-year period following such designation pursuant to this clause that occurs after the date of enactment of the Workforce Investment Act Amendments of 2005, the Governor shall only be required to approve a request for designation from such area if such area—

“(I) performed successfully; and

“(II) sustained fiscal integrity;

“(ii) was a local area under this title for the preceding 2-year period (prior to the date of approval), if such local area—

“(I) performed successfully; and

“(II) sustained fiscal integrity;

“(iii) is served by a rural concentrated employment program grant recipient, except that after the initial 2-year period following any such designation under the initial State plan submitted after the date of enactment of the Workforce Investment Act Amendments of 2005, the Governor shall only be required to approve a request for designation under this clause for such area if such area—

“(I) performed successfully; and

“(II) sustained fiscal integrity; or

“(iv) was a local area under section 116(a)(2)(C) (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005), except that after the initial 2-year period following such designation pursuant to this clause that occurs after that date of enactment, the Governor shall only be required to approve a request for designation under this clause for such area if such area—

“(I) performed successfully; and

“(II) sustained fiscal integrity.

“(B) DEFINITIONS.—For purposes of this paragraph:

“(i) PERFORMED SUCCESSFULLY.—The term ‘performed successfully’, when used with respect to a local area, means the local area performed at 80 percent or more of the adjusted level of performance for core indicators of performance described in section 136(b)(2)(A) for 2 consecutive years.

“(ii) SUSTAINED FISCAL INTEGRITY.—The term ‘sustained fiscal integrity’, used with respect to an area, means that the Secretary has not made a formal determination during the preceding 2-year period that either the grant recipient or the administrative entity of the area misexpended funds provided under this title due to willful disregard of the requirements of the Act involved, gross negligence, or failure to comply with accepted standards of administration.”.

(3) CONFORMING AMENDMENTS.—Section 116(a) (29 U.S.C. 2831(a)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively;

(C) in paragraph (3) (as redesignated by subparagraph (B))—

(i) by striking “(including temporary designation)”; and

(ii) by striking “(v)” and inserting “(vi)”; and

(D) in paragraph (4) (as redesignated by subparagraph (B))—

(i) by striking “under paragraph (2) or (3)” and inserting “under paragraph (2)”; and

(ii) by striking the second sentence.

(b) SINGLE LOCAL AREA STATES.—Section 116(b) (29 U.S.C. 2831(b)) is amended to read as follows:

“(b) SINGLE LOCAL AREA STATES.—

“(1) CONTINUATION OF PREVIOUS DESIGNATION.—Notwithstanding subsection (a)(2), the Governor of any State that was a single local area for purposes of this title as of July 1, 2004, may continue to designate the State as a single local area for purposes of this title if the Governor identifies the State as a local area in the State plan under section 112(b)(5).

“(2) REDESIGNATION.—The Governor of a State not described in paragraph (1) may designate the State as a single local area if, prior to the submission of the State plan or modification to such plan so designating the State, no local area meeting the requirements for automatic designation under subsection (a)(2) requests such designation as a separate local area.

“(3) EFFECT ON LOCAL PLAN.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 118 for the area shall be submitted to the Secretary for approval as part of the State plan under section 112.”.

(c) REGIONAL PLANNING.—Section 116(c) (29 U.S.C. 2831(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) PLANNING.—

“(A) IN GENERAL.—As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State may require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State, after consultation with local boards and chief elected officials, may require the local boards for the designated region to prepare, submit, and obtain approval of a single regional plan that incorporates local plans for each of the local areas in the region, as required under section 118. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures pursuant to section 134(a)(2)(B)(iii).

“(B) TECHNICAL ASSISTANCE.—If the State requires regional planning as provided in subparagraph (A), the State shall provide technical assistance and labor market information to such local areas in the designated regions to assist with such regional planning and subsequent service delivery efforts.”;

(2) in paragraph (2), by inserting “information about the skill requirements of existing and emerging industries and industry clusters,” after “information about employment opportunities and trends,”; and

(3) in paragraph (3), by adding at the end the following: “Such services may be required to be coordinated with regional economic development services and strategies.”.

SEC. 115. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) COMPOSITION.—Section 117(b) (29 U.S.C. 2832(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking subclause (II) and inserting the following:

“(II) collectively, represent businesses with employment opportunities that reflect the employment opportunities of the local area, and include representatives of businesses that are in high-growth and emerging industries, and representatives of businesses, including small businesses, in the local area; and”;

(B) by striking clause (ii) and inserting the following:

“(ii)(I) a superintendent representing the local school districts involved or another high-level official from such districts;

“(II) the president or highest ranking official of an institution of higher education participating in the workforce investment activities in the local area; and

“(III) an administrator of local entities providing adult education and literacy activities in the local area;”;

(C) in clause (iv), by inserting “, hard-to-serve populations,” after “disabilities”;

(D) in clause (v), by striking “and” at the end; and

(E) by striking clause (vi) and inserting the following:

“(vi) a representative from the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) who is serving the local area; and

“(vii) if the local board does not establish or continue a youth council, representatives with experience serving out-of-school youth, particularly out-of-school youth facing barriers to employment; and”; and

(2) by adding at the end the following:

“(6) SPECIAL RULE.—In the case that there are multiple school districts or institutions of higher education serving a local area, the representatives described in subclause (I) or (II) of paragraph (2)(A)(ii), respectively, shall be appointed from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such agencies or institutions.”.

(b) AUTHORITY OF BOARD MEMBERS.—Section 117(b)(3) (29 U.S.C. 2832(b)(3)) is amended—

(1) in the heading, by inserting “AND REPRESENTATION” after “AUTHORITY”; and

(2) by adding at the end the following: “The members of the board shall represent diverse geographic sections within the local area.”.

(c) CONFORMING AMENDMENT.—Section 117(c)(1)(C) (29 U.S.C. 2832(c)(1)(C)) is amended by striking “section 116(a)(2)(B)” and inserting “section 116(a)(2)(A)(iii)”.

(d) FUNCTIONS.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (1), insert after “Governor” the following: “, and shall develop jointly with the head of the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) appropriate components of such plan to maximize coordination, improve service delivery, and avoid duplication of services”;

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by inserting “(except as provided in section 123(b))” after “basis”; and

(ii) by inserting “(where appropriate)” after “youth council”; and

(B) by adding at the end the following:

“(E) CONSUMER CHOICE REQUIREMENTS.—Consistent with sections 122 and paragraphs (3) and (4) of 134(d), the local board shall work to ensure there are sufficient providers of intensive services and training services serving the local area in a manner that maximizes consumer choice, including providers with expertise in assisting individuals with disabilities.”;

(3) in paragraph (3)(B), by striking clause (ii) and inserting the following:

“(ii) STAFF.—

“(I) IN GENERAL.—The local board may hire staff.

“(II) LIMITATION ON RATE.—Funds appropriated under this title shall not be used to pay staff employed by the local board, either as a direct cost or through any proration as an indirect cost, at a rate in excess of the maximum rate payable for a position at GS-15 of the General Schedule, as in effect on the date of enactment of the Workforce Investment Act Amendments of 2005.”;

(4) in paragraph (4), by inserting “, and shall ensure the appropriate use and management of the funds provided under this subtitle for such programs, activities, and system” after “area”;

(5) in paragraph (6)—

(A) by striking “EMPLOYMENT STATISTICS SYSTEM” and inserting “WORKFORCE AND LABOR MARKET INFORMATION SYSTEM”; and

(B) by striking “employment statistics system” and inserting “workforce and labor market information system”;

(6) in paragraph (8)—

(A) by inserting “, including small employers,” after “private sector employers”; and

(B) by striking the period and inserting ", taking into account the unique needs of small businesses."; and

(7) by adding at the end the following:

"(9) TECHNOLOGY IMPROVEMENTS.—The local board shall develop strategies for technology improvements to facilitate access to services, in remote areas, for services authorized under this subtitle and carried out in the local area.".

(e) CONFORMING AMENDMENT.—Section 117(f)(2) (29 U.S.C. 2832(f)(2)) is amended by striking "described in section 134(c)".

(f) CONFLICT OF INTEREST.—Section 117(g)(1) (29 U.S.C. 2832(g)(1)) is amended by inserting "or participate in action taken" after "vote".

(g) AUTHORITY TO ESTABLISH COUNCILS AND ELIMINATION OF REQUIREMENT FOR YOUTH COUNCILS.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

"(h) COUNCILS.—The local board may establish or continue councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include—

"(1) a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system involved;

"(2) a youth council composed of experts and stakeholders in youth programs to advise the local board on youth activities; and

"(3) such other councils as the local board determines are appropriate.".

(h) ALTERNATIVE ENTITY PROVISION.—Section 117(i)(1) (29 U.S.C. 2832(i)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "and paragraphs (1) and (2) of subsection (h),";

(2) by striking subparagraph (B) and inserting the following:

"(B) was in existence on August 7, 1998, pursuant to State law; and";

(3) by striking subparagraph (C); and

(4) by redesignating subparagraph (D) as subparagraph (C).

SEC. 116. LOCAL PLAN.

(a) PLANNING CYCLE.—Section 118(a) (29 U.S.C. 2833(a)) is amended—

(1) by striking "5-year" and inserting "4-year"; and

(2) by adding at the end the following: "At the end of the first 2-year period of the 4-year plan, the local board shall review and, as needed, amend the 4-year plan to reflect labor market and economic conditions.".

(b) CONTENTS.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by striking subparagraph (B) and inserting the following:

"(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system involved, in remote areas, including facilitating access through the use of technology; and"; and

(C) by adding at the end the following:

"(C) a description of how the local board will ensure physical and programmatic accessibility for individuals with disabilities at one-stop centers;";

(2) in paragraph (9), by striking "; and" and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (16); and

(4) by inserting after paragraph (9) the following:

"(10) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the local area, and promote entrepreneurial skills training and microenterprise services;

"(11) a description of the strategies and services that will be initiated in the local area to more fully engage all employers, including small employers, in workforce investment activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts, which may include the implementation of innovative initiatives such as incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliance initiatives, career ladder programs, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of area employers and contribute to the economic well-being of the local area, as determined appropriate by the local board, consistent with the objectives of this title;

"(12) a description of how the local board will expand access to education and training services for eligible individuals who are in need of such services through—

"(A) the utilization of programs funded under this title; and

"(B) the increased leveraging of resources other than those provided under this title, including tax credits, private sector-provided training, and other Federal, State, local, and private funds that are brokered through the one-stop centers for training services;

"(13) a description of how the local board will coordinate workforce investment activities carried out in the local area with the provision of transportation, including public transportation, in the local area;

"(14) a description of plans for, assurances concerning, and strategies for maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system described in section 121(e), to improve service delivery and avoid duplication of services;

"(15) a description of how the local board will coordinate workforce investment activities carried out in the local area with other Federal, State, and local area education, job training, and economic development programs and activities; and".

SEC. 117. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) shall—

"(i) provide access through the one-stop delivery system to the programs and activities carried out by the entity, including making the core services described in section 134(d)(2) that are applicable to the program of the entity available at the one-stop centers (in addition to any other appropriate locations);

"(ii) use a portion of the funds available to the program of the entity to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);

"(iii) enter into a local memorandum of understanding with the local board relating to the operation of the one-stop system that meets the requirements of subsection (c);

"(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the programs carried out by the entity; and

"(v) provide representation on the State board to the extent provided under section 111.";

(B) in subparagraph (B)—

(i) by striking clause (v);

(ii) by redesignating clauses (vi) through (xii) as clauses (v) through (xi), respectively;

(iii) in clause (x) (as redesignated by clause (ii)), by striking "and" at the end;

(iv) in clause (xi) (as redesignated by clause (ii)), by striking the period and inserting "; and"; and

(v) by adding at the end the following:

"(xii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C)."; and

(C) by adding at the end the following:

"(C) DETERMINATION BY THE GOVERNOR.—

"(i) IN GENERAL.—An entity that carries out programs referred to in subparagraph (B)(xii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this title unless the Governor of the State provides the notification described in clause (ii).

"(ii) NOTIFICATION.—The notification referred to in clause (i) is a notification that—

"(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

"(II) is provided to the Secretary and the Secretary of Health and Human Services.".

(2) ADDITIONAL PARTNERS.—

(A) IN GENERAL.—Section 121(b)(2)(A) (29 U.S.C. 2841(b)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out human resource programs described in subparagraph (B) may be one-stop partners and carry out the responsibilities described in paragraph (1)(A).".

(B) ADDITIONAL PARTNERS.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency program established under section 1148 of the Social Security Act (42 U.S.C. 1320b-19);

"(ii) employment and training programs carried out by the Small Business Administration;

"(iii) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));".

(b) LOCAL MEMORANDUM OF UNDERSTANDING.—Section 121(c)(2)(A) (29 U.S.C. 2841(c)(2)(A)) is amended to read as follows:

"(A) provisions describing—

"(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

"(ii) how the costs of such services and the operating costs of such system will be funded, through cash and in-kind contributions, to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the infrastructure costs of one-stop centers in accordance with subsection (h);

"(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

"(iv) methods to ensure the needs of hard-to-serve populations are addressed in providing access to services through the one-stop system; and

"(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 2-year period to ensure appropriate funding and delivery of services; and".

(c) CONFORMING AMENDMENT.—Section 121(d)(2) (29 U.S.C. 2841(d)(2)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(d) PROVISION OF SERVICES.—

(1) ELIMINATION OF PROVISIONS CONCERNING ESTABLISHED SYSTEMS.—Section 121 (29 U.S.C. 2841) is amended by striking subsection (e).

(2) REDESIGNATION.—Subtitle B of title I is amended—

(A) in section 134 (29 U.S.C. 2864), by redesignating subsection (c) as subsection (e); and

(B) by transferring that subsection (e) so that the subsection appears after subsection (d) of section 121.

(3) ONE-STOP DELIVERY SYSTEMS.—Paragraph (1) of section 121(e) (29 U.S.C. 2841(e)) (as redesignated by paragraph (2)) is amended—

(A) in subparagraph (A), by striking "subsection (d)(2)" and inserting "section 134(d)(2)";

(B) in subparagraph (B)—

(i) by striking "subsection (d)" and inserting "section 134(d)";

(ii) by striking "individual training accounts" and inserting "career scholarship accounts"; and

(iii) by striking "subsection (d)(4)(G)" and inserting "section 134(d)(4)(G)";

(C) in subparagraph (C), by striking "subsection (e)" and inserting "section 134(e)";

(D) in subparagraph (D), by striking "section 121(b)" and inserting "subsection (b)"; and

(E) in subparagraph (E), by striking "information described in section 15" and inserting "data, information, and analysis described in section 15(a)".

(e) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—Section 121 (29 U.S.C. 2841) is amended by adding at the end the following:

"(g) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

"(1) IN GENERAL.—The State board, in consultation with chief local elected officials and local boards, shall establish objective criteria and procedures for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system.

"(2) CRITERIA.—The procedures and criteria developed under this subsection shall include minimum standards relating to the scope and degree of service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers, consistent with the guidelines and guidance provided by the Governor and by the State board, in consultation with the chief elected official and local boards, for such partners' participation under subsections (h)(1)(B) and subsection (i), respectively, and such other factors relating to the quality, accessibility, and effectiveness of the one-stop delivery system as the State board determines to be appropriate.

"(3) LOCAL BOARDS.—Consistent with the criteria developed by the State, the local board may develop additional criteria of higher standards to respond to local labor market and demographic conditions and trends.

"(h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

"(1) IN GENERAL.—

"(A) OPTIONS FOR INFRASTRUCTURE FUNDING.—

"(i) LOCAL OPTIONS.—The local board, chief elected officials, and one-stop partners in a local area may choose to fund the costs of the infrastructure of one-stop centers through—

"(I) methods described in the local memorandum of understanding, if, the local board, chief elected officials, and one-stop partners agree to such methods; or

"(II) the State infrastructure funding mechanism described in paragraph (2).

"(ii) FAILURE TO REACH AGREEMENT ON FUNDING METHODS.—If, as of July 1, 2006, the local board, chief elected officials, and one-stop partners in a local area fail to reach agreement on methods of sufficient funding of the infrastructure costs of one-stop centers, as determined by the local area, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area.

"(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—In addition to carrying out the requirements relating to the State mechanism for one-stop center infrastructure funding described in paragraph (2), the Governor, after consultation with chief local elected officials, local boards, and the State board, and consistent with the guidelines provided by the State board under subsection (i), shall provide—

"(i) guidelines for State administered one-stop partner programs in determining such programs' contributions to and participation in the one-stop delivery system, including funding for the costs of infrastructure as defined in paragraph (2)(D), negotiated pursuant to the local memorandum of understanding under subsection (c); and

"(ii) guidance to assist local areas in identifying equitable and stable alternative methods of funding of the costs of the infrastructure of one-stop centers in local areas.

"(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—

"(A) PARTNER CONTRIBUTIONS.—

"(i) IN GENERAL.—Subject to clause (iii), a portion determined under clause (ii) of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the programs described in subsection (b)(1) and administered by one-stop partners for a fiscal year shall be provided to the Governor from such programs to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not funded under the option described in paragraph (1)(A)(i)(I).

"(ii) DETERMINATION OF GOVERNOR.—

"(I) IN GENERAL.—Subject to subclause (II) and clause (iii), the Governor, after consultation with chief local elected officials, local boards, and the State board, shall determine the portion of funds to be provided under clause (i) by each one-stop partner from each program described in clause (i). In making such determination, the Governor shall calculate the proportionate use of the one-stop centers for the purpose of determining funding contributions pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, and the costs of administration for purposes not related to one-stop centers for each partner. The Governor shall exclude from such determination the portion of funds and use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the infrastructure of one-stop centers is funded under the option described in paragraph (1)(A)(i)(I).

"(II) SPECIAL RULE.—In a State in which the State constitution places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II and for postsecondary vocational and technical education activities authorized under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the determination described in subclause (I) with respect to the programs authorized under that title and those Acts shall be made by the chief officer of the entity with such authority in consultation with the Governor.

"(III) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) to appeal a determination regarding the portion of funds to be contributed under this paragraph on the basis that such determination is inconsistent with the criteria described in the State plan or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

"(iii) LIMITATIONS.—

"(I) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program limitations with respect to the portion of funds under such program that may be used for administration.

"(II) CAP ON REQUIRED CONTRIBUTIONS.—

"(aa) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under clause (i)(II) or (ii) of paragraph (1)(A) by the programs authorized under chapters 4 and 5 and under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall not be in excess of 3 percent of the amount of Federal funds provided to carry out each such program in the State for a fiscal year.

"(bb) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under clause (i)(II) or (ii) of paragraph (1)(A) by a one-stop partner from a program described in subsection (b)(1) other than the programs described under item (aa) shall not be in excess of 1½ percent of the amount of Federal funds provided to carry out such program in the State for a fiscal year.

"(cc) SPECIAL RULE.—Notwithstanding items (aa) and (bb), an agreement, including a local memorandum of understanding, entered into prior to the date of enactment of the Workforce Investment Act Amendments of 2005 by an entity regarding contributions under this title that permits the percentages described in such items to be exceeded, may continue to be in effect until terminated by the parties.

"(dd) VOCATIONAL REHABILITATION.—Notwithstanding items (aa) and (bb), an entity administering a program under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) shall not be required to provide, for the purposes of this paragraph, an amount in excess of—

"(AA) 0.75 percent of the amount provided for such program in the State for the second program year that begins after the date of enactment of the Workforce Investment Act Amendments of 2005;

"(BB) 1.0 percent of the amount provided for such program in the State for the third program year that begins after such date;

"(CC) 1.25 percent of the amount provided for such program in the State for the fourth program year that begins after such date; and

"(DD) 1.5 percent of the amount provided for such program in the State for the fifth and each succeeding program year that begins after such date.

"(III) FEDERAL DIRECT SPENDING PROGRAMS.—An entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined to be equivalent to the cost of the proportionate use of the one-stop centers for such program in the State.

"(IV) NATIVE AMERICAN PROGRAMS.—Native American programs established under section 166 shall not be subject to the provisions of this subsection or subsection (i). The method for determining the appropriate portion of funds to be provided by such Native American programs to pay for the costs of infrastructure of a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

"(B) ALLOCATION BY GOVERNOR.—From the funds provided under subparagraph (A), the Governor shall allocate the funds to local areas in accordance with the formula established under subparagraph (C) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

"(C) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under subparagraph (A) to local areas not funding infrastructure costs under the option described in paragraph (1)(A)(i)(I). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

"(D) COSTS OF INFRASTRUCTURE.—In this subsection, the term 'costs of infrastructure', used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and adaptive technology for individuals with disabilities), and technology to facilitate remote access to the one-stop center's strategic planning activities, and common outreach activities.

"(i) OTHER FUNDS.—

"(1) IN GENERAL.—Subject to the memorandum of understanding described in subsection (c) for the one-stop delivery system involved, in addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (2), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of core services described in section 134(d)(2) applicable to each program and may include common costs that are not paid from the funds provided under subsection (h).

"(2) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination of an appropriate allocation of the funds and noncash resources in local areas.".

SEC. 118. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

"SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(d)(4) (referred to in this section as 'training services') to receive funds provided under section 133(b) for the provision of training services.

"(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive the funds provided under section 133(b) for the provision of training services, the provider shall be—

"(A) a postsecondary educational institution that—

"(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(ii) provides a program that leads to an associate degree, baccalaureate degree, or industry-recognized certification;

"(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

"(C) another public or private provider of a program of training services.

"(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d). A provider described in paragraph (2)(B) shall be included on the list of eligible providers of training services described in subsection (d) for so long as the provider remains certified by the Department of Labor to carry out the programs described in paragraph (2)(B).

"(b) CRITERIA.—

"(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

"(A) the performance of providers of training services with respect to the performance measures and other matters for which information is required under paragraph (2) and other appropriate measures of performance outcomes for those participants receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions);

"(B) the need to ensure access to training services throughout the State, including any rural areas;

"(C) the information such providers are required to report to State agencies with respect to Federal and State programs (other than the program carried out under this subtitle), including one-stop partner programs;

"(D) the requirements for State licensing of providers of training services, and the licensing status of each provider of training services if applicable;

"(E) to the extent practicable, encouraging the use of industry-recognized standards and certification;

"(F) the ability of the providers to offer programs that lead to a degree or an industry-recognized certification;

"(G) the ability to provide training services to hard-to-serve populations, including individuals with disabilities; and

"(H) such other factors as the Governor determines are appropriate to ensure—

"(i) the quality of services provided;

"(ii) the accountability of the providers;

"(iii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;

"(iv) the informed choice of participants under chapter 5; and

"(v) that the collection of information required is not unduly burdensome or costly to providers.

"(2) INFORMATION.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

"(A) information on degrees and industry-recognized certifications received by such participants;

"(B) information on costs of attendance for such participants;

"(C) information on the program completion rate for such participants; and

"(D) information on the performance of the provider with respect to the performance measures described in section 136 for such participants (taking into consideration the characteristics of the population served and relevant economic conditions), which may include information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program.

"(3) RENEWAL.—The criteria established by the Governor shall also provide for biennial review and renewal of eligibility under this section for providers of training services.

"(4) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required under the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) to provide the services in the local area involved.

"(5) INFORMATION TO ESTABLISH INITIAL ELIGIBILITY.—

"(A) IN GENERAL.—In an effort to provide the highest-quality training services and responsiveness to new and emerging industries, providers may seek initial eligibility under this section as providers of training services. The criteria established by the Governor shall require that a provider who has not previously been an eligible provider of training services under this section provide the information described in subparagraph (B).

"(B) INFORMATION.—The provider shall provide verifiable program-specific performance information supporting the provider's ability to serve participants under this subtitle. The information provided under this subparagraph may include information on outcome measures such as job placement and wage increases for individuals participating in the program, information on business partnerships and other factors that indicate high-quality training services, and information on alignment with industries targeted for potential employment opportunities.

"(C) PROVISION.—The provider shall provide the information described in subparagraph (B) to the Governor and the local boards in a manner that will permit the Governor and the local boards to make a decision on inclusion of the provider on the list of eligible providers described in subsection (d).

"(c) PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services, and identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

"(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants in choosing employment and training activities under chapter 5 and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section in the State, accompanied by appropriate information, is provided to the one-stop delivery system in the State. The accompanying information shall consist of information provided by providers described in subparagraphs (A) and (C) of subsection (a)(2) in accordance with subsection (b) (including information on receipt of degrees and industry-recognized certifications, and costs of attendance, for participants receiving training services under this subtitle in applicable programs) and such other information as the Secretary determines is appropriate. The list and the accompanying information shall be made available to such participants and to members of the public through the one-stop delivery system in the State.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—The criteria and procedures established under this section shall provide the following:

"(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination, by an individual or entity specified in the criteria or procedures, that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider to receive funds under chapter 5 shall be terminated for a period of time that is not less than 2 years.

"(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the criteria or procedures, that a provider of training services substantially violated any requirement under this title, the eligibility of such provider to receive funds under the program involved may be terminated, or other appropriate action may be taken.

"(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such subparagraph.

"(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

"(f) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept career scholarship accounts provided in another State.

"(g) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing criteria, procedures, requirements for information, and the list of eligible providers described in subsection (d), the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, procedures, requirements for information, and list.

"(h) TRANSITION PERIOD FOR IMPLEMENTATION.—The requirements of this section shall be implemented not later than December 31, 2006. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 as such chapter was in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005 may continue to be eligible to provide such services until December 31, 2006, or until such earlier date as the Governor determines to be appropriate.

"(i) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING, OR INCUMBENT WORKER TRAINING EXCEPTION.—

"(1) IN GENERAL.—Providers of on-the-job training, customized training, or incumbent worker training shall not be subject to the requirements of subsections (a) through (h).

"(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, and incumbent worker training as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.".

SEC. 119. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) is amended to read as follows:

"SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

"(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan described in section 112 and shall conduct oversight with respect to such providers.

"(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).".

SEC. 120. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—Section 127 (29 U.S.C. 2852) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "opportunity" and inserting "challenge"; and

(B) in paragraph (2), by striking "make allotments" and all that follows and inserting "make allotments and grants, and enter into contracts and cooperative agreements, in accordance with subparagraphs (A)(iv), (B), and (C) of subsection (b)(1)."; and

(2) by striking subsection (b) and inserting the following:

"(b) ALLOTMENT AMONG STATES.—

"(1) YOUTH ACTIVITIES.—

"(A) YOUTH CHALLENGE GRANTS AND YOUTH ACTIVITIES FOR FARMWORKERS AND NATIVE AMERICANS.—

"(i) IN GENERAL.—For each fiscal year in which the amount appropriated under section 137(a) exceeds $1,000,000,000, the Secretary shall reserve a portion of the amount to provide youth activities under section 167 (relating to migrant and seasonal farmworker programs) and provide youth challenge grants and other activities under section 169 (relating to youth challenge grants).

"(ii) PORTION.—The portion referred to in clause (i) shall equal, for a fiscal year—

"(I) except as provided in subclause (II), the difference obtained by subtracting $1,000,000,000 from the amount appropriated under section 137(a) for the fiscal year; or

"(II) for any fiscal year in which the amount is $1,250,000,000 or greater, $250,000,000.

"(iii) YOUTH ACTIVITIES FOR FARMWORKERS.—For a fiscal year described in clause (i), the Secretary shall reserve the greater of $10,000,000 or 4 percent of the portion described in clause (i) for a fiscal year to provide youth activities under section 167. For a fiscal year not described in clause (i), the Secretary shall reserve $10,000,000 of the amount appropriated under section 137(a) to provide youth activities under section 167.

"(iv) YOUTH ACTIVITIES FOR NATIVE AMERICANS.—From the amount appropriated under section 137(a) for each fiscal year that is not reserved under clause (i) or (iii), the Secretary shall reserve not more than 1½ percent of such appropriated amount to provide youth activities under section 166 (relating to Native Americans).

"(B) OUTLYING AREAS.—

"(i) IN GENERAL.—From the amount appropriated under section 137(a) for each fiscal year that is not reserved under subparagraph (A), the Secretary shall reserve not more than ¼ of 1 percent of the appropriated amount to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities.

"(ii) LIMITATION FOR FREELY ASSOCIATED STATES.—

"(I) COMPETITIVE GRANTS.—The Secretary shall use funds described in clause (i) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States to carry out youth activities and statewide workforce investment activities.

"(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(III) ASSISTANCE REQUIREMENTS.—Any Freely Associated State that desires to receive assistance under this subparagraph shall submit an application to the Secretary and shall include in the application for assistance—

"(aa) information demonstrating that the Freely Associated State will meet all conditions that apply to States under this title;

"(bb) an assurance that, notwithstanding any other provision of this title, the Freely Associated State will use such assistance only for the direct provision of services; and

"(cc) such other information and assurances as the Secretary may require.

"(IV) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

"(iii) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95-134, permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including the Freely Associated States, under this subparagraph.

"(C) STATES.—

"(i) IN GENERAL.—From the remainder of the amount appropriated under section 137(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot to the States—

"(I) an amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2005 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005), in accordance with the requirements of clause (ii) of such section 127(b)(1)(C); and

"(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I), in accordance with clause (ii).

"(ii) FORMULA.—Of the amount described in clause (i)(II)—

"(I) $33\frac{1}{3}$ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each State, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all States;

"(II) $33\frac{1}{3}$ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

"(III) $33\frac{1}{3}$ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

"(iii) MINIMUM AND MAXIMUM PERCENTAGES.—

"(I) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is less than 90 percent of the allotment percentage of the State for the preceding fiscal year.

"(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

"(I) $\frac{3}{10}$ of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

"(II) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, $\frac{2}{5}$ of 1 percent of the excess.

"(2) DEFINITIONS.—For the purposes of paragraph (1):

"(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2006 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received by the State involved through an allotment made under this subsection for the fiscal year. The term, used with respect to fiscal year 2005, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005) that is received by the State involved for fiscal year 2005.

"(B) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

"(i) the poverty line; or

"(ii) 70 percent of the lower living standard income level.

"(C) FREELY ASSOCIATED STATE.—The term 'Freely Associated State' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(3) SPECIAL RULE.—For purposes of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.".

(b) REALLOTMENT.—

(1) AMENDMENT.—Section 127(c) (29 U.S.C. 2852(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under this section during such prior program year (including amounts allotted to the State in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the State under this section during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years that remained available); and

"(B) the accrued expenditures during such prior program year.";

(B) in paragraph (3)—

(i) by striking "for the prior program year" and inserting "for the program year for which the determination is made"; and

(ii) by striking "such prior program year" and inserting "such program year";

(C) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made."; and

(D) in paragraph (5), by striking "obligation" and inserting "accrued expenditure".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect for the program year that begins after the date of enactment of this Act.

(c) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATEWIDE ACTIVITIES.—Section 128(a) (29 U.S.C. 2853(a)) is amended to read as follows:

"(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

"(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide activities under section 129(b) or statewide employment and training activities, for adults or dislocated workers, under section 134(a).".

(2) WITHIN STATE ALLOCATION.—Section 128(b) (29 U.S.C. 2853(b)) is amended to read as follows:

"(b) WITHIN STATE ALLOCATIONS.—

"(1) IN GENERAL.—Of the amount allotted to the State under section 127(b)(1)(C) and not reserved under subsection (a)(1)—

"(A) a portion equal to not less than 80 percent of such amount shall be allocated by the Governor to local areas in accordance with paragraph (2); and

"(B) a portion equal to not more than 20 percent of such amount may be allocated by the Governor to local areas in accordance with paragraph (3).

"(2) ESTABLISHED FORMULA.—

"(A) IN GENERAL.—Of the portion described in paragraph (1)(A), the Governor shall allocate—

"(i) $33\frac{1}{3}$ percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all local areas in the State;

"(ii) $33\frac{1}{3}$ percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and

"(iii) $33\frac{1}{3}$ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

"(B) MINIMUM AND MAXIMUM PERCENTAGES.—

"(i) MINIMUM PERCENTAGE.—The Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is less than 90 percent of the allocation percentage of the local area for the preceding fiscal year.

"(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is more than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

"(C) DEFINITIONS.—In this paragraph:

"(i) ALLOCATION PERCENTAGE.—The term 'allocation percentage', used with respect to fiscal year 2006 or a subsequent fiscal year, means a percentage of the portion described in paragraph (1)(A) that is received by the local area involved through an allocation made under this paragraph for the fiscal year. The term, used with respect to fiscal year 2005, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005) that is received by the local area involved for fiscal year 2005.

"(ii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who—

"(I) is age 16 through 21;

"(II) is not a college student or member of the Armed Forces; and

"(III) received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

"(aa) the poverty line; or

"(bb) 70 percent of the lower living standard income level.

"(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor may allocate the portion described in paragraph (1)(B) to local areas where there are a significant number of eligible youth, after consultation with the State board and local boards.

"(4) LOCAL ADMINISTRATIVE COST LIMIT.—

"(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

"(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).".

(3) REALLOCATION.—

(A) AMENDMENT.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(i) in paragraph (1), by striking "paragraph (2)(A) or (3) of";

(ii) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under this section during such prior program year (including amounts allocated to the local area in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the local area under this section during the program year prior to the program year for which the determination is made (including amounts allocated to the local area in all prior program years that remained available); and

"(B) the accrued expenditures during such prior program year.";

(iii) by amending paragraph (3)—

(I) by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)";

(II) by striking "for the prior program year" the first place it appears and inserting "for the program year for which the determination is made";

(III) by striking "such prior program year" and inserting "such program year"; and

(IV) by striking the last sentence; and

(iv) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect for the later of—

(i) the program year that begins after the date of enactment of this Act; or

(ii) program year 2006.

(d) YOUTH PARTICIPANT ELIGIBILITY.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

"(a) YOUTH PARTICIPANT ELIGIBILITY.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

"(B) OUT-OF-SCHOOL YOUTH.—In this title the term 'out-of-school youth' means an individual who is—

"(i) not younger than age 16 nor older than age 21; and

"(ii) one of the following:

"(I) A school dropout.

"(II) A youth who is within the age for compulsory school attendance, but has not attended school for at least 1 school year calendar quarter.

"(III) A recipient of a secondary school diploma or its equivalent who is—

"(aa) deficient in basic skills, including limited English proficiency;

"(bb) a low-income individual; and

"(cc) not attending any school.

"(IV) Subject to the juvenile or adult justice system or ordered by a court to an alternative school.

"(V) A low-income individual who is pregnant or parenting and not attending any school.

"(VI) A youth who is not attending school or a youth attending an alternative school, who is homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

"(VII) A low-income individual who is not attending school and requires additional assistance to enter or complete an educational program or to secure or hold employment.

"(C) IN-SCHOOL YOUTH.—In this section the term 'in-school youth' means an individual who is—

"(i) not younger than age 14 nor older than age 21;

"(ii) a low-income individual; and

"(iii) one or more of the following:

"(I) Deficient in basic literacy skills, including limited English proficiency.

"(II) Homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

"(III) Pregnant or parenting.

"(IV) An offender (other than an individual described in subparagraph (B)(ii)(IV)).

"(V) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

"(2) EXCEPTION.—Not more than 5 percent of the individuals assisted under this section in each local area, in the case of individuals for whom low income is a requirement for eligibility under this section, may be individuals who are not low income.

"(3) LIMITATIONS ON ACTIVITIES FOR IN-SCHOOL YOUTH.—

"(A) IN GENERAL.—For any program year, not more than 60 percent of the funds available for statewide activities under subsection (b), and not more than 60 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B).

"(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may increase the percentage described in subparagraph (A) for a local area in the State, if—

"(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to use at least 40 percent of the funds available for activities under subsection (b) or (c) to serve out-of-school youth due to a low number of out-of-school youth; and

"(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed increased percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and

"(II) the request is approved by the Secretary.

"(4) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.".

(e) STATEWIDE ACTIVITIES.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

"(b) STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b) for statewide activities, which may include—

"(A) conducting—

"(i) evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

"(ii) research; and

"(iii) demonstration projects;

"(B) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this title, and for performance by local areas as described in section 136(i)(2);

"(C) providing technical assistance and capacity building activities to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), and the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State;

"(D) operating a fiscal and management accountability information system under section 136(f);

"(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 5, which may include a review comparing the services provided to male and female youth;

"(F) providing additional assistance to local areas that have high concentrations of eligible youth;

"(G) supporting the development of alternative programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter secondary education, enroll in postsecondary education and advanced training, and obtain career path employment;

"(H) supporting the provision of core services described in section 134(d)(2) in the one-stop delivery system in the State; and

"(I) supporting financial literacy, including—

"(i) supporting the ability to create household budgets, initiate savings plans, and make strategic investment decisions for education, retirement, home ownership, wealth building, or other savings goals;

"(ii) supporting the ability to manage spending, credit, and debt, including credit card debt, effectively;

"(iii) increasing awareness of the availability and significance of credit reports and credit scores in obtaining credit, the importance of their accuracy (and how to correct inaccuracies), their effect on credit terms, and the effect common financial decisions may have on credit scores;

"(iv) supporting the ability to ascertain fair and favorable credit terms;

"(v) supporting the ability to avoid abusive, predatory, or deceptive credit offers and financial products;

"(vi) supporting the ability to understand, evaluate, and compare financial products, services, and opportunities;

"(vii) supporting the ability to understand resources that are easily accessible and affordable, and that inform and educate an investor as to the investor's rights and avenues of recourse when the investor believes the investor's rights have been violated by unprofessional conduct of market intermediaries;

"(viii) increasing awareness of the particular financial needs and financial transactions (such as the sending of remittances) of consumers who are targeted in multilingual financial literacy and education programs and improving the development and distribution of multilingual financial literacy and education materials;

"(ix) promoting bringing individuals who lack basic banking services into the financial mainstream by opening and maintaining accounts with financial institutions; and

"(x) improving financial literacy and education through all other related skills, including personal finance and related economic education, with the primary goal of programs not simply to improve knowledge, but rather to improve consumers' financial choices and outcomes.

"(2) Limitation.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

"(3) Prohibition.—No funds described in this subsection may be used to develop or implement education curricula for school systems in the State.".

(f) Local Elements and Requirements.—

(1) Program design.—Section 129(c)(1) (29 U.S.C. 2854(c)(1)) is amended—

(A) in the matter that precedes subparagraph (A), by striking "paragraph (2)(A) or (3), as appropriate, of";

(B) in subparagraph (B), by inserting "are directly linked to 1 or more of the performance measures relating to this chapter under section 136, and that" after "for each participant that"; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as redesignated by clause (i)) the following:

"(i) activities leading to the attainment of a secondary school diploma or its equivalent, or another recognized credential;";

(iii) in clause (ii) (as redesignated by clause (i)), by inserting "and advanced training" after "opportunities";

(iv) in clause (iii) (as redesignated by clause (i))—

(I) by inserting "instruction based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)" after "academic"; and

(II) by inserting "that lead to the attainment of recognized credentials" after "learning"; and

(v) by striking clause (v) (as redesignated by clause (i)) and inserting the following:

"(v) effective connections to all employers, including small employers, in sectors of the local and regional labor markets that are experiencing high growth in employment opportunities.".

(2) Program elements.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking "secondary school, including dropout prevention strategies" and inserting "the requirements for a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities) or for another recognized credential, including dropout prevention strategies";

(B) in subparagraph (B), by inserting ", with a priority on exposing youth to technology and nontraditional jobs" before the semicolon;

(C) in subparagraph (F), by striking "during nonschool hours";

(D) in subparagraph (I), by striking "and" at the end;

(E) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

"(K) on-the-job training opportunities;

"(L) opportunities to acquire financial literacy skills;

"(M) entrepreneurial skills training and microenterprise services; and

"(N) information about average wages for a range of jobs available in the local area, including technology jobs.".

(3) Additional requirements.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking "or applicant who meets the minimum income criteria to be considered an eligible youth".

(4) Priority and exceptions.—Section 129(c) (29 U.S.C. 2854(c)) is amended by striking paragraphs (4) and (5).

(5) Prohibitions and linkages.—Section 129(c) (29 U.S.C. 2854(c)), as amended by paragraph (4), is further amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively;

(B) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking "youth councils" and inserting "local boards".

SEC. 121. ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) State Allotments.—

(1) Reservations.—Section 132(a)(2)(A) (29 U.S.C. 2862 (a)(2)(A)) is amended by striking "national emergency grants, other than under subsection (a)(4), (f), and (g)" and inserting "national dislocated worker grants, other than under subparagraph (D) or (E) of subsection (a)(1), subsection (e), and subsection (f)".

(2) Allotment among States.—Section 132(b) (29 U.S.C. 2862(b)) is amended—

(A) in paragraph (1)(A)(ii), by striking "section 127(b)(1)(B)," and all that follows and inserting "section 127(b)(1)(B).";

(B) by striking paragraph (1)(B)(ii) and inserting the following:

"(ii) Formula.—Subject to clauses (iii) and (iv), of the remainder—

"(I) 40 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

"(II) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States; and

"(III) 35 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).";

(C) in paragraph (1)(B)—

(i) in clause (iii), by striking "section 116(a)(2)(B)" and inserting "section 116(a)(2)(A)(iii)";

(ii) in clause (iv)—

(I) in subclause (I)—

(aa) by striking "Subject to subclause (IV), the" and inserting "The"; and

(bb) by striking "than the greater of" and all that follows and inserting "than an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year.";

(II) in subclause (II), by striking "subclauses (I), (III), and (IV)" and inserting "subclauses (I) and (III)"; and

(III) by striking subclause (IV); and

(iii) in clause (v), by striking subclause (VI); and

(D) in paragraph (2)(A)(ii), by striking "section 127(b)(1)(B)" and all that follows and inserting "section 127(b)(1)(B).".

(3) Reallotment.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) Amount.—The amount available for reallotment for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year (including amounts allotted to the State in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years under such provisions that remained available); and

"(B) the accrued expenditures from such total amount of funds available under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year.";

(B) in paragraph (3)—

(i) by striking "under this section for such activities for the prior program year" and inserting "under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for the program year for which the determination is made"; and

(ii) by striking "under this section for such activities for such prior program year" and inserting "under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for such program year";

(C) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means—

"(A) with respect to funds allotted under subsection (b)(1)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

"(B) with respect to funds allotted under subsection (b)(2)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made."; and

(D) in paragraph (5), by striking "obligation" and inserting "accrued expenditure".

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2006.

(b) WITHIN STATE ALLOCATIONS.—

(1) ALLOCATION.—Section 133(b)(2)(A)(i) (29 U.S.C. 2863(b)(2)(A)(i)) is amended—

(A) in subclause (I), by striking "33⅓ percent" and inserting "40 percent";

(B) in subclause (II), by striking "33⅓ percent" and inserting "25 percent"; and

(C) in subclause (III), by striking "33⅓ percent" and inserting "35 percent".

(2) TRANSFER AUTHORITY.—Section 133(b)(4) (29 U.S.C. 2863(b)(4)) is amended by striking "20 percent" each place it appears and inserting "100 percent".

(3) REQUIREMENTS.—Clauses (i) and (ii) of section 133(b)(5)(B) (29 U.S.C. 2863(b)(5)(B)) are amended by striking "section 134(c)" and inserting "section 121(e)".

(4) REALLOCATION.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by inserting ", and under subsection (b)(2)(B) for dislocated worker employment and training activities," after "activities";

(B) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallocation for a program year for programs funded under paragraphs (2)(A) and (3) of subsection (b) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year (including amounts allocated to the local area in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the local area in all prior program years under such provisions that remained available); and

"(B) the accrued expenditures from such total amount of funds available under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year.";

(C) by striking paragraph (3) and inserting the following:

"(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

"(A) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under paragraphs (2)(A) or (3) of subsection (b), an amount based on the relative amount allocated to such local area under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for such program year; and

"(B) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under subsection (b)(2)(B), an amount based on the relative amount allocated to such local area under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under subsection (b)(2)(B) for such program year."; and

(D) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—

"(A) with respect to funds allocated under paragraphs (2)(A) or (3) of subsection (b), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

"(B) with respect to funds allocated under subsection (b)(2)(B), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(5) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2006.

(c) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2)(A) (29 U.S.C. 2864(a)(2)(A)) is amended to read as follows:

"(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—

"(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by a Governor for a State under section 133(a)(2). Such activities shall include—

"(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

"(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

"(ii) USE OF UNEXPENDED FUNDS.—Funds reserved under section 133(a)(2) to carry out this subparagraph that remain unexpended after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) and paragraph (3)(A) in addition to activities under this subparagraph.".

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) (regardless of whether the funds were allotted to the States under section 127(b)(1)(C) or paragraphs (1)(B) or (2)(B) of section 132(b)) shall be used for statewide employment and training activities, including—

"(i) disseminating—

"(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs described in section 122(a)(2)(B);

"(II) information identifying eligible providers of on-the-job training, customized training, and incumbent worker training;

"(III) information on effective business outreach, partnerships, and services;

"(IV) performance information and information on costs of attendance, as described in subsections (d) and (i) of section 122; and

"(V) information on physical and programmatic accessibility for individuals with disabilities;

"(ii) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

"(iii) providing incentive grants to local areas, in accordance with section 136(i);

"(iv) developing strategies for ensuring that activities carried out under this section are placing men and women in jobs, education, and training that lead to comparable pay;

"(v) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), which may include the development and training of staff to provide opportunities for hard-to-serve populations to enter high-wage, high-skilled, and nontraditional occupations;

"(vi) operating a fiscal and management accountability system under section 136(f); and

"(vii) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4.".

(C) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section

134(a)(3)(A) (29 U.S.C. 2864(a)(3)(A)) is amended to read as follows:

"(A) IN GENERAL.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) may be used to carry out additional statewide employment and training activities, which may include—

"(i) implementing innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnerships, including regional skills alliances, sectoral skills partnerships (in which representatives of multiple employers for a specific industry sector or group of related occupations, economic development agencies, providers of training services described in subsection (d)(4), labor federations, and other entities that can provide needed supportive services tailored to the needs of workers in that sector or group, for a local area or region, identify gaps between the current and expected demand and supply of labor and skills in that sector or group for that area or region and develop a strategic skills gap action plan), career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

"(ii) developing strategies for effectively serving hard-to-serve populations and for coordinating programs and services among one-stop partners;

"(iii) implementing innovative programs for displaced homemakers, which for purposes of this clause may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(iv) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

"(v) carrying out activities to facilitate remote access to services, including training services described in subsection (d)(4), provided through a one-stop delivery system, including facilitating access through the use of technology;

"(vi) supporting the provision of core services described in subsection (d)(2) in the one-stop delivery system in the State;

"(vii) coordinating with the child welfare system to facilitate services for children in foster care and those who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);

"(viii) activities—

"(I) to improve coordination between workforce investment activities carried out within the State involved and economic development activities, and to promote entrepreneurial skills training and microenterprise services;

"(II) to improve coordination between employment and training assistance, child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(III) to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

"(IV) to improve coordination between employment and training assistance and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a);

"(V) to develop and disseminate workforce and labor market information;

"(VI) to improve coordination with the corrections system to facilitate provision of training services and employment opportunities that will assist ex-offenders in reentering the workforce; and

"(VII) to promote financial literacy, including carrying out activities described in section 129(b)(1)(I);

"(ix) conducting—

"(I) research; and

"(II) demonstration projects; and

"(x) adopting, calculating, or commissioning a minimum self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.".

(2) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(d)(1)(A) (29 U.S.C. 2864(d)(1)(A)) is amended—

(i) in clause (i), by striking "described in subsection (c)";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(v) to designate a dedicated business liaison in the local area who may be funded with funds provided under this title or from other sources to establish and develop relationships and networks with large and small employers and their intermediaries; and

"(vi) in order to improve service delivery to avoid duplication of services and enhance coordination of services, to require the colocation of employment services provided under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) at the one-stop centers.".

(B) CORE SERVICES.—Section 134(d)(2) (29 U.S.C. 2864(d)(2)) is amended—

(i) in the matter preceding subparagraph (A), by striking "paragraph (1)(A)" and inserting "paragraph (1)";

(ii) in subparagraph (C), by inserting "(including literacy, numeracy, and English language proficiency)" after "skill levels";

(iii) by striking subparagraph (D) and inserting the following:

"(D) labor exchange services, including—

"(i) job search and placement assistance and, in appropriate cases, career counseling, including—

"(I) exposure to high wage, high skill jobs; and

"(II) nontraditional employment; and

"(ii) appropriate recruitment and other business services for all employers, including small employers, in the local area, which may include services described in this subsection, including information and referral to specialized business services not traditionally offered through the one-stop delivery system;";

(iv) in subparagraph (E)(iii)—

(I) by inserting ", career ladders," after "earnings"; and

(II) by striking "and" at the end;

(v) in subparagraph (F)—

(I) by striking "and program cost information"; and

(II) by striking "described in section 123";

(vi) by striking subparagraph (H) and inserting the following:

"(H) provision of accurate information, in formats that are usable and understandable to all one-stop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other supportive services and transportation provided through funds made available under such part, available in the local area, and referral to such services or assistance as appropriate;"; and

(vii) in subparagraph (J), by striking "for—" and all that follows through "(ii) programs" and inserting "for programs".

(C) INTENSIVE SERVICES.—Section 134(d)(3) (29 U.S.C. 2864(d)(3)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively—

"(I) who are unemployed and who, after an interview, evaluation, or assessment, have been determined by a one-stop operator or one-stop partner to be—

"(aa) unlikely or unable to obtain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through core services described in paragraph (2); and

"(bb) in need of intensive services to obtain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; or

"(II) who are employed, but who, after an interview, evaluation, or assessment are determined by a one-stop operator or one-stop partner to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

"(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program."; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking "for participants seeking training services under paragraph (4)"; and

(II) by adding at the end the following:

"(vii) Internships and work experience.

"(viii) Literacy activities relating to basic work readiness.

"(ix) Financial literacy services, such as activities described in section 129(b)(1)(I).

"(x) Out-of-area job search assistance and relocation assistance.

"(xi) English language acquisition and integrated training programs.".

(D) TRAINING SERVICES.—Section 134(d)(4) (29 U.S.C. 2864(d)(4)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

"(I) who, after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

"(aa) be unlikely or unable to obtain or retain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through the intensive services described in paragraph (3);

"(bb) be in need of training services to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; and

"(cc) have the skills and qualifications to successfully participate in the selected program of training services;

"(II) who select programs of training services that are directly linked to the employment opportunities in the local area or region involved or in another area to which the adults or dislocated workers are willing to commute or relocate;

"(III) who meet the requirements of subparagraph (B); and

"(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

"(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.";

(ii) in subparagraph (B)(i), by striking "Except" and inserting "Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except";

(iii) in subparagraph (D)—

(I) in clause (viii), by striking "and" after the semicolon;

(II) in clause (ix), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(x) English language acquisition and integrated training programs.";

(iv) in subparagraph (F)—

(I) in clause (ii), by striking "referred to in subsection (c), shall make available—" and all that follows and inserting "shall make available a list of eligible providers of training services, and accompanying information, in accordance with section 122(d).";

(II) in the heading of clause (iii), by striking "INDIVIDUAL TRAINING ACCOUNTS" and inserting "CAREER SCHOLARSHIP ACCOUNTS";

(III) in clause (iii)—

(aa) by striking "identifying information" and inserting "accompanying information";

(bb) by striking "clause (ii)(I)" and inserting "clause (ii)"; and

(cc) by striking "an individual training account" and inserting "a career scholarship account"; and

(IV) by adding at the end the following:

"(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career scholarship accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services."; and

(v) in subparagraph (G)—

(I) in the subparagraph heading, by striking "INDIVIDUAL TRAINING ACCOUNTS" and inserting "CAREER SCHOLARSHIP ACCOUNTS";

(II) in clause (i), by striking "individual training accounts" and inserting "career scholarship accounts";

(III) in clause (ii)—

(aa) by striking "an individual training account" and inserting "a career scholarship account";

(bb) in subclause (II), by striking "individual training accounts" and inserting "career scholarship accounts";

(cc) in subclause (II) by striking "or" after the semicolon;

(dd) in subclause (III), by striking "special participant populations that face multiple barriers to employment" and inserting "hard-to-serve populations";

(ee) in subclause (III), by striking the period and inserting "; or"; and

(ff) by adding at the end the following:

"(IV) the local board determines that it would be most appropriate to award a contract to an institution of higher education in order to facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice."; and

(IV) by striking clause (iv).

(3) PERMISSIBLE ACTIVITIES.—Section 134(e) (29 U.S.C. 2864(e)) is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

"(e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved—

"(i) customized screening and referral of qualified participants in training services described in subsection (d)(4) to employers;

"(ii) customized employment-related services to employers on a fee-for-service basis;

"(iii) customer support to enable members of hard-to-serve populations, including individuals with disabilities, to navigate among multiple services and activities for such populations;

"(iv) technical assistance and capacity building for serving individuals with disabilities in local areas, for one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, and the development of performance measures;

"(v) employment and training assistance provided in coordination with child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(vi) activities to improve coordination among employment and training assistance, child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(vii) activities to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

"(viii) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

"(ix) activities—

"(I) to improve coordination between workforce investment activities carried out within the local area involved and economic development activities, and to promote entrepreneurial skills training and microenterprise services; and

"(II) to improve services and linkages between the local workforce investment system including the local one-stop delivery system, and all employers, including small employers in the local area, through services described in this section, including subparagraph (B);

"(x) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

"(xi) using a portion of the funds allocated under section 133(b), activities to carry out business services and strategies that meet the workforce investment needs of local area employers, as determined by the local board, consistent with the local plan under section 118, which services—

"(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development and other resources as determined appropriate by the local board; and

"(II) may include—

"(aa) identifying and disseminating to business, educators, and job seekers, information related to the workforce, economic and community development needs, and opportunities of the local economy;

"(bb) development and delivery of innovative workforce investment services and strategies for area businesses, which may include sectoral, industry cluster, regional skills alliances, career ladder, skills upgrading, skill standard development and certification, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;

"(cc) participation in seminars and classes offered in partnership with relevant organizations focusing on the workforce-related needs of area employers and job seekers;

"(dd) training consulting, needs analysis, and brokering services for area businesses, including the organization and aggregation of training (which may be paid for with funds other than those provided under this title), for individual employers and coalitions of employers with similar interests, products, or workforce needs;

"(ee) assistance to area employers in the aversion of layoffs and in managing reductions in force in coordination with rapid response activities;

"(ff) the marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers;

"(gg) information referral on concerns affecting local employers; and

"(hh) other business services and strategies designed to better engage employers in workforce investment activities and to make the workforce investment system more relevant to the workforce investment needs of area businesses, as determined by the local board to be consistent with the objectives of this title;

"(xii) activities to adjust the self-sufficiency standards for local factors, or activities to adopt, calculate, or commission a self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations; and "(xiii) improved coordination between employment and training assistance and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a).

"(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

"(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

"(ii) ACTIVITIES.—The activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided."; and

(B) by adding at the end the following:

"(4) INCUMBENT WORKER TRAINING PROGRAMS.—

"(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through an incumbent worker training program carried out in accordance with this paragraph. The Governor or State board may make recommendations to the local board regarding incumbent worker training with statewide impact.

"(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

"(C) EMPLOYER SHARE REQUIRED.—

"(i) IN GENERAL.—Employers participating in the program carried out under this paragraph shall be required to pay the non-Federal share of the costs of providing the training to incumbent workers of the employers. The local board shall establish the non-Federal share of such costs, which may include in-kind contributions. The non-Federal share shall not be less than—

"(I) 10 percent of the costs, for employers with 50 or fewer employees;

"(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

"(III) 50 percent of the costs, for employers with 100 or more employees.

"(ii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share paid by such an employer may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph.".

SEC. 122. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) STATE PERFORMANCE MEASURES.—

(1) INDICATORS OF PERFORMANCE.—Section 136(b)(2)(A) (29 U.S.C. 2871(b)(2)(A)) is amended—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129";

(ii) by striking subclause (III) and inserting the following:

"(III) increases in earnings from unsubsidized employment; and"; and

(iii) in subclause (IV), by striking ", or by participants" and all that follows through "unsubsidized employment"; and

(B) by striking clause (ii) and inserting the following:

"(ii) CORE INDICATORS FOR ELIGIBLE YOUTH.—The core indicators of performance for youth activities authorized under section 129 shall consist of—

"(I) entry into employment, education or advanced training, or military service;

"(II) school retention, and attainment of secondary school diplomas or their recognized equivalents and of postsecondary certificates; and

"(III) literacy or numeracy gains.".

(2) ADDITIONAL INDICATORS.—Section 136(b)(2)(C) (29 U.S.C. 2871(b)(2)(C)) is amended to read as follows:

"(C) ADDITIONAL INDICATORS.—A State may identify in the State plan additional indicators for workforce investment activities under this subtitle, including indicators identified in collaboration with State business and industry associations, with employee representatives where applicable, and with local boards, to measure the performance of the workforce investment system in serving the workforce needs of business and industry in the State.".

(3) LEVELS OF PERFORMANCE.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (iii)—

(i) in the heading, by striking "FOR FIRST 3 YEARS";

(ii) by striking "and the customer satisfaction indicator of performance, for the first 3" and inserting "described in clauses (i) and (ii) of paragraph (2)(A) and the customer satisfaction indicator of performance, for the first 2"; and

(iii) by inserting at the end the following: "Agreements on levels of performance for each of the core indicators of performance for the third and fourth program years covered by the State plan shall be reached prior to the beginning of the third program year covered by the State plan, and incorporated as a modification to the State plan.";

(B) in clause (iv)—

(i) in the matter preceding subclause (I), by striking "or (v)";

(ii) in subclause (II)—

(I) by striking "taking into account" and inserting "and shall ensure that the levels involved are adjusted, using objective statistical methods, based on";

(II) by inserting "(such as differences in unemployment rates and job losses or gains in particular industries)" after "economic conditions";

(III) by inserting "(such as indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency)" after "program"; and

(IV) by striking "and" at the end;

(iii) in subclause (III), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(IV) the extent to which the levels involved will assist the State in meeting the national goals described in clause (v).";

(C) by striking clause (v) and inserting the following:

"(v) ESTABLISHMENT OF NATIONAL GOALS.—In order to promote enhanced performance outcomes on the performance measures and to facilitate the process of reaching agreements with the States under clause (iii) and to measure systemwide performance for the one-stop delivery systems of the States, the Secretary shall establish long-term national goals for the adjusted levels of performance for that systemwide performance to be achieved by the programs assisted under chapters 4 and 5 on the core indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2). Such goals shall be established in accordance with the Government Performance and Results Act of 1993 in consultation with the States and other appropriate parties."; and

(D) in clause (vi)—

(i) by striking "or (v)"; and

(ii) by striking "with the representatives described in subsection (i)" and inserting "with the States and other interested parties".

(b) LOCAL PERFORMANCE MEASURES.—Section 136(c)(3) (29 U.S.C. 2871(c)(3)) is amended—

(1) by striking "shall take into account" and inserting "shall ensure that the levels involved are adjusted, using objective statistical methods, based on";

(2) by inserting "characteristics (such as unemployment rates and job losses or gains in particular industries)" after "economic"; and

(3) by inserting "characteristics (such as indicators of poor work history, lack of work experience, lack of educational and occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency)" after "demographic".

(c) REPORT.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by adding at the end the following: "In the case of a State or local area that chooses to expend funds for activities under subsection (a)(3)(A)(i) or (e)(1)(A)(xi), respectively, of section 131, the report also shall include the amount of such funds so expended and the percentage that such funds are of the funds available for activities under section 134.";

(2) in paragraph (2)—

(A) in subparagraph (E)—

(i) by striking "(excluding participants who received only self-service and informational activities)"; and

(ii) by striking "and" after the semicolon;

(B) in subparagraph (F)—

(i) by inserting "noncustodial parents with child support obligations, homeless individuals," after "displaced homemakers,"; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(G) the number of participants who have received services, other than followup services, authorized under this title;

"(H) the number of participants who have received services, other than followup services, authorized under this title, in the form of core services described in section 134(d)(2), intensive services described in section 134(d)(3), and training services described in section 134(d)(4), respectively;

"(I) the number of participants who have received followup services authorized under this title;

"(J) the cost per participant for services authorized under this title; and

"(K) the amount of adult and dislocated worker funds spent on—

"(i) core, intensive, and training services, respectively; and

"(ii) services provided under subsection (a)(3)(A)(i) or (e)(1)(A)(xi) of section 134, if applicable."; and

(3) by adding at the end the following:

"(4) DATA VALIDATION.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure that the information contained in the reports is valid and reliable.".

(d) EVALUATION OF STATE PROGRAMS.—Section 136(e)(3) (29 U.S.C. 2871(e)(3)) is amended by inserting ", including information on promoting self-sufficiency and comparable pay between men and women" after "employers".

(e) SANCTIONS FOR STATE.—Section 136(g)(1)(B) (29 U.S.C. 2871(g)(1)(B)) is amended by striking "If such failure continues for a second consecutive year" and inserting "If a State performs at less than 80 percent of the adjusted level of performance for core indicators of performance described in subsection (b)(2)(A) for 2 consecutive years".

(f) SANCTIONS FOR LOCAL AREA.—Section 136(h)(2)(A) (29 U.S.C. 2871(h)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking "If such failure continues for a second consecutive year" and inserting "If a local area performs at less than 80 percent of the adjusted level of performance for core indicators of performance described in subsection (b)(2)(A) for 2 consecutive years";

(2) in clause (ii), by striking "or" after the semicolon;

(3) by redesignating clause (iii) as clause (iv); and

(4) by inserting after clause (ii) the following:

"(iii) redesignate the local area in accordance with section 116(b)(2); or".

(g) INCENTIVE GRANTS.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

"(i) INCENTIVE GRANTS FOR LOCAL AREAS.—

"(1) IN GENERAL.—From funds reserved under sections 128(a) and 133(a)(1), the Governor involved shall award incentive grants to local areas for performance described in paragraph (2).

"(2) BASIS.—The Governor shall award the grants on the basis that the local areas—

"(A) have exceeded the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii); or

"(B) have—

"(i) met the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii); and

"(ii) demonstrated—

"(I) exemplary coordination of one-stop partner programs described in section 121 with statewide economic development or business needs;

"(II) exemplary performance in the one-stop partner programs in the State in serving hard-to-serve populations; or

"(III) effective—

"(aa) coordination of multiple systems for the one-stop partner programs into a comprehensive workforce investment system, including coordination of employment services under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and core services under section 134(d)(2);

"(bb) expansion of access to training through the one-stop partner programs, including expansion of access through increased leveraging of resources other than those provided through programs under this title;

"(cc) implementation of coordination activities relating to the one-stop partner programs, through agreements with relevant regional or local agencies and offices, including those responsible for programs under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(dd) regional coordination relating to the one-stop partner programs, with other local boards or local areas;

"(ee) alignment of management information systems to integrate participant information across the one-stop partner programs; or

"(ff) integration of performance information systems and common measures for accountability across the one-stop partner programs.

"(3) USE OF FUNDS.—The funds awarded to a local area under this subsection may be used to carry out activities authorized for local areas in programs carried out under this title, the Adult Education and Family Literacy Act, and the Rehabilitation Act of 1973 (referred to in this subsection as 'workforce and education programs'), and such innovative projects or programs that increase coordination and enhance service to participants in such programs, particularly hard-to-serve populations, as may be approved by the Governor, including—

"(A) activities that support business needs, especially for incumbent workers and enhancing opportunities for retention and advancement;

"(B) activities that support linkages between the workforce and education programs, and secondary, postsecondary, or career and technical education programs, including activities under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(C) activities that support regional economic development plans that support high-wage, high-skill, or high-demand occupations leading to self-sufficiency;

"(D) activities that coordinate the workforce and education programs with other Federal and State programs related to the workforce and education programs;

"(E) activities that support the development of an integrated performance information system that includes common measures for one-stop partner programs described in section 121;

"(F) activities that align management information systems with integrated performance information across the one-stop partner programs;

"(G) activities that support activities to improve performance in workforce and education programs and program coordination of workforce and education programs; or

"(H) activities that leverage additional training resources, other than those provided through workforce and education programs, for adults and youth.

"(4) TECHNICAL ASSISTANCE.—The Governor shall reserve 4 percent of the funds available for grants under this subsection to provide technical assistance to local areas—

"(A) to replicate best practices for workforce and education programs;

"(B) to develop integrated performance information systems for the one-stop partner programs;

"(C) to strengthen coordination between workforce and education programs, and other education programs; or

"(D) to strengthen regional economic development.".

(h) USE OF CORE MEASURES IN OTHER DEPARTMENT OF LABOR PROGRAMS.—Section 136 (29 U.S.C. 2871) is amended by adding at the end the following:

"(j) USE OF CORE INDICATORS FOR OTHER PROGRAMS.—In addition to the programs carried out under chapters 4 and 5, and consistent with the requirements of the applicable authorizing laws, the Secretary shall use the indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2) to assess the effectiveness of the programs described in clauses (i), (ii), and (vi) of section 121(b)(1)(B) that are carried out by the Secretary.".

(i) PREVIOUS DEFINITIONS OF CORE INDICATORS.—Section 502 (29 U.S.C. 9272) is repealed.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH ACTIVITIES.—Section 137(a) (29 U.S.C. 2872(a)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(c) (29 U.S.C. 2872(c)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

Subtitle C—Job Corps

SEC. 131. JOB CORPS.

(a) ELIGIBILITY.—Section 144(3) (29 U.S.C. 2884(3)) is amended by adding at the end the following:

"(F) A child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677).".

(b) IMPLEMENTATION OF STANDARDS AND PROCEDURES.—Section 145(a)(3) (29 U.S.C. 2885(a)(3)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) child welfare agencies that are responsible for children in foster care and children eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677).".

(c) INDUSTRY COUNCILS.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking "local and distant"; and

(2) by adding at the end the following:

"(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

"(4) SPECIAL RULE FOR SINGLE LOCAL AREA STATES.—In the case of a single local area State designated under section 116(b), the industry council shall include a representative of the State Board.".

(d) INDICATORS OF PERFORMANCE.—Section 159 (29 U.S.C. 2899) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

"(1) PERFORMANCE INDICATORS.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators of performance for youth activities identified in section 136(b)(2)(A)(ii).";

(B) in paragraph (2), by striking "measures" each place it appears and inserting "indicators"; and

(C) in paragraph (3)—

(i) in the first sentence, by striking "core performance measures, as compared to the expected performance level for each performance measure" and inserting "performance indicators described in paragraph (1), as compared to the expected level of performance established under paragraph (1) for each performance measure"; and

(ii) in the second sentence, by striking "measures" each place it appears and inserting "indicators"; and

(2) in subsection (f)(2), in the first sentence, by striking "core performance measures" and inserting "indicators of performance".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 161 (29 U.S.C. 2901) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

Subtitle D—National Programs

SEC. 141. NATIVE AMERICAN PROGRAMS.

(a) ADVISORY COUNCIL.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

"(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).".

(b) ASSISTANCE TO UNIQUE POPULATIONS IN ALASKA AND HAWAII.—Section 166(j) (29 U.S.C. 2911(j)) is amended to read as follows:

"(j) ASSISTANCE TO UNIQUE POPULATIONS IN ALASKA AND HAWAII.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to the Cook Inlet Tribal Council, Incorporated, and the University of Hawaii at Maui, for the unique populations who reside in Alaska or Hawaii, to improve job training and workforce investment activities.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 2006 through 2011.".

(c) PERFORMANCE INDICATORS.—Section 166 (29 U.S.C. 2911) is amended by adding at the end the following:

"(k) PERFORMANCE INDICATORS.—

"(1) DEVELOPMENT OF INDICATORS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards which shall be applicable to programs under this section.

"(2) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

"(A) the purpose of this section as described in subsection (a)(1);

"(B) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

"(C) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.".

SEC. 142. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

Section 167 (29 U.S.C. 2912) is amended—

(1) in subsection (a), by striking "2" and inserting "2 to 4";

(2) in subsection (b), by inserting "and deliver" after "administer";

(3) in subsection (c)—

(A) in paragraph (1), by striking "2-year" and inserting "4-year";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "describe the population to be served and" before "identify"; and

(II) by inserting ", including upgraded employment in agriculture" before the semicolon;

(ii) in subparagraph (B), by striking "and" at the end;

(iii) in subparagraph (C), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(D) describe the availability and accessibility of local resources such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

"(E) describe the plan for providing services under this section, including strategies and systems for outreach, case management, assessment, and delivery through one-stop delivery systems."; and

(C) by striking paragraph (4) and inserting the following:

"(4) COMPETITION.—The competition for grants made and contracts entered into under this section shall be conducted every 2 to 4 years.";

(4) in subsection (d), by striking "include" and all that follows and inserting "include outreach, employment, training, educational assistance, literary assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, school dropout prevention activities, followup services for those individuals placed in employment, self-employment and related business or micro-enterprise development or education as needed by eligible individuals and as identified pursuant to the plan required by subsection (c), customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area, and technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.";

(5) in subsection (f), by striking "take into account the economic circumstances and demographics of eligible migrant and seasonal farmworkers." and inserting "are adjusted based on the economic and demographic barriers to employment of eligible migrant and seasonal farmworkers.";

(6) in subsection (g), by striking "(enacted by the Single Audit Act of 1984)";

(7) in subsection (h)—

(A) by striking paragraph (1) and inserting the following:

"(1) DEPENDENT.—The term 'dependent', used with respect to an eligible migrant or seasonal farmworker, means an individual who—

"(A) was claimed as a dependent on the farmworker's Federal income tax return for the previous year;

"(B) is the spouse of the farmworker; or

"(C) is able to establish—

"(i) a relationship as the farmworker's—

"(I) biological or legally adopted child, grandchild, or great-grandchild;

"(II) foster child;

"(III) stepchild;

"(IV) brother, sister, half-brother, half-sister, stepbrother, or stepsister;

"(V) parent, grandparent, or other direct ancestor (but not foster parent);

"(VI) stepfather or stepmother;

"(VII) uncle or aunt;

"(VIII) niece or nephew; or

"(IX) father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; and

"(ii) the receipt of over half of the individual's total support from the farmworker's family during the eligibility determination period for the farmworker."; and

(B) in paragraph (4)(A)—

(i) by striking "disadvantaged person" and inserting "low-income individual"; and

(ii) by inserting "and who faces multiple barriers to self-sufficiency" before the semicolon;

(8) by redesignating subsection (h) as subsection (i); and

(9) by inserting before subsection (i) the following:

"(h) FUNDING ALLOCATION.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities."

SEC. 143. VETERANS' WORKFORCE INVESTMENT PROGRAMS.

Section 168(a)(3) (29 U.S.C. 2913(a)(3)) is amended—

(1) in subparagraph (A), by inserting ", including services provided by one-stop operators and one-stop partners" before the semicolon; and

(2) in subparagraph (C), by striking "section 134(c)" and inserting "section 121(e)".

SEC. 144. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

"SEC. 169. YOUTH CHALLENGE GRANTS.

"(a) IN GENERAL.—Of the amounts reserved by the Secretary under section 127(b)(1)(A) for a fiscal year—

"(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

"(2) the Secretary may use not more than 20 percent to award competitive grants under subsection (c).

"(b) COMPETITIVE GRANTS TO STATES AND LOCAL AREAS.—

"(1) ESTABLISHMENT.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this subsection to assist eligible youth in acquiring the skills, credentials, and employment experience necessary to achieve the performance outcomes for youth described in section 136.

"(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) a State or consortium of States;

"(B) a local board or consortium of local boards;

"(C) a recipient of a grant under section 166 (relating to Native American programs); or

"(D) a public or private entity (including a consortium of such entities) with expertise in the provision of youth activities, applying in partnership with a local board or consortium of local boards.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the activities the eligible entity will provide to eligible youth under this subsection, and how the eligible entity will collaborate with State and local workforce investment systems established under this title in the provision of such activities;

"(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

"(C) a description of the State, local, and private resources that will be leveraged to provide the activities described under subparagraph (A) in addition to funds provided under this subsection, and a description of the extent of the involvement of employers in the activities;

"(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii); and

"(E) except in the case of an application submitted by an eligible entity described in paragraph (2)(C)—

"(i) an assurance that the State board of each State in which the proposed activities are to be carried out had the opportunity to review the application; and

"(ii) the comments, if any, of the affected State boards on the application.

"(4) FACTORS FOR AWARD.—

"(A) IN GENERAL.—In awarding grants under this subsection the Secretary shall consider—

"(i) the quality of the proposed activities;

"(ii) the goals to be achieved;

"(iii) the likelihood of successful implementation;

"(iv) the extent to which the proposed activities are based on proven strategies or the extent to which the proposed activities will expand the base of knowledge relating to the provision of activities for eligible youth;

"(v) the extent of collaboration with the State and local workforce investment systems in carrying out the proposed activities;

"(vi) the extent of employer involvement in the proposed activities;

"(vii) whether there are other Federal and non-Federal funds available for similar activities to the proposed activities, and the additional State, local, and private resources that will be provided to carry out the proposed activities;

"(viii) the quality of the proposed activities in meeting the needs of the eligible youth to be served; and

"(ix) the extent to which the proposed activities will expand on services provided under section 129.

"(B) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants across geographically diverse areas.

"(5) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out activities that are designed to assist eligible youth in acquiring the skills, credentials, and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129.

"(B) ACTIVITIES.—The activities carried out pursuant to subparagraph (A) may include the following:

"(i) Training and internships for out-of-school youth in sectors of the economy experiencing, or projected to experience, high growth.

"(ii) Dropout prevention activities for in-school youth.

"(iii) Activities designed to assist special youth populations, such as court-involved youth and youth with disabilities.

"(iv) Activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education, apprenticeships, and career-ladder employment.

"(v) Activities, including work experience, paid internships, and entrepreneurial training, in areas where there is a migration of youth out of the areas.

"(C) PARTICIPANT ELIGIBILITY.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

"(6) GRANT PERIOD.—The Secretary shall make a grant under this subsection for a period of 2 years and may renew the grant, if the eligible entity has performed successfully, for a period of not more than 3 succeeding years.

"(7) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

"(8) EVALUATION.—The Secretary shall reserve not more than 3 percent of the funds described in subsection (a)(1) to provide technical assistance to, and conduct evaluations of (using appropriate techniques as described in section 172(c)), the projects funded under this subsection.

"(c) COMPETITIVE FIRST JOBS FOR YOUTH.—

"(1) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a consortium that—

"(A) shall include—

"(i)(I) a State board; or

"(II) a local board; and

"(ii) a consortium of businesses, including small businesses;

"(B) may include 1 or more—

"(i) local educational agencies;

"(ii) institutions of higher education;

"(iii) business intermediaries;

"(iv) community-based organizations; or

"(v) entities carrying out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

"(C) submits an application under paragraph (3).

"(2) AUTHORIZATION.—From the funds described in subsection (a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, entering, and retaining employment.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the area to be served, including information demonstrating that the area has—

"(i) high unemployment among individuals ages 16 through 21;

"(ii) high unemployment among youth who are individuals with disabilities; or

"(iii) high job loss;

"(B) a description of the proposed program, including activities, compensation, and expected outcomes;

"(C) an assurance that the participating employers in the proposed program are located in the area to be served, and a demonstration of the commitment of the participating employers to hire individuals who—

"(i) have successfully completed the program; or

"(ii) continue to work in the program;

"(D) demographic information about the targeted populations to be served by the proposed program, including information on gender, age, and race;

"(E) a description of how the proposed program will address the barriers to employment of the targeted populations;

"(F) a description of the manner in which the eligible entity will evaluate the program; and

"(G) a description of the ability of the eligible entity to carry out and expand the program after the expiration of the grant period.

"(4) EQUITABLE DISTRIBUTION TO RURAL AREAS.—In awarding grants under this subsection, the Secretary shall ensure an equitable distribution of such grants to rural areas.

"(5) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out—

"(i) activities that will assist youth in preparing for, entering, and retaining employment, including the activities described in section 129 for out-of-school youth (as defined in section 129(a));

"(ii) activities designed to strengthen academic skills that would assist—

"(I) in-school youth (as so defined) to be successful in secondary school and continue such participants' education; and

"(II) out-of-school youth (as so defined) to earn a high school diploma or its recognized equivalent, or prepare for postsecondary programs;

"(iii) activities designed to assist youth in economically distressed areas;

"(iv) subsidized employment for not more than 9 months that provides direct experience in a sector that has opportunities for full-time employment;

"(v) career and academic advisement, activities to promote financial literacy and the attainment of entrepreneurial skills, and provision of labor market information on high-skill, high-wage, and nontraditional occupations; and

"(vi) such other activities as the Secretary determines are appropriate to ensure that youth entering the workforce have the skills needed by employers.

"(B) PARTICIPANT ELIGIBILITY.—An individual who is not younger than 16 years of age and not older than 21 years of age, as of the time the eligibility determination is made, who faces barriers to employment, including an individual who is an individual with a disability, may be eligible to participate in activities under this subsection.

"(6) SPECIAL RULE.—An eligible entity that receives a grant under this subsection shall coordinate activities with the designated State agency (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)) and other appropriate State agencies in the State to be served.

"(7) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out with assistance provided under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

"(8) EVALUATIONS.—The Secretary may require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).".

SEC. 145. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) in subsection (a)(1), by—

(A) inserting "the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, the training of members of State boards and local boards, peer review activities under this title," after "localities,"; and

(B) striking "from carrying out activities" and all that follows through the period and inserting "to implement the amendments made by the Workforce Investment Act Amendments of 2005.";

(2) in subsection (a)(2), by adding at the end the following: "The Secretary shall also hire staff qualified to provide the assistance described in paragraph (1).";

(3) in subsection (b)(2), by striking the last sentence and inserting "Such projects shall be administered by the Employment and Training Administration."; and

(4) by adding at the end the following:

"(c) BEST PRACTICES COORDINATION.—The Secretary shall—

"(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act;

"(2) evaluate and disseminate information regarding best practices and identify knowledge gaps; and

"(3) commission research under section 171(c) to address knowledge gaps identified under paragraph (2).".

SEC. 146. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS.

(a) DEMONSTRATION AND PILOT PROJECTS.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking "Under a" and inserting "Consistent with the priorities specified in the";

(B) by redesignating subparagraphs (F) through (H) as subparagraphs (H) through (J), respectively;

(C) by striking subparagraphs (A) through (E) and inserting the following:

"(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers for career ladder jobs and to provide information to such system on skills and occupations in demand;

"(B) projects that promote the development of systems that will improve the maximum effectiveness of programs carried out under this title;

"(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing, or are likely to experience, high rates of growth and jobs with wages leading to self-sufficiency;

"(D) projects that focus on collaborations among local boards, institutions of higher education, medical facilities, and other community stakeholders, to promote opportunities for dislocated workers to receive training and related services for employment in the high-demand health care sector;

"(E) projects that focus on career ladder advancement for nursing care providers, including faculty education and distance learning programs;

"(F) computerized, individualized, self-paced training projects targeted to dislocated, disadvantaged, or incumbent workers utilizing equipment and curriculum designed in partnership with industries for employment in the operations, repair, and maintenance of high-tech equipment that is used in integrated systems technology;

"(G) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;";

(D) in subparagraph (I) (as redesignated by subparagraph (B)), by striking "and" after the semicolon; and

(E) by striking subparagraph (J) (as redesignated by subparagraph (B)), and inserting the following:

"(J) projects that provide retention grants, which shall—

"(i) be made to qualified job training programs offering instruction, assessment, or professional coaching, upon placement of a low-income individual trained by the program involved in employment with an employer and retention of the low-income individual in that employment with that employer for a period of 1 year, if that employment provides the low-income individual with an annual salary—

"(I) that is at least $10,000 more than the individual's federally adjusted income for the previous year; and

"(II) that is not less than twice the poverty line applicable to the individual; and

"(ii) be made taking into account the economic benefit received by the Federal Government from the employment and retention of the individual, including the economic benefit from tax revenue and decreased public subsidies;

"(K) targeted innovation projects that improve access to and delivery of employment and training services, with emphasis given to projects that incorporate advanced technologies to facilitate the connection of individuals to the information and tools the individuals need to upgrade skills;

"(L) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet; and

"(M) projects that provide comprehensive education and training services, and support services, in coordination with local boards, for populations in targeted high poverty areas where the greatest barriers to employment exist, including ex-offenders, out-of-school youth, and public assistance recipient populations."; and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) MULTISERVICE PROJECTS.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

"(B) STUDIES AND REPORTS.—

"(i) NET IMPACT STUDIES AND REPORTS.—

"(I) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, shall conduct studies to determine the net impacts of, including best practices of, programs, services, and activities carried out under this title.

"(II) REPORTS.—The Secretary shall prepare and disseminate to the public reports containing the results of the studies conducted under subclause (I).

"(ii) STUDY ON RESOURCES AVAILABLE TO ASSIST OUT-OF-SCHOOL YOUTH.—The Secretary, in coordination with the Secretary of Education, may conduct a study examining the resources available at the Federal, State, and local levels to assist out-of-school youth in obtaining the skills, credentials, and work experience necessary to become successfully employed, including the availability of funds provided through average daily attendance and other methodologies used by States and local areas to distribute funds.

"(iii) STUDY OF INDUSTRY-BASED CERTIFICATION AND CREDENTIALS.—

"(I) IN GENERAL.—The Secretary shall conduct a study concerning the role and benefits of credentialing and certification to businesses and workers in the economy and the implications of certification to the services provided through the workforce investment system. The study may examine issues such as—

"(aa) the characteristics of successful credentialing and certification systems that serve business and individual needs;

"(bb) the relative proportions of certificates and credentials attained with assistance from the public sector, with private-sector training of new hires or incumbent workers, and by individuals on their own initiative without other assistance, respectively;

"(cc) the return on human capital investments from occupational credentials and industry-based skill certifications, including the extent to which acquisition of such credentials or certificates enhances outcomes such as entry into employment, retention, earnings (including the number and amount of wage increases), career advancement, and layoff aversion;

"(dd) the implications of the effects of skill certifications and credentials to the types and delivery of services provided through the workforce investment system;

"(ee) the role that Federal and State governments play in fostering the development of and disseminating credentials and skill standards; and

"(ff) the use of credentials by businesses to achieve goals for workforce skill upgrading and greater operating efficiency.

"(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study conducted pursuant to subclause (I). Such report may include any recommendations that the Secretary determines are appropriate to include in such report relating to promoting the acquisition of industry-based certification and credentials, and the appropriate role of the Department of Labor and the workforce investment system in supporting the needs of business and individuals with respect to such certification and credentials.

"(iv) STUDY OF EFFECTIVENESS OF WORKFORCE INVESTMENT SYSTEM IN MEETING BUSINESS NEEDS.—

"(I) IN GENERAL.—Using funds available to carry out this section jointly with funds available to the Secretary of Commerce and Administrator of the Small Business Administration, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may conduct a study of the effectiveness of the workforce investment system in meeting the needs of business, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies. In conducting the study, the

Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may examine issues such as—

"(aa) methods for identifying the workforce needs of businesses and how the requirements of small businesses may differ from larger establishments;

"(bb) business satisfaction with the workforce investment system, with particular emphasis on the satisfaction of small businesses;

"(cc) the extent to which business is engaged as a collaborative partner in the workforce investment system, including the extent of business involvement as members of State boards and local boards, and the extent to which such boards and one-stop centers effectively collaborate with business and industry leaders in developing workforce investment strategies, including strategies to identify high growth opportunities;

"(dd) ways in which the workforce investment system addresses changing skill needs of business that result from changes in technology and work processes;

"(ee) promising practices for serving small businesses;

"(ff) the extent and manner in which the workforce investment system uses technology to serve business and individual needs, and how uses of technology could enhance efficiency and effectiveness in providing services; and

"(gg) the extent to which various segments of the labor force have access to and utilize technology to locate job openings and apply for jobs, and characteristics of individuals utilizing such technology (such as age, gender, race or ethnicity, industry sector, and occupational groups).

"(II) Report to congress.—The Secretary shall prepare and submit to Congress a report containing the results of the study described in subclause (I). Such report may include any recommendations the Secretary determines are appropriate to include in such report, including ways to enhance the effectiveness of the workforce investment system in meeting the needs of business for skilled workers.".

(c) Administration.—Section 171(d) (29 U.S.C. 2916(d)) is amended by striking the last sentence and inserting the following: "Such projects shall be administered by the Employment and Training Administration.".

(d) Next Generation Technologies.—Section 171 (29 U.S.C. 2916) is amended by adding at the end the following:

"(e) Skill Certification Pilot Projects.—

"(1) Pilot projects.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (10), the Secretary shall establish and carry out not more than 10 pilot projects to establish a system of industry-validated national certifications of skills, including—

"(A) not more than 8 national certifications of skills in high-technology and high-growth industries, including biotechnology, telecommunications, highly automated manufacturing (including semiconductors), nanotechnology, energy technology, and nursing; and

"(B) not more than 2 cross-disciplinary national certifications of skills in homeland security technology.

"(2) Grants to eligible entities.—In carrying out the pilot projects, the Secretary shall make grants to eligible entities, for periods of not less than 36 months and not more than 48 months, to carry out the authorized activities described in paragraph (7) with respect to the certifications described in paragraph (1). In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

"(3) Eligible entities.—

"(A) Definition of eligible entity.—In this subsection the term 'eligible entity' means an entity that shall work in conjunction with a local board and shall include as a principal participant 1 or more of the following:

"(i) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

"(ii) An advanced technology education center.

"(iii) A local board.

"(iv) A representative of a business in a target industry for the certification involved.

"(v) A representative of an industry association, labor organization, or community development organization.

"(B) History of demonstrated capability required.—To be eligible to receive a grant under this subsection, an eligible entity shall have a history of demonstrated capability for effective collaboration with industry on workforce investment activities that is consistent with the objectives of this title.

"(4) Applications.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(5) Criteria.—The Secretary shall establish criteria, consistent with paragraph (6), for awarding grants under this subsection.

"(6) Priority.—In selecting eligible entities to receive grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate the availability of and ability to provide matching funds from industry or nonprofit sources. Such matching funds may be provided in cash or in kind.

"(7) Authorized activities.—

"(A) In general.—An eligible entity that receives a grant under this subsection shall use the funds made available through the grant—

"(i) to facilitate the establishment of certification requirements for a certification described in paragraph (1) for an industry;

"(ii) to develop and initiate a certification program that includes preparatory courses, course materials, procedures, and examinations, for the certification; and

"(iii) to collect and analyze data related to the program at the program's completion, and to identify best practices (consistent with paragraph (8)) that may be used by State and local workforce investment boards in the future.

"(B) Basis for requirements.—The certification requirements established under the grant shall be based on applicable skill standards for the industry involved that have been developed by or linked to national centers of excellence under the National Science Foundation's Advanced Technological Education Program. The requirements shall require an individual to demonstrate an identifiable set of competencies relevant to the industry in order to receive certification. The requirements shall be designed to provide evidence of a transferable skill set that allows flexibility and mobility of workers within a high technology industry.

"(C) Relationship to training and education programs.—The eligible entity shall ensure that—

"(i) a training and education program related to competencies for the industry involved, that is flexible in mode and timeframe for delivery and that meets the needs of those seeking the certification, is offered; and

"(ii) the certification program is offered at the completion of the training and education program.

"(D) Relationship to the associate degree.—The eligible entity shall ensure that the certification program is consistent with the requirements for a 2-year associate degree.

"(E) Availability.—The eligible entity shall ensure that the certification program is open to students pursuing associate degrees, employed workers, and displaced workers.

"(8) Consultation.—The Secretary shall consult with the Director of the National Science Foundation to ensure that the pilot projects build on the expertise and information about best practices gained through the implementation of the National Science Foundation's Advanced Technological Education Program.

"(9) Core components; guidelines; reports.—After collecting and analyzing the data obtained from the pilot programs, the Secretary shall—

"(A) establish the core components of a model high-technology certification program;

"(B) establish guidelines to assure development of a uniform set of standards and policies for such programs;

"(C) prepare and submit a report on the pilot projects to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

"(D) make available to the public both the data and the report.

"(10) Authorization of appropriations.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $30,000,000 for fiscal year 2006 to carry out this subsection.".

(e) Integrated Workforce Training Programs for Adults With Limited English Proficiency.—Section 171 (29 U.S.C. 2916), as amended by subsection (d), is further amended by adding at the end the following:

"(f) Integrated Workforce Training Programs for Adults With Limited English Proficiency.—

"(1) Definitions.—In this subsection:

"(A) Integrated workforce training.—The term 'integrated workforce training' means training that integrates occupational skills training with language acquisition.

"(B) Secretary.—The term 'Secretary' means the Secretary of Labor in consultation with the Secretary of Education.

"(2) Demonstration project.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (11), the Secretary shall establish and implement a national demonstration project designed to both analyze and provide data on workforce training programs that integrate English language acquisition and occupational training.

"(3) Grants.—

"(A) In general.—In carrying out the demonstration project, the Secretary shall make not less than 10 grants, on a competitive basis, to eligible entities to provide the integrated workforce training programs. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

"(B) PERIODS.—The Secretary shall make the grants for periods of not less than 24 months and not more than 48 months.

"(4) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall work in conjunction with a local board and shall include as a principal participant 1 or more of the following:

"(i) An employer or employer association.

"(ii) A nonprofit provider of English language instruction.

"(iii) A provider of occupational or skills training.

"(iv) A community-based organization.

"(v) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

"(vi) A labor organization.

"(vii) A local board.

"(B) EXPERTISE.—To be eligible to receive a grant under this subsection, an eligible entity shall have proven expertise in—

"(i) serving individuals with limited English proficiency, including individuals with lower levels of oral and written English; and

"(ii) providing workforce programs with training and English language instruction.

"(5) APPLICATIONS.—

"(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

"(i) contain information, including capability statements, that demonstrates that the eligible entity has the expertise described in paragraph (4)(B); and

"(ii) include an assurance that the program to be assisted shall—

"(I) establish a generalized adult bilingual workforce training and education model that integrates English language acquisition and occupational training, and incorporates the unique linguistic and cultural factors of the participants;

"(II) establish a framework by which the employer, employee, and other relevant members of the eligible entity can create a career development and training plan that assists both the employer and the employee to meet their long-term needs;

"(III) ensure that the framework established under subclause (II) takes into consideration the knowledge, skills, and abilities of the employee with respect to both the current and economic conditions of the employer and future labor market conditions relevant to the local area; and

"(IV) establish identifiable measures so that the progress of the employee and employer and the relative efficacy of the program can be evaluated and best practices identified.

"(6) CRITERIA.—The Secretary shall establish criteria for awarding grants under this subsection.

"(7) INTEGRATED WORKFORCE TRAINING PROGRAMS.—

"(A) PROGRAM COMPONENTS.—

"(i) REQUIRED COMPONENTS.—Each program that receives funding under this subsection shall—

"(I) test an individual's English language proficiency levels to assess oral and literacy gains from the beginning and throughout program enrollment;

"(II) combine training specific to a particular occupation or occupational cluster, with—

"(aa) English language instruction, such as instruction through an English as a Second Language program, or an English for Speakers of Other Languages program;

"(bb) basic skills instruction; and

"(cc) supportive services;

"(III) effectively integrate public and private sector entities, including the local workforce investment system and its functions, to achieve the goals of the program; and

"(IV) require matching or in-kind resources from private and nonprofit entities.

"(ii) PERMISSIBLE COMPONENTS.—The program may offer other services, as necessary to promote successful participation and completion, including work-based learning, substance abuse treatment, and mental health services.

"(B) GOAL.—Each program that receives funding under this subsection shall be designed to prepare limited English proficient adults for, and place such adults in employment in, growing industries with identifiable career ladder paths.

"(C) PROGRAM TYPES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs that meet 1 or more of the following criteria:

"(i) A program—

"(I) that serves unemployed, limited English proficient individuals with significant work experience or substantial education but persistently low wages;

"(II) that aims to prepare such individuals for, and place such individuals in, higher paying employment, defined for purposes of this subparagraph as employment that provides at least 75 percent of the median wage in the local area; and

"(III) with funding that includes funds from private and nonprofit entities.

"(ii) A program—

"(I) that serves limited English proficient individuals with lower levels of oral and written fluency, who are working but at persistently low wages;

"(II) that aims to prepare such individuals for, and place such individuals in, higher paying employment, through services provided at the worksite, or at a location central to several work sites, during work hours; and

"(III) with funding that includes funds from private and nonprofit entities.

"(iii) A program—

"(I) that serves unemployed, limited English proficient individuals with lower levels of oral and written fluency, who have little or no work experience;

"(II) that aims to prepare such individuals for, and place such individuals in, employment through services that include subsidized employment, in addition to the components required in subparagraph (A)(i); and

"(III) with funding that includes funds from private and nonprofit entities.

"(D) PROGRAM APPROACHES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs with different approaches to integrated workforce training, in different contexts, in order to obtain comparative data on multiple approaches to integrated workforce training and English language instruction, to ensure programs are tailored to characteristics of individuals with varying skill levels, and to assess how different curricula work for limited English proficient populations. Such approaches may include—

"(i) bilingual programs in which the workplace language component and the training are conducted in a combination of an individual's native language and English;

"(ii) integrated workforce training programs that combine basic skills, language instruction, and job specific skills training; or

"(iii) sequential programs that provide a progression of skills, language, and training to ensure success upon an individual's completion of the program.

"(8) EVALUATION BY ELIGIBLE ENTITY.—Each eligible entity that receives a grant under this subsection for a program shall carry out a continuous program evaluation and an evaluation specific to the last phase of the program operations.

"(9) EVALUATION BY SECRETARY.—

"(A) IN GENERAL.—The Secretary shall conduct an evaluation of program impacts of the programs funded under the demonstration project, using an impact study with a random assignment experimental design at each worksite at which such a program is carried out.

"(B) DATA COLLECTION AND ANALYSIS.—The Secretary shall collect and analyze the data from the demonstration project to determine program effectiveness, including gains in language proficiency, acquisition of skills, and job advancement for program participants.

"(C) REPORT.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and make available to the public, a report on the demonstration project, including the results of the evaluation.

"(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to recipients of grants under this subsection throughout the grant periods.

"(11) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $10,000,000 for fiscal year 2006 to carry out this subsection.".

(f) COMMUNITY-BASED JOB TRAINING.—Section 171 (29 U.S.C. 2916), as amended by subsection (e), is further amended by adding at the end the following:

"(g) COMMUNITY-BASED JOB TRAINING.—

"(1) DEFINITIONS.—In this subsection:

"(A) COMMUNITY COLLEGE.—The term 'community college' means—

"(i) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), that provides a 2-year degree that is acceptable for full credit toward a bachelor's degree; or

"(ii) a tribally controlled college or university, as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a community college, a consortium of community colleges, or a consortium composed of a community college and 1 or more institutions of higher education, that shall work with—

"(i) a local board;

"(ii) a business in the qualified industry or an industry association in the qualified industry, as identified in the application of the entity; and

"(iii) an economic development entity.

"(C) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in subparagraph (A)(i), the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) and the meaning given the term 'postsecondary vocational institution' in section 102(a)(1)(B) of such Act (20 U.S.C. 1002(a)(1)(B)).

"(D) QUALIFIED INDUSTRY.—The term 'qualified industry' means an industry or economic sector that is projected to experience significant growth, such as an industry or economic sector that—

"(i) is projected to add substantial numbers of new jobs to the regional economy;

"(ii) has or is projected to have significant impact on the regional economy;

"(iii) impacts or is projected to impact the growth of other industries or economic sectors in the regional economy;

"(iv) is being transformed by technology and innovation requiring new knowledge or skill sets for workers;

"(v) is a new or emerging industry or economic sector that is projected to grow; or

"(vi) requires high skills and has significant labor shortages in the regional economy.

"(2) DEMONSTRATION PROJECT.—In addition to the demonstration projects authorized under subsection (b), the Secretary may establish and implement a national demonstration project designed—

"(A) to develop local innovative solutions to the workforce challenges facing high-growth, high-skill industries with labor shortages; and

"(B) to increase employment opportunities for workers in high-growth, high-demand occupations by establishing partnerships among education entities, the State workforce investment systems, and businesses in high-growth, high-skill industries or sectors.

"(3) GRANTS.—In carrying out the national demonstration project authorized under this subsection, the Secretary shall award grants, on a competitive basis, for 2, 3, or 4 years, in accordance with generally applicable Federal requirements, to eligible entities to enable the eligible entities to carry out activities authorized under this subsection.

"(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the eligible entity that will offer training under the grant;

"(B) a justification of the need for discretionary funding under the grant, including the need for external funds to create a program to carry out the activities described in paragraph (6);

"(C) an economic analysis of the local labor market to identify—

"(i) high-growth, high-demand industries;

"(ii) the workforce issues faced by such industries; and

"(iii) potential participants in programs funded under this subsection;

"(D) a description of the qualified industry for which the training will occur, the availability of competencies on which the training will be based, and how the grant will help workers acquire the competencies and skills necessary for employment;

"(E) a description of the involvement of the local board and businesses, including small businesses, in the geographic area where the proposed grant will be implemented;

"(F) performance measures for the grant, including performance measures for the expected number of individuals to be trained in a qualified industry, the employment and retention rates for such individuals in a qualified industry, and initial earnings and earnings increases for such individuals;

"(G) a description of how the activities funded by the grant will be coordinated with activities provided through the one-stop center in the local area; and

"(H) a description of the local or private resources that will—

"(i) support the activities carried out under this subsection; and

"(ii) enable the entity to carry out and expand such activities after the expiration of the grant.

"(5) FACTORS FOR AWARD OF GRANT.—

"(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall consider—

"(i) the extent of public and private collaboration, including existing partnerships among qualified industries, the eligible entity, and the public workforce investment system;

"(ii) the extent to which the grant will provide job seekers with high-quality training for employment in high-growth, high-demand occupations;

"(iii) the extent to which the grant will expand the eligible entity and local one-stop center's capacity to be demand-driven and responsive to local economic needs;

"(iv) the extent to which local businesses commit to hire, retain, or advance individuals who receive training through the grant; and

"(v) the extent to which the eligible entity commits to make any newly developed products, such as skill standards, assessments, or industry-recognized training curricula, available for dissemination nationally.

"(B) LEVERAGING OF RESOURCES.—In awarding grants under this subsection, the Secretary shall also consider—

"(i) the extent to which local or private resources will be made available to support the activities carried out under this subsection, taking into account the resources of the eligible entity and the entity's partners; and

"(ii) the ability of an eligible entity to continue to carry out and expand such activities after the expiration of the grant.

"(C) DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall ensure an equitable distribution of such grants across diverse industries and geographic areas.

"(6) USE OF FUNDS.—An eligible entity that receives a grant under this subsection—

"(A) shall use the grant funds for—

"(i) the development by the community college that is a part of the eligible entity in collaboration with other partners identified in the application, and, if applicable, other representatives of qualified industries, of rigorous training and education programs leading to an industry-recognized credential or degree and employment in the qualified industry; and

"(ii) training of adults, incumbent workers, dislocated workers, or out-of-school youth in the skills and competencies needed to obtain or upgrade employment in a qualified industry identified in the eligible entity's application; and

"(B) may use the grant funds for—

"(i) disseminating information on training available for high-growth, high-demand occupations in qualified industries through the one-stop delivery system to prospective participants, businesses, business intermediaries, and community-based organizations in the region, including training available through the grant;

"(ii) referring individuals trained under the grant for employment in qualified industries;

"(iii) enhancing integration of community colleges, training and education with businesses, and the one-stop system to meet the training needs of qualified industries for new and incumbent workers;

"(iv) providing training and relevant job skills to small business owners or operators to facilitate small business development in high-growth, high-skill industries; or

"(v) expanding or creating programs for distance, evening, weekend, modular, or compressed learning opportunities that provide training and relevant job skills for high-growth, high-demand occupations.

"(7) AUTHORITY TO REQUIRE NON-FEDERAL SHARE.—The Secretary may require that recipients of grants under this subsection provide a non-Federal share, from either cash or noncash resources, of the costs of activities carried out under a grant awarded under this subsection.

"(8) PERFORMANCE ACCOUNTABILITY AND EVALUATION.—

"(A) PERFORMANCE ACCOUNTABILITY.—The Secretary shall require an eligible entity that receives a grant under this subsection to submit an interim and final report to the Secretary on the impact on business partners and employment outcomes obtained by individuals receiving training under this subsection using the performance measures identified in the eligible entity's grant application.

"(B) EVALUATION.—The Secretary shall require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).".

SEC. 147. NATIONAL DISLOCATED WORKER GRANTS.

(a) IN GENERAL.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking the heading and inserting the following:

"SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.";

and

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and aligning the margins of the subparagraphs with the margins of subparagraph (A) of paragraph (4);

(B) by striking paragraph (4);

(C) by striking the matter preceding paragraph (1) and inserting the following:

"(a) IN GENERAL.—

"(1) GRANTS.—The Secretary is authorized to award national dislocated worker grants—";

(D) in paragraph (1)(A), by striking "subsection (c)" and inserting "subsection (b)";

(E) in paragraph (1)(C), by striking "and" after the semicolon; and

(F) by adding at the end the following:

"(D) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (e), including providing assistance to eligible individuals;

"(E) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (f), including providing assistance to eligible individuals;

"(F) to provide additional assistance to a State board or local board where a higher than average demand for employment and training activities for dislocated members of the Armed Forces, or spouses, as described in section 101(11)(E), of members of the Armed Forces, described in subsection (b)(2)(A)(iv), exceeds State and local resources for providing such services, and where such programs are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs; and

"(G) to provide assistance to a State for statewide or local use in order to—

"(i) address cases in which there have been worker dislocations across multiple sectors, across multiple businesses within a sector, or across multiple local areas, and such workers remain dislocated;

"(ii) meet emerging economic development needs; and

"(iii) train eligible individuals who are dislocated workers described in clause (i).

"(2) DECISIONS AND OBLIGATIONS.—The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application. The Secretary shall issue a notice of obligation for such a grant not later than 10 days after the award of the grant.".

(b) ADMINISTRATION AND ADDITIONAL ASSISTANCE.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (b) (as redesignated by paragraph (2))—

(A) in paragraph (1)(A), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)"; and

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking "national emergency grant awarded pursuant to subsection (a)(1)" and inserting "national dislocated worker grant awarded pursuant to subsection (a)(1)(A)"; and

(ii) in subparagraph (C), by striking "national emergency grants" and inserting "national dislocated worker grants";

(4) in paragraphs (1), (2), and (3) of subsection (c) (as redesignated by paragraph (3)), by striking "subsection (a)(2)" and inserting "subsection (a)(1)(B)";

(5) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) ADDITIONAL ASSISTANCE.—

"(1) IN GENERAL.—From the amount appropriated and made available to carry out this section for any program year, the Secretary shall use not more than $20,000,000 to make grants to States to provide employment and training activities under section 134, in accordance with subtitle B.

"(2) ELIGIBLE STATES.—The Secretary shall make a grant under paragraph (1) to a State for a program year if—

"(A) the amount of the allotment that was made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003, is greater than

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).

"(3) AMOUNT OF GRANTS.—Subject to paragraph (1), the amount of the grant made under paragraph (1) to a State for a program year shall be based on the difference between—

"(A) the amount of the allotment that was made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003; and

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).";

(5) in subsection (e) (as redesignated by paragraph (2))—

(A) in paragraph (1), by striking "paragraph (4)(A)" and inserting "paragraph (1)(D)";

(B) in paragraph (2), by striking "subsection (g)" and inserting "subsection (f)";

(C) in paragraph (3)(B), by striking "subsection (a)(4)(A)" and inserting "subsection (a)(1)(D)";

(D) in paragraph (4), by striking "subsection (g)" and inserting "subsection (f)";

(E) in paragraph (5), by striking "subsection (g)" and inserting "subsection (f)"; and

(F) in paragraph (6)—

(i) by striking "subsection (g)" and inserting "subsection (f)"; and

(ii) by striking "subsection (c)(1)(B)" and inserting "subsection (b)(1)(B)"; and

(6) in subsection (f) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking "paragraph (4)(B)" and inserting "paragraph (1)(E)"; and

(ii) by striking "subsection (f)(1)(A)" and inserting "subsection (e)(1)(A)"; and

(B) in paragraph (4)(B), by striking "subsection (a)(4)(B)" and inserting "subsection (a)(1)(E)".

SEC. 148. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) IN GENERAL.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

(b) RESERVATIONS.—Section 174(b) (29 U.S.C. 2919(b)) is amended to read as follows:

"(b) TECHNICAL ASSISTANCE; DEMONSTRATION AND PILOT PROJECTS, EVALUATIONS, INCENTIVE GRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out sections 170 through 172 and section 503 such sums as may be necessary for each of fiscal years 2006 through 2011.

"(2) RESERVATION.—Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) for a fiscal year, the Secretary shall, for each of the fiscal years 2006 through 2011, reserve not less than 25 percent for carrying out section 503.".

(c) ASSISTANCE FOR ELIGIBLE WORKERS.—Section 174(c) (29 U.S.C. 2919(c)) is amended—

(1) in paragraphs (1)(A) and (2)(A), by striking "subsection (a)(4)(A)" and inserting "subsection (a)(1)(D)"; and

(2) in paragraphs (1)(B) and (2)(B), by striking "subsection (a)(4)(B)" and inserting "subsection (a)(1)(E)".

Subtitle E—Administration

SEC. 151. REQUIREMENTS AND RESTRICTIONS.

Section 181(e) (29 U.S.C. 2931(e)) is amended by striking "economic development activities,".

SEC. 152. REPORTS.

Section 185(c) (29 U.S.C. 2935(c)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) shall have the option to submit or disseminate electronically any reports, records, plans, or any other data that are required to be collected or disseminated under this title.".

SEC. 153. ADMINISTRATIVE PROVISIONS.

(a) ANNUAL REPORT.—Section 189(d) (29 U.S.C. 2939(d)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) the negotiated levels of performance of the States, the States' requests for adjustments of such levels, and the adjustments of such levels that are made; and".

(b) AVAILABILITY.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended, in the first sentence—

(1) by striking "Funds" and inserting "Except as otherwise provided in this paragraph, funds"; and

(2) by striking "each State receiving" and inserting "each recipient of".

(c) GENERAL WAIVERS.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended—

(1) in subparagraph (A)(i), by inserting "the funding of infrastructure costs for one-stop centers," after "local boards,";

(2) in subparagraph (C), by striking "90" and inserting "60"; and

(3) by adding at the end the following:

"(D) EXPEDITED REQUESTS.—The Secretary shall expedite requests for waivers of statutory or regulatory requirements that have been approved for a State pursuant to subparagraph (B), if the requirements of this paragraph have been satisfied.

"(E) SPECIAL RULE.—With respect to any State that has a waiver under this paragraph relating to the transfer authority under section 133(b)(4), and has the waiver in effect on the date of enactment of the Workforce Investment Act Amendments of 2005 or subsequently receives such a waiver, the waiver shall continue to apply for so long as the State meets or exceeds State performance measures relating to the indicators described in section 136(b)(2)(A)(i).".

SEC. 154. USE OF CERTAIN REAL PROPERTY.

Section 193 (29 U.S.C. 2943) is amended to read as follows:

"SEC. 193. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.

"(a) TRANSFER OF FEDERAL EQUITY.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act.

"(b) LIMITATION ON USE.—A State shall not use funds awarded under title III of the Social Security Act or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the effective date of this provision.".

SEC. 155. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended by adding at the end the following:

"(14) Funds provided under this title shall not be used to establish or operate stand-alone fee-for-service enterprises that compete with private sector employment agencies (as defined in section 701(c) of the Civil

Rights Act of 1964 (42 U.S.C. 2000e(c)). For purposes of this paragraph, such an enterprise does not include a one-stop service delivery system described in section 121(e).".

Subtitle F—Incentive Grants

SEC. 161. INCENTIVE GRANTS.

Section 503 (20 U.S.C. 9273) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) TIMELINE.—

"(A) PRIOR TO JULY 1, 2006.—Prior to July 1, 2006, the Secretary shall award a grant to each State in accordance with the provisions of this section as this section was in effect on July 1, 2003.

"(B) BEGINNING JULY 1, 2006.—Beginning on July 1, 2006, the Secretary shall award incentive grants to States for performance described in paragraph (2), to implement or enhance innovative and coordinated programs as described in paragraph (3), consistent with the statewide economic, workforce, and educational interests of the State.

"(2) BASIS.—The Secretary shall award the grants on the basis that the States—

"(A) have exceeded the State performance measures established under section 136(b), the performance measures established under section 212(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)), and the State performance measures established under section 113(b) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2323(b)); or

"(B) have—

"(i) met the State performance measures established under section 136(b), the performance measures established under section 212(b) of the Adult Education and Family Literacy Act, and the State performance measures established under section 113(b) of the Carl D. Perkins Vocational and Technical Education Act of 1998; and

"(ii) demonstrated—

"(I) exemplary coordination of one-stop partner programs described in section 121 with statewide economic development or business needs;

"(II) exemplary performance in the one-stop partner programs in the State in serving hard-to-serve populations; or

"(III) effective—

"(aa) coordination of multiple systems for the one-stop partner programs into a comprehensive workforce investment system, including coordination of employment activities under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and core services under section 134(d)(2);

"(bb) expansion of access to training through the one-stop partner programs, including expansion of access through increased leveraging of resources other than those provided through programs under title I;

"(cc) implementation of statewide coordination activities relating to the one-stop partner programs, through agreements with relevant State agencies and offices, including those responsible for programs under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(dd) statewide coordination relating to the one-stop partner programs, through arrangements with local boards or local areas;

"(ee) alignment of management information systems to integrate participant information across the one-stop partner programs; or

"(ff) integration of performance information systems and common measures for accountability across the one-stop partner programs.

"(3) USE OF FUNDS.—The funds awarded to a State under this section may be used to carry out activities authorized for States in programs carried out under title I, the Adult Education and Family Literacy Act, and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) (referred to in this subsection as 'workforce and education programs'), including demonstration projects, and innovative projects or programs that increase coordination and enhance service to participants in such programs, particularly hard-to-serve populations, including—

"(A) activities that support business needs, especially for incumbent workers and enhancing opportunities for retention and advancement;

"(B) activities that support linkages between the workforce and education programs, and secondary, postsecondary, or career and technical education programs, including activities under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(C) activities that support statewide economic development plans that support high-wage, high-skill, or high-demand occupations leading to self-sufficiency;

"(D) activities that coordinate the workforce and education programs with other Federal and State programs related to the workforce and education programs;

"(E) activities that support the development of a statewide integrated performance information system that includes common measures for one-stop partner programs described in section 121;

"(F) activities that align management information systems with integrated performance information across the one-stop partner programs; or

"(G) activities that support local workforce investment boards or areas in improving performance in workforce and education programs and program coordination of workforce and education programs.

"(4) WAIVER.—For States that have developed and implemented a statewide integrated performance information system with common measures, as described in paragraph (3)(E), for the one-stop partner programs, the Secretary may waive for the State such reporting requirements for the one-stop partner programs as the Secretary has authority or agreement to waive.

"(5) TECHNICAL ASSISTANCE.—The Secretary shall reserve 4 percent of the funds available for grants under this section to provide technical assistance to States—

"(A) to replicate best practices for workforce and education programs;

"(B) to develop integrated performance information systems for the one-stop partner programs;

"(C) to strengthen coordination between workforce and education programs and other education programs; or

"(D) to strengthen economic development.

"(6) DEFINITION.—As used in this subsection, the term 'hard-to-serve populations' has the meaning given the term in section 101.";

(2) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking "only" and all that follows through "assurances:" and inserting "to ensure that the application contains, and to determine the accuracy of, the following assurances:"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the State meets the requirements of subparagraph (A) or (B) of subsection (a)(2)."; and

(3) by striking subsection (d).

Subtitle G—Conforming Amendments

SEC. 171. TABLE OF CONTENTS.

Section 1(b) (29 U.S.C. 9201 note) is amended—

(1) by striking the item relating to section 106 and inserting the following:

"Sec. 106. Purposes.";

(2) by striking the item relating to section 123 and inserting the following:

"Sec. 123. Eligible providers of youth activities.";

(3) by striking the item relating to section 169 and inserting the following:

"Sec. 169. Youth challenge grants.";

(4) by striking the item relating to section 173 and inserting the following:

"Sec. 173. National dislocated worker grants.";

(5) by striking the item relating to section 193 and inserting the following:

"Sec. 193. Transfer of Federal equity in State employment security agency real property to the States.";

(6) by inserting after the item relating to section 243 the following:

"Sec. 244. Integrated English literacy and civics education.";

and

(7) by striking the item relating to section 502.

SEC. 172. CONFORMING AMENDMENTS.

(a) TRADE ACT OF 1974.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended by striking "section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))" and inserting "section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e))".

(b) ADULT EDUCATION AND FAMILY LITERACY ACT.—Section 212(b)(3)(A)(vi) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)(3)(A)(vi)) is amended by striking "the representatives described in section 136(i)(1)" and inserting "representatives of appropriate Federal agencies, and representatives of States and political subdivisions, business and industry, employees, eligible providers of employment and training activities (as defined in section 101), educators, and participants (as defined in section 101), with expertise regarding workforce investment policies and workforce investment activities (as defined in section 101)".

(c) OLDER AMERICANS ACT OF 1965.—

(1) Subparagraphs (H) and (O) of section 502(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)) are amended by striking "section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))" and inserting "section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e))".

(2) Section 505(c)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056c(c)(1)) is amended by striking "section 134(c) of such Act (29 U.S.C. 2864(c))" and inserting "section 121(e) of such Act (29 U.S.C. 2841(e))".

(3) Section 512(a) of the Older Americans Act of 1965 (42 U.S.C. 3056j(a)) is amended—

(A) by striking "(B)(vi)" and inserting "(B)(v)"; and

(B) by striking "section 134(c) of such Act (29 U.S.C. 2864(c))" and inserting "section 121(e) of such Act (29 U.S.C. 2841(e))".

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

SEC. 201. SHORT TITLE; PURPOSE.

(a) Short Title.—This title may be cited as the "Adult Education and Family Literacy Act Amendments of 2005".

(b) Purpose.—Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking "education." and inserting "education and in the transition to postsecondary education; and"; and

(3) by adding at the end the following:

"(4) assist immigrants and other individuals with limited English proficiency in improving their reading, writing, speaking, and mathematics skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.".

SEC. 202. DEFINITIONS.

Section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "services or instruction below the postsecondary level" and inserting "academic instruction and education services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematics"; and

(B) by striking subparagraph (C)(i) and inserting the following:

"(i) are basic skills deficient as defined in section 101;";

(2) in paragraph (2), by striking "activities described in section 231(b)" and inserting "programs and services which include reading, writing, speaking, or mathematics skills, workplace literacy activities, family literacy activities, English language acquisition activities, or other activities necessary for the attainment of a secondary school diploma or its State recognized equivalent";

(3) in paragraph (5)—

(A) by inserting "an organization that has demonstrated effectiveness in providing adult education, that may include" after "means";

(B) in subparagraph (B), by striking "of demonstrated effectiveness";

(C) in subparagraph (C), by striking "of demonstrated effectiveness"; and

(D) in subparagraph (I), by inserting "or coalition" after "consortium";

(4) in paragraph (6)—

(A) by striking "LITERACY PROGRAM" and inserting "LANGUAGE ACQUISITION PROGRAM";

(B) by striking "literacy program" and inserting "language acquisition program"; and

(C) by inserting "reading, writing, and speaking" after "competence in";

(5) by striking paragraph (10);

(6) by redesignating paragraphs (7) through (9) and (12) through (18) as paragraphs (8) through (10) and (13) through (19), respectively;

(7) by inserting after paragraph (6) the following:

"(7) Essential Components of Reading Instruction.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).";

(8) by inserting after paragraph (11) the following:

"(12) Limited English Proficiency.—The term 'limited English proficiency', when used with respect to an individual, means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language, and—

"(A) whose native language is a language other than English; or

"(B) who lives in a family or community environment where a language other than English is the dominant language.";

(9) by striking paragraph (15), as redesignated by paragraph (6), and inserting the following:

"(15) Outlying Area.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands."; and

(10) by striking paragraph (19), as redesignated by paragraph (6), and inserting the following:

"(19) Workplace Literacy Program.—The term 'workplace literacy program' means an educational program designed to improve the productivity of the workforce through the improvement of literacy skills that is offered by an eligible provider in collaboration with an employer or an employee organization at a workplace, at an off-site location, or in a simulated workplace environment.".

SEC. 203. HOME SCHOOLS.

Section 204 of the Adult Education and Family Literacy Act (20 U.S.C. 9203) is amended to read as follows:

"SEC. 204. HOME SCHOOLS.

"Nothing in this title shall be construed to affect home schools, whether a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in an English language acquisition program, family literacy services, or adult education.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "2003" and inserting "2011".

SEC. 205. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Reservation of Funds.—From the sum appropriated under section 205 for a fiscal year, the Secretary—

"(1) shall reserve 1.5 percent to carry out section 242, except that the amount so reserved shall not exceed $10,000,000;

"(2) shall reserve 1.5 percent to carry out section 243 and subsection (f)(4), except that the amount so reserved shall not exceed $8,000,000;

"(3) shall make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 503; and

"(4) shall reserve 12 percent of the amount that remains after reserving funds under paragraphs (1), (2) and (3) to carry out section 244.";

(2) in subsection (c)(2)—

(A) by inserting "and the sole agency responsible for administering or supervising policy for adult education and literacy in the Republic of Palau" after "an initial allotment under paragraph (1)";

(B) by inserting "or served by the agency for the Republic of Palau" after "by the eligible agency"; and

(C) by striking "States and outlying areas" and inserting "States, outlying areas, and the Republic of Palau";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and"; and

(ii) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, or" and inserting "or"; and

(B) in paragraph (3)—

(i) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and"; and

(ii) by striking "2001" and inserting "2007";

(4) by striking subsection (f) and inserting the following:

"(f) Hold-Harmless Provisions.—

"(1) In General.—Notwithstanding subsection (c) and subject to paragraph (2), for fiscal year 2005 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.

"(2) 100 Percent Allotment.—Notwithstanding paragraphs (1) and (2) of subsection (e), an eligible agency that receives only an initial allotment under subsection (c)(1) (and no additional allotment under subsection (c)(2)) shall receive an allotment under this section that is equal to 100 percent of the initial allotment under subsection (c)(1).

"(3) Ratable Reduction.—If for any fiscal year the amount available for allotment under this subtitle is insufficient to satisfy the provisions of paragraphs (1) and (2), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

"(4) Additional Assistance.—

"(A) In General.—From amounts reserved under subsection (a)(2), the Secretary shall make grants to eligible agencies described in subparagraph (B) to enable such agencies to provide activities authorized under chapter 2.

"(B) Eligibility.—An eligible agency is eligible to receive a grant under this paragraph for a fiscal year if the amount of the allotment such agency receives under this section for the fiscal year is less than the amount such agency would have received for the fiscal year if the allotment formula under this section as in effect on September 30, 2003, were in effect for such year.

"(C) Amount of Grant.—The amount of a grant made to an eligible agency under this paragraph for a fiscal year shall be the difference between—

"(i) the amount of the allotment such agency would have received for the fiscal year if the allotment formula under this section as in effect on September 30, 2003, were in effect for such year; and

"(ii) the amount of the allotment such agency receives under this section for the fiscal year."; and

(5) by adding at the end the following:

"(h) Study and Report.—

"(1) Study.—The Comptroller General of the United States shall conduct a study concerning the formula described in this section and, in conducting the study, shall at a minimum—

"(A) examine whether the formula results in a distribution of funds that sufficiently serves the entire population of individuals eligible for adult education and literacy activities under this subtitle;

"(B) examine whether the data used to count qualified adults, for purposes of the formula, accurately measure the population of individuals eligible for the activities; and

"(C) develop recommendations for improving the formula so that the formula results in a distribution of funds that better serves that population and the data used to count qualified adults accurately measure that population.

"(2) Report.—Not later than 3 years after the date of enactment of the Workforce Investment Act Amendments of 2005, the Comptroller General shall submit to Congress a report containing the results of the study described in paragraph (1).".

SEC. 206. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212 of the Adult Education and Family Literacy Act (20 U.S.C. 9212) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking "additional indicators of performance (if any)" and inserting "the employment performance indicators";

(B) by striking paragraph (2) and inserting the following:

"(2) Indicators of performance.—

"(A) Core indicators of performance.—An eligible agency shall identify in the State plan individual academic performance indicators that include, at a minimum, the following:

"(i) Measurable improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills.

"(ii) Placement in, retention in, or completion of, postsecondary education or other training programs.

"(iii) Completion of a secondary school diploma, its recognized equivalent, or a recognized alternative standard for individuals with disabilities.

"(B) Employment performance indicators.—

"(i) In general.—An eligible agency shall identify in the State plan individual participant employment performance indicators that include, at a minimum, the following:

"(I) Entry into unsubsidized employment.

"(II) Retention in unsubsidized employment 6 months after entry into the employment.

"(III) Increases in earnings from unsubsidized employment.

"(ii) Data collection.—The State workforce investment board shall assist the eligible agency in obtaining and using quarterly wage records to collect data for each of the indicators described in clause (i), consistent with applicable Federal and State privacy laws.

"(C) Indicators for workplace literacy programs.—Special accountability measures may be negotiated for workplace literacy programs."; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)(II), by striking "in performance" and inserting "the agency's performance outcomes in an objective, quantifiable, and measurable form";

(II) in clause (ii), by striking "3 program years" and inserting "2 program years";

(III) in clause (iii), by striking "FIRST 3 YEARS" and inserting "FIRST 2 YEARS";

(IV) in clause (iii), by striking "first 3 program years" and inserting "first 2 program years";

(V) in clause (v), by striking "4TH AND 5TH" and inserting "3RD AND 4TH";

(VI) in clause (v), by striking "to the fourth" and inserting "to the third";

(VII) in clause (v), by striking "fourth and fifth" and inserting "third and fourth"; and

(VIII) in clause (vi), by striking "(II)" and inserting "(I)";

(ii) in subparagraph (B)—

(I) by striking the heading and inserting "Levels of employment performance";

(II) by striking "may" and inserting "shall"; and

(III) by striking "additional" and inserting "employment performance"; and

(iii) by adding at the end the following:

"(C) Alternative assessment systems.—Eligible agencies may approve the use of assessment systems that are not commercially available standardized systems if such systems meet the Standards for Educational and Psychological Testing issued by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ", the Governor, the State legislature, and the State workforce investment board" after "Secretary"; and

(ii) by striking "including" and all that follows through the period and inserting "including the following:

"(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance, and employment performance indicators.

"(B) Information on the number or percentage of qualifying adults (as defined in section 211(d)) who are participants in adult education programs under this subtitle and making satisfactory progress toward 1 or more of each of the following:

"(i) Core indicators of performance.

"(ii) Employment performance indicators.

"(iii) Other long-term objectives.

"(C) The number and type of each eligible provider that receives funding under such grant.

"(D) The number of enrollees 16 to 18 years of age who enrolled in adult education not later than 1 year after participating in secondary school education.";

(B) in paragraph (2)(A), by inserting "eligible providers and" after "available to"; and

(C) by adding at the end the following:

"(3) Data access.—The report made available under paragraph (2) shall indicate which eligible agencies did not have access to State unemployment insurance wage data in measuring employment performance indicators."; and

(3) by adding at the end the following:

"(d) Program improvement.—

"(1) In general.—If the Secretary determines that an eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A) for any program year, the eligible agency shall—

"(A) work with the Secretary to develop and implement a program improvement plan for the 2 program years succeeding the program year in which the eligible agency did not meet its adjusted levels of performance; and

"(B) revise its State plan under section 224, if necessary, to reflect the changes agreed to in the program improvement plan.

"(2) Further assistance.—If, after the period described in paragraph (1)(A), the Secretary has provided technical assistance to the eligible agency but determines that the eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A), the Secretary may require the eligible agency to make further revisions to the program improvement plan described in paragraph (1). Such further revisions shall be accompanied by further technical assistance from the Secretary.".

SEC. 207. STATE ADMINISTRATION.

Section 221(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9221(1)) is amended by striking "and implementation" and inserting "implementation, and monitoring".

SEC. 208. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222 of the Adult Education and Family Literacy Act (20 U.S.C. 9222) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "82.5" the first place such term appears and inserting "80"; and

(ii) by striking "the 82.5 percent" and inserting "such amount";

(B) in paragraph (2), by striking "not more than 12.5 percent" and inserting "not more than 15 percent"; and

(C) in paragraph (3), by striking "$65,000" and inserting "$75,000"; and

(2) in subsection (b)(1), by striking "equal to" and inserting "that is not less than".

SEC. 209. STATE LEADERSHIP ACTIVITIES.

Section 223 of the Adult Education and Family Literacy Act (20 U.S.C. 9223) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "to develop or enhance the adult education system of the State or outlying area" after "activities";

(B) in paragraph (1), by striking "instruction incorporating" and all that follows through the period and inserting "instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.";

(C) in paragraph (2), by inserting ", including development and dissemination of instructional and programmatic practices based on the most rigorous research available and appropriate, including scientifically based research that is available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance learning, and staff training" after "activities";

(D) in paragraph (5), by striking "monitoring and";

(E) by striking paragraph (6) and inserting the following:

"(6) The development and implementation of technology applications, translation technology, or distance learning, including professional development to support the use of instructional technology."; and

(F) by striking paragraph (7) through paragraph (11) and inserting the following:

"(7) Coordination with—

"(A) other partners carrying out activities authorized under this Act; and

"(B) existing support services, such as transportation, child care, mental health services, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, for adults enrolled in such activities.

"(8) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

"(9) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this subtitle.

"(10) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education, including linkages with postsecondary educational institutions.

"(11) Integration of literacy and English language instruction with occupational skill training, and promoting linkages with employers.

"(12) Activities to promote workplace literacy programs.

"(13) Activities to promote and complement local outreach initiatives described in section 243(b)(3)(F).

"(14) In cooperation with efforts funded under sections 242 and 243, the development of curriculum frameworks and rigorous content standards that—

"(A) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

"(B) take into consideration the following:

"(i) State academic standards established under section 1111(b) of the Elementary and Secondary Education Act of 1965.

"(ii) The current adult skills and literacy assessments used in the State or outlying area.

"(iii) The core indicators of performance established under section 212(b)(2)(A).

"(iv) Standards and academic requirements for enrollment in non-remedial, for-credit, courses in postsecondary education institutions supported by the State or outlying area.

"(v) Where appropriate, the basic and literacy skill content of occupational and industry skill standards widely used by business and industry in the State or outlying area.

"(15) In cooperation with efforts funded under sections 242 and 243, development and piloting of—

"(A) new assessment tools and strategies that—

"(i) are based on scientifically based research, where available and appropriate; and

"(ii) identify the needs and capture the gains of students at all levels, with particular emphasis on—

"(I) students at the lowest achievement level;

"(II) students who have limited English proficiency; and

"(III) adults with learning disabilities;

"(B) options for improving teacher quality and retention; and

"(C) assistance in converting research into practice.

"(16) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or limited English proficiency.

"(17) Other activities of statewide significance that promote the purpose of this title."; and

(2) in subsection (c), by striking "being State- or outlying area-imposed" and inserting "being imposed by the State or outlying area".

SEC. 210. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting "4-YEAR PLANS"; and

(B) in paragraph (1), by striking "5" and inserting "4";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "and the role of provider and cooperating agencies in preparing the assessment" after "serve";

(B) by striking paragraph (2) and inserting the following:

"(2) a description of how the eligible agency will address the adult education and literacy needs identified under paragraph (1) in each workforce development area of the State, using funds received under this subtitle, as well as other Federal, State, or local funds received in partnership with other agencies for the purpose of adult literacy as applicable;";

(C) in paragraph (3)—

(i) by inserting "and measure" after "evaluate";

(ii) by inserting "and improvement" after "effectiveness"; and

(iii) by striking "212" and inserting "212, including—

"(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

"(B) how the eligible agency—

"(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this subtitle and regarding the core indicators of performance described in section 212(b)(2)(A); and

"(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on performance)";

(D) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(E) by inserting after paragraph (4) the following:

"(5) a description of how the eligible agency will improve teacher quality, the professional development of eligible providers, and instruction;";

(F) in paragraph (6) (as redesignated by subparagraph (D)), by striking "who" and all that follows through the semicolon and inserting "that—

"(A) offers flexible schedules and coordinates with necessary Federal, State, and local support services (such as child care, transportation, mental health services, and case management) to enable individuals, including individuals with disabilities or individuals with other special needs, to participate in adult education and literacy activities; and

"(B) attempts to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;";

(G) in paragraph (10) (as redesignated by subparagraph (D)), by striking "plan;" and inserting "plan, which process—

"(A) shall include the State workforce investment board, the Governor, State officials representing public schools, community colleges, welfare agencies, agencies that provide services to individuals with disabilities, other State agencies that promote or operate adult education and literacy activities, and direct providers of such adult literacy services; and

"(B) may include consultation with the State agency for higher education, institutions responsible for professional development of adult education and literacy education program instructors, institutions of higher education, representatives of business and industry, refugee assistance programs, and community-based organizations (as such term is defined in section 101);";

(H) in paragraph (11) (as redesignated by subparagraph (D))—

(i) by inserting "assess potential population needs and" after "will";

(ii) in subparagraph (A), by striking "students" and inserting "individuals";

(iii) in subparagraph (C), by striking "and" after the semicolon; and

(iv) by adding at the end the following:

"(E) the unemployed; and

"(F) those individuals who are employed, but at levels below self-sufficiency, as defined in section 101;";

(I) in paragraph (12) (as redesignated by subparagraph (D))—

(i) by inserting "and how the plan submitted under this subtitle is coordinated with the plan submitted by the State under title I" after "eligible agency"; and

(ii) by striking "and" after the semicolon;

(J) in paragraph (13) (as redesignated by subparagraph (D)), by striking "231(c)(1)." and inserting "231(c)(1), including—

"(A) how the State will build the capacity of organizations that provide adult education and literacy activities; and

"(B) how the State will increase the participation of business and industry in adult education and literacy activities;"; and

(K) by adding at the end the following:

"(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education programs and services (including academic skill development and support services) that prepare students to enter postsecondary education upon the attainment of a secondary school diploma or its recognized equivalent;

"(15) a description of how the eligible agency will consult with the State agency responsible for workforce development to develop adult education programs and services that are designed to prepare students to enter the workforce; and

"(16) a description of how the eligible agency will improve the professional development of eligible providers of adult education and literacy activities.";

(3) in subsection (c), by adding at the end the following: "At the end of the first 2-year period of the 4-year State plan, the eligible agency shall review and, as needed, revise the 4-year State plan."; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ", the chief State school officer, the State officer responsible for administering community and technical colleges, and the State workforce investment board" after "Governor"; and

(B) in paragraph (2), by striking "comments" and all that follows through the period and inserting "comments regarding the State plan by the Governor, the chief State school officer, the State officer responsible for administering community and technical colleges, and the State workforce investment board, and any revision to the State plan, are submitted to the Secretary.".

SEC. 211. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "basic education" and inserting "adult education and literacy activities";

(B) in paragraph (2), by inserting "and" after the semicolon;

(C) by striking paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (d), by striking "DEFINITION OF CRIMINAL OFFENDER.—" and inserting "DEFINITIONS.—In this section:".

SEC. 212. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231 of the Adult Education and Family Literacy Act (20 U.S.C. 9241) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “workplace literacy services” and inserting “workplace literacy programs”; and

(B) in paragraph (3), by striking “literacy” and inserting “language acquisition”: and

(2) in subsection (e)—

(A) in paragraph (1), by inserting “to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2)” after “outcomes”;

(B) by striking paragraph (3) and inserting the following:

“(3) the commitment of the eligible provider to be responsive to local needs and to serve individuals in the community who were identified by the assessment as most in need of adult literacy services, including individuals who are low-income, have minimal literacy skills, have learning disabilities, or have limited English proficiency;”;

(C) in paragraph (4)(B), by striking “, such as” and all that follows through the semicolon and inserting “that include the essential components of reading instruction;”;

(D) in paragraph (5), by striking “research” and inserting “the most rigorous research available, including scientifically based research,”;

(E) in paragraph (9), by inserting “education, job training, and social service” after “other available”;

(F) in paragraph (10)—

(i) by inserting “coordination with Federal, State, and local” after “schedules and”; and

(ii) by striking “and transportation” and inserting “, transportation, mental health services, and case management”;

(G) in paragraph (11)—

(i) by inserting “measurable” after “report”;

(ii) by striking “eligible agency”;

(iii) by inserting “established by the eligible agency” after “performance measures”; and

(iv) by striking “and” after the semicolon;

(H) in paragraph (12), by striking “literacy programs.” and inserting “language acquisition programs and civics education programs;”: and

(I) by adding at the end the following:

“(13) the capacity of the eligible provider to produce information on performance results, including enrollments and measurable participant outcomes;

“(14) whether reading, writing, speaking, mathematics, and English language acquisition instruction provided by the eligible provider are based on the best practices derived from the most rigorous research available and appropriate, including scientifically based research that is available and appropriate;

“(15) whether the eligible provider's applications of technology and services to be provided are sufficient to increase the amount and quality of learning and lead to measurable learning gains within specified time periods; and

“(16) the capacity of the eligible provider to serve adult learners with learning disabilities.”.

SEC. 213. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in paragraph (1)—

(A) by inserting “consistent with the requirements of this subtitle” after “spent”; and

(B) by striking “and” after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) information that addresses each of the considerations required under section 231(e).”.

SEC. 214. LOCAL ADMINISTRATIVE COST LIMITS.

Section 233 of the Adult Education and Family Literacy Act (20 U.S.C. 9243) is amended—

(1) in subsection (a)(2)—

(A) by inserting “and professional” after “personnel”; and

(B) by inserting “development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation,” after “development,”; and

(2) in subsection (b)—

(A) by inserting “and professional” after “personnel”; and

(B) by inserting “development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation,” after “development,”.

SEC. 215. ADMINISTRATIVE PROVISIONS.

Section 241(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9251(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “adult education and literacy activities” each place the term appears and inserting “activities under this subtitle”: and

(B) by striking “was” and inserting “were”; and

(2) in paragraph (4)—

(A) by inserting “not more than” after “this subsection for”; and

(B) by striking “only”.

SEC. 216. NATIONAL INSTITUTE FOR LITERACY.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “literacy” and inserting “effective literacy programs for children, youth, adults, and families”;

(B) in paragraph (2), by inserting “and disseminates information on” after “coordinates”; and

(C) by striking paragraph (3)(A) and inserting the following:

“(A) coordinating and participating in the Federal effort to identify and disseminate information on literacy that is derived from scientifically based research, or the most rigorous research available, and effective programs that serve children, youth, adults, and families; and”;

(2) by striking subsection (b)(3) and inserting the following:

“(3) RECOMMENDATIONS.—The Interagency Group, in consultation with the National Institute for Literacy Advisory Board (in this section referred to as the ‘Board’) established under subsection (e), shall plan the goals of the Institute and the implementation of any programs to achieve the goals. The Board may also request a meeting of the Interagency Group to discuss any recommendations the Board may make.”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “to establish” and inserting “to maintain”;

(II) in clause (i), by striking “phonemic awareness, systematic phonics, fluency, and reading comprehension” and inserting “the essential components of reading instruction”;

(III) in clause (iii), by striking “and” after the semicolon;

(IV) in clause (iv), by inserting “and” after the semicolon; and

(V) by adding at the end the following:

“(v) a list of local adult education and literacy programs;”;

(ii) in subparagraph (C)—

(I) by striking “reliable and replicable research” and inserting “reliable and replicable research as defined by the Institute of Education Sciences”: and

(II) by striking “especially with the Office of Educational Research and Improvement in the Department of Education,”;

(iii) in subparagraph (D), by striking “phonemic awareness, systematic phonics, fluency, and reading comprehension based on” and inserting “the essential components of reading instruction and”;

(iv) in subparagraph (H), by striking “and” after the semicolon;

(v) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following:

“(J) to work cooperatively with the Department of Education to assist States that are pursuing the implementation of standards-based educational improvements for adults through the dissemination of training, technical assistance, and related support and through the development and dissemination of related standards-based assessment instruments; and

“(K) to identify scientifically based research where available and appropriate, or the most rigorous research available and appropriate, on the effectiveness of instructional practices and organizational strategies relating to literacy programs on the acquisition of skills in reading, writing, English acquisition, and mathematics.”; and

(B) by adding at the end the following:

“(3) COORDINATION.—In identifying the reliable and replicable research the Institute will support, the Institute shall use standards for research quality that are consistent with those of the Institute of Education Sciences.”;

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking “literacy programs” and inserting “language acquisition programs”;

(ii) in clause (ii), by striking “literacy programs” and inserting “or have participated in or partnered with workplace literacy programs”;

(iii) in clause (iv), by inserting “, including adult literacy research” after “research”;

(iv) in clause (vi), by striking “and” after the semicolon:

(v) in clause (vii), by striking the period at the end and inserting “; and”: and

(vi) by adding at the end the following:

“(viii) institutions of higher education.”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “and” after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”: and

(iii) by adding at the end the following:

“(D) review the biennial report submitted to Congress pursuant to subsection (k).”; and

(C) in paragraph (5), by striking the second sentence and inserting the following: “A recommendation of the Board may be passed only by a majority of the Board's members present at a meeting for which there is a quorum.”; and

(5) in subsection (k)—

(A) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(B) by striking "The Institute shall submit a report biennially to" and inserting "Not later than 1 year after the date of enactment of the Adult Education and Family Literacy Act Amendments of 2005, and biennially thereafter, the Institute shall submit a report to".

SEC. 217. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:

"SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

"(a) IN GENERAL.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide.

"(b) PERMISSIVE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:

"(1) Technical assistance, including—

"(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;

"(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available;

"(C) assistance in distance learning and promoting and improving the use of technology in the classroom;

"(D) assistance in developing valid, measurable, and reliable performance data, including data about employment and employment outcome, and using performance information for the improvement of adult education and literacy programs; and

"(E) assistance to help States, particularly low-performing States, meet the requirements of section 212.

"(2) A program of grants, contracts, or cooperative agreements awarded on a competitive basis to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to build the capacity of such networks' members to meet the performance requirements of eligible providers under this title and involve adult learners in program improvement.

"(3) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as—

"(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

"(B) increasing the effectiveness of, and improving the quality of, adult education and literacy activities, including family literacy services;

"(C) carrying out rigorous research, including scientifically based research where appropriate, on national literacy basic skill acquisition for adult learning, including estimating the number of adults functioning at the lowest levels of literacy proficiency;

"(D)(i) carrying out demonstration programs;

"(ii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs; and

"(iii) developing and replicating best practices and innovative programs, including—

"(I) the development of models for basic skill certificates;

"(II) the identification of effective strategies for working with adults with learning disabilities and with adults with limited English proficiency;

"(III) integrated basic and workplace skills education programs;

"(IV) coordinated literacy and employment services; and

"(V) postsecondary education transition programs;

"(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of—

"(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

"(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;

"(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs; and

"(iv) the extent to which different types of providers measurably improve the skills of participants in adult education and literacy programs;

"(F) supporting efforts aimed at capacity building of programs at the State and local levels such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;

"(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;

"(H) supporting the development of an entity that would produce and distribute technology-based programs and materials for adult education and literacy programs using an interconnection system (as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397)) and expand the effective outreach and use of such programs and materials to adult education eligible providers;

"(I) determining how participation in adult education and literacy activities prepares individuals for entry into postsecondary education and employment and, in the case of prison-based services, has an effect on recidivism; and

"(J) other activities designed to enhance the quality of adult education and literacy activities nationwide.".

SEC. 218. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

Chapter 4 of subtitle A of title II (29 U.S.C. 9251 et seq.) is amended by adding at the end the following:

"SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

"(a) IN GENERAL.—From funds made available under section 211(a)(4) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(4) for a fiscal year, the Secretary shall allocate—

"(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education, as determined by calculating each State's share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and

"(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.

"(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.".

SEC. 219. TRANSITION.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of the Adult Education and Family Literacy Act (as amended by this title) from any authority under provisions of the Adult Education and Family Literacy Act (as such Act was in effect on the day before the date of enactment of the Adult Education and Family Literacy Act Amendments of 2005).

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

SEC. 301. WAGNER-PEYSER ACT.

(a) CONFORMING AMENDMENT.—Section 2(3) of the Wagner-Peyser Act (29 U.S.C. 49a(3)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(b) COLOCATION.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by adding at the end the following:

"(d) In order to avoid duplication of services and enhance integration of services, employment services offices in each State shall be colocated with one-stop centers established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

"(e) The Secretary, in consultation with States, is authorized to assist in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

"(1) the one-stop delivery systems established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)); and

"(2) such other delivery systems as the Secretary determines to be appropriate.".

(c) WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.";

(2) by striking "employment statistics system" each place it appears and inserting

"workforce and labor market information system";

(3) in subsection (a)(1), by striking "of employment statistics";

(4) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "The" and inserting the following:

"(A) STRUCTURE.—The"; and

(ii) by adding at the end the following:

"(B) GRANTS OR COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—The Secretary shall carry out the provisions of this section in a timely manner through grants or cooperative agreements with States.

"(ii) DISTRIBUTION OF FUNDS.—With regard to distributing funds appropriated under subsection (g) (relating to workforce and labor market information funding) for fiscal years 2006 through 2011, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 1999 through 2003."; and

(B) in paragraph (2)(E)—

(i) in clause (i), by adding "and" at the end;

(ii) in clause (ii), by striking "; and" and inserting a period; and

(iii) by striking clause (iii);

(5) by striking subsections (c) and (d) and inserting the following:

"(c) TWO-YEAR PLAN.—The Secretary, working through the Commissioner of Labor Statistics, and in cooperation with the States and with the assistance of the Assistant Secretary for Employment and Training and heads of other appropriate Federal agencies, shall prepare a 2-year plan which shall be the mechanism for achieving cooperative management of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system. The plan shall—

"(1) describe the steps to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

"(2) evaluate the performance of the system and recommend needed improvements, with particular attention to the improvements needed at the State and local levels; and

"(3) describe the involvement of States in the development of the plan, through consultation between the Secretary and representatives from State agencies in accordance with subsection (d).

"(d) COORDINATION WITH THE STATES.—The Secretary, working though the Commissioner of Labor Statistics and in coordination with the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with representatives of each of the Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2).";

(6) in subsection (e)—

(A) in paragraph (1)(A), by striking "annual plan" and inserting "plan described in subsection (c)"; and

(B) in paragraph (2)—

(i) in subparagraph (G), by adding "and" at the end;

(ii) by striking subparagraph (H); and

(iii) by redesignating subparagraph (I) as subparagraph (H); and

(7) in subsection (g), by striking "1999 through 2004" and inserting "2006 through 2011".

TITLE IV—REHABILITATION ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Rehabilitation Act Amendments of 2005".

SEC. 402. TECHNICAL AMENDMENTS TO TABLE OF CONTENTS.

(a) EXPANDED TRANSITION SERVICES.—Section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 110 the following:

"Sec. 110A. Reservation for expanded transition services.".

(b) INCENTIVE GRANTS.—Section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 112 the following:

"Sec. 113. Incentive grants.".

(c) INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.—Section 1(b) of the Rehabilitation Act of 1973 is amended by striking the items relating to sections 752 and 753 and inserting the following:

"Sec. 752. Training and technical assistance.
"Sec. 753. Program of grants.
"Sec. 754. Authorization of appropriations.".

SEC. 403. PURPOSE.

Section 2 of the Rehabilitation Act of 1973 (29 U.S.C. 701) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7)(A) a high proportion of youth who are individuals with disabilities is leaving special education without being employed or being enrolled in continuing education; and

"(B) there is a substantial need to support those youth as the youth transition from school to postsecondary life."; and

(2) in subsection (b)—

(A) in paragraph (1)(F), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) to provide opportunities for employers and vocational rehabilitation service providers to provide meaningful input at all levels of government to ensure successful employment of individuals with disabilities.".

SEC. 404. REHABILITATION SERVICES ADMINISTRATION.

Section 3 of the Rehabilitation Act of 1973 (29 U.S.C. 702) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) The Secretary shall ensure that—

"(1) the Rehabilitation Services Administration has sufficient staff to provide oversight of, conduct auditing of, and provide technical assistance to, the designated State agencies funded under this Act; and

"(2) such staff include individuals who have training in and experience with the provision of vocational rehabilitation services.".

SEC. 405. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by inserting "and literacy services" after "supported employment"; and

(B) in clause (iii), by inserting "and literacy skills" after "educational achievements";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) ASSISTIVE TECHNOLOGY DEFINITIONS.—

"(A) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' has the meaning given such term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

"(B) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section to the term 'individuals with disabilities' shall be deemed to mean more than one individual with a disability as defined in paragraph (20)(A).

"(C) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section—

"(i) to the term 'individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

"(ii) to the term 'individuals with disabilities' shall be deemed to mean more than one such individual.";

(3) by inserting after paragraph (6) the following:

"(7) CONSUMER ORGANIZATION.—The term 'consumer organization' means a membership organization, or disability advocacy group, for which a majority of the members of the board of directors of the organization or group are individuals with disabilities or family members of individuals with disabilities.";

(4) in paragraph (17)—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E)(i) facilitating transitions of—

"(I) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(II) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences; and

"(ii) assisting individuals with significant disabilities at risk of entering institutions to remain in the community.";

(5) by redesignating paragraphs (24) through (28), (29) through (34), (35) through (37), and (38) through (39), as paragraphs (25) through (29), (31) through (36), (38) through (40), and (42) through (43), respectively;

(6) by inserting after paragraph (23) the following:

"(24) LITERACY.—The term 'literacy' has the meaning given the term in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).";

(7) by inserting after paragraph (29), as redesignated by paragraph (5), the following:

"(30) POST-EMPLOYMENT SERVICE.—The term 'post-employment' service means a service identified in section 103(a) that is—

"(A) provided subsequent to the achievement of an employment outcome; and

"(B) necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.";

(8) by inserting after paragraph (36), as redesignated by paragraph (5), the following:

"(37) STUDENT WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'student with a disability' means an individual with a disability who attends an elementary school or secondary school and who—

"(i) is not younger than 16 years of age;

"(ii) is not older than 22 years of age;

"(iii) has been determined to be eligible under section 102(a) for assistance under title I; and

"(iv)(I) is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

"(II) is an individual with a disability, for purposes of section 504.

"(B) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means more than 1 student with a disability.";

(9) in paragraph (38)(A)(ii), as redesignated by paragraph (5), by striking "paragraph (36)(C)" and inserting "paragraph (39)(C)"; and

(10) by inserting after paragraph (40), as redesignated by paragraph (5), the following:

"(41) TRANSITION SERVICES EXPANSION YEAR.—The term 'transition services expansion year' means—

"(A) the first fiscal year for which the amount appropriated under section 100(b) exceeds the amount appropriated under section 100(b) for fiscal year 2006 by not less than $100,000,000; and

"(B) each fiscal year subsequent to that first fiscal year.".

SEC. 406. ADMINISTRATION OF THE ACT.

Section 12(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) provide technical assistance to the designated State units on developing successful partnerships with local and multi-State businesses in an effort to employ individuals with disabilities; and

"(C) provide technical assistance on developing self-employment opportunities and outcomes for individuals with disabilities;".

SEC. 407. REPORTS.

Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 710) is amended by adding at the end the following:

"(d)(1)(A) The Commissioner shall ensure that the reports, information, and data described in subparagraph (B) will be posted in a timely manner on the website of the Department of Education, in order to inform the public about the administration and performance of programs in each State under this Act.

"(B) The reports, information, and data referred to in subparagraph (A) shall consist of—

"(i) reports submitted by a designated State unit under this Act;

"(ii) accountability information (including State performance information relating to evaluation standards and performance indicators under section 106 and State performance information relating to State performance measures under section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871)) submitted by a designated State unit under this Act or submitted by a State to the Secretary of Labor under subsection (d) of such section 136;

"(iii) data collected from each designated State unit under this Act with the approval of the Office of Management and Budget; and

"(iv) monitoring reports conducted under this Act.

"(C) The Commissioner shall maintain, and post on the website, a listing of the reports, information, and data required to be submitted by designated State units under this Act.

"(D) The Commissioner shall post on the website, or establish links on the website to, evaluations, studies, and audits, including evaluations, studies, and audits conducted by agencies of the Federal Government, concerning programs carried out under this Act.

"(E) The Commissioner shall maintain on the website a list of the designated State units and shall establish links on the website to websites maintained by those units.

"(2) The Commissioner shall maintain public use read-only access to the State and aggregated reports and analyzed data filed and maintained on the Rehabilitation Services Administration management information system or a similar system maintained by the Department of Education.".

SEC. 408. CARRYOVER.

Section 19 of the Rehabilitation Act of 1973 (29 U.S.C. 716) is amended—

(1) in subsection (a)(1)—

(A) by inserting "(except for the client assistance program funded under section 112)" after "any grant program under part B of title I";

(B) by striking ", section 509 (except as provided in section 509(b))";

(C) by striking "or C"; and

(D) by striking "752(b)" and inserting "753(b)"; and

(2) by adding at the end the following:

"(c) CLIENT ASSISTANCE PROGRAM; PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—

"(1) APPROPRIATED AMOUNTS.—Notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out a grant program under section 112 or 509 (except as provided in section 509(b)), including any funds reallotted under such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

"(2) PROGRAM INCOME.—Notwithstanding any other provision of law, any amounts of program income received by recipients under a grant program under section 112 or 509 in a fiscal year that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year, shall remain available until expended.".

Subtitle A—Vocational Rehabilitation Services

SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 412. STATE PLANS.

(a) IN GENERAL.—Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(D) STATE AGENCY FOR REIMBURSEMENT PURPOSES.—A governing body of an Indian tribe that receives a grant under section 121 shall be considered, for purposes of the cost reimbursement provisions—

"(i) in section 222(d)(1) of the Social Security Act (42 U.S.C. 422(d)(1)), to be a State; and

"(ii) in subsections (d) and (e) of section 1615 of the Social Security Act (42 U.S.C. 1382d), to be a State agency described in subsection (d) of that section.";

(2) in paragraph (6)(B), by striking "to employ and advance in employment" and inserting "to recruit, employ, and advance in employment";

(3) in paragraph (7)(A)(v), by striking subclause (I) and inserting the following:

"(I) a system for the continuing education of rehabilitation professionals and paraprofessionals within the designated State unit, particularly with respect to rehabilitation technology, including training implemented in coordination with State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003); and";

(4) in paragraph (10)—

(A) in subparagraph (B), by striking "annual reporting on the eligible individuals receiving the services, on those specific data elements described in section 136(d)(2) of the Workforce Investment Act of 1998" and inserting "annual reporting of information on eligible individuals receiving the services that is needed to assess performance on the core indicators of performance described in section 136(b)(2)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)(i))";

(B) in subparagraph (C), by striking clauses (iii) and (iv) and inserting the following:

"(iii) the number of applicants and eligible recipients, including the number of individuals with significant disabilities, who exited the program carried out under this title and the number of such individuals who achieved employment outcomes after receiving vocational rehabilitation services; and

"(iv) the number of individuals who received vocational rehabilitation services who entered and retained employment and the earnings of such individuals, as such entry, retention, and earnings are defined for purposes of the core indicators of performance described in section 136(b)(2)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)(i))."; and

(C) in subparagraph (E)(ii), by striking "in meeting" and all that follows through the period and inserting "in meeting the standards and indicators established pursuant to section 106.";

(5) in paragraph (11)—

(A) by striking subparagraph (C) and inserting the following:

"(C) INTERAGENCY COOPERATION WITH OTHER AGENCIES.—The State plan shall include descriptions of interagency cooperation with, and utilization of the services and facilities of, Federal, State, and local agencies and programs, including the State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), programs carried out by the Under Secretary for Rural Development of the Department of Agriculture, and State use contracting programs, to the extent that such agencies and programs are not carrying out activities through the statewide workforce investment system.";

(B) by striking subparagraph (D)(ii) and inserting the following:

"(ii) transition planning by personnel of the designated State agency and the State educational agency that will facilitate the development and completion of the individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) and, as appropriate, the development and completion of the individualized plan for employment, in order to achieve post-school employment outcomes of students with disabilities;"; and

(C) by adding at the end the following:

"(G) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.—The State plan shall include an assurance that the designated State unit, and the lead agency and implementing agency (if any) designated by the Governor of the State under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), have developed working relationships and will enter into agreements for the coordination of their activities, including the referral of individuals with disabilities to programs and activities described in that section.

"(H) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.—The State plan shall include an assurance that the designated State unit will coordinate activities with any other State agency that is functioning as an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19).";

(6) in paragraph (15)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (II), by striking "and" after the semicolon;

(II) in subclause (III), by inserting "and" after the semicolon; and

(III) by adding at the end the following:

"(IV) for purposes of addressing needs in a transition services expansion year, students with disabilities, including their need for transition services;";

(ii) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(iii) by inserting after clause (i) the following:

"(ii) include an assessment of the needs of individuals with disabilities for transition services provided under this Act, and coordinated with transition services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and an assessment as to whether the transition services provided under those Acts meet the needs of individuals with disabilities;"; and

(B) in subparagraph (D)—

(i) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

(ii) by inserting after clause (ii) the following:

"(iii) for use in a transition services expansion year, the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to postsecondary life, including the receipt of vocational rehabilitation services under this title, postsecondary education, or employment;";

(7) in paragraph (20)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

"(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

"(i) information on the availability of benefits and medical assistance authorized under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized under other federally funded programs;

"(ii) information on the availability of assistance through benefits planning and assistance programs authorized under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and services provided by the State protection and advocacy system and authorized under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

"(iii) in the case of individuals who are also eligible for a ticket under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the options for using the ticket and information on how to contact a program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks, on providers for the benefits planning and assistance programs described in subparagraph (B) in the State, and on the services provided by the State protection and advocacy system and described in subparagraph (B)."; and

(C) in subparagraph (C)(ii), as redesignated by subparagraph (A)—

(i) in subclause (II), by inserting ", to the maximum extent possible," after "point of contact"; and

(ii) in subclause (III), by striking "or regain" and inserting "regain, or advance in"; and

(8) by adding at the end the following:

"(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan for a transition services expansion year shall provide an assurance satisfactory to the Commissioner that the State—

"(A) has developed and shall implement, in each transition services expansion year, strategies to address the needs identified in the assessment described in paragraph (15), and achieve the goals and priorities identified by the State, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

"(B) in each transition services expansion year—

"(i) shall not use more than 5 percent of the funds reserved under section 110A and available for this subparagraph, to pay for administrative costs; and

"(ii) shall use the remaining funds to carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities, through partnerships described in subparagraph (C), that—

"(I) facilitate the transition of the students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

"(II) improve the achievement of postschool goals of students with disabilities through the provision of transition services, including improving the achievement through participation (as appropriate when vocational goals are discussed) in meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

"(III) provide vocational guidance, career exploration services, and job search skills and strategies and technical assistance to students with disabilities;

"(IV) support the provision of training and technical assistance to local educational agency personnel responsible for the planning and provision of services to students with disabilities; and

"(V) support outreach activities to students with disabilities who are eligible for, and need, services under this title; and

"(C) in each transition services expansion year, shall ensure that the funds described in subparagraph (B)(ii) are awarded only to partnerships that—

"(i) shall include local vocational rehabilitation services providers and local educational agencies; and

"(ii) may include (or may have linkages with)—

"(I) other agencies such as employment, social service, and health organizations, that contribute funds for the provision of vocational rehabilitation services described in subparagraph (B)(ii) for eligible students with disabilities; and

"(II) businesses and business-led intermediaries.".

(b) CONSTRUCTION.—Section 101 of the Rehabilitation Act of 1973 (29 U.S.C. 721) is amended by adding at the end the following:

"(c) CONSTRUCTION.—

"(1) DEFINITIONS.—In this subsection, the terms 'child with a disability', 'free appropriate public education', 'related services', and 'special education' have the meanings given the terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(2) OBLIGATION TO PROVIDE OR PAY FOR TRANSITION SERVICES.—Nothing in this part shall be construed to reduce the obligation of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved.".

SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.

Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the semicolon at the end and inserting ", including a listing of all the community resources (including resources from consumer organizations (including advocacy organizations)), to the maximum extent possible, to assist in the development of such individual's individualized plan for employment to enable the individual to make informed and effective choices in developing the individualized plan for employment;"; and

(ii) in subparagraph (D)—

(I) in clause (i), by striking "and" after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

"(iii) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

"(I) information on the availability of benefits and medical assistance authorized under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized under other federally funded programs;

"(II) information on the availability of assistance through benefits planning and assistance programs authorized under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and services provided by the State protection and advocacy system and authorized under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

"(III) in the case of individuals who are also eligible for a ticket under the Ticket to

Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the options for using the ticket and information on how to contact a program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks, on providers for the benefits planning and assistance programs described in subparagraph (B) in the State, and on the services provided by the State protection and advocacy system and described in subparagraph (B).";

(B) in paragraph (2)(E)—

(i) in clause (i)(II), by striking "and" after the semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) amended, as necessary, to include the post-employment services and service providers that are necessary for the individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."; and

(C) in paragraph (3)—

(i) in subparagraph (B)(i)(I), by striking "and personal assistance services" and all that follows and inserting "mentoring services, and personal assistance services, including training in the management of such services, and referrals described in section 103(a)(3) to the device reutilization programs and device demonstrations described in subparagraphs (B) and (D) of section 4(e)(2) of the Assistive Technology Act of 1998 (42 U.S.C. 3003(e)(2)) through agreements developed under section 101(a)(11)(G); and";

(ii) in subparagraph (F)(ii), by striking "and" after the semicolon;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) for a student with a disability, the description specified—

"(i) in subparagraph (A), which may be a description of the student's projected post-school employment outcome; and

"(ii) in subparagraph (B)(i), which shall include the specific transition services (including, as appropriate, work experience and mentoring activities) needed to achieve the student's employment outcome or projected employment outcome; and

"(I) for an individual who is receiving assistance from an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a list of the services that are listed in the individual work plan that the individual developed with the employment network under subsection (g) of that section."; and

(2) in subsection (c)(7), by inserting "that take into consideration the informed choice of the individual" after "plan development".

SEC. 414. VOCATIONAL REHABILITATION SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by inserting "literacy services," after "vocational adjustment services,";

(B) by striking paragraph (15) and inserting the following:

"(15) transition services for students with disabilities, that facilitate the transition from school to postsecondary life (including employment through the achievement of the employment outcome identified in the individualized plan for employment), including, in a transition services expansion year, services described in subclauses (I) through (III) of section 101(a)(25)(B)(ii);";

(C) in paragraph (17), by striking "and" after the semicolon;

(D) in paragraph (18), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(19) mentoring services."; and

(2) in subsection (b), by striking paragraph (6) and inserting the following:

"(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to postsecondary life, including employment.

"(ii) In a transition services expansion year, training and technical assistance described in section 101(a)(25)(B)(ii)(IV).

"(B) In a transition services expansion year, services for groups of individuals with disabilities who meet the requirements of clauses (i), (ii), and (iv) of section 7(37)(A), including services described in subclauses (I), (II), (III), and (V) of section 101(a)(25)(B)(ii), to assist in the transition from school to postsecondary life, including employment.".

SEC. 415. STATE REHABILITATION COUNCIL.

Section 105 of the Rehabilitation Act of 1973 (29 U.S.C. 725) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking clause (ix) and inserting the following:

"(ix) in a State in which one or more projects provide services under section 121, at least one representative of the directors of the projects;";

(ii) in clause (x), by striking the "and" after the semicolon;

(iii) in clause (xi), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(xii) the director of the State's comprehensive statewide program of technology-related assistance funded under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003)."; and

(B) by striking paragraph (5) and inserting the following:

"(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council."; and

(2) in subsection (c)(6), by inserting before the semicolon the following: "and with the activities of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.)".

SEC. 416. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106 of the Rehabilitation Act of 1973 (29 U.S.C. 726) is amended—

(1) in subsection (a), by striking paragraph (1)(C) and all that follows through paragraph (2) and inserting the following:

"(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that include measures of the program's performance with respect to the transition from school to postsecondary life, including employment, and achievement of the postsecondary vocational goals, of students with disabilities served under the program."; and

(2) in subsection (b)(2)(B)(i), by striking ", if necessary" and all that follows through the semicolon and inserting ", if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State to make further revisions to the plan to improve performance, which may include revising the plan to allocate a higher proportion of the State's resources (from allotments made under section 110) for services to individuals with disabilities if the State agency's spending on such services is low in comparison to spending on such services by comparable agencies in other States;".

SEC. 417. MONITORING AND REVIEW.

Section 107(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 727(b)(1)) is amended by inserting before the semicolon the following: ", including—

"(A) consulting with the Department of Labor, the Small Business Administration, other appropriate Federal agencies, and businesses or business-led intermediaries; and

"(B) based on information obtained through the consultations, providing technical assistance that improves that quality by enabling designated State units to develop successful partnerships with local and multi-State businesses in an effort to employ individuals with disabilities, and technical assistance on developing self-employment opportunities and improving employment outcomes for individuals with disabilities".

SEC. 418. STATE ALLOTMENTS.

Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) is amended—

(1) by striking subsection (b) and inserting the following:

"(b)(1) Not later than 45 days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any amount from the payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

"(2)(A) As soon as practicable but not later than the end of the fiscal year, the Commissioner shall reallot the amount available under paragraph (1) to other States, consistent with subparagraphs (B) and (C), for carrying out the purposes of this title to the extent the Commissioner determines such other State will be able to use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes.

"(B)(i) The Commissioner shall reallot a portion of the amount available under paragraph (1) for a fiscal year to each State whose allotment under subsection (a) for such fiscal year is less than such State's allotment under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

"(ii)(I) A State that is eligible to receive a reallotment under clause (i) shall receive a portion for a fiscal year from the amount available for reallotment under paragraph (1) that is equal to the difference between—

"(aa) the amount such State was allotted under subsection (a) for such fiscal year; and

"(bb) the amount such State was allotted under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

"(II) If the amount available for reallotment under paragraph (1) is insufficient to provide each State eligible to receive a reallotment with the portion described in subclause (I), the amount reallotted to each eligible State shall be determined by the Commissioner.

"(C) If there are funds remaining after each State eligible to receive a reallotment under subparagraph (B)(i) receives the portion described in subparagraph (B)(ii), the Commissioner shall reallot the remaining funds among the States requesting a reallotment.

"(3) The Commissioner shall reallot an amount to a State under this subsection only if the State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

"(4) For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year."; and

(2) by striking subsection (c)(2) and inserting the following:

"(2)(A) In this paragraph:

"(i) The term 'appropriated amount' means the amount appropriated under section 100(b)(1) for allotment under this section.

"(ii) The term 'covered year' means a fiscal year—

"(I) that begins after September 30, 2005; and

"(II) for which the appropriated amount exceeds the total of—

"(aa) the appropriated amount for the preceding fiscal year; and

"(bb) 0.075 percent of the appropriated amount for the preceding fiscal year.

"(B) For each covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary—

"(i) not more than 1.5 percent of the appropriated amount for the covered year; and

"(ii) not less than the total of the sum reserved under this subsection for the preceding fiscal year and 0.1 percent of the appropriated amount for the covered year, subject to clause (i).

"(C) For each fiscal year that is not a covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary—

"(i) not more than 1.5 percent of the appropriated amount for the fiscal year; and

"(ii) not less than the sum reserved under this subsection for the preceding fiscal year, subject to clause (i).".

SEC. 419. RESERVATION FOR EXPANDED TRANSITION SERVICES.

The Rehabilitation Act of 1973 is amended by inserting after section 110 (29 U.S.C. 730) the following:

"SEC. 110A. RESERVATION FOR EXPANDED TRANSITION SERVICES.

"(a) Reservation.—From the State allotment under section 110 in a transition services expansion year, each State shall reserve an amount calculated by the Commissioner under subsection (b) to carry out programs and activities under sections 101(a)(25)(B) and 103(b)(6).

"(b) Calculation.—The Commissioner shall calculate the amount to be reserved for such programs and activities for a fiscal year by each State by multiplying $50,000,000 by the percentage determined by dividing—

"(1) the amount allotted to that State under section 110 for the prior fiscal year; by

"(2) the total amount allotted to all States under section 110 for that prior fiscal year.".

SEC. 420. CLIENT ASSISTANCE PROGRAM.

Section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "States" and inserting "agencies designated under subsection (c)"; and

(B) in the second sentence, by striking "State" and inserting "State in which the program is located";

(2) in subsection (b), by striking "the State has in effect not later than October 1, 1984, a client assistance program which" and inserting "the State has designated under subsection (c) an agency that";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "The Secretary" and all that follows through the period and inserting the following: "After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the agencies designated under subsection (c) within the States (referred to individually in this subsection as a 'designated agency') on the basis of relative population of each State, except that no such agency shall receive less than $50,000.";

(ii) in subparagraph (B), by inserting "the designated agencies located in" after "each to";

(iii) in subparagraph (D)(i)—

(I) by inserting "the designated agencies located in" after "$100,000 for"; and

(II) by inserting "the designated agencies located in" after "$45,000 for"; and

(iv) by adding at the end the following:

"(E)(i) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $13,000,000, the Secretary shall reserve funds appropriated under this section to make a grant to the protection and advocacy system serving the American Indian Consortium to provide client assistance services in accordance with this section. The amount of such a grant shall be the same amount as is provided to a territory under subparagraph (B), as increased under clauses (i) and (ii) of subparagraph (D).

"(ii) In this subparagraph:

"(I) The term 'American Indian Consortium' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

"(II) The term 'protection and advocacy system' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

"(F) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $14,000,000, the Secretary shall reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide a grant for training and technical assistance for the programs established under this section. Such training and technical assistance shall be coordinated with activities provided under section 509(c)(1)(A)."; and

(B) in paragraph (2)—

(i) by striking "State" each place such term appears and inserting "designated agency"; and

(ii) by striking "States" each place such term appears and inserting "designated agencies";

(4) in subsection (f), by striking "State" and inserting "agency designated under subsection (c)";

(5) in subsection (g)(1), by striking "State" and inserting "State in which the program is located"; and

(6) in subsection (h), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 421. INCENTIVE GRANTS.

Part B of title I of the Rehabilitation Act of 1973 (29 U.S.C. 730 et seq.) is amended by adding at the end the following:

"SEC. 113. INCENTIVE GRANTS.

"(a) Authority.—The Commissioner is authorized to make incentive grants to States that, based on the criteria established under subsection (b)(1), demonstrate—

"(1) a high level of performance; or

"(2) a significantly improved level of performance in a reporting period as compared to the previous reporting period or periods.

"(b) Criteria.—

"(1) Establishment.—Not later than 180 days after the date of enactment of this section, the Commissioner shall establish, and publish in the Federal Register, criteria for making grant awards under subsection (a).

"(2) Development and Evaluation Standards.—The criteria established under paragraph (1) shall—

"(A) be developed with input from designated State agencies and other vocational rehabilitation stakeholders, including vocational rehabilitation consumers and consumer organizations (including advocacy organizations); and

"(B) be based upon the evaluation standards and performance indicators established under section 106 and other performance-related measures that the Commissioner determines to be appropriate.

"(c) Use of Funds.—A State that receives a grant under subsection (a) shall use the grant funds for any approved activities in the State's State plan submitted under section 101.

"(d) No Non-Federal Share Requirement.—The provisions of sections 101(a)(3) and 111(a)(2) shall not apply to this section.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.".

SEC. 422. VOCATIONAL REHABILITATION SERVICES GRANTS.

Section 121 of the Rehabilitation Act of 1973 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting ", consistent with such individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, gainful employment" before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) contains assurances that—

"(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of such services, will be made by a representative of the tribal vocational rehabilitation program; and

"(ii) such decisions will not be delegated to another agency or individual.";

(B) in paragraph (3), by striking the first sentence and inserting the following: "An application approved under this part that complies with the program requirements set forth in the regulations promulgated to carry out this part shall be effective for 5 years and shall be renewed for additional 5-year periods if the Commissioner determines that the grant recipient demonstrated acceptable past performance and the grant recipient submits a plan, including a proposed budget, to the Commissioner that the Commissioner approves that identifies future performance criteria, goals, and objectives."; and

(C) by striking paragraph (4) and inserting the following:

"(4) In allocating funds under this part, the Commissioner shall give priority to paying the continuation costs of projects in existence on the date of the allocation and may provide for increases in funding for such projects that the Commissioner determines to be necessary.".

SEC. 423. GAO STUDIES.

(a) STUDY ON TITLE I AND TICKET TO WORK.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the interaction of programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), including the impact of the interaction on beneficiaries, community rehabilitation programs (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)), and State vocational rehabilitation agencies.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with all types of participants in the Ticket to Work and Self-Sufficiency Program, including the Social Security Administration, the Rehabilitation Services Administration, ticketholders, designated State agencies, entities carrying out such community rehabilitation programs (including employment networks and nonemployment networks), protection and advocacy agencies, MAXIMUS, and organizations representing the interests of ticketholders.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

(b) STUDY ON THE ALLOTMENT FORMULA.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the relationship between the State allotment formula under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) and the ability of States to provide vocational rehabilitation services in accordance with the States' State plans under section 101 of such Act (29 U.S.C. 721).

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate entities.

(3) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

Subtitle B—Research and Training

SEC. 431. DECLARATION OF PURPOSE.

Section 200(3) of the Rehabilitation Act of 1973 (29 U.S.C. 760(3)) is amended by inserting ", in a timely and efficient manner," before "through".

SEC. 432. AUTHORIZATION OF APPROPRIATIONS.

Section 201 of the Rehabilitation Act of 1973 (29 U.S.C. 761) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(B) in paragraph (2), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(2) by adding at the end the following:

"(c) Of the sums appropriated under subsection (a)(1) for a fiscal year, the Secretary may reserve not more than $200,000 for activities related to convening a national assistive technology summit under section 202(b)(6).".

SEC. 433. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202 of the Rehabilitation Act of 1973 (29 U.S.C. 762) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by inserting before the semicolon the following: ", including convening a national assistive technology summit, to be held at or in conjunction with a national conference relating to assistive technology with respect to all categories of disabilities"; and

(B) in paragraph (10), by striking "and telecommuting" and inserting ", supported employment, and telecommuting";

(2) in subsection (f)(1)—

(A) by striking "Federal employees" and inserting "Department of Education employees"; and

(B) by adding at the end the following: "The peer review panel shall include a director of a designated State unit. Such panel shall include a member of the covered school community (for an activity resulting in educational materials or a product to be used in a covered school), a member of the business community (for an activity resulting in a product to be used in an employment activity), an assistive technology developer or manufacturer (for an activity relating to assistive technology), or an accessible electronic and information technology vendor or manufacturer (for an activity relating to accessible electronic and information technology).";

(3) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively;

(4) by inserting after subsection (h) the following:

"(i)(1) The Director, with the assistance of the Rehabilitation Research Advisory Council established under section 205, shall determine if entities that receive financial assistance under this title are complying with the applicable requirements of this Act and achieving measurable goals, described in section 204(d)(2), that are consistent with the requirements of the programs under which the entities received the financial assistance.

"(2) To assist the Director in carrying out the responsibilities described in paragraph (1), the Director shall require recipients of financial assistance under this title to submit relevant information to evaluate program outcomes with respect to the measurable goals described in section 204(d)(2)."; and

(5) by adding at the end the following:

"(m)(1) Not later than December 31 of each year, the Director shall prepare, and submit to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this title.

"(2) Such report shall include—

"(A) a compilation and summary of the information provided by recipients of financial assistance for such activities under this title; and

"(B) a summary of the applications for financial assistance received under this title and the progress of the recipients of financial assistance in achieving the measurable goals described in section 204(d)(2).

"(n)(1) If the Director determines that an entity that receives financial assistance under this title fails to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals described in section 204(d)(2), with respect to the covered activities involved, the Director shall assist the entity through technical assistance or other means, within 90 days after such determination, to develop a corrective action plan.

"(2) If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Director:

"(A) Partial or complete termination of financial assistance for the covered activities, until the entity develops and complies with such a plan.

"(B) Ineligibility to receive financial assistance for such covered activities for the following year.

"(3) The Secretary shall establish appeals procedures for entities described in paragraph (1) that the Secretary determines fail to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals.

"(4) As part of the annual report required under subsection (m), the Director shall describe each action taken by the Director under paragraph (1) or (2) and the outcomes of such action.".

SEC. 434. INTERAGENCY COMMITTEE.

Section 203 of the Rehabilitation Act of 1973 (29 U.S.C. 763) is amended—

(1) in subsection (a)(1), by striking "and the Director of the National Science Foundation" and inserting "the Director of the National Science Foundation, the Secretary of Commerce, and the Administrator of the Small Business Administration"; and

(2) in subsection (b)(2)—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) conduct a study, on the assistive technology industry, for which the Committee shall—

"(i) determine the number of individuals who use assistive technology and the scope of the technologies they use;

"(ii) separately identify categories of assistive technology companies by the disability group served, and the type of product or service provided, categorized by—

"(I) size (small, medium, and large) of the companies;

"(II) capitalization of the companies;

"(III) region in which the companies are located; and

"(IV) products or services produced by the companies;

"(iii) compile aggregate data on revenues and unit sales of such companies, including information on international sales, for a recent reporting period, categorized by institution or user type acquiring the products or services, disability for which the products or services are used, and industry segment for the companies;

"(iv) identify platform availability and usage, for those products and services that are electronic and information technology-related;

"(v) identify the types of clients of the companies, such as Government, school, business, private payor, and charitable clients, and funding sources for the clients; and "(vi) specify geographic segments for the companies, to determine whether there are significant distinctions in industry opportunities on the basis of geography, other than distinctions related to population.".

SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.

Section 204 of the Rehabilitation Act of 1973 (29 U.S.C. 764) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) in clause (vi), by striking "and" after the semicolon;

(ii) in clause (vii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(viii) studies, analyses, and other activities affecting employment outcomes, including self-employment and telecommuting, of individuals with disabilities."; and

(B) by adding at the end the following:

"(3) In carrying out this section, the Director shall emphasize covered activities that are collaborations between—

"(A) for-profit companies working in the assistive technology, rehabilitative engineering, or information technology fields; and

"(B) States or public or private agencies and organizations.

"(4) In carrying out this section, the Director shall emphasize covered activities that include plans for—

"(A) dissemination of educational materials, research results, or findings, conclusions, and recommendations resulting from covered activities; or

"(B) the commercialization of marketable products resulting from the covered activities.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "(18)" each place it appears and inserting "(19)";

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking "rehabilitation services or" and inserting "rehabilitation services, developers or providers of assistive technology devices, assistive technology services, or information technology devices or services, or providers of";

(ii) in subparagraph (B)—

(I) in clause (i), by inserting "improve the evaluation process for determining the assistive technology needs of individuals with disabilities,"after "conditions,";

(II) in clause (ii), by inserting "and assistive technology services" before the semicolon; and

(III) in clause (iii), by inserting ", assistive technology services personnel," before "and other";

(iii) in subparagraph (C)—

(I) in clause (i), by inserting ", including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices" before the semicolon; and

(II) in clause (iii), by inserting ", including the use of assistive technology devices and accessible electronic and information technology devices in employment" before the semicolon;

(iv) in subparagraph (D), by inserting ", including training to provide knowledge about assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services," after "personnel"; and

(v) in subparagraph (G)(i), by inserting ", assistive technology-related, and accessible electronic and information technology-related" before "courses";

(C) in paragraph (3)—

(i) in subparagraph (D)(ii), by adding at the end the following: "Each such Center conducting an activity relating to assistive technology or relating to accessible electronic and information technology shall include in the committee an assistive technology developer or manufacturer, or an accessible electronic and information technology vendor or manufacturer, respectively. Each such Center conducting an activity resulting in educational materials or a product to be used in a covered school, or resulting in a product to be used in an employment activity, shall include in the committee a member of the covered school community, or a member of the business community, respectively."; and

(ii) in subparagraph (G)(ii) by inserting "the success of any commercialized product researched or developed through the Center," after "disabilities,";

(D) in paragraph (8), by inserting "the Department of Commerce, the Small Business Administration, the Department of Labor," before "other Federal agencies.";

(E) in paragraph (13), in the matter preceding subparagraph (A), by striking "employment needs of individuals with disabilities" and inserting "employment needs, opportunities, and outcomes, including needs, opportunities, and outcomes relating to self-employment, supported employment, and telecommuting, of individuals with disabilities, including older individuals with disabilities, and students with disabilities who are transitioning from school to postsecondary life, including employment"; and

(F) by adding at the end the following:

"(19) Research grants may be used to provide for research and demonstration projects that—

"(A) explore methods and practices for promoting access to electronic commerce activities for individuals with disabilities; and

"(B) will—

"(i) ensure dissemination of research findings;

"(ii) provide encouragement and support for initiatives and new approaches by companies engaged in electronic commerce activities; and

"(iii) result in the establishment and maintenance of close working relationships between the disability, research, and business communities.";

(3) in subsection (c)(2), by striking "$500,000" and inserting "$750,000"; and

(4) by adding at the end the following:

"(d)(1) In awarding grants, contracts, or other financial assistance under this title, the Director shall award the financial assistance on a competitive basis.

"(2)(A) To be eligible to receive financial assistance described in paragraph (1) for a covered activity, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(B) The application shall include information describing—

"(i) measurable goals, and a timeline and specific plan for meeting the goals, that the applicant has set for addressing priorities related to—

"(I) commercialization of a marketable product (including a marketable curriculum or research) resulting from the covered activity;

"(II) in the case of a covered activity relating to technology, technology transfer;

"(III) in the case of research, dissemination of research results to, as applicable, Government entities, individuals with disabilities, covered schools, the business community, the assistive technology community, and the accessible electronic and information technology community; and

"(IV) other matters as required by the Director; and

"(ii) information describing how the applicant will quantifiably measure the goals to determine whether the goals have been accomplished.

"(3)(A) In the case of an application for financial assistance under this title to carry out a covered activity that results in the development of a marketable product, the application shall also include a commercialization and dissemination plan, containing commercialization and marketing strategies for the product involved, and strategies for disseminating information about the product. The financial assistance shall not be used to carry out the commercialization and marketing strategies.

"(B) In the case of any other application for financial assistance to carry out a covered activity under this title, the application shall also include a dissemination plan, containing strategies for disseminating educational materials, research results, or findings, conclusions, and recommendations, resulting from the covered activity.".

SEC. 436. REHABILITATION RESEARCH ADVISORY COUNCIL.

Section 205 of the Rehabilitation Act of 1973 (29 U.S.C. 765) is amended—

(1) in subsection (a), by inserting "at least" before "12"; and

(2) in subsection (c), by inserting after "rehabilitation researchers," the following: "the directors of community rehabilitation programs, the business community (and shall include a representative of the small business community) that has experience with the system of vocational rehabilitation services carried out under this Act and with hiring individuals with disabilities, the community of assistive technology developers and manufacturers, the community of information technology vendors and manufacturers, the community of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.), the community of covered school professionals,".

SEC. 437. DEFINITION.

Title II of the Rehabilitation Act of 1973 (29 U.S.C. 760 et seq.) is amended by adding at the end the following:

"SEC. 206. DEFINITION.

"In this title, the term 'covered school' means an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an institution of higher education.".

Subtitle C—Professional Development and Special Projects and Demonstrations

SEC. 441. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 772) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (F), by striking the "and" after the semicolon;

(ii) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(H) personnel trained in providing assistive technology services."; and

(B) in paragraph (4)(B), by striking "section 134(c)" and inserting "section 121(e)";

(2) in subsection (b)(1)(B)(i), by striking "or prosthetics and orthotics" and inserting "prosthetics and orthotics, rehabilitation teaching for the blind, or orientation and mobility instruction"; and

(3) in subsection (i), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 442. DEMONSTRATION AND TRAINING PROGRAMS.

Section 303 of the Rehabilitation Act of 1973 (29 U.S.C. 773) is amended—

(1) in subsection (b)(5)(A)(i), by striking "special projects" and inserting "not less than 2 special projects";

(2) by redesignating subsections (c), (d), and (e) as subsections (h), (i), and (j), respectively;

(3) by inserting after subsection (b) the following:

"(c) DEMONSTRATION PROJECTS FOR EMPLOYMENT OF STUDENTS WITH INTELLECTUAL DISABILITIES OR MENTAL ILLNESS.—

"(1) PURPOSE.—The purpose of this subsection is to support model demonstration projects to provide supported and competitive employment experiences for students with intellectual disabilities or students with mental illness, and training for personnel that work with students described in this paragraph, to enable the students to gain employment skills and experience that will promote effective transitions from school to postsecondary life, including employment.

"(2) AWARDS AUTHORIZED.—

"(A) COMPETITIVE AWARDS AUTHORIZED.—The Commissioner may award grants, contracts, and cooperative agreements, on a competitive basis, to eligible organizations described in paragraph (3), to enable the organizations to carry out demonstration projects described in paragraph (1).

"(B) DURATION.—The Commissioner shall award grants, contracts, and cooperative agreements under this subsection for periods of 3 to 5 years.

"(3) ELIGIBLE ORGANIZATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an organization shall—

"(A) have expertise in providing employment and support services for individuals with intellectual disabilities or individuals with mental illness;

"(B) have a proven track record in successfully running supported employment programs;

"(C) provide employment services that are exclusively integrated community-based supported employment services;

"(D) have expertise in creating natural supports for employment;

"(E) have expertise in providing computer training for the targeted population for the project involved; and

"(F) have experience operating mentoring programs for the target population in middle and high schools for at least a decade in diverse communities throughout the Nation.

"(4) APPLICATIONS.—Each organization desiring to receive a grant, contract, or cooperative agreement under this subsection shall submit an application to the Commissioner at such time, in such manner, and including such information as the Commissioner may require. Each application shall include—

"(A) a description of how the organization plans to carry out the activities authorized in this subsection through a demonstration project;

"(B) a description of how the organization will evaluate the project;

"(C) a description of how the organization will disseminate information about the activities and the impact of the activities on the lives of students served by the project; and

"(D) a description of how the organization will coordinate activities with any other relevant service providers in the locality where the organization is based, including federally supported independent living centers.

"(5) AUTHORIZED ACTIVITIES.—An organization that receives a grant, contract, or cooperative agreement under this subsection shall use the funds made available through the grant, contract, or cooperative agreement to carry out 1 or more of the following activities for individuals, ages 14 through 21, who are students with intellectual disabilities or students with mental illness:

"(A) PROVIDING SUPPORTED AND COMPETITIVE EMPLOYMENT EXPERIENCES.—The development of innovative and effective supported and competitive employment experiences after school, on weekends, and in the summer, utilizing natural supports that lead to competitive high-paying jobs.

"(B) PROVIDING TRAINING TO SCHOOL AND TRANSITION PERSONNEL.—The development and deployment of experts to work with transition programs (including personnel working with students on transition) so that personnel from the programs develop skills needed to train students with intellectual disabilities or students with mental illness to be successful in competitive employment in a range of settings, including office settings. The training shall include training for the personnel in providing instruction to students in computer skills, office skills, interview etiquette, and appropriate social behavior required for successful long-term employment in professional environments.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years 2007 through 2011.

"(d) DEMONSTRATION PROJECT FOR EMPLOYMENT OF INDIVIDUALS WHO ARE DEAF AND LOW FUNCTIONING.—

"(1) PURPOSE.—The purpose of this subsection is to support a model demonstration project to provide training and employment and support services for individuals who are deaf and low functioning to enable them to gain employment skills that will allow them to become employed and economically self-sufficient.

"(2) DEFINITION.—

"(A) IN GENERAL.—In this subsection, the term 'individual who is deaf and low functioning' means an individual who has been deaf from birth or very early childhood, reads at or below the second grade level, has little or no intelligible speech, and lacks a secondary school diploma or its recognized equivalent.

"(B) SECONDARY DISABILITIES.—Such term may include an individual with a secondary disability.

"(3) GRANTS AUTHORIZED.—

"(A) COMPETITIVE GRANTS AUTHORIZED.—The Commissioner may award grants to State agencies, other public agencies or organizations, or not-for-profit organizations with expertise in providing training and employment and support services for individuals who are deaf and low functioning to support model demonstration projects.

"(B) DURATION.—Grants under this subsection shall be awarded for a period not to exceed 5 years.

"(4) AUTHORIZED ACTIVITIES.—

"(A) DEVELOPING A COMPREHENSIVE TRAINING PROGRAM.—Each grant recipient under this subsection shall develop an innovative, comprehensive training program for individuals who are deaf and low functioning that can be implemented at multiple training locations through such means as distance learning and use of advanced technology, as appropriate. Such training program shall be developed to maximize the potential for replication of the program by other training providers.

"(B) IMPLEMENTATION.—Each grant recipient under this subsection shall implement the comprehensive training program developed under subparagraph (A) as soon as feasible. Such training shall provide instruction on the job and the social skills necessary for successful long-term employment of individuals who are deaf and low functioning.

"(C) ESTABLISHING A POST-TRAINING PROGRAM OF EMPLOYMENT AND SUPPORT SERVICES.—Each grant recipient under this subsection shall implement employment and support services to assist individuals who complete the training program under subparagraph (A) in securing employment and transitioning to the workplace, for a period of not less than 90 days subsequent to placement in the employment.

"(5) APPLICATIONS.—Each entity desiring to receive a grant under this subsection for a model demonstration project shall submit an application to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may require including—

"(A) a description of how the applicant plans to address the activities authorized under this subsection;

"(B) a description of the evaluation plan to be used in the model demonstration project;

"(C) a description of how the applicant will disseminate information about the training program developed and the results of the project; and

"(D) a description of how the entity will coordinate activities with any other relevant service providers or entities providing training and employment and support services for individuals who are deaf and low functioning.

"(6) MANDATED EVALUATION AND DISSEMINATION ACTIVITIES.—

"(A) ANNUAL REPORT.—Not later than 2 years after the date on which a grant under this subsection is awarded and annually thereafter, the grant recipient shall submit to the Commissioner a report containing information on—

"(i) the number of individuals who are participating in the demonstration project funded under this subsection;

"(ii) the employment and other skills being taught in the project;

"(iii) the number of individuals participating in the project that are placed in employment;

"(iv) the job sites in which those individuals are placed and the type of jobs the individuals are placed in; and

"(v) the number of individuals who have dropped out of the project and the reasons for their terminating participation in the project.

"(B) EVALUATION OF THE PROJECT.—Each grant recipient under this subsection shall implement the evaluation plan approved in its application for determining the results of the project within the timeframe specified in, and following the provisions of, the approved application.

"(C) PARTICIPANT EVALUATION PROCESS; FINAL EVALUATION.—In the final year of the project, the grant recipient will prepare and submit to the Commissioner a final evaluation report of the results of the model demonstration project containing—

"(i) information on—

"(I) the number of individuals who participated in the demonstration project;

"(II) the number of those individuals that are placed in employment;

"(III) the job sites in which those individuals were placed and the type of jobs the individuals were placed in;

"(IV) the number of those individuals who have dropped out of the project and the reasons for their terminating participation in the project; and

"(V) the number of those individuals who participated in the project and who remain employed as of 2 months prior to the date on which the final report is submitted to the Commissioner;

"(ii) a written analysis of the project, including both the strengths and weaknesses of the project, to assist other entities in replicating the training program developed through the project; and

"(iii) such other information as the Commissioner determines appropriate.

"(D) DISSEMINATION.—Not later than 5 years after the date on which a grant is awarded under this subsection, the evaluation report containing results of activities funded by such grant shall be disseminated to designated State agencies, school systems providing instruction to students who are individuals who are deaf and low functioning, supported employment providers, postsecondary vocational training programs, employers, the Social Security Administration, and other interested parties.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $5,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011.

"(e) TRAINING AND TECHNICAL ASSISTANCE CENTER TO PROMOTE HIGH-QUALITY EMPLOYMENT OUTCOMES FOR INDIVIDUALS RECEIVING SERVICES FROM DESIGNATED STATE AGENCIES.—

"(1) IN GENERAL.—The Commissioner shall award a grant, contract, or cooperative agreement to an entity to support a training and technical assistance program that—

"(A) responds to State-specific information requests concerning high-quality employment outcomes, from designated State agencies funded under title I, including—

"(i) requests for information on the expansion of self-employment, business ownership, and business development opportunities, and other types of entrepreneurial employment opportunities for individuals with disabilities;

"(ii) requests for information on the expansion and improvement of transition services to facilitate the transition of students with disabilities from school to postsecondary life, including employment;

"(iii) requests for examples of policies, practices, procedures, or regulations, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) requests for information on effective approaches to enhance informed choice and a consumer-directed State vocational rehabilitation system;

"(v) requests for assistance developing corrective action plans;

"(vi) requests for assistance in developing and implementing effective data collection and reporting systems that measure the outcomes of the vocational rehabilitation services, and preparing reports for the Commissioner as described in section 106(b)(1); and

"(vii) requests for information on effective approaches that enhance employment outcomes for individuals with disabilities, including conducting outreach and forming partnerships with business and industry; and

"(B) provides State-specific, regional, and national training and technical assistance concerning vocational rehabilitation services and related information to designated State agencies, including—

"(i) facilitating onsite and electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that affect vocational rehabilitation programs authorized under title I;

"(ii) enabling the designated State agencies to coordinate training and data collection efforts with one-stop centers established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e));

"(iii) enabling the designated State agencies to provide information on how the vocational rehabilitation programs authorized under title I can provide technical assistance to the one-stop centers on making programs offered through the centers physically and programmatically accessible to individuals with disabilities;

"(iv) sharing evidence-based and promising practices among the vocational rehabilitation programs;

"(v) maintaining an accessible website that includes links to—

"(I) the vocational rehabilitation programs;

"(II) appropriate Federal departments and agencies, and private associations;

"(III) State assistive technology device and assistive technology service demonstration programs, device loan programs, device reutilization programs, alternative financing systems, or State financing activities, operated through, or independently of, comprehensive statewide programs of technology-related assistance carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), telework programs, and other programs that provide sources of funding for assistive technology devices; and

"(IV) various programs, including programs with tax credits, available to employers for hiring or accommodating employees who are individuals with disabilities;

"(vi) enhancing employment outcomes for individuals with mental illness and individuals with cognitive disabilities;

"(vii) convening experts from the vocational rehabilitation programs to discuss and make recommendations with regard to the employment of individuals with disabilities and national emerging issues of importance to individuals with vocational rehabilitation needs;

"(viii) enabling the designated State agencies to provide practical information on effective approaches for business and industry to use in employing individuals with disabilities, including provision of reasonable accommodations;

"(ix) providing information on other emerging issues concerning the delivery of publicly funded employment and training services and supports to assist individuals with disabilities to enter the workforce, achieve improved employment outcomes, and become economically self-sufficient; and

"(x) carrying out such other activities as the Commissioner may require.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an entity shall have (or agree to award a grant or contract to an entity that has)—

"(A) experience and expertise in administering vocational rehabilitation services;

"(B) documented experience with and knowledge about self-employment, business ownership, business development, and other types of entrepreneurial employment opportunities and outcomes for individuals with disabilities, providing transition services for students with disabilities, and assistive technology; and

"(C) the expertise necessary to identify the additional data elements needed to provide comprehensive reporting of activities and outcomes of the vocational rehabilitation programs authorized under title I, and experience in utilizing data to provide annual reports.

"(3) COLLABORATION.—In developing and providing training and technical assistance under this subsection, a recipient of a grant, contract, or cooperative agreement under this subsection shall collaborate with other organizations, in particular—

"(A) agencies carrying out vocational rehabilitation programs under title I and national organizations representing such programs;

"(B) organizations representing individuals with disabilities;

"(C) organizations representing State officials and agencies engaged in the delivery of assistive technology;

"(D) relevant employees from Federal departments and agencies, other than the Department of Education;

"(E) representatives of businesses;

"(F) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services; and

"(G) family members, guardians, advocates, and authorized representatives of such individuals.

"(f) ACCESS TO TELEWORK.—

"(1) DEFINITION OF TELEWORK.—In this subsection, the term 'telework' means work from home and other telework sites with the assistance of a computer and with reasonable accommodations, including the necessary equipment to facilitate successful work from home and other telework sites.

"(2) AUTHORIZATION OF PROGRAM.—The Commissioner is authorized to make grants to States and governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay for the Federal share of the cost of establishing or expanding a telework program.

"(3) APPLICATION.—A State or Indian tribe that desires to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—A State or Indian tribe that receives a grant under this subsection shall establish or expand a telework program that shall provide assistance through loans or other alternative financing mechanisms to individuals with disabilities. The State or Indian tribe shall provide the assistance through the program to enable such individuals to purchase computers or other equipment, including adaptive equipment, to facilitate access to employment and enhance employment outcomes by providing the individual with the opportunity—

"(i) to work from home or other telework sites so that such individuals are able to telework; or

"(ii) to become self-employed on a full-time or part-time basis from home or other telework sites.

"(B) DEVELOPMENT OF TELEWORK OPPORTUNITIES AND BUSINESS PLANS.—A State or Indian tribe that receives a grant under this subsection may use not more than 10 percent of the grant award to develop telework opportunities with employers and assist in the development of business plans for individuals with disabilities interested in self-employment, before such individuals apply for assistance through the telework program.

"(C) SELF EMPLOYMENT.—A State or Indian tribe that receives a grant under this subsection shall enter into cooperative agreements with small business development centers for the development of business plans as described in section 103(a)(13) for individuals described in subparagraph (B), and provide assurances that the State or Indian tribe will, through plans to achieve self-support, vocational rehabilitation services, or other means, identify ways for the individuals described in subparagraph (B) to pay for the development of business plans, before such individuals apply for assistance through the telework program.

"(D) DEFINITIONS.—In this paragraph:

"(i) PLAN TO ACHIEVE SELF-SUPPORT.—The term 'plan to achieve self-support' means a plan described in sections 416.1180 through 416.1182 of title 20, Code of Federal Regulations (or any corresponding similar regulation or ruling).

"(ii) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a center established under section 21 of the Small Business Act (15 U.S.C. 648).

"(5) FEDERAL SHARE.—The Federal share of the cost of establishing or expanding a telework program under this section shall be 90 percent of the cost.

"(6) EXISTING GRANT RECIPIENTS.—An entity that receives a grant under the Access to Telework Fund Program under subsection (b) for a fiscal year may use the funds made available through that grant for that fiscal year in accordance with this subsection rather than subsection (b).

"(7) ANNUAL REPORT.—

"(A) IN GENERAL.—A State or Indian tribe that receives a grant under this subsection shall prepare and submit an annual report to the Commissioner.

"(B) CONTENTS.—The report under subparagraph (A) shall include the following:

"(i) Information on the characteristics of each individual with a disability that receives assistance through a loan or other alternative financing mechanism under the program, including information about the individual such as the following:

"(I) Age.

"(II) Employment status at the time of application for assistance through a loan or other alternative financing mechanism under this subsection.

"(III) Whether the individual attempted to secure financial support from other sources to enable the individual to telework and, if so, a description of such sources.

"(IV) Whether the individual is working and, if so, whether the individual teleworks, the occupation in which the individual is working, the hourly salary the individual receives, and the hourly salary of the individual prior to receiving assistance through a loan or other alternative financing mechanism under the program.

"(V) Whether the individual has repaid assistance from the loan or other alternative financing mechanism received under the program, is in repayment status, is delinquent on repayments, or has defaulted on the assistance from the loan or other alternative financing mechanism.

"(ii) An analysis of the individuals with disabilities that have benefited from the program.

"(iii) Any other information that the Commissioner may require.

"(g) GRANTS FOR DISABILITY CAREER PATHWAYS PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) CENTER FOR INDEPENDENT LIVING.—The term 'center for independent living' means a center for independent living funded under subtitle C of title VII.

"(B) COVERED INSTITUTION.—The term 'covered institution' means—

"(i) a secondary school; and

"(ii) in the discretion of the eligible consortium involved, an institution of higher education.

"(C) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium described in paragraph (3)(A).

"(D) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) PURPOSE OF PROGRAM.—The Commissioner may establish a Disability Career Pathways program, through which the Commissioner may make grants, for periods of not more than 5 years, to institutions of higher education that establish eligible consortia, to enable the consortia to develop and carry out training and education related to disability studies and leadership development. The consortia shall provide the training and education for the purpose of providing career pathways for students at a covered institution, in fields pertinent to individuals with disabilities, and particularly pertinent to the employment of individuals with disabilities.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection on behalf of a consortium, an institution of higher education shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including information demonstrating—

"(A) that the institution of higher education has established a consortium of members that represent—

"(i) the institution of higher education;

"(ii) a community college;

"(iii) a secondary school;

"(iv) a center for independent living;

"(v) a designated State agency;

"(vi) a one-stop center established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)); and

"(vii) the local business community;

"(B) the collaborative working relationships between the institution of higher education and the other members of the consortium, and describing the activities that each member shall undertake; and

"(C) the capacity and expertise of the institution of higher education—

"(i) to coordinate training and education related to disability studies and leadership development with educational institutions and disability-related organizations; and

"(ii) to conduct such training and education effectively.

"(4) DISTRIBUTION OF GRANTS.—In making grants under this subsection, the Commissioner shall ensure that the grants shall be distributed for a geographically diverse set of eligible consortia throughout all regions.

"(5) MANDATORY USES OF FUNDS.—An institution of higher education that receives a grant under this subsection on behalf of a consortium shall ensure that the consortium shall use the grant funds to—

"(A) encourage interest in, enhance awareness and understanding of, and provide educational opportunities in, disability-related fields, and encourage leadership development among students served by a covered institution, including such students who are individuals with disabilities;

"(B) enable the students at a covered institution to gain practical skills and identify work experience opportunities, including opportunities developed by the consortium in conjunction with the private sector, that benefit individuals with disabilities;

"(C) develop postsecondary school career pathways leading to gainful employment, the attainment of an associate or baccalaureate degree, or the completion of further coursework or a further degree, in a disability-related field;

"(D) offer credit-bearing, college-level coursework in a disability-related field to qualified students served by a covered institution; and

"(E) ensure faculty and staff employed by the members of the consortium are available to—

"(i) students at a covered institution for educational and career advising; and

"(ii) teachers and staff of a covered institution for disability-related training.

"(6) PERMISSIBLE USES OF FUNDS.—An institution of higher education that receives a grant under this subsection on behalf of a consortium may permit the consortium to use the grant funds to develop or adapt disabilities studies curricula, including curricula with distance learning opportunities, for use at covered institutions, to encourage students served by such covered institutions to enter careers in disability-related fields.

"(7) CONSULTATION.—The consortium shall consult with appropriate agencies that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, located in the jurisdiction served by the consortium, concerning the program of education and training carried out by the consortium.

"(8) REVIEWS.—

"(A) ADVISORY COMMITTEE.—For an institution of higher education to be eligible to receive a grant under this subsection on behalf of a consortium, the consortium shall have an advisory committee that consists of members that represent the interests of individuals with disabilities, including—

"(i) a professional in the field of vocational rehabilitation;

"(ii) an individual with a disability or a family member of such an individual; and

"(iii) a representative of each type of entity or community represented on the consortium.

"(B) QUARTERLY REVIEWS.—The advisory committee shall meet at least once during each calendar quarter to conduct a review of the program of education and training carried out by the consortium. The committee shall directly advise the governing board of the institution of higher education in the consortium about the views and recommendations of the advisory committee resulting from the review.

"(9) ACCOUNTABILITY.—Every 2 years, the Commissioner shall—

"(A) using information collected from the reviews required in paragraph (8), assess the effectiveness of the Disability Career Pathways program carried out under this subsection, including assessing how many individuals were served by each eligible consortium and how many of those individuals received postsecondary education, or entered into employment, in a disability-related field; and

"(B) prepare and submit to Congress a report containing the results of the assessments described in subparagraph (A)."; and

(4) in subsection (j), as redesignated by paragraph (2)—

(A) by striking "There" and inserting the following:

"(1) IN GENERAL.—There";

(B) in paragraph (1), as designated by subparagraph (A)—

(i) by striking "this section" and inserting "this section (other than subsections (c) and (d))"; and

(ii) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(C) by adding at the end the following:

"(2) RESERVATIONS.—Of the sums appropriated under paragraph (1) for a fiscal year, the Secretary may reserve—

"(A) not more than $500,000 to carry out subsection (e);

"(B) not more than $5,000,000 to carry out subsection (f); and

"(C) not more than $5,000,000 to carry out subsection (g).".

SEC. 443. MIGRANT AND SEASONAL FARMWORKERS.

Section 304(b) of the Rehabilitation Act of 1973 (29 U.S.C. 774(b)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 444. RECREATIONAL PROGRAMS.

Section 305 of the Rehabilitation Act of 1973 (29 U.S.C. 775) is amended—

(1) in subsection (a)(1)(B), by striking "construction of facilities for aquatic rehabilitation therapy,"; and

(2) in subsection (b), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle D—National Council on Disability

SEC. 451. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle E—Rights and Advocacy

SEC. 461. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(j) of the Rehabilitation Act of 1973 (29 U.S.C. 792(j)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 462. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) in subsection (c)(1)(A), by inserting "a grant for" after "to provide";

(2) in subsection (g)(2), by striking "was paid" and inserting "was paid, except that program income generated from the amount paid to an eligible system shall remain available to such system until expended";

(3) in subsection (*l*), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011";

(4) by redesignating subsections (*l*) and (m) as subsections (m) and (n), respectively; and

(5) by inserting after subsection (k) the following:

"(*l*) SYSTEM AUTHORITY.—For purposes of serving persons eligible for services under this section, an eligible system shall have the same general authorities, including access to records, as the system is afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (29 U.S.C. 796c et seq.), as determined by the Commissioner.".

Subtitle F—Employment Opportunities for Individuals With Disabilities

SEC. 471. PROJECTS WITH INDUSTRY.

Section 611(a) of the Rehabilitation Act of 1973 (29 U.S.C. 795(a)) is amended—

(1) in paragraph (1), by inserting ", locally and nationally" before the period at the end; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "local and national" before "Projects With Industry"; and

(B) in subparagraph (A)—

(i) in clause (iii), by striking "and" after the semicolon;

(ii) in clause (iv), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(v) coordinate activities with the Job Corps center industry councils established under section 154 of the Workforce Investment Act of 1998 (29 U.S.C. 2894);".

SEC. 472. PROJECTS WITH INDUSTRY AUTHORIZATION OF APPROPRIATIONS.

Section 612 of the Rehabilitation Act of 1973 (29 U.S.C. 795a) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 473. SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES AUTHORIZATION OF APPROPRIATIONS.

Section 628 of the Rehabilitation Act of 1973 (29 U.S.C. 795n) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle G—Independent Living Services and Centers for Independent Living

SEC. 481. STATE PLAN.

Section 704 of the Rehabilitation Act of 1973 (29 U.S.C. 796c) is amended by adding at the end the following:

"(o) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—

"(1) IN GENERAL.—The plan shall describe how the State will provide independent living services that promote full access to community life for individuals with significant disabilities.

"(2) SERVICES.—The services shall include, as appropriate—

"(A) facilitating transitions of—

"(i) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(ii) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences;

"(B) assisting individuals with significant disabilities at risk of entering institutions to remain in the community; and

"(C) promoting home ownership among individuals with significant disabilities.".

SEC. 482. STATEWIDE INDEPENDENT LIVING COUNCIL.

(a) ESTABLISHMENT.—Section 705(a) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(a)) is amended by striking the second sentence and inserting the following: "The Council shall not be established as an entity within a State agency, and shall not provide independent living services directly to individuals with significant disabilities or manage such services.".

(b) COMPOSITION.—Section 705(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)) is amended—

(1) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) in a State in which 1 or more projects provide services under section 121, not less than 1 representative of the directors of the projects."; and

(2) by striking paragraph (5) and inserting the following:

"(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.".

(c) DUTIES.—Section 705(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(c)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and aligning the margins of those subparagraphs with the margins of subparagraph (E) of subsection (b)(3);

(2) by striking "(c)" and all that follows through "shall—" and inserting the following:

"(c) FUNCTIONS.—

"(1) DUTIES.—The Council shall—"; and

(3) by adding at the end the following:

"(2) AUTHORITIES.—The Council may, consistent with the State plan described in section 704, unless prohibited by State law—

"(A) provide advice and assistance to the designated State unit regarding the performance of its responsibilities under this title;

"(B) facilitate the improvement and coordination of services provided to individuals with disabilities by centers for independent living, the designated State unit, other Government agencies, and community organizations;

"(C) conduct resource development activities to obtain funding from public and private resources to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and

"(D) perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.".

SEC. 483. INDEPENDENT LIVING SERVICES AUTHORIZATION OF APPROPRIATIONS.

Section 714 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 484. PROGRAM AUTHORIZATION.

Section 721 of the Rehabilitation Act of 1973 (29 U.S.C. 796f) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) ALLOTMENTS TO STATES.—

"(1) DEFINITIONS.—In this subsection:

"(A) ADDITIONAL APPROPRIATION.—The term 'additional appropriation' means the amount (if any) by which the appropriation for a fiscal year exceeds the total of—

"(i) the amount reserved under subsection (b) for that fiscal year; and

"(ii) the appropriation for fiscal year 2005.

"(B) APPROPRIATION.—The term 'appropriation' means the amount appropriated to carry out this part.

"(C) BASE APPROPRIATION.—The term 'base appropriation' means the portion of the appropriation for a fiscal year that is equal to the lesser of—

"(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or

"(ii) the appropriation for fiscal year 2005.

"(2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION.—After the reservation required by subsection (b) has been made, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2005 bears to the total amount that all States received under this subsection for fiscal year 2005.

"(3) ALLOTMENTS TO STATES OF ADDITIONAL APPROPRIATION.—From any additional appropriation for each fiscal year, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of—

"(A) an amount that bears the same ratio to 50 percent of the additional appropriation as the population of the State bears to the population of all States; and

"(B) $\frac{1}{56}$ of 50 percent of the additional appropriation."; and

(2) by adding at the end the following:

"(e) CARRYOVER AUTHORITY.—Notwithstanding any other provision of law—

"(1) any funds appropriated for a fiscal year to carry out a grant program under section 722 or 723, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during that succeeding fiscal year and the subsequent fiscal year; and

"(2) any amounts of program income received by recipients under a grant program under section 722 or 723 in a fiscal year, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year, shall remain available for obligation and expenditure by such recipients during that succeeding fiscal year and the subsequent fiscal year.".

SEC. 485. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

Section 722(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–1(c)) is amended—

(1) by striking "grants" and inserting "grants for a fiscal year"; and

(2) by striking "by September 30, 1997" and inserting "for the preceding fiscal year".

SEC. 486. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

Section 723(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–2(c)) is amended—

(1) by striking "grants" and inserting "grants for a fiscal year"; and

(2) by striking "by September 30, 1997" and inserting "for the preceding fiscal year".

SEC. 487. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

Section 725(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–4(b)) is amended by adding at the end the following:

"(8) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—

"(A) IN GENERAL.—The center shall provide independent living services that promote full access to community life for individuals with significant disabilities.

"(B) SERVICES.—The services shall include, as appropriate—

"(i) facilitating transitions of—

"(I) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(II) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences;

"(ii) assisting individuals with significant disabilities at risk of entering institutions to remain in the community; and

"(iii) promoting home ownership among individuals with significant disabilities.".

SEC. 488. CENTERS FOR INDEPENDENT LIVING AUTHORIZATION OF APPROPRIATIONS.

Section 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–6) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 489. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.

Chapter 2 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796j et seq.) is amended—

(1) by redesignating sections 752 and 753 as sections 753 and 754, respectively; and

(2) by inserting after section 751 the following:

"SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.

"(a) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year for which the funds appropriated to carry out this chapter exceed the funds appropriated to carry out this chapter for fiscal year 2005, the Commissioner shall first reserve from such excess, to provide training and technical assistance to designated State agencies for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this chapter for the fiscal year involved.

"(b) ALLOCATION.—From the funds reserved under subsection (a), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that demonstrate expertise in the provision of services to older individuals who are blind to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating independent living programs for older individuals who are blind.

"(c) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of designated State agencies that receive grants under section 753 regarding training and technical assistance needs in order to determine funding priorities for grants, contracts, and other arrangements under this section.

"(d) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this section, an entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require.

"(e) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this section may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such reserved funds are separately identified in the agreement for such grant or payment and are used for the purposes of this chapter.".

SEC. 490. PROGRAM OF GRANTS.

Section 753 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;

(3) in subsection (b), by striking "section 753" and inserting "section 754";

(4) in subsection (c)—

(A) in paragraph (1), by striking "section 753" and inserting "section 754"; and

(B) in paragraph (2)—

(i) by striking "subsection (j)" and inserting "subsection (i)"; and

(ii) by striking "subsection (i)" and inserting "subsection (h)";

(5) in subsection (g), by inserting ", or contracts with," after "grants to";

(6) in subsection (h), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking "subsection (j)(4)" and inserting "subsection (i)(4)"; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by adding "and" after the semicolon;

(ii) in subparagraph (B)(ii)(III), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(7) in subsection (i), as redesignated by paragraph (2)—

(A) by striking paragraph (2) and inserting the following:

"(2) MINIMUM ALLOTMENT.—

"(A) STATES.—In the case of any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico, the amount referred to in paragraph (1)(A) for a fiscal year is the greater of—

"(i) $350,000;

"(ii) an amount equal to the amount the State, the District of Columbia, or the Commonwealth of Puerto Rico received to carry out this chapter for fiscal year 2005; or

"(iii) an amount equal to $\frac{1}{3}$ of 1 percent of the amount appropriated under section 754, and not reserved under section 752, for the fiscal year and available for allotments under subsection (a).

"(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the amount referred to in paragraph (1)(A) for a fiscal year is $60,000.";

(B) in paragraph (3)(A), by striking "section 753" and inserting "section 754, and not reserved under section 752,"; and

(C) in paragraph (4)(B)(i), by striking "subsection (i)" and inserting "subsection (h)".

SEC. 491. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.

Section 754 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle H—Miscellaneous

SEC. 495. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of the Helen Keller National Center Act (29 U.S.C. 1907(h)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of titles I and III of this Act. The Secretary of Education shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of titles II and IV of this Act.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been rescheduled before the Committee on Energy and Natural Resources.

The hearing originally scheduled for Thursday, June 29, 2006, at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building will now be held on Thursday, July 13, 2006, at 10 a.m. in the same room.

The purpose of the hearing is to receive testimony on H.R. 5254, the Refinery Permit Process Schedule Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact John Peschke or Shannon Ewan.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 11, 2006, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony relating to implementation of the Energy Policy Act of 2005 on geothermal energy and other renewable energy production on Federal lands in the Western States.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts or Sara Zecher.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. McCAIN. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 29. 2006. immediately following the first rollcall vote of the day's session, to vote on the nomination of Mr. James S. Simpson, of New York, to be Federal Transit Administrator, Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, June 29, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The U.S.-Peru Trade Promotion Agreement".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, June 29, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "Small Business Pension Plans: How Can We Increase Worker Coverage?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 29, 2006, at 9:30 p.m. to hold a hearing on Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 29, 2006, at 11 a.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 29, 2006, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Tentative agenda

I. Nominations: Neil M. Gorsuch to be U.S. Circuit Judge for the Tenth Circuit; Jerome A. Holmes to be U.S. Circuit Judge for the Tenth Circuit; Gustavo Antonio Gelpi to be U.S. District Judge for the District of Puerto Rico; Daniel Porter Jordan III to be U.S. District Judge for the Southern District of Mississippi; R. Alexander Acosta to be U.S. Attorney for the Southern District of Florida; Martin J. Jackley to be U.S. Attorney for the District of South Dakota; Brett L. Tolman to be U.S. Attorney for the District of Utah.

II. Bills: S. 2453—National Security Surveillance Act of 2006 [Specter]; S. 2455—Terrorist Surveillance Act of 2006 [DeWine, Graham]; S. 2468—A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes [Schumer]; S. 3001—Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006 [Specter, Feinstein]; S. 2831—Free Flow of Information Act of 2006 [Lugar, Specter, Graham, Schumer, Biden, Grassley]; H.R. 1036—Copyright Royalty Judges Program Technical Corrections Act [Smith—TX]; S. 155—Gang Prevention and Effective Deterrence Act of 2005 [Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter]; S. 2703—Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 [Specter, Leahy, Grassley, Kennedy, DeWine, Feinstein, Brownback, Durbin, Schumer, Kohl, Biden, Feingold]; S. 1845—Circuit Court of Appeals Restructuring and Modernization Act of 2005 [Ensign, Kyl]; S. 2679—Unsolved Civil Rights Crime Act [Talent, DeWine, Cornyn].

III. Matters: Subpoenas Relating to OPR Investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate to consider the Nomination of Steven C. Preston to be the Administrator of the U.S. Small Business Administration, on Thursday, June 29, 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 29, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on "The Multidistrict Litigation Restoration Act" on Thursday, July 29, 2006, at 2:30 p.m. in room 226 of the Dirksen Senate Office Building.

Witness list

Panel I: The Honorable Wm. Terrell Hodges, Senior United States District Judge, United States District Court for the Middle District of Florida, Chairman, Judicial Panel on Multidistrict Litigation, Ocala, FL and The Honorable Thomas W. Thrash, Jr., United States District Judge, United States

District Court for the Northern District of Georgia, Atlanta, GA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, June 29, 2006, at 2:30 p.m. for a hearing regarding "Community Development Block Grants: the Case for Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. McCAIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Thursday, June 29, 2006, at 9:30 a.m. for a hearing entitled, "Enhancing Employee Performance: A Hearing on Pending Legislation."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee fellows and interns be allowed the privilege of the floor during the consideration of the Oman Free Trade Agreement: Janis Lazda, Chris Polhemus, J.J. Adams, Gwen Stoltz, Tom Duppong, and Robert Little.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that Russ Ugone, a detailee of my staff working for the Senate Finance Committee, and Calvin Dane, an intern in my office but working in the Finance Committee, be granted the privilege of the floor for the duration of the debate on the United States-Oman Free Trade Agreement Implementation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2006 second quarter mass mailings is Tuesday, July 25, 2006. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

On Thursday, June 22, 2006, the Senate passed S. 2766, as follows:

S. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "John Warner National Defense Authorization Act for Fiscal Year 2007".

(b) FINDINGS.—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner's service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty Officer 3rd Class. He then attended Washington and Lee University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Director of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation's founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that his Act, the last annual authorization Act for the national defense that Senator Warner manages in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Limitation on availability of funds for the Joint Network Node.
Sec. 112. Comptroller General report on the contract for the Future Combat Systems program.
Sec. 113. Reports on Army Modularity Initiative.
Sec. 114. Replacement equipment.

Subtitle C—Navy Programs

Sec. 121. CVN–21 class aircraft carrier procurement.
Sec. 122. Construction of first two vessels under the next-generation destroyer program.
Sec. 123. Modification of limitation on total cost of procurement of CVN–77 aircraft carrier.

Subtitle D—Air Force Programs

Sec. 141. Procurement of Joint Primary Aircraft Training System aircraft after fiscal year 2006.

Sec. 142. Prohibition on retirement of C-130E/H tactical airlift aircraft.

Sec. 143. Limitation on retirement of KC-135E aircraft.

Sec. 144. Limitation on retirement of B-52H bomber aircraft.

Sec. 145. Retirement of B-52H bomber aircraft.

Sec. 146. Funding for procurement of F-22A fighter aircraft.

Sec. 147. Multiyear procurement of F-119 engines for F-22A fighter aircraft.

Sec. 148. Multi-spectral imaging capabilities.

Sec. 149. Minuteman III Intercontinental Ballistic Missiles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for science and technology.

Sec. 203. Amount for development and validation of warfighter rapid awareness processing technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Independent estimate of costs of the Future Combat Systems.

Sec. 212. Funding of defense science and technology programs.

Sec. 213. Hypersonics development.

Sec. 214. Trident sea-launched ballistic missiles.

Sec. 215. Arrow ballistic missile defense system.

Sec. 216. High Energy Laser Low Aspect Target Tracking.

Sec. 217. Advanced Aluminum Aerostructures Initiative.

Sec. 218. Legged mobility robotic research.

Sec. 219. Wideband Digital Airborne Electronic Sensing Array.

Sec. 220. Science and technology.

Subtitle C—Missile Defense Programs

Sec. 231. Availability of research, development, test, and evaluation funds for fielding ballistic missile defense capabilities.

Sec. 232. Policy of the United States on priorities in the development, testing, and fielding of missile defense capabilities.

Sec. 233. One-year extension of Comptroller General assessments of ballistic missile defense programs.

Sec. 234. Submittal of plans for test and evaluation of the operational capability of the ballistic missile defense system.

Sec. 235. Annual reports on transition of ballistic missile defense programs to the military departments.

Sec. 236. Testing and operations for missile defense.

Subtitle D—Other Matters

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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

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Sec. 3301. Transfer of government-furnished uranium stored at Sequoyah Fuels Corporation, Gore, Oklahoma.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Completion of equity finalization process for Naval Petroleum Reserve Numbered 1.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Army as follows:

(1) For aircraft, $3,457,329,000.

(2) For missiles, $1,428,859,000.

(3) For weapons and tracked combat vehicles, $2,849,743,000.

(4) For ammunition, $2,036,785,000.

(5) For other procurement, $7,729,602,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Navy as follows:

(1) For aircraft, $10,704,155,000.

(2) For weapons, including missiles and torpedoes, $2,587,020,000.

(3) For shipbuilding and conversion, $12,058,553,000.

(4) For other procurement, $5,045,516,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Marine Corps in the amount of $1,300,213,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement of ammunition for the Navy and the Marine Corps in the amount of $809,943,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Air Force as follows:

(1) For aircraft, $12,004,096,000.

(2) For missiles, $4,224,145,000.

(3) For ammunition, $1,076,749,000.

(4) For other procurement, $15,434,586,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2007 for Defense-wide procurement in the amount of $2,980,498,000.

Subtitle B—Army Programs

SEC. 111. LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT NETWORK NODE.

(a) LIMITATION.—Of the amount authorized to be appropriated by section 101(5) for other procurement for the Army and available for purposes of the procurement of the Joint Network Node, not more than 50 percent of such amount may be available for such purposes until the Secretary of the Army submits to the congressional defense committees a report on the strategy of the Army for the convergence of the Joint Network Node, the Warfighter Information Network—Tactical, and the Mounted Battle Command On-the-Move communications programs.

(b) ELEMENTS.—The report described in subsection (a) shall include a description of the acquisition plan required for the convergence described in that subsection, including the implementation plan, schedule, and funding of such acquisition plan.

(c) DEADLINE.—The report described in subsection (a) shall be submitted under that subsection, if at all, not later than March 15, 2007.

SEC. 112. COMPTROLLER GENERAL REPORT ON THE CONTRACT FOR THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) REPORT REQUIRED.—Not later than March 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the participation and activities of the lead systems integrator in the Future Combat Systems (FCS) program under the contract of the Army for the Future Combat Systems.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the responsibilities of the lead systems integrator in managing the Future Combat Systems program under the contract for the Future Combat Systems, and an assessment of the manner in which such responsibilities differ from the typical responsibilities of a lead systems integrator under acquisition contracts of the Department of Defense.

(2) A description and assessment of the responsibilities of the Army in managing the Future Combat Systems program, including oversight of the activities of the lead systems integrator and the decisions made by the lead systems integrator.

(3) An assessment of the manner in which the Army—

(A) ensures that the lead systems integrator meets goals for the Future Combat Systems in a timely manner; and

(B) evaluates the extent to which such goals are met.

(4) An identification of the mechanisms in place to ensure the protection of the interests of the United States in the Future Combat Systems program.

(5) An identification of the mechanisms in place to mitigate organizational conflicts of interests with respect to competition on Future Combat Systems technologies and equipment under subcontracts under the Future Combat Systems program.

SEC. 113. REPORTS ON ARMY MODULARITY INITIATIVE.

(a) REPORT BY SECRETARY OF THE ARMY.—

(1) REPORT REQUIRED.—Not later than March 15, 2007, the Secretary of the Army shall submit to the congressional defense committees a report on the modularity initiative of the Army.

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A description of the manner in which the Army distinguishes costs under the modularity initiative from costs of modernization and reset.

(B) An identification, by line item, of the amount of funds expended to date on the modularity initiative.

(C) An identification, by line item, of the amount of funds the Army has budgeted and programmed to date on the modularity initiative.

(D) A detailed description on how modularity equipment will be allocated to the regular components and reserve components of the Armed Forces by 2011, and a description of any anticipated shortfalls in such allocation.

(E) A plan for further testing and evaluation of modular designs, and a summary of any lessons learned to date from modular brigades that have been established, deployed to Iraq, or both.

(b) ANNUAL COMPTROLLER GENERAL REPORTS.—

(1) REPORTS REQUIRED.—The Comptroller General of the United States shall submit to the congressional defense committees each year, not later than 45 days after the date on which the budget of the President is submitted to Congress for a fiscal year under section 1105 of title 31, United States Code, a report on the assessment of the Comptroller General on the following:

(A) The progress of the Army in equipping and manning modular units in the regular components and reserve components of the Armed Forces.

(B) The use of funds by the Army for the modularity initiative.

(C) The progress of the Army in conducting further testing and evaluations of designs under the modularity initiative.

(2) FIRST REPORT.—The first report required under this subsection shall be submitted in conjunction with the budget for fiscal year 2008.

SEC. 114. REPLACEMENT EQUIPMENT.

(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for acting and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.

(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies/disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

Subtitle C—Navy Programs

SEC. 121. CVN–21 CLASS AIRCRAFT CARRIER PROCUREMENT.

(a) AVAILABILITY OF FUNDS FOR CVN–21 CLASS AIRCRAFT CARRIERS.—Amounts authorized to be appropriated to Shipbuilding and Conversion, Navy, for purposes of the construction of CVN–21 class aircraft carriers shall be available in the fiscal year for which authorized to be appropriated and the succeeding three fiscal years.

(b) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEAR 2007.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007 for Shipbuilding and Conversion, Navy, $834,100,000 shall be available for advance procurement with respect to the CVN–21 class aircraft carriers designated CVN–78, CVN–79, and CVN–80.

(c) CONTRACT AUTHORITY.—

(1) ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into a contract during fiscal year 2007 for advance procurement with respect to the CVN–21 class aircraft carriers designated CVN–79 and CVN–80.

(2) CONSTRUCTION.—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN–21 class aircraft carrier referred to in paragraph (1), the Secretary may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding three fiscal years.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

SEC. 122. CONSTRUCTION OF FIRST TWO VESSELS UNDER THE NEXT-GENERATION DESTROYER PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007 for Shipbuilding and Conversion, Navy, $2,568,000,000 may be available for the construction of the first two vessels under the next-generation destroyer program.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of each of the first two vessels under the next-generation destroyer program.

(2) LIMITATION.—Not more than one contract described in paragraph (1) may be awarded under that paragraph to a single surface-combatant shipyard.

(3) DURATION ON PROCUREMENT.—Each contract under paragraph (1) shall contemplate funding for the procurement of a vessel under such contract in fiscal years 2007 and 2008.

(4) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2007 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 123. MODIFICATION OF LIMITATION ON TOTAL COST OF PROCUREMENT OF CVN–77 AIRCRAFT CARRIER.

Section 122(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1650) is amended by striking "$4,600,000,000 (such amount being the estimated cost for the procurement of the CVN–77 aircraft carrier in the March 1997 procurement plan)" and inserting "$6,057,000,000".

Subtitle D—Air Force Programs

SEC. 141. PROCUREMENT OF JOINT PRIMARY AIRCRAFT TRAINING SYSTEM AIRCRAFT AFTER FISCAL YEAR 2006.

Any Joint Primary Aircraft Training System (JPATS) aircraft procured after fiscal year 2006 shall be procured through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a contract under part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items (48 C.F.R. 12.000 et seq.).

SEC. 142. PROHIBITION ON RETIREMENT OF C–130E/H TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force shall not retire any C–130E/H tactical airlift aircraft of the Air Force in fiscal year 2007.

SEC. 143. LIMITATION ON RETIREMENT OF KC–135E AIRCRAFT.

The Secretary of the Air Force shall ensure that the number, if any, of KC–135E aircraft of the Air Force that is retired in fiscal year 2007 does not exceed 29 such aircraft.

SEC. 144. LIMITATION ON RETIREMENT OF B–52H BOMBER AIRCRAFT.

The Secretary of the Air Force shall ensure that the number, if any, of B–52H bomber aircraft of the Air Force that is retired in fiscal year 2007 does not exceed 18 such aircraft.

SEC. 145. RETIREMENT OF B–52H BOMBER AIRCRAFT.

(a) LIMITATION ON RETIREMENT PENDING REPORT ON BOMBER FORCE STRUCTURE.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for retiring or dismantling any of the 93 B–52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force transmits to the Committees on Armed Services of the Senate and the House of Representatives a report on the bomber force structure of the Air Force meeting the requirements of subsection (b).

(b) ELEMENTS.—

(1) IN GENERAL.—A report under subsection (a) shall set forth the following:

(A) The plan of the Air Force for the modernization of the B–52H bomber aircraft fleet.

(B) The plans of the Air Force for the modernization of the balance of the bomber force structure.

(C) The amount and type of bombers in the bomber force structure that is appropriate to meet the requirements of the national security strategy of the United States.

(D) A justification of the cost and projected savings of any reductions to the B–52H bomber aircraft fleet as a result of the retirement or dismantlement of the B–52H bomber aircraft covered by the report.

(E) The life expectancy of each bomber aircraft to remain in the bomber force structure.

(F) The date by which any new bomber aircraft must reach initial operational capability and the capabilities of the bomber force structure that would be replaced or superseded by any new bomber aircraft.

(2) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this subsection, the term "amount and type of bomber force structure" means the number of B–2 bomber aircraft, B–52H bomber aircraft, and B–1 bomber aircraft that are required to carry out the national security strategy of the United States.

(c) PREPARATION OF REPORT.—A report under this section shall be prepared and submitted by the Institute of Defense Analysis to the Secretary of the Air Force for transmittal by the Secretary in accordance with subsection (a).

SEC. 146. FUNDING FOR PROCUREMENT OF F–22A FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A fighter aircraft.

(b) MULTIYEAR PROCUREMENT.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of not more than 60 F–22A fighter aircraft.

SEC. 147. MULTIYEAR PROCUREMENT OF F–119 ENGINES FOR F–22A FIGHTER AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of the following:

(1) Not more than 120 F–119 engines for F–22A fighter aircraft.

(2) Not more than 13 spare F–119 engines for F–22A fighter aircraft.

SEC. 148. MULTI-SPECTRAL IMAGING CAPABILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The budget of the President for fiscal year 2007, as submitted to Congress under section 1105(a) of title 31, United States Code, and the current Future-Years Defense Program adopts an Air Force plan to retire the remaining fleet of U–2 aircraft by 2011.

(2) This retirement would eliminate the multi-spectral capability provided by the electro-optical/infrared (EO/IR) Senior Year Electro-optical Reconnaissance System (SYERS–2) high-altitude imaging system.

(3) The system referred to in paragraph (2) provides high-resolution, long-range, day-and-night image intelligence.

(4) The infrared capabilities of the system referred to in paragraph (2) can defeat enemy efforts to use camouflage or concealment, as well as provide images through poor visibility and smoke.

(5) Although the Air Force has previously recognized the military value of Senior Year Electro-optical Reconnaissance System sensors, the Air Force has no plans to migrate this capability to any platform remaining in the fleet.

(6) The Air Force could integrate such capabilities onto the Global Hawk platform to

retain this capability for combatant commanders.

(7) The Nation risks a loss of an important intelligence gathering capability if this capability is not transferred to another platform.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should investigate ways to retain the multi-spectral imaging capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system after the retirement of the U–2 aircraft fleet.

(c) REPORT REQUIREMENT.—The Secretary of the Air Force shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress under section 1105(a) of title 31, United States Code, a plan for migrating the capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system from the U-2 aircraft to the Global Hawk platform before the retirement of the U–2 aircraft fleet in 2011.

SEC. 149. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States "is to deploy a force of 500 ICBMs". The conferees further note "that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.".

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent "remains a keystone of United States national power". However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $5,000,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(3) OFFSET.—The amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term "ICBM Modernization program" means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $11,151,009,000.

(2) For the Navy, $17,451,823,000.

(3) For the Air Force, $24,400,857,000.

(4) For Defense-wide activities, $21,160,459,000, of which $181,520,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $11,468,959,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term "science and technology project" means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION OF WARFIGHTER RAPID AWARENESS PROCESSING TECHNOLOGY.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $4,000,000 may be available for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $4,000,000, due to unexpended obligations, if available.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. INDEPENDENT ESTIMATE OF COSTS OF THE FUTURE COMBAT SYSTEMS.

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—Of the amount authorized to be appropriated by this title and available for the Future Combat Systems (FCS) for purposes of system of systems engineering and program management for the Future Combat Systems, an amount equal to $500,000,000 of such amount may not be obligated and expended for such purposes until the Secretary of Defense submits to the congressional defense committees the report required by subsection (b)(4).

(b) INDEPENDENT ESTIMATE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the preparation of an independent estimate of the anticipated costs of systems development and demonstration with respect to the Future Combat Systems.

(2) CONDUCT OF ESTIMATE.—The estimate required by this subsection shall be prepared by a federally funded research and development center selected by the Secretary for purposes of this subsection.

(3) MATTERS TO BE ADDRESSED.—The independent estimate prepared under this subsection shall address costs of research, development, test, and evaluation, and costs of procurement, for—

(A) the system development and demonstration phase of the core Future Combat Systems;

(B) the Future Combat Systems technologies to be incorporated into the equipment of the current force of the Army (often referred to as "spinouts");

(C) the installation kits for the incorporation of such technologies into such equipment;

(D) the systems treated as complementary systems for the Future Combat Systems;

(E) science and technology initiatives that support the Future Combat Systems program; and

(F) any pass-through charges anticipated to be assessed by the lead systems integrator of the Future Combat Systems and its major subcontractors.

(4) SUBMITTAL TO CONGRESS.—Upon completion of the independent estimate required by this subsection, the Secretary shall submit to the congressional defense committees a report on the estimate.

(5) DEADLINE FOR SUBMITTAL.—The report described in paragraph (4) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2008 (as submitted to Congress under section 1105(a) of title 31, United States Code).

(c) PASS-THROUGH CHARGE DEFINED.—In this section, the term "pass-through charge" has the meaning given that term in section 805(c)(5) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3373).

SEC. 212. FUNDING OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EXTENSION OF FUNDING OBJECTIVE.—Subsection (b) of section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended by striking "through 2009" and inserting "through 2012".

(b) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—Such section is further amended by adding at the end the following new subsection:

"(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—(1) If the proposed budget for a fiscal year covered by subsection (b) fails to comply with the objective set forth in that subsection, the Secretary of Defense shall submit to the congressional defense committees—

"(A) a detailed, prioritized list, including estimates of required funding, of highly-rated, peer-reviewed science and technology projects received by the Department through competitive solicitations and broad agency announcements which—

"(i) are not funded solely due to lack of resources, but

"(ii) represent science and technology opportunities that support the research and development programs and goals of the military departments and the Defense Agencies; and

"(B) a report, in both classified and unclassified form, containing an analysis and evaluation of international research and technology capabilities, including an identification of any technology areas in which the United States will not have global technical leadership within the next five years, in each of the technology areas described in the following plans:

"(i) The most current Joint Warfighting Science and Technology Plan required by section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

"(ii) The Defense Technology Area Plan of the Department of Defense.

"(iii) The Basic Research Plan of the Department of Defense.

"(2)(A) The list required by paragraph (1)(A) for a fiscal year in which the budget for such fiscal year fails to comply with the objective in subsection (b) shall be submitted together with the Department of Defense budget justification materials submitted to Congress under section 1105 of title 31, United States Code, with the budget for the next fiscal year.

"(B) The report required by paragraph (1)(B) for a fiscal year in which the budget for such fiscal year fails to comply with the objective in subsection (b) shall be submitted not later than the six months after the submittal of the Department of Defense budget justification materials that are submitted to Congress under section 1105 of title 31, United States Code, with the budget for the next fiscal year.".

SEC. 213. HYPERSONICS DEVELOPMENT.

(a) ESTABLISHMENT OF JOINT TECHNOLOGY OFFICE ON HYPERSONICS.—The Secretary of Defense shall establish within the Office of the Secretary of Defense a joint technology office on hypersonics. The office shall carry out the program required under subsection (b), and shall have such other responsibilities relating to hypersonics as the Secretary shall specify.

(b) PROGRAM ON HYPERSONICS.—The joint technology office established under subsection (a) shall carry out a program for the development of hypersonics for defense purposes.

(c) RESPONSIBILITIES.—In carrying out the program required by subsection (b), the joint technology office established under subsection (a) shall do the following:

(1) Coordinate and integrate the research, development, test, and evaluation programs and system demonstration programs of the Department of Defense on hypersonics.

(2) Undertake appropriate actions to ensure—

(A) close and continuous integration of the programs on hypersonics of the military departments with the programs on hypersonics of the Defense Agencies; and

(B) coordination of the programs referred to in subparagraph (A) with the programs on hypersonics of the National Aeronautics and Space Administration.

(3) Approve demonstration programs on hypersonic systems.

(4) Ensure that any demonstration program on hypersonic systems that is carried out in any year after its approval under paragraph (3) is carried out only if certified under subsection (e) as being consistent with the roadmap under subsection (d).

(d) ROADMAP.—

(1) ROADMAP REQUIRED.—The joint technology office established under subsection (a) shall, in coordination with the Joint Staff and the National Aeronautics and Space Administration, develop a roadmap for the hypersonics programs of the Department of Defense.

(2) ELEMENTS.—The roadmap shall include the following matters:

(A) Short-term, mid-term, and long-term goals for the Department of Defense on hypersonics which shall be consistent with the missions and anticipated requirements of the Department over the applicable period.

(B) Acquisition transition plans for hypersonics.

(C) Anticipated mission requirements for hypersonics.

(D) A schedule for meeting such goals, including the activities and funding anticipated to be required for meeting such goals.

(3) SUBMITTAL TO CONGRESS.—The Secretary shall submit the roadmap to the congressional defense committees at the same time as the submittal to Congress of the budget for fiscal year 2008 (as submitted pursuant to section 1105 of title 31, United States Code).

(e) ANNUAL REVIEW AND CERTIFICATION OF FUNDING.—

(1) ANNUAL REVIEW.—The joint technology office established under subsection (a) shall conduct on an annual basis a review of the funding available for research, development, test, and evaluation and demonstration programs of the Department of Defense on hypersonics in order to determine whether or not such funding and programs are consistent with the roadmap developed under subsection (d).

(2) CERTIFICATION.—The joint technology office shall, as a result of each review under paragraph (1), certify to the Secretary whether or not the funding and programs subject to such review are consistent with the roadmap developed under subsection (d).

(3) TERMINATION.—The requirements of this subsection shall terminate after the submittal to Congress of the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(f) REPORTS TO CONGRESS.—If, as a result of a review under subsection (e), funding or a program on hypersonics is certified under that subsection not to be consistent with the roadmap developed under subsection (d), the Secretary shall submit to Congress a report on such funding or program, as the case may be, together with a statement of the actions to be taken to make such funding or program, as the case may be, consistent with the roadmap.

(g) HYPERSONICS DEFINED.—In this section, the term "hypersonics" means aircraft and missiles capable of travelling at speeds in excess of Mach 5.

SEC. 214. TRIDENT SEA-LAUNCHED BALLISTIC MISSILES.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds authorized to be appropriated by this Act for the Conventional Trident Modification (CTM) program may be obligated or expended for the development or modification of the Trident D–5 sea-launched ballistic missile until 30 days after the date on which the report required by subsection (b) is submitted to the congressional defense committees.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to amounts authorized to be appropriated by section 201(2) for research, development, test, and evaluation, Navy, and available for Advanced Conventional Strike Capability (PE #64327N) in an amount not to exceed $32,000,000.

(b) REPORT.—

(1) REPORT REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of State, submit to the congressional defense committees a report setting forth a proposal to replace nuclear warheads on twenty-four Trident D–5 sea-launched ballistic missiles with conventional kinetic warheads for deployment on submarines that carry Trident sea-launched ballistic missiles.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the types of scenarios, types of targets, and circumstances in which a conventional sea-launched ballistic missile would be used.

(B) A discussion of the weapon systems or weapons, whether current or planned, that could be used as an alternative for each of the scenarios, target types, and circumstances set forth under subparagraph (A), and a statement of any reason why each is not a suitable alternative to a conventional sea-launched ballistic missile.

(C) A description of the command and control arrangements for conventional sea-launched ballistic missiles, including launch authority and the use of Permissive Action Links (PALs).

(D) An assessment of the capabilities of other countries to detect and track the launch of a conventional or nuclear sea-launched ballistic missile.

(E) An assessment of the capabilities of other countries to discriminate between the launch of a nuclear sea-launched ballistic missile and a conventional sea-launched ballistic missile, other than in a testing scenario.

(F) An assessment of the notification and other protocols that would have to be in place prior to using any conventional sea-launched ballistic missile and a plan for entering into such protocols.

(G) An assessment of the adequacy of the intelligence that would be needed to support an attack involving conventional sea-launched ballistic missiles.

(H) A description of the total program cost, including the procurement costs of additional D–5 missiles, of the conventional Trident sea-launched ballistic missile program, by fiscal year.

(I) An analysis and assessment of the implications for ballistic missile proliferation if the United States decides to go forward with the conventional Trident sea-launched ballistic missile program or any other conventional long range ballistic missile program.

(J) An analysis and assessment of the implications for the United States missile defense system if other countries utilize long range conventional ballistic missiles.

(K) An analysis of any problems created by the ambiguity that results from the use of the same ballistic missile for both conventional and nuclear warheads.

(L) An analysis and assessment of the methods that other countries might use to resolve the ambiguities associated with a nuclear or conventional sea-launched ballistic missile.

(M) An analysis, by the Secretary of State, of the international, treaty, and other concerns that would be associated with the use of a conventional sea-launched ballistic missile and recommendations for measures to mitigate or eliminate such concerns.

(N) A joint statement by the Secretary of Defense and the Secretary of State on how to ensure that the use of a conventional sea-launched ballistic missile will not result in an intentional, inadvertent, mistaken, or accidental reciprocal or responsive launch of a nuclear strike by any other country.

(c) Availability of Funds for Report.—Of the amounts authorized to be appropriated by this Act (other than the amounts covered by the limitation in subsection (a)), $20,000,000 may be available to prepare the report required by subsection (b).

SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense—

(1) $65,000,000 may be available for co-production of the Arrow ballistic missile defense system; and

(2) $63,702,000 may be available for the Arrow System Improvement Program.

SEC. 216. HIGH ENERGY LASER LOW ASPECT TARGET TRACKING.

(a) Additional Amount for Research, Development, Test, and Evaluation, Army.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) Availability of Amount.—

(1) In general.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for the Department of Defense High Energy Laser Test Facility for High Energy Laser Low Aspect Target Tracking (HEL-LATT) test series done jointly with the Navy.

(2) Construction with other amounts.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $5,000,000, due to unexpended obligations, if available.

SEC. 217. ADVANCED ALUMINUM AEROSTRUCTURES INITIATIVE.

(a) Additional Amount for Research, Development, Test, and Evaluation, Air Force.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $2,000,000 may be available for Aerospace Technology Development and Demonstration (PE #603211F) for the Advanced Aluminum Aerostructures Initiative (A3I).

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $2,000,000, due to unexpended obligations, if available.

SEC. 218. LEGGED MOBILITY ROBOTIC RESEARCH.

(a) Additional Amount for Research, Development, Test, and Evaluation, Army.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Combat Vehicle and Automotive Technology (PE #602601A) for legged mobility robotic research for military applications.

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $1,000,000, due to unexpended obligations, if available

SEC. 219. WIDEBAND DIGITAL AIRBORNE ELECTRONIC SENSING ARRAY.

(a) Additional Amount for Research, Development, Test, and Evaluation, Air Force.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Wideband Digital Airborne Electronic Sensing Array (PE #0602204F).

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $3,000,000, due to unexpended obligations, if available.

SEC. 220. SCIENCE AND TECHNOLOGY.

(a) Army Support for University Research Initiatives.—

(1) Additional amount for research, development, test, and evaluation, army.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103A for University Research Initiatives.

(b) Navy Support for University Research Initiatives.—

(1) Additional amount for research, development, test, and evaluation, navy.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $10,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103N for University Research Initiatives.

(c) Air Force Support for University Research Initiatives.—

(1) Additional amount for research, development, test, and evaluation, air force.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103F for University Research Initiatives.

(d) Computer Science and Cybersecurity.—

(1) Additional amount for research, development, test, and evaluation, defense-wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SMART National Defense Education Program.—

(1) Additional amount for research, development, test, and evaluation, defense-wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $5,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $5,000,000 may be available for program element PE

0601120D8Z for the SMART National Defense Education Program.

(f) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000, due to unexpended obligations, if available.

Subtitle C—Missile Defense Programs

SEC. 231. AVAILABILITY OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS FOR FIELDING BALLISTIC MISSILE DEFENSE CAPABILITIES.

Upon approval by the Secretary of Defense, funds authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation and available for the Missile Defense Agency may be used for the development and fielding of ballistic missile defense capabilities.

SEC. 232. POLICY OF THE UNITED STATES ON PRIORITIES IN THE DEVELOPMENT, TESTING, AND FIELDING OF MISSILE DEFENSE CAPABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) In response to the threat posed by ballistic missiles, President George W. Bush in December 2002 directed the Secretary of Defense to proceed with the fielding of an initial set of missile defense capabilities in 2004 and 2005.

(2) According to assessments by the intelligence community of the United States, North Korea tested in 2005 a new solid propellant short-range ballistic missile and is likely developing intermediate-range and intercontinental ballistic missile capabilities that could someday reach as far as the United States with a nuclear payload.

(3) According to assessments by the intelligence community of the United States, Iran continued in 2005 to test its medium range ballistic missile, and the danger that Iran will acquire a nuclear weapon and integrate it with a ballistic missile Iran already possesses is a reason for immediate concern.

(b) POLICY.—It is the policy of the United States that the Department of Defense accord a priority within the missile defense program to the development, testing, fielding, and improvement of effective near-term missile defense capabilities, including the ground-based midcourse defense system, the Aegis ballistic missile defense system, the Patriot PAC–3 system, the Terminal High Altitude Area Defense system, and the sensors necessary to support such systems.

SEC. 233. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking "through 2007" and inserting "through 2008"; and

(2) in paragraph (2), by striking "through 2008" and inserting "through 2009".

SEC. 234. SUBMITTAL OF PLANS FOR TEST AND EVALUATION OF THE OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 234(a) of the National Defense Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3174; 10 U.S.C. 2431 note) is amended by adding at the end the following new paragraph:

"(3) SUBMITTAL TO CONGRESS.—Each plan prepared under this subsection and approved by the Director of Operational Test and Evaluation shall be submitted to the congressional defense committees not later than 30 days after the date of the approval of such plan by the Director.".

SEC. 235. ANNUAL REPORTS ON TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO THE MILITARY DEPARTMENTS.

(a) REPORT REQUIRED.—Not later than March 1, 2007, and annually thereafter through 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the plans of the Department of Defense for the transition of missile defense programs from the Missile Defense Agency to the military departments.

(b) SCOPE OF REPORTS.—Each report required by subsection (a) shall cover the period covered by the future-years defense program that is submitted under section 221 of title 10, United States Code, in the year in which such report is submitted.

(c) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) An identification of—

(A) the missile defense programs planned to be transitioned from the Missile Defense Agency to the military departments; and

(B) the missile defense programs, if any, not planned for transition to the military departments.

(2) The schedule for transition of each missile defense program planned to be transitioned to a military department, and an explanation of such schedule.

(3) A description of the status of the plans and agreements of the Missile Defense Agency and the military departments on the transition of missile defense programs to the military departments.

(4) An identification of the entity (whether the Missile Defense Agency, a military department, or both) that will be responsible for funding each missile defense program to be transitioned to a military department, and at what date.

(5) A description of the type of funds that will be used (whether funds for research, development, test, and evaluation, procurement, military construction, or operation and maintenance) for each missile defense program to be transitioned to a military department.

(6) An explanation of the number of systems planned for procurement for each missile defense program to be transitioned to a military department, and the schedule for procurement of each such system.

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by subsection (a), $45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (PE #63882C)—

(1) to accelerate the ability to conduct concurrent test and missile defense operations; and

(2) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(c) SUPPLEMENT.—Amounts available under subsection (b) for the program element referred to in that subsection are in addition to any other amounts available in this Act for that program element.

(d) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000, due to unexpended obligations.

Subtitle D—Other Matters

SEC. 251. EXTENSION OF REQUIREMENT FOR GLOBAL RESEARCH WATCH PROGRAM.

Section 2365(f) of title 10, United States Code, is amended by striking "September 30, 2006" and inserting "September 30, 2011".

SEC. 252. EXPANSION AND EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXPANSION.—

(1) IN GENERAL.—Subsection (a) of section 2374a of title 10, United States Code, is amended—

(A) by striking "Director of the Defense Advanced Research Projects Agency" and inserting "Director of Defense Research and Engineering and the Service Acquisition Executives of the military departments"; and

(B) by striking "a program" and inserting "programs".

(2) CONFORMING AMENDMENTS.—(A) Subsection (b) of such section is amended by striking "The program" and inserting "Any program".

(B) Subsection (d) of such section is amended—

(i) by striking "The program" and inserting "A program"; and

(ii) by striking "the Director" and inserting "an official referred to in that subsection".

(b) EXTENSION.—Subsection (f) of such section is amended by striking "September 30, 2007" and inserting "September 30, 2011".

(c) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (e) of such section is amended to read as follows:

"(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken during the preceding fiscal year under the authority in subsection (a).

"(2) The report for a fiscal year under this subsection shall include the following:

"(A) A description of the proposed goals of the competitions established under each program under subsection (a), including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department of Defense.

"(B) An analyses of why the utilization of the authority in subsection (a) was the preferable method of achieving the goals described in subparagraph (A) as opposed to other authorities available to the Department, such as contracts, grants, and cooperative agreements.

"(C) The total amount of cash prizes awarded under each program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Department for recording as obligations and expenditures.

"(D) The methods used for the solicitation and evaluation of submissions under each program, together with an assessment of the effectiveness of such methods.

"(E) A description of the resources, including personnel and funding, used in the execution of each program, together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the Department for recording as obligations and expenditures.

"(F) A description of any plans to transition the technologies or prototypes developed as a result of each program into an acquisition program of the Department.".

SEC. 253. POLICIES AND PRACTICES ON TEST AND EVALUATION TO ADDRESS EMERGING ACQUISITION APPROACHES.

(a) REPORTS ON CERTAIN DETERMINATIONS TO PROCEED BEYOND LOW-RATE INITIAL PRODUCTION.—Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) If, before a final decision is made within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production, a decision is made within the Department to proceed to operational use of the program or allocate funds available for procurement for the program, the Director shall submit to the Secretary of Defense and the congressional defense committees the report with respect to the program under paragraph (2) as soon as practicable after the decision under this paragraph is made.".

(b) REVIEW AND REVISION OF POLICIES AND PRACTICES.—

(1) REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Operational Test and Evaluation shall review Department of Defense policies and practices on test and evaluation in order to—

(A) reaffirm the test and evaluation principles that guide traditional acquisition programs; and

(B) determine how best to apply such principles to emerging acquisition approaches.

(2) REVISED GUIDANCE.—If the Under Secretary determines as a result of the review under paragraph (1) that a revision of the policies and practices referred to in that paragraph is necessary in light of emerging approaches to acquisitions, the Under Secretary and the Director shall jointly issue new or revised guidance for the Department of Defense on test and evaluation to address that determination.

(c) ISSUES TO BE ADDRESSED.—In carrying out subsection (b), the Under Secretary shall address policies and practices on test and evaluation in order to—

(1) ensure the performance of test and evaluation activities with regard to—

(A) items that are acquired pursuant to the authority for rapid acquisition and deployment of items in section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note);

(B) programs that are conducted pursuant to the authority for spiral development in section 803 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2603; 10 U.S.C. 2430 note), or other authority for the conduct of incremental acquisition programs;

(C) systems that are acquired pursuant to time-certain development programs; and

(D) equipment that is not subject to the operational test and evaluation requirements in section 2399 of title 10, United States Code, but which may require limited operational test and evaluation for the purpose of ensuring the safety and survivability of such equipment and personnel using such equipment; and

(2) ensure the appropriate use, if any, of operational test and evaluation resources to assess technology readiness levels for the purpose of section 2366a of title 10, United States Code, and other applicable technology readiness requirements.

(d) FUNDING MATTERS.—The Director of the Defense Test Resource Management Center shall ensure that the strategic plan for Department of Defense test and evaluation resources developed pursuant to section 196 of title 10, United States Code—

(1) reflects any testing needs of the Department of Defense that are identified as a result of activities under subsection (b); and

(2) includes an assessment of the test and evaluation facilities, resources, and budgets that will be required to meet such needs.

(e) REPORT TO CONGRESS.—Not later than nine months after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report on the review conducted under paragraph (1) of subsection (b), including any new or revised guidance issued pursuant to paragraph (2) of that subsection.

(f) TIME-CERTAIN DEVELOPMENT PROGRAM DEFINED.—In this section, the term "time-certain development program" means a development program that is assigned a specific length of time in which milestone events will be accomplished by contract, which length of time may be not more than 6 years from milestone B to initial operational capability.

SEC. 254. DEVELOPMENT OF THE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

(a) IN GENERAL.—The Secretary of Defense shall provide for the development of the propulsion system for the F–35 fighter aircraft (commonly referred to as the "Joint Strike Fighter") by a means elected by the Secretary from among the following:

(1) Through the continuing development and sustainment of two interchangeable propulsion systems for the F–35 fighter aircraft by two separate contractors throughout the life cycle of the aircraft.

(2) Through a one-time firm fixed price contract for a selected propulsion system for the F–35 fighter aircraft for the life cycle of the aircraft following the Initial Service Release of the F–35 fighter aircraft propulsion system in fiscal year 2008.

(b) NOTICE OF CHANGE IN DEVELOPMENT.—The Secretary may not carry out any modification of the procurement program for the F–35 fighter aircraft that would result in the development of the propulsion system for such aircraft in a manner other than as elected by the Secretary under subsection (a) until the Secretary notifies the congressional defense committees of such modification.

SEC. 255. INDEPENDENT COST ANALYSES FOR JOINT STRIKE FIGHTER ENGINE PROGRAM.

(a) COST ANALYSES.—

(1) ANALYSES REQUIRED.—The Secretary of Defense (acting through the cost analysis improvement group of the Office of the Secretary of Defense), a federally funded research and development center (FFRDC) selected by the Secretary for purposes of this section, and the Comptroller General of the United States shall each perform three detailed and comprehensive cost analyses of the engine program for the F–35 fighter aircraft (commonly referred to as the "Joint Strike Fighter").

(2) ELEMENTS.—Each official or entity performing cost analyses under paragraph (1) shall perform a cost analysis of each of the following:

(A) An alternative under which the F–35 fighter aircraft is capable of using the F135 engine only.

(B) An alternative under which the F–35 fighter aircraft is capable of using either the F135 engine or the F136 engine.

(C) Any other alternative, whether secured through a competitive or sole-source bidding process, that would reduce cost, improve program schedule, and improve performance and reliability of the F–35 fighter aircraft program.

(b) REPORTS.—

(1) REPORTS REQUIRED.—Not later than March 15, 2007, the Secretary, the federally funded research and development center selected under subsection (a), and the Comptroller General shall each submit to the congressional defense committees a report on the three independent cost analyses performed by such official or entity under subsection (a).

(2) REPORT ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A statement of the key assumptions utilized in performing each cost analysis covered by such report.

(B) A discussion of the methodology and techniques utilized in performing each cost analysis.

(C) For each alternative under subsection (a)(2)—

(i) a comparison of the life-cycle costs, including costs in current and constant dollars and a net-present-value analysis, with the other alternatives under that subsection; and

(ii) an estimate of—

(I) the supply, maintenance, and other operations manpower required to support such alternative;

(II) the number of flight hours required to achieve engine maturity, and the year in which engine maturity is anticipated to be achieved; and

(III) the total number of engines anticipated to be procured over the lifetime of the F–35 fighter aircraft program.

(D) A discussion of the acquisition strategies used for the acquisition of engines for other tactical fighter aircraft, including the F–15, F–16, F–18, and F–22 fighter aircraft, and an assessment of the experience in terms of cost, schedule, and performance under the acquisition programs for such engines.

(E) A comparison in terms of performance, savings, maintainability, reliability, and technical innovation of the acquisition programs for engines for tactical fighter aircraft carried out on a sole-source basis with the acquisition programs for tactical fighter aircraft carried out on a competitive basis.

(F) Such conclusions and recommendations in light of the cost analyses as the official or entity submitting such report considers appropriate.

(3) CERTIFICATION OF FFRDC AND COMPTROLLER GENERAL.—In submitting the report required by this subsection, the federally funded research and development center and the Comptroller General shall each also submit a certification as to whether the federally funded research and development center or the Comptroller General, as the case may be, had access to sufficient information to enable the federally funded research and development center or the Comptroller General, as the case may be, to make informed judgments on the matters required to be included in the report.

(c) LIFE-CYCLE COSTS DEFINED.—In this section, the term "life-cycle costs" includes—

(1) the elements of costs that would be considered for a life-cycle cost analysis for a major defense acquisition program, such as procurement of engines, procurement of

spare engines, and procurement of engine components and parts; and

(2) good-faith estimates of routine engine costs, such as performance upgrades and component improvement, that historically have occurred in tactical fighter engine programs.

SEC. 256. SENSE OF SENATE ON TECHNOLOGY SHARING OF JOINT STRIKE FIGHTER TECHNOLOGY.

It is the sense of the Senate that the Secretary of Defense should share technology with regard to the Joint Strike Fighter between the United States Government and the Government of the United Kingdom consistent with the national security interests of both nations.

SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT.—The Secretary of Defense shall submit to Congress, at the same time as the submittal of the budget of the President for fiscal year 2008 (as submitted under section 1105(a) of title 31, United States Code) a report on the biometrics programs of the Department of Defense.

(b) ELEMENTS.—The report shall address the following:

(1) Whether the Department should modify the current executive agent management structure for the biometrics programs.

(2) The requirements for the biometrics programs to meet needs throughout the Department of Defense.

(3) A description of programs currently fielded to meet requirements in Iraq and Afghanistan.

(4) An assessment of the adequacy of fielded programs to meet operational requirements.

(5) An assessment of programmatic or capability gaps in meeting future requirements.

(6) The actions being taken within the Executive Branch to coordinate and integrate requirements, programs, and resources among the departments and agencies of the Executive Branch with a role in using or developing biometrics capabilities.

(c) BIOMETRICS DEFINED.—In this section, the term "biometrics" means an identity management program or system that utilizes distinct personal attributes, including DNA, facial features, irises, retinas, signatures, or voices, to identify individuals.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,795,580,000.

(2) For the Navy, $31,130,784,000.

(3) For the Marine Corps, $3,905,262,000.

(4) For the Air Force, $31,251,107,000.

(5) For Defense-wide activities, $20,106,756,000.

(6) For the Army Reserve, $2,139,702,000.

(7) For the Naval Reserve, $1,288,764,000.

(8) For the Marine Corps Reserve, $211,911,000.

(9) For the Air Force Reserve, $2,575,100,000.

(10) For the Army National Guard, $4,857,728,000.

(11) For the Air National Guard, $5,318,717,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,721,000.

(13) For Environmental Restoration, Army, $463,794,000.

(14) For Environmental Restoration, Navy, $304,409,000.

(15) For Environmental Restoration, Air Force, $423,871,000.

(16) For Environmental Restoration, Defense-wide, $18,431,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $282,790,000.

(18) For the Overseas Contingency Operations Transfer Fund, $10,000,000.

(19) For Cooperative Threat Reduction programs, $372,128,000.

(20) For Overseas Humanitarian Disaster and Civic Aid, $63,204,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,364,498,000.

(2) For the National Defense Sealift Fund, $1,071,932,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Defense Health Program, $20,915,321,000, of which—

(1) $20,381,863,000 is for Operation and Maintenance;

(2) $135,603,000 is for Research, Development, Test, and Evaluation; and

(3) $397,855,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,277,304,000, of which—

(A) $1,046,290,000 is for Operation and Maintenance; and

(B) $231,014,000 is for Research, Development, Test, and Evaluation.

(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $926,890,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $216,297,000, of which—

(1) $214,897,000 is for Operation and Maintenance; and

(2) $1,400,000 is for Procurement.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ARMY LOGISTICS MODERNIZATION PROGRAM.

Of the funds authorized to be appropriated for the Department of Defense by this division and available for the Army Logistics Modernization Program (LMP), not more than $6,900,000 may be obligated or expended for the development, fielding, or operation of the program until the Chairman of the Defense Business Systems Modernization Committee certifies to the congressional defense committees each of the following:

(1) That the program is essential to the national security of the United States or to the efficient management of the Department of Defense.

(2) That there is no alternative to the system under the program which will provide equal or greater capability at a lower cost.

(3) That the estimated costs, and the proposed schedule and performance parameters, for the program and system are reasonable.

(4) That the management structure for the program is adequate to manage and control program costs.

SEC. 312. AVAILABILITY OF FUNDS FOR EXHIBITS FOR THE NATIONAL MUSEUMS OF THE ARMED FORCES.

(a) NATIONAL MUSEUM OF THE UNITED STATES ARMY.—Of the amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $3,000,000 may be available to the Secretary of the Army for education and training purposes to contract with the Army Historical Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Army.

(b) NATIONAL MUSEUM OF THE UNITED STATES NAVY.—Of the amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $3,000,000 may be available to the Secretary of the Navy for education and training purposes to contract with the Naval Historical Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Navy.

(c) NATIONAL MUSEUM OF THE MARINE CORPS AND HERITAGE CENTER.—Of the amounts authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps, $3,000,000 may be available to the Secretary of the Navy for education and training purposes to contract with the United States Marine Corps Heritage Foundation for the acquisition, installation, and maintenance of exhibits at the National Museum of the Marine Corps and Heritage Center.

(d) NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE.—Of the amounts authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force, $3,000,000 may be available to the Secretary of the Air Force for education and training purposes to contract with the Air Force Museum Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Air Force.

(e) REIMBURSEMENT.—

(1) AUTHORITY TO ACCEPT REIMBURSEMENT.—During any fiscal year after fiscal year 2006, the Secretary of a military department may accept from any non-profit entity authorized to support the national museum of the applicable Armed Force amounts to reimburse

such Secretary for amounts obligated and expended by such Secretary from amounts available to such Secretary under this section.

(2) TREATMENT.—Amounts accepted as reimbursement under paragraph (1) shall be credited to the account that was used to cover the costs incurred by the Secretary of the military department concerned under this section. Amounts so credited shall be merged with amounts in such account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

SEC. 313. LIMITATION ON FINANCIAL MANAGEMENT IMPROVEMENT AND AUDIT INITIATIVES WITHIN THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—The Secretary of Defense may not obligate or expend any funds for the purpose of any financial management improvement activity relating to the preparation, processing, or auditing of financial statements until the Secretary submits to the congressional defense committees a written determination that each activity proposed to be funded is—

(1) consistent with the financial management improvement plan of the Department of Defense required by section 376(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 190–163; 119 Stat. 3213); and

(2) likely to improve internal controls or otherwise result in sustained improvements in the ability of the Department to produce timely, reliable, and complete financial management information.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to an activity directed exclusively at assessing the adequacy of internal controls and remediating any inadequacy identified pursuant to such assessment.

SEC. 314. LIMITATION ON AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS FOR THE MANAGEMENT HEADQUARTERS OF THE DEFENSE INFORMATION SYSTEMS AGENCY.

Of the amount authorized to be appropriated by this title and available for purposes of the operation and maintenance of the management headquarters of the Defense Information Systems Agency, not more than 50 percent may be available for such purposes until the Secretary of Defense submits to Congress the report on the acquisition strategy of the Department of Defense for commercial satellite communications services required by section 818(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–136; 119 Stat. 3385).

SEC. 315. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) IN GENERAL.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) EXPANSION TARGETS.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

SEC. 316. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $2,500,000 may be available for Infantry Combat Equipment (ICE).

SEC. 317. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $1,500,000 may be available for the Individual First Aid Kit (IFAK).

SEC. 318. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFENSE DEPENDENTS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary and secondary school age in the continental United States and overseas.

(b) SEVERELY WOUNDED OR INJURED MEMBERS OF THE ARMED FORCES.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

SEC. 319. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate field training of all Armed Forces Reserve Officer Training Corps.

SEC. 320. ENVIRONMENTAL DOCUMENTATION FOR BEDDOWN OF F-22A AIRCRAFT AT HOLLOMAN AIR FORCE BASE, NEW MEXICO.

The Secretary of the Air Force shall prepare environmental documentation per the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the beddown of F–22A aircraft at Holloman Air Force Base, New Mexico, as replacements for the retiring F–117A aircraft.

Subtitle C—Environmental Provisions

SEC. 331. RESPONSE PLAN FOR REMEDIATION OF MILITARY MUNITIONS.

(a) PERFORMANCE GOALS FOR REMEDIATION.—The Department of Defense shall set the following remediation goals:

(1) To complete, by not later than September 30, 2007, preliminary assessments of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites.

(2) To complete, by not later than September 30, 2010, site inspections of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites.

(3) To achieve, by not later than September 30, 2009, a remedy in place or response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all military installations closed or realigned as part of a round of defense base closure and realignment occurring prior to the 2005 round.

(4) To achieve, by a time certain established by the Secretary, a remedy in place or response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites (other than operational ranges) and all military installations realigned or closed under the 2005 round of defense base closure and realignment.

(b) RESPONSE PLAN REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for addressing the remediation of unexploded ordnance, discarded military munitions, and munitions constituents at current and former defense sites (other than operational ranges).

(2) CONTENT.—The plan required by paragraph (1) shall include—

(A) a schedule, including interim goals, for achieving the goals described in paragraphs (1) through (3) of subsection (a), based upon the Munitions Response Site Prioritization Protocol established by the Department of Defense;

(B) such interim goals as the Secretary determines feasible for efficiently achieving the goal required under paragraph (4) of such subsection; and

(C) an estimate of the funding required to achieve the goals established pursuant to such subsection and the interim goals established pursuant to subparagraphs (A) and (B).

(3) UPDATES.—(A) The Secretary shall, not later than March 15 of 2008, 2009, and 2010, submit to the congressional defense committees an update of the plan required under paragraph (1). Each update may be included in the report on environmental restoration activities submitted to Congress under section 2706(a) of title 10, United States Code, that is submitted in the year in which such update is submitted.

(B) The Secretary may include in an update submitted under subparagraph (A) any adjustment to the remediation goals established under subsection (a) that the Secretary determines necessary to respond to unforeseen circumstances.

(c) REPORT ON REUSE STANDARDS AND PRINCIPLES.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the efforts of the Department of Defense to achieve agreement with relevant regulatory agencies on appropriate reuse standards or principles, including—

(1) a description of any standards or principles that have been agreed upon; and

(2) a discussion of any issues that remain in disagreement (including the impact that any such disagreement is likely to have on the ability of the Department of Defense to carry out the plan).

(d) DEFINITIONS.—In this section, the terms "unexploded ordnance", "discarded military munitions", "munitions constituents", "operational range", and "defense site" have the meaning given such terms in section 2710(e) of title 10, United States Code.

(e) CONFORMING REPEAL.—Section 313 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1051; 10 U.S.C. 2706 note) is repealed.

SEC. 332. EXTENSION OF AUTHORITY TO GRANT EXEMPTIONS TO CERTAIN REQUIREMENTS.

(a) AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.—Section 6(e)(3) of the Toxic Substances Control Act (15 U.S.C. 2605(e)(3)) is amended—

(1) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (D)";

(2) in subparagraph (B), by striking "but not more than 1 year from the date it is granted" and inserting "but not more than 1 year from the date it is granted, except as provided in subparagraph (D)"; and

(3) by adding at the end the following new subparagraph:

"(D) The Administrator may grant an exemption pursuant to subparagraph (B) for a period of up to 3 years for the purpose of authorizing the Secretary of Defense and the Secretaries of the military departments to provide for the transportation into the customs territory of the United States of polychlorinated biphenyls generated by or under the control of the Department of Defense for purposes of their disposal, treatment, or storage in the customs territory of the United States.".

(b) Sunset Date.—The amendments made by subsection (a) shall cease to have effect on September 30, 2012. The termination of the authority to grant exemptions pursuant to such amendments shall not effect the validity of any exemption granted prior to such date.

(c) Report.—Not later than March 1, 2011, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Environment and Public Works of the Senate and the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives a report on the status of polychlorinated biphenyls generated by or under the control of the Department of Defense outside the United States. The report shall address, at a minimum—

(1) the remaining volume of such polychlorinated biphenyls that may require transportation into the customs territory of the United States for disposal, treatment, or storage; and

(2) the efforts that have been made by the Department of Defense and other Federal agencies to reduce such volume by—

(A) reducing the volume of polychlorinated biphenyls generated by or under the control of the Department of Defense outside the United States; or

(B) developing alternative options for the disposal, treatment, or storage of such polychlorinated biphenyls.

SEC. 333. RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF MUNITIONS.

(a) Identification of Disposal Sites.—

(1) Historical Review.—The Secretary of Defense, in cooperation with the Commandant of the Coast Guard, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other relevant Federal agencies, shall conduct a historical review of available records to determine the number, size, and probable locations of sites where the Armed Forces disposed of military munitions in coastal waters. The historical review shall, to the extent possible, identify the types of munitions at individual sites.

(2) Interim Reports.—The Secretary of Defense shall periodically, but no less often than annually, release any new information obtained during the historical review conducted under paragraph (1). The Secretary may withhold from public release the exact nature and locations of munitions the potential unauthorized retrieval of which could pose a significant threat to the national defense or public safety.

(3) Inclusion of Information in Annual Report on Environmental Restoration Activities.—The Secretary shall include the information obtained pursuant to the review conducted under paragraph (1) in the annual report on environmental restoration activities submitted to Congress under section 2706 of title 10, United States Code.

(4) Final Report.—The Secretary shall complete the historical review required under paragraph (1) and submit a final report on the findings of such review in the annual report on environmental restoration activities submitted to Congress for fiscal year 2009.

(b) Identification of Navigational and Safety Hazards.—

(1) Identification of Hazards.—The Secretary of Defense shall provide available information to the Secretary of Commerce to assist the National Oceanic and Atmospheric Administration in preparing nautical charts and other navigational materials for coastal waters that identify known or potential hazards posed by disposed military munitions to private activities, including commercial shipping and fishing operations.

(2) Continuation of Information Activities.—The Secretary of Defense shall continue activities to inform potentially affected users of the ocean environment, particularly fishing operations, of the possible hazards from contact with disposed military munitions and the proper methods to mitigate such hazards.

(c) Research.—

(1) In General.—The Secretary of Defense shall continue to conduct research on the effects on the ocean environment and those who use it of military munitions disposed of in coastal waters.

(2) Scope.—Research under paragraph (1) shall include—

(A) the sampling and analysis of ocean waters and sea beds at or adjacent to military munitions disposal sites selected pursuant to paragraph (3) to determine whether the disposed military munitions have caused or are causing contamination of such waters or sea beds;

(B) investigation into the long-term effects of seawater exposure on disposed military munitions, particularly effects on chemical munitions;

(C) investigation into the impacts any such contamination may have on the ocean environment and those who use it, including public health risks;

(D) investigation into the feasibility of removing or otherwise remediating the military munitions; and

(E) the development of effective safety measures for dealing with such military munitions.

(3) Research Criteria.—In conducting the research required by this subsection, the Secretary shall ensure that the sampling, analysis, and investigations are conducted at representative sites, taking into account factors such as depth, water temperature, nature of the military munitions present, and relative proximity to onshore populations. In conducting such research, the Secretary shall select at least two representative sites each in the areas of the Atlantic coast, the Pacific coast (including Alaska), and the Hawaiian Islands.

(4) Authority to Make Grants and Enter into Cooperative Agreements.—In conducting research under this subsection, the Secretary may make grants to, and enter into cooperative agreements with, qualified research entities.

(d) Monitoring.—If the historical review required by subsection (a) or the research required by subsection (c) indicates that contamination is being released into the ocean waters from disposed military munitions at a particular site or that the site poses a significant public health or safety risk, the Secretary shall institute appropriate monitoring mechanisms at that site and report to the congressional defense committees on any additional measures that may be necessary to address the release or risk, as applicable.

(e) Definitions.—In this section:

(1) The term "coastal waters" means that part of the ocean extending from the coast line of the United States to the outer boundary of the outer Continental Shelf.

(2) The term "coast line" has the meaning given that term in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) The term "outer Continental Shelf" has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

SEC. 334. CLARIFICATION OF MULTI-YEAR AUTHORITY TO USE BASE CLOSURE FUNDS TO FUND COOPERATIVE AGREEMENTS UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701 of title 10, United States Code, is amended by adding at the end the following new sentence: "This two-year limitation does not apply to agreements funded through the Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established by sections 2906 and 2906A, respectively, of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).".

SEC. 335. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) Authority To Reimburse.—(1) Using funds described in subsection (b), the Secretary of Defense may transfer not more than $111,114.03 to the Moses Lake Wellfield Superfund Site 10-6J Special Account.

(2) The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) Source of Funds.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) Use of Funds.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

Subtitle D—Reports

SEC. 351. COMPTROLLER GENERAL REPORT ON READINESS OF THE GROUND FORCES OF THE ARMY AND THE MARINE CORPS.

(a) Report Required.—

(1) In General.—Not later than March 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the readiness of the active component and reserve component ground forces of the Army and the Marine Corps.

(2) One or More Reports.—In complying with the requirements of this section, the

Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements. If the Comptroller General submits more than one report under this section, all such reports shall be submitted not later than the date specified in paragraph (1).

(b) ELEMENTS.—The elements specified in this subsection include the following:

(1) An analysis of the current readiness status of each of the active component and reserve component ground forces of the Army and the Marine Corps, including a description of any major deficiency identified, an analysis of the trends in readiness of such forces during not less than the ten years preceding the report, and a comparison of the current readiness indicators of such ground forces with historical patterns.

(2) An assessment of the ability of the Army and the Marine Corps to provide trained and ready forces for ongoing operations as well as other commitments assigned to the Army and the Marine Corps in defense planning documents.

(3) An analysis of the availability of equipment for training by units of the Army and the Marine Corps in the United States in configurations comparable to the equipment being used by units of the Army and the Marine Corps, as applicable, in ongoing operations.

(4) An analysis of the current and projected requirement for repair or replacement of equipment of the Army and the Marine Corps due to ongoing operations, and the impact of such required repair or replacement of equipment on the availability of equipment for training.

(5) An assessment of the current personnel tempo of Army and Marine Corps forces, including—

(A) a comparison of such tempos to historical trends;

(B) an identification of particular occupational specialties that are experiencing unusually high or low deployment rates; and

(C) an analysis of retention rates in the occupational specialties identified under subparagraph (B).

(6) An assessment of the efforts of the Army and the Marine Corps to mitigate the impact of high operational tempos, including cross-leveling of personnel and equipment or cross training of personnel or units for new or additional mission requirements.

(7) A description of the current policy of the Army and the Marine Corps with respect to the mobilization of reserve component personnel, together with an analysis of the number of reserve component personnel in each of the Army and the Marine Corps that are projected to be available for deployment under such policy.

(c) FORM OF REPORT.—Any report submitted under subsection (a) shall be submitted in both classified and unclassified form.

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

SEC. 353. REPORT ON AERIAL TRAINING AIRSPACE REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to and use of available and unfettered aerial training airspace is critical for preserving aircrew warfighting proficiency and the ability to test, evaluate, and improve capabilities of both personnel and equipment within the most realistic training environments possible.

(2) The growth of civilian and commercial aviation traffic and the rapid expansion of commercial and general air traffic lanes across the continental United States has left few remaining areas of the country available for realistic air combat training or expansion of existing training areas.

(3) Many Military Operating Areas (MOAs) originally established in what was once open and uncongested airspace are now encroached upon by a heavy volume of commercial and general air traffic, making training more difficult and potentially hazardous.

(4) Some aerial training areas in the upper great plains, western States, and Gulf coast remain largely free from encroachment and available for increased use, expansion, and preservation for the future.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) establish a policy to identify military aerial training areas that are projected to remain viable and free from encroachment well into the 21st century;

(2) determine aerial training airspace requirements to meet future training and airspace requirements of current and next generation military aircraft; and

(3) undertake all necessary actions in a timely manner, including coordination with the Federal Aviation Administration, to preserve and, if necessary, expand those areas of airspace to meet present and future training requirements.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposed plan to preserve and, if necessary, expand available aerial training airspace to meet the projected needs of the Department of Defense for such airspace through 2025.

SEC. 354. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992. (Public Law 102–486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SEC. 355. REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately $1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

"§ 10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

"(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a status report on the withdrawal or diversion of equipment.

"(b) ELEMENTS.—Each status report under subsection (a) on equipment withdrawn or diverted shall include the following:

"(1) A plan to recapitalize or replace such equipment within the unit from which withdrawn or diverted.

"(2) If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with recapitalized or replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

"(3) A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

"(A) how such equipment will be tracked; and

"(B) when such equipment will be returned to the component from which withdrawn or diverted.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

"10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.".

SEC. 356. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1).

SEC. 357. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1).

SEC. 358. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy top-attack and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) REPORT.—

(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

SEC. 359. REPORT ON HIGH ALTITUDE AVIATION TRAINING SITE, EAGLE COUNTY, COLORADO.

(a) REPORT REQUIRED.—Not later than December 15, 2006, the Secretary of the Army shall submit to the congressional defense committees a report on the High Altitude Aviation Training Site (HAATS) in Eagle County, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the type of high altitude aviation training being conducted at the High Altitude Aviation Training Site, including the number of pilots who receive such training on an annual basis and the types of aircraft used in such training.

(2) A description of the number and type of helicopters required at the High Altitude Aviation Training Site to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority is afforded in the provision of such training to commanders, instructor pilots, aviation safety officers, and deploying units.

(3) A thorough evaluation of accident rates for deployed helicopter pilots of the Army who receive high altitude aviation training at the High Altitude Aviation Training Site, and accident rates for deployed Army helicopter pilots who did not receive such training, including the following:

(A) An estimate (set forth as a range) of the number of accidents attributable to power management.

(B) The number of accidents occurring in a combat environment.

(C) The number of accidents occurring in a non-combat environment.

(4) An evaluation of the inventory and availability of Army aircraft for purposes of establishing an appropriate schedule for the assignment of a CH–47 aircraft to the High Altitude Aviation Training Site, if the Chief of Staff of the Army determines there is value in conducting such training at the HAATS.

(5) A description of the status of any efforts to ensure that all helicopter aircrews deployed to the area of responsibility of the Central Command (CENTCOM AOR) are qualified in mountain flight and power management prior to deployment, including the locations where such training occurred, with particular focus on the status of such efforts with respect to aircrews to be deployed in support of Operation Enduring Freedom.

(c) Tracking System.—The Secretary shall implement a system for tracking those pilots that have attended a school with an established program of instruction for high altitude aviation operations training. The system should, if practical, utilize an existing system that permits the query of pilot flight experience and training.

SEC. 360. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) Report Required.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the city.

SEC. 360A. REPORT ON USE OF ALTERNATIVE FUELS BY THE DEPARTMENT OF DEFENSE.

(a) Study.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including any measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) Elements.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3207) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under this section.

(2) Manner of submittal.—The report required by this subsection may be incorporated into, or provided as an annex to, the study required by section 357(c) of the National Defense Authorization Act for Fiscal Year 2006.

(d) Alternative Fuels Defined.—In this section, the term "alternative fuels" means biofuels, biodiesel, renewable diesel, ethanol that contain less than 85 percent ethyl alcohol, and cellulosic ethanol.

Subtitle E—Workplace and Depot Issues

SEC. 361. MINIMUM CAPITAL INVESTMENT LEVELS FOR PUBLIC DEPOTS SERVICED BY WORKING CAPITAL FUNDS.

(a) Minimum Investment Levels.—Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(s) Minimum Capital Investment for Public Depots Serviced by Working Capital Funds.—(1) Each public depot that is serviced by a working capital fund shall invest in its capital budget each fiscal year an amount equal to not less than six percent of the actual total revenue of the public depot for the previous fiscal year.

"(2) The Secretary of Defense may waive the requirement in paragraph (1) with respect to a particular public depot for a fiscal year if the Secretary determines that the waiver is necessary for reasons of national security and notifies the congressional defense committees of the reasons for the waiver.

"(3)(A) Each year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, the Secretary shall submit to the congressional defense committees budget justification documents summarizing the level of capital investment at each public depot serviced by working capital funds as of the end of the previous fiscal year.

"(B) Each report under this paragraph shall include the following:

"(i) A specification of the statutory, regulatory, or operational impediments, if any, to achieving the requirement in paragraph (1) with respect to each public depot described in that paragraph.

"(ii) A description of the benchmarks established by each public depot and working capital fund for capital investment and the relationship of the benchmarks to applicable performance measurement methods used in the private sector.

"(iii) If the requirement set out in paragraph (1) is not met for any public depot in the previous fiscal year, a statement of the reasons why and a plan of actions to meet the requirement for such public depot in the fiscal year beginning in the year in which such report is submitted.

"(4) In this subsection, the terms 'total revenue' and 'capital budget' have the meaning given such terms in Department of Defense Financial Management Regulation 7000.14–R of June 2004.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 362. PERMANENT EXCLUSION OF CERTAIN CONTRACT EXPENDITURES FROM PERCENTAGE LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2474(f)(1) of title 10, United States Code, is amended by striking "entered into during fiscal years 2003 through 2009".

SEC. 363. ADDITIONAL EXCEPTION TO PROHIBITION ON CONTRACTOR PERFORMANCE OF FIREFIGHTING FUNCTIONS.

Section 2465(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) A contract for the performance of firefighting functions to—

"(A) fight wildland fires such as range or forest fires; and

"(B) perform wildland fire management, including the conduct of hazardous fuels treatments to reduce wildland fire risks (including prescribed fire and mechanical treatments).".

SEC. 364. TEMPORARY SECURITY GUARD SERVICES FOR CERTAIN WORK CAUSED BY REALIGNMENT OF MILITARY INSTALLATIONS UNDER THE BASE CLOSURE LAWS.

(a) Authority for Temporary Services.—Notwithstanding section 2465 of title 10, United States Code, the Secretary of the military department concerned may, for a period not to exceed one year at any single military installation, contract for security guard services at military installations approved for realignment under a base closure law when such services are required for the safe and secure relocation of either of the following:

(1) Military munitions and munitions-related equipment.

(2) High-value items in temporary storage areas.

(b) Definitions.—In this section:

(1) The term "base closure law" has the meaning given such term in section 101(a)(17) of title 10, United States Code.

(2) The term "military munitions" has the meaning given such term in section 101(e)(4) of title 10, United States Code.

(c) Expiration.—The authority to enter into a contract under subsection (a) shall expire on September 15, 2011.

Subtitle F—Other Matters

SEC. 371. RECYCLING OF MILITARY MUNITIONS.

(a) In General.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4690. Sale of recyclable munitions materials

"(a) Authority for Program.—(1) The Secretary of the Army may carry out a program to—

"(A) sell recyclable munitions materials resulting from the demilitarization of conventional military munitions; and

"(B) use the proceeds of sale for reclamation, recycling, and reuse of conventional military munitions.

"(2) The program authorized by this section may be known as the 'Military Munitions Recycling Program'.

"(b) Geographic Limitation.—The program authorized by subsection (a) may only be carried out in the United States and its possessions.

"(c) Method of Sale.—(1) Except as provided in paragraph (2), the Secretary shall use competitive procedures to sell recyclable munitions materials under the program authorized by this section.

"(2) The Secretary may use procedures other than competitive procedures to sell recyclable munitions materials under the program authorized by this section in any case in which the Secretary determines there is only one potential buyer of the items being offered for sale.

"(3) The provisions of title 40 concerning disposal of property are not applicable to sales of materials under the program authorized by this section.

"(d) Use of Proceeds.—(1) Proceeds from the sale of recyclable munitions materials under the program authorized by this section shall be credited to the Ammunition Demilitarization Account within the Procurement of Ammunition, Army, Account.

"(2) Amounts credited to the Ammunition Demilitarization Account under paragraph (1) shall be available solely for purposes of reclamation, recycling, and reuse of conventional military munitions, including for research and development for such purposes and for the procurement of equipment for such purposes.

"(3) Funds credited to the Ammunition Demilitarization Account under paragraph (1) in a fiscal year shall be available for obligation under paragraph (2) during the fiscal year in which the funds are so credited and for three fiscal years thereafter.

"(4) Funds credited to the Ammunition Demilitarization Account under paragraph (1) that are not obligated under paragraph (2) within the period of availability under paragraph (3) shall, at the end of such period, be deposited into the Treasury as miscellaneous receipts.

"(e) Regulations.—The Secretary shall prescribe regulations on the operation of the program authorized by this section. The regulations shall be consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and any regulations prescribed thereunder.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 443 of such title is amended by adding at the end the following new item:

"4690. Sale of recyclable munitions materials.".

SEC. 372. INCENTIVES CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS.

(a) In General.—

(1) Authority to include clauses in contracts.—The Secretary of Defense may, for the purpose specified in paragraph (2), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(2) Purpose.—The purpose of a clause referred to in paragraph (1) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

(b) Incentives Clauses.—

(1) In general.—An incentives clause under this section shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

(2) Limitation on incentive payments.—The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed amounts as follows:

(A) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, $110,000,000.

(B) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, $55,000,000.

(3) Target ranges.—An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

(4) Calculation of incentive payments.—The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this section shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

(5) Consistency with existing obligations.—The provisions of any incentives clause under this section shall be consistent with the obligation of the Secretary of Defense under section 1412(c)(1)(A) of the Department of Defense Authorization Act, 1986 to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

(6) Additional terms and conditions.—In negotiating the inclusion of an incentives clause in a contract under this section, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

(c) Additional Limitation on Payments.—

(1) Payment conditional on performance.—No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) Payment contingent on appropriations.—An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

SEC. 373. EXTENSION OF DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT PROGRAM.

(a) Termination at End of Contingency Operation.—Subsection (c) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1449), as amended by section 341 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1857), is further amended by striking "terminate on September 30, 2006" and inserting "terminate with respect to a contingency operation on the date that is 60 days after the date on which the Secretary determines that the contingency operation has ended".

(b) Application to Other Contingency Operations.—Such section is further amended—

(1) in subsection (a), by striking "Operation Iraqi Freedom and Operation Enduring Freedom" and inserting "a contingency operation"; and

(2) by adding at the end the following new subsection:

"(g) Contingency Operation Defined.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code. The term includes Operation Iraqi Freedom and Operation Enduring Freedom.".

(c) Extension to Hospitalized Members.—Subsection (a) of such section is further amended—

(1) by striking "As soon as possible after the date of the enactment of this Act, the" and inserting "The"; and

(2) by adding at the end the following new sentence: "As soon as possible after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007, the Secretary shall extend such telecommunications benefit to members of the Armed Forces who, although no longer covered by the preceding sentence, are hospitalized as a result of wounds or other injuries incurred while serving in direct support of a contingency operation.".

(d) Report on Implementation of Modified Benefits.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status of the efforts of the Department of Defense to implement the modifications of the Department of Defense telecommunications benefit required by section 344 of the National Defense Authorization Act for Fiscal Year 2004 that result from the amendments made by this section.

SEC. 374. EXTENSION OF AVAILABILITY OF FUNDS FOR COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Section 378(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3214) is amended by striking "fiscal year 2006" and inserting "fiscal years 2006 and 2007".

SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.

(a) Policy.—It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to—

(1) enhance platform performance;

(2) reduce the size of the fuel logistics systems;

(3) reduce the burden high fuel consumption places on agility;

(4) reduce operating costs; and

(5) dampen the financial impact of volatile oil prices.

(b) Report Required.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the policy established by subsection (a).

(2) Elements.—The report shall include the following:

(A) An assessment of the feasibility of designating a senior Department of Defense official to be responsible for implementing the policy established by subsection (a).

(B) A summary of the recommendations made as of the time of the report by—

(i) the Energy Security Integrated Product Team established by the Secretary of Defense in April 2006;

(ii) the Defense Science Board Task Force on Department of Defense Energy Strategy established by the Under Secretary of Defense for Acquisition, Technology and Logistics on May 2, 2006; and

(iii) the January 2001 Defense Science Board Task Force report on Improving Fuel Efficiency of Weapons Platforms.

(C) For each recommendation summarized under subparagraph (B)—

(i) the steps that the Department has taken to implement such recommendation;

(ii) any additional steps the Department plans to take to implement such recommendation; and

(iii) for any recommendation that the Department does not plan to implement, the reasons for the decision not to implement such recommendation.

(D) An assessment of the extent to which the research, development, acquisition, and logistics guidance and directives of the Department for weapons platforms are appropriately designed to address the policy established by subsection (a).

(E) An assessment of the extent to which such guidance and directives are being carried out in the research, development, acquisition, and logistics programs of the Department.

(F) A description of any additional actions that, in the view of the Secretary, may be needed to implement the policy established by subsection (a).

SEC. 376. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTIYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

SEC. 377. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.

The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

SEC. 378. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the "Economy Act"), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

SEC. 379. RECOVERY AND AVAILABILITY TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY OF CERTAIN FIREARMS, AMMUNITION, AND PARTS.

(a) IN GENERAL.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after the item relating to section 40728 the following new section:

"§ 40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries

"(a) RECOVERY.—The Secretary of the Army may recover from any country to which a grant of rifles, ammunition, repair parts, or other supplies described in section 40731(a) of this title is made under section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

"(b) COST OF RECOVERY.—(1) Except as provided in paragraph (2), the cost of recovery of any rifles, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

"(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

"(c) AVAILABILITY.—Any rifles, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance with the provisions of section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728 the following new item:

> "40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2007, as follows:

(1) The Army, 512,400.

(2) The Navy, 340,700.

(3) The Marine Corps, 180,000.

(4) The Air Force, 334,200.

SEC. 402. REPEAL OF REQUIREMENT FOR PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2007, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 200,000.

(3) The Navy Reserve, 71,300.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 107,000.

(6) The Air Force Reserve, 74,900.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2007, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 27,441.

(2) The Army Reserve, 15,416.

(3) The Navy Reserve, 12,564.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,206.

(6) The Air Force Reserve, 2,707.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2007 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,912.

(2) For the Army National Guard of the United States, 26,050.

(3) For the Air Force Reserve, 10,124.

(4) For the Air National Guard of the United States, 23,255.

SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2007, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2007, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2007, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2007, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2007 a total of $112,043,468,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2007.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2007 from the Armed Forces Retirement Home Trust Fund the sum of $54,846,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Part I—Officer Personnel Policy Generally

SEC. 501. MILITARY STATUS OF OFFICERS SERVING IN CERTAIN INTELLIGENCE COMMUNITY POSITIONS.

Section 528 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(e) Military Status.—An officer of the Armed Forces, while serving in a position covered by this section—

"(1) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense, except as directed by the Secretary or the Secretary's designee concerning reassignment from such position; and

"(2) shall not exercise, by reason of the officer's status as an officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(f) Effect of Appointment.—Except as provided in subsection (e), the appointment of an officer of the Armed Forces to a position covered by this section shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(g) Military Pay and Allowances.—(1) An officer of the Armed Forces on active duty who is appointed to a position covered by this section shall, while serving in such position and while remaining on active duty, continue to receive military pay and allowances, and shall not receive the pay prescribed for such position.

"(2) Funds from which pay and allowances under paragraph (1) are paid shall be reimbursed from the following:

"(A) Funds available to the Director of the Central Intelligence Agency, for positions within the Central Intelligence Agency.

"(B) Funds available to the Director of National Intelligence, for positions within the Office of the Director of National Intelligence.".

SEC. 502. EXTENSION OF TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).

Section 619(a)(1)(B) of title 10, United States Code, is amended by striking "October 1, 2005" and inserting "October 1, 2008".

SEC. 503. EXTENSION OF AGE LIMITS FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS.

(a) Restatement and Modification of Current Age Limits.—Section 1251 of title 10, United States Code, is amended to read as follows:

"§1251. Regular commissioned officers; exceptions

"(a) Age Limits for General and Flag Officers.—(1) Unless retired or separated earlier, each regular commissioned officer of the Army, Air Force, or Marine Corps serving in a grade at or above brigadier general, or rear admiral (lower half) in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

"(2) Notwithstanding paragraph (1), the Secretary of Defense may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

"(3) Notwithstanding paragraphs (1) and (2), the President may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

"(b) Age Limits for Other Officers.—Unless retired or separated earlier, each regular commissioned officer of the Army, Air Force, or Marine Corps other than an officer covered by section 1252 of this title or a commissioned warrant officer) serving in a grade below brigadier general, or rear admiral (lower half) in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

"(c) Deferred Retirement of Health Professions Officers.—(1) The Secretary of the military department concerned may, subject to subsection (e), defer the retirement under subsection (b) of a health professions officer if during the period of the deferment the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.

"(2) For purposes of this subsection, a health professions officer is—

"(A) a medical officer;

"(B) a dental officer; or

"(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse.

"(d) Deferred Retirement of Chaplains.—The Secretary of the military department concerned may, subject to subsection (e), defer the retirement under subsection (b) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

"(e) Limitation on Deferral of Retirements.—(1) Except as provided in paragraph (2), a deferment under subsection (c) or (d) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

"(2) The Secretary of the military department concerned may extend a deferment under subsection (c) or (d) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 63 of such title is amended by striking the item relating to section 1251 and inserting the following new item:

"1251. Regular commissioned officers; exceptions.".

SEC. 504. MODIFICATION OF AUTHORITIES ON SENIOR MEMBERS OF THE JUDGE ADVOCATE GENERAL'S CORPS.

(a) Department of the Army.—

(1) Grade of Judge Advocate General.—Subsection (a) of section 3037 of title 10, United States Code, is amended by striking the third sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(2) Redesignation of Assistant Judge Advocate General as Deputy Judge Advocate General.—Such section is further amended—

(A) in subsection (a), by striking "Assistant Judge Advocate General" each place it appears and inserting "Deputy Judge Advocate General"; and

(B) in subsection (d), by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(3) Conforming and Clerical Amendments.—(A) The heading of such section is amended by striking "**Assistant Judge Advocate General**" and inserting "**Deputy Judge Advocate General**".

(B) The table of sections at the beginning of chapter 305 of such title is amended in the item relating to section 3037 by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(b) Grade of Judge Advocate General of the Navy.—Section 5148(b) of such title is amended in subsection by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.".

(c) Grade of Judge Advocate General of the Air Force.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general."

(d) Exclusion From Active-Duty General and Flag Officer Strength and Distribution Limitations.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.".

SEC. 505. REQUIREMENT FOR SIGNIFICANT JOINT EXPERIENCE FOR OFFICERS APPOINTED AS SURGEON GENERAL OF THE ARMY, NAVY, AND AIR FORCE.

(a) Restatement and Standardization of Authorities on Surgeon General of the Army.—

(1) In General.—Chapter 305 of title 10, United States Code, is amended by inserting after section 3036 the following new section:

"§3036a. Surgeon General: appointment; grade

"(a) SURGEON GENERAL.—There is a Surgeon General of the Army who is appointed by the President, by and with the advice and consent of the Senate, from officers in any corps of the Army Medical Department.

"(b) GRADE.—The Surgeon General, while so serving, has the grade of lieutenant general.

"(c) TERM OF OFFICE.—An officer appointed as Surgeon General normally holds office for four years.

"(d) JOINT EXPERIENCE REQUIRED FOR APPOINTMENT.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if—

"(A) the Secretary of the Army requests the waiver; and

"(B) in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Army.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(2) CONFORMING AMENDMENT.—Section 3036(b) of such title is amended in the flush matter following paragraph (2) by striking the second sentence.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 305 of such title is amended by inserting after the item relating to section 3036 the following new item:

"3036a. Surgeon General: appointment; grade.".

(b) SURGEON GENERAL OF THE NAVY.—

(1) IN GENERAL.—Section 5137 of such title is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) JOINT EXPERIENCE REQUIRED FOR APPOINTMENT AS CHIEF.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if—

"(A) the Secretary of the Navy requests the waiver; and

"(B) in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Navy.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(2) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting "CHIEF.—" after "(a)"; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting "DEPUTY CHIEF.—" after "(c)".

(c) SURGEON GENERAL OF THE AIR FORCE.—The text of section 8036 of such title is amended to read as follows:

"(a) SURGEON GENERAL.—There is a Surgeon General of the Air Force who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force who are in the Air Force medical department.

"(b) GRADE.—The Surgeon General, while so serving, has the grade of lieutenant general.

"(c) JOINT EXPERIENCE REQUIRED FOR APPOINTMENT.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if—

"(A) the Secretary of the Air Force requests the waiver; and

"(B) in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Air Force.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to appointments to the position of Surgeon General of the Army, Surgeon General of the Navy, and Surgeon General of the Air Force that are made on or after that date.

SEC. 506. GRADE AND EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS OF OFFICER SERVING AS ATTENDING PHYSICIAN TO THE CONGRESS.

(a) GRADE.—

(1) REGULAR OFFICER.—(A) Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

"§722. Attending Physician to the Congress: grade

"A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"722. Attending Physician to the Congress: grade.".

(2) RESERVE OFFICER.—(A) Section 12210 of such title is amended by striking "who holds" and all that follows and inserting "holds the reserve grade of major general or rear admiral, as appropriate.".

(B) The heading of such section is amended to read as follows:

"§12210. Attending Physician to the Congress: reserve grade".

(C) The table of sections at the beginning of chapter 1205 of such title is amended by striking the item relating to section 12210 and inserting the following new item:

"12210. Attending Physician to the Congress: reserve grade.".

(b) DISTRIBUTION LIMITATIONS.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) An officer while serving as Attending Physician to the Congress is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above brigadier general or rear admiral (lower half) under subsection (a).".

(c) ACTIVE-DUTY STRENGTH LIMITATIONS.—Section 526 of such title is amended by adding at the end the following new subsection:

"(f) EXCLUSION OF ATTENDING PHYSICIAN TO THE CONGRESS.—The limitations of this section do not apply to the general or flag officer who is serving as Attending Physician to the Congress.".

SEC. 507. DISCRETIONARY SEPARATION AND RETIREMENT OF CHIEF WARRANT OFFICERS, W-4, TWICE FAILING SELECTION FOR PROMOTION.

(a) IN GENERAL.—Section 580(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ", except as provided in paragraph (5)," after "shall";

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) In the case of a warrant officer described in paragraph (1) who is in the grade of chief warrant officer, W-4, the retirement or separation of such member under this subsection shall be subject to the discretion of the Secretary concerned.".

(b) ELIGIBILITY FOR PROMOTION.—Paragraph (6) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by striking "A warrant officer" and inserting "(A) Except as provided in subparagraph (B), a warrant officer"; and

(2) by adding at the end the following new subparagraph:

"(B) A warrant officer who is retained on active duty pursuant to an exercise of the authority in paragraph (5) is eligible for further consideration for promotion while remaining on active duty.".

SEC. 508. INCREASED MANDATORY RETIREMENT AGES FOR RESERVE OFFICERS.

(a) MAJOR GENERALS AND REAR ADMIRALS.—

(1) INCREASED AGE.—Section 14511 of title 10, United States Code, is amended by striking "62 years" and inserting "64 years".

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§14511. Separation at age 64: major generals and rear admirals".

(b) BRIGADIER GENERALS AND REAR ADMIRALS (LOWER HALF).—

(1) INCREASED AGE.—Section 14510 of such title is amended by striking "60 years" and inserting "62 years".

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§14510. Separation at age 62: brigadier generals and rear admirals (lower half)".

(c) OFFICERS BELOW BRIGADIER GENERAL OR REAR ADMIRAL (LOWER HALF).—

(1) INCREASED AGE.—Section 14509 of such title is amended by striking "60 years" and inserting "62 years".

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half)".

(d) CERTAIN OTHER OFFICERS.—

(1) INCREASED AGE.—Section 14512 of such title is amended by striking "64 years" both places it appears and inserting "66 years".

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 14512. Separation at age 66: officers holding certain offices".

(e) Conforming Amendments.—Section 14508 of such title is amended—

(1) in subsection (c), by striking "60 years" and inserting "62 years"; and

(2) in subsection (d), by striking "62 years" and inserting "64 years".

(f) Clerical Amendment.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the items relating to sections 14509, 14510, 14511, and 14512 and inserting the following new items:

"14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half).
"14510. Separation at age 62: brigadier generals and rear admirals (lower half).
"14511. Separation at age 64: major generals and rear admirals.
"14512. Separation at age 66: officers holding certain offices.".

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting "active-duty or retired" after "An";

(B) by inserting "or Marine Corps" after "Navy";

(C) by inserting "or colonel, respectively" after "captain"; and

(D) by inserting "or assigned" after "detailed";

(2) in paragraph (2), by inserting "and the Commandant of the Marine Corps" after "Operations"; and

(3) in paragraph (4)(A)—

(A) by inserting "(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)" after "in the case of a civilian";

(B) by inserting "active-duty or retired" after "in the case of an"; and

(C) by inserting "or Marine Corps" after "Navy".

Part II—Officer Promotion Policy

SEC. 515. PROMOTIONS.

(a) Officers on Active-Duty List.—

(1) Clarification of Approval of Selection Board Reports.—Subsection (a)(1) of section 624 of title 10, United States Code, is amended by inserting "or a delegate of the President" after "the President".

(2) Date of Establishment of Promotion List.—Such subsection is further amended by adding at the end the following new sentence: "For promotions that occur by and with the advice and consent of the Senate, a promotion list shall be treated as being established for purposes of this chapter on the date on which the list is received by the Senate for consideration.".

(3) Uniform Procedures for Delays of Appointment upon Promotion.—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking "prescribed by the Secretary concerned" and inserting "prescribed by the Secretary of Defense"; and

(B) in paragraph (2), by striking "prescribed by the Secretary concerned" and inserting "prescribed by the Secretary of Defense".

(4) Additional Basis for Delay of Appointment.—Subsection (d)(1) of such section is further amended—

(A) in subparagraph (C), by striking "or" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; or";

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned."; and

(D) in the flush matter following subparagraph (E), as inserted by subparagraph (C) of this paragraph—

(i) by striking "or if the officer is acquitted" and inserting "if the officer is acquitted"; and

(ii) by inserting after "brought against him," the following: "or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,".

(5) Additional Basis for Delay in Appointment for Lack of Qualifications.—Subsection (d)(2) of such section is further amended—

(A) in the first sentence, by inserting before "is mentally, physically," the following: "has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or"; and

(B) in the second sentence, by striking "If the Secretary concerned later determines that the officer is qualified for promotion to such grade" and inserting "If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to such grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to such grade".

(b) Officers on Reserve Active-Status List.—

(1) Clarification of Approval of Selection Board Reports.—Subsection (a) of section 14308 of title 10, United States Code, is amended by inserting "or a delegate of the President" after "the President".

(2) Date of Establishment of Promotion List.—Such subsection is further amended by adding at the end the following new sentence: "For promotions that occur by and with the advice and consent of the Senate, a promotion list shall be treated as being established for purposes of this chapter on the date on which the list is received by the Senate for consideration.".

(3) Uniform Procedures for Delays of Appointment upon Promotion.—Section 14311 of such title is amended—

(A) in subsection (a)(1), by striking "Secretary of the military department concerned" and inserting "Secretary of Defense"; and

(B) in subsection (b), by striking "Secretary of the military department concerned" and inserting "Secretary of Defense".

(4) Additional Basis for Original Delay of Appointment.—Section 14311(a) of such title is further amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned."; and

(B) in paragraph (2)—

(i) by striking "or if the officer is acquitted" and inserting "if the officer is acquitted"; and

(ii) by inserting after "brought against him," the following: "or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,".

(5) Additional Basis for Delay in Appointment for Lack of Qualifications.—Section 14311(b) of such section is further amended—

(A) in the first sentence, by inserting before "is mentally, physically," the following: "has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or"; and

(B) in the second sentence, by striking "If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade" and inserting "If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to the higher grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to the higher grade".

(c) Deadline for Uniform Regulations on Delay of Promotions.—The Secretary of Defense shall prescribe the regulations required by section 624(d) of title 10, United States Code (as amended by subsection (a)(3) of this section), and the regulations required by section 14311 of title 10, United States Code (as amended by subsection (b)(3) of this section), not later than March 1, 2008.

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to officers on promotion lists established on or after that date.

SEC. 516. CONSIDERATION OF ADVERSE INFORMATION BY PROMOTION SELECTION BOARDS IN RECOMMENDATIONS ON OFFICERS TO BE PROMOTED.

(a) Officers on Active-Duty List.—Section 616(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.".

(b) Officers on Reserve-Active Status List.—Section 14108(b) of such title is amended—

(1) in the heading, by striking "Majority Required" and inserting "Actions Required";

(2) in paragraph (1), by striking "and" at the end;

(3) in paragraph (2), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 14107 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 517. EXPANDED AUTHORITY FOR REMOVAL FROM REPORTS OF SELECTION BOARDS OF OFFICERS RECOMMENDED FOR PROMOTION TO GRADES BELOW GENERAL AND FLAG GRADES.

(a) Officers on Active-Duty List.—Section 618(d) of title 10, United States Code, is amended—

(1) by striking "The name" and inserting "(1) Except as provided in paragraph (2), the name"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.".

(b) Officers on Reserve-Active Status List.—Section 14111(b) of such title is amended—

(1) by striking "The name" and inserting "(1) Except as provided in paragraph (2), the name"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 518. CLARIFICATION OF NONDISCLOSURE REQUIREMENTS APPLICABLE TO PROMOTION SELECTION BOARD PROCEEDINGS.

(a) Selection Board Proceedings for Active Duty Officers.—Subsection (f) of section 618 of title 10, United States Code, is amended to read as follows:

"(f)(1) Proceedings of a selection board convened under section 611 of this title shall not be disclosed to any person not a member of the board.

"(2) Discussions and deliberations of a selection board described in paragraph (1), and any written or documentary records thereof, shall—

"(A) be immune from legal process;

"(B) not be admitted as evidence; and

"(C) not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.".

(b) Selection Board Proceedings for Reserve Officers.—

(1) In general.—Section 14104 of such title is amended to read as follows:

"§14104. Nondisclosure of board proceedings

"(a) In General.—The proceedings of a selection board convened under section 14101 of this title shall not be disclosed to any person not a member of the board.

"(b) Discussions and Deliberations.—Discussions and deliberations of a selection board described in subsection (a), and any written or documentary records thereof, shall—

"(1) be immune from legal process;

"(2) not be admitted as evidence; and

"(3) not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 1403 of such title is amended by striking the item relating to section 14104 and inserting the following new item:

"14104. Nondisclosure of board proceedings.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the proceedings of any promotion selection board, whether convened before, on, or after such date.

SEC. 519. SPECIAL SELECTION BOARD AUTHORITIES.

(a) Officers on Active-Duty List.—

(1) Boards for administrative error available only to officers in or above promotion zone.—Subsection (a)(1) of section 628 of title 10, United States Code, is amended by inserting "from in or above the promotion zone" after "for selection for promotion".

(2) Actions treatable as material unfairness.—Subsection (b)(1)(A) of such section is amended by inserting "in a matter material to the decision of the board" after "contrary to law".

(b) Officers on Reserve Active-Status List.—Section 14502(b)(1)(A) of such title is amended by inserting "in a matter material to the decision of the board" after "contrary to law".

(c) Effective Date.—The amendments made by this section shall take effect on March 1, 2007, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 520. REMOVAL FROM PROMOTION LISTS OF OFFICERS RETURNED TO THE PRESIDENT BY THE SENATE.

(a) Officers on Active-Duty List.—

(1) Clarification of removal authority.—Subsection (a) of section 629 of title 10, United States Code, is amended by inserting "or a delegee of the President" after "The President".

(2) Removal following return.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following new subsection (c):

"(c)(1) If an officer or group of officers on a list of officers approved for promotion by the President and submitted to the Senate for consideration is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list at the end of the 365-day period beginning on the date of such return.

"(2) Prior to the end of the 365-day period referred to in paragraph (1), the President may extend by an additional 365 days the period specified in that paragraph for the removal of an officer or group of officers from a list of officers approved for promotion by the President.

"(3) The President may, during the period specified in paragraph (1), as extended (if at all) under paragraph (2), resubmit to the Senate any officer or group of officers removed under paragraph (1) from a list of officers approved for promotion by the President.

"(4) If an officer or group of officers resubmitted to the Senate under paragraph (3) is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list of officers approved for promotion by the President."; and

(C) in paragraph (1) of subsection (d), as redesignated by paragraph (1) of this subsection, by striking "or (b)" and inserting "(b), or (c)".

(b) Officers on Reserve Active Status List.—

(1) Clarification of removal authority.—Subsection (a) of section 14310 of such title is amended by inserting "or a delegee of the President" after "The President".

(2) Removal following return.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following new subsection (c):

"(c) Removal Following Return by the Senate to the President.—(1) If an officer or group of officers on a list of officers approved for promotion by the President and submitted to the Senate for consideration is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list at the end of the 365-day period beginning on the date of such return.

"(2) Prior to the end of the 365-day period referred to in paragraph (1), the President may extend by an additional 365 days the period specified in that paragraph for the removal of an officer or group of officers from a list of officers approved for promotion by the President.

"(3) The President may, during the period specified in paragraph (1), as extended (if at all) under paragraph (2), resubmit to the Senate any officer or group of officers removed under paragraph (1) from a list of officers approved for promotion by the President.

"(4) If an officer or group of officers resubmitted to the Senate under paragraph (3) is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list of officers approved for promotion by the President."; and

(C) in subsection (d), as redesignated by paragraph (1) of this subsection, by striking "or (b)" and inserting "(b), or (c)".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on January 1, 2007.

(2) Applicability to certain officers.—The amendments made by this section shall not apply to any officer on the active-duty list or reserve active status list whose name is on a promotion list or report of a selection board on the date of the enactment of this Act. Any officer whose name is on a promotion list as of the date of the enactment of this Act following the return of the officer's nomination to the President by the Senate and who is eligible as of that date for retirement for years of service shall be retired not later than October 1, 2008.

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) Report Required.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

Part III—Joint Officer Management Requirements

SEC. 526. MODIFICATION AND ENHANCEMENT OF GENERAL AUTHORITIES ON MANAGEMENT OF JOINT QUALIFIED OFFICERS.

(a) REDESIGNATION OF APPLICABILITY OF POLICIES TOWARD JOINT QUALIFICATION.—Subsection (a) of section 661 of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: "For purposes of this chapter, officers to be managed by such policies, procedures, and practices are referred to as 'joint qualified'.".

(b) NUMBERS AND DESIGNATION.—Subsection (b) of such section is amended—

(1) in the heading, by striking "SELECTION" and inserting "DESIGNATION";

(2) in paragraph (1), by striking "of officers with the joint specialty" and inserting "and levels of joint qualified officers";

(3) in paragraph (2)—

(A) by striking "selected for the joint specialty" and inserting "designated as joint qualified officers"; and

(B) by striking the second and third sentences and inserting the following new sentence: "Officers considered for joint qualification shall—

"(A) meet criteria prescribed by the Secretary of Defense; and

"(B) be those officers who are serving in the grade of captain or, in the case of the Navy, lieutenant, or a higher grade."; and

(4) in paragraph (3)—

(A) by striking "select officers for the joint specialty" and inserting "designate officers as joint qualified officers"; and

(B) by striking "the Deputy Secretary of Defense" and inserting "the Under Secretary of Defense for Personnel and Readiness".

(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) An officer may not be designated as a joint qualified officer until the officer—

"(A)(i) successfully completes an appropriate program at a joint professional military education school; and

"(ii) successfully completes a full tour of duty in a joint duty assignment (as described in section 664(f) of this title (other than in paragraph (2) of such section)); or

"(B) under regulations and policy prescribed by the Secretary of Defense, successfully demonstrates a mastery of knowledge, skills, and abilities in joint matters.

"(2)(A) In the case of an officer who has completed two full tours of duty in a joint duty assignment (as described in section 664(f) of this title) and demonstrates a mastery of knowledge, skills, and abilities on joint matters, the Secretary of Defense may waive the requirement that the officer have successfully completed a program of education referred to in paragraph (1)(A)(i) if the Secretary determines that the types of joint duty experiences completed by the officer have been of sufficient breadth to prepare the officer adequately for the highest level of joint qualification.

"(B) The authority of the Secretary of Defense to grant a waiver under subparagraph (A) may be delegated only to the Under Secretary of Defense for Personnel and Readiness.

"(C)(i) A waiver under subparagraph (A) may be granted only on a case-by-case basis.

"(ii) A waiver under subparagraph (A) may be granted only under circumstances justifying variation from the requirements of paragraph (1) for designation of an officer for the highest level of joint qualification as specified by the Secretary of Defense.

"(iii) In the case of a general or flag officer, a waiver under subparagraph (A) may be granted only under circumstances described in clause (ii) and circumstances in which the waiver is necessary to meet a critical need of the Armed Forces, as determined by the Chairman of the Joint Chiefs of Staff.

"(iv) In the case of officers in grades below brigadier general or rear admiral (lower half), the total number of waivers granted under subparagraph (A) for officers in the same pay grade during a fiscal year may not exceed 10 percent of the total number of officers in that pay grade selected for the highest level of joint qualification during that fiscal year.

"(D) There may not be more than 32 general and flag officers on active duty at the same time who were selected for the joint specialty or highest level of joint qualification while holding a general or flag officer grade and for whom a waiver was granted under subparagraph (A).".

(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—Subsection (d) of such section is amended to read as follows:

"(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above major or, in the case of the Navy, lieutenant commander are filled at any time by officers who have the highest level of joint qualification.

"(2) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall designate an appropriate number of joint duty assignment positions as critical joint duty assignment positions. A position may be designated as a critical joint duty assignment position only if the duties and responsibilities of the position make it important that the occupant be particularly trained in, and oriented toward, joint matters.

"(3)(A) Except as provided in subparagraph (B), a position designated under paragraph (2) may be held only by an officer who has the highest level of joint qualification.

"(B) The Secretary of Defense may waive the requirement in subparagraph (A) with respect to the assignment of an officer to a position designated under paragraph (1). Any such waiver shall be granted on a case-by-case basis. The authority of the Secretary to grant such a waiver may be delegated only to the Chairman of the Joint Chiefs of Staff.

"(4) The Secretary of Defense shall ensure that, of those joint duty assignment positions that are filled by general or flag officers, a substantial portion are among those positions that are designated under paragraph (2) as critical joint duty assignment positions.".

(e) CAREER GUIDELINES.—Subsection (e) of such section is amended by striking "officers with the joint specialty" and inserting "officers who are joint qualified officers".

(f) TREATMENT OF CERTAIN SERVICE.—Subsection (f) of such section is amended by striking "(including section 619(e)(1) of this title)".

(g) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item relating to section 661 and inserting the following new item:

"661. Management policies for joint qualified officers.".

SEC. 527. MODIFICATION OF PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

Section 662(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "and" after the semicolon; and

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) officers who are serving in or have served in joint duty assignments are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.".

SEC. 528. APPLICABILITY OF JOINT DUTY ASSIGNMENT REQUIREMENTS LIMITED TO GRADUATES OF NATIONAL DEFENSE UNIVERSITY SCHOOLS.

(a) APPLICABILITY.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "a joint professional military education school" and inserting "a school within the National Defense University"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a joint professional military education school" and inserting "a school within the National Defense University"; and

(B) in paragraph (2), by striking "a joint professional military education school" and inserting "a school referred to in paragraph (1)".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(c) SCHOOL WITHIN THE NATIONAL DEFENSE UNIVERSITY.—For purposes of this section, a school within the National Defense University includes a school as follows:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Joint Advanced Warfighting School.

"(4) The Joint Forces Staff College.".

SEC. 529. MODIFICATION OF DEFINITIONS RELATING TO JOINTNESS.

(a) MODIFICATION OF DEFINITION OF "JOINT MATTERS".—Subsection (a) of section 668 of title 10, United States Code, is amended to read as follows:

"(a) JOINT MATTERS.—In this chapter, the term 'joint matters' means matters involving the integrated use of military forces relating to national military strategy, strategic and contingency planning, and command and control of operations under unified command that may be conducted under unified action on land, sea, or air, in space, or in the information environment with participants from multiple armed forces, the armed forces and other departments and agencies of the United States Government, the armed forces and the military forces or agencies of other countries, the armed forces and nongovernmental persons or entities, or any combination thereof.".

(b) MODIFICATION OF DEFINITION OF "JOINT DUTY ASSIGNMENT".—Paragraph (1) of subsection (b) of such section is amended by striking "and shall exclude" and all that follows and inserting a period.

(c) RESTATEMENT OF DEFINITION OF "CRITICAL OCCUPATIONAL SPECIALTY".—

(1) IN GENERAL.—Section 668 of such title is further amended by adding at the end the following new subsection:

"(d) CRITICAL OCCUPATIONAL SPECIALTY.—In this chapter, the term 'critical occupational specialty' means a military occupational specialty within a combat arm of the Army, or an equivalent arm of the Navy, Air Force, and Marine Corps, that is designated by the Secretary of Defense as a critical occupational specialty because such combat arm is experiencing a severe shortage of trained officers in that military occupational specialty.".

(2) CONFORMING AMENDMENTS.—The following provisions of such title are each amended by striking "under section 661(c)(2) of this title":

(A) Section 664(c)(2).

(B) Section 667(3).

SEC. 530. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) CONDITION.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

"§529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency

"As a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, an officer shall acknowledge that upon termination of service in such position the officer shall be retired in accordance with section 1253 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

"529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency.".

(b) RETIREMENT.—

(1) IN GENERAL.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

"§1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency

"Upon termination of the appointment of an officer to the position of Director of National Intelligence or Director of the Central Intelligence Agency, the Secretary of the military department concerned shall retire the officer under any provision of this title under which the officer is eligible to retire.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

"1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

Subtitle B—Reserve Component Personnel Matters

SEC. 531. ENHANCED FLEXIBILITY IN THE MANAGEMENT OF RESERVE COMPONENT PERSONNEL.

(a) CLARIFICATION OF DEFINITION OF "ACTIVE GUARD AND RESERVE DUTY" UNDER TITLE 10, UNITED STATES CODE.—Section 101(d)(6)(A) of title 10, United States Code, is amended—

(1) by striking "or full-time National Guard duty" the first place it appears;

(2) by striking "to active duty or" and inserting "to";

(3) by striking "Guard, pursuant" and inserting "Guard pursuant"; and

(4) by inserting a comma before "for a period".

(b) EXPANSION OF ACTIVE GUARD AND RESERVE DUTY TO INCLUDE SUPPORT OF RESERVE COMPONENT OPERATIONS AND ADDITIONAL INSTRUCTION AND TRAINING.—Section 12310 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ACTIVE GUARD AND RESERVE DUTY.—The Secretary concerned may order a Reserve ordered to or retained on active duty under section 12301(d) of this title to perform active Guard and Reserve duty.

"(b) ADDITIONAL DUTIES.—A Reserve on active duty as described in subsection (a) who is performing active Guard and Reserve duty pursuant to an order under that subsection may be assigned additional duties (to the extent such duties do not interfere with the performance by the Reserve of active Guard and Reserve duty under that subsection) as follows:

"(1) Supporting operations or missions assigned in whole or in part to the reserve components.

"(2) Supporting operations or missions performed or to be performed by—

"(A) a unit composed of elements from more than one component of the same armed force; or

"(B) a joint forces unit that includes—

"(i) one or more reserve component units; or

"(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

"(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the combatant commands on reserve component matters.

"(4) Instructing or training members of the armed forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.

"(c) GRADE WHEN ORDERED TO ACTIVE DUTY.—A Reserve ordered to active duty under subsection (a) shall be ordered in his reserve grade. While so serving, he continues to be eligible for promotion as a Reserve, if he is otherwise qualified."; and

(3) in paragraph (1) of subsection (d), as so redesignated—

(A) by striking "Notwithstanding subsection (b), a Reserve" and inserting "A Reserve"; and

(B) by striking "functions" and inserting "duty".

(c) EXPANSION OF DUTIES OF MILITARY TECHNICIANS (DUAL STATUS).—

(1) GENERAL DUTIES.—Section 10216(a)(1)(C) of such title is amended by striking "administration and" and inserting "organizing, administering, instructing, or".

(2) SUPPORT OF RESERVE COMPONENT OPERATIONS AND ADDITIONAL INSTRUCTION AND TRAINING.—Chapter 1007 of such title is amended by inserting after section 10216 the following new section:

"§10216a. Military technicians (dual status): additional duties

"A military technician (dual status) who is employed under section 3101 of title 5 may perform additional duties (to the extent such duties do not interfere with the performance by the military technician of duties assigned under section 10216(a)(1)(C) of this title) as follows:

"(1) Supporting operations or missions assigned in whole or in part to the military technician's unit.

"(2) Supporting operations or missions performed or to be performed by—

"(A) a unit composed of elements from more than one component of the military technician's armed force; or

"(B) a joint forces unit that includes—

"(i) one or more units of the military technician's reserve component; or

"(ii) a member of the military technician's reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

"(3) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10216 the following new item:

"10216a. Military technicians (dual status): additional duties.".

(d) ORDER OF NATIONAL GUARD MEMBERS TO PERFORM NATIONAL GUARD ACTIVE GUARD AND RESERVE DUTY AND ADDITIONAL DUTIES.—

(1) DEFINITION OF "NATIONAL GUARD ACTIVE GUARD AND RESERVE DUTY".—Section 101 of title 32, United States Code, is amended by adding at the end the following:

"(20)(A) 'National Guard active Guard and Reserve duty' means full-time National Guard duty performed by a member of the National Guard pursuant to an order to full-time National Guard duty, for a period of 180 consecutive days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

"(B) Such term does not include the following:

"(i) Duty performed as a member of the Reserve Forces Policy Board under section 10301 of title 10.

"(ii) Duty performed as a property and fiscal officer under section 708 of this title.

"(iii) Duty performed for the purpose of interdiction and counter-drug activities for which funds have been provided under section 112 of this title.

"(iv) Duty performed as a general or flag officer.

"(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).".

(2) ORDER TO PERFORM DUTY.—Chapter 3 of such title is amended by adding at the end the following new section:

"§ 328. National Guard active Guard and Reserve duty; additional duties

"(a) AUTHORITY TO ORDER TO DUTY.—The Governor of his State or Territory or Puerto Rico, or commanding general of the District of Columbia National Guard, as the case may be, with the consent of the Secretary concerned, may order a member of the National Guard to perform National Guard active Guard and Reserve duty.

"(b) NATURE OF DUTY.—(1) A member of the National Guard may be ordered to perform duty under subsection (a)—

"(A) without his consent, but with the pay and allowances provided by law; or

"(B) with his consent, either with or without pay and allowances.

"(2) Duty without pay shall be considered for all purposes as if it were duty with pay.

"(c) DUTIES.—A member of the National Guard performing duty under subsection (a) may perform the following additional duties (to the extent such duties do not interfere with the performance by the member of National Guard active Guard and Reserve duty under that subsection) as follows:

"(1) Support of operations or missions undertaken by the member's unit at the request of the President or the Secretary of Defense.

"(2) Support of Federal training operations or Federal training missions assigned in whole or in part to the member's unit.

"(3) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"328. National Guard active Guard and Reserve duty: additional duties.".

(e) EXPANSION OF DUTIES OF NATIONAL GUARD TECHNICIANS.—Section 709(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking "administration and" and inserting "organizing, administering, instructing, or"; and

(B) by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the performance of additional duties (to the extent such duties do not interfere with the performance by the technician of duties under paragraphs (1) and (2)) as follows:

"(A) Support of operations or missions undertaken by the technician's unit at the request of the President or the Secretary of Defense.

"(B) Support of Federal training operations or Federal training missions assigned in whole or in part to the technician's unit.

"(C) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.".

SEC. 532. EXPANSION OF ACTIVITIES AUTHORIZED FOR RESERVES UNDER WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) IN GENERAL.—Subsection (d) of section 12310 of title 10, United States Code, as redesignated and amended by section 531(b) of this Act, is further amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting "in the United States, Canada, or the United Mexican States" after "title)"; and

(ii) by striking "or" at the end;

(B) in subparagraph (B)—

(i) by inserting ", Canada, or the United Mexican States" after "United States"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(C) the intentional or unintentional release of nuclear, biological, radiological, or toxic or poisonous chemical materials in the United States, Canada, or the United Mexican States that results, or could result, in catastrophic loss of life or property; or

"(D) a natural or manmade disaster in the United States, Canada, or the United Mexican States that results, or could result, in catastrophic loss of life or property."; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

"(3)(A) A Reserve may perform duties described in subparagraph (A), (B), or (C) of paragraph (1)—

"(i) only while assigned to a reserve component civil support team; and

"(ii) if performing those duties in Canada or the United Mexican States, only after being ordered to active duty under this title.

"(B) A Reserve may perform the duties described in paragraph (1)(D)—

"(i) only while assigned to a reserve component civil support team;

"(ii) only with the approval of the Secretary of Defense; and

"(iii) if performing those duties in Canada or the United Mexican States, only after being ordered to active duty under this title.

"(C) Any duties described in paragraph (1) that are performed in Canada or the United Mexican States may occur, with consultation of the Secretary of State, at any distance beyond the borders of the United States with such country as is agreed to by appropriate authorities in such country.".

(b) DEFINITION OF "UNITED STATES".—Such subsection is further amended by adding at the end the following new paragraph:

"(7) In this subsection, the term 'United States' means each of the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.".

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in the heading, by inserting ", TERRORIST ATTACK, AND NATURAL OR MANMADE DISASTER" after "MASS DESTRUCTION";

(2) in paragraph (5), by striking "rapid assessment element team" and inserting "civil support team"; and

(3) in paragraph (6)(B), by striking "paragraph (3)(B)" and inserting "that paragraph".

SEC. 533. MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) ANNUITIES AND PAY OF MEMBERS ON FEDERAL REEMPLOYMENT.—Subsection (e) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1882), as amended by section 516 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3237), is further amended by adding at the end the following new paragraph:

"(3) If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, the chairman of the Commission may exercise, with respect to the members of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.".

(b) FINAL REPORT.—Subsection (f)(2) of such section 513 is amended by striking "one year" and inserting "18 months".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. The amendment made by subsection (a) shall apply to members of the Commission on the National Guard and Reserves appointed on or after that date.

SEC. 534. PILOT PROGRAM ON REINTEGRATION OF MEMBERS OF THE NATIONAL GUARD INTO CIVILIAN LIFE AFTER DEPLOYMENT.

(a) PILOT PROGRAM REQUIRED.—The Secretary of the Army shall carry out a pilot program to assess the feasibility and advisability of utilizing the mechanisms specified in this section to facilitate the reintegration of members of the National Guard into civilian life after their return from deployment overseas.

(b) LIMITATION ON LOCATION.—The pilot program required by subsection (a) may only be carried out in a State that has a National Guard brigade that is returning from deployment overseas during the period of the pilot program.

(c) PROGRAM ELEMENTS.—The mechanisms under the pilot program required by subsection (a) shall include the following:

(1) INITIAL REINTEGRATION TRAINING.—Training (to be known as "initial reintegration training") of members of the National Guard described in subsection (a) to facilitate the reintegration of such members with their families and communities after their return from deployment as described in that subsection. Such training shall be conducted immediately after the return of such members from such deployment. Participation in such training shall be voluntary.

(2) 30-DAY REINTEGRATION TRAINING.—Training (to be known as "30-day reintegration training") of members of the National Guard described in subsection (a) to assist such members in identifying the signs and symptoms of combat stress. Such training shall be conducted approximately 30 days after provision of training under paragraph (1). Participation in such training shall be voluntary.

(3) 60-DAY REINTEGRATION TRAINING.—Training (to be known as "60-day reintegration training") of members of the National Guard described in subsection (a) to assist such members in matters relating to combat stress, including chemical dependency, anger management, and gambling abuse. Such training shall be conducted approximately 30 days after provision of training under paragraph (2). Participation in such training shall be voluntary.

(4) 90-DAY REINTEGRATION TRAINING.—Training (to be known as "90-day reintegration training") of members of the National Guard described in subsection (a) to ensure a thorough physical and mental health assessment of such members after deployment as described in that subsection. Such training

shall be conducted approximately 30 days after provision of training under paragraph (3). Participation in such training shall be voluntary.

(5) EDUCATIONAL MATERIALS.—The development and distribution of educational materials for families of members of the National Guard described in subsection (a), and for the communities in which such members and families reside, on matters relating to the reintegration of such members into civilian life after their return from deployment overseas.

(d) REPORT.—Not later than one year after the commencement of the pilot program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report shall include—

(1) a description of the activities undertaken under the pilot program;

(2) an assessment of the effectiveness of such mechanisms in facilitating the reintegration of members of the National Guard into civilian life after their return from deployment overseas; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(e) FUNDING.—Of the amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard, $6,663,000 may be available for the pilot program required by subsection (a).

Subtitle C—Military Justice and Related Matters

SEC. 551. APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO MEMBERS OF THE ARMED FORCES ORDERED TO ACTIVE DUTY OVERSEAS IN INACTIVE DUTY FOR TRAINING STATUS.

Not later than March 1, 2007, the Secretaries of the military departments shall prescribe regulations, or amend current regulations, in order to provide that officers and enlisted personnél of the Armed Forces who are ordered to active duty at locations overseas in an inactive duty for training status are subject to the jurisdiction of the Uniform Code of Military Justice, pursuant to the provisions of section 802(a)(3) of title 10, United States Code (article 2(a)(3) of the Uniform Code of Military Justice), continuously from the commencement of execution of such orders to the conclusion of such orders.

SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking "war" and inserting "declared war or a contingency operation".

Subtitle D—Education and Training Matters

SEC. 561. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT MEDICAL SCHOOLS.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004 the following new section:

"§2004a. Detail of commissioned officers as students at medical schools

"(a) DETAIL AUTHORIZED.—The Secretary of each military department may detail commissioned officers of the Armed Forces as students at accredited medical schools or schools of osteopathy located in the United States for a period of training leading to the degree of doctor of medicine. No more than 25 officers from each military department may commence such training in any single fiscal year.

"(b) ELIGIBILITY FOR DETAIL.—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

"(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

"(2) sign an agreement that unless sooner separated the officer will—

"(A) complete the educational course of medical training;

"(B) accept transfer or detail as a medical officer within the military department concerned when the officer's training is completed; and

"(C) agree to serve on active duty following completion of training for a period of two years for each year or part thereof of the officer's medical training under subsection (a).

"(c) SELECTION OF OFFICERS FOR DETAIL.—Officers detailed for medical training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

"(d) RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

"(e) EXPENSES.—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

"(f) FAILURE TO COMPLETE PROGRAM.—(1) An officer who is dropped from a program of medical training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

"(2) In no case shall an officer be required to serve on active duty under this subsection for any period in excess of one year for each year or part thereof the officer participated in the program.

"(g) LIMITATION ON DETAILS.—(1) No agreement detailing an officer of the Armed Forces to an accredited medical school or school of osteopathy may be entered into during any period in which the President is authorized by law to induct persons into the Armed Forces involuntarily.

"(2) Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the Armed Forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004 the following new item:

"2004a. Detail of commissioned officers as students at medical schools.".

SEC. 562. EXPANSION OF ELIGIBILITY TO PROVIDE JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTION.

(a) ELIGIBILITY OF RETIRED MEMBERS OF NATIONAL GUARD AND RESERVES.—Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Instead of, or in addition to, the detailing of active duty officers and noncommissioned officers under subsection (c)(1), and the employment of retired officers, noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve under subsection (d), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program retired officers and noncommissioned officers who qualify for retired pay for non-regular service under section 12731 of this title (other than those who qualify for age under subsection (a)(1) of such section) whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

"(1) The Secretary shall pay to the institution an amount equal to one-half of the amount paid to the member by the institution for any period up to a maximum of one-half of the difference between the retired or retainer pay for an active duty officer or noncommissioned offer of the same grade and years of service for such period and the active duty pay and allowances which the member would have received for such period if on active duty. Amounts may be paid with respect to members under this subsection after such members reach the age of 60. Payments by the Secretary under this paragraph shall be made from funds appropriated for that purpose.

"(2) Notwithstanding any other provision of law, such a member is not, while so employed, considered to be on active duty or inactive duty training for any purpose.".

(b) CLARIFICATION OF STATUS OF RETIRED MEMBERS CURRENTLY PROVIDING INSTRUCTION.—Subsection (d) of such section is amended in the matter preceding paragraph (1) by striking "and noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve" and inserting ", noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve who are drawing retired or retained pay".

SEC. 563. INCREASE IN MAXIMUM AMOUNT OF REPAYMENT UNDER EDUCATION LOAN REPAYMENT FOR OFFICERS IN SPECIFIED HEALTH PROFESSIONS.

(a) INCREASE IN MAXIMUM AMOUNT.—Section 2173(e)(2) of title 10, United States Code, is amended by striking "$22,000" and inserting "$60,000".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect agreements entered into under section 2173 of title 10, United States Code, on or after that date.

(2) PROHIBITION ON ADJUSTMENT.—The adjustment required by the second sentence of section 2173(e)(2) of title 10, United States Code, to be made on October 1, 2006, shall not be made.

SEC. 564. INCREASE IN BENEFITS UNDER HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) STIPEND.—Section 2121(d) of title 10, United States Code, is amended—

(1) by striking "the rate of $579 per month" and inserting "in an amount not to exceed $30,000 per year"; and

(2) by striking "That rate" and inserting "The maximum amount of the stipend".

(b) ANNUAL GRANT.—Section 2127(e) of such title is amended—

(1) by striking "$15,000" and inserting "in an amount not to exceed $45,000"; and

(2) by striking "The amount" and inserting "The maximum amount".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

(d) Prohibition on Adjustments in 2007.—No adjustment under subsection (d) of section 2122 of title 10, United States Code, in the maximum amount of the stipend payable under such section 2122, and no adjustment under subsection (e) of section 2127 of such title in the maximum amount of the annual grant payable under such section 2127, shall be made in 2007.

SEC. 565. REPORT ON HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) Report Required.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the health professions scholarship and financial assistance program for active service under subchapter I of chapter 105 of title 10, United States Code.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An assessment of the success of each military department in achieving its recruiting goals under the health professions scholarship and financial assistance program for active service during each of fiscal years 2000 through 2006.

(2) If any military department failed to achieve its recruiting goals under the program during any fiscal year covered by paragraph (1), an explanation of the failure of the military department to achieve such goal during such fiscal year.

(3) An assessment of the adequacy of the stipend authorized by section 2121(d) of title 10, United States Code, in meeting the objectives of the program.

(4) Such recommendations for legislative or administrative action as the Secretary considers appropriate to enhance the effectiveness of the program in meeting the annual recruiting goals of the military departments for medical personnel covered by the program.

SEC. 566. EXPANSION OF INSTRUCTION AVAILABLE AT THE NAVAL POSTGRADUATE SCHOOL FOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) Certificate Programs and Courses.—Subparagraph (C) of subsection (a)(2) of section 7045 of title 10, United States Code, is amended by striking "Navy or Marine Corps" and inserting "armed forces".

(b) Graduate Level Instruction.—Such subsection is further amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D)(i) The Secretary may, pursuant to regulations prescribed by the Secretary, permit an eligible enlisted member of the armed forces to receive graduate level instruction at the Naval Postgraduate School in a program leading to a master's degree in a technical, analytical, or engineering curricula.

"(ii) To be eligible for instruction under this subparagraph, an enlisted member shall hold a baccalaureate degree granted by an institution of higher education.

"(iii) Instruction shall be provided under this subparagraph on a space-available basis.

"(iv) An enlisted member who successfully completes a course of instruction under this subparagraph may be awarded a master's degree under section 7048 of this title.

"(v) The regulations prescribed under clause (i) may include criteria for eligibility of enlisted members for instruction under this subparagraph and obligations for further service in the armed forces by enlisted members relating to receipt of such instruction."; and

(3) in subparagraph (E), as so redesignated, by striking "and (C)" and inserting "(C), and (D)".

(c) Conforming Amendment.—Subsection (b)(2) of such section is amended by striking "(a)(2)(D)" and inserting "(a)(2)(E)".

(d) Repeal of Certain Requirements on Instruction.—Section 526 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking subsections (c) and (d).

SEC. 567. MODIFICATION OF ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.

(a) Clarification of Scope of Actions.—Section 527 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1468; 10 U.S.C. 4331 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting "Sexual" before "Violence"; and

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "personnel of" and inserting "cadets at";

(ii) in subparagraph (B), by striking "personnel of" and inserting "midshipmen at"; and

(iii) in subparagraph (C), by striking "personnel of" and inserting "cadets at";

(2) by inserting "sexual" before "violence" each place it appears; and

(3) by striking "academy personnel" each place it appears and inserting "cadets or midshipmen".

(b) Assessments of Academy Policies.—

(1) Administration of assessments.—Subsection (b) of such section is further amended—

(A) in paragraph (1)—

(i) by striking "to conduct" and inserting "to provide"; and

(ii) by inserting "(to be administered by the Department of Defense)" after "an assessment"; and

(B) in paragraph (2), by striking "shall conduct" and inserting "shall provide for the conduct of".

(2) Schedule for assessments.—Such subsection is further amended—

(A) in the subsection caption, by striking "Annual Assessment" and inserting "Assessments Required";

(B) in paragraph (1), by inserting "specified in paragraph (2)" after "each program year"; and

(C) in paragraph (2), by striking "2007, and 2008" and inserting "2008, and 2010".

(c) Reports on Activities on Campus.—Subsection (c) of such section is further amended—

(1) in the subsection caption, by striking "Annual Report" and inserting "Reports";

(2) in paragraph (1), by striking "2007, and 2008" and inserting "2008, and 2010";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "The annual report" and inserting "The report"; and

(B) in subparagraph (D), by striking "each of the subsequent academy program years" and inserting "each other academy program year covered by this subsection"; and

(4) in paragraphs (3) and (4), by striking "the annual" and inserting "each".

(d) Conforming Amendment.—The heading of such section is amended to read as follows:

"SEC. 527. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.".

SEC. 568. DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS.

(a) Policy Required.—

(1) In general.—Not later than July 1, 2007, the Secretary of Defense shall prescribe the policy of the Department of Defense on—

(A) whether to authorize graduates of the service academies and the Reserve Officers' Training Corps to participate in professional sports before the completion of their obligations for service on active duty as commissioned officers; and

(B) if so, the obligations for service on active duty as commissioned officers of such graduates who participate in professional sports before the satisfaction of the obligations referred to in subparagraph (A).

(2) Review of current policies.—In prescribing the policy, the Secretary shall review current policies, practices, and regulations of the military departments on the obligations for service on active duty as commissioned officers of graduates of the service academies and the Reserve Officers' Training Corps, including policies on authorized leaves of absence and policies under excess leave programs.

(3) Considerations.—In prescribing the policy, the Secretary shall take into account the following:

(A) The compatibility of participation in professional sports (including training for professional sports) with service on active duty in the Armed Forces or as a member of a reserve component of the Armed Forces.

(B) The benefits for the Armed Forces of waiving obligations for service on active duty for cadets, midshipmen, and commissioned officers in order to permit such individuals to participate in professional sports.

(C) The manner in which the military departments have resolved issues relating to the participation of personnel in professional sports, including the extent of and any reasons for, differences in the resolution of such issues by such departments.

(D) The recoupment of the costs of education provided by the service academies or under the Reserve Officers' Training Corps program if graduates of the service academies or the Reserve Officers' Training Corps, as the case may be, do not complete the period of obligated service to which they have agreed by reason of participation in professional sports.

(E) Any other matters that the Secretary considers appropriate.

(b) Elements of Policy.—The policy prescribed under subsection (a) shall address the following matters:

(1) The eligibility of graduates of the service academies and the Reserve Officers' Training Corps for a reduction in the obligated length of service on active duty as a commissioned officer otherwise required of such graduates on the basis of their participation in professional sports.

(2) Criteria for the treatment of an individual as a participant or potential participant in professional sports.

(3) The effect on obligations for service on active duty as a commissioned officer of any unsatisfied obligations under prior enlistment contracts or other forms of advanced education assistance.

(4) Any authorized variations in the policy that are warranted by the distinctive requirements of a particular Armed Force.

(5) The eligibility of individuals for medical discharge or disability benefits as a result of injuries incurred while participating in professional sports.

(6) A prospective effective date for the policy and for the application of the policy to individuals serving on such effective date as a commissioned officer, cadet, or midshipman.

(c) APPLICATION OF POLICY TO ARMED FORCES.—Not later than December 1, 2007, the Secretary of each military department shall prescribe regulations, or modify current regulations, in order to implement the policy prescribed by the Secretary of Defense under subsection (a) with respect to the Armed Forces under the jurisdiction of such Secretary.

SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) REPORT.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) INTERIM AUTHORITY.—A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

SEC. 570. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

"(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

"(b) SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

"(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of a baccalaureate degree from an institution of higher learning.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

"(c) NON-SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

"(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2033. Instructor qualifications.".

SEC. 570A. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), to which such amendments relate.

Subtitle E—Defense Dependents Education Matters

SEC. 571. FUNDING FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) FUNDING FOR FISCAL YEAR 2007.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under section 572(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b); and

(2) $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under section 572(b) of that Act.

(b) TREATMENT OF FUNDING FOR NOTIFICATION PURPOSES.—The funding provided under subsection (a) for fiscal year 2007 shall be treated as funding for that fiscal year for purposes of the notification of local educational agencies required by section 572(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3272).

(c) TRANSITION OF MILITARY DEPENDENTS FROM MILITARY TO CIVILIAN SCHOOLS.—

(1) IN GENERAL.—The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of dependents of members of the Armed Forces from attendance in Department of Defense dependent schools to civilian schools in systems operated by local educational agencies.

(2) UTILIZATION OF EXISTING RESOURCES.—In working with the Secretary of Education under paragraph (1), the Secretary of Defense may utilize funds authorized to be appropriated for operation and maintenance for Defense-wide activities to share expertise and experience of the Department of Defense Education Activity with local educational agencies as dependents of members of the Armed Forces make the transition from attendance at Department of Defense dependent schools to attendance at civilian schools in systems operated by such local educational agencies, including such transitions resulting from defense base closure and realignment, global rebasing, and force restructuring.

(3) DEFINITIONS.—In this subsection:

(A) The term "expertise and experience", with respect to the Department of Defense Education Activity, means resources of such activity relating to—

(i) academic strategies which result in increased academic achievement;

(ii) curriculum development consultation and materials;

(iii) teacher training resources and materials;

(iv) access to virtual and distance learning technology capabilities and related applications for teachers; and

(v) such other services as the Secretary of Defense considers appropriate to improve the academic achievement of such students.

(B) The term "local educational agency" has the meaning given that term in section

8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) Expiration.—The authority of the Secretary of the Defense under this subsection shall expire on September 30, 2011.

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

SEC. 573. PLAN TO ASSIST LOCAL EDUCATIONAL AGENCIES EXPERIENCING GROWTH IN ENROLLMENT DUE TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BRAC.

(a) Plan Required.—Not later than January 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

(1) Force structure changes.

(2) The relocation of a military unit.

(3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An identification, current as of the date of the report, of the total number of military dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including—

(A) an identification of the military installations affected by such arrivals and departures;

(B) an estimate of the number of such students arriving at or departing from each such installation; and

(C) the anticipated schedule of such arrivals and departures.

(2) Such recommendations as the Office of Economic Adjustment of the Department of Defense considers appropriate for means of assisting affected local educational agencies in accommodating increases in enrollment of military dependent students as a result of any such event.

(3) A plan for outreach to be conducted to affected local educational agencies, commanders of military installations, and members of the Armed Forces and civilian personnel of the Department of Defense regarding information on the assistance to be provided under the plan under subsection (a).

(c) Update.—Not later than July 1, 2007, and every six months thereafter through January 1, 2011, the Secretary shall submit to the congressional defense committees an update of the report required by subsection (a). Each update shall include an update of each matter required under subsection (b) current as of the date of such update.

(d) Definitions.—In this section:

(1) The term "base closure law" has the meaning given that term in section 101 of title 10, United States Code.

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term "military dependent students" refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

SEC. 574. PILOT PROGRAM ON PARENT EDUCATION TO PROMOTE EARLY CHILDHOOD EDUCATION FOR DEPENDENT CHILDREN AFFECTED BY MILITARY DEPLOYMENT OR RELOCATION OF MILITARY UNITS.

(a) Pilot Program Required.—The Secretary of Defense shall carry out a pilot program on the provision of educational and support tools to the parents of preschool-age children—

(1) whose parent or parents serve as members of the Armed Forces on active duty (including members of the Selected Reserve on active duty pursuant to a call or order to active duty of 180 days or more); and

(2) who are affected by the deployment of their parent or parents or the relocation of the military unit of which their parent or parents are a member.

(b) Purpose.—The purpose of the pilot program is to develop models for improving the capability of military child and youth programs on or near military installations to provide assistance to military parents with young children through a program of activities focusing on the unique needs of children described in subsection (a).

(c) Duration of Program.—The pilot program shall commence on October 1, 2007, and shall conclude on September 30, 2010.

(d) Scope of Program.—The pilot program shall utilize one or more models (demonstrated through research) of universal access of parents of children described in subsection (a) to assistance under the pilot program in order to achieve the following goals:

(1) The identification and mitigation of specific risk factors for such children related to military life.

(2) The maximization of the educational readiness of such children.

(e) Locations.—

(1) In general.—The pilot program shall be carried out at military installations selected by the Secretary for purposes of this section from among military installations whose military personnel are experiencing significant transition or deployment or which are undergoing transition as a result of the relocation or activation of military units or activities relating to defense base closure and realignment.

(2) Selection of certain installations.—At least one of the installations selected by the Secretary under paragraph (1) shall be an installation that permits the meaningful evaluation of a model under subsection (d) that provides outreach to parents in families with a parent who is a member of the National Guard or Reserve, which families live more than 40 miles from the installation so selected.

(f) Goals of Participating Installations.—Appropriate personnel at each military installation selected for participation in the pilot program shall develop goals, and specific outcome measures with respect to such goals, for the conduct of the pilot program at such installation.

(g) Evaluation.—

(1) Evaluation required.—Upon completion of the pilot program at a military installation, the personnel referred to in subsection (f) at such installation shall conduct an evaluation and assessment of the success of the pilot program at such installation in meeting the goals developed under that subsection.

(2) Report.—Upon completion of the evaluations under paragraph (1) for all military installations participating in the pilot program, the Secretary of Defense shall submit to the congressional defense committees a report on such evaluations. The report shall describe the results of such evaluations, and may include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such evaluations, including recommendations for the continuation of the pilot program.

(h) Guidelines.—The Secretary shall issue guidelines applicable to the pilot program, including guidelines on the goals to be developed under subsection (f), specific outcome measures, and guidelines on the selection of curriculum and the conduct of developmental screening under the pilot program.

(i) Funding.—Of the amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $1,500,000 shall be available to carry out the pilot program in fiscal year 2007.

Subtitle F—Other Matters

SEC. 581. ADMINISTRATION OF OATHS.

(a) In General.—Section 502 of title 10, United States Code, is amended by striking the flush matter at the end and inserting the following new flush matter:

"This oath may be taken before the President, the Vice President, the Secretary of Defense, any commissioned officer of any armed force, or any other person designated under regulations prescribed by the Secretary of Defense.".

(b) Conforming Amendment.—Section 1031 of such title is amended by striking "Any commissioned officer" and all that follows through "on active duty," and inserting "The President, the Vice President, the Secretary of Defense, any commissioned officer of an armed force, or any other person designated under regulations prescribed by the Secretary of Defense".

SEC. 582. MILITARY ID CARDS FOR RETIREE DEPENDENTS WHO ARE PERMANENTLY DISABLED.

(a) In General.—Subsection (a) of section 1060b of title 10, United States Code, is amended to read as follows:

"(a) Issuance of Permanent ID Card.—(1) In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent as follows:

"(A) A retiree dependent who has attained 75 years of age.

"(B) A retiree dependent who is permanently disabled.

"(2) A permanent ID card shall be issued to a retiree dependent under paragraph (1)(A) upon the expiration, after the retiree dependent attains 75 years of age, of any earlier, renewable military card or, if earlier, upon the request of the retiree dependent after attaining age 75.".

(b) Conforming and Clerical Amendments.—

(1) Heading amendment.—The heading of such section is amended to read as follows:

"§ 1060b. Military ID cards: dependents and survivors of retirees".

(2) Clerical amendment.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1060b and inserting the following new item:

"1060b. Military ID cards: dependents and survivors of retirees.".

SEC. 583. MILITARY VOTING MATTERS.

(a) Repeal of Periodic Inspector General Installation Visits for Assessment of Voting Assistance Programs.—Section 1566 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 1, 2007, the Comptroller General of the United States shall submit to Congress a report containing the assessment of the Comptroller General with respect to the following:

(1) The programs and activities undertaken by the Department of Defense to facilitate voter registration, transmittal of ballots to absentee voters, and voting utilizing electronic means of communication (such as electronic mail and fax transmission) for military and civilian personnel covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) The progress of the Department of Defense and the Election Assistance Commission in developing a secure, deployable system for Internet-based electronic voting pursuant to the amendment made by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1919).

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) FUTURE ELECTIONS.—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

SEC. 584. PRESENTATION OF MEDAL OF HONOR FLAG TO PRIMARY NEXT OF KIN OF MEDAL OF HONOR RECIPIENTS.

(a) ARMY RECIPIENTS.—Section 3755 of title 10, United States Code, is amended—

(1) by inserting "(a) PRESENTATION TO MEDAL OF HONOR RECIPIENTS.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) PRESENTATION TO PRIMARY NEXT OF KIN.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(b) NAVY AND MARINE CORPS RECIPIENTS.—Section 6257 of such title is amended—

(1) by inserting "(a) IN GENERAL.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) PRESENTATION TO PRIMARY NEXT OF KIN.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(c) AIR FORCE RECIPIENTS.—Section 8755 of such title is amended—

(1) by inserting "(a) IN GENERAL.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) PRESENTATION TO PRIMARY NEXT OF KIN.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(d) COAST GUARD RECIPIENTS.—Section 505 of title 14, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) PRESENTATION TO PRIMARY NEXT OF KIN.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Homeland Security in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

SEC. 585. MODIFICATION OF EFFECTIVE PERIOD OF AUTHORITY TO PRESENT RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

Subsection (d) of section 2261 of title 10, United States Code, is amended to read as follows:

"(d) EFFECTIVE PERIOD.—The authority under this section shall be in effect during the period of any war or national emergency declared by the President or Congress.".

SEC. 586. MILITARY SEVERELY INJURED CENTER.

(a) CENTER REQUIRED.—In support of the comprehensive policy on the provision of assistance to severely wounded or injured servicemembers required by section 563 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3269; 10 U.S.C. 113 note), the Secretary of Defense shall establish within the Department of Defense a center to augment and support the programs and activities of the military departments for the provision of such assistance, including the programs of the military departments referred to in subsection (c).

(b) DESIGNATION.—The center established under subsection (a) shall be known as the "Military Severely Injured Center" (in this section referred to as the "Center").

(c) PROGRAMS OF THE MILITARY DEPARTMENTS.—The programs of the military departments referred to in this subsection are as follows:

(1) The Army Wounded Warrior Support Program.

(2) The Navy Safe Harbor Program.

(3) The Palace HART Program of the Air Force.

(4) The Marine for Life Injured Support Program of the Marine Corps.

(d) ACTIVITIES OF CENTER.—

(1) IN GENERAL.—The Center shall carry out such programs and activities to augment and support the programs and activities of the military departments for the provision of assistance through individual case management to severely wounded or injured servicemembers and their families as the Secretary of Defense, in consultation with the Secretaries of the military departments and the heads of other appropriate departments and agencies of the Federal Government (including the Department of Labor and the Department of Veterans Affairs), shall assign the Center.

(2) DATABASE.—The activities of the Center under this subsection shall include the establishment and maintenance of a central database of information for purposes of tracking severely wounded or injured servicemembers.

(e) RESOURCES.—The Secretary of Defense shall allocate to the Center such personnel and other resources as the Secretary of Defense, in consultation with the Secretaries of the military departments, considers appropriate in order to permit the Center to carry out effectively the programs and activities assigned to the Center under subsection (d).

SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committee on Armed Services of the Senate and House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

SEC. 588. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving

their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter to relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

SEC. 589. PURPLE HEART AWARD ELIGIBILITY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use.

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit.

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952; Executive Order 11016, dated April 25, 1962; and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) DETERMINATION.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941, and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of title 10, but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) REQUIREMENTS.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart; and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff.

(d) REPORT.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

SEC. 590. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.

(a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

"(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

"(A) provide for the provision of such briefings by fully qualified Department personnel;

"(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

"(C) ensure that—

"(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

"(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

"(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.".

SEC. 591. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term "military identification card" has the meaning given the term "military ID card" in section 1060b(b)(1) of title 10, United States Code.

SEC. 592. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) SUPPORT FOR FUNERAL HONORS DETAILS COMPOSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

"(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

"(3) The support provided under this subsection may include the following:

"(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

"(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting "and subsection (e)" after "paragraph (1)(A)"; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting "(other than a requirement in subsection (e)" after "pursuant to this section".

(b) USE OF EXCESS M–1 RIFLES FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.";

(2) in subsection (c), by inserting after "accountability" the following: ", provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies";

(3) in subsection (d)—

(A) in paragraph (2), by striking "; or" and inserting "or fire department;";

(B) in paragraph (3), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3)."; and

(4) by adding at the end the following new subsection:

"(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

"(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has successfully completed a formal firearm training program or a hunting safety program.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) JANUARY 1, 2007, INCREASE IN BASIC PAY.—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.2 percent.

(c) REFORM OF BASIC PAY RATES.—Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

MONTHLY BASIC PAY

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0-9	0.00	0.00	0.00	0.00	0.00
0-8	8,453.10	8,729.70	8,913.60	8,964.90	9,194.10
0-7	7,023.90	7,350.00	7,501.20	7,621.20	7,838.40
0-6	5,206.20	5,719.20	6,094.50	6,094.50	6,117.60
0-5	4,339.80	4,888.80	5,227.50	5,291.10	5,502.00
0-4	3,744.60	4,334.70	4,623.90	4,688.40	4,956.90
0-3[3]	3,292.20	3,732.30	4,028.40	4,392.00	4,602.00
0-2[3]	2,844.30	3,239.70	3,731.40	3,857.40	3,936.60
0-1[3]	2,469.30	2,569.80	3,106.50	3,106.50	3,106.50
	Over 8	Over 10	Over 12	Over 14	Over 16
0-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
0-9	0.00	0.00	0.00	0.00	0.00
0-8	9,577.20	9,666.30	10,030.20	10,134.30	10,447.80
0-7	8,052.90	8,301.30	8,548.80	8,797.20	9,577.20
0-6	6,380.10	6,414.60	6,414.60	6,779.10	7,423.80
0-5	5,628.60	5,906.40	6,110.10	6,373.20	6,776.40
0-4	5,244.60	5,602.80	5,882.40	6,076.20	6,187.50
0-3[3]	4,833.30	4,982.70	5,228.40	5,355.90	5,355.90
0-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
0-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 18	Over 20	Over 22	Over 24	Over 26
0-10[2]	$0.00	$13,659.00	$13,725.90	$14,011.20	$14,508.60
0-9	0.00	11,946.60	12,118.50	12,367.20	12,801.30
0-8	10,900.80	11,319.00	11,598.30	11,598.30	11,598.30
0-7	10,236.00	10,236.00	10,236.00	10,236.00	10,287.90
0-6	7,802.10	8,180.10	8,395.20	8,613.00	9,035.70
0-5	6,968.10	7,158.00	7,373.10	7,373.10	7,373.10
0-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
0-3[3]	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
0-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
0-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 28	Over 30	Over 32	Over 34	Over 36
0-10[2]	$14,508.60	$15,234.00	$15,234.00	$15,995.70	$15,995.70
0-9	12,801.30	13,441.50	13,441.50	14,113.50	14,113.50
0-8	11,598.30	11,888.40	11,888.40	12,185.70	12,185.70
0-7	10,287.90	10,493.70	10,493.70	10,493.70	10,493.70
0-6	9,035.70	9,216.30	9,216.30	9,216.30	9,216.30
0-5	7,373.10	7,373.10	7,373.10	7,373.10	7,373.10
0-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
0-3[3]	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
0-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
0-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 38	Over 40			
0-10[2]	$16,795.50	$16,795.50			
0-9	14,819.10	14,819.10			
0-8	12,185.70	12,185.70			
0-7	10,493.70	10,493.70			
0-6	9,216.30	9,216.30			
0-5	7,373.10	7,373.10			
0-4	6,252.30	6,252.30			
0-3[3]	5,355.90	5,355.90			
0-2[3]	3,936.60	3,936.60			
0-1[3]	3,106.50	3,106.50			

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades 0–7 through 0–10 may not exceed the rate of pay for level II of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be $17,972.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–3E ..	$0.00	$0.00	$0.00	$4,392.00	$4,602.00
O–2E ..	0.00	0.00	0.00	3,857.40	3,936.60
O–1E ..	0.00	0.00	0.00	3,106.50	3,317.70

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E ..	$4,833.00	$4,982.70	$5,228.40	$5,435.40	$5,554.20
O–2E ..	4,062.00	4,273.50	4,437.00	4,558.80	4,558.80
O–1E ..	3,440.10	3,565.50	3,688.80	3,857.40	3,857.40

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E ..	$5,715.90	$5,715.90	$5,715.90	$5,715.90	$5,715.90
O–2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O–1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40

Pay Grade	Over 28	Over 30	Over 32	Over 34	Over 36
O–3E ..	$5,715.90	$5,715.90	$5,715.90	$5,715.90	$5,715.90
O–2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O–1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40

Pay Grade	Over 38	Over 40			
O–3E ..	$5,715.90	$5,715.90			
O–2E ..	4,558.80	4,558.80			
O–1E ..	3,857.40	3,857.40			

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,402.00	3,660.00	3,765.00	3,868.50	4,046.40
W–3	3,106.80	3,236.40	3,369.00	3,412.80	3,552.00
W–2	2,749.20	3,009.30	3,089.40	3,144.60	3,322.80
W–1	2,413.20	2,672.40	2,742.90	2,890.50	3,065.10

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	4,222.20	4,400.70	4,669.20	4,904.40	5,128.20
W–3	3,825.90	4,110.90	4,245.30	4,400.40	4,560.30
W–2	3,600.00	3,737.10	3,872.40	4,037.70	4,166.70
W–1	3,322.20	3,442.20	3,610.20	3,775.50	3,905.10

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$6,049.50	$6,356.40	$6,585.00	$6,838.20
W–4	5,310.90	5,489.70	5,752.20	5,967.60	6,213.60
W–3	4,847.70	5,042.40	5,158.50	5,282.10	5,450.10
W–2	4,284.00	4,423.80	4,515.90	4,589.40	4,589.40
W–1	4,024.50	4,170.00	4,170.00	4,170.00	4,170.00

Pay Grade	Over 28	Over 30	Over 32	Over 34	Over 36
W–5	$6,838.20	$7,180.20	$7,180.20	$7,539.30	$7,539.30
W–4	6,213.60	6,337.80	6,337.80	6,337.80	6,337.80
W–3	5,450.10	5,450.10	5,450.10	5,450.10	5,450.10
W–2	4,589.40	4,589.40	4,589.40	4,589.40	4,589.40
W–1	4,170.00	4,170.00	4,170.00	4,170.00	4,170.00

Pay Grade	Over 38	Over 40			
W–5	$7,916.40	$7,916.40			
W–4	6,337.80	6,337.80			
W–3	5,450.10	5,450.10			
W–2	4,589.50	4,589.40			
W–1	4,170.00	4,170.00			

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	2,339.10	2,553.00	2,650.80	2,780.70	2,881.50
E-6	2,023.20	2,226.00	2,324.40	2,419.80	2,519.40
E-5	1,854.00	1,977.90	2,073.30	2,171.40	2,323.80
E-4	1,699.50	1,786.50	1,883.10	1,978.50	2,062.80
E-3	1,534.20	1,630.80	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	[3]1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[2]	$0.00	$4,110.60	$4,203.90	$4,321.20	$4,459.50
E-8	3,364.80	3,513.90	3,606.00	3,716.40	3,835.80
E-7	3,055.20	3,152.70	3,326.70	3,471.00	3,569.70
E-6	2,744.10	2,831.40	3,000.00	3,051.90	3,089.70
E-5	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9[2]	$4,598.40	$4,821.60	$5,010.30	$5,209.20	$5,512.80
E-8	4,051.80	4,161.30	4,347.30	4,450.50	4,704.90
E-7	3,674.40	3,715.50	3,852.00	3,925.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 28	Over 30	Over 32	Over 34	Over 36
E-9[2]	$5,512.80	$5,788.50	$5,788.50	$6,078.00	$6,078.00
E-8	4,704.90	4,799.10	4,799.10	4,799.10	4,799.10
E-7	4,204.20	4,204.20	4,204.20	4,204.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 38	Over 40			
E-9[2]	$6,381.90	$6,381.90			
E-8	4,799.10	4,799.10			
E-7	4,204.20	4,204.20			
E-6	3,133.50	3,133.50			
E-5	2,630.10	2,630.10			
E-4	2,062.80	2,062.80			
E-3	1,729.20	1,729.20			
E-2	1,458.90	1,458.90			
E-1	1,301.40	1,301.40			

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[1] Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is $6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $1,203.90.

SEC. 602. INCREASE IN MAXIMUM RATE OF BASIC PAY FOR GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE.—Section 203(a)(2) of title 37, United States Code, is amended by striking "level III of the Executive Schedule" and inserting "level II of the Executive Schedule".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2007, and shall apply with respect to months beginning on or after that date.

SEC. 603. CLARIFICATION OF EFFECTIVE DATE OF PROHIBITION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(3) The prohibition in this subsection (including the prohibition as it relates to a member of the National Guard while not in Federal service) shall apply to—

"(A) any work or study performed on or after September 7, 1962; and

"(B) any claim based on such work or study arising after that date.".

SEC. 604. ONE-YEAR EXTENSION OF PROHIBITION AGAINST REQUIRING CERTAIN INJURED MEMBERS TO PAY FOR MEALS PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) EXTENSION.—Section 402(h)(3) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) REPORT ON ADMINISTRATION OF PROHIBITION.—Not later than February 1, 2007, the

Secretary of Defense shall submit to the congressional defense committees a report on the administration of section 402(h)(3) of title 37, United States Code (as amended by subsection (a)). The report shall include—

(1) a description and assessment of the mechanisms used by the military departments to implement the prohibition contained in such section; and

(2) such recommendations as the Secretary considers appropriate regarding making such prohibition permanent.

SEC. 605. ADDITIONAL HOUSING ALLOWANCE FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Section 403(g) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) Under regulations prescribed by the Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, the Secretary concerned may authorize payment of a housing allowance to a member described in paragraph (1) at a monthly rate equal to the rate of the basic allowance for housing under subsection (b) or the overseas basic allowance for housing under subsection (c), whichever applies to that location, for members of the regular components at that location in the same grade without dependents.

"(B) A member may concurrently receive a basic allowance for housing under paragraph (1) and a housing allowance under this paragraph, but may not receive the portion of the allowance, if any, authorized under section 404 of this title for lodging expenses if a housing allowance is authorized to be paid under this paragraph."; and

(3) in paragraph (3), as so redesignated, by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to months beginning on or after that date.

SEC. 606. EXTENSION OF TEMPORARY CONTINUATION OF HOUSING ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY TO SPOUSES WHO ARE MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Section 403(l) of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) A member of the uniformed services who is the spouse of a deceased member described in paragraph (2) may be paid a basic allowance for housing as provided for in that paragraph. An allowance paid under this paragraph is in addition to any other pay and allowances to which the member of the uniformed services is entitled under any other provision of law."; and

(3) in paragraph (4), as so redesignated, by striking "(2)" and inserting "(2) or (3)".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to deaths occurring on or after that date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking "January 1, 2007" and inserting "January 1, 2008".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 323(i) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(h) INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.—Section 327(h) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2009".

SEC. 615. INCREASE IN SPECIAL PAY FOR SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.

INCREASE IN SPECIAL PAY.—Section 302g(a) of title 37, United States Code, is amended by striking "$10,000" and inserting "$25,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to written agreements entered into under section 302g of title 37, United States Code, on or after that date.

SEC. 616. EXPANSION AND ENHANCEMENT OF ACCESSION BONUS AUTHORITIES FOR CERTAIN OFFICERS IN HEALTH CARE SPECIALITIES.

(a) INCREASE IN ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(2) of title 37, United States Code, is amended by striking "$30,000" and inserting "$200,000".

(b) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALITIES.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302j the following new section:

"§ 302k. Special pay: accession bonus for medical officers in critically short wartime specialties

"(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a graduate of an accredited school of medicine or osteopathy in a specialty described in subsection (c) and who executes a written agreement described in subsection (d) to accept a commission as an officer of the Armed Forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $100,000.

"(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in medicine or osteopathy; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a doctor or osteopath in a specialty described in subsection (c).

"(c) Covered Specialties.—A specialty described in this subsection is a specialty designated by regulations as a critically short wartime specialty.

"(d) Agreement.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Medical Corps of the Army or the Navy or as an officer of the Air Force designated as a medical officer in a specialty described in subsection (c).

"(e) Repayment.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a doctor or osteopath, as the case may be, or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) Termination of Authority.—No agreement under this section may be entered into after December 31, 2007.".

(c) Accession Bonus for Dental Specialist Officers in Critically Short Wartime Specialities.—Chapter 5 of title 37, United States Code, as amended by subsection (b), is further amended by inserting after section 302k the following new section:

"§302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties

"(a) Accession Bonus Authorized.—(1) A person who is a graduate of an accredited dental school in a specialty described in subsection (c) and who executes a written agreement described in subsection (d) to accept a commission as an officer of the Armed Forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $400,000.

"(b) Limitation on Eligibility for Bonus.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in dentistry; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a dentist in a specialty described in subsection (c).

"(c) Covered Specialties.—A specialty described in this subsection is a specialty designated by regulations as a critically short wartime specialty.

"(d) Agreement.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or as an officer of the Air Force designated as a dental officer in a specialty described in subsection (c).

"(e) Repayment.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a dentist or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) Coordination With Other Accession Bonus Authority.—A person eligible to execute an agreement under both subsection (a) and section 302h of this title shall elect which authority to execute the agreement under. A person may not execute an agreement under both subsection (a) and such section 302h.

"(g) Termination of Authority.—No agreement under this section may be entered into after December 31, 2007.".

(d) Clerical Amendment.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302j the following new item:

"302k. Special pay: accession bonus for medical officers in critically short wartime specialties.

"302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.".

(e) Effective Date.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 617. INCREASE IN NUCLEAR CAREER ACCESSION BONUS FOR NUCLEAR-QUALIFIED OFFICERS.

(a) Increase.—Section 312b(a)(1) of title 37, United States Code, is amended by striking "$20,000" and inserting "$30,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to agreements under section 312b of title 37, United States Code, entered into on or after that date.

SEC. 618. MODIFICATION OF CERTAIN AUTHORITIES APPLICABLE TO THE TARGETED SHAPING OF THE ARMED FORCES.

(a) Voluntary Separation Pay and Benefits.

(1) Increase in maximum amount of pay.—Subsection (f) of section 1175a of title 10, United States Code, is amended by striking "two times" and inserting "four times".

(2) Extension of authority.—Subsection (k)(1) of such section is amended by striking "December 31, 2008" and inserting "December 31, 2012".

(3) Repeal of limitation on applicability.—Subsection (b) of section 643 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310; 10 U.S.C. 1175a note) is repealed.

(b) Relaxation of Limitation on Selective Early Retirement.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(c) Enhanced Authority for Selective Early Retirement and Early Discharges.—

(1) Renewal of authority.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting "and during the period beginning on October 1, 2006, and ending on December 31, 2012," after "December 31, 2001,".

(2) Relaxation of limitation on selective early retirement.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(3) Relaxation of limitation on selective early discharge.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade"; and

(B) in subparagraph (B), by inserting before the period the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade".

(d) Increase in Amount of Incentive Bonus for Transfer Between Armed Forces.—Section 327(d)(1) of title 37, United States Code, is amended by striking "$2,500" and inserting "$10,000".

SEC. 619. EXTENSION OF PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMY.

(a) Extension.—Subsection (a) of section 606 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3287; 37 U.S.C. 211 note) is amended by striking "During fiscal year 2006" and inserting "During the period beginning on January 6, 2006, and ending on December 31, 2008".

(b) Report Date.—Subsection (d)(1) of such section is amended by striking "February 1, 2007" and inserting "February 1, 2008".

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) Accession Bonus Authorized.—

(1) In general.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§329. Special pay: accession bonus for officer candidates

"(a) Accession Bonus Authorized.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned.

"(b) Agreement.—A written agreement described in this subsection is a written agreement by a person—

"(1) to complete officer candidate school;

"(2) to accept a commission or appointment as an officer of the armed forces; and

"(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

"(c) Payment Method.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

"(d) Repayment.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"329. Special pay: accession bonus for officer candidates.".

(3) Effective date.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) Authority for Payment of Bonus Under Earlier Agreements.—

(1) In general.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) Limitation on amount.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) Construction with enlistment bonus.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

SEC. 621. ENHANCEMENT OF BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) Individuals Eligible for Bonus.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary";

(2) by striking "a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve," and inserting "an individual referred to in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) Individuals eligible for bonus.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.".

(b) Amount of Bonus.—Subsection (d) of such section is amended to read as follows:

"(d) Amount of Bonus.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable in two lump sums as provided in subsection (e).".

(c) Payment of Bonus.—Subsection (e) of such section is amended to read as follows:

"(e) Payment.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person referred.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.".

(d) Coordination With Receipt of Retired Pay.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) Coordination With Receipt of Retired Pay.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to such member is entitled under title 10, 37, or 38, United States Code, or under any other provision of law.".

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXPANSION OF PAYMENT OF REPLACEMENT VALUE OF PERSONAL PROPERTY DAMAGED DURING TRANSPORT AT GOVERNMENT EXPENSE.

(a) Coverage of Property of Civilian Employees of Department of Defense.—Subsection (a) of section 2636a of title 10, United States Code, is amended by inserting "or civilian employees of the Department of Defense" after "members of the armed forces".

(b) Requirement for Payment.—Effective March 1, 2008, such subsection is further amended by striking "may include" and inserting "shall include".

(c) Requirement for Deduction Upon Failure of Carrier To Settle.—Subsection (b) of such section is amended by striking "may be deducted" and inserting "shall be deducted".

(d) Certification on Families First Program.—The Secretary of Defense shall submit to the congressional defense committees a report containing the certifications of the Secretary on the following matters with respect to the program of the Department of Defense known as "Families First":

(1) Whether there is an alternative to the system under the program that would provide equal or greater capability at less cost.

(2) Whether the estimates on costs, and the anticipated schedule and performance parameters, for the program and system are reasonable.

(3) Whether the management structure for the program is adequate to manage and control program costs.

(e) Comptroller General Reports on Families First Program.—

(1) Review.—The Comptroller General of the United States shall conduct a review and assessment of the progress of the Department of Defense in implementing the Families First program.

(2) Elements.—In conducting the review and assessment required by paragraph (1), the Comptroller General shall—

(A) assess the progress of the Department in achieving the goals of the Families First program, including progress in the development and deployment of the Defense Personal Property System;

(B) assess the organization, staffing, resources, and capabilities of the Defense Personal Property System Project Management Office established on April 7, 2006;

(C) evaluate the growth in cost of the program since the previous assessment of the program by the Comptroller General, and estimate the current annual cost of the Defense Personal Property System and each component of that system; and

(D) assess the feasibility of implementing processes and procedures, pending the satisfactory development of the Defense Personal Property System, which would achieve the goals of the program of providing improved personal property management services to members of the Armed Forces.

(3) Reports.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives reports as follows:

(A) An interim report on the review and assessment required by paragraph (1) not later than December 1, 2006.

(B) A final report on the review and assessment by not later than June 1, 2007.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. MODIFICATION OF DEPARTMENT OF DEFENSE CONTRIBUTIONS TO MILITARY RETIREMENT FUND AND GOVERNMENT CONTRIBUTIONS TO MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) Department of Defense Military Retirement Fund.—

(1) Determination of contributions.—Section 1465 of title 10, United States Code, is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A)(ii)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the period at the end the following: ", except that amounts expected to be paid to members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section shall be excluded"; and

(ii) in subparagraph (B)(ii)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty"; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting "other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section," after "full-time National Guard duty,"; and

(ii) in subparagraph (B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty".

(2) Payments.—Section 1466(a) of such title is amended—

(A) in paragraph (1)(B)—

(i) by striking "(other than active duty for training)";

(ii) by striking "(other than full-time National Guard duty for training only)"; and

(iii) by inserting before the period at the end the following: ", except that amounts accrued for that month by members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section shall be excluded"; and

(B) in paragraph (2)(B)—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty".

(b) Department of Defense Medicare-Eligible Retiree Health Care Fund.—

(1) Exclusion of cadets and midshipmen from treatment on active duty.—Section 1111(b) of such title is amended by adding at the end the following new paragraph:

"(5) The term 'members of the uniformed services on active duty' does not include a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or a midshipman at the United States Naval Academy.".

(2) Determination of contributions.—Section 1115 of such title is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the period at the end the following: ", other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section"; and

(ii) in paragraph (2)(B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "other than members on full-time National Guard duty other than for training)"; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the semicolon the following: ", other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section"; and

(ii) in subparagraph (B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "(other than members on full-time National Guard duty other than for training)".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Repeal.—

(1) In general.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Conforming amendments.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

(b) Prohibition on Retroactive Benefits.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) Return of SBP Premiums Previously Refunded to SBP Recipients.—

(1) Return of certain refunded amounts required.—Under regulations prescribed by the Secretary of Defense, a surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code (as in effect on the day before the effective date provided under subsection (e)), shall be required to repay such refund to the United States.

(2) Terms and conditions.—A surviving spouse repaying a refund to the United States under this subsection shall not be required to pay the United States any interest that would otherwise accrue or have accrued on any balance of such refund while such balance remains unpaid to the United States under this subsection. The amount repayable to the United States shall be repayable in a lump sum or over a period of years (not to exceed 10 years) agreed to by the surviving spouse or specified by the Secretary of Defense, in the absence of such an agreement.

(3) Waiver of repayment.—The Secretary of Defense may waive the repayment of a refund under this subsection if the Secretary determines that—

(A) hardship or other circumstances make repayment of such refund unwarranted;

(B) repayment of such refund would otherwise not be in the best interests of the United States.

(d) Reconsideration of Optional Annuity.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by adding at the end the following new sentences: "The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.".

(e) Effective Date.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 643. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2006".

SEC. 644. EXPANSION OF CONDITIONS FOR DIRECT PAYMENT OF DIVISIBLE RETIRED PAY.

(a) Repeal of Certain Condition.—Section 1408(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively.

(b) Effective Date.—

(1) In general.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) Prohibition on retroactive payments.—No payment may be made under section 1408(d) of title 10, United States Code, to or for the benefit of any person covered by paragraph (2) of such section (as in effect on the day before the effective date specified in paragraph (1)) for any period before such effective date.

SEC. 645. AUTHORITY FOR COST OF LIVING ADJUSTMENTS OF RETIRED PAY TREATED AS DIVISIBLE PROPERTY.

(a) In General.—Section 1408 of title 10, United States Code, is amended—

(1) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) Cost of Living Adjustments of Divisible Property.—A court order under subsection (a)(2)(C) may provide for the adjustment of the amount, if expressed in dollars, payable from the disposable retired pay of a member at the same time and in the same manner as retired pay is adjusted to reflect changes in the Consumer Price Index under section 1401a of this title.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to court orders that become effective after the end of the 90-day period beginning on the date of enactment of this Act.

SEC. 646. NOTICE AND COPY TO MEMBERS OF COURT ORDERS ON PAYMENT OF RETIRED PAY.

(a) Waiver of Notice.—Subsection (g) of section 1408 of title 10, United States Code, is amended—

(1) by inserting "(1)" before "A person"; and

(2) by adding at the end the following new paragraph:

"(2) A member may waive receipt of notice on a court order otherwise required by paragraph (1). The waiver shall take such form and include such requirements as the Secretary concerned may prescribe.".

(b) Copy of Court Order Upon Request.—Such subsection is further amended—

(1) in paragraph (1), as designated by subsection (a)(1) of this section, by striking "(together with a copy of such order)"; and

(2) by adding at the end the following new paragraph:

"(3) Upon the request of a member, written notice of a court order under paragraph (1) shall include a copy of the court order.".

(c) Effective Date.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to court orders received on or after such date.

SEC. 647. RETENTION OF ASSISTIVE TECHNOLOGY AND DEVICES BY CERTAIN MEMBERS OF THE ARMED FORCES AFTER SEPARATION FROM SERVICE.

(a) Retention Authorized.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1154. Retention of assistive technology and devices provided before separation

"(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, a member of the armed forces who is provided an assistive technology or assistive technology device while a member of the armed forces for a severe or debilitating illness or injury incurred or aggravated by such member on active duty may retain such assistive technology or assistive technology device after separation from the armed forces.

"(b) DEFINITIONS.—In this section, the terms 'assistive technology' and 'assistive technology device' have the meaning given such terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

"1154. Retention of assistive technology and devices provided before separation.".

SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—

(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENTS.—Such subchapter is further amended by striking "**Death Gratuity:**" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "**Fallen Hero Compensation:**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SEC. 649. EFFECTIVE DATE OF TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY VIRTUE OF UNEMPLOYABILITY.

(a) IN GENERAL.—Section 1414(a)(1) of title 10, United States Code, is amended by striking "100 percent" the first place it appears and all that follows and inserting "100 percent and in the case of a qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SEC. 650. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) DETERMINATION OF RETIRED PAY BASE.—

(1) IN GENERAL.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section:

"§ 1407a. Retired pay base: members who were general or flag officers

"Notwithstanding any other provision of law, if the determination of the retired pay base or retainer pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grades 0–7 through 0–10 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

"1407a. Retired pay base: members who were general or flag officers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

SEC. 651. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) IN GENERAL.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

"(3) 30 YEARS OF SERVICE.—

"(A) RETIREMENT BEFORE JANUARY 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

"(B) RETIREMENT AFTER DECEMBER 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

"(i) 75 percent; and

"(ii) the product (stated as a percentage) of—

"(I) 2½; and

"(II) the member's years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.".

(b) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12739(c) of such title is amended—

(1) by striking "The total amount" and inserting "(1) Except as provided in paragraph (2), the total amount"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

"(A) 75 percent of the retired pay base upon which the computation is based; and

"(B) the product of—

"(i) the retired pay base upon which the computation is based; and

"(ii) 2½ percent of the years of service credited to that person under section 12733 of this title for service, regardless of when served, under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.".

SEC. 652. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking "who dies after November 23, 2003" and inserting "who dies after October 7, 2001".

(b) APPLICABILITY.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

SEC. 653. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) Continuation of Age 60 as Minimum Age for Eligibility of Non-Regular Service Retirees for Health Care.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) Administration of Related Provisions of Law or Policy.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) Effective Date and Applicability.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 661. AUDIT OF PAY ACCOUNTS OF MEMBERS OF THE ARMY EVACUATED FROM A COMBAT ZONE FOR INPATIENT CARE.

(a) Audit Required.—

(1) In general.—The Secretary of the Army shall conduct a complete audit of the pay accounts of each member of the Army wounded or injured in a combat zone who was evacuated from a theater of operations for inpatient care during the period beginning on May 1, 2005, and ending on April 30, 2006.

(2) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the audit conducted under paragraph (1).

(3) Report elements.—The report under paragraph (2) shall include the following:

(A) A list of each member of the Army described in paragraph (1) identified (in a manner that protects the privacy of members so listed) by—

(i) date of wound or injury on which inclusion of such member on the list is based; and

(ii) grade and unit designation as of such date.

(B) For each member so listed, a statement of any underpayment of each of any pay, allowance, or other monetary benefit to which such member was entitled during the period beginning on the date of such wound or injury and ending on April 30, 2006, including basic pay, hazardous duty pay, imminent danger pay, basic allowance for housing, basic allowance for subsistence, any family separation allowance, any tax exclusion for combat duty, and any other pay, allowance, or monetary benefit to which such member was entitled during such period.

(C) For each member so listed, a statement of any disbursements made to correct underpayments made to such member as identified under subparagraph (B).

(D) For each member so listed, a statement of any debts to the United States collected or pending collection from such member.

(E) For each member so listed, a statement of any reimbursements or debt relief granted to such member for a debt identified under subparagraph (D).

(F) For each member so listed who has applied to the United States for a relief of debt—

(i) a description of the nature of the debt for which relief was applied; and

(ii) a description of the disposition of the application, including, if granted, the date of disbursement for relief granted, and, if denied, the reasons for the denial.

(G) For each member so listed, a report of any referral of such member to a collection or credit agency.

(4) Form.—The report under paragraph (2) shall be in unclassified form, but may include a classified annex.

(b) Assistance With Pay or Account Difficulties.—

(1) Call assistance center.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense an assistance center, accessible by toll-free telephone call, through which a covered member of the Armed Forces, or the primary next of kin of such a member in the case of such a member who dies, may secure assistance in resolving difficulties relating to the military pay or accounts of such member.

(2) Requests for assistance.—A request for assistance under paragraph (1) may be made—

(A) by a covered member of the Armed Forces; or

(B) by the primary next of kin on behalf of, or with respect to, a covered member of the Armed Forces.

(3) Response to requests for assistance.—The Secretary shall ensure that, in providing assistance under paragraph (1) to a covered member of the Armed Forces or next of kin of such a member, personnel of the assistance center established under that paragraph—

(A) provide an initial response to the request for assistance under paragraph (2) not later than 10 days after receipt of such request; and

(B) provide a final response to the request for assistance under that paragraph not later than 30 days after receipt of such request.

(4) Covered member of the armed forces defined.—In this subsection, the term "covered member of the Armed Forces" means a member of the Armed Forces wounded or injured in a combat zone who is evacuated from a theater of operations for inpatient care.

SEC. 662. PILOT PROGRAM ON TROOPS TO NURSE TEACHERS.

(a) Pilot Program Required.—

(1) In general.—The Secretary of Defense shall, in coordination with the Secretary of Health and Human Services and the Secretary of Education, conduct a pilot program to assess the feasibility and potential benefits of a program to—

(A) assist nurse corps officers described in subsection (c) in achieving necessary qualifications to become nurse educators and in securing employment as nurse educators at accredited schools of nursing;

(B) provide scholarships to nurse corps officers described in subsection (c) in return for continuing service in the Selected Reserve or other forms of public service; and

(C) help alleviate the national shortage of nurse educators and registered nurses.

(2) Duration.—Except as provided in subsection (h), the pilot program shall be conducted during the period beginning on January 1, 2007, and ending on December 31, 2012. A nurse corps officer may not enter into an agreement to participate in the pilot program after December 31, 2012.

(3) Regulations.—The pilot program shall be conducted under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Health and Human Services and the Secretary of Education.

(b) Designation.—The pilot program required by subsection (a) shall be known as the "Troops to Nurse Teachers Pilot Program" (in this section referred to as the "Program").

(c) Nurse Corps Officers.—A nurse corps officer described in this subsection is any commissioned officer of the Armed Forces qualified and designated as an officer in a Nurse Corps of the Armed Forces who is—

(1) serving in a reserve component of the Armed Forces;

(2) honorably discharged from the Armed Forces; or

(3) a retired member of the Armed Forces.

(d) Selection of Participants in Program.—

(1) Application.—An eligible nurse corps officer seeking to participate in the Program shall submit to the Secretary of Defense an application therefor. The application shall be in such form, and contain such information, as the Secretary may require.

(2) Selection.—The Secretary shall select participants in the Program from among qualified nurse corps officers submitting applications therefor under paragraph (1).

(e) Participant Agreement.—

(1) In general.—A nurse corps officer selected under subsection (d) to participate in the Program shall enter into an agreement with the Secretary of Defense relating to participation in the Program.

(2) Elements.—The agreement of a nurse corps officer under the program shall, at the election of the Secretary for purposes of the Program and as appropriate with respect to that status of such nurse corps officer—

(A) require such nurse corps officer, within such time as the Secretary may require, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than one year; or

(B) require such nurse corps officer—

(i) within such time as the Secretary may require, to successfully complete a program leading to a master's degree or doctoral degree in a nursing field from an accredited school of nursing or to a doctoral degree in a related field from an accredited institution of higher education;

(ii) to serve in the Selected Reserve or some other form of public service under terms and conditions established by the Secretary; and

(iii) upon completion of such program and service, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than 3 years.

(f) ASSISTANCE.—

(1) TRANSITION ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(A) assistance as follows:

(A) Career placement assistance in securing full-time employment as a nurse educator at an accredited school of nursing.

(B) A stipend in an amount not to exceed $5,000 for transition to employment referred to in paragraph (1), and for educational training for such employment, for a period not to exceed two years after entry by such participant into an agreement under subsection (e).

(2) SCHOLARSHIP ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(B) scholarship assistance to pursue a degree described in subsection (e)(2)(B)(i) in an amount not to exceed $30,000 annually for a period of not more than four years.

(g) TREATMENT OF ASSISTANCE.—A stipend or scholarship provided under subsection (f) shall not be taken into account in determining the eligibility of a participant in the Program for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(h) ADMINISTRATION AFTER INITIAL PERIOD.—

(1) IN GENERAL.—The termination of the Program on December 31, 2012, under subsection (a)(2) shall not terminate the entitlement to assistance under the Program of any nurse corps officer entering into an agreement to participate in the Program under subsection (e) that continues in force after that date.

(2) ADMINISTRATION.—The Secretary of Education shall undertake any administration of the Program that is required after December 31, 2012, including responsibility for any funding necessary to provide assistance under the Program after that date.

(i) REPORT.—

(1) IN GENERAL.—Not later than three years after the commencement of the Program, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services and the Secretary of Education, submit to Congress a report on the Program.

(2) ELEMENTS.—The report shall—

(A) describe the activities undertaken under the Program; and

(B) include an assessment of the effectiveness of the Program in—

(i) facilitating the development of nurse educators;

(ii) encouraging service in the Selected Reserve and other forms of public service; and

(iii) helping alleviate the national shortage of nurse educators and registered nurses.

(j) DEFINITIONS.—In this section:

(1) NURSE EDUCATOR.—The term "nurse educator" means a registered nurse who—

(A) is a member of the nursing faculty at an accredited school of nursing;

(B) holds a graduate degree in nursing from an accredited school of nursing or a doctoral degree in a related field from an accredited institution of higher education;

(C) holds a valid, unrestricted license to practice nursing from a State; and

(D) has successfully completed additional course work in education and demonstrates competency in an advanced practice area of nursing.

(2) SCHOOL OF NURSING.—The term "school of nursing" means a school of nursing (as that term is defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) that is accredited (as that term is defined in section 801(6) of the Public Health Service Act).

(k) FUNDING.—From amounts authorized to be appropriated for the Department of Defense, $5,000,000 may be available for the Program.

SEC. 663. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) MEMBERS OF THE ARMY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Army" and all that follows through "in an active status" and inserting "a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army".

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) MEMBERS OF THE NAVY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Section 6161 of title 10, United States Code, is amended by striking "a member of the Navy" and all that follows through "in an active status" and inserting "a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy , or a former member of the Navy".

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(c) MEMBERS OF THE AIR FORCE.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Air Force" and all that follows through "in an active status" and inserting "a member of the Air Force (including a member on active duty or a member of a reserve component in an active status), a retired member of the Air Force, or a former member of the Air Force".

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

SEC. 664. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) EXCEPTION.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) Except as provided in paragraph (2), the Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37), or the designee of such Secretary, determines that disclosure under that paragraph pending such decision is in the best interests of the United States.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2007.

(2) APPLICATION TO PRIOR ACTIONS.—Paragraph (2) of section 2780(b) of title 10, United States Code (as added by subsection (a)), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) REPORT.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

SEC. 665. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) CLARIFICATION OF PAY AND ALLOWANCES.—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting "(including any bonus or special or incentive pay)" after "pay or allowances".

(b) WAIVER BY SECRETARIES CONCERNED.—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting "or the designee of such Secretary" after "title 37,"; and

(2) in subparagraph (A), by striking "$1,500" and inserting "$10,000".

(c) TIME FOR WAIVER.—Subsection (b)(2) of such section is amended by striking "three years" and inserting "five years".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

(e) DEADLINE FOR REVISED STANDARDS.—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

SEC. 666. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER'S DEPENDENT.

(a) TERMS OF CONSUMER CREDIT.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. TERMS OF CONSUMER CREDIT.

"(a) INTEREST.—A creditor who extends consumer credit to a servicemember or a servicemember's dependent shall not require the servicemember or the servicemember's dependent to pay interest with respect to the extension of such credit, except as—

"(1) agreed to under the terms of the credit agreement or promissory note;

"(2) authorized by applicable State or Federal law; and

"(3) not specifically prohibited by this section.

"(b) ANNUAL PERCENTAGE RATE.—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember's dependent.

"(c) MANDATORY LOAN DISCLOSURES.—

"(1) INFORMATION REQUIRED.—With respect to any extension of consumer credit to a servicemember or a servicemember's dependent, a creditor shall provide to the servicemember or the servicemember's dependent the following information in writing, at or before the issuance of the credit:

"(A) A statement of the annual percentage rate applicable to the extension of credit.

"(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(C) A clear description of the payment obligations of the servicemember or the servicemember's dependent, as applicable.

"(2) TERMS.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(d) LIMITATION.—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember's dependent without—

"(1) executing new loan documentation signed by the servicemember or the servicemember's dependent, as applicable; and

"(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember's dependent.

"(e) PREEMPTION.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember's dependent.

"(f) PENALTIES.—

"(1) MISDEMEANOR.—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

"(g) DEFINITION.—For purposes of this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of consumer credit.".

(b) CLERICAL AMENDMENT.—The table of contents of the Servicemembers Civil Relief Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

"Sec. 208. Terms of consumer credit".

SEC. 667. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing assistance to families of members of the Armed Forces.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the program for at least six regions of the country through sites established by the Secretary for purposes of the program in such regions.

(2) LOCATION OF CERTAIN SITES.—At least three of the sites established under paragraph (1) shall be located in an area that it geographically isolated from military installations.

(c) FUNCTIONS.—The Secretary shall provide assistance to families of the members of the Armed Forces under the program by providing at each site established for purposes of the program under subsection (b) the following:

(1) Financial, material, and other assistance to families of members of the Armed Forces.

(2) Mobile support services to families of members of the Armed Forces.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services to families of members of the Armed Forces.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(d) RESOURCES.—

(1) IN GENERAL.—The Secretary shall provide personnel and other resources necessary for the implementation and operation of the program at each site established under subsection (b).

(2) ACCEPTANCE OF CERTAIN SERVICES.—In providing resources under paragraph (1), the Secretary may accept and utilize the services of non-Federal Government volunteers and non-profit entities.

(e) PROCEDURES.—The Secretary shall establish procedures for the operation of each site established under subsection (b) and for the provision of assistance to families of members of the Armed Forces at such site.

(f) IMPLEMENTATION PLAN.—

(1) PLAN REQUIRED.—Not later than 30 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the actions taken to select and establish sites for the program under subsection (b).

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination on family assistance program and activities between and among the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(g) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report on the program.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the program, including each site established for purposes of the program, the procedures established under subsection (d) for operations at each such site, and the assistance provided through each such site for families of members of the Armed Forces.

(B) An assessment of the effectiveness of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) ASSISTANCE TO NON-PROFIT ENTITIES PROVIDING ASSISTANCE TO MILITARY FAMILIES.—The Secretary may provide financial, material, and other assistance to non-profit entities in order to facilitate the provision by such entities of assistance to geographically isolated families of members of the Armed Forces.

(i) SUNSET.—The program required by this section, and the authority to provide assistance under subsection (h), shall cease upon the date that is three years after the first obligation of amounts for the program.

(j) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 may be available for the program required by this section and the provision of assistance under subsection (h).

SEC. 668. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking "Chief Operating Officer" each place it appears and inserting "Chief Executive Officer"; and

(B) in subsection (e)(1), by striking "Chief Operating Officer's" and inserting "Chief Executive Officer's".

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking "Chief Operating Officer" each place it appears in a provision as follows and inserting "Chief Executive Officer":

(A) Section 1511 (24 U.S.C. 411).

(B) Section 1512 (24 U.S.C. 412).

(C) Section 1513(a) (24 U.S.C. 413(a)).

(D) Section 1514(c)(1) (24 U.S.C. 414(c)(1)).

(E) Section 1516(b) (24 U.S.C. 416(b)).

(F) Section 1517 (24 U.S.C. 417).

(G) Section 1518(c) (24 U.S.C. 418(c)).

(H) Section 1519(c) (24 U.S.C. 419(c)).

(I) Section 1521(a) (24 U.S.C. 421(a)).

(J) Section 1522 (24 U.S.C. 422).

(K) Section 1523(b) (24 U.S.C. 423(b)).

(L) Section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

"SEC. 1515. CHIEF EXECUTIVE OFFICER.".

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

"Sec. 1515. Chief Executive Officer.".

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) DIRECTOR AND DEPUTY DIRECTOR OF FACILITIES.—

(1) MILITARY DIRECTOR.—Subsection (b)(1) of section 1517 of such Act (24 U.S.C. 417) is amended by striking "a civilian with experience as a continuing care retirement community professional or".

(2) CIVILIAN DEPUTY DIRECTOR.—Subsection (d)(1)(A) of such section is amended by striking "or a member" and all that follows and inserting "; and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to any vacancy that occur in the position of Director or Deputy Director of a facility of the Armed Forces Retirement Home that occurs on or after that date.

(c) CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such Act (24 U.S.C. 416(c)(1)(K)) is amended by inserting before the period at the end the following: ", who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half)".

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

SEC. 681. SHORT TITLE.

This subtitle may be cited as the "Heroes at Home Act of 2006".

SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CIVILIAN EMPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in transitioning to civilian employment on their return from such deployment.

(b) MEMBERS.—The working group established under subsection (a) shall include a balance of individuals appointed by the Secretary of Defense from among the following:

(1) Personnel of the Department of Defense.

(2) With the concurrence of the Secretary of Veterans Affairs, personnel of the Department of Veterans Affairs.

(3) With the concurrence of the Secretary of Labor, personnel of the Department of Labor.

(c) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) identify and assess the needs of members of the National Guard and Reserve described in subsection (a) in transitioning to civilian employment on their return from deployment as described in that subsection, including the needs of—

(A) members who were self-employed before deployment and seek to return to such employment after deployment;

(B) members who were students before deployment and seek to return to school or commence employment after deployment;

(C) members who have experienced multiple recent deployments; and

(D) members who have been wounded or injured during deployment; and

(2) develop recommendations on means of improving assistance to members of the National Guard and Reserve described in subsection (a) in meeting the needs identified in paragraph (1) on their return from deployment as described in subsection (a).

(d) CONSULTATION.—In carrying out its responsibilities under subsection (c), the working group established under subsection (a) shall consult with the following:

(1) Appropriate personnel of the Small Business Administration.

(2) Representatives of employers who employ members of the National Guard and Reserve described in subsection (a) on their return to civilian employment as described in that subsection.

(3) Representatives of employee assistance organizations.

(4) Representatives of associations of employers.

(5) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

(6) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the working group established under subsection (a) shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the identification and assessment required under subsection (c)(1).

(B) The recommendations developed under subsection (c)(2), including recommendations on the following:

(i) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment and transition needs of members of the National Guard and Reserve described in subsection (a) upon their return from deployment as described in that subsection.

(ii) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

(iii) The improvement of collaboration between the pubic and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make the report under paragraph (1) available to the public, including through the Internet website of the Department of Defense.

(f) TERMINATION.—

(1) IN GENERAL.—The working group established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(2) INTERIM DUTIES.—During the period beginning on the date of the submittal of the report required by subsection (e) and the termination of the working group under paragraph (1), the working group shall serve as an advisory board to the Office for Employers and Employment Assistance Organizations under section 683.

(g) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS.

(a) DESIGNATION OF OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall designate an office within the Department of Defense to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) NAME.—The office designated under this subsection shall be known as the "Office for Employers and Employment Assistance Organizations" (in this section referred to as the "Office").

(3) HEAD.—The Secretary shall designate an individual to act as the head of the Office.

(4) INTEGRATION.—In designating the Office, the Secretary shall ensure close communication between the Office and the military departments, including the commands of the reserve components of the Armed Forces.

(b) FUNCTIONS.—The Office shall have the following functions:

(1) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful adjustment of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(c) RESOURCES TO BE PROVIDED.—

(1) IN GENERAL.—In carrying out the functions specified in subsection (b), the Office shall provide employers, employment assistance organizations, and associations of employers resources, services, and assistance that include the following:

(A) Guidelines on best practices and effective strategies.

(B) Education on the physical and mental health conditions that can and may be experienced by members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection in transitioning to civilian employment, including Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI), including education on—

(i) the detection of warning signs of such conditions;

(ii) the medical, mental health, and employment services available to such members, including materials on services offered by the Department of Defense, the Department of Veterans Affairs (including through the vet center program under section 1712A of title 38, United States Code), the Department of Labor, military support programs, and community mental health clinics; and

(iii) the mechanisms for referring such members for services described in clause (ii) and for other medical and mental health screening and care when appropriate.

(C) Education on the range and types of potential physical and mental health effects of deployment and post-deployment adjustment on family members of members of the National Guard and Reserve described in subsection (a), including education on—

(i) the detection of warning signs of such effects on family members of members of the National Guard and Reserves;

(ii) the medical, mental health, and employment services available to such family members, including materials on such services as described in subparagraph (B)(ii); and

(iii) mechanisms for referring such family members for services described in clause (ii) and for medical and mental health screening and care when appropriate.

(D) Education on mechanisms, strategies, and resources for accommodating and employing wounded or injured members of the National Guard and Reserves in work settings.

(2) Provision of resources.—The Office shall make resources, services, and assistance available under this subsection through such mechanisms as the head of the Office considers appropriate, including the Internet, video conferencing, telephone services, workshops, trainings, presentations, group forums, and other mechanisms.

(d) Personnel and Other Resources.—The Secretary of Defense shall assign to the Office such personnel, funding, and other resources as are required to ensure the effective discharge by the Office of the functions under subsection (b).

(e) Reports on Activities.—

(1) Annual report by office.—Not later than one year after the designation of the Office, and annually thereafter, the head of the Office, in consultation with the working group established pursuant to section 682 (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Office during the one-year period ending on the date of such report.

(2) Transmittal to congress.—Not later than 60 days after receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committees on Armed Services of the Senate and the House of Representatives, together with—

(A) such comments on such report, and such assessment of the effectiveness of the Office, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Office as the Secretary considers appropriate.

(3) Availability to public.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Office.

(f) Employment Assistance Organization Defined.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH RELATING TO MENTAL HEALTH OF MEMBERS OF THE NATIONAL GUARD AND RESERVE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) Additional Responsibilities.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) Assessment of Mental Health Needs of Members of National Guard and Reserve Deployed in OIF or OEF.—

"(1) In general.—In addition to the activities required under subsection (c), the task force shall, not later than 12 months after the date of the enactment of the Heroes at Home Act of 2006, submit to the Secretary a report containing an assessment and recommendations on the needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(2) Elements.—The assessment and recommendations required by paragraph (1) shall include the following:

"(A) An assessment of the specific needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(B) An identification of mental health conditions and disorders (including Post Traumatic Stress Disorder (PTSD), suicide attempts, and suicide) occurring among members of the National Guard and Reserve who undergo multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(C) Recommendations on mechanisms for improving the mental health services available to members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom, including such members who undergo multiple deployments in such operations, upon their return from such deployment.".

(b) Report.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) in the subsection heading, by striking "Report" and inserting "Reports";

(2) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) In general.—The report submitted to the Secretary under each of subsections (c) and (d) shall include—

"(A) a description of the activities of the task force under such subsection;

"(B) the assessment and recommendations required by such subsection; and

"(C) such other matters relating to the activities of the task force under such subsection as the task force considers appropriate."; and

(3) in paragraph (2)—

(A) by striking "the report under paragraph (1)" and inserting "a report under paragraph (1)"; and

(B) by striking "the report as" and inserting "such report as".

(c) Plan Matters.—Subsection (g) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by striking "the report from the task force under subsection (e)(1)" and inserting "a report from the task force under subsection (f)(1)"; and

(2) by inserting "contained in such report" after "the task force" the second place it appears.

(d) Termination.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by inserting "with respect to the assessment and recommendations required by subsection (d)" after "the task force"; and

(2) by striking "subsection (e)(2)" and inserting "subsection (f)(2)".

SEC. 685. GRANTS ON ASSISTANCE IN COMMUNITY-BASED SETTINGS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE AND THEIR FAMILIES AFTER DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) In General.—The Secretary of Defense may award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, after the return of such members from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health conditions that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members of the National Guard and Reserve for medical and mental health screening and care when necessary; and

(3) education to increase awareness of the physical and mental health conditions that family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) depression, anxiety, and relationship problems; and

(B) mechanisms for medical and mental health screening and care when appropriate.

(b) Eligible Entities.—An entity eligible for the award of a grant under this section is any public or private non-profit organization, such as a community mental health clinic, family support organization, military support organization, law enforcement agency, community college, or public school.

(c) Application.—An eligible entity seeking a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) Annual Reports by Grant Recipients.—An entity awarded a grant under this section shall submit to the Secretary of Defense on an annual basis a report on the activities undertaken by such entity during the preceding year utilizing amounts under the grant. Each report shall include such information as the Secretary shall specify for purposes of this subsection.

(e) Annual Reports to Congress.—

(1) In general.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section. The report shall include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) Availability to public.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) Study Required.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) Elements.—The study required by subsection (a) shall address the following:

(1) The long-term physical and mental health effects of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(3) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(c) Reports.—

(1) Periodic and final reports.—After the third, seventh, eleventh, and fifteenth years of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to Congress a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(A) Current information on the cumulative outcomes of the study.

(B) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study, including recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and services for members of the Armed Forces with traumatic brain injuries.

(2) Availability to public.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take appropriate actions to make each report under this subsection available to the public.

(d) Funding.—

(1) Authorization of appropriations.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $5,000,000.

(B) For each of fiscal years 2008 through 2021, such sums as may be necessary.

(2) Offset.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY INCURRED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) Traumatic Brain Injury Family Caregiver Panel.—

(1) Establishment.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces for traumatic brain injuries incurred during service in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Designation of panel.—The panel established under paragraph (1) shall be known as the "Traumatic Brain Injury Family Caregiver Panel".

(3) Members.—The Traumatic Brain Injury Family Caregiver Panel established under paragraph (1) shall consist of 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among—

(A) physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(B) representatives of family caregivers or family caregiver associations;

(C) Department of Defense and Department of Veterans Affairs health and medical personnel with expertise in traumatic brain injury, and Department of Defense personnel and readiness representatives with expertise in traumatic brain injury;

(D) psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury;

(E) experts in the development of training curricula; and

(F) any other individuals the Secretary considers appropriate.

(b) Development of Curricula.—

(1) In general.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be utilized during the provision of training to family members of members and former members of the Armed Forces described in subsection (a) on techniques, strategies, and skills for care and assistance for such members and former members with the traumatic brain injuries described in that subsection.

(2) Scope of curricula.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) Particular requirements.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) Use of existing materials.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricula, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) Deadline for development.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) Dissemination of Curricula.—

(1) In general.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom or Operation Enduring Freedom. In developing such mechanisms, the Secretary may utilize and enhance existing mechanisms, including the Military Severely Injured Center.

(2) Health care professionals.—The health care professionals referred to in this paragraph are the following:

(A) Personnel at military medical treatment facilities.

(B) Personnel at the polytrauma centers of the Department of Veterans Affairs.

(C) Personnel and care managers at the Military Severely Injured Center.

(D) Such other health care professionals of the Department of Defense as the Secretary considers appropriate.

(E) Such other health care professionals of the Department of Veterans Affairs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(3) Provision of training to family caregivers.—

(A) In general.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of members and former members of the Armed Forces who incur traumatic brain injuries during service in the Operation Iraqi Freedom or Operation Enduring Freedom in the care and assistance to be provided for such injuries.

(B) Timing of training.—Training under this paragraph shall, to the extent practicable, be provided to family members while the member or former member concerned is undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs, as applicable, in order to ensure that such family members receive practice on the provision of such care and assistance under the guidance of qualified health professionals.

(C) Particularized training.—Training provided under this paragraph to family members of a particular member or former member shall be tailored to the particular care needs of such member or former member and the particular caregiving needs of such family members.

(4) Quality assurance.—The Secretary shall develop mechanisms to ensure quality in the provision of training under this section to health care professionals referred to in paragraph (2) and in the provision of such training under paragraph (4) by such health care professionals.

(5) Report.—Not later than one year after the development of the curricula required by subsection (b), and annually thereafter, the Traumatic Brain Injury Family Caregiver Training Panel shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to Congress, a report on the following:

(A) The actions undertaken under this subsection.

(B) The results of the tracking of outcomes based on training developed and provided under this section.

(C) Recommendations for the improvement of training developed and provided under this section.

(d) Funding.—

(1) Authorization of appropriations.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $1,000,000.

(B) For each of fiscal years 2008 through 2011, such sums as may be necessary.

(2) Offset.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

TITLE VII—HEALTH CARE

Subtitle A—Benefits Matters

SEC. 701. IMPROVED PROCEDURES FOR CANCER SCREENING FOR WOMEN.

(a) Primary and Preventive Health Care Services Authority.—Section 1074d of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "The services described in paragraphs (1) and (2) of subsection (b) shall be provided under such procedures and at such intervals as the Secretary of Defense shall prescribe."; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) Cervical cancer screening.

"(2) Breast cancer screening.".

(b) TRICARE Program.—Section 1079(a)(2) of such title is amended—

(1) in the matter preceding subparagraph (A), by striking "the schedule of pap smears and mammograms" and inserting "the schedule and method of cervical cancer screenings and breast cancer screenings"; and

(2) in subparagraph (B), by striking "pap smears and mammograms" and inserting "cervical and breast cancer screenings".

SEC. 702. NATIONAL MAIL-ORDER PHARMACY PROGRAM.

(a) Availability of Refills of Maintenance-Type Medications Solely Through Program.—

(1) In general.—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(A) in subparagraph (E), by striking "Pharmaceutical agents" and inserting "Except as provided in subparagraph (F), pharmaceutical agents"; and

(B) by adding at the end the following new subparagraph:

"(F)(i) Effective April 1, 2007, refills of maintenance medications shall, except as provided under clause (ii), be available to eligible covered beneficiaries solely through the national mail-order pharmacy program referred to in subparagraph (E)(iii).

"(ii) Under such regulations as the Secretary may prescribe under this subparagraph, refills of a maintenance medication may be available to covered eligible beneficiaries through means other than the national mail-order pharmacy program if clinical requirements make it advisable that such medication be available to such beneficiaries through such other means.

"(iii) The Secretary shall specify the pharmaceutical agents constituting maintenance medications for purposes of this subparagraph.".

(2) Conforming amendment.—Subsection (f)(1) of such section is amended by striking "subsection (a)(2)(E)" and inserting "subparagraphs (E) and (F) of subsection (a)(2)".

(b) Prohibition on Copayments for Certain Pharmaceuticals Available Through Program.—Subsection (a)(6) of such section is amended by adding at the end the following new subparagraph:

"(C) In establishing the cost-sharing requirements, the Secretary may not impose any copayment or cost-sharing requirement with respect to the following:

"(i) Refills of generic medications.

"(ii) Brand name medications determined by a physician to be medically necessary.".

SEC. 703. AVAILABILITY UNDER TRICARE OF ANESTHESIA FOR CHILDREN IN CONNECTION WITH DENTAL PROCEDURES FOR WHICH DENTAL ANESTHESIA IS INAPPROPRIATE.

Section 1079(a)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except that, pursuant to such regulations as the Secretary of Defense may prescribe, hospitalization and professional services may be provided in connection with the anesthesia of a child under the age of six years for a dental procedure which, as determined by a qualified dental specialist, is necessary".

SEC. 704. TRICARE COVERAGE FOR FORENSIC EXAMINATIONS FOLLOWING SEXUAL ASSAULTS AND DOMESTIC VIOLENCE.

Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(17) Forensic examinations following a sexual assault or domestic violence may be provided.".

SEC. 705. PROHIBITION ON INCREASE IN FISCAL YEAR 2007 IN ENROLLMENT FEES FOR COVERAGE UNDER TRICARE PRIME.

(a) Prohibition.—Fees charged for enrollment in TRICARE Prime may not be increased during fiscal year 2007.

(b) TRICARE Prime Defined.—In this section, the term "TRICARE Prime" means the managed care option of the TRICARE program.

SEC. 706. LIMITATION ON FISCAL YEAR 2007 INCREASE IN PREMIUMS FOR COVERAGE UNDER TRICARE OF MEMBERS OF RESERVE COMPONENTS WHO COMMIT TO CONTINUED SERVICE IN SELECTED RESERVE AFTER RELEASE FROM ACTIVE DUTY.

Any premium charged under subsection (d) of section 1076d of title 10, United States Code, for coverage under TRICARE of members of reserve components who commit to continued service in the Selected Reserve after release from active duty, as authorized by subsection (a) of such section, may not be increased during fiscal year 2007 by an amount which exceeds 2.2 percent of such premium as of September 30, 2006.

SEC. 707. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

Subsection (a)(6) of section 1074g of title 10, United States Code, as amended by section 702(b) of this Act, is further amended by adding at the end the following new subparagraph:

"(D) During the period beginning on October 1, 2006, and ending on September 31, 2007, the cost sharing requirements established under this paragraph for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) may not exceed amounts as follows:

"(i) In the case of generic agents, $3.

"(ii) In the case of formulary agents, $9.

"(iii) In the case of nonformulary agents, $22.".

SEC. 708. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) In General.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) is an employee of a business with 20 or fewer employees.".

(b) Premiums.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2006.

Subtitle B—Planning, Programming, and Management

SEC. 721. TREATMENT OF TRICARE RETAIL PHARMACY NETWORK UNDER FEDERAL PROCUREMENT OF PHARMACEUTICALS.

Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) TRICARE Retail Pharmacy Network.—The TRICARE Retail Pharmacy Network under the TRICARE program shall be treated as an element of the Department of Defense for purposes of the procurement of drugs by Federal agencies under section 8126 of title 38 in connection with the provision by pharmacies in the Network of pharmaceutical services to eligible covered beneficiaries under this section.".

SEC. 722. RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH CARE PLANS.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097b the following new section:

"§ 1097c. TRICARE program: relationship with employer-sponsored group health plans

"(a) In General.—(1) The TRICARE program is the secondary payer for any health care services provided by an employer to a TRICARE eligible employee of such employer, and the spouse of such employee, through any group health plan offered by such employer.

"(2) An employer shall provide that a TRICARE eligible employee of such employer, and the spouse of such employee, is entitled to benefits and services under the group health plan offered by such employer in the same manner and to the same extent as similarly situated employees of such employer who are not TRICARE eligible employees.

"(3) An employer of a TRICARE eligible employee may not establish any condition applicable to the participation of the employee in a group health plan offered by such employer in connection with the entitlement of the employee for health care services under the TRICARE program, including any condition on—

"(A) the eligibility of the employee for participation in the plan; or

"(B) benefits or services available to the employee under the plan.

"(b) PROHIBITION ON INCENTIVES FOR TRICARE ELIGIBLE EMPLOYEES NOT TO ENROLL OR TO DISENROLL IN GROUP HEALTH PLANS.—(1) An employer may not offer a TRICARE eligible employee any financial or other benefit (including health services coverage that is supplemental to health services coverage under the TRICARE program) not to enroll, or to disenroll, in the group health plan offered by the employer in order to ensure that the TRICARE program, rather than the plan, is the primary payer for health care services received by the employee.

"(2)(A) An employer who violates the prohibition in paragraph (1) shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation.

"(B) Any amounts collected under this paragraph shall be credited to the appropriation available for the TRICARE program for the fiscal year in which such amounts are collected.

"(3)(A) Except as provided in subparagraph (B), the provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a) and (b) of such section 1128A, which provisions relate to procedures for the imposition of civil money penalties for certain violations of the Social Security Act, shall apply to the imposition of penalties under paragraph (2).

"(B) The Secretary of Defense may provide in the regulations prescribed under this section for the application to the imposition of penalties under paragraph (2) of procedural requirements specified in such regulations rather than the procedural requirements referred to in subparagraph (A). Any procedural requirements under such regulations shall be comparable to the procedural requirements referred to in subparagraph (A).

"(c) ELECTION OF TRICARE ELIGIBLE EMPLOYEES TO PARTICIPATE IN GROUP HEALTH PLAN.—A TRICARE eligible employee shall have the opportunity to elect to participate in the group health plan offered by the employer of the employee and receive primary coverage for health care services under the plan in the same manner and to the same extent as similarly situated employees of such employer who are not TRICARE eligible employees.

"(d) INAPPLICABILITY TO CERTAIN EMPLOYERS.—The provisions of this section do not apply to any employer who has fewer than 20 employees.

"(e) RETENTION OF ELIGIBILITY FOR COVERAGE UNDER TRICARE.—Nothing in this section, including an election made by a TRICARE eligible employee under subsection (c), shall be construed to effect, modify, or terminate the eligibility of a TRICARE eligible employee or spouse of such employee for health care or dental services under this chapter in accordance with the other provisions of this chapter.

"(f) COLLECTION OF INFORMATION.—(1) To improve the administration of this section, the Secretary of Defense may utilize the authorities on collection of information set forth in paragraphs (1) and (2) of section 1095(k) of this title, including the authority in the second sentence of paragraph (2) of such section.

"(2) Information obtained pursuant to the use of the authorities in paragraph (1) may not be disclosed for any purpose of than to carry out the purpose of this section.

"(g) OUTREACH.—The Secretary of Defense shall, in coordination with the other administering Secretaries, conduct outreach to inform covered beneficiaries who are entitled to health care benefits under the TRICARE program of the rights and responsibilities of such beneficiaries and employers under this section.

"(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the administration and enforcement of this section. The regulations shall be prescribed in consultation with the other administering Secretaries and the Attorney General, as appropriate.

"(i) DEFINITIONS.—In this section:

"(1) The term 'employer' includes a State or unit of local government.

"(2) The term 'group health plan' means a group health plan (as that term is defined in section 5000(b)(1) of the Internal Revenue Code of 1986 without regard to section 5000(d) of the Internal Revenue Code of 1986).

"(3) The term 'primary payer' means a group health plan that provides a benefit that would be primary under section 1079(j)(1) or 1086(g) of this title.

"(4) The term 'secondary payer' means a plan or program whose medical benefits are payable only after a primary payer has provided medical benefits in accordance with applicable law and the plan of the primary payer.

"(5) The term 'TRICARE eligible employee' means a covered beneficiary under section 1086 of this title entitled to health care benefits under the TRICARE program.

"(j) EFFECTIVE DATE.—This section shall take effect on January 1, 2008.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097b the following new item:

"1097c. TRICARE program: relationship with employer-sponsored group health plans.".

SEC. 723. ENROLLMENT IN THE TRICARE PROGRAM.

(a) SYSTEM OF ENROLLMENT REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097c, as added by section 722(a) of this Act, the following new section:

"§ 1097d. TRICARE program: system of enrollment

"(a) ESTABLISHMENT OF SYSTEM.—Not later than October 1, 2007, the Secretary of Defense shall establish a universal system for enrollment of all beneficiaries who obtain health care services from military medical treatment facilities or civilian health care providers under the TRICARE program (in this section referred to as 'participating beneficiaries').

"(b) PURPOSES OF SYSTEM.—The purposes of the system required by subsection (a) shall be as follows:

"(1) To ensure the efficient administration of benefits under the TRICARE program, including the Standard option of TRICARE.

"(2) To ensure that the geographic distribution of healthcare providers under the TRICARE program meets the needs of participating beneficiaries for ready access to health care services under the program.

"(3) To promote the implementation of disease management and chronic care management programs authorized by the National Defense Authorization Act for Fiscal Year 2007 and other provisions of law.

"(c) ELEMENTS.—The system required by subsection (a) shall be subject to the following:

"(1) Enrollment is required for all benefits options under the TRICARE program.

"(2) A one-time enrollment fee (in the amount of $25, in the case of an individual enrolling in self only coverage, or $40, in the case of an individual enrolling in self and family coverage) may be collected for all participating beneficiaries who utilize the Standard option of TRICARE, except that such enrollment fee may not be collected from the following:

"(A) Dependents of members of the armed forces on active duty.

"(B) Dependents of Reserves on extended active duty pursuant to a call or order to active duty of 30 days or more.

"(C) Participating beneficiaries who are also eligible for benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"(D) Participating beneficiaries enrolled in TRICARE Reserve Select under section 1076d of this title.

"(3) Enrollment in the system may occur at any time.

"(4) Enrollment in the system shall be by a variety of means utilizing a standard format.

"(d) ADMINISTRATION.—The Secretary shall provide for the administration of the system in each region of the TRICARE program by the TRICARE Regional Director for such region.

"(e) HEALTH RISK ASSESSMENT.—(1) The Secretary of Defense shall provide to each participating beneficiary who enrolls in the system required by subsection (a) a health risk assessment not later than 120 days after the date of the enrollment of such participating beneficiary in the system.

"(2) The Secretary shall provide health risk assessments under paragraph (1) by any means that the Secretary considers appropriate for purposes of this section.

"(f) CONSEQUENCES OF LACK OF PAYMENT OF ENROLLMENT FEE.—(1) In the case of any participating beneficiary who is subject to the payment of an enrollment fee under the authority in subsection (c)(2), payment of the enrollment fee shall, except as provided in paragraph (2), be a condition for receipt of benefits under the TRICARE program.

"(2) The Secretary of Defense may waive the applicability of paragraph (1) to any participating beneficiary or class of participating beneficiaries if the Secretary determines that the waiver is in the best interests of the United States.

"(g) COMMUNICATIONS AND OUTREACH WITH ENROLLEES.—(1) The Secretary of Defense shall, on a periodic basis but not less often than annually, provide to participating beneficiaries who are enrolled in the system required by subsection (a) information on current matters relating to the TRICARE program, including information on benefits available under the TRICARE program and information on preventive health care services and other practices intended to promote health and wellness among such participating beneficiaries.

"(2) The Secretary shall, on a periodic basis, conduct surveys or otherwise collect information on participating beneficiaries enrolled in the system with respect to the following:

"(A) The satisfaction of such beneficiaries who are participants in the option of the TRICARE program known as TRICARE Standard with the nature and scope of, and access to, health care services under that option.

"(B) Other health care insurance, if any, that is available to such beneficiaries.

"(C) Any other matters that the Secretary considers appropriate to improve health care benefits and access to health care services under the TRICARE program.

"(h) CONSULTATION.—The Secretary of Defense shall carry out this section in consultation with the other administering Secretaries.".

(b) COMPTROLLER GENERAL REPORT ON SYSTEM.—Not later than September 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the system of enrollment required by section 1097d of title 10, United States Code (as added by subsection (a)). The report shall include the following:

(1) An assessment of the progress made toward implementation of the system.

(2) A description and assessment of the integration of the system with the regional business plan of the TRICARE Regional Offices.

(3) An assessment of the readiness of the Department to implement the system by October 1, 2007.

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 1099 of title 10, United States Code, is repealed.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(1) by inserting after the item relating to section 1097c, as added by section 722(b) of this Act, the following new item:

"1097d. TRICARE program: system of enrollment.";

and

(2) by striking the item relating to section 1099.

SEC. 724. INCENTIVE PAYMENTS FOR THE PROVISION OF SERVICES UNDER THE TRICARE PROGRAM IN MEDICALLY UNDERSERVED AREAS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097d, as added by section 723(a) of this Act, the following new section:

"§1097e. TRICARE program: incentive payments for provision of services in medically underserved areas

"(a) INCENTIVE PAYMENTS AUTHORIZED.—(1) Commencing with the calendar quarter beginning on January 1, 2008, the Secretary of Defense, after consultation with the other administering Secretaries, shall make incentive payments under this section to physicians participating in the TRICARE program in a medically underserved area.

"(2) Incentive payments payable under this section shall be paid with respect to physician professional services furnished in medically underserved areas.

"(3) The incentive payment payable under this section with respect to a physician professional service is in addition to any other amounts payable for such service under the TRICARE program.

"(b) MEDICALLY UNDERSERVED AREA.—For purposes of this section, a medically underserved area is either of the following:

"(1) A primary care scarcity county (with respect to a primary care physician) or specialist care scarcity county (with respect to any other physician) identified by the Secretary of Health and Human Services under section 1833(u)(4) of the Social Security Act (42 U.S.C. 1395l(u)(4)).

"(2) A health professional shortage area identified by the Secretary of Health and Human Services under section 1833(m)(1) of the Social Security Act (42 U.S.C. 1395l(m)(1)).

"(c) AMOUNT OF INCENTIVE PAYMENT.—The amount of the incentive payment payable under subsection (a) with respect to a physician professional service is as follows:

"(1) In the case of a service furnished by a primary care physician in a primary care scarcity county or a service furnished by any other physician in a specialist care scarcity county covered by subsection (b)(1), an amount equal to 5 percent of the amount payable for the service under the TRICARE program.

"(2) In the case of a service furnished in an area covered by subsection (b)(2), an amount equal to 10 percent of the amount payable for the service under the TRICARE program.

"(3) In the case of a service provided in a location that is covered by both paragraphs (1) and (2) of subsection (b), an amount equal to 15 percent of the amount payable for the service under the TRICARE program.

"(d) LOCATION OF PROVISION OF SERVICE.—(1) For purposes of identifying the location in which a physician professional service is furnished for purposes of this section, the Secretary of Defense shall use the 5-digit postal ZIP code system.

"(2) If the 5-digit postal ZIP code for an area covers more than one county, the dominant county (as determined by the United States Postal Service or otherwise) shall be used to determine whether the postal ZIP code is in a scarcity county covered by subsection (b)(1).

"(e) FREQUENCY OF PAYMENT.—Incentive payments payable under this section shall be paid on a quarterly basis for incentive payments accrued during the previous calendar quarter.

"(f) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title, as amended by section 723(d)(1) of this Act, is further amended by inserting after the item relating to section 1097d the following new item:

"1097e. TRICARE program: incentive payments for provision of services in medically underserved areas.".

SEC. 725. STANDARDIZATION OF CLAIMS PROCESSING UNDER TRICARE PROGRAM AND MEDICARE PROGRAM.

(a) IN GENERAL.—Effective October 1, 2007, the claims processing requirements under the TRICARE program on the matters described in subsection (b) shall be identical to the claims processing requirements under the Medicare program on such matters.

(b) COVERED MATTERS.—The matters described in this subsection are as follows:

(1) The utilization of single or multiple provider identification numbers for purposes of the payment of health care claims by Department of Defense contractors.

(2) The documentation required to substantiate medical necessity for items and services that are covered under both the TRICARE program and the Medicare program.

(c) IMMEDIATE COLLECTION FROM THIRD-PARTY PAYERS.—

(1) POLICY REQUIRED.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe in regulations a policy for the collection of amounts from third-party payers as authorized by section 1095 of title 10, United States Code, immediately upon the presentation of claims for health care services to the Department of Defense.

(2) OVERPAYMENT.—The policy required by subsection (a) shall include mechanisms for the recoupment by third-party payers of amounts overpaid to the United States under the policy.

(d) ANNUAL REPORTS ON CLAIMS PROCESSING STANDARDIZATION.—

(1) IN GENERAL.—Not later than October 1, 2007, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a complete list of the claims processing requirements under the TRICARE program that differ from claims processing requirements under the Medicare program.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for each claims processing requirement listed in such report, a business case that justifies maintaining such requirement under the TRICARE program as a different claims processing requirement than that required under the Medicare program.

(e) DEFINITIONS.—In this section:

(1) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term "Medicare program" means the program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 726. REQUIREMENTS FOR SUPPORT OF MILITARY TREATMENT FACILITIES BY CIVILIAN CONTRACTORS UNDER TRICARE.

(a) ANNUAL INTEGRATED REGIONAL REQUIREMENTS ON SUPPORT.—The Regional Director of each region under the TRICARE program shall develop each year integrated, comprehensive requirements for the support of military treatment facilities in such region that is provided by contract civilian health care and administrative personnel under the TRICARE program.

(b) PURPOSES.—The purposes of the requirements established under subsection (a) shall be as follows:

(1) To ensure consistent standards of quality in the support of military treatment facilities by contract civilian health care personnel under the TRICARE program.

(2) To identify targeted, actionable opportunities throughout each region of the TRICARE program for the most efficient delivery of health care and support of military treatment facilities.

(3) To ensure the most effective use of various available contracting methods in securing support of military treatment facilities by civilian personnel under the TRICARE program, including resource-sharing and clinical support agreements, direct contracting, and venture capital investments.

(4) To achieve savings targets for each region under the TRICARE program.

(c) FACILITATION AND ENHANCEMENT OF CONTRACTOR SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to facilitate and enhance the support of military treatment facilities under the TRICARE program in order to assure maximum quality and productivity.

(2) ACTIONS.—In taking actions under paragraph (1), the Secretary shall—

(A) ensure approval by a Regional Director of all proposals for the support of military treatment facilities in the region concerned in accordance with the most current requirements established by such Regional Director under subsection (a);

(B) ensure the availability of adequate and sustainable funding support for projects which produce a return on investment to the military treatment facilities;

(C) ensure that a portion of any return on investment is returned to the military treatment facility to which such savings are attributable;

(D) require consistent standards of quality for contract civilian health care personnel providing support of military treatment facilities under the TRICARE program, including—

(i) consistent credentialing requirements among military treatment facilities; and

(ii) accreditation of health care staffing firms by the Joint Commission on the Accreditation of Health Care Organization Health Care Staffing Standards;

(E) remove financial disincentives for military treatment facilities and civilian contractors to initiate and sustain agreements for the support of military treatment facilities by such contractors under the TRICARE program;

(F) provide for a consistent process across all regions of the TRICARE program for developing cost benefit analyses of agreements for the support of military treatment facilities by civilian contractors under the TRICARE program based on actual cost and utilization data within each region of the TRICARE program; and

(G) provide for a system for tracking the performance of each project for support of military treatment facilities by a civilian contractor under the TRICARE program.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report on the support of military treatment facilities by civilian contractors under the TRICARE program during the preceding fiscal year.

(2) ELEMENTS.—Each report shall set forth, for the fiscal year covered by such report, the following:

(A) The status of the support of military health treatment facilities that is provided by contract civilian health care personnel under the TRICARE program in each region of the TRICARE program.

(B) An assessment of the compliance of such support with regional requirements under subsection (a).

(C) The number and type of agreements for the support of military treatment facilities by contract civilian health care personnel.

(D) The standards of quality in effect under the requirements under subsection (a).

(E) The savings anticipated, and any savings achieved, as a result of the implementation of the requirements under subsection (a).

SEC. 727. UNIFORM STANDARDS FOR ACCESS TO HEALTH CARE SERVICES FOR WOUNDED OR INJURED SERVICEMEMBERS.

(a) UNIFORM STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations uniform standards for the access of wounded or injured members of the Armed Forces to health care services through the military health care system.

(b) MATTERS COVERED BY STANDARDS.—The standards required by subsection (a) shall establish uniform policy with respect to the following:

(1) The access of wounded or injured members of the Armed Forces to emergency care.

(2) The access of such members to surgical services.

(3) Waiting times for referrals and consultations of such members by medical personnel, dental personnel, mental health specialists, and rehabilitative service specialists, including personnel and specialists with expertise in prosthetics and the in treatment of head, vision, and spinal cord injuries.

(4) Waiting times of such members for acute care and for routine follow-up care.

(c) REFERRAL TO PROVIDERS OUTSIDE MILITARY HEALTH CARE SYSTEM.—To the extent practicable, the Secretary shall require in the standards under subsection (a) that the standards be met through whatever means or mechanisms possible, including through the referral of members described in that subsection to health care providers outside the military health care system.

(d) TRACKING OF PERFORMANCE.—The standards required by subsection (a) shall require each Secretary concerned to establish mechanisms for tracking the performance of the military health care system under the jurisdiction of such Secretary in meeting the requirements for access of wounded or injured members of the Armed Forces to health care services set forth in such standards.

(e) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 728. DISEASE AND CHRONIC CARE MANAGEMENT.

(a) PROGRAM REQUIRED.—Not later than October 1, 2007, the Secretary of Defense shall establish and implement throughout the military health care system a fully-integrated program on disease and chronic care management that provides, to the extent practicable, uniform policies and practices, and regional execution of such policies and practices, on disease management and chronic care management throughout that system, including both military hospitals and clinics and civilian healthcare providers.

(b) PURPOSES OF PROGRAM.—The purposes of the program required by subsection (a) are as follows:

(1) To facilitate the improvement of the health status of individuals under care in the military health care system.

(2) To ensure the availability of effective health care services in that system for individuals with diseases and other chronic conditions.

(3) To ensure the proper allocation of health care resources for individuals who need care for disease or other chronic conditions.

(c) ELEMENTS.—The program required by subsection (a) shall meet the following requirements:

(1) Based on uniform policies prescribed by the Secretary under subsection (a), the program shall, at a minimum, address the following chronic diseases and conditions:

(A) Diabetes.

(B) Cancer.

(C) Heart disease.

(D) Asthma.

(E) Chronic obstructive pulmonary disorder.

(F) Depression and anxiety disorders.

(2) The program shall meet nationally-recognized accreditation standards for disease and chronic care management.

(3) The program shall include specific outcome measures and objectives on disease and chronic care management.

(4) The program shall include strategies for disease and chronic care management for all beneficiaries, including beneficiaries eligible for benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), for whom the TRICARE program is not the primary payer for health care benefits.

(5) Activities under the program shall conform to applicable laws and regulations relating to the confidentiality of health care information.

(d) DESIGN OF CERTAIN PORTIONS OF PROGRAM.—As part of the program required under subsection (a), the Secretary may contract for the design of a disease and chronic care management program for the military health care system.

(e) ACTIONS TO FACILITATE PROGRAM.—In order to facilitate the carrying out of the program required by subsection (a), the Secretary shall—

(1) require a comprehensive analysis of the disease and chronic care management opportunities within each region of the TRICARE program, including within military treatment facilities and through contractors under the TRICARE program;

(2) ensure continuous, adequate funding of disease and chronic care management activities throughout the military health care system in order to achieve maximum health outcomes and cost avoidance;

(3) eliminate, to the extent practicable, any financial disincentives to sustained investment by military hospitals and health care services contractors of the Department of Defense in the disease and chronic care management activities of the Department;

(4) ensure that appropriate clinical and claims data, including pharmacy utilization data, is available for use in implementing the program;

(5) ensure outreach to eligible beneficiaries, who, on the basis of their clinical conditions, are candidates for the program utilizing print and electronic media, telephone, and personal interaction; and

(6) provide a system for monitoring improvements in health status and clinical outcomes under the program and savings associated with the program.

(f) COMPTROLLER GENERAL REPORT.—Not later than September 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the program required by subsection (a). The report shall include the following:

(1) An assessment of the progress made toward implementation of the program.

(2) A description and assessment of the integration of disease and chronic care management strategies in the regional business plan of the TRICARE Regional Offices.

(3) An assessment of the readiness of the Department to implement the program by October 1, 2007.

(g) SECRETARY OF DEFENSE REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2008, and every year thereafter, the Secretary shall submit to the congressional defense committees a report on the program required by subsection (a).

(2) REPORT ELEMENTS.—Each report required by this subsection shall include the following:

(A) An assessment of the program during the one-year period ending on the date of such report.

(B) A description and assessment of improvements in health status and clinical outcomes.

(C) A description of the savings and return on investment associated with the program.

(D) A description of an investment strategy to assure the sustainment of the disease and chronic care management programs of the Department of Defense.

SEC. 729. POST-DEPLOYMENT HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES RETURNING FROM DEPLOYMENT IN SUPPORT OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations requirements applicable to the conduct of post-deployment health assessments for members of the Armed Forces returning from deployment in support of a contingency operation.

(b) GENERAL REQUIREMENTS.—The regulations prescribed under subsection (a) shall require the following:

(1) That a health assessment be conducted on each member of the Armed Forces returning from deployment in support of a contingency operation within such time after the return of such member from deployment as the Secretary shall specify in the regulations.

(2) That each health assessment be conducted by a healthcare provider having such qualifications as the Secretary shall specify in the regulations.

(3) That each health assessment assess such health-related matters as the Secretary shall specify in the regulations, including an assessment of mental health (including Traumatic Brain Injury (TBI)) for referral of a member for further evaluation relating to mental health (including evaluation of the effects of combat or operational stress).

(4) That the results of each health assessment be stored in a centralized data base maintained by the Secretary under this section.

(c) ASSESSMENTS OF MENTAL HEALTH.—

(1) CRITERIA FOR REFERRAL FOR FURTHER EVALUATIONS.—The regulations prescribed under subsection (a) shall include—

(A) criteria to be utilized by healthcare providers in determining whether to refer a member of the Armed Forces for further evaluation relating to mental health (including Traumatic Brain Injury);

(B) mechanisms to ensure that healthcare providers are trained in the application of such criteria in making such determinations; and

(C) mechanisms for oversight to ensure that healthcare providers apply such criteria consistently.

(2) AVAILABILITY OF REFERRAL.—Under the regulations, a copy of a referral of a member for further evaluation relating to mental health shall be—

(A) provided to the member;

(B) placed in the healthcare record of the member that is maintained by the Department of Defense; and

(C) provided to the healthcare manager of the member.

(3) TRACKING MECHANISMS.—The regulations shall include mechanisms to ensure that a member who receives a referral for further evaluation relating to mental health receives such evaluation and obtains such care and services as are warranted.

(4) QUALITY ASSURANCE.—The regulations shall include a requirement that the Department address, as part of the deployment health assessment quality assurance program of the Department, the following:

(A) The types of healthcare providers conducting post-deployment health assessments.

(B) The training received by such providers applicable to the conduct of such assessments, including training on assessments and referrals relating to mental health.

(C) The guidance available to such providers on how to apply the criteria prescribed under paragraph (1)(A) in determining whether to make a referral for further evaluation of a member of the Armed Forces relating to mental health.

(D) The effectiveness of the tracking mechanisms required under paragraph (3) in ensuring that members who receive referrals for further evaluations relating to mental health receive such evaluations and obtain such care and services as are warranted.

(d) COMPTROLLER GENERAL REPORTS ON IMPLEMENTATION OF REQUIREMENTS.—

(1) STUDY ON IMPLEMENTATION.—The Comptroller General of the United States shall carry out a study of the implementation of the requirements prescribed under this section.

(2) PERIODIC EVALUATION OF MENTAL HEALTH ASSESSMENT PROCESSES.—The Comptroller General shall, on a periodic basis, evaluate the following:

(A) The compliance of the Department of Defense and healthcare providers with the requirements under this section applicable to the assessment and referral of members of the Armed Forces relating to mental health.

(B) The effectiveness of the processes under such requirements in addressing the mental health care needs of members returning from deployments overseas.

(3) REPORTS.—(A) Not later than March 1, 2007, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study carried out under paragraph (1).

(B) Upon completion of an evaluation under paragraph (2), the Comptroller General shall submit to the committees of Congress referred to in subparagraph (A) a report on such evaluation.

(e) CONTINGENCY OPERATION DEFINED.—In this section, the term "contingency operation" has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.

(a) FINDING.—Congress finds that the Mental Health Self-Assessment Program (MHSAP) of the Department of Defense is vital to the overall health and well-being of deploying members of the Armed Forces and their families because that program provides—

(1) a non-threatening, voluntary, anonymous self-assessment of mental health that is effective in helping to detect mental health and substance abuse conditions;

(2) awareness regarding warning signs of such conditions; and

(3) information and outreach to members of the Armed Forces (including members of the National Guard and Reserves) and their families on specific services available for such conditions.

(b) EXPANSION OF PROGRAM.—The Secretary of Defense shall, acting through the Office of Health Affairs of the Department of Defense, take appropriate actions to expand the Mental Health Self-Assessment Program in order to achieve the following:

(1) The continuous availability of the assessment under the program to members and former members of the Armed Forces in order to ensure the long-term availability of the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge over time.

(2) The availability of programs and services under the program to address the mental health of dependent children of members of the Armed Forces who have been deployed or mobilized.

(c) OUTREACH.—The Secretary shall develop and implement a plan to conduct outreach and other appropriate activities to expand and enhance awareness of the Mental Health Self-Assessment Program, and the programs and services available under that program, among members of the Armed Forces (including members of the National Guard and Reserves) and their families.

(d) REPORTS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions undertaken under this section during the one-year period ending on the date of such report.

SEC. 731. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) ADDITIONAL NUMBER OF AUTHORIZED PERIODS.—

(1) IN GENERAL.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) LIMITATION ON NUMBER OF EXTENSIONS.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed 2 extensions.

(3) NOTICE AND WAIT.—The Secretary may not commence the exercise of the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) DEFINITIONS.—In this subsection, the terms "administering Secretaries" and "TRICARE program" have the meaning given such terms in section 1072 of title 10, United States Code.

(b) REPORT ON CONTRACTING MECHANISMS FOR HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States

Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as "excellent".

SEC. 732. MILITARY VACCINATION MATTERS.

(a) Additional Element for Comptroller General Study and Report on Vaccine Healthcare Centers.—Section 736(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3356) is amended by adding at the end the following new paragraph:

"(10) The feasibility and advisability of transferring direct responsibility for the Centers from the Army Medical Command to the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Force Protection and Readiness.".

(b) Response to Medical Needs Arising From Mandatory Military Vaccinations.—

(1) In general.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(2) Elements.—The joint military medical center of excellence under paragraph (1) shall consist of the following:

(A) The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.

(B) Any other elements that the Secretary considers appropriate.

(3) Authorized activities.—In acting as the principal elements of the joint military medical center under paragraph (1), the Vaccine Healthcare Centers referred to in paragraph (2)(A) may carry out the following:

(A) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(B) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(C) The development and sustainment of a long-term vaccine safety and efficacy registry.

(D) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(E) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(F) Educational outreach for immunization providers and those required to receive immunizations.

(G) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

(c) Limitation on Restructuring of Vaccine Healthcare Centers.—

(1) Limitation.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense until the Secretary submits to Congress a report setting forth a plan for meeting the immunization needs of the Armed Forces during the 10-year period beginning on the date of the submittal of the report.

(2) Report elements.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the potential biological threats to members of the Armed Forces that are addressable by vaccine.

(B) An assessment of the distance and time required to travel to a Vaccine Healthcare Center by members of the Armed Forces who have severe reactions to a mandatory military vaccine.

(C) An identification of the most effective mechanisms for ensuring the provision services by the Vaccine Healthcare Centers to both military medical professionals and members of the Armed Forces.

(D) An assessment of current military and civilian expertise with respect to mass adult immunization programs, including case management under such programs for rare adverse reactions to immunizations.

(E) An organizational structure for each military department to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces.

SEC. 733. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) Required Elements of Assessments.—Each pre-deployment mental health assessment of a member of the Armed Forces, shall include the following:

(1) A mental health history of the member, with emphasis on mental health status during the 12-month period ending on the date of the assessment and a review of military service during that period.

(2) An assessment of the current treatment of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(3) An assessment of any behavior of the member identified by the member's commanding officer that could indicate the presence of a mental health condition.

(4) Information provided by the member (through a checklist or other means) on the presence of any serious mental illness or any symptoms indicating a mental health condition or disorder.

(b) Referral for Further Evaluation.—Each member of the Armed Forces who is determined during a pre-deployment or post-deployment mental health assessment to have, or have symptoms or indicators for, a mental health condition or disorder shall be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

(c) Referral of Members Deployed in Contingency or Combat Operations.—Any member of the Armed Forces called or ordered to active duty in support of contingency or combat operations who requests access to mental health care services any time before, during, or after deployment shall be provided access to such services—

(1) not later than 72 hours after the making of such request; or

(2) at the earliest practicable time thereafter.

(d) Minimum Mental Health Standards for Deployment.—

(1) Standards required.—The Secretary of Defense shall prescribe in regulations minimum standards for mental health for the eligibility of a member of the Armed Forces for deployment to a combat operation or contingency operation.

(2) Elements.—The standards required by paragraph (1) shall include the following:

(A) A specification of the mental health conditions, treatment for such conditions, and receipt of psychotropic medications for such conditions that preclude deployment of a member of the Armed Forces to a combat operation or contingency operation, or to a specified type of such operation.

(B) Guidelines for the deployability and treatment of members of the Armed Forces diagnosed with a severe mental illness or Post Traumatic Stress Disorder (PTSD).

(3) Utilization.—The Secretary shall take appropriate actions to ensure the utilization of the standards prescribed under paragraph (1) in the making of determinations regarding the deployability of members of the Armed Forces to a combat operation or contingency operation.

(e) Monitoring of Certain Individuals.—The Secretary of Defense shall develop a plan, to be implemented throughout the Department of Defense, for monitoring the mental health of each member of the Armed Forces who, after deployment to a combat operation or contingency operation, is known—

(1) to have a mental health condition or disorder; or

(2) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.

(f) Implementation.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the actions taken to implement the requirements of this section.

SEC. 734. EDUCATION, TRAINING, AND SUPERVISION OF PERSONNEL PROVIDING SPECIAL EDUCATION SERVICES UNDER EXTENDED BENEFITS UNDER TRICARE.

Section 1079(d)(2) of title 10, United States Code is amended by adding at the end the following: "The regulations shall include the following:

"(A) Requirements for education, training, and supervision of individuals providing special education services known as Applied Behavioral Analysis under this subsection that are in addition to any other education, training, and supervision requirements applicable to Board Certified Behavior Analysts or Board Certified Associate Behavior Analysts or are otherwise applicable to personnel providing such services under applicable State law.

"(B) Metrics to identify and measure the availability and distribution of individuals of various expertise in Applied Behavioral Analysis in order to evaluate and assure the availability of qualified personnel to meet needs for Applied Behavioral Analysis under this subsection.".

Subtitle C—Studies and Reports

SEC. 741. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) Pilot Projects Required.—The Secretary of Defense shall carry out not less than three pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

(b) Duration.—The requirement to carry out pilot projects under this section shall commence on October 1, 2007. Any pilot projects carried out under this section shall cease on September 30, 2008.

(c) Pilot Project Requirements.—

(1) Mobilization-demobilization facility.—

(A) In general.—One of the pilot projects under this section shall be carried out at a military medical facility at a large military installation at which the mobilization or demobilization of members of the Armed Forces occurs.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed to evaluate and produce effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diagnose and treat Post Traumatic Stress Disorder in a manner that avoids the referral of patients to specialty care by a psychiatrist or other mental health professional.

(2) NATIONAL GUARD OR RESERVE FACILITY.—

(A) IN GENERAL.—One of the pilot projects under this section shall be carried out at the location of a National Guard or Reserve unit or units that are located more than 40 miles from a military medical facility and whose personnel are served primarily by civilian community health resources.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed—

(i) to evaluate approaches for providing evidence-based clinical information on Post Traumatic Stress Disorder to civilian primary care providers; and

(ii) to develop educational materials and other tools for use by members of the National Guard or Reserve who come into contact with other members of the National Guard or Reserve who may suffer from Post Traumatic Stress Disorder in order to encourage and facilitate early reporting and referral for treatment.

(3) INTERNET-BASED DIAGNOSIS AND TREATMENT.—One of the pilot projects under this section shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of Post Traumatic Stress Disorder, and for tracking patients who suffer from Post Traumatic Stress Disorder; and

(B) Internet-based tools available to family members of members of the Armed Forces in order to assist such family members in the identification of the emergence of Post Traumatic Stress Disorder.

(d) EVALUATION OF PILOT PROJECTS.—The Secretary shall evaluate each pilot project carried out under this section in order to assess the effectiveness of the approaches taken under such pilot project—

(1) to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the regular components of the Armed Forces, and among members of the National Guard and Reserves, who have returned from deployment; and

(2) to provide outreach to the family members of the members of the Armed Forces described in paragraph (1) on Post Traumatic Stress Disorder and other mental health conditions among such members of the Armed Forces.

(e) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the pilot projects carried out under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of each pilot project carried out under this section.

(B) An assessment of the effectiveness of the approaches taken under each pilot project to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the Armed Forces.

(C) Any recommendations for legislative or administrative action that the Secretary considers appropriate in light of the pilot projects, including recommendations on—

(i) the training of health care providers in the military and civilian health care systems on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions; and

(ii) the provision of outreach on Post Traumatic Stress Disorder and other mental health conditions to members of the National Guard and Reserves who have returned from deployment.

(D) A plan, in light of the pilot projects, for the improvement of the health care services provided to members of the Armed Forces in order to better assure the early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the Armed Forces, including a specific plan for outreach on Post Traumatic Stress Disorder and other mental health conditions to members of the National Guard and Reserve who have returned from deployment in order to facilitate and enhance the early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among such members of the National Guard and Reserves.

(f) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 303(a) for the Defense Health Program, $10,000,000 shall be available for pilot projects under this section.

(2) AVAILABILITY.—The amount available under paragraph (1) shall remain available until expended.

SEC. 742. ANNUAL REPORTS ON CERTAIN MEDICAL MALPRACTICE CASES.

(a) ANNUAL REPORTS TO SECRETARY OF DEFENSE.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 1, 2007, and annually thereafter, each Secretary of a military department shall submit to the Secretary of Defense a report on the following:

(A) Each case (other than a case involving the treatment of a member of the Armed Forces on active duty) during the preceding calendar year in which—

(i) a complaint or claim was made of medical malpractice committed in a medical treatment facility of such military department or by a health care provider of or employed by such military department; and

(ii) either—

(I) a judgment was entered against the United States in the amount of $1,000,000 or more; or

(II) an award, compromise, or settlement was entered into by the United States requiring payment by the United States in the amount of $1,000,000 or more.

(B) Each case during the preceding calendar year in which the death of, or serious personal injury to, a member of the Armed Forces on active duty occurred as a result of medical malpractice while the member was a patient in a medical treatment facility of such military department or under the care of a health care provider of or employed by such military department.

(2) REQUIRED INFORMATION.—The information required in a report under paragraph (1) on a case covered by such paragraph shall include the following:

(A) A description of the medical malpractice involved.

(B) A description of the actions, if any, taken with respect to the continued practice in the military health care system of the health care professionals involved.

(b) TRANSMITTAL OF REPORTS TO CONGRESS.—

(1) TRANSMITTAL REQUIRED.—Not later than April 1, 2007, and annually thereafter, the Secretary of Defense shall transmit to the congressional defense committees the reports submitted to the Secretary by the Secretaries of the military departments in such year.

(2) TRANSMITTAL MATTERS.—In transmitting reports for a year under paragraph (1), the Secretary may include with such reports the following:

(A) Any information or recommendations with respect to the matters covered by such reports that the Secretary considers appropriate.

(B) A summary of the actions taken during the year to address medical malpractice in the military health care system.

(c) DISCLOSURE OF INFORMATION.—In submitting or transmitting reports under this section, the Secretaries of the military departments and the Secretary of Defense shall ensure that the information contained in such reports is suitable for disclosure to the public, taking into account the provisions of law as follows:

(1) Section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(2) Laws relating to the protection and confidentiality of medical quality assurance records, including the provisions of section 1102 of title 10, United States Code.

(3) Any other laws relating to the protection and confidentiality of medical records.

SEC. 743. COMPTROLLER GENERAL STUDY ON DEPARTMENT OF DEFENSE PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the Department of Defense pharmacy benefits program required by section 1074g of title 10, United States Code.

(b) ELEMENTS.—The study required by subsection (a) shall include an examination of the following:

(1) The cost of the Department of Defense pharmacy benefits program since the inception of the program.

(2) The relative costs of various options under the program.

(3) The copayment structure under the program.

(4) The effectiveness of the rebate system under the program as a way of passing on discounts received by the Federal Government in the purchase of pharmaceutical agents.

(5) The uniform formulary under the program, including the success of the formulary in achieving savings anticipated through use of the formulary.

(6) Various alternative means of purchasing pharmaceutical agents more efficiently for availability under the program.

(7) The composition and decision-making processes of the Pharmacy and Therapeutics Committee.

(8) The composition of the Beneficiary Advisory Panel and its history as an advisory panel under the program (including the frequency of the acceptance of its recommendations by the Secretary of Defense).

(9) Quality assurance mechanisms under the program.

(10) The role of the program in support of the disease and chronic care management programs of the Department of Defense.

(11) Mechanisms for customer service and customer feedback under the program.

(12) Beneficiary satisfaction with the program.

(c) RESPONSE TO CERTAIN FINDINGS.—

(1) PHARMACY AND THERAPEUTICS COMMITTEE.—The Pharmacy and Therapeutics Committee shall—

(A) examine the results of the study of the Comptroller General under subsection (b)(7); and

(B) make such recommendations to the Secretary of Defense for modifications in the composition and decision-making processes of the Committee as the Committee considers appropriate in light of such results in order to improve the efficiency of such processes.

(2) BENEFICIARY ADVISORY PANEL.—The Beneficiary Advisory Panel shall—

(A) examine the results of the study of the Comptroller General under subsection (b)(8); and

(B) make such recommendations to the Secretary of Defense for modifications in the composition and advisory functions of the Panel as the Panel considers appropriate in light of such results in order to—

(i) ensure the independence and consumer focus of the Panel;

(ii) ensure the participation of the Panel as an advisory board throughout implementation of the Department of Defense pharmacy benefits program; and

(iii) achieve more effective communication between the Secretary and the Panel.

(d) REPORT.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include such recommendations as the Comptroller General considers appropriate for legislative or administrative action to improve the Department of Defense pharmacy benefits program in light of the study.

SEC. 744. COMPTROLLER GENERAL AUDITS OF DEPARTMENT OF DEFENSE HEALTH CARE COSTS AND COST-SAVING MEASURES.

(a) GENERAL AUDIT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the health care costs and cost-saving measures of the Department of Defense in accordance with this subsection. The Comptroller General shall conduct the audit in conjunction with the Department of Defense initiative to manage future medical benefits available through the Department known as "Sustain the Benefit".

(2) ELEMENTS.—The audit required by paragraph (1) shall examine the following:

(A) The basis for the calculation by the Department of Defense of the portion of the costs of health care benefits provided by the Department to beneficiaries that were paid by such beneficiaries in each of 1995 and 2005, including—

(i) a comparison of the cost to the Department of providing such benefits in each of 1995 and 2005;

(ii) the explanation for any increases in the costs of the Department of providing such benefits between 1995 and 2005; and

(iii) a comparison of the amounts paid, by category of beneficiaries, for health care benefits in 1995 with the amounts paid, by category of beneficiaries, for such benefits in 2005.

(B) The calculations and assumptions utilized by the Department in estimating the savings anticipated through the implementation of proposed increases in cost-sharing for health care benefits beginning in 2007.

(C) The average annual rate of increase, based on inflation, of medical costs for the Department under the Defense Health Program.

(D) The annual rate of growth in the cost of the Defense Health Program that is attributable to inflation in the cost of medical services over the last five years and how such rate of growth compares with annual rates of increases in health care premiums under the Federal Employee Health Benefit Program and other health care programs as well as rates of growth of other health care cost indices over that time.

(E) The assumptions utilized by the Department in estimating savings associated with adjustments in copayments for pharmaceuticals.

(F) The costs of the administration of the Defense Health Program and the TRICARE program for all categories of beneficiaries.

(c) AUDIT OF TRICARE RESERVE SELECT PROGRAM.—

(1) IN GENERAL.—In addition to the audit required by subsection (a), the Comptroller General shall conduct an audit of the costs of the Department of Defense in implementing the TRICARE Reserve Select Program.

(2) ELEMENTS.—The audit required by paragraph (1) shall include an examination of the following:

(A) A comparison of the annual premium amounts established by the Department of Defense for the TRICARE Reserve Select Program with the actual costs of the Department in providing benefits under that program in fiscal years 2004 and 2005.

(B) The rate of inflation of health care costs of the Department during fiscal years 2004 and 2005, and a comparison of that rate of inflation with the annual increase in premiums under the TRICARE Reserve Select Program in January 2006.

(C) A comparison of the financial and health-care utilization assumptions utilized by the Department in establishing premiums under the TRICARE Reserve Select Program with actual experiences under that program in the first year of the implementation of that program.

(3) TRICARE RESERVE SELECT PROGRAM DEFINED.—In this section, the term "TRICARE Reserve Select Program" means the program carried out under section 1074d of title 10, United States Code.

(d) USE OF INDEPENDENT EXPERTS.—Notwithstanding any other provision of law, in conducting the audits required by this section, the Comptroller General may engage the services of appropriate independent experts, including actuaries.

(e) REPORT.—Not later than April 1, 2007, the Comptroller General shall submit to the congressional defense committees a report on the audits conducted under this section. The report shall include—

(1) the findings of the Comptroller General as a result of the audits; and

(2) such recommendations as the Comptroller General considers appropriate in light of such findings to ensure maximum efficiency in the administration of the health care benefits programs of the Department of Defense.

SEC. 745. REVIEW OF DEPARTMENT OF DEFENSE MEDICAL QUALITY IMPROVEMENT PROGRAM.

(a) REVIEW REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of conducting an independent review of the Department of Defense medical quality improvement program.

(b) ELEMENTS.—The review required pursuant to subsection (a) shall include the following:

(1) An assessment of the methods used by the Department of Defense to monitor medical quality in services provided in military hospitals and clinics and in services provided in civilian hospitals and providers under the military health care system.

(2) An assessment of the transparency and public reporting mechanisms of the Department on medical quality.

(3) An assessment of how the Department incorporates medical quality into performance measures for military and civilian health care providers within the military health care system.

(4) An assessment of the patient safety programs of the Department.

(5) A description of the extent to which the Department seeks to address particular medical errors, and an assessment of the adequacy of such efforts.

(6) An assessment of accountability within the military health care system for preventable negative outcomes involving negligence.

(7) An assessment of the performance of the health care safety and quality measures of the Department.

(8) An assessment of the collaboration of the Department with national initiatives to develop evidence-based quality measures and intervention strategies, especially the initiatives of the Agency for Health Care Research and Quality within the Department of Health and Human Services.

(9) A comparison of the methods, mechanisms, and programs and activities referred to in paragraphs (1) through (8) with similar methods, mechanisms, programs, and activities used in other public and private health care systems and organizations.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the review required pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the review required pursuant to subsection (a).

(B) A discussion of recent highlights in the accomplishments of the Department of Defense medical quality assurance program.

(C) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of the program.

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term "uranium-exposed soldiers" means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

Subtitle D—Other Matters

SEC. 761. EXTENSION OF LIMITATION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

Section 744(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3360; 10 U.S.C. 129c note) is amended—

(1) by inserting "in a fiscal year" before "until";

(2) by inserting "with respect to that fiscal year" after "House of Representatives"; and

(3) by striking the last sentence and inserting the following new sentences: "The certification with respect to fiscal year 2007 may not be submitted before June 30, 2006. The certification with respect to any fiscal year after fiscal year 2007 shall be submitted at the same time the budget of the President for such fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code.".

SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) TRANSFER.—

(1) NOTIFICATION OF PARTICIPANTS.—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-Up Agency (in this section referred to as the "Agency") of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) COMPLETION OF TRANSFER.—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) COPIES TO ARCHIVES.—The Air Force shall send paper copies of all study documents to the National Archives.

(b) REPORT ON TRANSFER.—

(1) REQUIREMENT.—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the transfer.

(2) MATTERS COVERED.—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) DISPOSITION OF ASSETS NOT TRANSFERRED.—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) FUNDING.—

(1) COSTS OF TRANSFER.—Of the funds available to the Defense Health Program, the Secretary of Defense may make available to the Air Force $850,000 for preparation, transfer of the assets of the Air Force Health Study and shipment of data and specimens to the Medical Follow-Up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) COSTS OF COLLABORATION.—Of the funds available to the Defense Health Program, the Secretary of Defense may reimburse the National Academy of Sciences up to $200,000 for costs of the Medical Follow-Up Agency to collaborate with the Air Force in the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that year.

SEC. 763. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative of the Department of Defense implements cutting edge transformational medical technologies and applies them to address the challenges of known, emerging, and bioengineered threats.

(3) The Transformational Medical Technology Initiative is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional approaches.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(2) innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. ADDITIONAL CERTIFICATION REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ADDITIONAL CERTIFICATION REQUIREMENTS.—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) redesignating paragraph (7) as paragraph (10); and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) the program is needed to meet validated requirements consistent with the national military strategy;

"(8) reasonable estimates have been developed to execute the product development and production plan under the program;

"(9) funding is available to execute the product development and production plan under the program consistent with the estimates described in paragraph (8) for the program; and".

(b) WAIVER FOR NATIONAL SECURITY.—Subsection (c) of such section is amended by striking "(5), or (6)" and inserting "(5), (6), (7), (8), or (9)".

SEC. 802. EXTENSION AND ENHANCEMENT OF DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) PRIORITY FOR PROPOSALS FROM CERTAIN BUSINESSES.—Paragraph (5) of subsection (b) of section 2359b of title 10, United States Code, is amended to read as follows:

"(5) The Under Secretary—

"(A) may establish procedures to ensure that the Challenge Program does not become an avenue for the repetitive submission of proposals that have been previously reviewed and found not to have merit; and

"(B) may establish procedures to ensure that the Challenge Program establishes appropriate priorities for proposals from businesses that are not major contractors with the Department of Defense.".

(b) EXTENSION.—Subsection (j) of such section is amended by striking "September 30, 2007" and inserting "September 30, 2012".

SEC. 803. BASELINE DESCRIPTION AND UNIT COST REPORTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) SPECIFICATION OF ORIGINAL BASELINE ESTIMATE.—Section 2435(d)(1) of title 10, United States Code, is amended by inserting after "with respect to the program under subsection (a)" the following: "in preparation for entry into system development and demonstration, or at program initiation, whichever occurs later".

(b) REPORTS TO CONGRESS ON CERTAIN COST INCREASES.—Section 2433(e)(1) of such title is amended by adding at the end the following new subparagraph:

"(C) If the Secretary concerned determines that the program acquisition unit cost or procurement unit cost of a major defense acquisition program has increased by a percentage equal to or greater than the significant cost growth threshold for the program and a Selected Acquisition Report has been submitted to Congress under subparagraph (A) or (B), each subsequent quarterly or comprehensive annual Selected Acquisition Report shall include the information required by subsection (g). No further report on increases in the program acquisition unit cost or procurement unit cost shall be required under subsection (c) or (d) unless the program manager has reasonable cause to believe that the program acquisition unit cost or procurement unit cost has increased by a percentage equal to or greater than the critical cost growth threshold.".

SEC. 804. MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) REPORTS AND INFORMATION ON PROGRAM COST AND PERFORMANCE.—

(1) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 144 the following new chapter:

“CHAPTER 144A—MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS

“Sec.
“2445a. Major automated information system program defined.
“2445b. Cost, schedule, and performance information.
“2445c. Reports: quarterly reports; reports on program changes.
“2445d. Construction with other reporting requirements.

“§ 2445a. Major automated information system program defined

“(a) In General.—In this chapter, the term ‘major automated information system program’ means a Department of Defense program for the acquisition of an automated information system (either as a product or a service) if—

“(1) the program is designated by the Secretary of Defense, or a designee of the Secretary, as a major automated information system program; or

“(2) the dollar value of the program is estimated to exceed—

“(A) $32,000,000 in fiscal year 2000 constant dollars for all program costs in a single fiscal year;

“(B) $126,000,000 in fiscal year 2000 constant dollars for all program acquisition costs for the entire program; or

“(C) $378,000,000 in fiscal year 2000 constant dollars for the total life-cycle costs of the program (including operation and maintenance costs).

“(b) Adjustment.—The Secretary of Defense may adjust the amounts (and base fiscal year) set forth in subsection (a) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the Secretary transmits a written notification of the adjustment to the congressional defense committees.

“(c) Increments.—In the event any increment of a major automated information system program separately meets the requirements for treatment as a major automated information system program, the provisions of this chapter shall apply to such increment as well as to the overall major automated information system program of which such increment is a part.

“§ 2445b. Cost, schedule, and performance information

“(a) Submittal of Cost, Schedule, and Performance Information.—The Secretary of Defense shall submit to Congress each calendar year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, budget justification documents regarding cost, schedule, and performance for each major automated information system program for which funds are requested by the President in the budget.

“(b) Elements.—The documents submitted under subsection (a) with respect to a major automated information system program shall include detailed and summarized information with respect to the automated information system to be acquired under the program, and shall specifically include each of the following:

“(1) The development schedule, including major milestones.

“(2) The implementation schedule, including estimates of milestone dates, initial operational capability, and full operational capability.

“(3) Estimates of development costs and full life-cycle costs.

“(4) A summary of key performance parameters.

“(c) Baseline.—(1) For purposes of this chapter, the initial submittal to Congress of the documents required by subsection (a) with respect to a major automated information system program shall constitute the original estimate or information originally submitted on such program for purposes of the reports and determinations on program changes in section 2445c of this title.

“(2) An adjustment or revision of the original estimate or information originally submitted on a program may be treated as the original estimate or information originally submitted on the program if the adjustment or revision is the result of a critical change in the program covered by section 2445c(d) of this title.

“(3) In the event of an adjustment or revision to the original estimate or information originally submitted on a program under paragraph (2), the Secretary of Defense shall include in the next budget justification documents submitted under subsection (a) after such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.

“§ 2445c. Reports: quarterly reports; reports on program changes

“(a) Quarterly Reports by Program Managers.—The program manager of a major automated information system program shall, on a quarterly basis, submit to the senior Department of Defense official responsible for the program a written report identifying any variance in the projected development schedule, implementation schedule, life-cycle costs, or key performance parameters for the major automated information system to be acquired under the program from such information as originally submitted to Congress under section 2445b of this title.

“(b) Senior Officials Responsible for Programs.—For purposes of this section, the senior Department of Defense official responsible for a major automated information system program is—

“(1) in the case of an automated information system to be acquired for a military department, the senior acquisition executive for the military department; or

“(2) in the case of any other automated information system to be acquired for the Department of Defense or any component of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(c) Report on Significant Changes in Program.—

“(1) In general.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 45 days after receiving such report, notify the congressional defense committees in writing of such determination.

“(2) Covered determination.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

“(A) there has been a schedule change that will cause a delay of more than six months but less than a year in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

“(B) the estimated program development cost or full life-cycle cost for the program has increased by at least 15 percent, but less than 25 percent, over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

“(C) there has been a significant, adverse change in the expected performance of the major automated information system to be acquired under the program from the parameters originally submitted to Congress under paragraph (4) of section 2445b(b) of this title.

“(d) Report on Critical Changes in Program.—

“(1) In general.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 60 days after receiving such report—

“(A) carry out an evaluation of the program under subsection (e); and

“(B) submit, through the Secretary of Defense, to the congressional defense committees a report meeting the requirements of subsection (f).

“(2) Covered determination.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

“(A) there has been a schedule change that will cause a delay of one year or more in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

“(B) the estimated program development cost or full life-cycle cost for the program has increased by 25 percent or more over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

“(C) there has been a change in the expected performance of the major automated information system to be acquired under the program that will undermine the ability of the system to perform the functions anticipated at the time information on the program was originally submitted to Congress under section 2445b(b) of this title.

“(e) Program Evaluation.—The evaluation of a major automated information system program conducted under this subsection for purposes of subsection (d)(1)(A) shall include an assessment of—

“(1) the projected cost and schedule for completing the program if current requirements are not modified;

“(2) the projected cost and schedule for completing the program based on reasonable modification of such requirements; and

“(3) the rough order of magnitude of the cost and schedule for any reasonable alternative system or capability.

“(f) Report on Critical Program Changes.—A report on a major automated information system program conducted under this subsection for purposes of subsection (d)(1)(B) shall include a written certification (with supporting explanation) stating that—

“(1) the automated information system to be acquired under the program is essential to the national security or to the efficient management of the Department of Defense;

“(2) there is no alternative to the system which will provide equal or greater capability at less cost;

“(3) the new estimates of the costs, schedule, and performance parameters with respect to the program and system are reasonable; and

“(4) the management structure for the program is adequate to manage and control program costs.

"(g) Prohibition on Obligation of Funds.—(1) If the determination of a critical change to a program is made by the senior Department official responsible for the program under subsection (d)(2) and a report is not submitted to Congress within the 60-day period provided by subsection (d)(1), appropriated funds may not be obligated for any major contract under the program.

"(2) The prohibition on the obligation of funds for a program under paragraph (1) shall cease to apply on the date on which Congress has received a report in compliance with the requirements of subsection (d)(2).

"§ 2445d. Construction with other reporting requirements

"In the case of a major automated information system program covered by this chapter that is also treatable as a major defense acquisition program for which reports would be required under chapter 144 of this title, no reports on the program are required under such chapter if the requirements of this chapter with respect to the program are met.".

(2) Clerical amendments.—The tables of chapters the beginning of subtitle A of such title, and of part IV of subtitle A of such title, are each amended by inserting after the item relating to chapter 144 the following new item:

"144A. Major Automated Information System Programs .... 2445a".

(b) Report on Reporting Requirements Applicable to Major Automated Information System Programs.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the reporting requirements applicable to major automated information system programs as of the date of the report, including a specification of such reporting requirements considered by the Secretary to be duplicative or redundant.

(c) Effective Date.—

(1) In general.—The amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply with respect to any major automated information system program for which amounts are requested in the budget of the President (as submitted to Congress under section 1105 of title 31, United States Code) for a fiscal year after fiscal year 2008, regardless of whether the acquisition of the automated information system to be acquired under the program was initiated before, on, or after January 1, 2008.

(2) Report requirement.—Subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 805. ADJUSTMENT OF ORIGINAL BASELINE ESTIMATE FOR MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING COST GROWTH RESULTING FROM DAMAGE CAUSED BY HURRICANES KATRINA, RITA, AND WILMA.

(a) Adjustment Authorized.—Notwithstanding any limitations under section 2435(d) of title 10, United States Code, the Secretary of Defense may adjust the original Baseline Estimate for a major defense acquisition program that is carried out primarily in the Hurricane Katrina disaster area, Hurricane Rita disaster area, or Hurricane Wilma disaster area for the sole purpose of addressing cost growth in such program that, as determined by the Secretary, is directly attributable to damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma.

(b) Notice to Congress.—The Secretary shall identify any adjustment to the original Baseline Estimate of a major defense acquisition program under subsection (a), and provide an explanation of the basis for such adjustment, in the first Selected Acquisition Report that is submitted under section 2432 of title 10, United States Code, after such adjustment is made.

(c) Sunset.—The authority to adjust an original Baseline Estimate for a major defense acquisition program under subsection (a) shall expire on the date that is one year after the date of the enactment of this Act.

(d) Definitions.—In this section:

(1) The term "major defense acquisition program" has the meaning given that term in section 2430 of title 10, United States Code.

(2) The term "original Baseline Estimate", in the case of a major defense acquisition program, means the first baseline description for the program established under section 2435(a) of title 10, United States Code.

(3) The terms "Hurricane Katrina disaster area", "Hurricane Rita disaster area", and "Hurricane Wilma disaster area" have the meaning given such terms in section 1400M of the Internal Revenue Code of 1986.

SEC. 806. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) Inspector General Reviews and Determinations.—

(1) In general.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2007, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) Actions following certain determinations.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2008, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2007; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) Compliance With Defense Procurement Requirements.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) Memoranda of Understanding Between Inspectors General.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) Scope of memoranda.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) Limitations on Procurements on Behalf of Department of Defense.—

(1) Limitation during review period.—After March 15, 2007, and before June 16, 2008, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) Limitation after review period.—After June 15, 2008, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) Limitation following failure to reach MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) Exception From Applicability of Limitations.—

(1) Exception.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure

property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or subsection (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term "covered non-defense agency" means each of the following:

(A) The Department of Veterans Affairs.

(B) The National Institutes of Health.

(2) The term "governmentwide acquisition contract", with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 807. REGULATIONS ON USE OF FIXED-PRICE CONTRACTS IN DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the use of fixed-price type contracts in development programs.

(b) ELEMENTS.—As modified under subsection (a), the regulations described in that subsection shall—

(1) establish a preference for the use of fixed-price type contracts in development programs to the maximum extent practicable in light of the level of program risk; and

(2) require the use of fixed-price type contracts in each contract for system development and demonstration, or operational system development, unless the use of a different contract type is specifically authorized pursuant to subsection (c).

(c) AUTHORIZATION OF USE OF DIFFERENT CONTRACT TYPE.—

(1) IN GENERAL.—As modified under subsection (a), the regulations described in that subsection shall provide that the Secretary of Defense may authorize the use of a difference contract type under subsection (b)(2) with respect to a program upon a written determination by the Secretary that—

(A) the program is so complex and technically challenging that it would not be practicable to reduce program risk to a level that would permit the use of a fixed-price type contract; and

(B) the complexity and technical challenge of the program is not the result of a failure to meet the certification requirements established in section 2366a of title 10, United States Code.

(2) SUBMITTAL TO CONGRESSIONAL DEFENSE COMMITTEES.—The regulations shall provide that a copy of any determination on a program under paragraph (1), together with an explanation of the basis for such determination, shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of title 10, United States Code, after such determination is made.

(3) DELEGATION OF AUTHORITY.—The regulations shall provide that the authority to make a determination under paragraph (1) may not be delegated below the level of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(d) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 807 of the National Defense Authorization Act for Fiscal Year 1989 (10 U.S.C. 2304 note) is repealed.

(e) EFFECTIVE DATE OF REGULATIONS.—

(1) IN GENERAL.—The modified regulations required under this section shall apply to any contract entered into after the date that is 120 days after the date of the enactment of this Act.

(2) SYSTEM DEVELOPMENT AND DEMONSTRATION OR OPERATIONAL SYSTEM DEVELOPMENT.—The modification required by subsection (b)(2) in the regulations shall apply with respect to programs that enter into system development and demonstration, or operational system development, after the date that is 120 days after the date of the enactment of this Act.

SEC. 808. AVAILABILITY OF FUNDS FOR PERFORMANCE-BASED LOGISTICS CONTRACTS FOR WEAPON SYSTEMS LOGISTICS SUPPORT.

(a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—

(1) IN GENERAL.—Amounts available to the Department of Defense for operation and maintenance—

(A) are available for performance-based logistics contracts for weapon systems; and

(B) subject to paragraph (2), may be used in accordance with the terms of such contracts to implement engineering changes that result in a reduction of the operation and maintenance costs to the Government of such systems.

(2) LIMITATION.—Funds may not be used for a performance-based logistics contract to implement engineering changes the total cost of which is expected to exceed $20,000,000.

(b) NOTICE TO CONGRESS ON ENTRY INTO CONTRACTS.—

(1) IN GENERAL.—Not later than 30 days before entering into a performance-based logistics contract under this section, the Secretary of a military department shall submit to Congress a notice of intent to enter into such contract.

(2) ELEMENTS.—The notice on a performance-based logistics contract under paragraph (1) shall include the following:

(A) A statement that the military department concerned—

(i) has performed a business case analysis for such contract;

(ii) has determined, based on such analysis, that there is a reasonable expectation that such contract will result in an overall reduction of operation and maintenance costs with respect to a weapon system; and

(iii) has specific plans in place to

(I) update such analysis at appropriate decision points when sufficient cost and performance data have been collected to validate the assumptions used in developing such analysis; and

(II) periodically review and validate the propriety and integrity of program performance measures, and verify the reliability of contractor cost and performance data, with respect to such contract.

(B) An estimate of the projected cost and savings from such contract, together with an explanation of the basis for such estimates.

(c) PERFORMANCE-BASED LOGISTICS CONTRACT DEFINED.—In this section, the term "performance-based logistics contract" means a contract for the acquisition of logistics support (whether at the system, subsystem, or major assembly level) for a weapon system that combines logistics support in an integrated, affordable, performance package designed to optimize system readiness and meet performance goals for the weapon system through long-term support arrangements with clear lines of authority and responsibility for the provision of such support.

(d) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the status of all performance-bases logistics contracts entered into pursuant to this section.

(2) ELEMENTS.—The report under paragraph (1) shall include, for each contract covered by such report, a comparison of the projected cost and savings of such contract (as estimated in the notice to Congress under subsection (b)(2)(B)) with the actual cost and savings of such contract (as determined in accordance with the plan for such contract under subsection (b)(2)(A)(iii)).

(e) SUNSET.—

(1) IN GENERAL.—The authority to enter contracts under this section shall terminate on September 30, 2012.

(2) EFFECT ON EXISTING CONTRACTS.—The termination under paragraph (1) of the authority to enter contracts under this section shall not affect the use of funds for purposes authorized by subsection (a) under contracts entered on or before the date specified in that paragraph.

SEC. 809. QUALITY CONTROL IN PROCUREMENT OF SHIP CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) QUALITY CONTROL POLICY.—The Secretary of Defense shall prescribe in regulations a quality control policy for the procurement of the following:

(1) Ship critical safety items.

(2) Modifications, repair, and overhaul of ship critical safety items.

(b) ELEMENTS.—The policy required under subsection (a) shall include requirements as follows:

(1) That the head of the design control activity for ship critical safety items establish processes to identify and manage the procurement, modification, repair, and overhaul of such items.

(2) That the head of the contracting activity for a ship critical safety item enter into a contract for the procurement, modification, repair, or overhaul of such item only with a source on a qualified manufacturers list or a source approved by the design control activity in accordance with section 2319

of title 10, United States Code (as amended by subsection (d)).

(3) That the ship critical safety items delivered, and the services performed with respect to such items, meet all technical and quality requirements specified by the design control activity.

(c) Definitions.—In this section, the terms "ship critical safety item" and "design control activity" have the meanings given such terms in subsection (g) of 2319 of title 10, United States Code (as so amended).

(d) Conforming Amendments.—Section 2319 of title 10, United States Code, is amended—

(1) in subsection (c)(3), by inserting "or ship critical safety item" after "aviation critical safety item"; and

(2) in subsection (g)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) The term 'ship critical safety item' means any ship part, assembly, or support equipment containing a characteristic the failure, malfunction, or absence of which could cause a catastrophic or critical failure resulting in loss of or serious damage to the ship or unacceptable risk of personal injury or loss of life."; and

(C) in paragraph (3), as so redesignated—

(i) by inserting "or ship critical safety item" after "aviation critical safety item";

(ii) by inserting ", or the seaworthiness of a ship or ship equipment," after "equipment"; and

(iii) by striking "the item" and inserting "such item".

SEC. 810. THREE-YEAR EXTENSION OF REQUIREMENT FOR REPORTS ON COMMERCIAL PRICE TREND ANALYSES OF THE DEPARTMENT OF DEFENSE.

Section 803(c)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2306a note) is amended by striking "2006" and inserting "2009".

SEC. 811. PILOT PROGRAM ON TIME-CERTAIN DEVELOPMENT IN ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) Pilot Program Authorized.—The Secretary of Defense may carry out a pilot program on the use of time-certain development in the acquisition of major weapon systems.

(b) Purpose of Pilot Program.—The purpose of the pilot program authorized by subsection (a) is to assess the feasibility and advisability of utilizing time-certain development in the acquisition of major weapon systems in order to deliver new capabilities to the warfighter more rapidly through disciplined decision-making, emphasis on technological maturity, and appropriate tradeoffs between system performance and schedule.

(c) Inclusion of Systems in Pilot Program.—

(1) In general.—The decision whether to include a major weapon system in the pilot program shall be made by the Milestone Decision Authority for the acquisition program for the system.

(2) Criteria.—A major weapon system may be included in the pilot program only if the Milestone Decision Authority determines, in consultation with the service acquisition executive for the military department carrying out the acquisition program for the system and one or more combatant commanders responsible for fielding the system, that—

(A) the certification requirements of section 2366a of title 10, United States Code, have been met, and no waivers have been granted from such requirements;

(B) a preliminary design has been completed after appropriate requirements analysis using systems engineering, and the system, as so designed, will meet battlefield needs identified by the relevant combatant commanders;

(C) all critical technologies needed to meet system requirements have been demonstrated in an operational environment;

(D) an independent cost estimate has been conducted and used as the basis for funding requirements for the acquisition program for the system;

(E) the budget of the military department responsible for carrying out the acquisition program for the system provides the funding necessary to execute the product development and production plan consistent with the requirements identified pursuant to subparagraph (D);

(F) an appropriately-qualified program manager has entered into a performance agreement with the Milestone Decision Authority that establishes expected parameters for the cost, schedule, and performance of the acquisition program for the system, consistent with a business case for such acquisition program;

(G) the service acquisition executive and the program manager have agreed that the program manager will continue in such position until the delivery of the initial operational capability under the acquisition program for the system;

(H) the service acquisition executive, the relevant combatant commanders, and the program manager have agreed that no additional requirements will be added during the development phase of the acquisition program for the system; and

(I) a planned initial operational capability will be delivered to the relevant combatant commanders no more than 6 years after the date of the milestone B approval for the system.

(3) Timing of decision.—The decision whether to include a major weapon system in the pilot program shall be made at the time of milestone approval for the acquisition program for the system.

(d) Limitation on Number of System in Pilot Program.—The number of major weapon systems included in the pilot program at any time may not exceed 12 major weapon systems.

(e) Special Funding Authority.—

(1) Authority for reserve account.—Notwithstanding any other provision of law, the Secretary of Defense may establish a special reserve account utilizing funds made available for the major weapon systems included in the pilot program.

(2) Elements.—The special reserve account may include—

(A) funds made available for any major weapon system included in the pilot program to cover termination liability;

(B) funds made available for any major weapon system included in the pilot program for award fees that may be earned by contractors; and

(C) funds appropriated to the special reserve account.

(3) Availability of funds.—Funds in the special reserve account may be used, in accordance with guidance issued by the Secretary for purposes of this section, for the following purposes:

(A) To cover termination liability for any major weapon system included in the pilot program.

(B) To pay award fees that are earned by any contractor for a major weapon system included in the pilot program.

(C) To address unforeseen contingencies that could prevent a major weapon system included in the pilot program from meeting critical schedule or performance requirements.

(4) Reports on use of funds.—Not later than 30 days after the use of funds in the special reserve account for the purpose specified in paragraph (3)(C), the Secretary shall submit to the congressional defense committees a report on report the use of funds in the account for such purpose. The report shall set forth the purposes for which the funds were used and the reasons for the use of the funds for such purposes.

(f) Administration of Pilot Program.—The Secretary of Defense shall prescribe policies and procedures on the administration of the pilot program. Such policies and procedures shall—

(1) provide for the use of program status reports based on earned value data to track progress on a major weapon system under the pilot program against baseline estimates applicable to such system at each systems engineering technical review point; and

(2) grant authority to the program manager for the acquisition program for a major weapon system to make key program decisions and trade-offs, subject to management reviews only if cost or schedule deviations exceed 10 percent baselines for such acquisition program.

(g) Expiration of Authority To Include Additional Systems in Pilot Program.—

(1) Expiration.—A major weapon system may not be included in the pilot program after September 30, 2012.

(2) Retention of systems.—A major weapon system included in the pilot program before the date specified in paragraph (1) in accordance with the requirements of this section may remain in the pilot program after that date.

(h) Annual Report.—

(1) In general.—Not later than one year after including the first major weapon system in the pilot program, and annually thereafter, the Secretary shall submit to the congressional defense committees a report on the pilot program, and the major weapon systems included in the pilot program, during the one-year period ending on the date of such report.

(2) Elements.—Each report under this subsection shall include—

(A) a description of progress under the pilot program, and on each major weapon system included in the pilot program, during the period covered by such report; and

(B) such other matters as the Secretary considers appropriate.

(i) Major Weapon System Defined.—In this section, the term "major weapon system" means a weapon system that is treatable as a major system under section 2302(5) of title 10, United States Code.

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) Government Performance of Functions.—

(1) In general.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Government Performance of Critical Acquisition Functions.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

"(1) Program manager.

property and services through such non-defense agency.

(2) Applicability of determination.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) Termination of Applicability of Limitations.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) Identification of Procurements Made During a Particular Fiscal Year.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) Resolution of Disagreements.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or subsection (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) Definitions.—In this section:

(1) The term "covered non-defense agency" means each of the following:

(A) The Department of Veterans Affairs.

(B) The National Institutes of Health.

(2) The term "governmentwide acquisition contract", with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 807. REGULATIONS ON USE OF FIXED-PRICE CONTRACTS IN DEVELOPMENT PROGRAMS.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the use of fixed-price type contracts in development programs.

(b) Elements.—As modified under subsection (a), the regulations described in that subsection shall—

(1) establish a preference for the use of fixed-price type contracts in development programs to the maximum extent practicable in light of the level of program risk; and

(2) require the use of fixed-price type contracts in each contract for system development and demonstration, or operational system development, unless the use of a different contract type is specifically authorized pursuant to subsection (c).

(c) Authorization of Use of Different Contract Type.—

(1) In general.—As modified under subsection (a), the regulations described in that subsection shall provide that the Secretary of Defense may authorize the use of a difference contract type under subsection (b)(2) with respect to a program upon a written determination by the Secretary that—

(A) the program is so complex and technically challenging that it would not be practicable to reduce program risk to a level that would permit the use of a fixed-price type contract; and

(B) the complexity and technical challenge of the program is not the result of a failure to meet the certification requirements established in section 2366a of title 10, United States Code.

(2) Submittal to congressional defense committees.—The regulations shall provide that a copy of any determination on a program under paragraph (1), together with an explanation of the basis for such determination, shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of title 10, United States Code, after such determination is made.

(3) Delegation of authority.—The regulations shall provide that the authority to make a determination under paragraph (1) may not be delegated below the level of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(d) Repeal of Superseded Requirements.—Section 807 of the National Defense Authorization Act for Fiscal Year 1989 (10 U.S.C. 2304 note) is repealed.

(e) Effective Date of Regulations.—

(1) In general.—The modified regulations required under this section shall apply to any contract entered into after the date that is 120 days after the date of the enactment of this Act.

(2) System development and demonstration or operational system development.—The modification required by subsection (b)(2) in the regulations shall apply with respect to programs that enter into system development and demonstration, or operational system development, after the date that is 120 days after the date of the enactment of this Act.

SEC. 808. AVAILABILITY OF FUNDS FOR PERFORMANCE-BASED LOGISTICS CONTRACTS FOR WEAPON SYSTEMS LOGISTICS SUPPORT.

(a) Availability of Operation and Maintenance Funds.—

(1) In general.—Amounts available to the Department of Defense for operation and maintenance—

(A) are available for performance-based logistics contracts for weapon systems; and

(B) subject to paragraph (2), may be used in accordance with the terms of such contracts to implement engineering changes that result in a reduction of the operation and maintenance costs to the Government of such systems.

(2) Limitation.—Funds may not be used for a performance-based logistics contract to implement engineering changes the total cost of which is expected to exceed $20,000,000.

(b) Notice to Congress on Entry Into Contracts.—

(1) In general.—Not later than 30 days before entering into a performance-based logistics contract under this section, the Secretary of a military department shall submit to Congress a notice of intent to enter into such contract.

(2) Elements.—The notice on a performance-based logistics contract under paragraph (1) shall include the following:

(A) A statement that the military department concerned—

(i) has performed a business case analysis for such contract;

(ii) has determined, based on such analysis, that there is a reasonable expectation that such contract will result in an overall reduction of operation and maintenance costs with respect to a weapon system; and

(iii) has specific plans in place to—

(I) update such analysis at appropriate decision points when sufficient cost and performance data have been collected to validate the assumptions used in developing such analysis; and

(II) periodically review and validate the propriety and integrity of program performance measures, and verify the reliability of contractor cost and performance data, with respect to such contract.

(B) An estimate of the projected cost and savings from such contract, together with an explanation of the basis for such estimates.

(c) Performance-Based Logistics Contract Defined.—In this section, the term "performance-based logistics contract" means a contract for the acquisition of logistics support (whether at the system, subsystem, or major assembly level) for a weapon system that combines logistics support in an integrated, affordable, performance package designed to optimize system readiness and meet performance goals for the weapon system through long-term support arrangements with clear lines of authority and responsibility for the provision of such support.

(d) Report.—

(1) In general.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the status of all performance-bases logistics contracts entered into pursuant to this section.

(2) Elements.—The report under paragraph (1) shall include, for each contract covered by such report, a comparison of the projected cost and savings of such contract (as estimated in the notice to Congress under subsection (b)(2)(B)) with the actual cost and savings of such contract (as determined in accordance with the plan for such contract under subsection (b)(2)(A)(iii)).

(e) Sunset.—

(1) In general.—The authority to enter contracts under this section shall terminate on September 30, 2012.

(2) Effect on existing contracts.—The termination under paragraph (1) of the authority to enter contracts under this section shall not affect the use of funds for purposes authorized by subsection (a) under contracts entered on or before the date specified in that paragraph.

SEC. 809. QUALITY CONTROL IN PROCUREMENT OF SHIP CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) Quality Control Policy.—The Secretary of Defense shall prescribe in regulations a quality control policy for the procurement of the following:

(1) Ship critical safety items.

(2) Modifications, repair, and overhaul of ship critical safety items.

(b) Elements.—The policy required under subsection (a) shall include requirements as follows:

(1) That the head of the design control activity for ship critical safety items establish processes to identify and manage the procurement, modification, repair, and overhaul of such items.

(2) That the head of the contracting activity for a ship critical safety item enter into a contract for the procurement, modification, repair, or overhaul of such item only with a source on a qualified manufacturers list or a source approved by the design control activity in accordance with section 2319

of title 10, United States Code (as amended by subsection (d)).

(3) That the ship critical safety items delivered, and the services performed with respect to such items, meet all technical and quality requirements specified by the design control activity.

(c) DEFINITIONS.—In this section, the terms "ship critical safety item" and "design control activity" have the meanings given such terms in subsection (g) of 2319 of title 10, United States Code (as so amended).

(d) CONFORMING AMENDMENTS.—Section 2319 of title 10, United States Code, is amended—

(1) in subsection (c)(3), by inserting "or ship critical safety item" after "aviation critical safety item"; and

(2) in subsection (g)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) The term 'ship critical safety item' means any ship part, assembly, or support equipment containing a characteristic the failure, malfunction, or absence of which could cause a catastrophic or critical failure resulting in loss of or serious damage to the ship or unacceptable risk of personal injury or loss of life."; and

(C) in paragraph (3), as so redesignated—

(i) by inserting "or ship critical safety item" after "aviation critical safety item";

(ii) by inserting ", or the seaworthiness of a ship or ship equipment," after "equipment"; and

(iii) by striking "the item" and inserting "such item".

SEC. 810. THREE-YEAR EXTENSION OF REQUIREMENT FOR REPORTS ON COMMERCIAL PRICE TREND ANALYSES OF THE DEPARTMENT OF DEFENSE.

Section 803(c)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2306a note) is amended by striking "2006" and inserting "2009".

SEC. 811. PILOT PROGRAM ON TIME-CERTAIN DEVELOPMENT IN ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program on the use of time-certain development in the acquisition of major weapon systems.

(b) PURPOSE OF PILOT PROGRAM.—The purpose of the pilot program authorized by subsection (a) is to assess the feasibility and advisability of utilizing time-certain development in the acquisition of major weapon systems in order to deliver new capabilities to the warfighter more rapidly through disciplined decision-making, emphasis on technological maturity, and appropriate tradeoffs between system performance and schedule.

(c) INCLUSION OF SYSTEMS IN PILOT PROGRAM.—

(1) IN GENERAL.—The decision whether to include a major weapon system in the pilot program shall be made by the Milestone Decision Authority for the acquisition program for the system.

(2) CRITERIA.—A major weapon system may be included in the pilot program only if the Milestone Decision Authority determines, in consultation with the service acquisition executive for the military department carrying out the acquisition program for the system and one or more combatant commanders responsible for fielding the system, that—

(A) the certification requirements of section 2366a of title 10, United States Code, have been met, and no waivers have been granted from such requirements;

(B) a preliminary design has been completed after appropriate requirements analysis using systems engineering, and the system, as so designed, will meet battlefield needs identified by the relevant combatant commanders;

(C) all critical technologies needed to meet system requirements have been demonstrated in an operational environment;

(D) an independent cost estimate has been conducted and used as the basis for funding requirements for the acquisition program for the system;

(E) the budget of the military department responsible for carrying out the acquisition program for the system provides the funding necessary to execute the product development and production plan consistent with the requirements identified pursuant to subparagraph (D);

(F) an appropriately-qualified program manager has entered into a performance agreement with the Milestone Decision Authority that establishes expected parameters for the cost, schedule, and performance of the acquisition program for the system, consistent with a business case for such acquisition program;

(G) the service acquisition executive and the program manager have agreed that the program manager will continue in such position until the delivery of the initial operational capability under the acquisition program for the system;

(H) the service acquisition executive, the relevant combatant commanders, and the program manager have agreed that no additional requirements will be added during the development phase of the acquisition program for the system; and

(I) a planned initial operational capability will be delivered to the relevant combatant commanders no more than 6 years after the date of the milestone B approval for the system.

(3) TIMING OF DECISION.—The decision whether to include a major weapon system in the pilot program shall be made at the time of milestone approval for the acquisition program for the system.

(d) LIMITATION ON NUMBER OF SYSTEM IN PILOT PROGRAM.—The number of major weapon systems included in the pilot program at any time may not exceed 12 major weapon systems.

(e) SPECIAL FUNDING AUTHORITY.—

(1) AUTHORITY FOR RESERVE ACCOUNT.—Notwithstanding any other provision of law, the Secretary of Defense may establish a special reserve account utilizing funds made available for the major weapon systems included in the pilot program.

(2) ELEMENTS.—The special reserve account may include—

(A) funds made available for any major weapon system included in the pilot program to cover termination liability;

(B) funds made available for any major weapon system included in the pilot program for award fees that may be earned by contractors; and

(C) funds appropriated to the special reserve account.

(3) AVAILABILITY OF FUNDS.—Funds in the special reserve account may be used, in accordance with guidance issued by the Secretary for purposes of this section, for the following purposes:

(A) To cover termination liability for any major weapon system included in the pilot program.

(B) To pay award fees that are earned by any contractor for a major weapon system included in the pilot program.

(C) To address unforeseen contingencies that could prevent a major weapon system included in the pilot program from meeting critical schedule or performance requirements.

(4) REPORTS ON USE OF FUNDS.—Not later than 30 days after the use of funds in the special reserve account for the purpose specified in paragraph (3)(C), the Secretary shall submit to the congressional defense committees a report on report the use of funds in the account for such purpose. The report shall set forth the purposes for which the funds were used and the reasons for the use of the funds for such purposes.

(f) ADMINISTRATION OF PILOT PROGRAM.—The Secretary of Defense shall prescribe policies and procedures on the administration of the pilot program. Such policies and procedures shall—

(1) provide for the use of program status reports based on earned value data to track progress on a major weapon system under the pilot program against baseline estimates applicable to such system at each systems engineering technical review point; and

(2) grant authority to the program manager for the acquisition program for a major weapon system to make key program decisions and trade-offs, subject to management reviews only if cost or schedule deviations exceed 10 percent baselines for such acquisition program.

(g) EXPIRATION OF AUTHORITY TO INCLUDE ADDITIONAL SYSTEMS IN PILOT PROGRAM.—

(1) EXPIRATION.—A major weapon system may not be included in the pilot program after September 30, 2012.

(2) RETENTION OF SYSTEMS.—A major weapon system included in the pilot program before the date specified in paragraph (1) in accordance with the requirements of this section may remain in the pilot program after that date.

(h) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than one year after including the first major weapon system in the pilot program, and annually thereafter, the Secretary shall submit to the congressional defense committees a report on the pilot program, and the major weapon systems included in the pilot program, during the one-year period ending on the date of such report.

(2) ELEMENTS.—Each report under this subsection shall include—

(A) a description of progress under the pilot program, and on each major weapon system included in the pilot program, during the period covered by such report; and

(B) such other matters as the Secretary considers appropriate.

(i) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term "major weapon system" means a weapon system that is treatable as a major system under section 2302(5) of title 10, United States Code.

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

"(1) Program manager.

"(2) Deputy program manager.

"(3) Chief engineer.

"(4) Systems engineer.

"(5) Cost estimator.".

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

"(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

"(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.".

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAVER.—During the two-year period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

Subtitle B—Defense Industrial Base Matters

SEC. 821. REMOVAL OF HAND AND MEASURING TOOLS FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Subsection (b) of section 2533a of title 10, United States Code, is amended by striking paragraph (3).

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking "(b)(1)(A), (b)(2), or (b)(3)" each place it appears and inserting "(b)(1)(A) or (b)(2)".

SEC. 822. APPLICABILITY OF CERTAIN REQUIREMENTS REGARDING SPECIALTY METALS.

(a) EXEMPTION FOR CERTAIN COMMERCIAL ITEMS.—Subsection (i) of section 2533a of title 10, United States Code, is amended—

(1) by inserting ", DUAL-USE ITEMS, AND ELECTRONIC COMPONENTS" after "COMMERCIAL ITEMS";

(2) by inserting "(1)" before "this section";

(3) in paragraph (1), as so designated, by inserting "described in subsection (b)(1)" after "commercial items"; and

(4) by adding at the end the following new paragraphs:

"(2) This section is not applicable to—

"(A) a contract or subcontract for the procurement of a commercial item containing specialty metals described in subsections (b)(2) and (b)(3); or

"(B) specialty metals that are incorporated into an electronic component, where the value of the specialty metal used in the component is de minimis in relation to the value of the electronic component.

"(3) For purposes of paragraph (2)(A), a commercial item does not include—

"(A) any item that contains noncommercial modifications that cost or are expected to cost, in the aggregate, more than 5 percent of the total price of such item;

"(B) any item that would not be considered to be a commercial item, but for sales to government entities or inclusion in items that are sold to government entities;

"(C) forgings or castings for military unique end items;

"(D) fasteners other than commercial off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)); or

"(E) specialty metals.".

(b) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Such section is further amended by adding at the end the following new subsection:

"(k) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Subsection (a) does not apply to the procurement of an item from a contractor or a first-tier subcontractor if the Secretary of Defense or the Secretary of a military department determines that—

"(1) the item is or will be produced using the same production facilities, a common supply chain, and the same or similar production processes that are used for the production of similar items delivered to non-defense customers; and

"(2) the contractor or subcontractor has made a contractual commitment to purchase a quality, grade, and amount of domestically-melted specialty metals for use by the purchaser during the period of contract performance in the production of the item and other similar items delivered to non-defense customers that is not less that the greater of—

"(A) the amount of specialty metals that is purchased by the contractor for use in the item delivered to the Department of Defense; or

"(B) 40 percent of the amount of specialty metals purchased by the contractor or subcontractor for use during such period in the production of the item and similar items delivered to non-defense contractors.".

(c) DE MINIMIS STANDARD FOR SPECIALTY METALS.—Such section is further amended by adding at the end the following new subsection:

"(l) MINIMUM THRESHOLD FOR SPECIALTY METALS.—Notwithstanding the requirements of subsection (a), the Secretary of Defense or the Secretary of a military department may accept delivery of an item containing specialty metals that were not grown, reprocessed, reused, or produced in the United States if the total amount of noncompliant specialty metals in the item does not exceed 2 percent of the total amount of specialty metals in the item.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to items accepted for delivery on or after that date.

(2) CIVIL-MILITARY INTEGRATION.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered into on or after that date.

SEC. 823. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2539c. Waiver of domestic source or content requirements

"(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

"(1) in a foreign country that has a Declaration of Principles with the United States;

"(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

"(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

"(b) COVERED REQUIREMENTS.—For purposes of this section:

"(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

"(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

"(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

"(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

"(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

"(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

"(1) The Small Business Act (15 U.S.C. 631 et seq.).

"(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

"(3) Sections 7309 and 7310 of this title.

"(4) Section 2533a of this title.

"(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

"(h) CLARIFICATION OF RELATIONSHIP WITH BUY AMERICAN ACT.—Nothing in this section shall be construed to alter in any way the applicability of the Buy American Act (41 U.S.C. 10a), or the authority of the Secretary of Defense to waive the requirements of such Act, with respect to the procurement of any item to which such Act would apply without regard to this section.

"(i) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

"(j) DECLARATION OF PRINCIPLES.—(1) In this section, the term 'Declaration of Principles' means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

"(A) harmonization of military requirements and acquisition processes;

"(B) security of supply;

"(C) export procedures;

"(D) security of information;

"(E) ownership and corporate governance;

"(F) research and development;

"(G) flow of technical information; and

"(H) defense trade.

"(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

"2539c. Waiver of domestic source or content requirements.".

SEC. 824. REPEAL OF REQUIREMENT FOR IDENTIFICATION OF ESSENTIAL MILITARY ITEMS AND MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 825. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

Subtitle C—Defense Contractor Matters

SEC. 841. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410p. Defense contractors: requirements concerning former Department of Defense officials

"(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

"(b) REPORT INFORMATION.—Except as provided in subsection (c), a report by a contractor under subsection (a) shall—

"(1) list the name of each person who—

"(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces who served—

"(i) in an Executive Schedule position under subchapter II of chapter 53 of title 5;

"(ii) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5;

"(iii) in a general or flag officer position compensated at a rate of pay for grade 0–7 or above under section 201 of title 37; or

"(iv) as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract with a value in excess of $10,000,000; and

"(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than two years after such officer, employee, or member left service in the Department of Defense; and

"(2) in the case of each person listed under paragraph (1)—

"(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

"(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

"(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.

"(c) DUPLICATE INFORMATION NOT REQUIRED.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a previous annual report filed by such contractor under this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410p. Defense contractors: requirements concerning former Department of Defense officials.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 842. LEAD SYSTEMS INTEGRATORS.

(a) LIMITATIONS ON CONTRACTORS ACTING AS LEAD SYSTEMS INTEGRATORS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 841(a)(1) of this Act, is further amended by adding at the end the following new section:

"§ 2410q. Contracts: limitations on lead systems integrators

"(a) IN GENERAL.—Except as provided in subsection (b), no contractor performing any inherently governmental functions, or functions closely associated with inherently governmental functions, relating to the acquisition, engineering, structuring, planning, integration, management, or control of a system of systems, regardless of whether or not such contractor is expressly designated as a so-called 'lead systems integrator', may have any financial interest in the development or construction of any individual system or element of such system of systems.

"(b) EXCEPTION.—A contractor described in subsection (a) may have a financial interest in the development or construction of an individual system or element of a system of systems if the Secretary of Defense certifies to the congressional defense committees that—

"(1) the contractor is the preferred best of industry supplier of the system or element concerned; and

"(2) the contractor was selected to develop or construct the system or element concerned only after a formal competition for such system or element conducted by the Department of Defense in which the contractor participated only as a respondent to the request for proposal (RFP) under the competition.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude a contractor described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

"(d) DEFINITIONS.—In this section:

"(1) The term 'best of industry', with respect to the development or construction of a system or element by a contractor, means that the contractor provides the Government any of the following in the development or construction of the system or element for the Government:

"(A) Best overall value.

"(B) Best technology.

"(C) Best capability.

"(D) Best availability.

"(2) The term 'functions closely associated with inherently governmental functions' has the meaning given such term in section 2383(b)(3) of this title.

"(3) The term 'inherently governmental functions' has the meaning given such term in section 2383(b)(2) of this title.

"(4) The term 'system of systems' means a set of interdependent systems, including one or more major weapon systems, that are related to provide a given capability and in which the loss of any one would significantly degrade the performance or capabilities of the set of systems as a whole.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as amended by section 841(a)(2) of this Act, is further amended by adding at the end the following new item:

"2410q. Contracts: limitations on lead systems integrators.".

(3) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

(b) UPDATE OF REGULATIONS ON LEAD SYSTEMS INTEGRATORS.—Not later than December 31, 2006, the Secretary of Defense shall update the acquisition regulations of the Department of Defense in order to specify fully in such regulations the matters with respect to lead systems integrators set forth in section 805(b) of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3372).

(c) DEFINITION OF LEAD SYSTEMS INTEGRATOR.—

(1) DEFINITION REQUIRED.—The Secretary of Defense shall include in the report required by section 805 of the National Defense Authorization for Fiscal Year 2006 a precise and comprehensive definition of the term "lead

systems integrator'', as that term is utilized in such section.

(2) MATTERS TO BE ADDRESSED.—In defining the term ''lead systems integrator'' under paragraph (1), the Secretary shall take into account the following:

(A) The importance of lead systems integrators in the production, fielding, and sustainment of complex systems, including their role in addressing increases in cost, the evolution of interoperability requirements, and the maintenance and sustainment of critical capabilities.

(B) The unique engineering and integration skills of lead systems integrators.

(C) The management and organizational skills and capabilities of lead systems integrators, including the capacity of lead systems integrators to facilitate the participation of small and disadvantaged businesses in the production, fielding, and sustainment of complex systems.

(d) CONTRACT TYPES AND FEE STRUCTURES.—The Secretary of Defense shall include in the report required by section 805 of the National Defense Authorization for Fiscal Year 2006 a specification of various types of contracts and fee structures, including award and incentive fees, that are appropriate for use by lead systems integrators in the production, fielding, and sustainment of complex systems.

SEC. 843. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions (including definitions), for the Department of Defense on the appropriate use of award and incentive fees in Department of Defense acquisition programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) provide guidance on the circumstances in which contractor performance may be judged to be ''excellent'' or ''superior'' and the percentage of the available award fee which contractors should be paid for such performance;

(3) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be ''acceptable'', ''average'', ''expected'', ''good'', or ''satisfactory'';

(4) ensure that no award fee may be paid for contractor performance that is judged to be below-satisfactory performance or performance that does not meet the basic requirements of the contract;

(5) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(6) ensure that the Department of Defense—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(7) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(8) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) ASSESSMENT OF INDEPENDENT EVALUATION MECHANISMS.—

(1) IN GENERAL.—The Secretary of Defense shall select a federally-funded research and development center to assess various mechanisms that could be used to ensure an independent evaluation of contractor performance for the purpose of making determinations applicable to the judging and payment of award fees.

(2) CONSIDERATIONS.—The assessment conducted pursuant to paragraph (1) shall include consideration of the advantages and disadvantages of a system in which award fees are—

(A) held in a separate fund or funds of the Department of Defense; and

(B) allocated to a specific program only upon a determination by an independent board, charged with comparing contractor performance across programs, that such fees have been earned by the contractor for such program.

(3) REPORT.—The Secretary shall submit to the congressional defense committees a report on the assessment conducted pursuant to paragraph (1) not later than one year after the date of the enactment of this Act.

SEC. 844. PROHIBITION ON EXCESSIVE PASS-THROUGH CHARGES.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations prohibiting excessive pass-through charges on contracts or subcontracts (or task or delivery orders) that are entered into for or on behalf of the Department of Defense that are in excess of the simplified acquisition threshold, as specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

(b) SCOPE OF REGULATIONS.—The regulations prescribed under this section shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(c) DEFINITIONS.—In this section:

(1) The term ''excessive pass-through charge'' means a charge by a covered contractor or subcontractor for overhead or profit on work performed by a covered lower-tier contractor (other than charges for the direct costs of managing lower-tier contracts and overhead and profit based on such direct costs).

(2) The term ''covered contractor'' means the following:

(A) A contractor that assigns work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit) to subcontractors.

(B) In the case of a contract providing for the development or production of more than one weapon system, a contractor that assigns work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit) for any particular weapon system under such contract to subcontractors.

(3) The term ''covered lower-tier contractor'' means the following:

(A) With respect to a covered contractor described by paragraph (2)(A) in a contract, any lower-tier subcontractor under such contract.

(B) With respect to a covered contractor described by paragraph (2)(B) in a contract, any lower-tier subcontractor on a weapon system under such contract for which such covered contractor has assigned work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit).

(d) EFFECTIVE DATE.—The regulations prescribed under this section shall apply to contracts awarded for or on behalf of the Department of Defense on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 845. REPORT ON DEPARTMENT OF DEFENSE CONTRACTING WITH CONTRACTORS OR SUBCONTRACTORS EMPLOYING MEMBERS OF THE SELECTIVE RESERVE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on contracting with the Department of Defense by actual and potential contractors and subcontractors of the Department who employ members of the Selected Reserve of the reserve components of the Armed Forces.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The extent to which actual and potential contractors and subcontractors of the Department, including small businesses, employ members of the Selective Reserve.

(2) The extent to which actual and potential contractors and subcontractors of the Department have been or are likely to be disadvantaged in the performance of contracts with the Department, or in competition for new contracts with the Department, when employees who are such members are mobilized as part of a United States military operation overseas.

(3) Any actions that, in the view of the Secretary, should be taken to address any such disadvantage, including—

(A) the extension of additional time for the performance of contracts to contractors and subcontractors of Department who employ members of the Selected Reserve who are mobilized as part of a United States military operation overseas; and

(B) the provision of assistance in forming contracting relationships with other entities to ameliorate the temporary loss of qualified personnel.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required by this section. The report shall set forth the findings and recommendations of the Secretary as a result of the study.

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C. 2305 note) is repealed.

Subtitle D—Program Manager Matters

SEC. 861. PROGRAM MANAGER EMPOWERMENT AND ACCOUNTABILITY.

(a) STRATEGY.—The Secretary of Defense shall develop a comprehensive strategy for enhancing the role of Department of Defense program managers in developing and carrying out defense acquisition programs.

(b) MATTERS TO BE ADDRESSED.—The strategy required by this section shall address, at a minimum—

(1) enhanced training and educational opportunities for program managers;

(2) increased emphasis on the mentoring of current and future program managers by experienced senior executives and program managers within the Department;

(3) improved career paths and career opportunities for program managers;

(4) additional incentives for the recruitment and retention of highly qualified individuals to serve as program managers;

(5) improved resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) for program managers;

(6) improved means of collecting and disseminating best practices and lessons learned to enhance program management across the Department;

(7) common templates and tools to support improved data gathering and analysis for program management and oversight purposes;

(8) increased accountability of program managers for the results of defense acquisition programs; and

(9) enhanced monetary and nonmonetary awards for successful accomplishment of program objectives by program managers.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the strategy developed pursuant to this section.

SEC. 862. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM DEVELOPMENT PERIODS.

(a) REVISED GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for defense acquisition programs to address the tenure and accountability of program managers for the program development period of defense acquisition programs.

(b) PROGRAM DEVELOPMENT PERIOD.—For the purpose of this section, the term "program development period" refers to the period before a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program).

(c) RESPONSIBILITIES.—The revised guidance required by subsection (a) shall provide that the program manager for the program development period of a defense acquisition program is responsible for—

(1) bringing to maturity the technologies and manufacturing processes that will be needed to carry out such program;

(2) ensuring continuing focus during program development on meeting stated mission requirements and other requirements of the Department of Defense;

(3) making trade-offs between program cost, schedule and performance for the lifecycle of such program;

(4) developing a business case for such program; and

(5) ensuring that appropriate information is available to the milestone decision authority to make a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program), including information necessary to make the certification required by section 2366a of title 10, United States Code.

(d) QUALIFICATIONS, RESOURCES, AND TENURE.—The Secretary shall ensure that each program manager for the program development period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program until such time as such program is ready for a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program).

SEC. 863. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM EXECUTION PERIODS.

(a) REVISED GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for defense acquisition programs to address the tenure and accountability of program managers for the program execution period of defense acquisition programs.

(b) PROGRAM EXECUTION PERIOD.—For the purpose of this section, the term "program execution period" refers to the period after Milestone B approval (or Key Decision Point B approval in the case of a space program).

(c) RESPONSIBILITIES.—The revised guidance required by subsection (a) shall—

(1) require the program manager for the program execution period of a defense acquisition program to enter into a performance agreement with the milestone decision authority for such program within six months of assignment, that—

(A) establishes expected parameters for the cost, schedule, and performance of such program consistent with the business case for such program;

(B) provides the commitment of the milestone decision authority to provide the level funding and resources required to meet such parameters; and

(C) provides the assurance of the program manager that such parameters are achievable and that such program manager will be accountable for meeting such parameters; and

(2) provide the program manager with the authority to—

(A) veto the addition of new program requirements that would be inconsistent with the parameters established in the performance agreement entered pursuant to paragraph (1);

(B) make trade-offs between cost, schedule and performance, provided that such trade-offs are consistent with the parameters established in the performance agreement entered pursuant to paragraph (1);

(C) redirect funding within such program, to the extent necessary to achieve the parameters established in the performance agreement entered pursuant to paragraph (1);

(D) develop such interim goals and milestones as may be required to achieve the parameters established in the performance agreement entered pursuant to paragraph (1); and

(E) use program funds to recruit and hire such technical experts as may be required to carry out such program, if necessary expertise is not otherwise provided by the Department of Defense.

(d) QUALIFICATIONS, RESOURCES, AND TENURE.—The Secretary shall ensure that each program manager for the program execution period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program at the time of Milestone B approval (or Key Decision Point B approval in the case of a space program) and continues in such position until the delivery of the first production units of such program.

(e) LIMITED WAIVER AUTHORITY.—The Secretary may waive the requirement in subsection (d)(3) that a program manager for the program execution period of a defense acquisition program serve in that position until the delivery of the first production units of such program upon submitting to the congressional defense committees a written determination that—

(1) such program is so complex, and the delivery of the first production units will take so long, that it would not be feasible for a single individual to serve as program manager for the entire period covered by such subsection; and

(2) the complexity of such program, and length of time that will be required to deliver the first production units, are not the result of a failure to meet the certification requirements established in section 2366a of title 10, United States Code.

SEC. 864. DEPARTMENT OF DEFENSE PLAN FOR CONTINGENCY PROGRAM MANAGEMENT.

(a) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for the Department of Defense for contingency program management during combat operations and post-conflict operations.

(b) MATTERS TO BE COVERED.—The plan of the Department of Defense for contingency program management required by subsection (a) shall, at a minimum, provide for—

(1) the designation of a senior executive service official on the Joint Staff with the responsibility for administering the plan;

(2) the assignment of a senior commissioned officer of the Armed Forces with appropriate program management experience and qualifications to act as head of contingency program management during combat operations, post-conflict operations, and contingency operations, who shall report directly to the commander of the combatant command in whose area of responsibility the operations occur;

(3) a preplanned organizational structure for contingency program management that is designed to ensure that the Department is prepared to conduct contingency program management during combat operations and post-conflict operations, including advance planning for—

(A) unified, agile program management processes and procedures for an interagency and coalition environment;

(B) standardized joint contract mechanisms with clearly defined metrics;

(C) continuity of program and project management;

(D) identification of a deployable cadre of experts, trained in processes required under paragraph (4);

(E) required information technology resources and reliable, interoperable connections and communications; and

(F) coordination of program management operations with the activities of commanders in the field;

(4) a requirement for the development of a training program for contingency program management, including—

(A) comprehension of program management that focuses on cost, scope, schedule, success metrices, project oversight, and resource balancing;

(B) contracting options and rules;

(C) procedures for the Department on funding, accountability and component and partner responsibilities; and

(D) effective communications and rules for coordination with commanders in the field; and

(5) a requirement for identification of hiring and appointment authorities for rapid deployment of personnel under this section to ensure the availability of key personnel for sufficient lengths of time to provide for continuing of program and project management.

(c) UTILIZATION IN PLAN FOR INTERAGENCY PROCEDURES FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.—To the extent practicable, the elements of the plan of the Department of Defense for contingency program management required by subsection (a) shall be taken into account in the development of the plan for the establishment of interagency operating procedures for stabilization and reconstruction operations required by section 1222.

SEC. 865. COMPTROLLER GENERAL REPORT.

Not later than February 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the actions taken by the Secretary of Defense to comply with the requirements of this subtitle. The report shall include a description of such actions and an assessment by the Comptroller General of the effectiveness of such actions in meeting such requirements.

Subtitle E—Other Matters

SEC. 871. CLARIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in paragraph (2)(A), by inserting "or, for a defense agency, the director of the defense agency" after "(41 U.S.C. 414(c))"; and

(2) in paragraph (3), by inserting "or director of a defense agency" after "executive".

SEC. 872. ONE-YEAR EXTENSION OF SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542) is amended by striking "September 30, 2006" and inserting "September 30, 2007".

SEC. 873. ONE-YEAR EXTENSION OF INAPPLICABILITY OF CERTAIN LAWS TO CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

Subsections (a)(2)(A) and (b)(2)(A) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021), as amended by section 848(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3395), are each further amended by striking "2006" and inserting "2007".

SEC. 874. PILOT PROGRAM ON EXPANDED USE OF MENTOR-PROTEGE AUTHORITY.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of treating small business concerns described in subsection (b) as disadvantaged small business concerns under the Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note).

(b) COVERED SMALL BUSINESS CONCERNS.—The small business concerns described in this subsection are small business concerns that—

(1) are participants in the Small Business Innovative Research Program of the Department of Defense established pursuant to section 9 of the Small Business Act (15 U.S.C. 638); and

(2) as determined by the Secretary, are developing technologies that will assist in detecting or defeating Improvised Explosive Devices (IEDs) or other critical force protection measures.

(c) TREATMENT AS DISADVANTAGED SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—For purposes of the pilot program, the Secretary may treat a small business concern described in subsection (b) as a disadvantaged small business concern under the Mentor-Protege Program.

(2) MENTOR-PROTEGE AGREEMENT.—Any eligible business concerned approved for participation in the Mentor-Protege Program as a mentor firm may enter into a mentor-protege agreement and provide assistance described in section 831 of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern treated under paragraph (1) as a disadvantaged small business concern under the Mentor-Protege Program.

(d) FUNDING.—

(1) IN GENERAL.—Notwithstanding the limitation in section 9(f)(2) of the Small Business Act (15 U.S.C. 638(f)(2)), funds for any reimbursement provided to a mentor firm under section 831(g) of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern described in subsection (b) under the pilot program shall be derived from funds available for the Small Business Innovative Research Program of the Department of Defense.

(2) LIMITATION.—The amount available under paragraph (1) for reimbursement described in that paragraph may not exceed the amount equal to one percent of the funds available for the Small Business Innovative Research Program.

(e) SUNSET.—

(1) AGREEMENTS.—No mentor-protege agreement may be entered into under the pilot program after September 30, 2010.

(2) OTHER MATTERS.—No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under the pilot program after September 30, 2013.

(f) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall—

(1) describe the extent to which mentor-protege agreements have been entered under the pilot program; and

(2) describe and assess the technological benefits arising under such agreements.

(g) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate; and

(B) the Committees on Armed Services and Appropriations of the House of Representatives.

(2) The term "small business concern" has the meaning given that term in section 831(m)(1) of the National Defense Authorization Act for Fiscal Year 1991.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

SEC. 901. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2117. United States Military Cancer Institute

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

"(b) PURPOSES.—The purposes of the Institute are as follows:

"(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

"(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

"(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

"(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

"(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

"(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

"(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

"(B) The prevention and early detection of cancer among members and former members of the armed forces.

"(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

"(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

"(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

"(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

"2117. United States Military Cancer Institute.".

SEC. 902. SENIOR ACQUISITION EXECUTIVE FOR SPECIAL OPERATIONS WITHIN STAFF OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

(a) INCLUSION WITHIN STAFF.—The staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under section 138(b)(4) of title 10, United States Code, shall include a senior acquisition executive for special operations.

(b) DUTIES.—The senior acquisition executive within the staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under subsection (a) shall conduct policy and management oversight of the acquisition activities of the Special Operations Command under section 167 of title 10, United States Code, and shall have such other duties as the Assistant Secretary shall designate.

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

"§6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

"(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

"(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

"(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

"(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

"(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

"(1) to be discharged from the Marine Corps; or

"(2) to revert to the grade and status such member held at the time of appointment under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

"6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.".

SEC. 904. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.

(a) DEPARTMENT OF THE ARMY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) DEPARTMENT OF THE NAVY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall not be counted against the numbers and percentages of officers of the grade of vice admiral.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

Subtitle B—Space Activities

SEC. 911. ESTABLISHMENT OF OPERATIONALLY RESPONSIVE SPACE CAPABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to and use of space is critical for preserving peace and protecting the national security, commercial, and civil interests of the United States.

(2) Key priorities for the national security space activities of the United States include improving the capacity to support military operations worldwide and responding to strategic military threats.

(3) To the maximum extent possible, space capabilities should be integrated into the strategy, doctrine, operations, and contingency plans of the Armed Forces of the United States.

(4) The commanders of the combatant commands should have access to responsive space capabilities that provide prompt, focused support in their theater of operations, which capabilities should compliment other national and Department of Defense space assets while providing direct and flexible support to the warfighter on the battlefield.

(5) The United States Space Transportation Policy of January 6, 2005, calls for the demonstration, before 2010, of an initial capability for operationally responsive access to and use of space to support the national security requirements of the United States.

(b) POLICY.—It is the policy of the United States—

(1) to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support the warfighter from space; and

(2) that the capability described in paragraph (1) shall consist of—

(A) responsive satellite payloads;

(B) inexpensive space launch vehicles and range procedures that facilitate the timely launch of satellites;

(C) common technical standards for satellite busses; and

(D) a configuration of operations and command and control capabilities that permit the warfighter to exploit responsive space assets for combat operations.

(c) OPERATIONALLY RESPONSIVE SPACE HYBRID PROGRAM OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense an office to be known as the Operationally Responsive Space Hybrid Program Office (in this subsection referred to as the "Office").

(2) ELEMENTS.—The Office shall consist of elements of the Department of Defense selected by the Secretary from among the science and technology, acquisition, and operations elements of the Department having the capacity to contribute to the development of capabilities for operationally responsive space. Such elements shall be selected so as to achieve a balanced representation of the military departments in the Office in order to ensure proper acknowledgment of joint considerations in the activities of the Office.

(3) ORGANIZATION OF ELEMENTS.—The elements of the Office under paragraph (2) shall be organized by the Secretary into divisions as follows:

(A) A science and technology division that shall pursue innovative approaches to the development of capabilities for operationally responsive space through basic and applied research focused on payloads, bus, and launch equipment.

(B) An acquisition division that shall undertake the acquisition of systems necessary to procure, integrate, sustain, and launch assets for operationally responsive space.

(C) An operations division that shall—

(i) sustain and maintain assets for operationally responsive space prior to launch;

(ii) integrate and launch such assets; and

(iii) operate such assets in orbit.

(D) A combatant command support division that shall serve as the primary intermediary between the military departments and the combatant commands on operationally responsive space, including the integration of assets for operationally responsive space into—

(i) the operations plans of the combatant commands;

(ii) the training and tactics procedures of the military departments; and

(iii) military exercises, demonstrations, and war games.

(3) ACCOUNTABILITY.—The head of the Office shall report to the Executive Agent for Space of the Department of Defense regarding the activities of Office under this subsection.

(4) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

(A) The Executive Agent for Space of the Department of Defense shall be the senior acquisition executive of the Office.

(B) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office.

(C) The commander of the United States Strategic Command, or a designate of the commander, shall—

(i) validate all system requirements for systems to be acquired by the Office; and

(ii) participate in the approval of any acquisition program initiated by the Office.

(D) The unit procurement cost of a launch vehicle procured by the Office may not exceed $20,000,000.

(E) The unit procurement cost of an integrated satellite procured by the Office may not exceed $40,000,000.

(5) ADJUSTMENT OF UNIT PROCUREMENT COST LIMITS.—The Executive Agent for Space shall adjust the amounts specified in subparagraphs (D) and (E) of paragraph (4) to take into account the effects of inflation. Such adjustment shall take place once every five years.

(d) PLAN FOR OPERATIONALLY RESPONSIVE SPACE.—

(1) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the acquisition by the Department of Defense of capabilities for operationally responsive space to support the warfighter.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) An identification of the roles and missions of each military department, Defense Agency, and other component or element of the Department of Defense for the fulfillment of the mission of the Department with respect to operationally responsive space.

(B) An identification of the capabilities required by the Department to fulfill such mission.

(C) A description of the chain of command and reporting structure of the Operationally Responsive Space Hybrid Program Office under subsection (c).

(D) The security classification level required for the Office in order to ensure that the Office carries out its responsibilities under subsection (c) in a proper and efficient manner.

(E) A description of the acquisition policies and procedures applicable to the Office, including a description of any legislative or administrative action necessary to provide the Office additional acquisition authority to carry out its responsibilities.

(F) A schedule for the implementation of the plan.

(G) The funding and personnel required to implement the plan over the course of the current future-years defense program under section 221 of title 10, United States Code.

(e) DEFINITIONS.—In this section:

(1) The term "operationally responsive space" means the development and launch of space assets upon demand in a low-cost manner.

(2) The term "procurement unit cost" has the meaning given that term in section 2432(a) of title 10, United States Code.

SEC. 912. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking "shall be conducted during the three-year period beginning on a date specified by the Secretary of Defense, which date shall be not later than 180 days after the date of the enactment of this section" and inserting "may be conducted through September 30, 2009".

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

Subtitle C—Other Matters

SEC. 921. DEPARTMENT OF DEFENSE POLICY ON UNMANNED SYSTEMS.

(a) POLICY REQUIRED.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, develop a policy applicable throughout the Department of Defense on research, development, test, and evaluation, procurement, and operation of unmanned systems.

(b) ELEMENTS.—The policy required by subsection (a) shall include the following:

(1) Mission requirements (including mission requirements for the military departments and joint mission requirements) for unmanned systems to replace manned systems in the performance of routine or dangerous missions.

(2) A strategy and schedules for the replacement of manned systems with unmanned systems in the performance of such missions.

(3) Preference for joint unmanned systems in acquisition programs for new systems, including a requirement under any such program for the development of a manned system for a certification that an unmanned system is incapable of meeting program requirements.

(4) Joint development and procurement of unmanned systems and components.

(5) A strategy for the divestment of the military department unmanned systems unique to a particular department with a preference for joint unmanned systems.

(6) Programs to address technical, operational, and production challenges, and gaps in capabilities, with respect to unmanned systems.

(7) An organizational structure for effective management, coordination, and budgeting for the development and procurement of unmanned systems, including an assessment of the feasibility and advisability of designating a single department or other element of the Department of Defense to act as executive agent for the Department on unmanned systems.

(8) Requirements for the integration of unmanned and manned missions.

(9) Requirements in order to satisfy the goals for unmanned air and ground systems established in section 220 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–38).

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the policy required by subsection (a).

SEC. 922. EXECUTIVE SCHEDULE LEVEL IV FOR DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.

(a) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Under Secretary of Defense for Personnel and Readiness the following new item:

"Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Deputy Under Secretary of Defense for Logistics and Materiel Readiness on or after that date.

SEC. 923. THREE-YEAR EXTENSION OF JOINT INCENTIVES PROGRAM ON SHARING OF HEALTH CARE RESOURCES BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

Section 8111(d)(4) of title 38, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2010".

SEC. 924. SENSE OF SENATE ON NOMINATION OF INDIVIDUAL TO SERVE AS DIRECTOR OF OPERATIONAL TEST AND EVALUATION ON A PERMANENT BASIS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Congress established the position of Director of Operational Test and Evaluation of the Department of Defense in 1983 to ensure the operational effectiveness and suitability of weapon systems in combat.

(2) The Director of Operational Test and Evaluation serves as the principal adviser to the Secretary of Defense on operational test and evaluation and is vital to ensuring the operational effectiveness of weapon systems in combat.

(3) The position of Director of Operational Test and Evaluation has been held on an acting basis since February 15, 2005.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should submit to the Senate the nomination of an individual for the position of Director of Operational Test and Evaluation as soon as practicable.

SEC. 925. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

"(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.".

SEC. 926. REFORMS TO THE DEFENSE TRAVEL SYSTEM TO A FEE-FOR-USE-OF-SERVICE SYSTEM.

No later than one year after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per Department of Defense customer utilizing the system with an additional fixed fee for each transaction.

SEC. 927. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the United States Special Operations Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

Subtitle D—National Guard Bureau Matters

SEC. 931. SHORT TITLE.

This title may be cited as the "National Defense Enhancement and National Guard Empowerment Act of 2006".

SEC. 932. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands for the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal advisor".

(2) GRADE.—Subsection (e) of such section, as redesignated by paragraph (2)(A)(i) of this subsection, is further amended by striking "lieutenant general" and inserting "general".

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) DEVELOPMENT OF CHARTER.—Section 10503 of title 10, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop" and inserting "The Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force, shall develop"; and

(B) in paragraph (12), by striking "the Secretaries" and inserting "the Secretary of Defense".

(2) ADDITIONAL GENERAL FUNCTIONS.—Such section is further amended—

(A) by redesignating paragraph (12), as amended by paragraph (1)(B) of this subsection, as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(3) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the Adjutant Generals of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(4) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

"(d) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of

such title is amended by striking the item relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.

"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".

SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) In General.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) Purpose.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—

(1) Authority.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) Aggregate limitation.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) Iraq, Afghanistan, and the Global War on Terror.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(b) Hurricane Disaster Relief and Recovery.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) Border Security.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

SEC. 1003. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.

(a) Reduction.—The aggregate amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of all the amounts authorized to be appropriated by such titles reduced by $951,469,000.

(b) Source of Savings.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of a review of the inflation assumptions used in the preparation of the budget of the President for fiscal year 2007, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) Allocation of Reduction.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in titles I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to such accounts.

SEC. 1004. INCREASE IN FISCAL YEAR 2006 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3418) is amended by striking "$3,500,000,000" and inserting "$5,000,000,000".

SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2007.

(a) Fiscal Year 2007 Limitation.—The total amount contributed by the Secretary of Defense in fiscal year 2007 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) Total Amount.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2006, of funds appropriated for fiscal years before fiscal year 2007 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) Authorized Amounts.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $797,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $310,277,000 for the Military Budget.

(d) Definitions.—For purposes of this section:

(1) Common-funded budgets of NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) Fiscal year 1998 baseline limitation.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1006. MODIFICATION OF DATE OF SUBMITTAL OF OMB/CBO REPORT ON SCORING OF OUTLAYS.

Section 226(a) of title 10, United States Code, is amended by striking "January 15 of each year" and inserting "April 1 of each year".

SEC. 1007. PROHIBITION ON PARKING OF FUNDS.

(a) Prohibition.—

(1) In general.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2773a the following new section:

"§ 2773b. Parking of funds: prohibition; penalties

"(a) Prohibition.—An officer or employee of the Department of Defense may not direct the designation of funds for a particular purpose in the budget of the President, as submitted to Congress pursuant to section 1105 of title 31, or the supporting documents of the Department of Defense component of such budget, with the knowledge or intent that such funds, if made available to the Department, will not be used for the purpose for which they are designated.

"(b) Penalties.—The direction of the designation of funds in violation of the prohibition in subsection (a) shall be treated for purposes of chapter 13 of title 31 as a violation of section 1341(a)(1)(A) of title 31.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 165 of such title is amended by inserting after the item relating to section 2773a the following new item:

"2773b. Parking of funds: prohibition; penalties.".

(b) Effective Date.—

(1) In general.—The amendments made by subsection (a) shall take effect on the date that is 31 days after the date of the enactment of this Act.

(2) Modification of certain policies and regulations.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall modify the policies and regulations of the Department of Defense regarding the preparation and submittal to Congress of budget materials for the Department of Defense to take into account the provisions of section 2773b of title

10, United States Code (as added by subsection (a)).

SEC. 1008. INCORPORATION OF CLASSIFIED ANNEX.

(a) Status of Classified Annex.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany S. 2766 of the 109th Congress and transmitted to the President is hereby incorporated into this Act.

(b) Construction With Other Provisions of Act.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) Limitation on Use of Funds.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for such program, project, or activity in the Classified Annex.

(d) Distribution of Classified Annex.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1009. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) Annual Report and Notice Required.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) Earmark Defined.—In this section, the term "earmark" means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

Subtitle B—Naval Vessels

SEC. 1011. REPEAL OF REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT CARRIERS WITHIN THE NAVY.

Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 1012. APPROVAL OF TRANSFER OF NAVAL VESSELS TO FOREIGN NATIONS BY VESSEL CLASS.

Section 7307(a) of title 10, United States Code, is amended by inserting "or vessel of that class" after "that vessel".

SEC. 1013. NAMING OF CVN–78 AIRCRAFT CARRIER AS THE U.S.S. GERALD FORD.

(a) Findings.—Congress makes the following findings:

(1) Gerald R. Ford has served his country with honor and distinction for the past 64 years, and continues to serve.

(2) Gerald R. Ford joined the United States Naval Reserve in 1942 and served valiantly at sea on the U.S.S. Monterey (CVL–26) during World War II, taking part in major operations in the Pacific, including at Makin Island, Kwajalein, Truk, Saipan, and the Philippine Sea.

(3) The U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the vessel.

(4) Gerald R. Ford was first elected to the House of Representatives in 1948.

(5) In the course of 25 years of service in the House of Representatives, Gerald R. Ford distinguished himself by his exemplary record for character, decency, and trustworthiness.

(6) Throughout his service in Congress, Gerald R. Ford was an ardent proponent of strong national defense and international leadership by the United States.

(7) From 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives, raising the standard for bipartisanship in his tireless fight for freedom, hope, and justice.

(8) In 1973, Gerald R. Ford was appointed by President Nixon to the office of Vice President of the United States with the overwhelming support of Congress.

(9) From 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office during one of the most challenging periods in the history of the United States and restoring the faith of the people of the United States in the office of the President through his steady leadership, courage, and ultimate integrity.

(10) President Gerald R. Ford helped restore the prestige of the United States in the world community by working to achieve peace in the Middle East, preserve détente with the Soviet Union, and set new limits on the spread of nuclear weapons.

(11) President Gerald R. Ford served as Commander in Chief of the Armed Forces of the United States with great dignity, supporting a strong Navy and a global military presence for the United State and honoring the men and women of the Armed Forces of the United States.

(12) Since leaving the office of President, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, a strong supporter of human rights, and a promoter of higher education.

(13) Gerald R. Ford was awarded the Medal of Freedom and the Congressional Gold Medal in 1999 in recognition of his contribution to the Nation.

(14) As President, Gerald R. Ford bore the weight of a constitutional crisis and guided the Nation on a path of healing and restored hope, earning forever the enduring respect and gratitude of the Nation.

(b) Naming of CVN–78 Aircraft Carrier.—CVN–78, a nuclear powered aircraft carrier of the Navy, shall be named the U.S.S. Gerald Ford.

SEC. 1014. AUTHORITY TO DONATE SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) Findings.—Congress makes the following findings:

(1) It is in the economic and environmental interests of the United States to promote the disposal of vessels in the National Defense Reserve Fleet that are of insufficient value to warrant further preservation.

(2) The Maritime Administration of the Department of Transportation has been authorized to make such disposals, including the sale and recycling of such vessels and the donation of such vessels to any State, commonwealth, or possession of the United States, and to nonprofit organizations.

(3) The government of Greece has expressed an interest in obtaining and using the ex-Liberty ship, SS ARTHUR M. HUDDELL, for purposes of a museum exhibit.

(4) It is in the interest of the United States to authorize the Maritime Administration to donate SS ARTHUR M. HUDDELL to Greece.

(b) Donation of SS ARTHUR M. HUDDELL to Government of Greece.—Notwithstanding Section 510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158), the Secretary of Transportation is authorized to transfer SS ARTHUR M. HUDDELL, by gift, to the Government of Greece, in accordance with terms and conditions determined by the Secretary.

(c) Additional Equipment.—The Secretary may convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet to assist the Government of Greece under this section for purposes of the museum exhibit referred to in subsection (a)(3).

Subtitle C—Counterdrug Matters

SEC. 1021. EXTENSION OF AVAILABILITY OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042) is amended—

(1) in subsection (a)(1), by striking "2005 and 2006" and inserting "2005 through 2008"; and

(2) in subsection (c), by striking "2005 and 2006" and inserting "2005 through 2008".

SEC. 1022. EXTENSION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking "through 2006" and inserting "through 2011".

SEC. 1023. EXTENSION AND EXPANSION OF CERTAIN AUTHORITIES TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES.

(a) Concurrence of Secretary of State in Provision of Support.—Paragraph (1) of subsection (a) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136: 117 Stat. 1593), is further amended by striking "shall consult with" and inserting "shall seek the concurrence of".

(b) EXTENSION OF AUTHORITY.—Paragraph (2) of such subsection is amended by striking "September 30, 2006" and inserting "September 30, 2008".

(c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section 1033, as so amended, is further amended by adding at the end the following new paragraphs:

"(10) The Government of Azerbaijan.

"(11) The Government of Kazakhstan.

"(12) The Government of Kyrgyzstan.

"(13) The Government of Armenia.

"(14) The Government of Niger.

"(15) The Government of Mauritania.

"(16) The Government of Mali.

"(17) The Government of Chad.

"(18) The Government of Indonesia.

"(19) The Government of Philippines.

"(20) The Government of Thailand.

"(21) The Government of Malaysia.

"(22) The Government of Guatemala.

"(23) The Government of Belize.

"(24) The Government of Panama.".

(d) TYPES OF SUPPORT.—Subsection (c)(2) of such section 1033, as so amended, is further amended by inserting ", vehicles, and, subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft, and detection, interception, monitoring, and testing equipment" after "patrol boats".

(e) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section 1033, as so amended, is further amended—

(1) by striking "or $40,000,000" and inserting "$40,000,000"; and

(2) by inserting before the period at the end the following: ", or $80,000,000 during any of the fiscal years 2007 through 2008".

(f) ANNUAL REPORT ON SUPPORT PROVIDED TO ADDITIONAL GOVERNMENTS.—Such section 1033 is further amended by adding at the end the following new subsection:

"(i) ANNUAL REPORT ON SUPPORT PROVIDED TO CERTAIN GOVERNMENTS.—Not later than November 30 each year through 2008, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a comprehensive report on the support provided under this section during the preceding fiscal year to each government referred to in paragraphs (1) through (24) of subsection (b).".

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interests of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) REPORT ON UNITED STATES GOVERNMENT SUPPORT FOR OPBAT.—

(1) REPORT ON DECISION TO WITHDRAW.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) ELEMENTS.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

Subtitle D—Defense Intelligence and Related Matters

SEC. 1031. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2008".

SEC. 1032. ANNUAL REPORT ON INTELLIGENCE OVERSIGHT ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—Not later than March 1, 2007, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees and the congressional intelligence committees a report on the intelligence oversight activities of the Department of Defense during the previous calendar year.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the calendar year covered by such report, the following:

(1) A description of any questionable intelligence activity that came to the attention of any General Counsel or Inspector General within the Department of Defense, or the Under Secretary of Defense for Intelligence, and a description of the actions taken by such official with respect to such activity.

(2) A description of the results of intelligence oversight inspections undertaken by each of the following:

(A) The Office of the Secretary of Defense.

(B) Each military department.

(C) Each combat support agency.

(D) Each field operating agency.

(3) A description of any changes made in—

(A) any program for the intelligence oversight activities of the Department of Defense, including any training program; or

(B) any published directive or policy memoranda on the intelligence or intelligence-related activities of—

(i) any military department;

(ii) any combat support agency; or

(iii) any field operating agency.

(c) DEFINITIONS.—In this section:

(1) The term "combat support agency" has the meaning given that term in section 193(f) of title 10, United States Code.

(2) The term "congressional intelligence committees" has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

(3) The term "field operating agency" means a specialized subdivision of the Department of Defense that carries out activities under the operational control of the Department.

(4) The term "intelligence oversight activities of the Department of Defense" refers to any activity undertaken by an agency, element, or component of the Department of Defense to ensure compliance with regard to requirements or instructions on the intelligence and intelligence-related activities of the Department under law or any Executive order or Presidential directive (including Executive Order No. 12333).

(5) The term "questionable intelligence activity" means an intelligence or intelligence-related activity of the Department of Defense that may violate the law or any Executive order or Presidential directive (including Executive Order No. 12333).

SEC. 1033. ADMINISTRATION OF PILOT PROJECT ON CIVILIAN LINGUIST RESERVE CORPS.

(a) TRANSFER OF ADMINISTRATION TO SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Administration of the pilot project on the establishment of a Civilian Linguist Reserve Corps required by section 613 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3959; 50 U.S.C. 403-1b note) is hereby transferred from the Director of National Intelligence to the Secretary of Defense.

(2) CONFORMING AMENDMENTS.—Section 613 of the Intelligence Authorization Act for Fiscal Year 2005 is amended—

(A) by striking "Director of National Intelligence" each place it appears and inserting "Secretary of Defense"; and

(B) by striking "Director" each place it appears and inserting "Secretary".

(b) DISCHARGE OF PROJECT.—Subsection (a) of such section is further amended by adding at the end the following new sentence: "The Secretary shall carry out the pilot project through the National Security Education Program.".

(c) REPEAL OF SPECIFICATION OF DURATION OF PROJECT.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(d) MODIFICATION OF REPORT REQUIREMENTS.—Subsection (d) of such section, as redesignated by subsection (b) of this section, is further amended—

(1) in paragraph (1), by striking "an initial and a final report" and inserting "a report";

(2) in paragraph (2), by striking "Each report" and inserting "The report"; and

(3) in paragraph (3), by striking "final report" and inserting "report required under paragraph (1)".

(e) REPEAL OF SUPERSEDED AUTHORIZATION.—Such section is further amended by striking subsection (f).

SEC. 1034. IMPROVEMENT OF AUTHORITIES ON THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) EXPANSION OF EMPLOYMENT CREDITABLE UNDER SERVICE AGREEMENTS.—Paragraph (2) of subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended to read as follows:

"(2)(A) will (in accordance with regulations prescribed by the Secretary of Defense in coordination with the heads of the other Federal departments and agencies concerned) begin work not later than three years after the recipient's completion of degree study during which scholarship assistance was provided under the program—

"(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

"(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); or

"(B) will (in accordance with such regulations) begin work not later than two years after the recipient's completion or termination of study for which fellowship assistance was provided under the program—

"(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

"(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); and".

(b) TEMPORARY EMPLOYMENT AND RETENTION OF CERTAIN PARTICIPANTS.—Such section is further amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) TEMPORARY EMPLOYMENT AND RETENTION OF CERTAIN PARTICIPANTS.—

"(1) IN GENERAL.—The Secretary of Defense may—

"(A) appoint or retain a person provided scholarship or fellowship assistance under the program in a position in the Department of Defense on an interim basis during the period of the person's pursuit of a degree under the program and for a period not to exceed two years after completion of the degree, but only if, in the case of the period after completion of the degree—

"(i) there is no appropriate permanent position for the person under subsection (b)(2)(A); and

"(ii) there is an active and ongoing effort to identify and assign the person to an appropriate permanent position as soon as possible; and

"(B) if there is no appropriate permanent position available for the person after the end of the periods described in subparagraph (A), separate the person from employment with the Department without regard to any other provision of law, in which event the service agreement of the person under subsection (b) shall terminate.

"(2) TREATMENT OF CERTAIN SERVICE.—The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (b).".

(c) PLAN FOR IMPROVING PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for improving the recruitment, placement, and retention within the Department of Defense of individuals who receive scholarships or fellowships under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) in order to facilitate the purposes of that Act in meeting the requirements of the Department in acquiring individuals with critical foreign language skills and individuals who are regional experts.

SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 20.(a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

"(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A–25.

"(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

"(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

"(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).".

SEC. 1036. FUNDING FOR A CERTAIN MILITARY INTELLIGENCE PROGRAM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $450,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $450,000,000, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

Subtitle E—Defense Against Terrorism and Related Security Matters

SEC. 1041. ENHANCEMENT OF AUTHORITY TO PAY MONETARY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

Section 127b(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting ", or to a subcommander of a combatant command designated by the commander of the combatant command and approved by an Under Secretary of Defense to whom such authority is delegated under subparagraph (A)," after "combatant command"; and

(2) in paragraph (2), by striking "$2,500" and inserting "$10,000".

SEC. 1042. USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) USE OF THE ARMED FORCES AUTHORIZED.—

(1) IN GENERAL.—Section 333 of title 10, United States Code, is amended to read as follows:

"§ 333. Major public emergencies; interference with State and Federal law

"(a) USE OF ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.—(1) The President may employ the armed forces, including the National Guard in Federal service, to—

"(A) restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that—

"(i) domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order; and

"(ii) such violence results in a condition described in paragraph (2); or

"(B) suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if such insurrection, violation, combination, or conspiracy results in a condition described in paragraph (2).

"(2) A condition described in this paragraph is a condition that—

"(A) so hinders the execution of the laws of a State or possession, as applicable, and of the United States within that State or possession, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State or possession are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(B) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"(3) In any situation covered by paragraph (1)(B), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

"(b) NOTICE TO CONGRESS.—The President shall notify Congress of the determination to exercise the authority in subsection (a)(1)(A) as soon as practicable after the determination and every 14 days thereafter during the duration of the exercise of the authority.".

(2) PROCLAMATION TO DISPERSE.—Section 334 of such title is amended by inserting "or those obstructing the enforcement of the laws" after "insurgents".

(3) HEADING AMENDMENT.—The heading of such 15 of such title is amended to read as follows:

"CHAPTER 15—ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER".

(4) CLERICAL AMENDMENTS.—(A) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 15 and inserting the following new item:

"15. Enforcement of the Laws To Restore Public Order .... 331".

(B) The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to sections 333 and inserting the following new item:

"333. Major public emergencies; interference with State and Federal law.".

(b) PROVISION OF SUPPLIES, SERVICES, AND EQUIPMENT.—

(1) IN GENERAL.—Chapter 152 of such title is amended by adding at the end the following new section:

"§ 2567. Provision of supplies, services, and equipment in major public emergencies

"(a) PROVISION AUTHORIZED.—In any situation in which the President determines to exercise the authority in section 333(a)(1)(A) of this title, the President may direct the Secretary of Defense to provide supplies, services, and equipment to persons affected by the situation.

"(b) COVERED SUPPLIES, SERVICES, AND EQUIPMENT.—The supplies, services, and equipment provided under this section may include food, water, utilities, bedding, transportation, tentage, search and rescue, medical care, minor repairs, the removal of debris, and other assistance necessary for the immediate preservation of life and property.

"(c) LIMITATIONS.—(1) Supplies, services, and equipment may be provided under this section—

"(A) only to the extent that the constituted authorities of the State or possession concerned are unable to provide such supplies, services, and equipment, as the case may be; and

"(B) only until such authorities, or other departments or agencies of the United States charged with the provision of such supplies, services, and equipment, are able to provide such supplies, services, and equipment.

"(2) The Secretary may provide supplies, services, and equipment under this section only to the extent that the Secretary determines that doing so will not interfere with military preparedness or ongoing military operations or functions.

"(d) INAPPLICABILITY OF CERTAIN AUTHORITIES.—The provision of supplies, services, or equipment under this section shall not be subject to the provisions of section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2567. Provision of supplies, services, and equipment in major public emergencies.".

(c) CONFORMING AMENDMENTS.—Section 12304(c) of such title is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 1043. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN CONFIDENTIAL INFORMATION SHARED WITH STATE AND LOCAL PERSONNEL.

Confidential business information and other sensitive but unclassified homeland security information in the possession of the Department of Defense that is shared, pursuant to section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482), with State and local personnel involved in the prevention, interdiction, or disruption of, or response to, terrorist activity shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), by virtue of the sharing of such information with such personnel.

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "State along the southern land border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

Subtitle F—Miscellaneous Authorities on Availability and Use of Funds

SEC. 1051. ACCEPTANCE AND RETENTION OF REIMBURSEMENT FROM NON-FEDERAL SOURCES TO DEFRAY DEPARTMENT OF DEFENSE COSTS OF CONFERENCES.

(a) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2262. Department of Defense conferences: collection of fees to cover Department of Defense costs

"(a) IN GENERAL.—(1) The Secretary of Defense may, whether directly or by contract, collect fees from any individual or commercial participant in a conference, seminar, exhibition, symposium, or similar meeting (in this section referred to collectively as a 'conference') conducted by the Department of Defense.

"(2) Fees may be collected with respect to a conference under this subsection in advance of the conference.

"(3) The total amount of fees collected under this subsection with respect to a conference may not exceed the costs of the Department of Defense with respect to the conference.

"(b) TREATMENT OF COLLECTIONS.—(1) Amounts collected under subsection (a) with respect to a conference shall be credited to the appropriation or account from which the costs of the conference are paid.

"(2) In the event the total amount of fees collected with respect to a conference exceeds the costs of the Department with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts.

"(3) Amounts credited to an appropriation or account under paragraph (1) with respect to a conference shall be available to pay the costs of the Department with respect to the conference or to reimburse the Department for costs incurred with respect to the conference.

"(c) ANNUAL REPORTS.—(1) Each year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, the Secretary shall submit to the congressional defense committees budget justification documents summarizing the use of the authority under this section.

"(2) Each report under this subsection shall include the following:

"(A) A list of conferences during the last two calendar years for which fees were collected under subsection (a).

"(B) For each conference listed under subparagraph (A)—

"(i) The estimated costs of the Department for such conference.

"(ii) The actual costs of the Department for such conference, including a separate statement of the amount of any conference coordinator fees associated with such conference.

"(iii) The amount for collected under subsection (a) for such conference.

"(C) An estimate of the number of conferences to be conducted in the calendar year of such report for which the Department will collect fees under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

"2262. Department of Defense conferences: collection of fees to cover Department of Defense costs.".

SEC. 1052. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

"§9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

"(a) IN GENERAL.—The Secretary of Defense may award to air carriers participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount determined in accordance with this section.

"(b) MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the annual average expenditure of the Department of Defense for airlift during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

"(2) In calculating the annual average expenditure of the Department of Defense for airlift for purposes of paragraph (1), the Secretary of Defense may omit from the calculation any fiscal year exhibiting unusually high demand for airlift if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated airlift for purposes of that paragraph.

"(3) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under paragraph (1), shall be allocated among all carriers awarded contracts under that subsection for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

"(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In determining the minimum purchase amount payable under a contract under subsection (a) for airlift provided by a carrier during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to the carrier under subsection (b)(3) to take into account periods during such fiscal year when services of the carrier are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when the carrier is placed in non-use status pursuant to section 2640 of this title for safety issues.

"(d) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift from a carrier for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift from the carrier in such fiscal year, such amount shall be provided to the carrier prior to the first day of the following fiscal year.

"(e) TRANSFER OF FUNDS.—At the beginning of each fiscal year, the Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

"(f) AVAILABILITY OF AIRLIFT.—(1) From the total amount of airlift available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift equivalent to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (e).

"(2) A military department may transfer any entitlement to airlift under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by adding at the end the following new item:

"9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.".

SEC. 1053. INCREASED FLEXIBILITY IN USE OF FUNDS FOR JOINT STAFF EXERCISES.

(a) IN GENERAL.—Amounts available to the Chairman of the Joint Chiefs of Staff for joint staff exercises may be available for any expenses as follows:

(1) Expenses of the Armed Forces in connection with such exercises, including expense relating to self-deploying watercraft under the jurisdiction of a military department.

(2) Expenses relating to the costs of port support activities in connection with such exercises, including transportation and port handling.

(3) Expenses relating to the breakout and operation of prepositioned watercraft and lighterage for joint logistics and over the shore exercises in connection with such exercises.

(b) SUPPLEMENT NOT SUPPLANT.—Any amounts made available by the Chairman of the Joint Chiefs of Staff under subsection (a) for expenses covered by that subsection are in addition to any other amounts available under law for such expenses.

SEC. 1054. STRENGTHENING THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

For purposes of discharging the duties of the Special Inspector General for Iraq Reconstruction under subsection (f) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (5 U.S.C. 8G note), and for purposes of determining the date of termination of the Office of the Special Inspector General under subsection (o) of such section, any funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, regardless of how such funds may be designated, shall be treated as amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund.

Subtitle G—Report Matters

SEC. 1061. REPORT ON CLARIFICATION OF PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) It is critical that members of the Armed Forces have clear guidelines about the legality of interrogation techniques as they seek critical intelligence in the War on Terrorism.

(2) To avoid confusion, any determination made about the legality of various interrogation techniques must be consistent across the United States Government.

(3) Confusion continues about the permissibility of various interrogation techniques, even after the enactment of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109-148).

(4) In testimony before the Senate and in written response to queries from the Senate, senior military commanders, Judge Advocates General of the Armed Forces, and various civilian officials of the Executive Branch have given incomplete or varying answers to questions on what constitutes cruel, inhuman, or degrading treatment.

(5) It is critical to clarify these matters in order to ensure that members of the Armed Forces do not receive unclear or misleading guidance on such matters.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report setting forth the coordinated and definitive legal opinion of the United States Government on whether each of the following interrogation techniques constitutes cruel, inhuman, or degrading treatment or punishment (as defined in section 1002(d) of the Detainee Treatment Act of 2006 (as defined in the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd(d)):

(1) Waterboarding, or any other technique using water, bags, or other devices or substances to induce a sensation of drowning or asphyxiation.

(2) Sleep deprivation, including, at a minimum, depriving a prisoner of sleep for 24 hours or more or permitting five or less hours of sleep per day over a period of three or more days.

(3) Stress positions, including the use of any technique in which a prisoner is placed or shackled in a painful or awkward position (including prolonged standing or crouching,

shackling arms above the head for prolonged periods, or the use of shackles or handcuffs in a manner which causes pain due to the swelling of tissue over a prolonged period of time).

(4) The use of extreme temperatures as an aid to interrogation.

(5) The use of beatings, slapping, or violent shaking.

(6) The use of dogs as an aid to interrogation.

(7) The use of nakedness or other forms of sexual humiliation as an aid to interrogation.

(c) ELEMENTS.—The report under subsection (b) shall state, for each interrogation technique listed in that subsection, the following

(1) Whether the technique would constitute cruel and unusual punishment under the Constitution of the United States if used on a United States citizen within the United States.

(2) Whether the technique would constitute cruel and unusual punishment under the Constitution of the United States if used on a United States citizen outside the United States.

(3) Whether the technique would be legal if used to interrogate a member of the Armed Forces of the United States by a state party to the Geneva Conventions.

(4) Whether the technique would be legal if used to interrogate a United States citizen by a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(d) CERTIFICATION ON NATURE OF OPINIONS.—The report under subsection (b) shall include a certification that the legal opinions set forth in the report are the coordinated and definitive opinion of the United States Government binding on all departments and agencies of the United States Government, any personnel of such departments and agencies, and any contractors of such departments and agencies.

(e) DISSEMINATION OF OPINIONS.—

(1) IN GENERAL.—The President shall ensure the dissemination of the legal opinions set forth in the report to all departments and agencies of the United States Government, together with the instruction that such opinions be further disseminated to all personnel of such departments and agencies and all contractors of such departments and agencies.

(2) CERTIFICATION ON DISSEMINATION.—The report shall include a certification regarding compliance with the requirement in paragraph (1).

(f) DEFINITIONS.—In this section:

(1) The term "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, and entering into force June 26, 1987 (T. Doc. 100–20).

(2) The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 1062. REPORTS ON MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE SERVING IN THE LEGISLATIVE BRANCH.

(a) MONTHLY REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Not later than 120 days after the date of the enactment of this Act, and monthly thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the members of the Armed Forces and civilian employees of the Department of Defense who, as of the date of such report, have served continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships.

(b) REPORTS ON CERTAIN MILITARY DETAILS AND FELLOWSHIPS.—If a member of the Armed Forces is assigned to a covered legislative detail or fellowship as the last tour of duty of such member before retirement or separation from the Armed Forces in contravention of the regulations of the Department of Defense, the Secretary shall submit to the congressional defense committees a report on the assignment of such member to such covered legislative detail or fellowship. The report shall include a rationale for the waiver of the regulations of the Department in order to permit the detail or fellowship.

(c) REPORT ELEMENTS.—Each report under subsection (a) or (b) shall set forth, for each member of the Armed Forces or civilian employee covered of the Department of Defense covered by such report, the following:

(1) The name of such member or employee.

(2) In the case of a member, the Armed Force of such member.

(3) The committee or member of Congress to which such member or employee is detailed or assigned.

(4) A general description of the projects or tasks undertaken or to be undertaken, as applicable, by such member or employee as a detailee, fellow, or both.

(5) The anticipated termination date of the current detail or fellowship of such member or employee.

(d) COVERED LEGISLATIVE DETAIL OR FELLOWSHIP DEFINED.—In this section, the term "covered legislative detail or fellowship" means the following:

(1) A detail under the provisions of Department of Defense Directive 1000.17.

(2) A legislative fellowship (including a legislative fellowship under the provisions of Department of Defense Directive 1322.6).

SEC. 1063. ADDITIONAL ELEMENT IN ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following new paragraph:

"(10) A description of the coordination and integration of the program of the Defense Advanced Research Projects Agency (DARPA) on basic and applied research and advanced technology development on chemical and biological warfare defense technologies and systems under section 1701(c)(2) with the overall program of the Department of Defense on chemical and biological warfare defense, including—

"(A) the degree to which the program of the Defense Advanced Research Projects Agency supports the objectives and requirements of the program of the Department of Defense; and

"(B) the means of determining the level of coordination and support provided by the program of the Defense Advanced Research Projects Agency for the program of the Department of Defense.".

SEC. 1064. REPORT ON LOCAL BOARDS OF TRUSTEES OF THE ARMED FORCES RETIREMENT HOME.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home—Washington under section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416).

(2) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home—Gulfport under section 1516 of such Act.

SEC. 1065. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) ANNUAL REPORT ON AVIATION CAREER INCENTIVE PAY.—Section 301a of title 37, United States Code, is amended by striking subsection (f).

(b) ANNUAL REPORT ON EFFECTS OF CERTAIN INITIATIVES ON RECRUITMENT AND RETENTION.—

(1) REPEAL.—Section 1015 of title 37, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of such title is amended by striking the item relating to section 1015.

(c) SECRETARY OF DEFENSE RECOMMENDATION ON NEED FOR DEFENSE IMPACT REVIEW PROCESS.—Section 1041 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1217) is repealed.

(d) REPORT ON PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.—Section 564 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A 134); 10 U.S.C. 503 note) is amended by striking subsection (c).

(e) ANNUAL REPORT ON MEDICAL INFORMATICS.—Section 723(d) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(f) REPORT ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES.—Section 553(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2772; 10 U.S.C. 4331 note) is amended by striking the second sentence.

SEC. 1066. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

SEC. 1067. REPORT ON REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on each report described in paragraph (2) that is required by law to be submitted to the congressional defense committees by the Department of Defense or any department, agency, element, or component under the Department of Defense.

(2) COVERED REPORTS.—Paragraph (1) applies with respect to any report required under a provision of law enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) that requires recurring reports to the committees referred to in that paragraph.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) Each report described by that subsection, including a statement of the provision of law under which such report is required to be submitted to Congress.

(2) For each such report, an assessment by the Secretary of the utility of such report from the perspective of the Department of Defense and a recommendation on the advisability of repealing the requirement for the submittal of such report.

SEC. 1068. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

SEC. 1069. REPORTS ON DEPARTMENT OF JUSTICE EFFORTS TO INVESTIGATE AND PROSECUTE CASES OF CONTRACTING ABUSE IN IRAQ, AFGHANISTAN, AND THROUGHOUT THE WAR ON TERROR.

(a) FINDINGS.—Congress makes the following findings:

(1) Waste, fraud, and abuse in contracting are harmful to United States efforts to successfully win the conflicts in Iraq and Afghanistan and succeed in the war on terror. The act of stealing from our soldiers who are daily in harm's way is clearly criminal and must be actively prosecuted.

(2) It is a vital interest of United States taxpayers to be protected from theft of their tax dollars by corrupt contractors.

(3) Whistleblower lawsuits are an important tool for exposing waste, fraud, and abuse and can identify serious graft and corruption.

(4) This issue is of paramount importance to the United States taxpayer, and the Congress must be provided with information about alleged contractor waste, fraud, and abuse taking place in Iraq, Afghanistan, and throughout the war on terror and about the efforts of the Department of Justice to combat these crimes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary and the Committee on Government Reform of the House of Representatives, and the congressional defense committees a report on efforts to investigate and prosecute cases of waste, fraud, and abuse under sections 3729 and 3730(b) of title 31, United States Code, or any other related law that are related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) Information on organized efforts of the Department of Justice that have been created to ensure that the Department of Justice is investigating, in a timely and appropriate manner, claims of contractor waste, fraud, and abuse related to the activities of the United States Government in Iraq, Afghanistan, and throughout the war on terror.

(B) Information on the specific number of personnel, financial resources, and workdays devoted to addressing this waste, fraud, and abuse, including a complete listing of all of the offices across the United States and throughout the world that are working on these cases and an explanation of the types of additional resources, both in terms of personnel and finances, that the Department of Justice needs to ensure that all of these cases proceed on a timely basis.

(C) A detailed description of any internal Department of Justice task force that exists to work specifically on cases of contractor fraud and abuse in Iraq, Afghanistan, and throughout the war on terror, including a description of its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the nature and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(D) A detailed description of any interagency task force that exists to work specifically on cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the type, nature, and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(E) The names of the senior officials directly responsible for oversight of the efforts to address these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(F) Specific information on the number of investigators and other personnel that have been provided to the Department of Justice by other Federal departments and agencies in support of the efforts of the Department of Justice to combat contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including data on the quantity of time that these investigators have spent working within the Department of Justice structures dedicated to this effort.

(G) Specific information on the full number of investigations, including grand jury investigations currently underway, that are addressing these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(H) Specific information on the number and status of the criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(I) Specific information on the number of civil cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including specific information on the quantity of cases initiated by private parties, as well as the quantity of cases that have been referred to the Department of Justice by the Department of Defense, the Department of State, and other relevant Federal departments and agencies.

(J) Specific information on the resolved civil and criminal cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including the specific results of these cases, the types of waste, fraud, and abuse that took place, the amount of funds that were returned to the United States Government as a result of resolution of these cases, and a full description of the type and substance of the waste, fraud, and abuse that took place. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(K) The best estimate by the Department of Justice of the scale of the problem of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

SEC. 1070. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOSAFETY LABORATORIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, conduct a study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretary of Defense shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

SEC. 1070A. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) CONTENT.—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) PUBLIC AVAILABILITY.—The Department of Defense submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) APPLICABILITY.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1070B. ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.

(b) CONTENT.—Each report required by subsection (a) shall indicate, for each sale in excess of $2,000,000—

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) PUBLIC AVAILABILITY.—The Department of Defense shall make reports submitted under this section publicly available to the maximum extent practicable.

SEC. 1070C. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated withestablishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

SEC. 1070D. ANNUAL REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.

(2) Operational reliability of unmanned systems continues to improve and sense-and-avoid technology development and fielding must continue in an effort to provide unmanned aerial systems with an equivalent level of safety to manned aircraft.

(3) Unmanned aerial vehicles have the potential to support the Nation's homeland defense mission, border security mission, and natural disaster recovery efforts.

(4) Accelerated development and testing of standards for the integration of unmanned aerial vehicles in the National Airspace System would further the increased safe use of such vehicles for border security, homeland defense, and natural disaster recovery efforts.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until the Federal Aviation Administration promulgates such policy, the Secretary of Defense shall submit to the Committees on Armed Services, Commerce, Science and Transportation, and Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services, Energy and Commerce, and Government Reform of the House of Representatives a report on the actions of the Department of Defense to support the development by the Federal Aviation Administration of a policy on the testing and operation of unmanned aerial vehicles in the National Airspace System.

Subtitle H—Technical and Conforming Amendments

SEC. 1071. UNIFORM DEFINITION OF NATIONAL SECURITY SYSTEM FOR CERTAIN DEPARTMENT OF DEFENSE PURPOSES.

(a) DEFENSE BUSINESS SYSTEMS.—Section 2222(j)(6) of title 10, United States Code, is amended by striking "section 2315 of this title" and inserting "section 3542(b)(2) of title 44".

(b) INFORMATION TECHNOLOGY.—Section 2223(c)(3) of such title is amended by striking "section 11103 of title 40" and inserting "section 3542(b)(2) of title 44".

(c) PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES.—The text of section 2315 of such title is amended to read as follows:

"For the purposes of subtitle III of title 40, the term 'national security system' has the meaning given that term in section 3542(b)(2) of title 44.".

SEC. 1072. CONFORMING AMENDMENT RELATING TO REDESIGNATION OF DEFENSE COMMUNICATIONS AGENCY AS DEFENSE INFORMATION SYSTEMS AGENCY.

Paragraph (1) of section 193(f) of title 10, United States Code, is amended to read as follows:

"(1) The Defense Information Systems Agency.".

SEC. 1073. TECHNICAL AMENDMENT.

Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) and as if included in the enactment thereof, section 341(e) of such Act (119 Stat. 3199) is amended by striking "(a)(1)(E)" and inserting "(a)(1)(F)".

Subtitle I—Other Matters

SEC. 1081. NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Effective on October 1, 2006, there is established the National Foreign Language Coordination Council (in this section referred to as the "Council").

(2) INDEPENDENT ESTABLISHMENT.—The National Foreign Language Coordination Council shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The Chairman and President of the Export-Import Bank of the United States.

(17) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) developing a national foreign language strategy, within 18 months of the date of the enactment of this Act, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry;

(vi) heritage associations; and

(vii) other relevant stakeholders;

(B) conducting a survey of the extent of Federal agency foreign language and area expertise, and of Federal agency needs for such expertise;

(C) identifying and evaluating the adequacy of Federal foreign language programs, including any duplicative or overlapping programs that may impede efficiency; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) identification of priorities to expand foreign language skills in the public and private sectors;

(B) recommendations for improving coordination of foreign language programs and activities among Federal agencies, enhancing Federal foreign language programs and activities, and allocating resources appropriately in order to maximize the use of resources;

(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(D) effective ways to increase public awareness of the need for foreign language skills and career paths in the public and private sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(E) recommendations for incentives for developing related educational programs, including foreign language teacher training;

(F) coordination of public and private sector efforts to provide foreign language instruction and acquire foreign language and area expertise;

(G) coordination of public and private sector initiatives to develop a strategic posture for language research;

(H) recommendations for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments of foreign language achievement standards for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(I) recommendations for development of—

(i) language skill-level certification standards;

(ii) frameworks for pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies in non-language areas, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences;

(J) identification of and means for replicating best practices for teaching foreign languages in the public and private sectors, including best practices from the international community; and

(K) recommendations for overcoming barriers in foreign language proficiency.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Council shall prepare and transmit to the President and the relevant committees of Congress the national foreign language strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Director may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and the Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) Conferences, Newsletter, and Website.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) Reports.—Not later than April 1, 2007, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(1) the activities of the Council to develop the national foreign language strategy required under subsection (c);

(2) the findings of the Council as of the date of such report;

(3) the efforts of the Council to improve foreign language education and training; and

(4) impediments identified by the Council to the implementation of a comprehensive national foreign language strategy, including any statutory and regulatory restrictions.

(j) Establishment of National Language Director.—

(1) In general.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities in the public and private sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) Responsibilities.—The National Language Director shall—

(A) develop and monitor the implementation of a national foreign language strategy across the public and private sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) Encouragement of State Involvement.—

(1) State contact persons.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) State interagency councils and lead agencies.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) Sunset.—This section shall cease to have effect on September 30, 2015.

(m) Authorization of Appropriations.—There is authorized to be appropriated for fiscal year 2007, $1,500,000 to carry out this section.

SEC. 1082. SUPPORT OF SUCCESSOR ORGANIZATIONS OF THE DISESTABLISHED INTERAGENCY GLOBAL POSITIONING SYSTEM EXECUTIVE BOARD.

Section 8 of the Commercial Space Transportation Competitiveness Act of 2000 (Public Law 106–405; 114 Stat. 1753; 10 U.S.C. 2281 note) is amended by striking "the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce" and inserting "the National Space-Based Positioning, Navigation, and Timing Executive Committee, the National Space-Based Positioning, Navigation, and Timing Coordination Office, and the National Space-Based Positioning, Navigation, and Timing Advisory Board, and any successor organization".

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) Findings.—Congress makes the following findings:

(1) The Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, is vital in laying out the strategic military planning and threat objectives of the Department of Defense.

(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) Sense of Congress.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) Improvements to Quadrennial Defense Review.—

(1) Conduct of review.—Subsection (b) of section 118 of title 10, United States Code, is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.".

(2) Additional element in report to Congress.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ", the strategic planning guidance," after "United States";

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph (9):

"(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.".

(3) CJCS review.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: " and a description of the capabilities needed to address such risk".

(4) Independent assessment.—Such section is further amended by adding at the end the following new subsection:

"(f) Independent Assessment.—(1) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review.

"(2) The panel appointed under paragraph (1) shall be composed of seven individuals (who may not be employees of the Department of Defense) as follows:

"(A) Three members shall be appointed by the President.

"(B) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Speaker of the House of Representatives.

"(C) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the House of Representatives.

"(D) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Majority Leader of the Senate.

"(E) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the Senate.

"(3) Not later than three months after the date that the report on a quadrennial defense review is submitted to Congress under subsection (d), the panel appointed under paragraph (2) shall provide to the congressional defense committees an assessment of the assumptions, planning guidelines, recommendations, and realism of the review.".

SEC. 1084. SENSE OF CONGRESS ON THE COMMENDABLE ACTIONS OF THE ARMED FORCES.

(a) Findings.—Congress finds that—

(1) on June 7, 2006, the United States Armed Forces conducted an air raid near the City of Baquba, northeast of Baghdad, Iraq, that resulted in the death of Ahmad Fadeel al-Nazal al-Khalayleh, better known as Abu Musab al-Zarqawi, the leader of the al-Qaeda in Iraq terrorist organization and the most wanted terrorist in Iraq;

(2) Zarqawi, as the operational commander of al-Qaeda in Iraq, led a brutal campaign of suicide bombings, car bombings, assassinations, and abductions that caused the deaths of many members of the United States Armed Forces, civilian officials of the United States Government, thousands of innocent Iraqi civilians, and innocent civilians of other nations;

(3) Zarqawi publicly swore his allegiance to Osama bin Laden and al-Qaeda in 2001, and changed the name of his terrorist organization from the "Monotheism and Holy War Group" to "al-Qaeda in Iraq";

(4) in an audiotape broadcast in December 2004, Osama bin Laden, the leader of al-Qaeda's worldwide terrorist organization, called Zarqawi "the prince of al-Qaeda in Iraq";

(5) 3 perpetrators confessed to being paid by Zarqawi to carry out the October 2002 assassination of the United States diplomat, Lawrence Foley, in Amman, Jordan;

(6) the Monotheism and Holy War Group claimed responsibility for—

(A) the August 2003 suicide attack that destroyed the United Nations headquarters in Baghdad and killed the United Nations envoy to Iraq Sergio Vieira de Mello along with 21 other people; and

(B) the suicide attack on the Imam Ali Mosque in Najaf that occurred less than 2 weeks later, which killed at least 85 people, including the Ayatollah Sayed Mohammed Baqr al-Hakim, and wounded dozens more;

(7) Zarqawi is believed to have personally beheaded American hostage Nicholas Berg in May 2004;

(8) in May 2004, Zarqawi was implicated in a car bombing that killed Izzadine Salim,

the rotating president of the Iraqi Governing Council;

(9) in November 2005, al-Qaeda in Iraq attacked 3 hotels in Amman, Jordan, killing at least 67 innocent civilians;

(10) Zarqawi and his terrorist organization were directly responsible for numerous other brutal terrorist attacks against the American and coalition troops, Iraqi security forces and recruits, and innocent Iraqi civilians;

(11) Zarqawi sought to turn Iraq into a safe haven for al-Qaeda;

(12) to achieve that end, Zarqawi stated his opposition to the democratically elected government of Iraq and worked to divide the Iraqi people, foment sectarian violence, and incite a civil war in Iraq; and

(13) the men and women of the United States Armed Forces, the intelligence community, and other agencies, along with coalition partners and the Iraqi Security Forces, should be commended for their courage and extraordinary efforts to track down the most wanted terrorist in Iraq and to secure a free and prosperous future for the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress—

(1) commends the United States Armed Forces, the intelligence community, and other agencies, along with coalition partners, for the actions taken through June 7, 2006, that resulted in the death of Abu Musab al-Zarqawi, the leader of the al-Qaeda in Iraq terrorist organization and the most wanted terrorist in Iraq;

(2) commends the United States Armed Forces, the intelligence community, and other agencies for this action and their exemplary performance in striving to bring freedom, democracy, and security to the people of Iraq;

(3) commends the coalition partners of the United States, the new government of Iraq, and members of the Iraqi Security Forces for their invaluable assistance in that operation and their extraordinary efforts to secure a free and prosperous Iraq;

(4) commends our civilian and military leadership for their continuing efforts to eliminate the leadership of al-Qaeda in Iraq, and also commends the new government of Iraq, led by Prime Minister Jawad al-Maliki, for its contribution to that achievement;

(5) recognizes that the death of Abu Musab al-Zarqawi is a victory for American and coalition forces in the global war on terror and a blow to the al-Qaeda terrorist organization;

(6) commends the Iraqi Prime Minister Jawad al-Maliki on the finalization of the new Iraqi cabinet;

(7) urges the democratically elected government in Iraq to use this opportunity to defeat the terrorist enemy, to put an end to ethnic and sectarian violence, and to achieve a free, prosperous, and secure future for Iraq; and

(8) affirms that the Senate will continue to support the United States Armed Forces, the democratically elected unity government of Iraq, and the people of Iraq in their quest to secure a free, prosperous, and democratic Iraq.

SEC. 1085. BUDGETING FOR ONGOING MILITARY OPERATIONS.

The President's budget submitted pursuant to section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2007 shall include—

(1) a request for funds for such fiscal year for ongoing military operations in Afghanistan and Iraq;

(2) an estimate of all funds expected to be required in that fiscal year for such operations; and

(3) a detailed justification of the funds requested.

SEC. 1086. COURT SECURITY IMPROVEMENTS.

(a) JUDICIAL BRANCH SECURITY REQUIREMENTS.—

(1) ENSURING CONSULTATION AND COORDINATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult and coordinate with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government.".

(2) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult and coordinate with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government.".

(b) PROTECTION OF FAMILY MEMBERS.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting "or a family member of that individual" after "that individual"; and

(2) in subparagraph (B)(i), by inserting "or a family member of that individual" after "the report".

(c) EXTENSION OF SUNSET PROVISION.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "2005" each place that term appears and inserting "2009".

(d) PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

"(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of a Federal judge or a Federal law enforcement official, on account of the performance of official duties by that Federal judge or Federal law enforcement official, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(b) As used in this section—

"(1) the term 'Federal judge' means a justice or judge of the United States as defined in section 451 of title 28, United States Code, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court, District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands; and

"(2) the term 'Federal law enforcement officer' has the meaning given that term in section 115 of this title and includes an attorney who is an officer or employee of the United States in the executive branch of the Government.".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

(e) PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.—

(1) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 118. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

"(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to kill, kidnap, or inflict bodily harm upon, or to threaten to kill, kidnap, or inflict bodily harm upon, that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114;

"(B) a Federal judge or Federal law enforcement officer as those terms are defined in section 1521; or

"(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

"(3) the term 'immediate family' has the same meaning given that term in section 115(c)(2).".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 117. Domestic assault by an habitual offender.

"Sec. 118. Protection of individuals performing certain official duties.".

(f) PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.—Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

(g) CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

(h) WITNESS PROTECTION GRANT PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

"PART JJ—WITNESS PROTECTION GRANTS

"SEC. 3001. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

"(b) USES OF FUNDS.—Grants awarded under this part shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for witness and victim protection programs;

"(2) has a serious violent crime problem in the jurisdiction; and

"(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.".

(i) GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.—

(1) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.".

(j) ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.—

(1) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "and" at the end;

(ii) in paragraph (3), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(4) grants to State courts to improve security for State and local court systems."; and

(B) in subsection (b), by inserting after the period the following:

"Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.".

(2) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(A) striking "80" and inserting "70";

(B) striking "and 10" and inserting "10"; and

(C) inserting before the period the following: ", and 10 percent for section 515(a)(4)".

(k) BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.—

(1) BANKRUPTCY JUDGES.—Section 153 of title 28, United States Code, is amended by adding at the end the following:

"(e) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a bankruptcy judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(2) UNITED STATES MAGISTRATE JUDGES.—Section 634(c) of title 28, United States Code, is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a magistrate judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(3) TERRITORIAL JUDGES.—

(A) GUAM.—Section 24 of the Organic Act of Guam (48 U.S.C. 1424b) is amended by adding at the end the following:

"(c) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(B) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821) is amended by adding at the end the following:

"(5) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(C) VIRGIN ISLANDS.—Section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)) is amended—

(i) by inserting "(1)" after "(a)"; and

(ii) by adding at the end the following:

"(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(m) HEALTH INSURANCE FOR SURVIVING FAMILY AND SPOUSES OF JUDGES.—Section 8901(3) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking "; and" and inserting a semicolon;

(2) in subparagraph (D), by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(E) a member of a family who is a survivor of—

"(i) a Justice or judge of the United States, as defined under section 451 of title 28, United States Code;

"(ii) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

"(iii) a judge of the United States Court of Federal Claims; or

"(iv) a United States bankruptcy judge or a full-time United States magistrate judge.".

SEC. 1087. SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires all United States chemical weapons stockpiles be destroyed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention;

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report; and

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

SEC. 1088. IMPROVED ACCOUNTABILITY FOR COMPETITIVE CONTRACTING IN HURRICANE RECOVERY.

The exceptions to full and open competition otherwise available under paragraphs (2), (3), (4), and (5) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) and paragraphs (2), (3), (4), and (5) of section 2304(c) of title 10, United States Code, shall not apply to Federal contracts worth over $500,000 for the procurement of property or services in connection with relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season.

SEC. 1089. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employee Protection of Disclosures Act".

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)"; and

(3) by adding at the end the following:

"(C) any disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

"(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

"(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.".

(c) Covered Disclosures.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

(d) Rebuttable Presumption.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

"This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.".

(e) Nondisclosure Policies, Forms, and Agreements; Security Clearances; and Retaliatory Investigations.—

(1) Personnel action.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

"(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and"

(2) Prohibited personnel practice.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

"(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.".

(3) Board and court review of actions relating to security clearances.—

(A) In general.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

"§ 7702a. Actions relating to security clearances

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

"(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

"(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

"(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

"(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.".

(B) Technical and conforming amendment.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

"7702a. Actions relating to security clearances.".

(f) Exclusion of Agencies by the President.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National

Imagery and Mapping Agency, the National Security Agency; and

"(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(ii) an assessment of a civil penalty not to exceed $1,000; or

"(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.".

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

"(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).".

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).".

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.".

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: "For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.".

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting ", including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures" after "chapter 12 of this title".

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

SEC. 1090. SENSE OF CONGRESS REGARDING THE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, members of the Armed Forces of the United States successfully liberated the people of Iraq from the tyrannical regime of Saddam Hussein.

(2) Members of the Armed Forces of the United States have bravely risked their lives everyday over the last 3 years to protect the people of Iraq from terror attacks by Al Qaeda and other extremist organizations.

(3) Members of the Armed Forces of the United States have conducted dozens of operations with coalition forces to track, apprehend, and eliminate terrorists in Iraq.

(4) Members of the Armed Forces of the United States have helped sustain political progress in Iraq by assisting the people of Iraq as they exercised their right to choose their leaders and draft their own constitution.

(5) Members of the Armed Forces of the United States have taught over 150,000 soldiers of Iraq to respect civilian authority, conduct counter-insurgency operations, provide meaningful security, and protect the people of Iraq from terror attacks.

(6) Members of the Armed Forces of the United States have built new schools, hospitals, and public works throughout Iraq.

(7) Members of the Armed Forces of the United States have helped rebuild Iraq's dilapidated energy sector.

(8) Members of the Armed Forces of the United States have restored electrical power and sewage waste treatment for the people of Iraq.

(9) Members of the Armed Forces of the United States have established lasting and productive relationships with local leaders in Iraq and secured the support of a majority of the populace of Iraq.

(10) Members of the Armed Forces of the United States have courageously endured sophisticated terror tactics, including deadly car-bombs, sniper attacks, and improvised explosive devices.

(11) Members of the Armed Forces of the United States have paid a high cost in order to defeat the terrorists, defend innocent civilians, and protect democracy from those who desire the return of oppression and extremism to Iraq.

(12) Members of the Armed Forces of the United States have performed their duty in Iraq with an unflagging commitment to the highest ideals and traditions of the United States and the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the men and women in uniform of the Armed Forces of the United States in Iraq should be commended for their on-going service to the United States, their commitment to the ideals of the United States, and their determination to win the Global War on Terrorism;

(2) gratitude should be expressed to the families of the Armed Forces of the United States, especially those families who have lost loved ones in Operational Iraqi Freedom; and

(3) the people of the United States should honor those who have paid the ultimate sacrifice and assist those families who have loved ones in the Armed Forces of the United States deployed overseas.

SEC. 1091. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2008".

SEC. 1092. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.10 percent.".

(b) CONFORMING AMENDMENT.—Section 411 of the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447; 22 U.S.C. 287e note) is repealed.

SEC. 1093. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2007".

SEC. 1094. PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SEC. 1095. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SEC. 1096. SENSE OF CONGRESS ON IRAQ SUMMIT.

SENSE OF CONGRESS.—It is the sense of Congress that the President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES ON TERMINAL LEAVE PERFORMING DUAL EMPLOYMENT.

Section 5534a of title 5, United States Code, is amended by adding at the end the following new sentence: "Such a member is also entitled to accrue annual leave with pay in the manner specified in section 6303(a) of this title for a retired member of the uniformed services.".

SEC. 1102. STRATEGY FOR IMPROVING THE SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) INCLUSION IN 2007 STRATEGIC HUMAN CAPITAL PLAN.—The Secretary of Defense shall include in the March 1, 2007, Strategic Human Capital Plan required by section 1122(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3453; 10 U.S.C. prec. 1580 note) a strategic plan to shape and improve the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

(b) SCOPE OF PLAN.—The strategic plan required by subsection (a) shall cover, at a minimum, the following categories of Department of Defense civilian personnel:

(1) Appointees in the senior executive service under section 3131 of title 5, United States Code.

(2) Persons serving in positions described in section 5376(a) of title 5, United States Code.

(3) Highly qualified experts appointed pursuant to section 9903 of title 5, United States Code.

(4) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into by law by Public Law 106–398 (114 Stat. 1654A–315)).

(5) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

(6) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of title 10, United States Code.

(7) Persons serving in Intelligence Senior Level positions under section 1607 of title 10, United States Code.

(c) CONTENTS OF PLAN.—The strategic plan required by subsection (a) shall include—

(1) an assessment of—

(A) the needs of the Department of Defense for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

(B) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs; and

(2) a plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under paragraph (1)(C), including—

(A) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in subsection (b) or to establish a new category of senior management or technical personnel;

(B) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

(C) any changes in the rates or methods of pay for any category of personnel identified in subsection (b) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

(D) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

(E) specific strategies for development, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

(F) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of title 10, United States Code.

SEC. 1103. AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

SEC. 1104. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor may solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor may prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(c) GAO REPORT.—Not later than June 30, 2007, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

SEC. 1105. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "September 30, 2008" and inserting "September 30, 2011".

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—General Matters

SEC. 1201. EXPANSION OF HUMANITARIAN AND CIVIC ASSISTANCE TO INCLUDE COMMUNICATIONS AND INFORMATION CAPACITY.

Section 401 of title 10, United States Code, as amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) end the following new paragraph (2):

"(2) Expenses covered by paragraph (1) include communications or information systems equipment or supplies incurred in providing assistance described in subsection (e)(4)."; and

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by striking "paragraph (2)(B)" and inserting "paragraph (3)(B)"; and

(2) in subsection (e)(4), by inserting before the period the following: ", including information and communications technology facilities".

SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO THE REGIONAL DEFENSE COUNTERTERRORISM FELLOWSHIP PROGRAM.

(a) REDESIGNATION OF PROGRAM AS REGIONAL DEFENSE COMBATTING TERRORISM FELLOWSHIP PROGRAM.—Section 2249c of title 10, United States Code, is amended in subsections (a) and (c)(3), by striking "Counterterrorism" and inserting "Combatting Terrorism".

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Subsection (a) of such section is further amended by striking "the attendance" and all that follows through "military educational institutions" and inserting "the education and training of foreign military officers and other foreign officials at military or civilian educational institutions".

(2) INCREASE IN AMOUNT AVAILABLE.—Subsection (b) of such section is amended by striking "$20,000,000" and inserting "$25,000,000".

(3) AVAILABILITY OF AMOUNTS ACROSS FISCAL YEARS.—Subsection (b) of such section is further amended by adding at the end the following new sentence: "Amounts available under the authority in subsection (a) for a fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 2249c. Authority to use appropriated funds for education and training of foreign visitors under Regional Defense Combatting Terrorism Fellowship Program".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c and insert the following new item:

"2249c. Authority to use appropriated funds for education and training of foreign visitors under Regional Defense Combatting Terrorism Fellowship Program.".

SEC. 1203. LOGISTIC SUPPORT OF ALLIED FORCES FOR COMBINED OPERATIONS.

(a) AUTHORITY TO USE FUNDS TO PROVIDE SUPPORT.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2249c the following new section:

"§ 2249d. Authority to use appropriated funds for logistic support of allied forces for combined operations

"(a) AUTHORITY TO USE FUNDS.—Subject to subsections (b) and (c), funds appropriated to the Department of Defense for operation and maintenance may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide logistic support, supplies, and services to allied forces participating in combined operations with the armed forces of the United States.

"(b) LIMITATION RELATING TO COMBINED OPERATIONS.—The authority in subsection (a) to provide logistic support, supplies, and services may be exercised only—

"(1) with respect to combined operations during a period of active hostilities, a contingency operation, or a noncombat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance, country stabilization operations, or peacekeeping operations under chapter VI or VII of the Charter of the United Nations); and

"(2) in circumstances in which the Secretary of Defense determines that the allied forces to be provided such logistic support, supplies, and services—

"(A) are essential to the success of such combined operations; and

"(B) would not be able to participate in such combined operations but for the provision of such logistic support, supplies, and services.

"(c) LIMITATIONS RELATING TO AMOUNT.—(1) Except as provided in paragraph (2), the amount of logistic support, supplies, and services provided under subsection (a) in any fiscal year may not exceed $100,000,000.

"(2) In any fiscal year, in addition to any logistic support, supplies, and services provided under subsection (a) that are covered by paragraph (1), logistic support, supplies, and services in the amount of $5,000,000 may be provided under that subsection if such support, supplies, and services are solely for purposes of enhancing the interoperability of the logistical support systems of allied forces with the logistical support systems of the armed forces of the United States in order to facilitate combined operations.

"(d) ANNUAL REPORT.—Not later than December 31 each year, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on the use of the authority in subsection (a) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(1) Each nation provided logistic support, supplies, and services.

"(2) For each such nation, a description of the type and value of logistic support, supplies, and services so provided.

"(e) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the Committees on Armed Services and Foreign Relations of the Senate; and

"(B) the Committees on Armed Services and International Relations of the House of Representatives.

"(2) The term 'logistic support, supplies, and services' has the meaning given such term in section 2350(1) of this title and includes sealift.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2249c the following new item:

"2249d. Authority to use appropriated funds for logistic support of allied forces for combined operations.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1204. EXCLUSION OF PETROLEUM, OIL, AND LUBRICANTS FROM LIMITATIONS ON AMOUNT OF LIABILITIES THE UNITED STATES MAY ACCRUE UNDER ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) EXCLUSION.—Section 2347 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The limitations in this section on the amount of reimbursable liabilities or reimbursable credits that the United States may accrue under this subchapter shall not apply with respect to the sale, purchase, or exchange of petroleum, oils, or lubricants.".

(b) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of subsection (a) of such section are each amended by striking "(other than petroleum, oils, and lubricants)".

SEC. 1205. TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LOAN SIGNIFICANT MILITARY EQUIPMENT TO FOREIGN FORCES IN IRAQ AND AFGHANISTAN FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of Defense may treat significant military equipment as logistic support, supplies, and services under subchapter I of chapter 138 of title 10, United

States Code, for purposes of providing for the use of such equipment by military forces of nations participating in combined operations with United States Forces in Iraq and Afghanistan if the Secretary, with the concurrence of the Secretary of State, determines in writing that it is in the national security interests of the United States to provide for the use of such equipment in such manner.

(2) LIMITATION ON DURATION OF PROVISION.—Equipment may be used by foreign military forces under this subsection for not longer than one year.

(3) LIMITATION ON USE.—Equipment may be used by foreign military forces under this subsection solely for personnel protection or to aid in the personnel survivability of such forces.

(b) SEMIANNUAL REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the exercise of the authority in subsection (a) as follows:

(A) If the authority is exercised during the first six-month period of a fiscal year, not later than 30 days after such period.

(B) If the authority is exercised during the second six-month period of a fiscal year, not later than 30 days after such period.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for each exercise of authority under subsection (a) during the period covered by such report, the following:

(A) A copy of the written determination under subsection (a) with respect to the exercise of such authority.

(B) A statement of each recipient of equipment under the exercise of such authority.

(C) A description of the type, quantity, and value of the equipment supplied to each such recipient, and a description of the terms and duration of the supply of the equipment to such recipient.

(c) CONSTRUCTION WITH LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT.—The provision of significant military equipment for use under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and of any other export control regime under law relating to the transfer of military technology to foreign nations.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Foreign Relations of the Senate; and

(B) the Committees on Armed Services and International Relations of the House of Representatives.

(2) The term “significant military equipment” means items designated as significant military equipment on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(e) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2008.

SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO THE BUILDING OF THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) FUNDS AVAILABLE FOR PRESIDENTIAL PROGRAM.—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) is amended by striking “defense-wide”.

(b) LIMITED AUTHORITY TO RESPOND TO UNANTICIPATED CHANGES IN SECURITY ENVIRONMENT.—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) COMBATANT COMMANDER AUTHORITY TO RESPOND TO UNANTICIPATED CHANGES IN SECURITY ENVIRONMENT.—

“(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Defense may, with the concurrence of the Secretary of State, authorize any commander of a geographic combatant command to respond to unanticipated changes in a security environment within the area of responsibility of such commander by conducting a program to build the capacity of the national military forces of a country within such area of responsibility in order for such country to—

“(A) conduct counterterrorist operations; or

“(B) participate in or support military and stability operations.

“(2) REQUIRED ELEMENTS.—Any program under paragraph (1) shall include elements that promote—

“(A) observance of and respect for human rights and fundamental freedoms; and

“(B) respect for legitimate civilian authority within the country concerned.

“(3) AUTHORIZED ELEMENTS.—Any program under paragraph (1) may include the provision of equipment, supplies, and training.

“(4) ANNUAL FUNDING LIMITATION.—The Secretary of Defense may make available, from funds available for operation and maintenance for fiscal year 2007 or 2008, not to exceed $200,000,000 to conduct activities under paragraph (1) in such fiscal year. Of the amount so made available for a fiscal year, not more than $50,000,000 may be available for any commander of a particular geographic combatant command in such fiscal year. Amounts available under this paragraph are in addition to any other amounts available to the commanders of the geographic combatant commands, including amounts in the Combatant Commanders Initiative Fund.

“(5) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The commander of a geographic combatant command may not use the authority in paragraph (1) to provide any type of assistance described in paragraphs (2) and (3) that is otherwise prohibited by any provision of law.

“(6) LIMITATION ON ELIGIBLE COUNTRIES.—The commander of a geographic combatant command may not use the authority in paragraph (1) to provide any type of assistance described in paragraphs (2) and (3) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

“(7) FORMULATION AND EXECUTION OF PROGRAMS.—The Secretary of Defense shall prescribe guidance for programs authorized by paragraph (1). Such guidance shall include requirements for the commanders of the geographic combatant commands to—

“(A) formulate any program under paragraph (1) for a country jointly with the United States ambassador or chief of mission to such country; and

“(B) coordinate with the United States ambassador or chief of mission to a country in implementing any program under paragraph (1) for such country.

“(8) CONGRESSIONAL NOTIFICATION.—Not less than 15 days after the initiation of activities in a country under a program under paragraph (1), the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional committees specified in subsection (e)(3) a notice of the following:

“(A) The country being assisted in the building of the capacity of its military forces under the program.

“(B) The budget, implementation timeline with milestones, and completion date for the program.

“(C) The source and planned expenditure of funds to complete the program.”.

(c) LIMITED AUTHORITY TO MEET UNANTICIPATED HUMANITARIAN RELIEF OR RECONSTRUCTION REQUIREMENTS.—Such section is further amended by inserting after subsection (f), as added by subsection (b)(2) of this section, the following new subsection (g):

“(g) COMBATANT COMMANDER AUTHORITY TO MEET UNANTICIPATED HUMANITARIAN RELIEF OR RECONSTRUCTION REQUIREMENTS.—

“(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Defense may authorize any commander of a geographic combatant command to provide the assistance described in paragraph (2) to respond to urgent and unanticipated humanitarian relief or reconstruction requirements in a foreign country within the area of responsibility of the commander of the geographic combatant command if the commander of the geographic combatant command determines that the provision of such assistance will promote the security interests of the United States and the country to which such assistance will be provided. Such assistance may be provided without regard to any provision of chapter 137, 140, or 141 of title 10, United States Code, or any other provision of law that would prohibit, restrict, or limit the provision of such assistance.

“(2) TYPES OF ASSISTANCE.—The assistance that may be provided under paragraph (1) includes the following:

“(A) Construction, reconstruction, or repair of municipal, educational, cultural, or other local facilities.

“(B) Reconstitution or improvement of utilities or other local infrastructure.

“(C) Provision of any other goods or services necessary to respond to urgent and unanticipated humanitarian relief or reconstruction requirements.

“(3) PROHIBITION ON ASSISTANCE IN CERTAIN COUNTRIES.—Assistance may not be provided under paragraph (1) in Iraq or Afghanistan.

“(4) ANNUAL FUNDING LIMITATION.—From funds available for operation and maintenance for fiscal year 2007 or 2008, not more than $200,000 may be available to the commander of a geographic combatant command to conduct activities under paragraph (1) in any particular country in such fiscal year. Amounts available under this paragraph are in addition to any other amounts available to the commanders of the geographic combatant commands, including amounts in the Combatant Commanders Initiative Fund.

“(5) CONSTRUCTION OF AUTHORITY.—The authority and funds available to the commanders of the geographic combatant commands under this subsection are in addition to any other authorities and funds available to the commanders of the geographic combatant commands.

“(6) GUIDANCE ON PROVISION OF ASSISTANCE.—(A) No funds may be obligated or expended for the provision of assistance under paragraph (1) until the Secretary of Defense prescribes guidance on the provision of assistance under that paragraph.

“(B) The guidance under this paragraph shall include a requirement that any assistance provided under paragraph (1) in a particular country be provided only with the concurrence of the United States ambassador or chief of mission to that country.

"(C) Not later than 30 days after the issuance of the guidance under this paragraph, the Secretary shall submit to the congressional defense committees a report setting forth such guidance.

"(D) Not later than 30 days after issuing any modification to the guidance under this paragraph, the Secretary shall submit to the congressional defense committees a report on such modification.

"(7) REPORT.—Not later than November 1 of 2007 and 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the provision of assistance under paragraph (1) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(A) The source of funds utilized to provide assistance under paragraph (1) during such fiscal year.

"(B) Each country in which assistance was so provided.

"(C) For each country so provided assistance, the type and amount of assistance provided.".

(d) TERMINATION OF AUTHORITY.—Subsection (i) of such section, as redesignated by subsection (b)(1) of this section, is further amended to read as follows:

"(i) TERMINATION.—

"(1) TERMINATION OF PRESIDENTIAL PROGRAM.—The authority of the President under subsection (a) to direct the Secretary of Defense to conduct a program terminates at the close of September 30, 2008. Any program directed before that date may be completed, but only using funds available for fiscal year 2006, 2007, or 2008.

"(2) TERMINATION OF COMBATANT COMMANDER AUTHORITIES.—The authority of the commanders of the geographic combatant commands to carry out programs under subsection (f), and to provide assistance under subsection (g), terminates at the close of September 30, 2008. Any program or assistance commenced before that date may be completed, but only using funds available for fiscal year 2007 or 2008.".

SEC. 1207. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—During fiscal year 2007, the Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

(1) enhancing the ability of military forces and civilian personnel of the nations participating in such centers to engage in joint exercises or coalition or international military operations; or

(2) improving interoperability between the Armed Forces of the United States and the military forces of friendly foreign nations.

(b) COVERED NATIONS.—The nations referred to in this section are as follows:

(1) The United States.

(2) Any member nation of the North Atlantic Treaty Organization (NATO).

(3) Any major non-NATO ally.

(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

(c) MEMORANDUM OF UNDERSTANDING.—The participation of the Department of Defense, or of members of the armed forces or civilian personnel of the Department, in a multinational military center of excellence under subsection (a) shall be governed by the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States share of the expenses of any multinational military center of excellence in which the United States participates under this section.

(B) To pay the costs of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under this section, including the costs of pay, salaries, and expenses of such members and personnel in participating in such centers.

(2) The amount available under paragraph (1)(A) in fiscal year 2007 for the expenses referred to in that paragraph may not exceed $3,000,000.

(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—(1) Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

(2) The use of facilities and equipment for support of a multinational military center of excellence under paragraph (1) may, at the election of the Secretary of Defense, be with or without reimbursement by other nations participating in the center.

(f) REPORT ON USE OF AUTHORITY.—

(1) REPORT REQUIRED.—Not later than October 31, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority in this section during fiscal year 2007.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the participation of the Department of Defense, and of members of the Armed Forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section during fiscal year 2007.

(B) For each multinational military center of excellence in which the Department of Defense, or members of the Armed Forces or civilian personnel of the Department, so participated—

(i) a description of such multinational military center of excellence;

(ii) a description of the activities participated in by the Department, or by members of the Armed Forces or civilian personnel of the Department; and

(iii) a statement of the costs of the Department for such participation, including—

(I) a statement of the United States share of the expenses of such center, and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

(g) DEFINITIONS.—In this section:

(1) The term "multinational military center of excellence" means an entity sponsored by one or more nations that is accredited and approved by the North Atlantic Treaty Organization military committee as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of the North Atlantic Treaty Organization by providing such personnel opportunities to—

(A) enhance education and training;

(B) improve interoperability and capabilities;

(C) assist in the development of doctrine; and

(D) validate concepts through experimentation.

(2) The term "major non-NATO ally" means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

SEC. 1208. DISTRIBUTION OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE INTEROPERABILITY.

(a) DISTRIBUTION AUTHORIZED.—In furtherance of the national security objectives of the United States and to improve interoperability between the Armed Forces of the United States and military forces of friendly foreign countries, the Secretary of Defense may—

(1) provide to the personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development and enhancement of allied and friendly military capabilities for multinational operations, including joint exercises and coalition operations; and

(2) provide information technology, including computer software developed for such purpose, to support the use of such learning content for the education and training of such personnel.

(b) PERSONNEL.—The personnel to which learning content and information technology may be provided under subsection (a) are as follows:

(1) Military and civilian personnel of friendly foreign governments.

(2) Personnel of internationally-recognized nongovernmental organizations.

(c) EDUCATION AND TRAINING.—The education and training provided under subsection (a) shall include the following:

(1) Internet based education and training.

(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer assisted exercises.

(d) INFORMATION TECHNOLOGY.—In providing information technology under subsection (a)(2), the Secretary of Defense may only expend funds for the development and provision of information technology and learning content necessary to support the provision of education and training authorized by this section.

(e) SECRETARY OF STATE CONCURRENCE IN CERTAIN ACTIVITIES.—In the case of any activity proposed to be undertaken under the authority in this section that is not authorized by another provision of law, the Secretary of Defense may not undertake such activity without the concurrence of the Secretary of State.

(f) CONSTRUCTION WITH OTHER AUTHORITY.—

(1) SUPPLEMENTAL AUTHORITY.—The authority in this section is in addition to any other authority available to the Secretary of Defense to provide assistance to foreign nations or military forces.

(2) LIMITATION.—The provision of learning content and information technology under the authority in this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the

transfer of military technology to foreign nations.

(g) GUIDANCE.—

(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth such guidance.

(3) MODIFICATION.—In the event the Secretary modifies the guidance required by paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth the modified guidance not later than 30 days after the date of such modification.

(h) ANNUAL REPORT.—

(1) REPORT REQUIRED.—Not later than October 31 of 2007 and 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in this section during the preceding fiscal year.

(2) ELEMENTS.—The report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

(A) A statement of the recipients of learning content and information technology provided under this section.

(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

(i) TERMINATION.—The authority in this section shall expire on September 30, 2008.

SEC. 1209. UNITED STATES' POLICY ON THE NUCLEAR PROGRAMS OF IRAN.

(a) FINDINGS.—Congress finds that:

(1) The pursuit by the Iranian regime of a capability to produce nuclear weapons represents a threat to the United States, the middle east region, and international peace and security.

(2) On May 31, 2006, Secretary of State Rice announced that the United States would join negotiations with Iran, along with the United Kingdom, France, and Germany, provided that Iran fully and verifiably suspends its enrichment and reprocessing activities.

(3) On June 1, 2006, President George W. Bush stated that "Secretary Rice, at my instructions, said to the world that we want to solve the problem of the Iranian nuclear issue diplomatically. And we made it very clear publicly that we're willing to come to the table, so long as the Iranians verifiably suspend their program. In other words, we said to the Iranians [that] the United States of America wants to work with our partners to solve the problem".

(4) On June 1, 2006, the United States, the United Kingdom, France, Germany, the People's Republic of China, and the Russian Federation agreed upon a package of incentives and disincentives, which was subsequently presented to Iran by the High Representative of the European Union, Javier Solana.

(b) SENSE OF CONGRESS.—Congress—

(1) endorses the policy of the United States, announced May 31, 2006, to achieve a successful diplomatic outcome, in coordination with leading members of the international community, with respect to the threat posed by the efforts of the Iranian regime to acquire a capability to produce nuclear weapons;

(2) calls on Iran to suspend fully and verifiably its enrichment and reprocessing activities, cooperate fully with the International Atomic Energy Agency, and enter into negotiations, including with the United States, pursuant to the package presented to Iran by the High Representative of the European Union; and

(3) urges the President and the Secretary of State to keep Congress fully and currently informed about the progress of this vital diplomatic initiative.

SEC. 1210. MODIFICATION OF LIMITATIONS ON ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

Section 2013(13)(A) of the American Servicemembers' Protection Act of 2002 (title II of Public Law 107-206; 116 Stat. 909; 22 U.S.C. 7432(13)(A)) is amended by striking "or 5".

SEC. 1211. SENSE OF THE CONGRESS COMMENDING THE GOVERNMENT OF IRAQ FOR AFFIRMING ITS POSITION OF NO AMNESTY FOR TERRORISTS WHO ATTACK UNITED STATES ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(4) The National Security Advisor of Iraq affirmed that the Government of Iraq will "never give amnesty to those who have killed American soldiers or Iraqi soldiers or civilians."

(5) The National Security Advisor of Iraq thanked "the American wives and American women and American mothers for the treasure and blood they have invested in this country . . . of liberating 30 million people in this country . . . and we are ever so grateful."

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the goal of the United States and our coalition partners has been to empower the Iraqi nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;

(2) history records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorists acts; and

(3) the United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people who have fought once a conflict is concluded.

SEC. 1212. SENSE OF CONGRESS ON THE GRANTING OF AMNESTY TO PERSONS KNOWN TO HAVE KILLED MEMBERS OF THE ARMED FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.

(3) More than 2,500 members of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and

(2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

SEC. 1213. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

SEC. 1214. NORTH KOREA.

(a) COORDINATOR OF POLICY ON NORTH KOREA.—

(1) APPOINTMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall appoint a senior presidential envoy to act as coordinator of United States policy on North Korea.

(2) DESIGNATION.—The individual appointed under paragraph (1) may be known as the "North Korea Policy Coordinator" (in this subsection referred to as the "Coordinator)".

(3) DUTIES.—The Coordinator shall—

(A) conduct a full and complete interagency review of United States policy toward North Korea including matters related to security and human rights;

(B) provide policy direction for negotiations with North Korea relating to nuclear weapons, ballistic missiles, and other security matters; and

(C) provide leadership for United States participation in Six Party Talks on the denuclearization of the Korean peninsula.

(4) REPORT.—Not later than 90 days after the date of the appointment of an individual as Coordinator under paragraph (1), the Coordinator shall submit to the President and Congress an unclassified report, with a classified annex if necessary, on the actions undertaken under paragraph (3). The report shall set forth—

(A) the results of the review under paragraph (3)(A); and

(B) any other matters on North Korea that the individual considers appropriate.

(b) REPORT ON NUCLEAR AND MISSILE PROGRAMS OF NORTH KOREA.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress an unclassified report, with a classified annex as appropriate, on the nuclear program and the missile program of North Korea.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The most current national intelligence estimate on the nuclear program and the missile program of North Korea, and, consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments in the estimate.

(B) The most current unclassified United States Government assessment, stated as a range if necessary, of (i) the number of nuclear weapons possessed by North Korea and (ii) the amount of nuclear material suitable for weapons use produced by North Korea by plutonium reprocessing and uranium enrichment for each period as follows:

(I) Before October 1994.

(II) Between October 1994 and October 2002.

(III) Between October 2002 and the date of the submittal of the initial report under paragraph (1).

(IV) Each 12-month period after the submittal of the initial report under paragraph (1).

(C) Any other matter relating to the nuclear program or missile program of North Korea that the President considers appropriate.

SEC. 1215. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) SENSE OF SENATE.—It is the sense of the Senate that the United States should—

(1) support the development of the Transitional Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR SOMALIA.—

(1) REQUIREMENT FOR STRATEGY.—Not later then 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1216. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the

date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SEC. 1217. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement; and

(2) a description of any violation of the Agreement and any delay in implementing the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

Subtitle B—Report Matters

SEC. 1221. REPORT ON INCREASED ROLE AND PARTICIPATION OF MULTINATIONAL PARTNERS IN THE UNITED NATIONS COMMAND IN THE REPUBLIC OF KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on an increased role and participation of multinational partners in the United Nations Command in the Republic of Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of the nations that are current members of the United Nations Command in the Republic of Korea, and a detailed description of the role and participation of each such member nation in the responsibilities and activities of the United Nations Command.

(2) A detailed description of efforts being undertaken by the United States to encourage enhanced participation in the responsibilities and activities of the United Nations Command in the Republic of Korea by such member nations.

(3) A discussion of whether and how members of the United Nations Command in the Republic of Korea might be persuaded to deploy military forces in peacetime to the Republic of Korea to bolster the deterrence mission of the United Nations Command.

(4) An assessment of how the military and political requirements for United States military forces in the Republic of Korea might be affected were multinational partners in the United Nations Command in the Republic of Korea to increase their contribution of military forces stationed in the Republic of Korea.

(5) An assessment of whether and how the contribution of additional military forces to the United Nations Command in the Republic of Korea by a multinational partner might affect that partner's approach to facilitating a diplomatic resolution of the nuclear challenge posed by the Democratic Peoples Republic of Korea.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Foreign Relations of the Senate; and

(2) the Committees on Armed Services and International Relations of the House of Representatives.

SEC. 1222. REPORT ON INTERAGENCY OPERATING PROCEDURES FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should bring to bear all elements of national power to achieve its national security objectives, including stabilization and reconstruction operations;

(2) civilian agencies of the United States Government lack the capacity to deploy rapidly, and for sustained periods of time, trained personnel to support stabilization and reconstruction operations in the field;

(3) civilian agencies of the United States Government should expand their capacity to plan, coordinate, and conduct stabilization and reconstruction operations, including their capacity to deploy civilians with relevant expertise to participate in sustained stability and reconstruction operations;

(4) National Security Presidential Directive 44, entitled "Management of Interagency Efforts Concerning Reconstruction and Stabilization", is a positive step toward improving coordination, planning, and implementation by the United States Government of reconstruction and stabilization assistance for foreign states and regions at risk of, in, or in transition from conflict or civil strife;

(5) all the relevant United States Government agencies should include in their budget requests for future fiscal years adequate funding for planning and preparing to support contingency operations and, as necessary, request emergency supplemental funds for unanticipated contingency operations; and

(6) the President should provide clear guidance to United States Government agencies to manage complex operations and establish a standard, integrated approach to the planning and conduct of interagency operations to ensure a coherent and unified United States Government approach to contingency operations.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth a plan to establish interagency operating procedures for the departments and agencies of the United States Government for the planning and conduct of stabilization and reconstruction operations.

(c) PLAN ELEMENTS.—The plan required under the report under subsection (b) shall include the following:

(1) A delineation of the roles, responsibilities, and authorities of the departments and agencies of the United States Government for stabilization and reconstruction operations.

(2) A description of operational processes for setting policy direction for stabilization and reconstruction operations in order to guide—

(A) operational planning and funding decisions of such departments and agencies;

(B) oversight of policy implementation;

(C) integration of programs and activities into an implementation plan;

(D) integration of civilian and military planning efforts;

(E) provision of guidance to field-level personnel on program direction and priorities; and

(F) monitoring of field implementation of assistance programs.

(3) A description of available capabilities and resources of each department and agency of the United States Government that could be used in support of stabilization and reconstruction operations, and an identification of additional resources needed to support the conduct of stabilization and reconstruction activities.

(4) A description of how the capabilities and resources of the departments and agencies of the United States Government under stabilization and reconstruction operations will be coordinated.

(5) A description of existing, or planned, protocols between departments and agencies

of the United States Government on the utilization and allocation of assets in field operations under stabilization and reconstruction operations.

(6) Recommendations for improving interagency training, education, and simulation exercises in order to adequately prepare civilian and military personnel in the departments and agencies of the United States Government to perform stabilization and reconstruction operations.

(7) A discussion of the statutory and budgetary impediments, if any, that prevent civilian agencies of the United States Government from fully and effectively participating in stabilization and reconstruction operations, and recommendations for legislative or administration actions to enhance the ability of the United States Government to conduct stabilization and reconstruction operations.

(8) Guidance for the implementation of the plan.

SEC. 1223. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended by striking subsections (c) and (d).

(b) COST-SHARING REPORT.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894; 22 U.S.C. 1928 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 1224. REPORTS ON THE DARFUR PEACE AGREEMENT.

Not later than 60 days after the date of the enactment of this Act, annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the Department of Defense's role in assisting the parties to the Darfur Peace Agreement of May 5, 2006 with implementing that Agreement. Each such report shall include a description of—

(1) the assets that the United States military, in concert with the United States North Atlantic Treaty Organisation (NATO) allies, are able to offer the African Union Mission in Sudan (AMIS) and any United Nations peacekeeping mission authorized for Darfur;

(2) any plans of the Secretary of Defense to support the AMIS by providing information regarding the location of belligerents and potential violations of the Darfur Peace Agreement and assistance to improve the AMIS use of intelligence and tactical mobility;

(3) the resources that will be used during the current fiscal year to provide the support described in paragraph (2) and the resources that will be needed during the next fiscal year to provide such support;

(4) the efforts of the Secretary of Defense and Secretary of State to leverage troop contributions from other countries to serve in the proposed United Nation peacekeeping mission for Darfur;

(5) any plans of the Secretary of Defense to participate in the deployment of any NATO mentoring or technical assistance teams to Darfur to assist the AMIS; and

(6) any actions carried out by the Secretary of Defense to address deficiencies in the AMIS communications systems, particularly the interoperability of communications equipment.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2007 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2007 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $372,128,000 authorized to be appropriated to the Department of Defense for fiscal year 2007 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $77,000,000.

(2) For nuclear weapons storage security in Russia, $87,100,000.

(3) For nuclear weapons transportation security in Russia, $33,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $37,500,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $68,400,000.

(6) For chemical weapons destruction in Russia, $42,700,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $18,500,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2007 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2007 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) AUTHORITY.—Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2007 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE AND WAIT.—An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) LIMITATION.—The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. EXTENSION OF TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

Section 1303(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2094; 22 U.S.C. 5952 note) is amended by striking "December 31, 2006, and no waiver shall remain in effect after that date" and inserting "December 31, 2011".

SEC. 1304. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

TITLE XIV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

SEC. 1401. PURPOSE.

The purpose of this title is to authorize anticipated future emergency supplemental appropriations for the Department of Defense for fiscal year 2007 tc provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1402. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, $404,100,000.

(2) For missile procurement, $450,000,000.

(3) For weapons and tracked combat vehicles, $214,400,000.

(4) For other procurement, $686,600,000.

SEC. 1403. MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the procurement account for the Marine Corps in the amount of $319,800,000.

SEC. 1404. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the aircraft procurement account for the Air Force in the amount of $51,800,000.

SEC. 1405. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the

Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $22,124,466,000.

(2) For the Navy, $2,349,560,000.

(3) For the Marine Corps, $1,544,920,000.

(4) For the Air Force, $2,779,898,000.

(5) For Defense-wide activities, $3,388,402,000.

(6) For the Army National Guard, $59,000,000.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $960,200,000 for operation and maintenance.

SEC. 1407. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2007 for military personnel accounts a total of $7,335,872,000.

SEC. 1408. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year for the Joint Improvised Explosive Device Defeat Fund a total of $2,100,000,000.

SEC. 1409. CLASSIFIED PROGRAMS.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2007 for classified programs a total of $3,000,000,000.

SEC. 1410. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2007 for the Iraq Freedom Fund in the amount of $2,230,982,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1411. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1412. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1413. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2007.

SEC. 1414. AMOUNT FOR PROCUREMENT OF HEMOSTATIC AGENTS FOR USE IN THE FIELD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that every member of the Armed Forces deployed in a combat zone should carry life saving resources on them, including hemostatic agents.

(b) AVAILABILITY OF FUNDS.—(1) Of the amount authorized under section 1405(1) for operation and maintenance for the Army, $15,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each soldier serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(2) Of the amount authorized under section 1405(3) for operation and maintenance for the Marine Corps, $5,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each Marine serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

SEC. 1415. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) ARMY NATIONAL GUARD FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

SEC. 1416. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $10,000,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $10,000,000, due to unexpended obligations, if available.

SEC. 1417. REPORT.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

SEC. 1418. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting "CONGRESS AND" after "SUBMISSION TO"; and

(2) by inserting "the congressional defense committees and" before "the Comptroller General".

SEC. 1419. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2007".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$20,000,000
Alaska	Fort Richardson	$72,300,000
	Fort Wainwright	$8,800,000
California	Fort Irwin	$10,000,000
Colorado	Fort Carson	$24,000,000
Georgia	Fort Gillem	$15,000,000
	Fort Stewart/Hunter Army Air Field	$95,300,000
Hawaii	Schofield Barracks	$54,500,000
Kansas	Fort Leavenworth	$15,000,000
	Fort Riley	$47,400,000
Kentucky	Blue Grass Army Depot	$3,500,000
	Fort Campbell	$127,200,000
Louisiana	Fort Polk	$9,800,000
Maryland	Aberdeen Proving Ground	$8,800,000
Michigan	Detroit Arsenal	$18,500,000
Missouri	Fort Leonard Wood	$23,900,000
New York	Fort Drum	$209,200,000
North Carolina	Fort Bragg	$96,900,000
	Sunny Point (Military Ocean Terminal)	$46,000,000
Oklahoma	McAlester Army Ammunition Plant	$3,050,000
Pennsylvania	Letterkenny Depot	$7,500,000
Texas	Fort Hood	$75,000,000
	Red River Depot	$6,000,000
Utah	Dugway Proving Ground	$14,400,000
Virginia	Fort Belvoir	$58,000,000
Washington	Fort Lewis	$502,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	$157,632,000
	Vilseck	$19,000,000
Italy	Vicenza	$223,000,000
Japan	Camp Hansen	$7,150,000
Korea	Camp Humphreys	$77,000,000
	Yongpyong	$7,400,000
Romania	Babadag Range	$34,800,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Fort Richardson	162 Units	$70,000,000
	Fort Wainwright	234 Units	$132,000,000
Arizona	Fort Huachuca	119 Units	$32,000,000
Arkansas	Pine Bluff Arsenal	10 Units	$2,900,000
Wisconsin	Fort McCoy	13 Units	$4,900,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $16,332,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $336,859,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,452,581,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,266,650,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $525,982,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $217,629,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $594,991,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $676,829,000.

(6) For the construction of increment 2 of a barracks complex at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for fiscal year 2006 (division B of Public Law 109-163; 119 Stat. 3485), $16,500,000.

(7) For the construction of increment 2 of a barracks complex for divisional artillery at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for fiscal year 2006 (division B of Public Law 109-163; 119 Stat. 3485), $37,000,000.

(8) For the construction of increment 2 of a barracks complex for the 3rd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $50,000,000.

(9) For the construction of increment 2 of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $31,000,000.

(10) For the construction of phase 2 of the Defense Access Road at Fort Belvoir, Virginia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3486), $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $306,000,000 (the balance of the amount authorized under section 2101(a) for construction of a brigade complex for Fort Lewis, Washington).

(3) $40,400,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2101) for construction of a barracks complex for divisional artillery for Fort Bragg, North Carolina).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$5,966,000
California	Marine Corps Air Station, Camp Pendleton	$6,412,000
	Marine Corps Base, Camp Pendleton	$106,142,000
	Marine Corps Air Station, Miramar	$2,968,000
	Naval Air Station, North Island	$21,535,000
	Marine Corps Base, Twentynine Palms	$8,217,000
Connecticut	Naval Submarine Base, New London	$9,580,000
Florida	Cape Canaveral	$9,900,000
	Naval Station, Pensacola	$13,486,000
Georgia	Marine Corps Logistics Base, Albany	$62,000,000
	Navy Submarine Base, Kings Bay	$20,282,000
Hawaii	Naval Base, Pearl Harbor	$48,338,000
	Naval Shipyard, Pearl Harbor	$22,000,000
Indiana	Naval Support Activity, Crane	$6,730,000
Maine	Portsmouth Naval Shipyard	$9,650,000
Maryland	Naval Air Station, Patuxent River	$16,316,000
	Naval Support Activity, Suitland	$67,939,000
Mississippi	Naval Air Station, Meridian	$5,870,000
Nevada	Naval Air Station, Fallon	$7,730,000
North Carolina	Marine Corps Air Station, New River	$27,300,000
	Marine Corps Base, Camp Lejeune	$160,904,000
Rhode Island	Naval Station, Newport	$3,410,000
South Carolina	Marine Corps Air Station, Beaufort	$14,970,000
Virginia	Marine Corps Base, Quantico	$30,628,000
	Naval Special Weapons Center, Dahlgren	$9,850,000
	Naval Shipyard, Norfolk	$34,952,000
	Naval Station, Norfolk	$12,062,000
	Naval Support Activity, Norfolk	$38,962,000
Washington	Naval Air Station, Whidbey Island	$67,303,000
	Naval Submarine Base, Bangor	$13,507,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	$37,473,000
Italy	Naval Air Station, Sigonella	$13,051,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Various Locations	Helicopter Support Facility	$12,185,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
California	Marine Corps Logistics Base, Barstow	74 Units	$27,851,000
Guam	Naval Base, Guam	176 Units	$98,174,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,600,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $176,446,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,072,435,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $808,750,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $50,524,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $12,185,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $8,939,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $71,247,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $305,071,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $498,525,000.

(7) For the construction of increment 2 of a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489), $43,250,000.

(8) For the construction of increment 2 of Alpha and Bravo wharf improvements at Naval Base, Guam, Marianas Islands, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $29,772,000.

(9) For the construction of increment 2 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $23,589,000.

(10) For the construction of increment 2 of the Wesley Brown Field House at the United States Naval Academy, Annapolis, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $26,685,000.

(11) For the construction of increment 2 of wharf upgrades at Naval Station, Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $44,360,000.

(12) For the construction of increment 2 of the ship repair pier 3 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $30,939,000.

(13) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Naval Station, Everett, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat.3490), $20,917,000.

(14) For the construction of phase 2 of the reclamation and conveyance project at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489), $33,290,000.

(15) For the construction of increment 3 of the Navy Outlaying Landing Field facilities at Washington County, North Carolina, authorized for various locations, continental United States, by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $7,926,000.

(16) For the construction of increment 3 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $14,274,000.

(17) For the construction of increment 4 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $30,633,000.

(18) For the construction of increment 2 of an addition to Hockmuth Hall at Marine Corps Base, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $11,559,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $39,874,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704) for various locations, continental United States).

(3) $33,951,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106) for construction of a limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington).

(4) $22,661,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) for infrastructure upgrades at Recruit Training Command, Great Lakes, Illinois).

(5) $24,740,000 (the balance of the amount authorized under section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) for wharf upgrades at Naval Station, Yokosuka, Japan.

(6) $56,159,000 (the balance of the amount authorized under section 2201(a) for construction of a National Maritime Intelligence Center addition at Suitland, Maryland).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489) is amended—

(1) in the item related to Marine Corps Base, Camp Pendleton, California, by striking "$90,437,000" in the amount column and inserting "$86,006,000"; and

(2) in the item relating to Marine Corps Base, Quantico, Virginia, by striking "$18,429,000" in the amount column and inserting "$19,829,000".

(b) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (119 Stat. 3492) is amended—

(1) in paragraph (2), by striking "$37,721,000" and inserting "$33,290,000"; and

(2) in paragraph (7), by striking "$10,159,000" and inserting "$11,559,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$38,300,000
	Elmendorf Air Force Base	$68,100,000
Arizona	Davis-Monthan Air Force Base	$4,600,000
California	Beale Air Force Base	$28,000,000
	Travis Air Force Base	$85,800,000
Colorado	Buckley Air Force Base	$10,700,000
	Schriever Air Force Base	$21,000,000
Delaware	Dover Air Force Base	$30,400,000
Florida	Eglin Air Force Base	$19,350,000
	Hurlburt Field	$32,950,000
	MacDill Air Force Base	$71,000,000
	Tyndall Air Force Base	$1,800,000
Georgia	Robins Air Force Base	$52,600,000
Hawaii	Hickam Air Force Base	$28,538,000
Illinois	Scott Air Force Base	$28,200,000
Kentucky	Fort Knox	$3,500,000
Maryland	Andrews Air Force Base	$29,000,000
Massachusetts	Hanscom Air Force Base	$12,400,000
Nevada	Indian Springs Air Force Auxiliary Field	$19,923,000
	Nellis Air Force Base	$1,800,000
New Jersey	McGuire Air Force Base	$15,500,000
New Mexico	Kirtland Air Force Base	$11,400,000
North Dakota	Minot Air Force Base	$9,000,000
Oklahoma	Altus Air Force Base	$9,500,000
	Tinker Air Force Base	$8,100,000
South Carolina	Charleston Air Force Base	$10,200,000
	Shaw Air Force Base	$22,200,000
South Dakota	Ellsworth Air Force Base	$3,000,000
Texas	Fort Bliss	$8,500,000
	Lackland Air Force Base	$13,200,000
Utah	Hill Air Force Base	$63,400,000
Virginia	Langley Air Force Base	$57,700,000
Wyoming	Francis E. Warren Air Force Base	$11,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$53,150,000
Guam	Andersen Air Force Base	$52,800,000
Italy	Naval Air Station, Sigonella	$26,000,000
Korea	Kunsan Air Base	$46,700,000
	Osan Air Base	$2,156,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Common Battlefield Airman Training Complex	$14,200,000
Worldwide Classified	Classified Project	$3,377,000
	Classified—Special Evaluation Program	$4,600,000
	Classified	$1,700,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts, set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Eielson Air Force Base	129 Units	$87,414,000
Idaho	Mountain Home Air Force Base	457 Units	$107,800,000
Missouri	Whiteman Air Force Base	116 Units	$39,270,000
Montana	Malmstrom Air Force Base	493 Units	$140,252,000
North Carolina	Seymour Johnson Air Force Base	56 Units	$22,956,000
North Dakota	Minot Air Force Base	575 Units	$170,188,000
Texas	Dyess Air Force Base	199 Units	$49,215,000
Germany	Ramstein Air Base	101 Units	$73,488,000
	Spangdahlem Air Base	60 Units	$39,294,000
United Kingdom	Royal Air Force Lakenheath	74 Units	$35,282,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $13,202,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $403,727,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,195,485,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $863,661,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $180,806,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $23,877,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $90,632,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,182,138,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $755,071,000.

(7) For the construction of increment 2 of the C–17 maintenance complex at Elmendorf Air Force Base, Alaska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $30,000,000

(8) For the construction of increment 2 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $31,000,000.

(9) For the construction of increment 2 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $23,300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) (2) and (3) of subsection (a).

(2) $35,000,000 (the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494) for construction of a main base runway at Edwards Air Force Base, California).

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; Stat. 119 Stat. 3494) is amended in the item relating to MacDill Air Force Base, Florida, by striking "$107,200,000" in the amount column and inserting "$101,500,000".

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of that Act (119 Stat. 3496) is amended by striking "$29,000,000" and inserting "$23,300,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Knox	$18,108,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$8,715,000
California	Beale Air Force Base	$9,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$8,900,000
Virginia	Fort Belvoir	$5,500,000
Washington	Naval Air Station, Whidbey Island	$26,000,000

Special Operations Command

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton	$24,400,000
Colorado	Fort Carson	$26,100,000
Florida	Hurlburt Field	$14,482,000
	MacDill Air Force Base	$27,300,000
Kentucky	Fort Campbell	$24,500,000
North Carolina	Fort Bragg	$44,868,000
	Marine Corps Base, Camp Lejune	$51,600,000
	Pope Air Force Base	$15,276,000
Virginia	Naval Air Base, Little Creek	$22,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$37,200,000
California	Fort Irwin	$6,050,000
Florida	Naval Hospital, Jacksonville	$16,000,000
	MacDill Air Force Base	$87,000,000
Hawaii	Naval Base, Pearl Harbor	$7,700,000
Illinois	Naval Hospital, Great Lakes	$20,000,000
Maryland	Fort Detrick	$550,000,000
New York	Fort Drum	$9,700,000
Texas	Fort Hood	$18,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Italy	Camp Ederle	$31,460,000
	Vicenza	$15,750,000
Korea	Osan Air Base	$4,589,000
Spain	Naval Station, Rota	$23,018,000

Defense Logistics Agency

Country	Installation or Location	Amount
Japan	Okinawa	$5,000,000
Wake Island	Wake Island	$2,600,000

Missile Defense Agency

Country	Installation or Location	Amount
Kwajalein	Kwajalein Atoll	$7,592,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid Air Base	$44,500,000

TRICARE Management Activity

Country	Installation or Location	Amount
Italy	Vicenza	$52,000,000

SEC. 2402. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A), the Secretary of the Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Defense Logistics Agency: Family Housing

State	Installation or Location	Purpose	Amount
Virginia	Defense Supply Center, Richmond	25 Units	$7,840,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A), the Secretary of the Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $484,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $60,000,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $7,122,602,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $557,399,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $170,789,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $21,672,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $172,150,000.

(6) For energy conservation projects authorized by section 2403, $60,000,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, $191,220,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, $5,526,894,000.

(9) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $8,808,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,506,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of increment 8 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $41,836,000.

(11) For the construction of increment 7 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107–107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $99,157,000.

(12) For the construction of increment 2 of a replacement of a regional security operations center, Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 2405(a)(2) of this Act, $47,016,000.

(13) For the construction of increment 2 of the classified material conversion facility at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), $11,151,000.

(14) For the construction of increment 2 of a replacement of a regional security operations center, Augusta, Georgia, authorized by section 2401(a) of the Military Construction Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 2405(a)(1) of this Act, $107,118,000.

(15) For the construction of increment 2 of construction of an operations building, Menwith Hall Station, United Kingdom, authorized by section 2401(b) of the Military Construction Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3498), as amended by section 2405(b)(1) of this Act, $46,386,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $184,752,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497) for construction of a regional security operations center, Augusta, Georgia).

(3) $254,508,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497) for construction of a regional security operations center, Kunia, Hawaii).

(4) $521,000,000 (the balance of the amount authorized under section 2401(a) for construction of a replacement facility, Fort Detrick, Maryland).

(5) $187,120,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), for construction of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado).

(6) $134,554,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), for construction of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table relating to the National Security Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497) is amended—

(1) in the item relating to Augusta, Georgia, by striking "$61,466,000" in the amount column and inserting "$340,836,000"; and

(2) in the item relating to Kunia, Hawaii, by striking "$305,000,000" in the amount column and inserting "$350,490,000".

(b) MODIFICATION OF OUTSIDE THE UNITED STATES PROJECT.—The table relating to the National Security Agency in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3498) is amended in the item relating to Menwith Hill, United Kingdom, by striking "$86,354,000" in the amount column and inserting "$88,083,000".

(c) CONFORMING AMENDMENT.—Section 2403(b) of that Act (119 Stat. 3500) is amended—

(1) in paragraph (2), by striking "$12,500,000" and inserting "$291,870,000";

(2) in paragraph (3), by striking "$256,034,000" and inserting "$301,524,000"; and

(3) in paragraph (5), by striking "$44,657,000" and inserting "$46,386,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $205,985,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $524,031,000; and

(B) for the Army Reserve, $189,817,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $48,408,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $245,743,000; and

(B) for the Air Force Reserve, $44,936,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2010 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1716), authorizations set forth in the tables in subsection (b), as provided in sections 2101, 2301, 2302, 2401, and 2601 of that Act, shall remain in effect until October 1, 2007, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Fort Wainwright	Multi-Purpose Training Range Complex	$47,000,000
Hawaii	Helemano Military Reservation	Land Easement	$1,400,000
Virginia	Fort Belvoir	NGIC Land Acquisition	$7,000,000
	Fort Lee	Fire & Emergency Services Center (Ph 2)	$3,850,000
Italy	Aviano Air Base	Joint Deployment Facility (Ph 1)	$15,500,000

Air Force: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
California	Travis Air Force Base	Replace Family Housing (56 Units)	$12,723,000
Florida	Eglin Air Force Base	Replace Family Housing (279 Units)	$32,166,000
Hawaii	Hickam Air Force Base	Expand Strategic Airlift Parking Ramp	$10,102,000
Texas	Dyess Air Force Base	Replace Family Housing (116 Units)	$19,973,000

Defense Wide: Extension of 2004 Project Authorizations

Agency	Installation or Location	Project	Amount
Defense Logistics Agency	Hickam Air Force Base, Hawaii	Replace Hydrant Fuel System	$14,100,000

Army National Guard: Extension of 2004 Authorization of Appropriations

State	Installation or Location	Project	Amount
Indiana	Gary	Army Aviation Support Facility	$15,581,000
New Mexico	Albuquerque	Readiness Center, Add/Alt (ADRS)	$2,533,000

Army National Guard: Extension of 2004 Authorization of Appropriations—Continued

State	Installation or Location	Project	Amount
Pennsylvania	Fort Indiantown Gap	Multi-Purpose Training Range	$15,338,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2700), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2007, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

State	Installation or Location	Project	Amount
Florida	Eglin Air Force Base	Replace Family Housing (134 Units)	$15,906,000
	Eglin Air Force Base	Replace Housing Office	$597,000
Texas	Randolph Air Force Base	Replace Family Housing Maintenance Facility	$447,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. THREE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended—

(1) in subsection (a), by striking “fiscal years 2005 and 2006” and inserting “fiscal years 2005, 2006, 2007, 2008, and 2009”; and

(2) in subsection (f)—

(A) in paragraph (1), by striking “the Subcommittees on Defense and Military Construction of” and inserting “the Subcommittees on Defense and on Military Construction and Veterans Affairs, and Related Agencies of”; and

(B) in paragraph (2), by striking “the Subcommittees on Defense and Military Construction of” and inserting “the Subcommittees on Defense and on Military Quality of Life and Veterans Affairs, and Related Agencies of”.

SEC. 2802. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS IN CONNECTION WITH INDUSTRIAL FACILITY INVESTMENT PROGRAM.

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2870. Authority to carry out military construction projects in connection with industrial facility investment program

“(a) AUTHORITY.—The Secretary of Defense may carry out a military construction project, not previously authorized, for the purpose of carrying out activities under section 2474(a)(2) of this title, using funds appropriated or otherwise made available for that purpose.

“(b) CREDITING OF FUNDS.—Funds appropriated or otherwise made available in a fiscal year for the purpose of carrying out a military construction project with respect to a public depot under subsection (a) may be credited to the amount required under section 2208(s) of this title to be invested in such fiscal year in the capital budget for such public depot.

“(c) NOTICE AND WAIT REQUIREMENT.—The Secretary may not carry out a project under subsection (a) until 21 days after the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project and the savings estimated to be realized from such project or, if earlier, 14 days after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

“(d) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary shall submit to Congress a report describing actions taken under this section and the savings realized from such actions during the fiscal year ending in the year in which the report is submitted.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2870. Authority to carry out military construction projects in connection with industrial facility investment program.”.

SEC. 2803. MODIFICATION OF NOTIFICATION REQUIREMENTS RELATED TO COST VARIATION AUTHORITY.

Section 2853(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the semicolon at the end and inserting “; and”;

(2) by amending paragraph (2) to read as follows:

“(2)(A) in the case of a cost increase or a reduction in the scope of work—

“(i) the Secretary concerned notifies the appropriate committees of Congress in writing of the cost increase or reduction in scope and the reasons therefor, including a description of the funds proposed to be used to finance any increased costs; and

“(ii) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title; or

“(B) in the case of a cost decrease, the Secretary concerned notifies the appropriate committees of Congress in writing not later than 14 days after the date funds are obligated in connection with the military construction project or military family housing project.”; and

(3) by striking paragraph (3).

SEC. 2804. CONSIDERATION OF LOCAL COMPARABILITY OF FLOOR AREAS IN CONSTRUCTION, ACQUISITION, AND IMPROVEMENT OF MILITARY UNACCOMPANIED HOUSING.

(a) IN GENERAL.—Section 2856 of title 10, United States Code, is amended to read as follows:

“§ 2856. Military unaccompanied housing: local comparability of floor areas

“In the construction, acquisition, and improvement of military unaccompanied housing, the Secretary concerned shall ensure that the floor areas of such housing in a particular locality (as designated by the Secretary concerned for purposes of this section) do not exceed the floor areas of similar housing in the private sector in that locality.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2856 and inserting the following:

“2856. Military unaccompanied housing: local comparability of floor areas.”.

SEC. 2805. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking “$1,500,000” and inserting “$2,500,000”; and

(2) by striking “$3,000,000” and inserting “$4,000,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006.

SEC. 2806. INCLUSION OF MILITARY TRANSPORTATION AND SUPPORT SYSTEMS IN ENERGY SAVINGS PROGRAM.

(a) IN GENERAL.—Section 2865 of title 10, United States Code, is amended—

(1) in the section heading, by inserting "**for military operations and**" after "**Energy savings**";

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) The Secretary of Defense shall designate energy performance goals for the Department of Defense for military transportation and support systems and installations. The goals shall be consistent, where appropriate, with the Energy Policy Act of 2005 (Public Law 109–58).";

(B) in paragraph (2), by striking "energy conservation measures" and all that follows through "energy savings" and inserting "energy conservation measures and alternative energy initiatives to achieve maximum total life-cycle energy savings";

(C) in paragraph (3)—

(i) by striking "energy efficient maintenance" and inserting "energy efficient operations and maintenance"; and

(ii) by inserting after "10 years or less" the following: ", except that the Secretary may provide that energy conservation measures related to equipment and systems supporting industrial processes may have a positive net present value over a period of 20 years or less"; and

(D) in paragraph (4)—

(i) by striking "energy efficient maintenance" and inserting "energy efficient operations and maintenance";

(ii) in subparagraph (A), by inserting "vehicles, military support equipment," after "such as"; and

(iii) in subparagraph (B), by striking "an operation or maintenance process, such as improved training" and inserting "a military operation or maintenance process, such as the use of alternative fuels and energy sources, improved training,";

(3) in subsection (b)(2)(A), by striking "installations of the Department of Defense as may be designated" and inserting "installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated";

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following new subsection:

"(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

"(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

"(2) In determining the energy efficiency of products, the Secretary shall consider products that—

"(A) meet or exceed Energy Star specifications; or

"(B) are listed on the Department of Energy's Federal Energy Management Program Product Energy Efficiency Recommendations product list.".

SEC. 2807. REPEAL OF AUTHORITY TO CONVEY PROPERTY AT CLOSED OR REALIGNED MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.

(a) REPEAL.—Section 2869 of title 10, United States Code, is repealed.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—(A) Section 2822(b) of such title is amended by striking paragraph (6).

(B) Section 2883(c) of such title is amended—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (2), by striking subparagraph (F).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869.

SEC. 2808. REPEAL OF REQUIREMENT TO DETERMINE AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING FOR ACQUISITION IN LIEU OF CONSTRUCTION OF NEW FAMILY HOUSING.

(a) IN GENERAL.—Section 2823 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2823.

SEC. 2809. UPDATING FOREIGN CURRENCY FLUCTUATION ADJUSTMENT FOR CERTAIN MILITARY FAMILY HOUSING LEASES IN KOREA.

Section 2828(e)(5)(A) of title 10, United States Code, is amended to read as follows:

"(A) for—

"(i) foreign currency fluctuations from October 1, 1987, in the case of maximum lease amounts provided for under paragraphs (1), (2), and (3); or

"(ii) foreign currency appreciation during the previous fiscal year, starting from the fiscal year of enactment of the lease authority under paragraph (4), in the case of the maximum lease amount provided for under such paragraph; and".

SEC. 2810. PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

(a) REDUCTION OF APPLICABLE NOTIFICATION PERIODS.—Section 2881a of title 10, United States Code, is amended by striking "90 days" both places it appears and inserting "30 days".

(b) EXTENSION OF AUTHORITY.—Subsection (f) of such section is amended by striking "2007" and inserting "2009".

SEC. 2811. CERTIFICATION REQUIRED FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

The Department of Defense may not use amounts authorized to be appropriated for a fiscal year beginning after September 30, 2006, to carry out a military construction project to construct a facility designed to provide training in urban operations for personnel of the Department of Defense or other Federal agencies until the Under Secretary of Defense for Personnel and Readiness, in consultation with the Commander of the United States Joint Forces Command, has certified to the congressional defense committees that—

(1) the Secretary of Defense has approved a strategy for training and facility construction for operations in urban terrain; and

(2) the Under Secretary has evaluated the project and determined that the project—

(A) is consistent with such strategy; and

(B) incorporates the appropriate capabilities for joint and interagency use in accordance with such strategy.

SEC. 2812. MODIFICATION OF LAND ACQUISITION AUTHORITY, PERQUIMANS COUNTY, NORTH CAROLINA.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1320), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2149), is further amended by striking "840 acres" and inserting "1,550 acres".

SEC. 2813. NAMING OF RESEARCH LABORATORY AT AIR FORCE ROME RESEARCH SITE, ROME, NEW YORK, IN HONOR OF SHERWOOD L. BOEHLERT, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The new laboratory facility at the Air Force Rome Research Site, Rome, New York, shall be known and designated as the "Sherwood L. Boehlert Engineering Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such laboratory facility shall be deemed to be a reference to the Sherwood L. Boehlert Engineering Center.

SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall, upon be completion, be known and designated as the "Michael G. Oxley Administration and Technology Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such administration building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

SEC. 2815. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the "Joel Hefley Village". Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

SEC. 2816. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a housing unit leased under section 2828(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. CONSOLIDATION OF EASEMENT PROVISIONS.

(a) CONSOLIDATION OF EASEMENT PROVISIONS.—

(1) TRANSFER OF EASEMENTS SECTION.—Section 2668 of title 10, United States Code, is—

(A) transferred to appear after section 2671 of such title; and

(B) redesignated as section 2672 of such title.

(2) CONSOLIDATED AUTHORITY.—Section 2672, as redesignated by paragraph (1), is amended—

(A) in subsection (a)—

(i) by inserting "TYPES OF EASEMENTS.—" after "(a)";

(ii) in the matter preceding paragraph (1), by striking "to a State, Territory, Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Territory, Commonwealth, or possession,";

(iii) in paragraph (2), by striking "oil pipe lines" and inserting "gas, water, sewer, and oil pipe lines"; and

(iv) in paragraph (13), by striking ", except a purpose covered by section 2669 of this title";

(B) in subsection (b), by inserting "LIMITATION ON SIZE.—" after "(b)";

(C) in subsection (c), by inserting "TERMINATION.—" after "(c)";

(D) in subsection (d), by inserting "NOTICE TO DEPARTMENT OF THE INTERIOR.—" after "(d)"; and

(E) in subsection (e), by inserting "DISPOSITION OF CONSIDERATION.—" after "(e)".

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 2669 of such title is repealed.

(c) CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 159 of such title is amended—

(1) by striking the items relating to sections 2668 and 2669; and

(2) by inserting after the item relating to section 2671 the following new item:

"2672. Easements for rights-of-way.".

SEC. 2822. AUTHORITY TO GRANT RESTRICTIVE EASEMENTS FOR CONSERVATION AND ENVIRONMENTAL RESTORATION PURPOSES.

(a) AUTHORITY TO GRANT RESTRICTIVE EASEMENTS.—Chapter 159 of title 10, United States Code, as amended by section 2821 of this Act, is further amended by inserting after section 2672 of such title the following new section:

"§2672a. Authority to grant restrictive easements

"(a) CONSERVATION EASEMENTS.—(1)(A) If the Secretary of a military department finds that it will be in the public interest, the Secretary may, subject to paragraph (2), grant, upon such terms as the Secretary considers advisable and with the consent of an entity described in subparagraph (B), a restrictive easement to such entity over, in, and upon any real property that is transferred by deed by that department restricting future uses of the property for a conservation purpose consistent with section 170(h)(4)(A)(iv) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(4)(A)(iv)).

"(B) An entity referred to in subparagraph (A) is—

"(i) a State or local government; or

"(ii) a qualified organization, as that term is defined in section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)).

"(2) An easement under paragraph (1) shall not be granted unless the Secretary of the military department concerned determines that—

"(A) the conservation of the property can not be effectively achieved through the application of State law by units of State or local government without granting such easement;

"(B) the jurisdiction that encompasses the property authorizes such easement; and

"(C) the Secretary can give or assign to a third party the responsibility for monitoring and enforcing such easement.

"(b) ENVIRONMENTAL EASEMENTS.—If the Secretary of a military department finds that it will be in the public interest, the Secretary may grant, upon such terms as the Secretary considers advisable and with the consent of a State or local government, a restrictive easement to such government over, in, and upon any real property that is transferred by deed by that department restricting future uses of the property to ensure the continued effectiveness of any environmental restoration function on the property conducted pursuant to chapter 160 of this title.

"(c) LIMITATIONS.—(1) No easement granted under this section may include more land than is necessary for the easement.

"(2) Easements granted under this section shall be without consideration from the recipient.

"(3) Nothing in this section shall alter the responsibilities of any party under Federal or State environmental laws.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 2821 of this Act, is further amended by inserting after the item relating to section 2672 the following new item:

"2672a. Authority to grant restrictive easements for conservation and environmental restoration purposes.".

SEC. 2823. CONSOLIDATION OF PROVISIONS RELATING TO TRANSFERS OF REAL PROPERTY WITHIN THE DEPARTMENT OF DEFENSE AND TO OTHER FEDERAL AGENCIES.

(a) CONSOLIDATION AND RESTATEMENT OF AUTHORITY ON INTERCHANGE, TRANSFER, AND SCREENING OF DEPARTMENT OF DEFENSE REAL PROPERTY.—Section 2696 of title 10, United States Code, is amended to read as follows:

"§2696. Real property: transfer between armed forces; screening for transfer or conveyance

"(a) TRANSFER BETWEEN ARMED FORCES.—If either of the Secretaries concerned requests it and the other approves, real property may be transferred, without compensation, from one armed force to another.

"(b) SCREENING AND CONVEYANCE OF PROPERTY FOR CORRECTIONAL FACILITIES PURPOSES.—(1) Except as provided in paragraph (2), before any real property or facility of the United States that is under the jurisdiction of any department, agency, or instrumentality of the Department of Defense is determined to be excess to the needs of such department, agency, or instrumentality, the Secretary of Defense shall—

"(A) provide adequate notification of the availability of such real property or facility within the Department of Defense;

"(B) if such real property or facility remains available after such notification, notify the Attorney General of its availability; and

"(C) if the Attorney General certifies to the Secretary that a determination has been made by the Director of the Bureau of Justice Assistance within the Department of Justice to utilize such real property or facility under the correctional options program carried out under section 515 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a), convey such real property or facility, without reimbursement, to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section for such utilization.

"(2) The provisions of this subsection shall not apply during any portion of a fiscal year after four conveyances have been made under this subsection in such fiscal year.

"(c) SCREENING FOR FURTHER FEDERAL USE BEFORE CONVEYANCE TO NON-FEDERAL ENTITIES.—(1) The Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator has screened the property for further Federal use in accordance with subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

"(2)(A) Before the end of the 30-day period beginning on the date of the enactment of a provision of law authorizing or requiring the conveyance of a parcel of real property by the Secretary concerned, the Administrator of General Services shall complete the screening referred to in paragraph (1) with regard to the real property and notify the Secretary concerned and Congress of the results of the screening. The notice shall include—

"(i) the name of the Federal agency requesting transfer of the property;

"(ii) the proposed use to be made of the property by the Federal agency; and

"(iii) the fair market value of the property, including any improvements thereon, as estimated by the Administrator.

"(B) If the Administrator fails to complete the screening and notify the Secretary concerned and Congress within such period, the Secretary concerned shall proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance.

"(3) If the Administrator submits notice under paragraph (2)(A) that further Federal use of a parcel of real property is requested by a Federal agency, the Secretary concerned may not proceed with the conveyance of the property as provided in the provision of law authorizing or requiring the conveyance until the end of the 180-day period beginning on the date on which the notice is submitted to Congress.

"(4) The screening requirements of this subsection shall not apply to real property authorized or required to be conveyed under any of the following provisions of law:

"(A) A base closure law.

"(B) Chapter 5 of title 40.

"(C) Any specific provision of law authorizing or requiring the transfer of administrative jurisdiction over a parcel or real property between Federal agencies.".

(b) CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS TO AUTHORITY ON INTERCHANGE OF PROPERTY AND SERVICES.—(A) Section 2571(a) of such title is amended by striking "and real property".

(B) The heading of such section is amended to read as follows:

"§2571. Interchange of supplies and services".

(2) REPEAL OF SUPERSEDED AUTHORITY ON SCREENING AND TRANSFER FOR CORRECTIONAL PURPOSES.—Section 2693 of such title is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2571 and inserting the following new item:

"2571. Interchange of supplies and services.".

(2) The table of sections at the beginning of chapter 159 of such title is amended—

(A) by striking the item relating to section 2693; and

(B) by striking the item relating to section 2696 and inserting the following new item:

"2696. Real property: transfer between armed forces; screening for transfer or conveyance.".

SEC. 2824. AUTHORITY TO USE EXCESS PROPERTY AS EXCHANGE UNDER AGREEMENTS TO LIMIT ENCROACHMENTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

Section 2684a(h) of title 10, United States Code, is amended—

(1) in the heading, by striking "Funding" and inserting "Consideration"; and

(2) by adding at the end the following new paragraph:

"(3) Land under the jurisdiction of the Secretary concerned that is determined to be excess to the needs of the Department of Defense may be used by way of exchange to enter into an agreement under this section, but only if such land is located within the same State as the installation that is the subject of the agreement.".

SEC. 2825. MODIFICATION OF UTILITY SYSTEM AUTHORITY AND RELATED REPORTING REQUIREMENTS.

Section 2688 of title 10, United States Code, as amended by section 2823 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109–163), is further amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i), by striking the semicolon at the end and inserting "; and"; and

(B) by striking clause (iii); and

(2) in subsection (d)—

(A) in paragraph (1), by striking "10 years" and inserting "50 years"; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "a term in excess of 10 years" and all that follows through the period at the end and inserting "a term not to exceed 50 years."; and

(ii) in the second sentence, by striking "shall include" and all that follows through the period at the end and inserting "shall include an explanation of the term of the contract.".

SEC. 2826. INCREASE IN AUTHORIZED MAXIMUM LEASE TERM FOR CERTAIN STRUCTURES AND REAL PROPERTY RELATING TO STRUCTURES IN FOREIGN COUNTRIES.

Section 2675(a) of title 10, United States Code, is amended by striking "five years" and inserting "10 years".

SEC. 2827. MODIFICATION OF LAND TRANSFER AUTHORITY, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

Section 2831 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2795) is amended by striking "consisting of approximately 3 acres" and inserting "consisting of approximately 4 acres and containing two buildings, known as building 6 and building 7".

SEC. 2828. REPORTS ON ARMY TRAINING RANGES.

(a) Limitation.—The Secretary of the Army may not carry out any acquisition of real property to expand the Pinon Canyon Maneuver Site at Fort Carson, Colorado until 30 days after the Secretary submits the report required under subsection (b).

(b) Report on Pinon Canyon Maneuver Site.—

(1) In general.—Not later than November 30, 2006, the Secretary of the Army shall submit to the congressional defense committees a report containing an analysis of any potential expansion of the military training range at the Pinon Canyon Maneuver Site at Fort Carson, Colorado.

(2) Content.—The report required under paragraph (1) shall include the following information:

(A) A description of the Army's current and projected military requirements for training at the Pinon Canyon Maneuver Site.

(B) An analysis of the reasons for any changes in those requirements, including the extent to which they are a result of the increase of military personnel due to the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) A proposed plan for addressing those requirements, including a description of any proposed expansion of the existing training range by acquiring privately held land surrounding the site and an analysis of alternative approaches that do not require expansion of the training range.

(D) If an expansion of the training range is recommended pursuant to subparagraph (C), the following information:

(i) An assessment of the economic impact on local communities of such acquisition.

(ii) An assessment of the environmental impact of expanding the Pinon Canyon Maneuver Site.

(iii) An estimate of the costs associated with the potential expansion, including land acquisition, range improvements, installation of utilities, environmental restoration, and other environmental activities in connection with the acquisition.

(iv) An assessment of options for compensating local communities for the loss of property tax revenue as a result of the expansion of Pinon Canyon Maneuver Site.

(v) An assessment of whether the acquisition of additional land at the Pinon Canyon Maneuver Site can be carried out by the Secretary solely through transactions, including land exchanges and the lease or purchase of easements, with willing sellers of the privately held land.

(c) Report on Expansion of Army Training Ranges.—

(1) In general.—Not later than February 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the training ranges operated by the Army to support major Army units.

(2) Content.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission essential training tasks supported by each such Army training range during fiscal year 2003.

(B) A description of the projected changes in training range requirements, including the size, characteristics, and attributes for mission essential training of each range and the extent to which any changes in requirements are a result of the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) The projected deficit or surplus of training land at each such range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing training range.

(D) A description of the Army's prioritization process and investment strategy to address the potential expansion or upgrade of training ranges.

(E) An analysis of alternatives to the expansion of Army ranges to include an assessment of the joint use of ranges operated by other services.

SEC. 2829. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

SEC. 2830. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

Designation.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

Subtitle C—Base Closure and Realignment

SEC. 2831. DEFENSE ECONOMIC ADJUSTMENT PROGRAM: RESEARCH AND TECHNICAL ASSISTANCE.

Section 2391 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) Research and Technical Assistance.—(1) The Secretary of Defense may make grants, conclude cooperative agreements, and enter into contracts in order to conduct research and technical assistance in support of activities under this section or Executive Order 12788.

"(2) A grant, cooperative agreement, or contract under this subsection may be with or to a Federal agency, a State or local government, or any private entity.".

SEC. 2832. EXTENSION OF ELIGIBILITY FOR COMMUNITY PLANNING ASSISTANCE RELATED TO CERTAIN MILITARY FACILITIES NOT UNDER DEPARTMENT OF DEFENSE JURISDICTION.

Section 2391(d)(1) of title 10, United States Code, is amended by striking the period at the end and inserting the following: ", except that for purposes of subsection (b)(1)(D), a 'military installation' may also include a military facility owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam even though such facility is not under the jurisdiction of the Department of Defense, if the facility is subject to significant use for training by the armed forces.".

SEC. 2833. MODIFICATION OF DEPOSIT REQUIREMENTS IN CONNECTION WITH LEASE PROCEEDS RECEIVED AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT AFTER JANUARY 1, 2005.

Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by inserting after "lease under subsection (f)" the following: "at a military installation to be closed or realigned under a base closure law, the date of approval of which is before January 1, 2005."; and

(2) by adding at the end the following new paragraph:

"(6) Money rentals received by the United States from a lease under subsection (f) at a military installation to be closed or realigned under a base closure law, the date of approval of which is on or after January 1, 2005, shall be deposited into the account established under section 2906A(a) of the Defense Base Closure and Realignment Act of

1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for active and Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at active and Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(3) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each base; and

(4) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was considered as a potential receiving location for the realignment of aircraft, weapons systems, or functions.

Subtitle D—Land Conveyances

SEC. 2841. LAND CONVEYANCE, RADFORD ARMY AMMUNITION PLANT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia (in this section referred to as the "Commonwealth") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 80 acres at Radford Army Ammunition Plant, New River Unit, Virginia, for the purpose of permitting the Commonwealth to establish on the property a cemetery operated by the Commonwealth for veterans of the Armed Forces.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—(A) The Secretary may require the Commonwealth to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Commonwealth in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Commonwealth.

(B) The authority of the Secretary to require the Commonwealth to cover administrative costs related to the conveyance does not include costs related to any environmental remediation required for the property.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. MODIFICATIONS TO LAND CONVEYANCE AUTHORITY, ENGINEERING PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONSTRUCTION OF SECURITY BARRIER.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as amended by section 2846 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3527), is further amended—

(1) in subsection (b)(4), by striking "$3,880,000" and inserting "$4,880,000"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting after "Virginia," the following: "and the construction of a security barrier, as applicable,"; and

(B) in paragraph (2), by inserting after "Building 191" the following: "and the construction of a security barrier, as applicable".

(b) AUTHORITY TO ENTER INTO ALTERNATIVE AGREEMENT FOR DESIGN AND CONSTRUCTION OF FAIRFAX COUNTY PARKWAY PORTION.—Such section 2836 is further amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) except as provided in subsection (f), design and construct, at its expense and for public benefit, the portion of the Fairfax County Parkway through the Engineer Proving Ground (in this section referred to as the 'Parkway portion');"; and

(B) in paragraph (2), by inserting after "C514" the following: ", RW–214 (in this section referred to as 'Parkway project')";

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection:

"(f) ALTERNATE AGREEMENT FOR CONSTRUCTION OF ROAD.—(1) The Secretary of the Army may, in connection with the conveyance authorized under subsection (a), enter into an agreement with the Commonwealth providing for the design and construction by the Department of the Army or the United States Department of Transportation of the Parkway portion and other portions of the Fairfax County Parkway off the Engineer Proving Ground that are necessary to complete the Parkway project (in this subsection referred to as the 'alternate agreement') if the Secretary determines that the alternate agreement is in the best interests of the United States to support the permanent relocation of additional military and civilian personnel at Fort Belvoir pursuant to decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) If the Secretary of Defense certifies that the Parkway portion is important to the national defense pursuant to section 210 of title 23, United States Code, the Secretary of the Army may enter into an agreement with the Secretary of Transportation to carry out the alternate agreement under the Defense Access Road Program.

"(3) The Commonwealth shall pay to the Secretary of the Army the costs of the design and construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground designed and constructed under the alternate agreement. The Secretary shall apply such payment to the design and construction provided for in the alternate agreement.

"(4) The Secretary may carry out environmental restoration activities on real property under the jurisdiction of the Secretary in support of the construction of the Parkway portion with funds appropriated for that purpose.

"(5) The alternate agreement shall be subject to the following conditions:

"(A) The Commonwealth shall acquire and retain all necessary right, title, and interest in any real property not under the jurisdiction of the Secretary that is necessary for construction of the Parkway portion or for construction of any other portions of the Fairfax County Parkway off the Engineer Proving Ground that will be constructed under the alternate agreement, and shall grant to the United States all necessary access to and use of such property for such construction.

"(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

"(C) The Secretary shall receive consideration from the Commonwealth as required in subsections (b)(2), (b)(3), and (b)(4) and shall carry out the acceptance and disposition of funds in accordance with subsection (d).

"(6) The design of the Parkway portion under the alternate agreement shall be subject to the approval of the Secretary and the Commonwealth in accordance with the Virginia Department of Transportation Approved Plan, dated June 15, 2004, Project #R000–029–249, PE–108, C–514, RW–214. For each phase of the design and construction of the Parkway portion under the alternate agreement, the Secretary may—

"(A) accept funds from the Commonwealth; or

"(B) transfer funds received from the Commonwealth to the United States Department of Transportation.

"(7) Upon completion of the construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground required under the alternate agreement, the Secretary shall carry out the conveyance under subsection (a). As a condition of such conveyance carried out under the alternate agreement, the Secretary shall receive a written commitment, in a form satisfactory to the Secretary, that the Commonwealth agrees to accept all responsibility for the costs of operation and maintenance of the Parkway portion upon conveyance to the Commonwealth of such real property."; and

(4) in subsection (g), as redesignated by paragraph (2), by inserting "or the alternate agreement authorized under subsection (f)" after "conveyance under subsection (a)".

SEC. 2843. LAND CONVEYANCES, OMAHA, NEBRASKA.

(a) Conveyances Authorized.—

(1) Army conveyance.—The Secretary of the Army may convey to the Metropolitan Community College Area, a public community college located in Omaha, Nebraska (in this section referred to as the "College") all right, title, and interest of the United States in and to three parcels of real property under the control of the Army Reserve, including any improvements thereon, consisting of approximately 5.42 acres on the Fort Omaha campus at the College, for educational purposes.

(2) Navy conveyance.—The Secretary of the Navy may convey to the College all right, title, and interest of the United States in and to a parcel of real property under the control of the Navy Reserve and Marine Corps Reserve, including any improvements thereon, consisting of approximately 6.57 acres on the Fort Omaha campus at the College, for educational purposes.

(b) Consideration.—

(1) In general.—As consideration for each conveyance under subsection (a), the College shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary concerned.

(2) Reduced tuition rates.—The Secretary concerned may accept as in-kind consideration under paragraph (1) reduced tuition rates for military personnel at the College.

(c) Payment of Costs of Conveyances.—

(1) Payment required.—The Secretary concerned shall require the College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the College.

(2) Treatment of amounts received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary concerned to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretaries concerned.

(e) Additional Terms and Conditions.—The Secretary concerned may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. RICKENBACKER AIRPORT, COLUMBUS, OHIO.

The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking "Grading, paving" and all that follows through "Airport" and inserting "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio".

SEC. 2852. HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) High Priority Project.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking "Plan and construct, land acquisition, Detroit West Riverfront Greenway" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

(b) Transportation Improvement Project.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking "Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

SEC. 2853. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) Definitions.—In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) Responsibility for Barrier.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) Required Structures.—

(1) In general.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) Conveyance.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SEC. 2854. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the "Kast Hill" property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) Consideration.—

(1) In general.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) Waiver of payment of consideration.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Prohibition on Reconveyance of Land.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) Payment of Costs of Conveyance.—

(1) Payment required.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) Treatment of amounts received.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions

and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

SEC. 2855. FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C–05–05), which requires fixed guideway projects to achieve a “medium” cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,333,311,000, to be allocated as follows:

(1) For weapons activities, $6,455,389,000.

(2) For defense nuclear nonproliferation activities, $1,726,213,000.

(3) For naval reactors, $795,133,000.

(4) For the Office of the Administrator for Nuclear Security, $356,576,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 07–D–140, Readiness in Technical Base and Facilities Program, project engineering and design, various locations, $4,977,000.

Project 07–D–220, Radioactive liquid waste treatment facility upgrade project, Los Alamos National Laboratory, Los Alamos, New Mexico, $14,828,000.

(2) For facilities and infrastructure recapitalization, the following new plant project:

Project 07–D–253, Technical Area 1 heating systems modernization, Sandia National Laboratories, Albuquerque, New Mexico, $14,500,000.

(3) For defense nuclear nonproliferation, the following new plant project:

Project 07–SC–05, Physical Sciences Facility, Pacific Northwest National Laboratory, Richland, Washington, $4,220,000.

(4) For naval reactors, the following new plant project:

Project 07–D–190, Materials Research Technology Complex, project engineering and design, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,485,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,430,312,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for other defense activities in carrying out programs necessary for national security in the amount of $624,530,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $333,080,000.

Subtitle B—Other Matters

SEC. 3111. NOTICE AND WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD PARTY FINANCING ARRANGEMENTS.

Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

“SEC. 4804. NOTICE AND WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD PARTY FINANCING ARRANGEMENTS.

“(a) NOTICE AND WAIT REQUIREMENT.—The Secretary of Energy may not enter into an arrangement described in subsection (b) until 30 days after the date on which the Secretary notifies the congressional defense committees in writing of the proposed arrangement.

“(b) COVERED ARRANGEMENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an arrangement referred to in subsection (a) is any alternative financing arrangement, third party financing arrangement, public-private partnership, privatization arrangement, private capital arrangement, or other financing arrangement that—

“(A) is entered into in connection with a project conducted using funds authorized to be appropriated to the Department of Energy to carry out programs necessary for national security; and

“(B) involves a contractor or Federal agency obtaining and charging to the Department of Energy as an allowable cost under a contract the use of office space, facilities, or other real property assets with a value of at least $5,000,000.

“(2) EXCEPTION.—An arrangement referred to in subsection (a) does not include an arrangement that—

“(A) involves the Department of Energy or a contractor acquiring or entering into a capital lease for office space, facilities, or other real property assets; or

“(B) is entered into in connection with a capital improvement project undertaken as part of an energy savings performance contract under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).”.

SEC. 3112. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 2569) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) INTERNATIONAL PARTICIPATION IN PROGRAM.—(1) In order to achieve international participation in the program under subsection (b), the Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary of Energy considers appropriate for the contribution of funds by such person, government, or organization for purposes of the programs described in paragraph (2)(B).

“(2)(A) Notwithstanding section 3302 of title 31, United States Code, and subject to paragraphs (3) and (4), the Secretary of Energy may retain and utilize for purposes of the programs described in subparagraph (B) any amounts contributed by a person, government, or organization under an agreement under paragraph (1) without further appropriation and without fiscal year limitation.

“(B) The programs described in this subparagraph are the following programs within the Global Threat Reduction Initiative:

“(i) The International Radiological Threat Reduction program.

“(ii) The Emerging Threats and Gap Materials program.

“(iii) The Reduced Enrichment for Research and Test Reactors program.

“(iv) The Russian Research Reactor Fuel Return program.

“(v) The Global Research Reactor Security program.

“(vi) The Kazakhstan Spent Fuel program.

“(3) The Secretary of Energy may not utilize under paragraph (2) any amount contributed under an agreement under paragraph (1) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

“(4) If any amount contributed under paragraph (1) has not been utilized within 5 years of such contribution, the Secretary of Energy shall return such amount to the person, government, or organization that contributed it.

“(5) Not later than 30 days after the receipt of any amount contributed under paragraph (1), the Secretary of Energy shall submit to the congressional defense committees a notice of the receipt of such amount.

“(6) Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

“(A) a statement of any amounts received under this subsection, including the source of each such amount; and

“(B) a statement of any amounts utilized under this subsection, including the purposes for which such amounts were utilized.

“(7) The authority of the Secretary of Energy to accept and utilize amounts under this subsection shall expire on December 31, 2013.”.

SEC. 3113. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE SECOND LINE OF DEFENSE CORE PROGRAM.

(a) INTERNATIONAL CONTRIBUTIONS AUTHORIZED.—In order to achieve international participation in the Second Line of Defense Core Program administered by the National Nuclear Security Administration, the Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary of Energy considers appropriate for the contribution of funds by such person, government, or organization for purposes of the program.

(b) UTILIZATION OF CONTRIBUTIONS.—Notwithstanding section 3302 of title 31, United

States Code, and subject to subsections (c) and (d), the Secretary of Energy may retain and utilize for purposes of the program any amounts contributed by a person, government, or organization under an agreement under subsection (a) without further appropriation and without fiscal year limitation.

(c) NOTICE AND WAIT REQUIREMENT.—The Secretary of Energy may not utilize under subsection (b) any amount contributed under an agreement under subsection (a) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

(d) RETURN OF UNUTILIZED AMOUNTS.—If any amount contributed under subsection (a) has not been utilized within 5 years of such contribution, the Secretary of Energy shall return such amount to the person, government, or organization that contributed it.

(e) NOTIFICATION REQUIREMENT.—Not later than 30 days after the receipt of any amount contributed under subsection (a), the Secretary of Energy shall submit to the congressional defense committees a notice of the receipt of such amount.

(f) ANNUAL REPORT.—Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

(1) a statement of any amounts received under this section, including the source of each such amount; and

(2) a statement of any amounts utilized under this section, including the purposes for which such amounts were utilized.

(g) TERMINATION.—The authority of the Secretary of Energy to accept and utilize amounts under this subsection shall expire on December 31, 2013.

SEC. 3114. EXTENSION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.

Section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 50 U.S.C. 2453 note) is amended by striking "2011" both places it appears and inserting "2013".

SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2006" and inserting "September 30, 2008".

SEC. 3116. EXTENSION OF DEADLINE FOR TRANSFER OF LANDS TO LOS ALAMOS COUNTY, NEW MEXICO, AND OF LANDS IN TRUST FOR THE PUEBLO OF SAN ILDEFONSO.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2523; 42 U.S.C. 2391 note) is amended—

(1) in subsection (d)(2), by striking "10 years after the date of enactment of this Act" and inserting "November 26, 2012"; and

(2) in subsection (g)(3)(B), by striking "the end of the 10-year period beginning on the date of enactment of this Act" and inserting "November 26, 2012".

SEC. 3117. LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

Of the amount authorized to be appropriated under section 3102 for defense environmental cleanup activities and available for the Waste Treatment and Immobilization Plant—

(1) not more than 30 percent of such amount may be obligated or expended until the date on which the Secretary of Energy certifies to the congressional defense committees that the Defense Contract Management Agency has certified the earned value management system used to track and report costs of the Waste Treatment and Immobilization Plant; and

(2) not more than 60 percent of such amount may be obligated or expended until the date on which the Secretary of Energy certifies to the congressional defense committees that the final seismic and ground motion criteria have been approved by the Secretary and that the contracting officer of the Waste Treatment and Immobilization Plant Project has formally directed that the final criteria be used for the final design of the Pretreatment Facility and the High-Level Waste Facility of the Waste Treatment and Immobilization Plant.

SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR IMPLEMENTATION OF THE RUSSIAN SURPLUS FISSILE MATERIALS DISPOSITION PROGRAM.

(a) LIMITATION.—(1) Except as provided in subsection (b), none of the amount authorized to be appropriated under section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated for the implementation of the Russian Surplus Fissile Materials Disposition Program (in this section referred to as the "Program") until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees written recommendations regarding whether and in what manner the Program should proceed.

(2) The recommendations submitted under paragraph (1) shall include—

(A) a description of the disposition method the Government of Russia has agreed to use;

(B) a description of the assistance the United States Government plans to provide under the Program;

(C) an estimate of the total cost and schedule of such assistance;

(D) an explanation of how parallelism is to be defined for purposes of the Program and whether such parallelism can be achieved if the United States mixed-oxide (MOX) plutonium disposition program continues on the current planned schedule without further delays.

(b) EXCEPTION.—The limitation under subsection (a) does not apply to the obligation of funds to continue research and development associated with the Gas Turbine-Modular Helium Reactor (GT-MHR).

SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR CONSTRUCTION OF MOX FUEL FABRICATION FACILITY.

None of the amount authorized to be appropriated under section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated for construction project 99–D–143, the Mixed-Oxide (MOX) Fuel Fabrication Facility, until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees—

(1) an independent cost estimate for the United States Surplus Fissile Materials Disposition Program and facilities; and

(2) a written certification that the Department of Energy intends to use the MOX Fuel Fabrication Facility for United States plutonium disposition regardless of the future direction of the Russian Surplus Fissile Materials Disposition Program.

SEC. 3120. TECHNICAL CORRECTION RELATED TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

Effective as of January 6, 2006, and as if included therein as enacted, section 3101(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3537) is amended by striking "$9,196,456" and inserting "$9,196,456,000".

SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense and the United States depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

(2) Experts estimate that over 25 percent of the approximately 58,000 workers in the nuclear power industry in the United States will be eligible to retire within 5 years, representing both a huge loss of institutional memory and a potential national security crisis.

(3) This shortfall of workers is exacerbated by reductions to the University Reactor Infrastructure and Education Assistance program, which trains civilian nuclear scientists and engineers. The defense and civilian nuclear industries are interdependent on a limited number of educational institutions to produce their workforce. A reduction in nuclear scientists and engineers trained in the civilian sector may result in a further loss of qualified personnel for defense-related research and engineering.

(4) The Department of Defense's successful Science, Math and Research for Transformation (SMART) scholarship-for-service program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) REPORT ON EDUCATION OF FUTURE NUCLEAR ENGINEERS.—

(1) STUDY.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

(2) REPORT REQUIRED.—The President shall submit to the congressional defense committees, together with the budget request submitted for fiscal year 2008, a report on the study conducted by the Secretary of Energy under paragraph (1).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2007, $22,260,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.

(a) TRANSPORT AND DISPOSAL.—Not later than March 31, 2007, the Secretary of the Army shall, subject to subsection (c), transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

(b) SOURCE OF FUNDS.—Funds authorized to be appropriated by section 301(1) for the

Army for operation and maintenance may be used for the transport and disposal required under subsection (a).

(c) LIABILITY.—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

(1) the United States assumes no liability, legal or otherwise, of Sequoyah Fuels Corporation by transporting such uranium; and

(2) the Sequoyah Fuels Corporation waives any and all claims it may have against the United States related to the transported uranium.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer's 'Shallow Oil Zone Provisional Recommendation of Equity Participation,' which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer, as that term is used in the Protocol on NPR–1 Equity Finalization Implementation Process, July 8, 1996, for the Shallow Oil Zone unless the Department of Energy and Chevron U.S.A. Inc. agree in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to either party for any cost or expense incurred or for any loss or damage sustained—

"(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

"(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

"(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by the its gross negligence or willful misconduct.

"(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.".

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

On Thursday, June 22, 2006, the Senate passed S. 2767, as follows:

S. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE XII—MATTERS RELATING TO OTHER NATIONS

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Sec. 1418. Submittal to Congress of Department of Defense supplemental and cost of war execution reports.
Sec. 1419. Limitation on availability of funds for certain purposes relating to Iraq.

SEC. 2. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Army as follows:

(1) For aircraft, $3,457,329,000.

(2) For missiles, $1,428,859,000.

(3) For weapons and tracked combat vehicles, $2,849,743,000.

(4) For ammunition, $2,036,785,000.

(5) For other procurement, $7,729,602,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Navy as follows:

(1) For aircraft, $10,704,155,000.

(2) For weapons, including missiles and torpedoes, $2,587,020,000.

(3) For shipbuilding and conversion, $12,058,553,000.

(4) For other procurement, $5,045,516,000.

(b) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Marine Corps in the amount of $1,300,213,000.

(c) Navy and Marine Corps Ammunition.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement of ammunition for the Navy and the Marine Corps in the amount of $809,943,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Air Force as follows:

(1) For aircraft, $12,004,096,000.

(2) For missiles, $4,224,145,000.

(3) For ammunition, $1,076,749,000.

(4) For other procurement, $15,434,586,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2007 for Defense-wide procurement in the amount of $2,980,498,000.

Subtitle B—Army Programs

SEC. 111. LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT NETWORK NODE.

(a) Limitation.—Of the amount authorized to be appropriated by section 101(5) for other procurement for the Army and available for purposes of the procurement of the Joint Network Node, not more than 50 percent of such amount may be available for such purposes until the Secretary of the Army submits to the congressional defense committees a report on the strategy of the Army for the convergence of the Joint Network Node, the Warfighter Information Network-Tactical, and the Mounted Battle Command On-the-Move communications programs.

(b) Elements.—The report described in subsection (a) shall include a description of the acquisition plan required for the convergence described in that subsection, including the implementation plan, schedule, and funding of such acquisition plan.

(c) Deadline.—The report described in subsection (a) shall be submitted under that subsection, if at all, not later than March 15, 2007.

SEC. 112. COMPTROLLER GENERAL REPORT ON THE CONTRACT FOR THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) Report Required.—Not later than March 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the participation and activities of the lead systems integrator in the Future Combat Systems (FCS) program under the contract of the Army for the Future Combat Systems.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the responsibilities of the lead systems integrator in managing the Future Combat Systems program under the contract for the Future Combat Systems, and an assessment of the manner in which such responsibilities differ from the typical

responsibilities of a lead systems integrator under acquisition contracts of the Department of Defense.

(2) A description and assessment of the responsibilities of the Army in managing the Future Combat Systems program, including oversight of the activities of the lead systems integrator and the decisions made by the lead systems integrator.

(3) An assessment of the manner in which the Army—

(A) ensures that the lead systems integrator meets goals for the Future Combat Systems in a timely manner; and

(B) evaluates the extent to which such goals are met.

(4) An identification of the mechanisms in place to ensure the protection of the interests of the United States in the Future Combat Systems program.

(5) An identification of the mechanisms in place to mitigate organizational conflicts of interests with respect to competition on Future Combat Systems technologies and equipment under subcontracts under the Future Combat Systems program.

SEC. 113. REPORTS ON ARMY MODULARITY INITIATIVE.

(a) REPORT BY SECRETARY OF THE ARMY.—

(1) REPORT REQUIRED.—Not later than March 15, 2007, the Secretary of the Army shall submit to the congressional defense committees a report on the modularity initiative of the Army.

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A description of the manner in which the Army distinguishes costs under the modularity initiative from costs of modernization and reset.

(B) An identification, by line item, of the amount of funds expended to date on the modularity initiative.

(C) An identification, by line item, of the amount of funds the Army has budgeted and programmed to date on the modularity initiative.

(D) A detailed description on how modularity equipment will be allocated to the regular components and reserve components of the Armed Forces by 2011, and a description of any anticipated shortfalls in such allocation.

(E) A plan for further testing and evaluation of modular designs, and a summary of any lessons learned to date from modular brigades that have been established, deployed to Iraq, or both.

(b) ANNUAL COMPTROLLER GENERAL REPORTS.—

(1) REPORTS REQUIRED.—The Comptroller General of the United States shall submit to the congressional defense committees each year, not later than 45 days after the date on which the budget of the President is submitted to Congress for a fiscal year under section 1105 of title 31, United States Code, a report on the assessment of the Comptroller General on the following:

(A) The progress of the Army in equipping and manning modular units in the regular components and reserve components of the Armed Forces.

(B) The use of funds by the Army for the modularity initiative.

(C) The progress of the Army in conducting further testing and evaluations of designs under the modularity initiative.

(2) FIRST REPORT.—The first report required under this subsection shall be submitted in conjunction with the budget for fiscal year 2008.

SEC. 114. REPLACEMENT EQUIPMENT.

(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for acting and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.

(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies/disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

Subtitle C—Navy Programs

SEC. 121. CVN–21 CLASS AIRCRAFT CARRIER PROCUREMENT.

(a) AVAILABILITY OF FUNDS FOR CVN–21 CLASS AIRCRAFT CARRIERS.—Amounts authorized to be appropriated to Shipbuilding and Conversion, Navy, for purposes of the construction of CVN–21 class aircraft carriers shall be available in the fiscal year for which authorized to be appropriated and the succeeding three fiscal years.

(b) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEAR 2007.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007 for Shipbuilding and Conversion, Navy, $834,100,000 shall be available for advance procurement with respect to the CVN–21 class aircraft carriers designated CVN–78, CVN–79, and CVN–80.

(c) CONTRACT AUTHORITY.—

(1) ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into a contract during fiscal year 2007 for advance procurement with respect to the CVN–21 class aircraft carriers designated CVN–79 and CVN–80.

(2) CONSTRUCTION.—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN–21 class aircraft carrier referred to in paragraph (1), the Secretary may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding three fiscal years.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

SEC. 122. CONSTRUCTION OF FIRST TWO VESSELS UNDER THE NEXT-GENERATION DESTROYER PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007 for Shipbuilding and Conversion, Navy, $2,568,000,000 may be available for the construction of the first two vessels under the next-generation destroyer program.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of each of the first two vessels under the next-generation destroyer program.

(2) LIMITATION.—Not more than one contract described in paragraph (1) may be awarded under that paragraph to a single surface-combatant shipyard.

(3) DURATION ON PROCUREMENT.—Each contract under paragraph (1) shall contemplate funding for the procurement of a vessel under such contract in fiscal years 2007 and 2008.

(4) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2007 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 123. MODIFICATION OF LIMITATION ON TOTAL COST OF PROCUREMENT OF CVN–77 AIRCRAFT CARRIER.

Section 122(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1650) is amended by striking "$4,600,000,000 (such amount being the estimated cost for the procurement of the CVN–77 aircraft carrier in the March 1997 procurement plan)" and inserting "$6,057,000,000".

Subtitle D—Air Force Programs

SEC. 141. PROCUREMENT OF JOINT PRIMARY AIRCRAFT TRAINING SYSTEM AIRCRAFT AFTER FISCAL YEAR 2006.

Any Joint Primary Aircraft Training System (JPATS) aircraft procured after fiscal year 2006 shall be procured through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a contract under part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items (48 C.F.R. 12.000 et seq.).

SEC. 142. PROHIBITION ON RETIREMENT OF C–130E/H TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force shall not retire any C–130E/H tactical airlift aircraft of the Air Force in fiscal year 2007.

SEC. 143. LIMITATION ON RETIREMENT OF KC–135E AIRCRAFT.

The Secretary of the Air Force shall ensure that the number, if any, of KC–135E aircraft of the Air Force that is retired in fiscal year 2007 does not exceed 29 such aircraft.

SEC. 144. LIMITATION ON RETIREMENT OF B–52H BOMBER AIRCRAFT.

The Secretary of the Air Force shall ensure that the number, if any, of B–52H bomber aircraft of the Air Force that is retired in fiscal year 2007 does not exceed 18 such aircraft.

SEC. 145. RETIREMENT OF B–52H BOMBER AIRCRAFT.

(a) LIMITATION ON RETIREMENT PENDING REPORT ON BOMBER FORCE STRUCTURE.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for retiring or dismantling any of the 93 B–52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force transmits to the Committees on Armed Services of the Senate and the House of Representatives a report on the bomber force structure of the Air Force meeting the requirements of subsection (b).

(b) ELEMENTS.—

(1) IN GENERAL.—A report under subsection (a) shall set forth the following:

(A) The plan of the Air Force for the modernization of the B–52H bomber aircraft fleet.

(B) The plans of the Air Force for the modernization of the balance of the bomber force structure.

(C) The amount and type of bombers in the bomber force structure that is appropriate to meet the requirements of the national security strategy of the United States.

(D) A justification of the cost and projected savings of any reductions to the B–52H bomber aircraft fleet as a result of the retirement or dismantlement of the B–52H bomber aircraft covered by the report.

(E) The life expectancy of each bomber aircraft to remain in the bomber force structure.

(F) The date by which any new bomber aircraft must reach initial operational capability and the capabilities of the bomber force structure that would be replaced or superseded by any new bomber aircraft.

(2) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this subsection, the term "amount and type of bomber force structure" means the number of B–2 bomber aircraft, B–52H bomber aircraft, and B–1 bomber aircraft that are required to carry out the national security strategy of the United States.

(c) PREPARATION OF REPORT.—A report under this section shall be prepared and submitted by the Institute of Defense Analysis to the Secretary of the Air Force for transmittal by the Secretary in accordance with subsection (a).

SEC. 146. FUNDING FOR PROCUREMENT OF F–22A FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A fighter aircraft.

(b) MULTIYEAR PROCUREMENT.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of not more than 60 F–22A fighter aircraft.

SEC. 147. MULTIYEAR PROCUREMENT OF F–119 ENGINES FOR F–22A FIGHTER AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of the following:

(1) Not more than 120 F–119 engines for F–22A fighter aircraft.

(2) Not more than 13 spare F–119 engines for F–22A fighter aircraft.

SEC. 148. MULTI-SPECTRAL IMAGING CAPABILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The budget of the President for fiscal year 2007, as submitted to Congress under section 1105(a) of title 31, United States Code, and the current Future-Years Defense Program adopts an Air Force plan to retire the remaining fleet of U–2 aircraft by 2011.

(2) This retirement would eliminate the multi-spectral capability provided by the electro-optical/infrared (EO/IR) Senior Year Electro-optical Reconnaissance System (SYERS–2) high-altitude imaging system.

(3) The system referred to in paragraph (2) provides high-resolution, long-range, day-and-night image intelligence.

(4) The infrared capabilities of the system referred to in paragraph (2) can defeat enemy efforts to use camouflage or concealment, as well as provide images through poor visibility and smoke.

(5) Although the Air Force has previously recognized the military value of Senior Year Electro-optical Reconnaissance System sensors, the Air Force has no plans to migrate this capability to any platform remaining in the fleet.

(6) The Air Force could integrate such capabilities onto the Global Hawk platform to retain this capability for combatant commanders.

(7) The Nation risks a loss of an important intelligence gathering capability if this capability is not transferred to another platform.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should investigate ways to retain the multi-spectral imaging capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system after the retirement of the U–2 aircraft fleet.

(c) REPORT REQUIREMENT.—The Secretary of the Air Force shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress under section 1105(a) of title 31, United States Code, a plan for migrating the capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system from the U–2 aircraft to the Global Hawk platform before the retirement of the U–2 aircraft fleet in 2011.

SEC. 149. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States "is to deploy a force of 500 ICBMs". The conferees further note "that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.".

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent "remains a keystone of United States national power". However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $5,000,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(3) OFFSET.—The amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term "ICBM Modernization program" means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $11,151,009,000.

(2) For the Navy, $17,451,823,000.

(3) For the Air Force, $24,400,857,000.

(4) For Defense-wide activities, $21,160,459,000, of which $181,520,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $11,468,959,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term "science and technology project" means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION OF WARFIGHTER RAPID AWARENESS PROCESSING TECHNOLOGY.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $4,000,000 may be available for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $4,000,000, due to unexpended obligations, if available.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. INDEPENDENT ESTIMATE OF COSTS OF THE FUTURE COMBAT SYSTEMS.

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—Of the amount authorized to be appropriated by this title and available for the Future Combat Systems (FCS) for purposes of system of systems engineering and program management for the Future Combat Systems, an amount equal to $500,000,000 of such amount may not be obligated and expended for such purposes until the Secretary of Defense submits to the congressional defense committees the report required by subsection (b)(4).

(b) INDEPENDENT ESTIMATE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the preparation of an independent estimate of the anticipated costs of systems development and demonstration with respect to the Future Combat Systems.

(2) CONDUCT OF ESTIMATE.—The estimate required by this subsection shall be prepared by a federally funded research and development center selected by the Secretary for purposes of this subsection.

(3) MATTERS TO BE ADDRESSED.—The independent estimate prepared under this subsection shall address costs of research, development, test, and evaluation, and costs of procurement, for—

(A) the system development and demonstration phase of the core Future Combat Systems;

(B) the Future Combat Systems technologies to be incorporated into the equipment of the current force of the Army (often referred to as "spinouts");

(C) the installation kits for the incorporation of such technologies into such equipment;

(D) the systems treated as complementary systems for the Future Combat Systems;

(E) science and technology initiatives that support the Future Combat Systems program; and

(F) any pass-through charges anticipated to be assessed by the lead systems integrator of the Future Combat Systems and its major subcontractors.

(4) SUBMITTAL TO CONGRESS.—Upon completion of the independent estimate required by this subsection, the Secretary shall submit to the congressional defense committees a report on the estimate.

(5) DEADLINE FOR SUBMITTAL.—The report described in paragraph (4) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2008 (as submitted to Congress under section 1105(a) of title 31, United States Code).

(c) PASS-THROUGH CHARGE DEFINED.—In this section, the term "pass-through charge" has the meaning given that term in section 805(c)(5) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3373).

SEC. 212. FUNDING OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EXTENSION OF FUNDING OBJECTIVE.—Subsection (b) of section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended by striking "through 2009" and inserting "through 2012".

(b) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—Such section is further amended by adding at the end the following new subsection:

"(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—(1) If the proposed budget for a fiscal year covered by subsection (b) fails to comply with the objective set forth in that subsection, the Secretary of Defense shall submit to the congressional defense committees—

"(A) a detailed, prioritized list, including estimates of required funding, of highly-rated, peer-reviewed science and technology projects received by the Department through competitive solicitations and broad agency announcements which—

"(i) are not funded solely due to lack of resources, but

"(ii) represent science and technology opportunities that support the research and development programs and goals of the military departments and the Defense Agencies; and

"(B) a report, in both classified and unclassified form, containing an analysis and evaluation of international research and technology capabilities, including an identification of any technology areas in which the United States will not have global technical leadership within the next five years, in each of the technology areas described in the following plans:

"(i) The most current Joint Warfighting Science and Technology Plan required by section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

"(ii) The Defense Technology Area Plan of the Department of Defense.

"(iii) The Basic Research Plan of the Department of Defense.

"(2)(A) The list required by paragraph (1)(A) for a fiscal year in which the budget for such fiscal year fails to comply with the objective in subsection (b) shall be submitted together with the Department of Defense budget justification materials submitted to Congress under section 1105 of title 31, United States Code, with the budget for the next fiscal year.

"(B) The report required by paragraph (1)(B) for a fiscal year in which the budget for such fiscal year fails to comply with the objective in subsection (b) shall be submitted not later than the six months after the submittal of the Department of Defense budget justification materials that are submitted to Congress under section 1105 of title 31, United States Code, with the budget for the next fiscal year.".

SEC. 213. HYPERSONICS DEVELOPMENT.

(a) ESTABLISHMENT OF JOINT TECHNOLOGY OFFICE ON HYPERSONICS.—The Secretary of Defense shall establish within the Office of the Secretary of Defense a joint technology office on hypersonics. The office shall carry out the program required under subsection (b), and shall have such other responsibilities relating to hypersonics as the Secretary shall specify.

(b) PROGRAM ON HYPERSONICS.—The joint technology office established under subsection (a) shall carry out a program for the development of hypersonics for defense purposes.

(c) RESPONSIBILITIES.—In carrying out the program required by subsection (b), the joint technology office established under subsection (a) shall do the following:

(1) Coordinate and integrate the research, development, test, and evaluation programs and system demonstration programs of the Department of Defense on hypersonics.

(2) Undertake appropriate actions to ensure—

(A) close and continuous integration of the programs on hypersonics of the military departments with the programs on hypersonics of the Defense Agencies; and

(B) coordination of the programs referred to in subparagraph (A) with the programs on hypersonics of the National Aeronautics and Space Administration.

(3) Approve demonstration programs on hypersonic systems.

(4) Ensure that any demonstration program on hypersonic systems that is carried out in any year after its approval under paragraph (3) is carried out only if certified under subsection (e) as being consistent with the roadmap under subsection (d).

(d) ROADMAP.—

(1) ROADMAP REQUIRED.—The joint technology office established under subsection (a) shall, in coordination with the Joint Staff and the National Aeronautics and Space Administration, develop a roadmap for the hypersonics programs of the Department of Defense.

(2) ELEMENTS.—The roadmap shall include the following matters:

(A) Short-term, mid-term, and long-term goals for the Department of Defense on hypersonics which shall be consistent with the missions and anticipated requirements of the Department over the applicable period.

(B) Acquisition transition plans for hypersonics.

(C) Anticipated mission requirements for hypersonics.

(D) A schedule for meeting such goals, including the activities and funding anticipated to be required for meeting such goals.

(3) SUBMITTAL TO CONGRESS.—The Secretary shall submit the roadmap to the congressional defense committees at the same time as the submittal to Congress of the budget for fiscal year 2008 (as submitted pursuant to section 1105 of title 31, United States Code).

(e) ANNUAL REVIEW AND CERTIFICATION OF FUNDING.—

(1) ANNUAL REVIEW.—The joint technology office established under subsection (a) shall conduct on an annual basis a review of the funding available for research, development, test, and evaluation and demonstration programs of the Department of Defense on hypersonics in order to determine whether or not such funding and programs are consistent with the roadmap developed under subsection (d).

(2) CERTIFICATION.—The joint technology office shall, as a result of each review under paragraph (1), certify to the Secretary whether or not the funding and programs subject to such review are consistent with the roadmap developed under subsection (d).

(3) TERMINATION.—The requirements of this subsection shall terminate after the submittal to Congress of the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(f) REPORTS TO CONGRESS.—If, as a result of a review under subsection (e), funding or a program on hypersonics is certified under that subsection not to be consistent with the roadmap developed under subsection (d), the Secretary shall submit to Congress a report on such funding or program, as the case may be, together with a statement of the actions to be taken to make such funding or program, as the case may be, consistent with the roadmap.

(g) HYPERSONICS DEFINED.—In this section, the term "hypersonics" means aircraft and missiles capable of travelling at speeds in excess of Mach 5.

SEC. 214. TRIDENT SEA-LAUNCHED BALLISTIC MISSILES.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds authorized to be appropriated by this Act for the Conventional Trident Modification (CTM) program may be obligated or expended for the development or modification of the Trident D–5 sea-launched ballistic missile until 30 days after the date on which the report required by subsection (b) is submitted to the congressional defense committees.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to amounts authorized to be appropriated by section 201(2) for research, development, test, and evaluation, Navy, and available for Advanced Conventional Strike Capability (PE #64327N) in an amount not to exceed $32,000,000.

(b) REPORT.—

(1) REPORT REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of State, submit to the congressional defense committees a report setting forth a proposal to replace nuclear warheads on twenty-four Trident D–5 sea-launched ballistic missiles with conventional kinetic warheads for deployment on submarines that carry Trident sea-launched ballistic missiles.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the types of scenarios, types of targets, and circumstances in which a conventional sea-launched ballistic missile would be used.

(B) A discussion of the weapon systems or weapons, whether current or planned, that could be used as an alternative for each of the scenarios, target types, and circumstances set forth under subparagraph (A), and a statement of any reason why each is not a suitable alternative to a conventional sea-launched ballistic missile.

(C) A description of the command and control arrangements for conventional sea-launched ballistic missiles, including launch authority and the use of Permissive Action Links (PALs).

(D) An assessment of the capabilities of other countries to detect and track the launch of a conventional or nuclear sea-launched ballistic missile.

(E) An assessment of the capabilities of other countries to discriminate between the launch of a nuclear sea-launched ballistic missile and a conventional sea-launched ballistic missile, other than in a testing scenario.

(F) An assessment of the notification and other protocols that would have to be in place prior to using any conventional sea-launched ballistic missile and a plan for entering into such protocols.

(G) An assessment of the adequacy of the intelligence that would be needed to support an attack involving conventional sea-launched ballistic missiles.

(H) A description of the total program cost, including the procurement costs of additional D–5 missiles, of the conventional Trident sea-launched ballistic missile program, by fiscal year.

(I) An analysis and assessment of the implications for ballistic missile proliferation if the United States decides to go forward with the conventional Trident sea-launched ballistic missile program or any other conventional long range ballistic missile program.

(J) An analysis and assessment of the implications for the United States missile defense system if other countries utilize long range conventional ballistic missiles.

(K) An analysis of any problems created by the ambiguity that results from the use of the same ballistic missile for both conventional and nuclear warheads.

(L) An analysis and assessment of the methods that other countries might use to resolve the ambiguities associated with a nuclear or conventional sea-launched ballistic missile.

(M) An analysis, by the Secretary of State, of the international, treaty, and other concerns that would be associated with the use of a conventional sea-launched ballistic missile and recommendations for measures to mitigate or eliminate such concerns.

(N) A joint statement by the Secretary of Defense and the Secretary of State on how to ensure that the use of a conventional sea-launched ballistic missile will not result in an intentional, inadvertent, mistaken, or accidental reciprocal or responsive launch of a nuclear strike by any other country.

(c) AVAILABILITY OF FUNDS FOR REPORT.—Of the amounts authorized to be appropriated by this Act (other than the amounts covered by the limitation in subsection (a)), $20,000,000 may be available to prepare the report required by subsection (b).

SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense—

(1) $65,000,000 may be available for coproduction of the Arrow ballistic missile defense system; and

(2) $63,702,000 may be available for the Arrow System Improvement Program.

SEC. 216. HIGH ENERGY LASER LOW ASPECT TARGET TRACKING.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for the Department of Defense High Energy Laser Test Facility for High Energy Laser Low Aspect Target Tracking (HEL–LATT) test series done jointly with the Navy.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $5,000,000, due to unexpended obligations, if available.

SEC. 217. ADVANCED ALUMINUM AEROSTRUCTURES INITIATIVE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $2,000,000 may be available for Aerospace Technology Development and Demonstration (PE #603211F) for the Advanced Aluminum Aerostructures Initiative (A3I).

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $2,000,000, due to unexpended obligations, if available.

SEC. 218. LEGGED MOBILITY ROBOTIC RESEARCH.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Combat Vehicle and Automotive Technology (PE #602601A) for legged mobility robotic research for military applications.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $1,000,000, due to unexpended obligations, if available.

SEC. 219. WIDEBAND DIGITAL AIRBORNE ELECTRONIC SENSING ARRAY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Wideband Digital Airborne Electronic Sensing Array (PE #0602204F).

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $3,000,000, due to unexpended obligations, if available.

SEC. 220. SCIENCE AND TECHNOLOGY.

(a) ARMY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103A for University Research Initiatives.

(b) NAVY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103N for University Research Initiatives.

(c) AIR FORCE SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103F for University Research Initiatives.

(d) COMPUTER SCIENCE AND CYBERSECURITY.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SMART NATIONAL DEFENSE EDUCATION PROGRAM.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $5,000,000 may be available for program element PE 0601120D8Z for the SMART National Defense Education Program.

(f) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000, due to unexpended obligations, if available.

Subtitle C—Missile Defense Programs

SEC. 231. AVAILABILITY OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS FOR FIELDING BALLISTIC MISSILE DEFENSE CAPABILITIES.

Upon approval by the Secretary of Defense, funds authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation and available for the Missile Defense Agency may be used for the development and fielding of ballistic missile defense capabilities.

SEC. 232. POLICY OF THE UNITED STATES ON PRIORITIES IN THE DEVELOPMENT, TESTING, AND FIELDING OF MISSILE DEFENSE CAPABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) In response to the threat posed by ballistic missiles, President George W. Bush in December 2002 directed the Secretary of Defense to proceed with the fielding of an initial set of missile defense capabilities in 2004 and 2005.

(2) According to assessments by the intelligence community of the United States, North Korea tested in 2005 a new solid propellant short-range ballistic missile and is likely developing intermediate-range and intercontinental ballistic missile capabilities that could someday reach as far as the United States with a nuclear payload.

(3) According to assessments by the intelligence community of the United States, Iran continued in 2005 to test its medium range ballistic missile, and the danger that Iran will acquire a nuclear weapon and integrate it with a ballistic missile Iran already possesses is a reason for immediate concern.

(b) POLICY.—It is the policy of the United States that the Department of Defense accord a priority within the missile defense program to the development, testing, fielding, and improvement of effective near-term missile defense capabilities, including the ground-based midcourse defense system, the Aegis ballistic missile defense system, the Patriot PAC-3 system, the Terminal High Altitude Area Defense system, and the sensors necessary to support such systems.

SEC. 233. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking "through 2007" and inserting "through 2008"; and

(2) in paragraph (2), by striking "through 2008" and inserting "through 2009".

SEC. 234. SUBMITTAL OF PLANS FOR TEST AND EVALUATION OF THE OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 234(a) of the National Defense Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3174; 10 U.S.C. 2431 note) is amended by adding at the end the following new paragraph:

"(3) SUBMITTAL TO CONGRESS.—Each plan prepared under this subsection and approved by the Director of Operational Test and Evaluation shall be submitted to the congressional defense committees not later than 30 days after the date of the approval of such plan by the Director.".

SEC. 235. ANNUAL REPORTS ON TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO THE MILITARY DEPARTMENTS.

(a) REPORT REQUIRED.—Not later than March 1, 2007, and annually thereafter through 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the plans of the Department of Defense for the transition of missile defense programs from the Missile Defense Agency to the military departments.

(b) SCOPE OF REPORTS.—Each report required by subsection (a) shall cover the period covered by the future-years defense program that is submitted under section 221 of title 10, United States Code, in the year in which such report is submitted.

(c) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) An identification of—

(A) the missile defense programs planned to be transitioned from the Missile Defense Agency to the military departments; and

(B) the missile defense programs, if any, not planned for transition to the military departments.

(2) The schedule for transition of each missile defense program planned to be transitioned to a military department, and an explanation of such schedule.

(3) A description of the status of the plans and agreements of the Missile Defense Agency and the military departments on the transition of missile defense programs to the military departments.

(4) An identification of the entity (whether the Missile Defense Agency, a military department, or both) that will be responsible for funding each missile defense program to be transitioned to a military department, and at what date.

(5) A description of the type of funds that will be used (whether funds for research, development, test, and evaluation, procurement, military construction, or operation and maintenance) for each missile defense program to be transitioned to a military department.

(6) An explanation of the number of systems planned for procurement for each missile defense program to be transitioned to a military department, and the schedule for procurement of each such system.

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by subsection (a), $45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (PE #63882C)—

(1) to accelerate the ability to conduct concurrent test and missile defense operations; and

(2) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(c) SUPPLEMENT.—Amounts available under subsection (b) for the program element referred to in that subsection are in addition to any other amounts available in this Act for that program element.

(d) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000, due to unexpended obligations.

Subtitle D—Other Matters

SEC. 251. EXTENSION OF REQUIREMENT FOR GLOBAL RESEARCH WATCH PROGRAM.

Section 2365(f) of title 10, United States Code, is amended by striking "September 30, 2006" and inserting "September 30, 2011".

SEC. 252. EXPANSION AND EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXPANSION.—

(1) IN GENERAL.—Subsection (a) of section 2374a of title 10, United States Code, is amended—

(A) by striking "Director of the Defense Advanced Research Projects Agency" and inserting "Director of Defense Research and Engineering and the Service Acquisition Executives of the military departments"; and

(B) by striking "a program" and inserting "programs".

(2) CONFORMING AMENDMENTS.—(A) Subsection (b) of such section is amended by striking "The program" and inserting "Any program".

(B) Subsection (d) of such section is amended—

(i) by striking "The program" and inserting "A program"; and

(ii) by striking "the Director" and inserting "an official referred to in that subsection".

(b) EXTENSION.—Subsection (f) of such section is amended by striking "September 30, 2007" and inserting "September 30, 2011".

(c) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (e) of such section is amended to read as follows:

"(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken during the preceding fiscal year under the authority in subsection (a).

"(2) The report for a fiscal year under this subsection shall include the following:

"(A) A description of the proposed goals of the competitions established under each program under subsection (a), including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department of Defense.

"(B) An analyses of why the utilization of the authority in subsection (a) was the preferable method of achieving the goals described in subparagraph (A) as opposed to other authorities available to the Department, such as contracts, grants, and cooperative agreements.

"(C) The total amount of cash prizes awarded under each program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Department for recording as obligations and expenditures.

"(D) The methods used for the solicitation and evaluation of submissions under each program, together with an assessment of the effectiveness of such methods.

"(E) A description of the resources, including personnel and funding, used in the execution of each program, together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the Department for recording as obligations and expenditures.

"(F) A description of any plans to transition the technologies or prototypes developed as a result of each program into an acquisition program of the Department.".

SEC. 253. POLICIES AND PRACTICES ON TEST AND EVALUATION TO ADDRESS EMERGING ACQUISITION APPROACHES.

(a) REPORTS ON CERTAIN DETERMINATIONS TO PROCEED BEYOND LOW-RATE INITIAL PRODUCTION.—Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) If, before a final decision is made within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production, a decision is made within the Department to proceed to operational use of the program or allocate funds available for procurement for the program, the Director shall submit to the Secretary of Defense and the congressional defense committees the report with respect to the program under paragraph (2) as soon as practicable after the decision under this paragraph is made.".

(b) REVIEW AND REVISION OF POLICIES AND PRACTICES.—

(1) REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Operational Test and Evaluation shall review Department of Defense policies and practices on test and evaluation in order to—

(A) reaffirm the test and evaluation principles that guide traditional acquisition programs; and

(B) determine how best to apply such principles to emerging acquisition approaches.

(2) REVISED GUIDANCE.—If the Under Secretary determines as a result of the review under paragraph (1) that a revision of the policies and practices referred to in that paragraph is necessary in light of emerging approaches to acquisitions, the Under Secretary and the Director shall jointly issue new or revised guidance for the Department of Defense on test and evaluation to address that determination.

(c) ISSUES TO BE ADDRESSED.—In carrying out subsection (b), the Under Secretary shall address policies and practices on test and evaluation in order to—

(1) ensure the performance of test and evaluation activities with regard to—

(A) items that are acquired pursuant to the authority for rapid acquisition and deployment of items in section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note);

(B) programs that are conducted pursuant to the authority for spiral development in section 803 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2603; 10 U.S.C. 2430 note), or other authority for the conduct of incremental acquisition programs;

(C) systems that are acquired pursuant to time-certain development programs; and

(D) equipment that is not subject to the operational test and evaluation requirements in section 2399 of title 10, United States Code, but which may require limited operational test and evaluation for the purpose of ensuring the safety and survivability of such equipment and personnel using such equipment; and

(2) ensure the appropriate use, if any, of operational test and evaluation resources to assess technology readiness levels for the purpose of section 2366a of title 10, United States Code, and other applicable technology readiness requirements.

(d) FUNDING MATTERS.—The Director of the Defense Test Resource Management Center shall ensure that the strategic plan for Department of Defense test and evaluation resources developed pursuant to section 196 of title 10, United States Code—

(1) reflects any testing needs of the Department of Defense that are identified as a result of activities under subsection (b); and

(2) includes an assessment of the test and evaluation facilities, resources, and budgets that will be required to meet such needs.

(e) REPORT TO CONGRESS.—Not later than nine months after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report on the review conducted under paragraph (1) of subsection (b), including any new or revised guidance issued pursuant to paragraph (2) of that subsection.

(f) TIME-CERTAIN DEVELOPMENT PROGRAM DEFINED.—In this section, the term "time-certain development program" means a development program that is assigned a specific length of time in which milestone events will be accomplished by contract, which length of time may be not more than 6 years from milestone B to initial operational capability.

SEC. 254. DEVELOPMENT OF THE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

(a) IN GENERAL.—The Secretary of Defense shall provide for the development of the propulsion system for the F–35 fighter aircraft (commonly referred to as the "Joint Strike Fighter") by a means elected by the Secretary from among the following:

(1) Through the continuing development and sustainment of two interchangeable propulsion systems for the F–35 fighter aircraft by two separate contractors throughout the life cycle of the aircraft.

(2) Through a one-time firm fixed price contract for a selected propulsion system for the F–35 fighter aircraft for the life cycle of the aircraft following the Initial Service Release of the F–35 fighter aircraft propulsion system in fiscal year 2008.

(b) NOTICE OF CHANGE IN DEVELOPMENT.—The Secretary may not carry out any modification of the procurement program for the F–35 fighter aircraft that would result in the development of the propulsion system for such aircraft in a manner other than as elected by the Secretary under subsection (a) until the Secretary notifies the congressional defense committees of such modification.

SEC. 255. INDEPENDENT COST ANALYSES FOR JOINT STRIKE FIGHTER ENGINE PROGRAM.

(a) COST ANALYSES.—

(1) ANALYSES REQUIRED.—The Secretary of Defense (acting through the cost analysis improvement group of the Office of the Secretary of Defense), a federally funded research and development center (FFRDC) selected by the Secretary for purposes of this section, and the Comptroller General of the United States shall each perform three detailed and comprehensive cost analyses of the engine program for the F–35 fighter aircraft (commonly referred to as the "Joint Strike Fighter").

(2) ELEMENTS.—Each official or entity performing cost analyses under paragraph (1) shall perform a cost analysis of each of the following:

(A) An alternative under which the F–35 fighter aircraft is capable of using the F135 engine only.

(B) An alternative under which the F–35 fighter aircraft is capable of using either the F135 engine or the F136 engine.

(C) Any other alternative, whether secured through a competitive or sole-source bidding process, that would reduce cost, improve program schedule, and improve performance and reliability of the F–35 fighter aircraft program.

(b) Reports.—

(1) Reports required.—Not later than March 15, 2007, the Secretary, the federally funded research and development center selected under subsection (a), and the Comptroller General shall each submit to the congressional defense committees a report on the three independent cost analyses performed by such official or entity under subsection (a).

(2) Report elements.—Each report under paragraph (1) shall include the following:

(A) A statement of the key assumptions utilized in performing each cost analysis covered by such report.

(B) A discussion of the methodology and techniques utilized in performing each cost analysis.

(C) For each alternative under subsection (a)(2)—

(i) a comparison of the life-cycle costs, including costs in current and constant dollars and a net-present-value analysis, with the other alternatives under that subsection; and

(ii) an estimate of—

(I) the supply, maintenance, and other operations manpower required to support such alternative;

(II) the number of flight hours required to achieve engine maturity, and the year in which engine maturity is anticipated to be achieved; and

(III) the total number of engines anticipated to be procured over the lifetime of the F–35 fighter aircraft program.

(D) A discussion of the acquisition strategies used for the acquisition of engines for other tactical fighter aircraft, including the F–15, F–16, F–18, and F–22 fighter aircraft, and an assessment of the experience in terms of cost, schedule, and performance under the acquisition programs for such engines.

(E) A comparison in terms of performance, savings, maintainability, reliability, and technical innovation of the acquisition programs for engines for tactical fighter aircraft carried out on a sole-source basis with the acquisition programs for tactical fighter aircraft carried out on a competitive basis.

(F) Such conclusions and recommendations in light of the cost analyses as the official or entity submitting such report considers appropriate.

(3) Certification of FFRDC and Comptroller General.—In submitting the report required by this subsection, the federally funded research and development center and the Comptroller General shall each also submit a certification as to whether the federally funded research and development center or the Comptroller General, as the case may be, had access to sufficient information to enable the federally funded research and development center or the Comptroller General, as the case may be, to make informed judgments on the matters required to be included in the report.

(c) Life-Cycle Costs Defined.—In this section, the term "life-cycle costs" includes—

(1) the elements of costs that would be considered for a life-cycle cost analysis for a major defense acquisition program, such as procurement of engines, procurement of spare engines, and procurement of engine components and parts; and

(2) good-faith estimates of routine engine costs, such as performance upgrades and component improvement, that historically have occurred in tactical fighter engine programs.

SEC. 256. SENSE OF SENATE ON TECHNOLOGY SHARING OF JOINT STRIKE FIGHTER TECHNOLOGY.

It is the sense of the Senate that the Secretary of Defense should share technology with regard to the Joint Strike Fighter between the United States Government and the Government of the United Kingdom consistent with the national security interests of both nations.

SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) Report.—The Secretary of Defense shall submit to Congress, at the same time as the submittal of the budget of the President for fiscal year 2008 (as submitted under section 1105(a) of title 31, United States Code) a report on the biometrics programs of the Department of Defense.

(b) Elements.—The report shall address the following:

(1) Whether the Department should modify the current executive agent management structure for the biometrics programs.

(2) The requirements for the biometrics programs to meet needs throughout the Department of Defense.

(3) A description of programs currently fielded to meet requirements in Iraq and Afghanistan.

(4) An assessment of the adequacy of fielded programs to meet operational requirements.

(5) An assessment of programmatic or capability gaps in meeting future requirements.

(6) The actions being taken within the Executive Branch to coordinate and integrate requirements, programs, and resources among the departments and agencies of the Executive Branch with a role in using or developing biometrics capabilities.

(c) Biometrics Defined.—In this section, the term "biometrics" means an identity management program or system that utilizes distinct personal attributes, including DNA, facial features, irises, retinas, signatures, or voices, to identify individuals.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,795,580,000.

(2) For the Navy, $31,130,784,000.

(3) For the Marine Corps, $3,905,262,000.

(4) For the Air Force, $31,251,107,000.

(5) For Defense-wide activities, $20,106,756,000.

(6) For the Army Reserve, $2,139,702,000.

(7) For the Naval Reserve, $1,288,764,000.

(8) For the Marine Corps Reserve, $211,911,000.

(9) For the Air Force Reserve, $2,575,100,000.

(10) For the Army National Guard, $4,857,728,000.

(11) For the Air National Guard, $5,318,717,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,721,000.

(13) For Environmental Restoration, Army, $463,794,000.

(14) For Environmental Restoration, Navy, $304,409,000.

(15) For Environmental Restoration, Air Force, $423,871,000.

(16) For Environmental Restoration, Defense-wide, $18,431,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $282,790,000.

(18) For the Overseas Contingency Operations Transfer Fund, $10,000,000.

(19) For Cooperative Threat Reduction programs, $372,128,000.

(20) For Overseas Humanitarian Disaster and Civic Aid, $63,204,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,364,498,000.

(2) For the National Defense Sealift Fund, $1,071,932,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) Defense Health Program.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Defense Health Program, $20,915,321,000, of which—

(1) $20,381,863,000 is for Operation and Maintenance;

(2) $135,603,000 is for Research, Development, Test, and Evaluation; and

(3) $397,855,000 is for Procurement.

(b) Chemical Agents and Munitions Destruction, Defense.—

(1) In general.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,277,304,000, of which—

(A) $1,046,290,000 is for Operation and Maintenance; and

(B) $231,014,000 is for Research, Development, Test, and Evaluation.

(2) Availability.—Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) Drug Interdiction and Counter-Drug Activities, Defense-Wide.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $926,890,000.

(d) Defense Inspector General.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $216,297,000, of which—

(1) $214,897,000 is for Operation and Maintenance; and

(2) $1,400,000 is for Procurement.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ARMY LOGISTICS MODERNIZATION PROGRAM.

Of the funds authorized to be appropriated for the Department of Defense by this division and available for the Army Logistics Modernization Program (LMP), not more than $6,900,000 may be obligated or expended for the development, fielding, or operation of the program until the Chairman of the Defense Business Systems Modernization Committee certifies to the congressional defense committees each of the following:

(1) That the program is essential to the national security of the United States or to the efficient management of the Department of Defense.

(2) That there is no alternative to the system under the program which will provide equal or greater capability at a lower cost.

(3) That the estimated costs, and the proposed schedule and performance parameters, for the program and system are reasonable.

(4) That the management structure for the program is adequate to manage and control program costs.

SEC. 312. AVAILABILITY OF FUNDS FOR EXHIBITS FOR THE NATIONAL MUSEUMS OF THE ARMED FORCES.

(a) National Museum of the United States Army.—Of the amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $3,000,000 may be available to the Secretary of the Army for education and training purposes to contract with the Army Historical Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Army.

(b) National Museum of the United States Navy.—Of the amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $3,000,000 may be available to the Secretary of the Navy for education and training purposes to contract with the Naval Historical Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Navy.

(c) National Museum of the Marine Corps and Heritage Center.—Of the amounts authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps, $3,000,000 may be available to the Secretary of the Navy for education and training purposes to contract with the United States Marine Corps Heritage Foundation for the acquisition, installation, and maintenance of exhibits at the National Museum of the Marine Corps and Heritage Center.

(d) National Museum of the United States Air Force.—Of the amounts authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force, $3,000,000 may be available to the Secretary of the Air Force for education and training purposes to contract with the Air Force Museum Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Air Force.

(e) Reimbursement.—

(1) Authority to accept reimbursement.—During any fiscal year after fiscal year 2006, the Secretary of a military department may accept from any non-profit entity authorized to support the national museum of the applicable Armed Force amounts to reimburse such Secretary for amounts obligated and expended by such Secretary from amounts available to such Secretary under this section.

(2) Treatment.—Amounts accepted as reimbursement under paragraph (1) shall be credited to the account that was used to cover the costs incurred by the Secretary of the military department concerned under this section. Amounts so credited shall be merged with amounts in such account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

SEC. 313. LIMITATION ON FINANCIAL MANAGEMENT IMPROVEMENT AND AUDIT INITIATIVES WITHIN THE DEPARTMENT OF DEFENSE.

(a) Limitation.—The Secretary of Defense may not obligate or expend any funds for the purpose of any financial management improvement activity relating to the preparation, processing, or auditing of financial statements until the Secretary submits to the congressional defense committees a written determination that each activity proposed to be funded is—

(1) consistent with the financial management improvement plan of the Department of Defense required by section 376(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 190–163; 119 Stat. 3213); and

(2) likely to improve internal controls or otherwise result in sustained improvements in the ability of the Department to produce timely, reliable, and complete financial management information.

(b) Exception.—The limitation in subsection (a) shall not apply to an activity directed exclusively at assessing the adequacy of internal controls and remediating any inadequacy identified pursuant to such assessment.

SEC. 314. LIMITATION ON AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS FOR THE MANAGEMENT HEADQUARTERS OF THE DEFENSE INFORMATION SYSTEMS AGENCY.

Of the amount authorized to be appropriated by this title and available for purposes of the operation and maintenance of the management headquarters of the Defense Information Systems Agency, not more than 50 percent may be available for such purposes until the Secretary of Defense submits to Congress the report on the acquisition strategy of the Department of Defense for commercial satellite communications services required by section 818(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–136; 119 Stat. 3385).

SEC. 315. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) In General.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) Expansion Targets.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

SEC. 316. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $2,500,000 may be available for Infantry Combat Equipment (ICE).

SEC. 317. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $1,500,000 may be available for the Individual First Aid Kit (IFAK).

SEC. 318. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) Defense Dependents.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary and secondary school age in the continental United States and overseas.

(b) Severely Wounded or Injured Members of the Armed Forces.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

SEC. 319. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate field training of all Armed Forces Reserve Officer Training Corps.

SEC. 320. ENVIRONMENTAL DOCUMENTATION FOR BEDDOWN OF F-22A AIRCRAFT AT HOLLOMAN AIR FORCE BASE, NEW MEXICO.

The Secretary of the Air Force shall prepare environmental documentation per the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the beddown of F–22A aircraft at Holloman Air Force Base, New Mexico, as replacements for the retiring F–117A aircraft.

Subtitle C—Environmental Provisions

SEC. 331. RESPONSE PLAN FOR REMEDIATION OF MILITARY MUNITIONS.

(a) Performance Goals for Remediation.—The Department of Defense shall set the following remediation goals:

(1) To complete, by not later than September 30, 2007, preliminary assessments of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites.

(2) To complete, by not later than September 30, 2010, site inspections of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites.

(3) To achieve, by not later than September 30, 2009, a remedy in place or response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all military installations closed or realigned as part of a round of defense base closure and realignment occurring prior to the 2005 round.

(4) To achieve, by a time certain established by the Secretary, a remedy in place or

response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites (other than operational ranges) and all military installations realigned or closed under the 2005 round of defense base closure and realignment.

(b) Response Plan Required.—

(1) In general.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for addressing the remediation of unexploded ordnance, discarded military munitions, and munitions constituents at current and former defense sites (other than operational ranges).

(2) Content.—The plan required by paragraph (1) shall include—

(A) a schedule, including interim goals, for achieving the goals described in paragraphs (1) through (3) of subsection (a), based upon the Munitions Response Site Prioritization Protocol established by the Department of Defense;

(B) such interim goals as the Secretary determines feasible for efficiently achieving the goal required under paragraph (4) of such subsection; and

(C) an estimate of the funding required to achieve the goals established pursuant to such subsection and the interim goals established pursuant to subparagraphs (A) and (B).

(3) Updates.—(A) The Secretary shall, not later than March 15 of 2008, 2009, and 2010, submit to the congressional defense committees an update of the plan required under paragraph (1). Each update may be included in the report on environmental restoration activities submitted to Congress under section 2706(a) of title 10, United States Code, that is submitted in the year in which such update is submitted.

(B) The Secretary may include in an update submitted under subparagraph (A) any adjustment to the remediation goals established under subsection (a) that the Secretary determines necessary to respond to unforeseen circumstances.

(c) Report on Reuse Standards and Principles.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the efforts of the Department of Defense to achieve agreement with relevant regulatory agencies on appropriate reuse standards or principles, including—

(1) a description of any standards or principles that have been agreed upon; and

(2) a discussion of any issues that remain in disagreement (including the impact that any such disagreement is likely to have on the ability of the Department of Defense to carry out the plan).

(d) Definitions.—In this section, the terms "unexploded ordnance", "discarded military munitions", "munitions constituents", "operational range", and "defense site" have the meaning given such terms in section 2710(e) of title 10, United States Code.

(e) Conforming Repeal.—Section 313 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1051; 10 U.S.C. 2706 note) is repealed.

SEC. 332. EXTENSION OF AUTHORITY TO GRANT EXEMPTIONS TO CERTAIN REQUIREMENTS.

(a) Amendment to Toxic Substances Control Act.—Section 6(e)(3) of the Toxic Substances Control Act (15 U.S.C. 2605(e)(3)) is amended—

(1) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (D)";

(2) in subparagraph (B), by striking "but not more than 1 year from the date it is granted" and inserting "but not more than 1 year from the date it is granted, except as provided in subparagraph (D)"; and

(3) by adding at the end the following new subparagraph:

"(D) The Administrator may grant an exemption pursuant to subparagraph (B) for a period of up to 3 years for the purpose of authorizing the Secretary of Defense and the Secretaries of the military departments to provide for the transportation into the customs territory of the United States of polychlorinated biphenyls generated by or under the control of the Department of Defense for purposes of their disposal, treatment, or storage in the customs territory of the United States.".

(b) Sunset Date.—The amendments made by subsection (a) shall cease to have effect on September 30, 2012. The termination of the authority to grant exemptions pursuant to such amendments shall not effect the validity of any exemption granted prior to such date.

(c) Report.—Not later than March 1, 2011, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Environment and Public Works of the Senate and the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives a report on the status of polychlorinated biphenyls generated by or under the control of the Department of Defense outside the United States. The report shall address, at a minimum—

(1) the remaining volume of such polychlorinated biphenyls that may require transportation into the customs territory of the United States for disposal, treatment, or storage; and

(2) the efforts that have been made by the Department of Defense and other Federal agencies to reduce such volume by—

(A) reducing the volume of polychlorinated biphenyls generated by or under the control of the Department of Defense outside the United States; or

(B) developing alternative options for the disposal, treatment, or storage of such polychlorinated biphenyls.

SEC. 333. RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF MUNITIONS.

(a) Identification of Disposal Sites.—

(1) Historical review.—The Secretary of Defense, in cooperation with the Commandant of the Coast Guard, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other relevant Federal agencies, shall conduct a historical review of available records to determine the number, size, and probable locations of sites where the Armed Forces disposed of military munitions in coastal waters. The historical review shall, to the extent possible, identify the types of munitions at individual sites.

(2) Interim reports.—The Secretary of Defense shall periodically, but no less often than annually, release any new information obtained during the historical review conducted under paragraph (1). The Secretary may withhold from public release the exact nature and locations of munitions the potential unauthorized retrieval of which could pose a significant threat to the national defense or public safety.

(3) Inclusion of information in annual report on environmental restoration activities.—The Secretary shall include the information obtained pursuant to the review conducted under paragraph (1) in the annual report on environmental restoration activities submitted to Congress under section 2706 of title 10, United States Code.

(4) Final report.—The Secretary shall complete the historical review required under paragraph (1) and submit a final report on the findings of such review in the annual report on environmental restoration activities submitted to Congress for fiscal year 2009.

(b) Identification of Navigational and Safety Hazards.—

(1) Identification of hazards.—The Secretary of Defense shall provide available information to the Secretary of Commerce to assist the National Oceanic and Atmospheric Administration in preparing nautical charts and other navigational materials for coastal waters that identify known or potential hazards posed by disposed military munitions to private activities, including commercial shipping and fishing operations.

(2) Continuation of information activities.—The Secretary of Defense shall continue activities to inform potentially affected users of the ocean environment, particularly fishing operations, of the possible hazards from contact with disposed military munitions and the proper methods to mitigate such hazards.

(c) Research.—

(1) In general.—The Secretary of Defense shall continue to conduct research on the effects on the ocean environment and those who use it of military munitions disposed of in coastal waters.

(2) Scope.—Research under paragraph (1) shall include—

(A) the sampling and analysis of ocean waters and sea beds at or adjacent to military munitions disposal sites selected pursuant to paragraph (3) to determine whether the disposed military munitions have caused or are causing contamination of such waters or sea beds;

(B) investigation into the long-term effects of seawater exposure on disposed military munitions, particularly effects on chemical munitions;

(C) investigation into the impacts any such contamination may have on the ocean environment and those who use it, including public health risks;

(D) investigation into the feasibility of removing or otherwise remediating the military munitions; and

(E) the development of effective safety measures for dealing with such military munitions.

(3) Research criteria.—In conducting the research required by this subsection, the Secretary shall ensure that the sampling, analysis, and investigations are conducted at representative sites, taking into account factors such as depth, water temperature, nature of the military munitions present, and relative proximity to onshore populations. In conducting such research, the Secretary shall select at least two representative sites each in the areas of the Atlantic coast, the Pacific coast (including Alaska), and the Hawaiian Islands.

(4) Authority to make grants and enter into cooperative agreements.—In conducting research under this subsection, the Secretary may make grants to, and enter into cooperative agreements with, qualified research entities.

(d) Monitoring.—If the historical review required by subsection (a) or the research required by subsection (c) indicates that contamination is being released into the ocean waters from disposed military munitions at a particular site or that the site poses a significant public health or safety risk, the Secretary shall institute appropriate monitoring mechanisms at that site and report to the congressional defense committees on any additional measures that may be necessary to address the release or risk, as applicable.

(e) DEFINITIONS.—In this section:

(1) The term "coastal waters" means that part of the ocean extending from the coast line of the United States to the outer boundary of the outer Continental Shelf.

(2) The term "coast line" has the meaning given that term in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) The term "outer Continental Shelf" has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

SEC. 334. CLARIFICATION OF MULTI-YEAR AUTHORITY TO USE BASE CLOSURE FUNDS TO FUND COOPERATIVE AGREEMENTS UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701 of title 10, United States Code, is amended by adding at the end the following new sentence: "This two-year limitation does not apply to agreements funded through the Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established by sections 2906 and 2906A, respectively, of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

SEC. 335. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—(1) Using funds described in subsection (b), the Secretary of Defense may transfer not more than $111,114.03 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

Subtitle D—Reports

SEC. 351. COMPTROLLER GENERAL REPORT ON READINESS OF THE GROUND FORCES OF THE ARMY AND THE MARINE CORPS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the readiness of the active component and reserve component ground forces of the Army and the Marine Corps.

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements. If the Comptroller General submits more than one report under this section, all such reports shall be submitted not later than the date specified in paragraph (1).

(b) ELEMENTS.—The elements specified in this subsection include the following:

(1) An analysis of the current readiness status of each of the active component and reserve component ground forces of the Army and the Marine Corps, including a description of any major deficiency identified, an analysis of the trends in readiness of such forces during not less than the ten years preceding the report, and a comparison of the current readiness indicators of such ground forces with historical patterns.

(2) An assessment of the ability of the Army and the Marine Corps to provide trained and ready forces for ongoing operations as well as other commitments assigned to the Army and the Marine Corps in defense planning documents.

(3) An analysis of the availability of equipment for training by units of the Army and the Marine Corps in the United States in configurations comparable to the equipment being used by units of the Army and the Marine Corps, as applicable, in ongoing operations.

(4) An analysis of the current and projected requirement for repair or replacement of equipment of the Army and the Marine Corps due to ongoing operations, and the impact of such required repair or replacement of equipment on the availability of equipment for training.

(5) An assessment of the current personnel tempo of Army and Marine Corps forces, including—

(A) a comparison of such tempos to historical trends;

(B) an identification of particular occupational specialties that are experiencing unusually high or low deployment rates; and

(C) an analysis of retention rates in the occupational specialties identified under subparagraph (B).

(6) An assessment of the efforts of the Army and the Marine Corps to mitigate the impact of high operational tempos, including cross-leveling of personnel and equipment or cross training of personnel or units for new or additional mission requirements.

(7) A description of the current policy of the Army and the Marine Corps with respect to the mobilization of reserve component personnel, together with an analysis of the number of reserve component personnel in each of the Army and the Marine Corps that are projected to be available for deployment under such policy.

(c) FORM OF REPORT.—Any report submitted under subsection (a) shall be submitted in both classified and unclassified form.

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

SEC. 353. REPORT ON AERIAL TRAINING AIRSPACE REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to and use of available and unfettered aerial training airspace is critical for preserving aircrew warfighting proficiency and the ability to test, evaluate, and improve capabilities of both personnel and equipment within the most realistic training environments possible.

(2) The growth of civilian and commercial aviation traffic and the rapid expansion of commercial and general air traffic lanes across the continental United States has left few remaining areas of the country available for realistic air combat training or expansion of existing training areas.

(3) Many Military Operating Areas (MOAs) originally established in what was once open and uncongested airspace are now encroached upon by a heavy volume of commercial and general air traffic, making training more difficult and potentially hazardous.

(4) Some aerial training areas in the upper great plains, western States, and Gulf coast remain largely free from encroachment and available for increased use, expansion, and preservation for the future.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) establish a policy to identify military aerial training areas that are projected to remain viable and free from encroachment well into the 21st century;

(2) determine aerial training airspace requirements to meet future training and airspace requirements of current and next generation military aircraft; and

(3) undertake all necessary actions in a timely manner, including coordination with the Federal Aviation Administration, to preserve and, if necessary, expand those areas of airspace to meet present and future training requirements.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposed plan to preserve and, if necessary, expand available aerial training airspace to meet the projected needs of the Department of Defense for such airspace through 2025.

SEC. 354. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992. (Public Law 102–486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SEC. 355. REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately $1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

"§ 10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

"(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a status report on the withdrawal or diversion of equipment.

"(b) ELEMENTS.—Each status report under subsection (a) on equipment withdrawn or diverted shall include the following:

"(1) A plan to recapitalize or replace such equipment within the unit from which withdrawn or diverted.

"(2) If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with recapitalized or replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

"(3) A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

"(A) how such equipment will be tracked; and

"(B) when such equipment will be returned to the component from which withdrawn or diverted.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

"10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.".

SEC. 356. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1).

SEC. 357. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1).

SEC. 358. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy top-attack and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) REPORT.—

(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

SEC. 359. REPORT ON HIGH ALTITUDE AVIATION TRAINING SITE, EAGLE COUNTY, COLORADO.

(a) REPORT REQUIRED.—Not later than December 15, 2006, the Secretary of the Army shall submit to the congressional defense committees a report on the High Altitude Aviation Training Site (HAATS) in Eagle County, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the type of high altitude aviation training being conducted at the High Altitude Aviation Training Site, including the number of pilots who receive such training on an annual basis and the types of aircraft used in such training.

(2) A description of the number and type of helicopters required at the High Altitude Aviation Training Site to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority is afforded in the provision of such training to commanders, instructor pilots, aviation safety officers, and deploying units.

(3) A thorough evaluation of accident rates for deployed helicopter pilots of the Army who receive high altitude aviation training at the High Altitude Aviation Training Site, and accident rates for deployed Army helicopter pilots who did not receive such training, including the following:

(A) An estimate (set forth as a range) of the number of accidents attributable to power management.

(B) The number of accidents occurring in a combat environment.

(C) The number of accidents occurring in a non-combat environment.

(4) An evaluation of the inventory and availability of Army aircraft for purposes of establishing an appropriate schedule for the assignment of a CH-47 aircraft to the High Altitude Aviation Training Site, if the Chief of Staff of the Army determines there is value in conducting such training at the HAATS.

(5) A description of the status of any efforts to ensure that all helicopter aircrews deployed to the area of responsibility of the Central Command (CENTCOM AOR) are qualified in mountain flight and power management prior to deployment, including the locations where such training occurred, with particular focus on the status of such efforts with respect to aircrews to be deployed in support of Operation Enduring Freedom.

(c) TRACKING SYSTEM.—The Secretary shall implement a system for tracking those pilots that have attended a school with an established program of instruction for high altitude aviation operations training. The system should, if practical, utilize an existing system that permits the query of pilot flight experience and training.

SEC. 360. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the city.

SEC. 360A. REPORT ON USE OF ALTERNATIVE FUELS BY THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including any measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3207) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under this section.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the study required by section 357(c) of the National Defense Authorization Act for Fiscal Year 2006.

(d) ALTERNATIVE FUELS DEFINED.—In this section, the term "alternative fuels" means biofuels, biodiesel, renewable diesel, ethanol that contain less than 85 percent ethyl alcohol, and cellulosic ethanol.

Subtitle E—Workplace and Depot Issues

SEC. 361. MINIMUM CAPITAL INVESTMENT LEVELS FOR PUBLIC DEPOTS SERVICED BY WORKING CAPITAL FUNDS.

(a) MINIMUM INVESTMENT LEVELS.—Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(s) MINIMUM CAPITAL INVESTMENT FOR PUBLIC DEPOTS SERVICED BY WORKING CAPITAL FUNDS.—(1) Each public depot that is serviced by a working capital fund shall invest in its capital budget each fiscal year an amount equal to not less than six percent of the actual total revenue of the public depot for the previous fiscal year.

"(2) The Secretary of Defense may waive the requirement in paragraph (1) with respect to a particular public depot for a fiscal year if the Secretary determines that the waiver is necessary for reasons of national security and notifies the congressional defense committees of the reasons for the waiver.

"(3)(A) Each year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, the Secretary shall submit to the congressional defense committees budget justification documents summarizing the level of capital investment at each public depot serviced by working capital funds as of the end of the previous fiscal year.

"(B) Each report under this paragraph shall include the following:

"(i) A specification of the statutory, regulatory, or operational impediments, if any, to achieving the requirement in paragraph (1) with respect to each public depot described in that paragraph.

"(ii) A description of the benchmarks established by each public depot and working capital fund for capital investment and the relationship of the benchmarks to applicable performance measurement methods used in the private sector.

"(iii) If the requirement set out in paragraph (1) is not met for any public depot in the previous fiscal year, a statement of the reasons why and a plan of actions to meet the requirement for such public depot in the fiscal year beginning in the year in which such report is submitted.

"(4) In this subsection, the terms 'total revenue' and 'capital budget' have the meaning given such terms in Department of Defense Financial Management Regulation 7000.14–R of June 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 362. PERMANENT EXCLUSION OF CERTAIN CONTRACT EXPENDITURES FROM PERCENTAGE LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2474(f)(1) of title 10, United States Code, is amended by striking "entered into during fiscal years 2003 through 2009".

SEC. 363. ADDITIONAL EXCEPTION TO PROHIBITION ON CONTRACTOR PERFORMANCE OF FIREFIGHTING FUNCTIONS.

Section 2465(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) A contract for the performance of firefighting functions to—

“(A) fight wildland fires such as range or forest fires; and

“(B) perform wildland fire management, including the conduct of hazardous fuels treatments to reduce wildland fire risks (including prescribed fire and mechanical treatments).”.

SEC. 364. TEMPORARY SECURITY GUARD SERVICES FOR CERTAIN WORK CAUSED BY REALIGNMENT OF MILITARY INSTALLATIONS UNDER THE BASE CLOSURE LAWS.

(a) AUTHORITY FOR TEMPORARY SERVICES.—Notwithstanding section 2465 of title 10, United States Code, the Secretary of the military department concerned may, for a period not to exceed one year at any single military installation, contract for security guard services at military installations approved for realignment under a base closure law when such services are required for the safe and secure relocation of either of the following:

(1) Military munitions and munitions-related equipment.

(2) High-value items in temporary storage areas.

(b) DEFINITIONS.—In this section:

(1) The term “base closure law” has the meaning given such term in section 101(a)(17) of title 10, United States Code.

(2) The term “military munitions” has the meaning given such term in section 101(e)(4) of title 10, United States Code.

(c) EXPIRATION.—The authority to enter into a contract under subsection (a) shall expire on September 15, 2011.

Subtitle F—Other Matters

SEC. 371. RECYCLING OF MILITARY MUNITIONS.

(a) IN GENERAL.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

“§4690. Sale of recyclable munitions materials

“(a) AUTHORITY FOR PROGRAM.—(1) The Secretary of the Army may carry out a program to—

“(A) sell recyclable munitions materials resulting from the demilitarization of conventional military munitions; and

“(B) use the proceeds of sale for reclamation, recycling, and reuse of conventional military munitions.

“(2) The program authorized by this section may be known as the ‘Military Munitions Recycling Program’.

“(b) GEOGRAPHIC LIMITATION.—The program authorized by subsection (a) may only be carried out in the United States and its possessions.

“(c) METHOD OF SALE.—(1) Except as provided in paragraph (2), the Secretary shall use competitive procedures to sell recyclable munitions materials under the program authorized by this section.

“(2) The Secretary may use procedures other than competitive procedures to sell recyclable munitions materials under the program authorized by this section in any case in which the Secretary determines there is only one potential buyer of the items being offered for sale.

“(3) The provisions of title 40 concerning disposal of property are not applicable to sales of materials under the program authorized by this section.

“(d) USE OF PROCEEDS.—(1) Proceeds from the sale of recyclable munitions materials under the program authorized by this section shall be credited to the Ammunition Demilitarization Account within the Procurement of Ammunition, Army, Account.

“(2) Amounts credited to the Ammunition Demilitarization Account under paragraph (1) shall be available solely for purposes of reclamation, recycling, and reuse of conventional military munitions, including for research and development for such purposes and for the procurement of equipment for such purposes.

“(3) Funds credited to the Ammunition Demilitarization Account under paragraph (1) in a fiscal year shall be available for obligation under paragraph (2) during the fiscal year in which the funds are so credited and for three fiscal years thereafter.

“(4) Funds credited to the Ammunition Demilitarization Account under paragraph (1) that are not obligated under paragraph (2) within the period of availability under paragraph (3) shall, at the end of such period, be deposited into the Treasury as miscellaneous receipts.

“(e) REGULATIONS.—The Secretary shall prescribe regulations on the operation of the program authorized by this section. The regulations shall be consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and any regulations prescribed thereunder.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 443 of such title is amended by adding at the end the following new item:

“4690. Sale of recyclable munitions materials.”.

SEC. 372. INCENTIVES CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS.

(a) IN GENERAL.—

(1) AUTHORITY TO INCLUDE CLAUSES IN CONTRACTS.—The Secretary of Defense may, for the purpose specified in paragraph (2), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(2) PURPOSE.—The purpose of a clause referred to in paragraph (1) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

(b) INCENTIVES CLAUSES.—

(1) IN GENERAL.—An incentives clause under this section shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

(2) LIMITATION ON INCENTIVE PAYMENTS.—The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed amounts as follows:

(A) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, $110,000,000.

(B) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, $55,000,000.

(3) TARGET RANGES.—An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

(4) CALCULATION OF INCENTIVE PAYMENTS.—The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this section shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

(5) CONSISTENCY WITH EXISTING OBLIGATIONS.—The provisions of any incentives clause under this section shall be consistent with the obligation of the Secretary of Defense under section 1412(c)(1)(A) of the Department of Defense Authorization Act, 1986 to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

(6) ADDITIONAL TERMS AND CONDITIONS.—In negotiating the inclusion of an incentives clause in a contract under this section, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

(c) ADDITIONAL LIMITATION ON PAYMENTS.—

(1) PAYMENT CONDITIONAL ON PERFORMANCE.—No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) PAYMENT CONTINGENT ON APPROPRIATIONS.—An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

SEC. 373. EXTENSION OF DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT PROGRAM.

(a) TERMINATION AT END OF CONTINGENCY OPERATION.—Subsection (c) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1449), as amended by section 341 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1857), is further amended by striking “terminate on September 30, 2006” and inserting “terminate with respect to a contingency operation on the date that is 60 days after the date on which the Secretary determines that the contingency operation has ended”.

(b) APPLICATION TO OTHER CONTINGENCY OPERATIONS.—Such section is further amended—

(1) in subsection (a), by striking “Operation Iraqi Freedom and Operation Enduring Freedom” and inserting “a contingency operation”; and

(2) by adding at the end the following new subsection:

“(g) CONTINGENCY OPERATION DEFINED.—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code. The term includes Operation Iraqi Freedom and Operation Enduring Freedom.”.

(c) EXTENSION TO HOSPITALIZED MEMBERS.—Subsection (a) of such section is further amended—

(1) by striking "As soon as possible after the date of the enactment of this Act, the" and inserting "The"; and

(2) by adding at the end the following new sentence: "As soon as possible after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007, the Secretary shall extend such telecommunications benefit to members of the Armed Forces who, although no longer covered by the preceding sentence, are hospitalized as a result of wounds or other injuries incurred while serving in direct support of a contingency operation.".

(d) REPORT ON IMPLEMENTATION OF MODIFIED BENEFITS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status of the efforts of the Department of Defense to implement the modifications of the Department of Defense telecommunications benefit required by section 344 of the National Defense Authorization Act for Fiscal Year 2004 that result from the amendments made by this section.

SEC. 374. EXTENSION OF AVAILABILITY OF FUNDS FOR COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Section 378(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3214) is amended by striking "fiscal year 2006" and inserting "fiscal years 2006 and 2007".

SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.

(a) POLICY.—It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to—

(1) enhance platform performance;

(2) reduce the size of the fuel logistics systems;

(3) reduce the burden high fuel consumption places on agility;

(4) reduce operating costs; and

(5) dampen the financial impact of volatile oil prices.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the policy established by subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the feasibility of designating a senior Department of Defense official to be responsible for implementing the policy established by subsection (a).

(B) A summary of the recommendations made as of the time of the report by—

(i) the Energy Security Integrated Product Team established by the Secretary of Defense in April 2006;

(ii) the Defense Science Board Task Force on Department of Defense Energy Strategy established by the Under Secretary of Defense for Acquisition, Technology and Logistics on May 2, 2006; and

(iii) the January 2001 Defense Science Board Task Force report on Improving Fuel Efficiency of Weapons Platforms.

(C) For each recommendation summarized under subparagraph (B)—

(i) the steps that the Department has taken to implement such recommendation;

(ii) any additional steps the Department plans to take to implement such recommendation; and

(iii) for any recommendation that the Department does not plan to implement, the reasons for the decision not to implement such recommendation.

(D) An assessment of the extent to which the research, development, acquisition, and logistics guidance and directives of the Department for weapons platforms are appropriately designed to address the policy established by subsection (a).

(E) An assessment of the extent to which such guidance and directives are being carried out in the research, development, acquisition, and logistics programs of the Department.

(F) A description of any additional actions that, in the view of the Secretary, may be needed to implement the policy established by subsection (a).

SEC. 376. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTIYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

SEC. 377. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.

The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

SEC. 378. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the "Economy Act"), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

SEC. 379. RECOVERY AND AVAILABILITY TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY OF CERTAIN FIREARMS, AMMUNITION, AND PARTS.

(a) IN GENERAL.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after the item relating to section 40728 the following new section:

"§ 40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries

"(a) RECOVERY.—The Secretary of the Army may recover from any country to which a grant of rifles, ammunition, repair parts, or other supplies described in section 40731(a) of this title is made under section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

"(b) COST OF RECOVERY.—(1) Except as provided in paragraph (2), the cost of recovery of any rifles, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

"(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

"(c) AVAILABILITY.—Any rifles, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance with the provisions of section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728 the following new item:

"40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2007, as follows:

(1) The Army, 512,400.

(2) The Navy, 340,700.

(3) The Marine Corps, 180,000.

(4) The Air Force, 334,200.

SEC. 402. REPEAL OF REQUIREMENT FOR PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2007, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 200,000.

(3) The Navy Reserve, 71,300.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 107,000.

(6) The Air Force Reserve, 74,900.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2007, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 27,441.

(2) The Army Reserve, 15,416.

(3) The Navy Reserve, 12,564.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,206.

(6) The Air Force Reserve, 2,707.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2007 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,912.

(2) For the Army National Guard of the United States, 26,050.

(3) For the Air Force Reserve, 10,124.

(4) For the Air National Guard of the United States, 23,255.

SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2007, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2007, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2007, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2007, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2007 a total of $112,043,468,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2007.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2007 from the Armed Forces Retirement Home Trust Fund the sum of $54,846,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Part I—Officer Personnel Policy Generally

SEC. 501. MILITARY STATUS OF OFFICERS SERVING IN CERTAIN INTELLIGENCE COMMUNITY POSITIONS.

Section 528 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(e) MILITARY STATUS.—An officer of the Armed Forces, while serving in a position covered by this section—

"(1) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense, except as directed by the Secretary or the Secretary's designee concerning reassignment from such position; and

"(2) shall not exercise, by reason of the officer's status as an officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(f) EFFECT OF APPOINTMENT.—Except as provided in subsection (e), the appointment of an officer of the Armed Forces to a position covered by this section shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(g) MILITARY PAY AND ALLOWANCES.—(1) An officer of the Armed Forces on active duty who is appointed to a position covered by this section shall, while serving in such position and while remaining on active duty, continue to receive military pay and allowances, and shall not receive the pay prescribed for such position.

"(2) Funds from which pay and allowances under paragraph (1) are paid shall be reimbursed from the following:

"(A) Funds available to the Director of the Central Intelligence Agency, for positions within the Central Intelligence Agency.

"(B) Funds available to the Director of National Intelligence, for positions within the Office of the Director of National Intelligence.".

SEC. 502. EXTENSION OF TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).

Section 619(a)(1)(B) of title 10, United States Code, is amended by striking "October 1, 2005" and inserting "October 1, 2008".

SEC. 503. EXTENSION OF AGE LIMITS FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS.

(a) RESTATEMENT AND MODIFICATION OF CURRENT AGE LIMITS.—Section 1251 of title 10, United States Code, is amended to read as follows:

"§ 1251. Regular commissioned officers; exceptions

"(a) AGE LIMITS FOR GENERAL AND FLAG OFFICERS.—(1) Unless retired or separated earlier, each regular commissioned officer of the Army, Air Force, or Marine Corps serving in a grade at or above brigadier general, or rear admiral (lower half) in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

"(2) Notwithstanding paragraph (1), the Secretary of Defense may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

"(3) Notwithstanding paragraphs (1) and (2), the President may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

"(b) AGE LIMITS FOR OTHER OFFICERS.—Unless retired or separated earlier, each regular commissioned officer of the Army, Air Force, or Marine Corps other than an officer covered by section 1252 of this title or a commissioned warrant officer) serving in a grade below brigadier general, or rear admiral (lower half) in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

"(c) DEFERRED RETIREMENT OF HEALTH PROFESSIONS OFFICERS.—(1) The Secretary of the military department concerned may, subject to subsection (e), defer the retirement under subsection (b) of a health professions officer if during the period of the deferment the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.

"(2) For purposes of this subsection, a health professions officer is—

"(A) a medical officer;

"(B) a dental officer; or

"(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse.

"(d) DEFERRED RETIREMENT OF CHAPLAINS.—The Secretary of the military department concerned may, subject to subsection (e), defer the retirement under subsection (b) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

"(e) LIMITATION ON DEFERRAL OF RETIREMENTS.—(1) Except as provided in paragraph (2), a deferment under subsection (c) or (d) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

"(2) The Secretary of the military department concerned may extend a deferment under subsection (c) or (d) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 63 of such title is amended by striking the item relating to section 1251 and inserting the following new item:

"1251. Regular commissioned officers; exceptions.".

SEC. 504. MODIFICATION OF AUTHORITIES ON SENIOR MEMBERS OF THE JUDGE ADVOCATE GENERAL'S CORPS.

(a) Department of the Army.—

(1) Grade of judge advocate general.—Subsection (a) of section 3037 of title 10, United States Code, is amended by striking the third sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(2) Redesignation of assistant judge advocate general as deputy judge advocate general.—Such section is further amended—

(A) in subsection (a), by striking "Assistant Judge Advocate General" each place it appears and inserting "Deputy Judge Advocate General"; and

(B) in subsection (d), by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(3) Conforming and clerical amendments.—(A) The heading of such section is amended by striking "**Assistant Judge Advocate General**" and inserting "**Deputy Judge Advocate General**".

(B) The table of sections at the beginning of chapter 305 of such title is amended in the item relating to section 3037 by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(b) Grade of Judge Advocate General of the Navy.—Section 5148(b) of such title is amended in subsection by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.".

(c) Grade of Judge Advocate General of the Air Force.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(d) Exclusion From Active-Duty General and Flag Officer Strength and Distribution Limitations.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.".

SEC. 505. REQUIREMENT FOR SIGNIFICANT JOINT EXPERIENCE FOR OFFICERS APPOINTED AS SURGEON GENERAL OF THE ARMY, NAVY, AND AIR FORCE.

(a) Restatement and Standardization of Authorities on Surgeon General of the Army.—

(1) In general.—Chapter 305 of title 10, United States Code, is amended by inserting after section 3036 the following new section:

"§ 3036a. Surgeon General: appointment; grade

"(a) Surgeon General.—There is a Surgeon General of the Army who is appointed by the President, by and with the advice and consent of the Senate, from officers in any corps of the Army Medical Department.

"(b) Grade.—The Surgeon General, while so serving, has the grade of lieutenant general.

"(c) Term of Office.—An officer appointed as Surgeon General normally holds office for four years.

"(d) Joint Experience Required for Appointment.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if—

"(A) the Secretary of the Army requests the waiver; and

"(B) in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Army.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(2) Conforming amendment.—Section 3036(b) of such title is amended in the flush matter following paragraph (2) by striking the second sentence.

(3) Clerical amendment.—The table of sections at the beginning of chapter 305 of such title is amended by inserting after the item relating to section 3036 the following new item:

"3036a. Surgeon General: appointment; grade.".

(b) Surgeon General of the Navy.—

(1) In general.—Section 5137 of such title is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Joint Experience Required for Appointment as Chief.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if—

"(A) the Secretary of the Navy requests the waiver; and

"(B) in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Navy.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(2) Technical amendments.—Such section is further amended—

(A) in subsection (a), by inserting "Chief.—" after "(a)"; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting "Deputy Chief.—" after "(c)".

(c) Surgeon General of the Air Force.—The text of section 8036 of such title is amended to read as follows:

"(a) Surgeon General.—There is a Surgeon General of the Air Force who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force who are in the Air Force medical department.

"(b) Grade.—The Surgeon General, while so serving, has the grade of lieutenant general.

"(c) Joint Experience Required for Appointment.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if

"(A) the Secretary of the Air Force requests the waiver; and

"(B) in the judgment of the Secretary of Defense

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Air Force.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to appointments to the position of Surgeon General of the Army, Surgeon General of the Navy, and Surgeon General of the Air Force that are made on or after that date.

SEC. 506. GRADE AND EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS OF OFFICER SERVING AS ATTENDING PHYSICIAN TO THE CONGRESS.

(a) Grade.—

(1) Regular officer.—(A) Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 722. Attending Physician to the Congress: grade

"A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"722. Attending Physician to the Congress: grade.".

(2) Reserve officer.—(A) Section 12210 of such title is amended by striking "who holds" and all that follows and inserting "holds the reserve grade of major general or rear admiral, as appropriate.".

(B) The heading of such section is amended to read as follows:

"§ 12210. Attending Physician to the Congress: reserve grade".

(C) The table of sections at the beginning of chapter 1205 of such title is amended by striking the item relating to section 12210 and inserting the following new item:

"12210. Attending Physician to the Congress: reserve grade.".

(b) Distribution Limitations.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) An officer while serving as Attending Physician to the Congress is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above brigadier general or rear admiral (lower half) under subsection (a).".

(c) Active-Duty Strength Limitations.—Section 526 of such title is amended by adding at the end the following new subsection:

"(f) Exclusion of Attending Physician to the Congress.—The limitations of this section do not apply to the general or flag officer who is serving as Attending Physician to the Congress.".

SEC. 507. DISCRETIONARY SEPARATION AND RETIREMENT OF CHIEF WARRANT OFFICERS, W–4, TWICE FAILING SELECTION FOR PROMOTION.

(a) In General.—Section 580(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ", except as provided in paragraph (5)," after "shall";

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) In the case of a warrant officer described in paragraph (1) who is in the grade of chief warrant officer, W–4, the retirement or separation of such member under this subsection shall be subject to the discretion of the Secretary concerned.".

(b) Eligibility for Promotion.—Paragraph (6) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by striking "A warrant officer" and inserting "(A) Except as provided in subparagraph (B), a warrant officer"; and

(2) by adding at the end the following new subparagraph:

"(B) A warrant officer who is retained on active duty pursuant to an exercise of the authority in paragraph (5) is eligible for further consideration for promotion while remaining on active duty.".

SEC. 508. INCREASED MANDATORY RETIREMENT AGES FOR RESERVE OFFICERS.

(a) Major Generals and Rear Admirals.—

(1) Increased age.—Section 14511 of title 10, United States Code, is amended by striking "62 years" and inserting "64 years".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 14511. Separation at age 64: major generals and rear admirals".

(b) Brigadier Generals and Rear Admirals (Lower Half).—

(1) Increased age.—Section 14510 of such title is amended by striking "60 years" and inserting "62 years".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 14510. Separation at age 62: brigadier generals and rear admirals (lower half)".

(c) Officers Below Brigadier General or Rear Admiral (Lower Half).—

(1) Increased age.—Section 14509 of such title is amended by striking "60 years" and inserting "62 years".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half)".

(d) Certain Other Officers.—

(1) Increased age.—Section 14512 of such title is amended by striking "64 years" both places it appears and inserting "66 years".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 14512. Separation at age 66: officers holding certain offices".

(e) Conforming Amendments.—Section 14508 of such title is amended—

(1) in subsection (c), by striking "60 years" and inserting "62 years"; and

(2) in subsection (d), by striking "62 years" and inserting "64 years".

(f) Clerical Amendment.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the items relating to sections 14509, 14510, 14511, and 14512 and inserting the following new items:

"14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half).
"14510. Separation at age 62: brigadier generals and rear admirals (lower half).
"14511. Separation at age 64: major generals and rear admirals.
"14512. Separation at age 66: officers holding certain offices.".

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting "active-duty or retired" after "An";

(B) by inserting "or Marine Corps" after "Navy";

(C) by inserting "or colonel, respectively" after "captain"; and

(D) by inserting "or assigned" after "detailed";

(2) in paragraph (2), by inserting "and the Commandant of the Marine Corps" after "Operations"; and

(3) in paragraph (4)(A)—

(A) by inserting "(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)" after "in the case of a civilian";

(B) by inserting "active-duty or retired" after "in the case of an"; and

(C) by inserting "or Marine Corps" after "Navy".

Part II—Officer Promotion Policy

SEC. 515. PROMOTIONS.

(a) Officers on Active-Duty List.—

(1) Clarification of approval of selection board reports.—Subsection (a)(1) of section 624 of title 10, United States Code, is amended by inserting "or a delegate of the President" after "the President".

(2) Date of establishment of promotion list.—Such subsection is further amended by adding at the end the following new sentence: "For promotions that occur by and with the advice and consent of the Senate, a promotion list shall be treated as being established for purposes of this chapter on the date on which the list is received by the Senate for consideration.".

(3) Uniform procedures for delays of appointment upon promotion.—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking "prescribed by the Secretary concerned" and inserting "prescribed by the Secretary of Defense"; and

(B) in paragraph (2), by striking "prescribed by the Secretary concerned" and inserting "prescribed by the Secretary of Defense".

(4) Additional basis for delay of appointment.—Subsection (d)(1) of such section is further amended—

(A) in subparagraph (C), by striking "or" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; or";

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned."; and

(D) in the flush matter following subparagraph (E), as inserted by subparagraph (C) of this paragraph—

(i) by striking "or if the officer is acquitted" and inserting "if the officer is acquitted"; and

(ii) by inserting after "brought against him," the following: "or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,".

(5) Additional basis for delay in appointment for lack of qualifications.—Subsection (d)(2) of such section is further amended—

(A) in the first sentence, by inserting before "is mentally, physically," the following: "has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or"; and

(B) in the second sentence, by striking "If the Secretary concerned later determines that the officer is qualified for promotion to such grade" and inserting "If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to such grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to such grade".

(b) Officers on Reserve Active-Status List.—

(1) Clarification of approval of selection board reports.—Subsection (a) of section 14308 of title 10, United States Code, is amended by inserting "or a delegate of the President" after "the President".

(2) Date of establishment of promotion list.—Such subsection is further amended by adding at the end the following new sentence: "For promotions that occur by and with the advice and consent of the Senate, a promotion list shall be treated as being established for purposes of this chapter on the date on which the list is received by the Senate for consideration.".

(3) Uniform procedures for delays of appointment upon promotion.—Section 14311 of such title is amended—

(A) in subsection (a)(1), by striking "Secretary of the military department concerned" and inserting "Secretary of Defense"; and

(B) in subsection (b), by striking "Secretary of the military department concerned" and inserting "Secretary of Defense".

(4) Additional basis for original delay of appointment.—Section 14311(a) of such title is further amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned."; and

(B) in paragraph (2)—

(i) by striking "or if the officer is acquitted" and inserting "if the officer is acquitted"; and

(ii) by inserting after "brought against him," the following: "or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion.".

(5) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS.—Section 14311(b) of such section is further amended—

(A) in the first sentence, by inserting before "is mentally, physically," the following: "has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or"; and

(B) in the second sentence, by striking "If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade" and inserting "If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to the higher grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to the higher grade".

(c) DEADLINE FOR UNIFORM REGULATIONS ON DELAY OF PROMOTIONS.—The Secretary of Defense shall prescribe the regulations required by section 624(d) of title 10, United States Code (as amended by subsection (a)(3) of this section), and the regulations required by section 14311 of title 10, United States Code (as amended by subsection (b)(3) of this section), not later than March 1, 2008.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to officers on promotion lists established on or after that date.

SEC. 516. CONSIDERATION OF ADVERSE INFORMATION BY PROMOTION SELECTION BOARDS IN RECOMMENDATIONS ON OFFICERS TO BE PROMOTED.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 616(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.".

(b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—Section 14108(b) of such title is amended—

(1) in the heading, by striking "MAJORITY REQUIRED" and inserting "ACTIONS REQUIRED";

(2) in paragraph (1), by striking "and" at the end;

(3) in paragraph (2), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 14107 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 517. EXPANDED AUTHORITY FOR REMOVAL FROM REPORTS OF SELECTION BOARDS OF OFFICERS RECOMMENDED FOR PROMOTION TO GRADES BELOW GENERAL AND FLAG GRADES.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 618(d) of title 10, United States Code, is amended—

(1) by striking "The name" and inserting "(1) Except as provided in paragraph (2), the name"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.".

(b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—Section 14111(b) of such title is amended—

(1) by striking "The name" and inserting "(1) Except as provided in paragraph (2), the name"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 518. CLARIFICATION OF NONDISCLOSURE REQUIREMENTS APPLICABLE TO PROMOTION SELECTION BOARD PROCEEDINGS.

(a) SELECTION BOARD PROCEEDINGS FOR ACTIVE DUTY OFFICERS.—Subsection (f) of section 618 of title 10, United States Code, is amended to read as follows:

"(f)(1) Proceedings of a selection board convened under section 611 of this title shall not be disclosed to any person not a member of the board.

"(2) Discussions and deliberations of a selection board described in paragraph (1), and any written or documentary records thereof, shall—

"(A) be immune from legal process;

"(B) not be admitted as evidence; and

"(C) not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.".

(b) SELECTION BOARD PROCEEDINGS FOR RESERVE OFFICERS.—

(1) IN GENERAL.—Section 14104 of such title is amended to read as follows:

"§ 14104. Nondisclosure of board proceedings

"(a) IN GENERAL.—The proceedings of a selection board convened under section 14101 of this title shall not be disclosed to any person not a member of the board.

"(b) DISCUSSIONS AND DELIBERATIONS.—Discussions and deliberations of a selection board described in subsection (a), and any written or documentary records thereof, shall—

"(1) be immune from legal process;

"(2) not be admitted as evidence; and

"(3) not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1403 of such title is amended by striking the item relating to section 14104 and inserting the following new item:

"14104. Nondisclosure of board proceedings.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the proceedings of any promotion selection board, whether convened before, on, or after such date.

SEC. 519. SPECIAL SELECTION BOARD AUTHORITIES.

(a) OFFICERS ON ACTIVE-DUTY LIST.

(1) BOARDS FOR ADMINISTRATIVE ERROR AVAILABLE ONLY TO OFFICERS IN OR ABOVE PROMOTION ZONE.—Subsection (a)(1) of section 628 of title 10, United States Code, is amended by inserting "from in or above the promotion zone" after "for selection for promotion".

(2) ACTIONS TREATABLE AS MATERIAL UNFAIRNESS.—Subsection (b)(1)(A) of such section is amended by inserting "in a matter material to the decision of the board" after "contrary to law".

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14502(b)(1)(A) of such title is amended by inserting "in a matter material to the decision of the board" after "contrary to law".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 520. REMOVAL FROM PROMOTION LISTS OF OFFICERS RETURNED TO THE PRESIDENT BY THE SENATE.

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) CLARIFICATION OF REMOVAL AUTHORITY.—Subsection (a) of section 629 of title 10, United States Code, is amended by inserting "or a delegee of the President" after "The President".

(2) REMOVAL FOLLOWING RETURN.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following new subsection (c):

"(c)(1) If an officer or group of officers on a list of officers approved for promotion by the President and submitted to the Senate for consideration is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list at the end of the 365-day period beginning on the date of such return.

"(2) Prior to the end of the 365-day period referred to in paragraph (1), the President may extend by an additional 365 days the period specified in that paragraph for the removal of an officer or group of officers from a list of officers approved for promotion by the President.

"(3) The President may, during the period specified in paragraph (1), as extended (if at all) under paragraph (2), resubmit to the Senate any officer or group of officers removed under paragraph (1) from a list of officers approved for promotion by the President.

"(4) If an officer or group of officers resubmitted to the Senate under paragraph (3) is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list of officers approved for promotion by the President."; and

(C) in paragraph (1) of subsection (d), as redesignated by paragraph (1) of this subsection, by striking "or (b)" and inserting "(b), or (c)".

(b) Officers on Reserve Active Status List.—

(1) Clarification of removal authority.—Subsection (a) of section 14310 of such title is amended by inserting "or a delegee of the President" after "The President".

(2) Removal following return.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following new subsection (c):

"(c) Removal Following Return by the Senate to the President.—(1) If an officer or group of officers on a list of officers approved for promotion by the President and submitted to the Senate for consideration is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list at the end of the 365-day period beginning on the date of such return.

"(2) Prior to the end of the 365-day period referred to in paragraph (1), the President may extend by an additional 365 days the period specified in that paragraph for the removal of an officer or group of officers from a list of officers approved for promotion by the President.

"(3) The President may, during the period specified in paragraph (1), as extended (if at all) under paragraph (2), resubmit to the Senate any officer or group of officers removed under paragraph (1) from a list of officers approved for promotion by the President.

"(4) If an officer or group of officers resubmitted to the Senate under paragraph (3) is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list of officers approved for promotion by the President."; and

(C) in subsection (d), as redesignated by paragraph (1) of this subsection, by striking "or (b)" and inserting "(b), or (c)".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on January 1, 2007.

(2) Applicability to certain officers.—The amendments made by this section shall not apply to any officer on the active-duty list or reserve active status list whose name is on a promotion list or report of a selection board on the date of the enactment of this Act. Any officer whose name is on a promotion list as of the date of the enactment of this Act following the return of the officer's nomination to the President by the Senate and who is eligible as of that date for retirement for years of service shall be retired not later than October 1, 2008.

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) Report Required.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) Elements.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

Part III—Joint Officer Management Requirements

SEC. 526. MODIFICATION AND ENHANCEMENT OF GENERAL AUTHORITIES ON MANAGEMENT OF JOINT QUALIFIED OFFICERS.

(a) Redesignation of Applicability of Policies Toward Joint Qualification.—Subsection (a) of section 661 of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: "For purposes of this chapter, officers to be managed by such policies, procedures, and practices are referred to as 'joint qualified'.".

(b) Numbers and Designation.—Subsection (b) of such section is amended—

(1) in the heading, by striking "Selection" and inserting "Designation";

(2) in paragraph (1), by striking "of officers with the joint specialty" and inserting "and levels of joint qualified officers";

(3) in paragraph (2)—

(A) by striking "selected for the joint specialty" and inserting "designated as joint qualified officers"; and

(B) by striking the second and third sentences and inserting the following new sentence: "Officers considered for joint qualification shall—

"(A) meet criteria prescribed by the Secretary of Defense; and

"(B) be those officers who are serving in the grade of captain or, in the case of the Navy, lieutenant, or a higher grade."; and

(4) in paragraph (3)—

(A) by striking "select officers for the joint specialty" and inserting "designate officers as joint qualified officers"; and

(B) by striking "the Deputy Secretary of Defense" and inserting "the Under Secretary of Defense for Personnel and Readiness".

(c) Education and Experience Requirements.—Subsection (c) of such section is amended to read as follows:

"(c) Education and Experience Requirements.—(1) An officer may not be designated as a joint qualified officer until the officer—

"(A)(i) successfully completes an appropriate program at a joint professional military education school; and

"(ii) successfully completes a full tour of duty in a joint duty assignment (as described in section 664(f) of this title (other than in paragraph (2) of such section)); or

"(B) under regulations and policy prescribed by the Secretary of Defense, successfully demonstrates a mastery of knowledge, skills, and abilities in joint matters.

"(2)(A) In the case of an officer who has completed two full tours of duty in a joint duty assignment (as described in section 664(f) of this title) and demonstrates a mastery of knowledge, skills, and abilities on joint matters, the Secretary of Defense may waive the requirement that the officer have successfully completed a program of education referred to in paragraph (1)(A)(i) if the Secretary determines that the types of joint duty experiences completed by the officer have been of sufficient breadth to prepare the officer adequately for the highest level of joint qualification.

"(B) The authority of the Secretary of Defense to grant a waiver under subparagraph (A) may be delegated only to the Under Secretary of Defense for Personnel and Readiness.

"(C)(i) A waiver under subparagraph (A) may be granted only on a case-by-case basis.

"(ii) A waiver under subparagraph (A) may be granted only under circumstances justifying variation from the requirements of paragraph (1) for designation of an officer for the highest level of joint qualification as specified by the Secretary of Defense.

"(iii) In the case of a general or flag officer, a waiver under subparagraph (A) may be granted only under circumstances described in clause (ii) and circumstances in which the waiver is necessary to meet a critical need of the Armed Forces, as determined by the Chairman of the Joint Chiefs of Staff.

"(iv) In the case of officers in grades below brigadier general or rear admiral (lower half), the total number of waivers granted under subparagraph (A) for officers in the same pay grade during a fiscal year may not exceed 10 percent of the total number of officers in that pay grade selected for the highest level of joint qualification during that fiscal year.

"(D) There may not be more than 32 general and flag officers on active duty at the same time who were selected for the joint specialty or highest level of joint qualification while holding a general or flag officer grade and for whom a waiver was granted under subparagraph (A).".

(d) Number of Joint Duty Assignments.—Subsection (d) of such section is amended to read as follows:

"(d) Number of Joint Duty Assignments.—(1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above major or, in the case of the Navy, lieutenant commander are filled at any time by officers who have the highest level of joint qualification.

"(2) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall designate an appropriate number of joint duty assignment positions as critical joint duty assignment positions. A position may be designated as a critical joint duty assignment position only if the duties and responsibilities of the position make it important that the occupant be particularly trained in, and oriented toward, joint matters.

"(3)(A) Except as provided in subparagraph (B), a position designated under paragraph (2) may be held only by an officer who has the highest level of joint qualification.

"(B) The Secretary of Defense may waive the requirement in subparagraph (A) with respect to the assignment of an officer to a position designated under paragraph (1). Any such waiver shall be granted on a case-by-case basis. The authority of the Secretary to grant such a waiver may be delegated only to the Chairman of the Joint Chiefs of Staff.

"(4) The Secretary of Defense shall ensure that, of those joint duty assignment positions that are filled by general or flag officers, a substantial portion are among those positions that are designated under paragraph (2) as critical joint duty assignment positions.".

(e) Career Guidelines.—Subsection (e) of such section is amended by striking "officers with the joint specialty" and inserting "officers who are joint qualified officers".

(f) Treatment of Certain Service.—Subsection (f) of such section is amended by striking "(including section 619(e)(1) of this title)".

(g) Clerical Amendment.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item relating to section 661 and inserting the following new item:

"661. Management policies for joint qualified officers.".

SEC. 527. MODIFICATION OF PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

Section 662(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "and" after the semicolon; and

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) officers who are serving in or have served in joint duty assignments are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.".

SEC. 528. APPLICABILITY OF JOINT DUTY ASSIGNMENT REQUIREMENTS LIMITED TO GRADUATES OF NATIONAL DEFENSE UNIVERSITY SCHOOLS.

(a) Applicability.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "a joint professional military education school" and inserting "a school within the National Defense University"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a joint professional military education school" and inserting "a school within the National Defense University"; and

(B) in paragraph (2), by striking "a joint professional military education school" and inserting "a school referred to in paragraph (1)".

(b) Definition.—Such section is further amended by adding at the end the following new subsection:

"(c) School Within the National Defense University.—For purposes of this section, a school within the National Defense University includes a school as follows:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Joint Advanced Warfighting School.

"(4) The Joint Forces Staff College.".

SEC. 529. MODIFICATION OF DEFINITIONS RELATING TO JOINTNESS.

(a) Modification of Definition of "Joint Matters".—Subsection (a) of section 668 of title 10, United States Code, is amended to read as follows:

"(a) Joint Matters.—In this chapter, the term 'joint matters' means matters involving the integrated use of military forces relating to national military strategy, strategic and contingency planning, and command and control of operations under unified command that may be conducted under unified action on land, sea, or air, in space, or in the information environment with participants from multiple armed forces, the armed forces and other departments and agencies of the United States Government, the armed forces and the military forces or agencies of other countries, the armed forces and nongovernmental persons or entities, or any combination thereof.".

(b) Modification of Definition of "Joint Duty Assignment".—Paragraph (1) of subsection (b) of such section is amended by striking "and shall exclude" and all that follows and inserting a period.

(c) Restatement of Definition of "Critical Occupational Specialty".—

(1) In general.—Section 668 of such title is further amended by adding at the end the following new subsection:

"(d) Critical Occupational Specialty.—In this chapter, the term 'critical occupational specialty' means a military occupational specialty within a combat arm of the Army, or an equivalent arm of the Navy, Air Force, and Marine Corps, that is designated by the Secretary of Defense as a critical occupational specialty because such combat arm is experiencing a severe shortage of trained officers in that military occupational specialty.".

(2) Conforming amendments.—The following provisions of such title are each amended by striking "under section 661(c)(2) of this title":

(A) Section 664(c)(2).

(B) Section 667(3).

SEC. 530. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Condition.—

(1) In general.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency

"As a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, an officer shall acknowledge that upon termination of service in such position the officer shall be retired in accordance with section 1253 of this title.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

"529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency.".

(b) Retirement.—

(1) In general.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency

"Upon termination of the appointment of an officer to the position of Director of National Intelligence or Director of the Central Intelligence Agency, the Secretary of the military department concerned shall retire the officer under any provision of this title under which the officer is eligible to retire.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

"1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

Subtitle B—Reserve Component Personnel Matters

SEC. 531. ENHANCED FLEXIBILITY IN THE MANAGEMENT OF RESERVE COMPONENT PERSONNEL.

(a) Clarification of Definition of "Active Guard and Reserve Duty" Under Title 10, United States Code.—Section 101(d)(6)(A) of title 10, United States Code, is amended—

(1) by striking "or full-time National Guard duty" the first place it appears;

(2) by striking "to active duty or" and inserting "to";

(3) by striking "Guard, pursuant" and inserting "Guard pursuant"; and

(4) by inserting a comma before "for a period".

(b) Expansion of Active Guard and Reserve Duty To Include Support of Reserve Component Operations and Additional Instruction and Training.—Section 12310 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) Active Guard and Reserve Duty.—The Secretary concerned may order a Reserve ordered to or retained on active duty under section 12301(d) of this title to perform active Guard and Reserve duty.

"(b) Additional Duties.—A Reserve on active duty as described in subsection (a) who is performing active Guard and Reserve duty pursuant to an order under that subsection may be assigned additional duties (to the extent such duties do not interfere with the performance by the Reserve of active Guard and Reserve duty under that subsection) as follows:

"(1) Supporting operations or missions assigned in whole or in part to the reserve components.

"(2) Supporting operations or missions performed or to be performed by—

"(A) a unit composed of elements from more than one component of the same armed force; or

"(B) a joint forces unit that includes—

"(i) one or more reserve component units; or

"(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

"(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the combatant commands on reserve component matters.

"(4) Instructing or training members of the armed forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.

"(c) Grade When Ordered to Active Duty.—A Reserve ordered to active duty under subsection (a) shall be ordered in his reserve grade. While so serving, he continues to be eligible for promotion as a Reserve, if he is otherwise qualified."; and

(3) in paragraph (1) of subsection (d), as so redesignated—

(A) by striking "Notwithstanding subsection (b), a Reserve" and inserting "A Reserve"; and

(B) by striking “functions” and inserting “duty”.

(c) EXPANSION OF DUTIES OF MILITARY TECHNICIANS (DUAL STATUS).—

(1) GENERAL DUTIES.—Section 10216(a)(1)(C) of such title is amended by striking “administration and” and inserting “organizing, administering, instructing, or”.

(2) SUPPORT OF RESERVE COMPONENT OPERATIONS AND ADDITIONAL INSTRUCTION AND TRAINING.—Chapter 1007 of such title is amended by inserting after section 10216 the following new section:

“§10216a. Military technicians (dual status): additional duties

“A military technician (dual status) who is employed under section 3101 of title 5 may perform additional duties (to the extent such duties do not interfere with the performance by the military technician of duties assigned under section 10216(a)(1)(C) of this title) as follows:

“(1) Supporting operations or missions assigned in whole or in part to the reserve components.

“(2) Supporting operations or missions performed or to be performed by—

“(A) a unit composed of elements from more than one component of the same armed force; or

“(B) a joint forces unit that includes—

“(i) one or more reserve component units; or

“(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

“(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the combatant commands on reserve component matters.

“(4) Instructing or training members of the armed forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.

“(c) GRADE WHEN ORDERED TO ACTIVE DUTY.—A Reserve ordered to active duty under subsection (a) shall be ordered in his reserve grade. While so serving, he continues to be eligible for promotion as a Reserve, if he is otherwise qualified.”; and

(3) in paragraph (1) of subsection (d), as so redesignated—

(A) by striking “Notwithstanding subsection (b), a Reserve” and inserting “A Reserve”; and

(B) by striking “functions” and inserting “duty”.

(c) EXPANSION OF DUTIES OF MILITARY TECHNICIANS (DUAL STATUS).—

(1) GENERAL DUTIES.—Section 10216(a)(1)(C) of such title is amended by striking “administration and” and inserting “organizing, administering, instructing, or”.

(2) SUPPORT OF RESERVE COMPONENT OPERATIONS AND ADDITIONAL INSTRUCTION AND TRAINING.—Chapter 1007 of such title is amended by inserting after section 10216 the following new section:

“§10216a. Military technicians (dual status): additional duties

“A military technician (dual status) who is employed under section 3101 of title 5 may perform additional duties (to the extent such duties do not interfere with the performance by the military technician of duties assigned under section 10216(a)(1)(C) of this title) as follows:

“(1) Supporting operations or missions assigned in whole or in part to the military technician's unit.

“(2) Supporting operations or missions performed or to be performed by—

“(A) a unit composed of elements from more than one component of the military technician's armed force; or

“(B) a joint forces unit that includes—

“(i) one or more units of the military technician's reserve component; or

“(ii) a member of the military technician's reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

“(3) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10216 the following new item:

“10216a. Military technicians (dual status): additional duties.”.

(d) ORDER OF NATIONAL GUARD MEMBERS TO PERFORM NATIONAL GUARD ACTIVE GUARD AND RESERVE DUTY AND ADDITIONAL DUTIES.—

(1) DEFINITION OF “NATIONAL GUARD ACTIVE GUARD AND RESERVE DUTY”.—Section 101 of title 32, United States Code, is amended by adding at the end the following:

“(20)(A) ‘National Guard active Guard and Reserve duty’ means full-time National Guard duty performed by a member of the National Guard pursuant to an order to full-time National Guard duty, for a period of 180 consecutive days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

“(B) Such term does not include the following:

“(i) Duty performed as a member of the Reserve Forces Policy Board under section 10301 of title 10.

“(ii) Duty performed as a property and fiscal officer under section 708 of this title.

“(iii) Duty performed for the purpose of interdiction and counter-drug activities for which funds have been provided under section 112 of this title.

“(iv) Duty performed as a general or flag officer.

“(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).”.

(2) ORDER TO PERFORM DUTY.—Chapter 3 of such title is amended by adding at the end the following new section:

“§328. National Guard active Guard and Reserve duty; additional duties

“(a) AUTHORITY TO ORDER TO DUTY.—The Governor of his State or Territory or Puerto Rico, or commanding general of the District of Columbia National Guard, as the case may be, with the consent of the Secretary concerned, may order a member of the National Guard to perform National Guard active Guard and Reserve duty.

“(b) NATURE OF DUTY.—(1) A member of the National Guard may be ordered to perform duty under subsection (a)—

“(A) without his consent, but with the pay and allowances provided by law; or

“(B) with his consent, either with or without pay and allowances.

“(2) Duty without pay shall be considered for all purposes as if it were duty with pay.

“(c) DUTIES.—A member of the National Guard performing duty under subsection (a) may perform the following additional duties (to the extent such duties do not interfere with the performance by the member of National Guard active Guard and Reserve duty under that subsection) as follows:

“(1) Support of operations or missions undertaken by the member's unit at the request of the President or the Secretary of Defense.

“(2) Support of Federal training operations or Federal training missions assigned in whole or in part to the member's unit.

“(3) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“328. National Guard active Guard and Reserve duty; additional duties.”.

(e) EXPANSION OF DUTIES OF NATIONAL GUARD TECHNICIANS.—Section 709(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking “administration and” and inserting “organizing, administering, instructing, or”; and

(B) by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) the performance of additional duties (to the extent such duties do not interfere with the performance by the technician of duties under paragraphs (1) and (2)) as follows:

“(A) Support of operations or missions undertaken by the technician's unit at the request of the President or the Secretary of Defense.

“(B) Support of Federal training operations or Federal training missions assigned in whole or in part to the technician's unit.

“(C) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.”.

SEC. 532. EXPANSION OF ACTIVITIES AUTHORIZED FOR RESERVES UNDER WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) IN GENERAL.—Subsection (d) of section 12310 of title 10, United States Code, as redesignated and amended by section 531(b) of this Act, is further amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “in the United States, Canada, or the United Mexican States” after “title)”; and

(ii) by striking “or” at the end;

(B) in subparagraph (B)—

(i) by inserting “, Canada, or the United Mexican States” after “United States”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(C) the intentional or unintentional release of nuclear, biological, radiological, or toxic or poisonous chemical materials in the United States, Canada, or the United Mexican States that results, or could result, in catastrophic loss of life or property; or

"(D) a natural or manmade disaster in the United States, Canada, or the United Mexican States that results, or could result, in catastrophic loss of life or property."; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

"(3)(A) A Reserve may perform duties described in subparagraph (A), (B), or (C) of paragraph (1)—

"(i) only while assigned to a reserve component civil support team; and

"(ii) if performing those duties in Canada or the United Mexican States, only after being ordered to active duty under this title.

"(B) A Reserve may perform the duties described in paragraph (1)(D)—

"(i) only while assigned to a reserve component civil support team;

"(ii) only with the approval of the Secretary of Defense; and

"(iii) if performing those duties in Canada or the United Mexican States, only after being ordered to active duty under this title.

"(C) Any duties described in paragraph (1) that are performed in Canada or the United Mexican States may occur, with consultation of the Secretary of State, at any distance beyond the borders of the United States with such country as is agreed to by appropriate authorities in such country.".

(b) DEFINITION OF "UNITED STATES".—Such subsection is further amended by adding at the end the following new paragraph:

"(7) In this subsection, the term 'United States' means each of the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.".

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in the heading, by inserting ", TERRORIST ATTACK, AND NATURAL OR MANMADE DISASTER" after "MASS DESTRUCTION";

(2) in paragraph (5), by striking "rapid assessment element team" and inserting "civil support team"; and

(3) in paragraph (6)(B), by striking "paragraph (3)(B)" and inserting "that paragraph".

SEC. 533. MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) ANNUITIES AND PAY OF MEMBERS ON FEDERAL REEMPLOYMENT.—Subsection (e) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1882), as amended by section 516 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3237), is further amended by adding at the end the following new paragraph:

"(3) If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, the chairman of the Commission may exercise, with respect to the members of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.".

(b) FINAL REPORT.—Subsection (f)(2) of such section 513 is amended by striking "one year" and inserting "18 months".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. The amendment made by subsection (a) shall apply to members of the Commission on the National Guard and Reserves appointed on or after that date.

SEC. 534. PILOT PROGRAM ON REINTEGRATION OF MEMBERS OF THE NATIONAL GUARD INTO CIVILIAN LIFE AFTER DEPLOYMENT.

(a) PILOT PROGRAM REQUIRED.—The Secretary of the Army shall carry out a pilot program to assess the feasibility and advisability of utilizing the mechanisms specified in this section to facilitate the reintegration of members of the National Guard into civilian life after their return from deployment overseas.

(b) LIMITATION ON LOCATION.—The pilot program required by subsection (a) may only be carried out in a State that has a National Guard brigade that is returning from deployment overseas during the period of the pilot program.

(c) PROGRAM ELEMENTS.—The mechanisms under the pilot program required by subsection (a) shall include the following:

(1) INITIAL REINTEGRATION TRAINING.—Training (to be known as "initial reintegration training") of members of the National Guard described in subsection (a) to facilitate the reintegration of such members with their families and communities after their return from deployment as described in that subsection. Such training shall be conducted immediately after the return of such members from such deployment. Participation in such training shall be voluntary.

(2) 30-DAY REINTEGRATION TRAINING.—Training (to be known as "30-day reintegration training") of members of the National Guard described in subsection (a) to assist such members in identifying the signs and symptoms of combat stress. Such training shall be conducted approximately 30 days after provision of training under paragraph (1). Participation in such training shall be voluntary.

(3) 60-DAY REINTEGRATION TRAINING.—Training (to be known as "60-day reintegration training") of members of the National Guard described in subsection (a) to assist such members in matters relating to combat stress, including chemical dependency, anger management, and gambling abuse. Such training shall be conducted approximately 30 days after provision of training under paragraph (2). Participation in such training shall be voluntary.

(4) 90-DAY REINTEGRATION TRAINING.—Training (to be known as "90-day reintegration training") of members of the National Guard described in subsection (a) to ensure a thorough physical and mental health assessment of such members after deployment as described in that subsection. Such training shall be conducted approximately 30 days after provision of training under paragraph (3). Participation in such training shall be voluntary.

(5) EDUCATIONAL MATERIALS.—The development and distribution of educational materials for families of members of the National Guard described in subsection (a), and for the communities in which such members and families reside, on matters relating to the reintegration of such members into civilian life after their return from deployment overseas.

(d) REPORT.—Not later than one year after the commencement of the pilot program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report shall include—

(1) a description of the activities undertaken under the pilot program;

(2) an assessment of the effectiveness of such mechanisms in facilitating the reintegration of members of the National Guard into civilian life after their return from deployment overseas; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(e) FUNDING.—Of the amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard, $6,663,000 may be available for the pilot program required by subsection (a).

Subtitle C—Military Justice and Related Matters

SEC. 551. APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO MEMBERS OF THE ARMED FORCES ORDERED TO ACTIVE DUTY OVERSEAS IN INACTIVE DUTY FOR TRAINING STATUS.

Not later than March 1, 2007, the Secretaries of the military departments shall prescribe regulations, or amend current regulations, in order to provide that officers and enlisted personnel of the Armed Forces who are ordered to active duty at locations overseas in an inactive duty for training status are subject to the jurisdiction of the Uniform Code of Military Justice, pursuant to the provisions of section 802(a)(3) of title 10, United States Code (article 2(a)(3) of the Uniform Code of Military Justice), continuously from the commencement of execution of such orders to the conclusion of such orders.

SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking "war" and inserting "declared war or a contingency operation".

Subtitle D—Education and Training Matters

SEC. 561. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT MEDICAL SCHOOLS.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004 the following new section:

"§ 2004a. Detail of commissioned officers as students at medical schools

"(a) DETAIL AUTHORIZED.—The Secretary of each military department may detail commissioned officers of the Armed Forces as students at accredited medical schools or schools of osteopathy located in the United States for a period of training leading to the degree of doctor of medicine. No more than 25 officers from each military department may commence such training in any single fiscal year.

"(b) ELIGIBILITY FOR DETAIL.—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

"(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

"(2) sign an agreement that unless sooner separated the officer will—

"(A) complete the educational course of medical training;

"(B) accept transfer or detail as a medical officer within the military department concerned when the officer's training is completed; and

"(C) agree to serve on active duty following completion of training for a period of two years for each year or part thereof of the officer's medical training under subsection (a).

"(c) Selection of Officers for Detail.—Officers detailed for medical training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

"(d) Relation of Service Obligations to Other Service Obligations.—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

"(e) Expenses.—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

"(f) Failure To Complete Program.—(1) An officer who is dropped from a program of medical training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

"(2) In no case shall an officer be required to serve on active duty under this subsection for any period in excess of one year for each year or part thereof the officer participated in the program.

"(g) Limitation on Details.—(1) No agreement detailing an officer of the Armed Forces to an accredited medical school or school of osteopathy may be entered into during any period in which the President is authorized by law to induct persons into the Armed Forces involuntarily.

"(2) Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the Armed Forces.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004 the following new item:

"2004a. Detail of commissioned officers as students at medical schools.".

SEC. 562. EXPANSION OF ELIGIBILITY TO PROVIDE JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTION.

(a) Eligibility of Retired Members of National Guard and Reserves.—Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Instead of, or in addition to, the detailing of active duty officers and noncommissioned officers under subsection (c)(1), and the employment of retired officers, noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve under subsection (d), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program retired officers and noncommissioned officers who qualify for retired pay for non-regular service under section 12731 of this title (other than those who qualify for age under subsection (a)(1) of such section) whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

"(1) The Secretary shall pay to the institution an amount equal to one-half of the amount paid to the member by the institution for any period up to a maximum of one-half of the difference between the retired or retainer pay for an active duty officer or noncommissioned offer of the same grade and years of service for such period and the active duty pay and allowances which the member would have received for such period if on active duty. Amounts may be paid with respect to members under this subsection after such members reach the age of 60. Payments by the Secretary under this paragraph shall be made from funds appropriated for that purpose.

"(2) Notwithstanding any other provision of law, such a member is not, while so employed, considered to be on active duty or inactive duty training for any purpose.".

(b) Clarification of Status of Retired Members Currently Providing Instruction.—Subsection (d) of such section is amended in the matter preceding paragraph (1) by striking "and noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve" and inserting ", noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve who are drawing retired or retained pay".

SEC. 563. INCREASE IN MAXIMUM AMOUNT OF REPAYMENT UNDER EDUCATION LOAN REPAYMENT FOR OFFICERS IN SPECIFIED HEALTH PROFESSIONS.

(a) Increase in Maximum Amount.—Section 2173(e)(2) of title 10, United States Code, is amended by striking "$22,000" and inserting "$60,000".

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect agreements entered into under section 2173 of title 10, United States Code, on or after that date.

(2) Prohibition on adjustment.—The adjustment required by the second sentence of section 2173(e)(2) of title 10, United States Code, to be made on October 1, 2006, shall not be made.

SEC. 564. INCREASE IN BENEFITS UNDER HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) Stipend.—Section 2121(d) of title 10, United States Code, is amended—

(1) by striking "the rate of $579 per month" and inserting "in an amount not to exceed $30,000 per year"; and

(2) by striking "That rate" and inserting "The maximum amount of the stipend".

(b) Annual Grant.—Section 2127(e) of such title is amended—

(1) by striking "$15,000" and inserting "in an amount not to exceed $45,000"; and

(2) by striking "The amount" and inserting "The maximum amount".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2006.

(d) Prohibition on Adjustments in 2007.—No adjustment under subsection (d) of section 2122 of titie 10, United States Code, in the maximum amount of the stipend payable under such section 2122, and no adjustment under subsection (e) of section 2127 of such title in the maximum amount of the annual grant payable under such section 2127, shall be made in 2007.

SEC. 565. REPORT ON HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) Report Required.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the health professions scholarship and financial assistance program for active service under subchapter I of chapter 105 of title 10, United States Code.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An assessment of the success of each military department in achieving its recruiting goals under the health professions scholarship and financial assistance program for active service during each of fiscal years 2000 through 2006.

(2) If any military department failed to achieve its recruiting goals under the program during any fiscal year covered by paragraph (1), an explanation of the failure of the military department to achieve such goal during such fiscal year.

(3) An assessment of the adequacy of the stipend authorized by section 2121(d) of title 10, United States Code, in meeting the objectives of the program.

(4) Such recommendations for legislative or administrative action as the Secretary considers appropriate to enhance the effectiveness of the program in meeting the annual recruiting goals of the military departments for medical personnel covered by the program.

SEC. 566. EXPANSION OF INSTRUCTION AVAILABLE AT THE NAVAL POSTGRADUATE SCHOOL FOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) Certificate Programs and Courses.—Subparagraph (C) of subsection (a)(2) of section 7045 of title 10, United States Code, is amended by striking "Navy or Marine Corps" and inserting "armed forces".

(b) Graduate Level Instruction.—Such subsection is further amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D)(i) The Secretary may, pursuant to regulations prescribed by the Secretary, permit an eligible enlisted member of the armed forces to receive graduate level instruction at the Naval Postgraduate School in a program leading to a master's degree in a technical, analytical, or engineering curricula.

"(ii) To be eligible for instruction under this subparagraph, an enlisted member shall hold a baccalaureate degree granted by an institution of higher education.

"(iii) Instruction shall be provided under this subparagraph on a space-available basis.

"(iv) An enlisted member who successfully completes a course of instruction under this subparagraph may be awarded a master's degree under section 7048 of this title.

"(v) The regulations prescribed under clause (i) may include criteria for eligibility of enlisted members for instruction under this subparagraph and obligations for further service in the armed forces by enlisted members relating to receipt of such instruction."; and

(3) in subparagraph (E), as so redesignated, by striking "and (C)" and inserting "(C), and (D)".

(c) Conforming Amendment.—Subsection (b)(2) of such section is amended by striking "(a)(2)(D)" and inserting "(a)(2)(E)".

(d) Repeal of Certain Requirements on Instruction.—Section 526 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking subsections (c) and (d).

SEC. 567. MODIFICATION OF ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.

(a) Clarification of Scope of Actions.—Section 527 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1468; 10 U.S.C. 4331 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting "Sexual" before "Violence"; and

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "personnel of" and inserting "cadets at";

(ii) in subparagraph (B), by striking "personnel of" and inserting "midshipmen at"; and

(iii) in subparagraph (C), by striking "personnel of" and inserting "cadets at";

(2) by inserting "sexual" before "violence" each place it appears; and

(3) by striking "academy personnel" each place it appears and inserting "cadets or midshipmen".

(b) Assessments of Academy Policies.—

(1) Administration of assessments.—Subsection (b) of such section is further amended—

(A) in paragraph (1)—

(i) by striking "to conduct" and inserting "to provide"; and

(ii) by inserting "(to be administered by the Department of Defense)" after "an assessment"; and

(B) in paragraph (2), by striking "shall conduct" and inserting "shall provide for the conduct of".

(2) Schedule for assessments.—Such subsection is further amended—

(A) in the subsection caption, by striking "Annual Assessment" and inserting "Assessments Required";

(B) in paragraph (1), by inserting "specified in paragraph (2)" after "each program year"; and

(C) in paragraph (2), by striking "2007, and 2008" and inserting "2008, and 2010".

(c) Reports on Activities on Campus.—Subsection (c) of such section is further amended—

(1) in the subsection caption, by striking "Annual Report" and inserting "Reports";

(2) in paragraph (1), by striking "2007, and 2008" and inserting "2008, and 2010";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "The annual report" and inserting "The report"; and

(B) in subparagraph (D), by striking "each of the subsequent academy program years" and inserting "each other academy program year covered by this subsection"; and

(4) in paragraphs (3) and (4), by striking "the annual" and inserting "each".

(d) Conforming Amendment.—The heading of such section is amended to read as follows:

"SEC. 527. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.".

SEC. 568. DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS.

(a) Policy Required.—

(1) In general.—Not later than July 1, 2007, the Secretary of Defense shall prescribe the policy of the Department of Defense on—

(A) whether to authorize graduates of the service academies and the Reserve Officers' Training Corps to participate in professional sports before the completion of their obligations for service on active duty as commissioned officers; and

(B) if so, the obligations for service on active duty as commissioned officers of such graduates who participate in professional sports before the satisfaction of the obligations referred to in subparagraph (A).

(2) Review of current policies.—In prescribing the policy, the Secretary shall review current policies, practices, and regulations of the military departments on the obligations for service on active duty as commissioned officers of graduates of the service academies and the Reserve Officers' Training Corps, including policies on authorized leaves of absence and policies under excess leave programs.

(3) Considerations.—In prescribing the policy, the Secretary shall take into account the following:

(A) The compatibility of participation in professional sports (including training for professional sports) with service on active duty in the Armed Forces or as a member of a reserve component of the Armed Forces.

(B) The benefits for the Armed Forces of waiving obligations for service on active duty for cadets, midshipmen, and commissioned officers in order to permit such individuals to participate in professional sports.

(C) The manner in which the military departments have resolved issues relating to the participation of personnel in professional sports, including the extent of and any reasons for, differences in the resolution of such issues by such departments.

(D) The recoupment of the costs of education provided by the service academies or under the Reserve Officers' Training Corps program if graduates of the service academies or the Reserve Officers' Training Corps, as the case may be, do not complete the period of obligated service to which they have agreed by reason of participation in professional sports.

(E) Any other matters that the Secretary considers appropriate.

(b) Elements of Policy.—The policy prescribed under subsection (a) shall address the following matters:

(1) The eligibility of graduates of the service academies and the Reserve Officers' Training Corps for a reduction in the obligated length of service on active duty as a commissioned officer otherwise required of such graduates on the basis of their participation in professional sports.

(2) Criteria for the treatment of an individual as a participant or potential participant in professional sports.

(3) The effect on obligations for service on active duty as a commissioned officer of any unsatisfied obligations under prior enlistment contracts or other forms of advanced education assistance.

(4) Any authorized variations in the policy that are warranted by the distinctive requirements of a particular Armed Force.

(5) The eligibility of individuals for medical discharge or disability benefits as a result of injuries incurred while participating in professional sports.

(6) A prospective effective date for the policy and for the application of the policy to individuals serving on such effective date as a commissioned officer, cadet, or midshipman.

(c) Application of Policy to Armed Forces.—Not later than December 1, 2007, the Secretary of each military department shall prescribe regulations, or modify current regulations, in order to implement the policy prescribed by the Secretary of Defense under subsection (a) with respect to the Armed Forces under the jurisdiction of such Secretary.

SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) Review.—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) Report.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) Interim Authority.—A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

SEC. 570. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) In General.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

"(a) In General.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

"(b) Senior Military Instructors.—

"(1) Role.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

"(2) Qualifications.—A senior military instructor shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of a baccalaureate degree from an institution of higher learning.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

"(c) Non-Senior Military Instructors.—

"(1) Role.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

"(2) Qualifications.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2033. Instructor qualifications.".

SEC. 570A. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

Subtitle E—Defense Dependents Education Matters

SEC. 571. FUNDING FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) FUNDING FOR FISCAL YEAR 2007.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under section 572(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b); and

(2) $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under section 572(b) of that Act.

(b) TREATMENT OF FUNDING FOR NOTIFICATION PURPOSES.—The funding provided under subsection (a) for fiscal year 2007 shall be treated as funding for that fiscal year for purposes of the notification of local educational agencies required by section 572(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3272).

(c) TRANSITION OF MILITARY DEPENDENTS FROM MILITARY TO CIVILIAN SCHOOLS.—

(1) IN GENERAL.—The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of dependents of members of the Armed Forces from attendance in Department of Defense dependent schools to civilian schools in systems operated by local educational agencies.

(2) UTILIZATION OF EXISTING RESOURCES.—In working with the Secretary of Education under paragraph (1), the Secretary of Defense may utilize funds authorized to be appropriated for operation and maintenance for Defense-wide activities to share expertise and experience of the Department of Defense Education Activity with local educational agencies as dependents of members of the Armed Forces make the transition from attendance at Department of Defense dependent schools to attendance at civilian schools in systems operated by such local educational agencies, including such transitions resulting from defense base closure and realignment, global rebasing, and force restructuring.

(3) DEFINITIONS.—In this subsection:

(A) The term "expertise and experience", with respect to the Department of Defense Education Activity, means resources of such activity relating to—

(i) academic strategies which result in increased academic achievement;

(ii) curriculum development consultation and materials;

(iii) teacher training resources and materials;

(iv) access to virtual and distance learning technology capabilities and related applications for teachers; and

(v) such other services as the Secretary of Defense considers appropriate to improve the academic achievement of such students.

(B) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) EXPIRATION.—The authority of the Secretary of the Defense under this subsection shall expire on September 30, 2011.

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 573. PLAN TO ASSIST LOCAL EDUCATIONAL AGENCIES EXPERIENCING GROWTH IN ENROLLMENT DUE TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BRAC.

(a) PLAN REQUIRED.—Not later than January 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

(1) Force structure changes.

(2) The relocation of a military unit.

(3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An identification, current as of the date of the report, of the total number of military dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including—

(A) an identification of the military installations affected by such arrivals and departures;

(B) an estimate of the number of such students arriving at or departing from each such installation; and

(C) the anticipated schedule of such arrivals and departures.

(2) Such recommendations as the Office of Economic Adjustment of the Department of Defense considers appropriate for means of assisting affected local educational agencies in accommodating increases in enrollment of military dependent students as a result of any such event.

(3) A plan for outreach to be conducted to affected local educational agencies, commanders of military installations, and members of the Armed Forces and civilian personnel of the Department of Defense regarding information on the assistance to be provided under the plan under subsection (a).

(c) UPDATE.—Not later than July 1, 2007, and every six months thereafter through January 1, 2011, the Secretary shall submit to the congressional defense committees an update of the report required by subsection (a). Each update shall include an update of each matter required under subsection (b) current as of the date of such update.

(d) DEFINITIONS.—In this section:

(1) The term "base closure law" has the meaning given that term in section 101 of title 10, United States Code.

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term "military dependent students" refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

SEC. 574. PILOT PROGRAM ON PARENT EDUCATION TO PROMOTE EARLY CHILDHOOD EDUCATION FOR DEPENDENT CHILDREN AFFECTED BY MILITARY DEPLOYMENT OR RELOCATION OF MILITARY UNITS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program on the provision of educational and support tools to the parents of preschool-age children—

(1) whose parent or parents serve as members of the Armed Forces on active duty (including members of the Selected Reserve on active duty pursuant to a call or order to active duty of 180 days or more); and

(2) who are affected by the deployment of their parent or parents or the relocation of the military unit of which their parent or parents are a member.

(b) Purpose.—The purpose of the pilot program is to develop models for improving the capability of military child and youth programs on or near military installations to provide assistance to military parents with young children through a program of activities focusing on the unique needs of children described in subsection (a).

(c) Duration of Program.—The pilot program shall commence on October 1, 2007, and shall conclude on September 30, 2010.

(d) Scope of Program.—The pilot program shall utilize one or more models (demonstrated through research) of universal access of parents of children described in subsection (a) to assistance under the pilot program in order to achieve the following goals:

(1) The identification and mitigation of specific risk factors for such children related to military life.

(2) The maximization of the educational readiness of such children.

(e) Locations.—

(1) In general.—The pilot program shall be carried out at military installations selected by the Secretary for purposes of this section from among military installations whose military personnel are experiencing significant transition or deployment or which are undergoing transition as a result of the relocation or activation of military units or activities relating to defense base closure and realignment.

(2) Selection of certain installations.—At least one of the installations selected by the Secretary under paragraph (1) shall be an installation that permits the meaningful evaluation of a model under subsection (d) that provides outreach to parents in families with a parent who is a member of the National Guard or Reserve, which families live more than 40 miles from the installation so selected.

(f) Goals of Participating Installations.—Appropriate personnel at each military installation selected for participation in the pilot program shall develop goals, and specific outcome measures with respect to such goals, for the conduct of the pilot program at such installation.

(g) Evaluation.—

(1) Evaluation required.—Upon completion of the pilot program at a military installation, the personnel referred to in subsection (f) at such installation shall conduct an evaluation and assessment of the success of the pilot program at such installation in meeting the goals developed under that subsection.

(2) Report.—Upon completion of the evaluations under paragraph (1) for all military installations participating in the pilot program, the Secretary of Defense shall submit to the congressional defense committees a report on such evaluations. The report shall describe the results of such evaluations, and may include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such evaluations, including recommendations for the continuation of the pilot program.

(h) Guidelines.—The Secretary shall issue guidelines applicable to the pilot program, including guidelines on the goals to be developed under subsection (f), specific outcome measures, and guidelines on the selection of curriculum and the conduct of developmental screening under the pilot program.

(i) Funding.—Of the amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $1,500,000 shall be available to carry out the pilot program in fiscal year 2007.

Subtitle F—Other Matters

SEC. 581. ADMINISTRATION OF OATHS.

(a) In General.—Section 502 of title 10, United States Code, is amended by striking the flush matter at the end and inserting the following new flush matter:

"This oath may be taken before the President, the Vice President, the Secretary of Defense, any commissioned officer of any armed force, or any other person designated under regulations prescribed by the Secretary of Defense.".

(b) Conforming Amendment.—Section 1031 of such title is amended by striking "Any commissioned officer" and all that follows through "on active duty," and inserting "The President, the Vice President, the Secretary of Defense, any commissioned officer of an armed force, or any other person designated under regulations prescribed by the Secretary of Defense".

SEC. 582. MILITARY ID CARDS FOR RETIREE DEPENDENTS WHO ARE PERMANENTLY DISABLED.

(a) In General.—Subsection (a) of section 1060b of title 10, United States Code, is amended to read as follows:

"(a) Issuance of Permanent ID Card.—(1) In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent as follows:

"(A) A retiree dependent who has attained 75 years of age.

"(B) A retiree dependent who is permanently disabled.

"(2) A permanent ID card shall be issued to a retiree dependent under paragraph (1)(A) upon the expiration, after the retiree dependent attains 75 years of age, of any earlier, renewable military card or, if earlier, upon the request of the retiree dependent after attaining age 75.".

(b) Conforming and Clerical Amendments.—

(1) Heading amendment.—The heading of such section is amended to read as follows:

"§ 1060b. Military ID cards: dependents and survivors of retirees".

(2) Clerical amendment.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1060b and inserting the following new item:

"1060b. Military ID cards: dependents and survivors of retirees.".

SEC. 583. MILITARY VOTING MATTERS.

(a) Repeal of Periodic Inspector General Installation Visits for Assessment of Voting Assistance Programs.—Section 1566 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively.

(b) Comptroller General Report.—Not later than March 1, 2007, the Comptroller General of the United States shall submit to Congress a report containing the assessment of the Comptroller General with respect to the following:

(1) The programs and activities undertaken by the Department of Defense to facilitate voter registration, transmittal of ballots to absentee voters, and voting utilizing electronic means of communication (such as electronic mail and fax transmission) for military and civilian personnel covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) The progress of the Department of Defense and the Election Assistance Commission in developing a secure, deployable system for Internet-based electronic voting pursuant to the amendment made by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(c) Use of Electronic Voting Technology.—

(1) Continuation of interim voting assistance system.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) Reports.—

(A) In general.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) Future elections.—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

SEC. 584. PRESENTATION OF MEDAL OF HONOR FLAG TO PRIMARY NEXT OF KIN OF MEDAL OF HONOR RECIPIENTS.

(a) Army Recipients.—Section 3755 of title 10, United States Code, is amended—

(1) by inserting "(a) Presentation to Medal of Honor Recipients.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) Presentation to Primary Next of Kin.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(b) Navy and Marine Corps Recipients.—Section 6257 of such title is amended—

(1) by inserting "(a) In General.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) Presentation to Primary Next of Kin.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(c) Air Force Recipients.—Section 8755 of such title is amended—

(1) by inserting "(a) In General.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) Presentation to Primary Next of Kin.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(d) Coast Guard Recipients.—Section 505 of title 14, United States Code, is amended—

(1) by inserting "(a) In General.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) Presentation to Primary Next of Kin.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Homeland Security in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

SEC. 585. MODIFICATION OF EFFECTIVE PERIOD OF AUTHORITY TO PRESENT RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

Subsection (d) of section 2261 of title 10, United States Code, is amended to read as follows:

"(d) Effective Period.—The authority under this section shall be in effect during the period of any war or national emergency declared by the President or Congress.".

SEC. 586. MILITARY SEVERELY INJURED CENTER.

(a) Center Required.—In support of the comprehensive policy on the provision of assistance to severely wounded or injured servicemembers required by section 563 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3269; 10 U.S.C. 113 note), the Secretary of Defense shall establish within the Department of Defense a center to augment and support the programs and activities of the military departments for the provision of such assistance, including the programs of the military departments referred to in subsection (c).

(b) Designation.—The center established under subsection (a) shall be known as the "Military Severely Injured Center" (in this section referred to as the "Center").

(c) Programs of the Military Departments.—The programs of the military departments referred to in this subsection are as follows:

(1) The Army Wounded Warrior Support Program.

(2) The Navy Safe Harbor Program.

(3) The Palace HART Program of the Air Force.

(4) The Marine for Life Injured Support Program of the Marine Corps.

(d) Activities of Center.—

(1) In general.—The Center shall carry out such programs and activities to augment and support the programs and activities of the military departments for the provision of assistance through individual case management to severely wounded or injured servicemembers and their families as the Secretary of Defense, in consultation with the Secretaries of the military departments and the heads of other appropriate departments and agencies of the Federal Government (including the Department of Labor and the Department of Veterans Affairs), shall assign the Center.

(2) Database.—The activities of the Center under this subsection shall include the establishment and maintenance of a central database of information for purposes of tracking severely wounded or injured servicemembers.

(e) Resources.—The Secretary of Defense shall allocate to the Center such personnel and other resources as the Secretary of Defense, in consultation with the Secretaries of the military departments, considers appropriate in order to permit the Center to carry out effectively the programs and activities assigned to the Center under subsection (d).

SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committee on Armed Services of the Senate and House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

SEC. 588. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter to relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

SEC. 589. PURPLE HEART AWARD ELIGIBILITY.

(a) Findings.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use.

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit.

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952; Executive Order 11016, dated April 25, 1962; and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) Determination.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941, and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of title 10, but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) Requirements.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart; and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff.

(d) Report.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

SEC. 590. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.

(a) Report.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

"(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

"(A) provide for the provision of such briefings by fully qualified Department personnel;

"(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

"(C) ensure that—

"(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

"(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

"(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.".

SEC. 591. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term "military identification card" has the meaning given the term "military ID card" in section 1060b(b)(1) of title 10, United States Code.

SEC. 592. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) SUPPORT FOR FUNERAL HONORS DETAILS COMPOSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

"(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

"(3) The support provided under this subsection may include the following:

"(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

"(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting "and subsection (e)" after "paragraph (1)(A)"; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting "(other than a requirement in subsection (e)" after "pursuant to this section".

(b) USE OF EXCESS M–1 RIFLES FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.";

(2) in subsection (c), by inserting after "accountability" the following: ", provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies";

(3) in subsection (d)—

(A) in paragraph (2), by striking "; or" and inserting "or fire department;";

(B) in paragraph (3), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3)."; and

(4) by adding at the end the following new subsection:

"(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

"(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has successfully completed a formal firearm training program or a hunting safety program.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) JANUARY 1, 2007, INCREASE IN BASIC PAY.—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.2 percent.

(c) REFORM OF BASIC PAY RATES.—Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

MONTHLY BASIC PAY

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	8,453.10	8,729.70	8,913.60	8,964.90	9,194.10
O–7	7,023.90	7,350.00	7,501.20	7,621.20	7,838.40
O–6	5,206.20	5,719.20	6,094.50	6,094.50	6,117.60
O–5	4,339.80	4,888.80	5,227.50	5,291.10	5,502.00
O–4	3,744.60	4,334.70	4,623.90	4,688.40	4,956.90
O–3[3]	3,292.20	3,732.30	4,028.40	4,392.00	4,602.00
O–2[3]	2,844.30	3,239.70	3,731.40	3,857.40	3,936.60
O–1[3]	2,469.30	2,569.80	3,106.50	3,106.50	3,106.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O–10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	9,577.20	9,666.30	10,030.20	10,134.30	10,447.80
O–7	8,052.90	8,301.30	8,548.80	8,797.20	9,577.20

MONTHLY BASIC PAY—Continued

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 8	Over 10	Over 12	Over 14	Over 16
0-6	6,380.10	6,414.60	6,414.60	6,779.10	7,423.80
0-5	5,628.60	5,906.40	6,110.10	6,373.20	6,776.40
0-4	5,244.60	5,602.80	5,882.40	6,076.20	6,187.50
0-3[3]	4,833.30	4,982.70	5,228.40	5,355.90	5,355.90
0-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
0-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 18	Over 20	Over 22	Over 24	Over 26
0-10[2]	$0.00	$13,659.00	$13,725.90	$14,011.20	$14,508.60
0-9	0.00	11,946.60	12,118.50	12,367.20	12,801.30
0-8	10,900.80	11,319.00	11,598.30	11,598.30	11,598.30
0-7	10,236.00	10,236.00	10,236.00	10,236.00	10,287.90
0-6	7,802.10	8,180.10	8,395.20	8,613.00	9,035.70
0-5	6,968.10	7,158.00	7,373.10	7,373.10	7,373.10
0-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
0-3[3]	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
0-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
0-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 28	Over 30	Over 32	Over 34	Over 36
0-10[2]	$14,508.60	$15,234.00	$15,234.00	$15,995.70	$15,995.70
0-9	12,801.30	13,441.50	13,441.50	14,113.50	14,113.50
0-8	11,598.30	11,888.40	11,888.40	12,185.70	12,185.70
0-7	10,287.90	10,493.70	10,493.70	10,493.70	10,493.70
0-6	9,035.70	9,216.30	9,216.30	9,216.30	9,216.30
0-5	7,373.10	7,373.10	7,373.10	7,373.10	7,373.10
0-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
0-3[3]	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
0-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
0-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 38	Over 40			
0-10[2]	$16,795.50	$16,795.50			
0-9	14,819.10	14,819.10			
0-8	12,185.70	12,185.70			
0-7	10,493.70	10,493.70			
0-6	9,216.30	9,216.30			
0-5	7,373.10	7,373.10			
0-4	6,252.30	6,252.30			
0-3[3]	5,355.90	5,355.90			
0-2[3]	3,936.60	3,936.60			
0-1[3]	3,106.50	3,106.50			

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O-7 through O-10 may not exceed the rate of pay for level II of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be $17,972.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0-3E	$0.00	$0.00	$0.00	$4,392.00	$4,602.00
0-2E	0.00	0.00	0.00	3,857.40	3,936.60
0-1E	0.00	0.00	0.00	3,106.50	3,317.70
	Over 8	Over 10	Over 12	Over 14	Over 16
0-3E	$4,833.00	$4,982.70	$5,228.40	$5,435.40	$5,554.20
0-2E	4,062.00	4,273.50	4,437.00	4,558.80	4,558.80
0-1E	3,440.10	3,565.50	3,688.80	3,857.40	3,857.40
	Over 18	Over 20	Over 22	Over 24	Over 26
0-3E	$5,715.90	$5,715.90	$5,715.90	$5,715.90	$5,715.90
0-2E	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
0-1E	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 18	Over 20	Over 22	Over 24	Over 26
	Over 28	Over 30	Over 32	Over 34	Over 36
O-3E ..	$5,715.90	$5,715.90	$5,715.90	$5,715.90	$5,715.90
O-2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O-1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 38	Over 40			
O-3E ..	$5,715.90	$5,715.90			
O-2E ..	4,558.80	4,558.80			
O-1E ..	3,857.40	3,857.40			

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	3,402.00	3,660.00	3,765.00	3,868.50	4,046.40
W-3	3,106.80	3,236.40	3,369.00	3,412.80	3,552.00
W-2	2,749.20	3,009.30	3,089.40	3,144.60	3,322.80
W-1	2,413.20	2,672.40	2,742.90	2,890.50	3,065.10
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	4,222.20	4,400.70	4,669.20	4,904.40	5,128.20
W-3	3,825.90	4,110.90	4,245.30	4,400.40	4,560.30
W-2	3,600.00	3,737.10	3,872.40	4,037.70	4,166.70
W-1	3,322.20	3,442.20	3,610.20	3,775.50	3,905.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	$0.00	$6,049.50	$6,356.40	$6,585.00	$6,838.20
W-4	5,310.90	5,489.70	5,752.20	5,967.60	6,213.60
W-3	4,847.70	5,042.40	5,158.50	5,282.10	5,450.10
W-2	4,284.00	4,423.80	4,515.90	4,589.40	4,589.40
W-1	4,024.50	4,170.00	4,170.00	4,170.00	4,170.00
	Over 28	Over 30	Over 32	Over 34	Over 36
W-5	$6,838.20	$7,180.20	$7,180.20	$7,539.30	$7,539.30
W-4	6,213.60	6,337.80	6,337.80	6,337.80	6,337.80
W-3	5,450.10	5,450.10	5,450.10	5,450.10	5,450.10
W-2	4,589.40	4,589.40	4,589.40	4,589.40	4,589.40
W-1	4,170.00	4,170.00	4,170.00	4,170.00	4,170.00
	Over 38	Over 40			
W-5	$7,916.40	$7,916.40			
W-4	6,337.80	6,337.80			
W-3	5,450.10	5,450.10			
W-2	4,589.50	4,589.40			
W-1	4,170.00	4,170.00			

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	2,339.10	2,553.00	2,650.80	2,780.70	2,881.50
E-6	2,023.20	2,226.00	2,324.40	2,419.80	2,519.40
E-5	1,854.00	1,977.90	2,073.30	2,171.40	2,323.80
E-4	1,699.50	1,786.50	1,883.10	1,978.50	2,062.80
E-3	1,534.20	1,630.80	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	[3]1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[2]	$0.00	$4,110.60	$4,203.90	$4,321.20	$4,459.50

ENLISTED MEMBERS[1]—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 8	Over 10	Over 12	Over 14	Over 16
E-6	2,744.10	2,831.40	3,000.00	3,051.90	3,089.70
E-5	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9[2]	$4,598.40	$4,821.60	$5,010.30	$5,209.20	$5,512.80
E-8	4,051.80	4,161.30	4,347.30	4,450.50	4,704.90
E-7	3,674.40	3,715.50	3,852.00	3,925.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 28	Over 30	Over 32	Over 34	Over 36
E-9[2]	$5,512.80	$5,788.50	$5,788.50	$6,078.00	$6,078.00
E-8	4,704.90	4,799.10	4,799.10	4,799.10	4,799.10
E-7	4,204.20	4,204.20	4,204.20	4,204.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 38	Over 40			
E-9[2]	$6,381.90	$6,381.90			
E-8	4,799.10	4,799.10			
E-7	4,204.20	4,204.20			
E-6	3,133.50	3,133.50			
E-5	2,630.10	2,630.10			
E-4	2,062.80	2,062.80			
E-3	1,729.20	1,729.20			
E-2	1,458.90	1,458.90			
E-1	1,301.40	1,301.40			

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is $6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $1,203.90.

SEC. 602. INCREASE IN MAXIMUM RATE OF BASIC PAY FOR GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE.—Section 203(a)(2) of title 37, United States Code, is amended by striking "level III of the Executive Schedule" and inserting "level II of the Executive Schedule".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2007, and shall apply with respect to months beginning on or after that date.

SEC. 603. CLARIFICATION OF EFFECTIVE DATE OF PROHIBITION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(3) The prohibition in this subsection (including the prohibition as it relates to a member of the National Guard while not in Federal service) shall apply to—

"(A) any work or study performed on or after September 7, 1962; and

"(B) any claim based on such work or study arising after that date.".

SEC. 604. ONE-YEAR EXTENSION OF PROHIBITION AGAINST REQUIRING CERTAIN INJURED MEMBERS TO PAY FOR MEALS PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) EXTENSION.—Section 402(h)(3) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) REPORT ON ADMINISTRATION OF PROHIBITION.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the administration of section 402(h)(3) of title 37, United States Code (as amended by subsection (a)). The report shall include—

(1) a description and assessment of the mechanisms used by the military departments to implement the prohibition contained in such section; and

(2) such recommendations as the Secretary considers appropriate regarding making such prohibition permanent.

SEC. 605. ADDITIONAL HOUSING ALLOWANCE FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Section 403(g) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) Under regulations prescribed by the Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, the Secretary concerned may authorize payment of a housing allowance to a member described in paragraph (1) at a monthly rate equal to the rate of the basic allowance for housing under subsection (b) or the overseas basic allowance for housing under subsection (c), whichever applies to that location, for members of the regular components at that location in the same grade without dependents.

"(B) A member may concurrently receive a basic allowance for housing under paragraph (1) and a housing allowance under this paragraph, but may not receive the portion of the allowance, if any, authorized under section 404 of this title for lodging expenses if a housing allowance is authorized to be paid under this paragraph."; and

(3) in paragraph (3), as so redesignated, by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to months beginning on or after that date.

SEC. 606. EXTENSION OF TEMPORARY CONTINUATION OF HOUSING ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY TO SPOUSES WHO ARE MEMBERS OF THE UNIFORMED SERVICES.

(a) In General.—Section 403(l) of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) A member of the uniformed services who is the spouse of a deceased member described in paragraph (2) may be paid a basic allowance for housing as provided for in that paragraph. An allowance paid under this paragraph is in addition to any other pay and allowances to which the member of the uniformed services is entitled under any other provision of law."; and

(3) in paragraph (4), as so redesignated, by striking "(2)" and inserting "(2) or (3)".

(b) Effective Date.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to deaths occurring on or after that date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Selected Reserve Reenlistment Bonus.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) Selected Reserve Affiliation or Enlistment Bonus.—Section 308c(i) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(c) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) Ready Reserve Enlistment Bonus for Persons Without Prior Service.—Section 308g(f)(2) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) Ready Reserve Enlistment and Reenlistment Bonus for Persons With Prior Service.—Section 308h(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) Selected Reserve Enlistment Bonus for Persons With Prior Service.—Section 308i(f) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of such title is amended by striking "January 1, 2007" and inserting "January 1, 2008".

(c) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) Special Pay for Selected Reserve Health Professionals in Critically Short Wartime Specialties.—Section 302g(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) Accession Bonus for Dental Officers.—Section 302h(a)(1) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) Accession Bonus for Pharmacy Officers.—Section 302j(a) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(c) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) Assignment Incentive Pay.—Section 307a(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) Enlistment Bonus.—Section 309(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) Retention Bonus for Members With Critical Military Skills or Assigned to High Priority Units.—Section 323(i) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) Accession Bonus for New Officers in Critical Skills.—Section 324(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) Incentive Bonus for Conversion to Military Occupational Specialty to Ease Personnel Shortage.—Section 326(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(h) Incentive Bonus for Transfer Between the Armed Forces.—Section 327(h) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2009".

SEC. 615. INCREASE IN SPECIAL PAY FOR SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.

Increase in Special Pay.—Section 302g(a) of title 37, United States Code, is amended by striking "$10,000" and inserting "$25,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to written agreements entered into under section 302g of title 37, United States Code, on or after that date.

SEC. 616. EXPANSION AND ENHANCEMENT OF ACCESSION BONUS AUTHORITIES FOR CERTAIN OFFICERS IN HEALTH CARE SPECIALITIES.

(a) Increase in Accession Bonus for Dental Officers.—Section 302h(a)(2) of title 37, United States Code, is amended by striking "$30,000" and inserting "$200,000".

(b) Accession Bonus for Medical Officers in Critically Short Wartime Specialities.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302j the following new section:

"§ 302k. Special pay: accession bonus for medical officers in critically short wartime specialties

"(a) Accession Bonus Authorized.—(1) A person who is a graduate of an accredited school of medicine or osteopathy in a specialty described in subsection (c) and who executes a written agreement described in subsection (d) to accept a commission as an officer of the Armed Forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $400,000.

"(b) Limitation on Eligibility for Bonus.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in medicine or osteopathy; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a doctor or osteopath in a specialty described in subsection (c).

"(c) Covered Specialties.—A specialty described in this subsection is a specialty designated by regulations as a critically short wartime specialty.

"(d) Agreement.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Medical Corps of the Army or the Navy or as an officer of the Air Force designated as a medical officer in a specialty described in subsection (c).

"(e) Repayment.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a doctor or osteopath, as the case may be, or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) Termination of Authority.—No agreement under this section may be entered into after December 31, 2007.".

(c) Accession Bonus for Dental Specialist Officers in Critically Short Wartime Specialities.—Chapter 5 of title 37, United States Code, as amended by subsection (b), is further amended by inserting after section 302k the following new section:

"§ 302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties

"(a) Accession Bonus Authorized.—(1) A person who is a graduate of an accredited dental school in a specialty described in subsection (c) and who executes a written agreement described in subsection (d) to accept a commission as an officer of the Armed Forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $400,000.

"(b) Limitation on Eligibility for Bonus.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in dentistry; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a dentist in a specialty described in subsection (c).

"(c) Covered Specialties.—A specialty described in this subsection is a specialty designated by regulations as a critically short wartime specialty.

"(d) Agreement.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or as an officer of the Air Force designated as a dental officer in a specialty described in subsection (c).

"(e) Repayment.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a dentist or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) Coordination With Other Accession Bonus Authority.—A person eligible to execute an agreement under both subsection (a) and section 302h of this title shall elect which authority to execute the agreement under. A person may not execute an agreement under both subsection (a) and such section 302h.

"(g) Termination of Authority.—No agreement under this section may be entered into after December 31, 2007.".

(d) Clerical Amendment.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302j the following new item:

"302k. Special pay: accession bonus for medical officers in critically short wartime specialties.

"302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.".

(e) Effective Date.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 617. INCREASE IN NUCLEAR CAREER ACCESSION BONUS FOR NUCLEAR-QUALIFIED OFFICERS.

(a) Increase.—Section 312b(a)(1) of title 37, United States Code, is amended by striking "$20,000" and inserting "$30,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to agreements under section 312b of title 37, United States Code, entered into on or after that date.

SEC. 618. MODIFICATION OF CERTAIN AUTHORITIES APPLICABLE TO THE TARGETED SHAPING OF THE ARMED FORCES.

(a) Voluntary Separation Pay and Benefits.

(1) Increase in maximum amount of pay.—Subsection (f) of section 1175a of title 10, United States Code, is amended by striking "two times" and inserting "four times".

(2) Extension of authority.—Subsection (k)(1) of such section is amended by striking "December 31, 2008" and inserting "December 31, 2012".

(3) Repeal of limitation on applicability.—Subsection (b) of section 643 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3310; 10 U.S.C. 1175a note) is repealed.

(b) Relaxation of Limitation on Selective Early Retirement.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(c) Enhanced Authority for Selective Early Retirement and Early Discharges.—

(1) Renewal of authority.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting "and during the period beginning on October 1, 2006, and ending on December 31, 2012," after "December 31, 2001,".

(2) Relaxation of limitation on selective early retirement.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(3) Relaxation of limitation on selective early discharge.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade"; and

(B) in subparagraph (B), by inserting before the period the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade".

(d) Increase in Amount of Incentive Bonus for Transfer Between Armed Forces.—Section 327(d)(1) of title 37, United States Code, is amended by striking "$2,500" and inserting "$10,000".

SEC. 619. EXTENSION OF PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMY.

(a) Extension.—Subsection (a) of section 606 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3287; 37 U.S.C. 211 note) is amended by striking "During fiscal year 2006" and inserting "During the period beginning on January 6, 2006, and ending on December 31, 2008".

(b) Report Date.—Subsection (d)(1) of such section is amended by striking "February 1, 2007" and inserting "February 1, 2008".

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) Accession Bonus Authorized.—

(1) In general.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 329. Special pay: accession bonus for officer candidates

"(a) Accession Bonus Authorized.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned.

"(b) Agreement.—A written agreement described in this subsection is a written agreement by a person—

"(1) to complete officer candidate school;

"(2) to accept a commission or appointment as an officer of the armed forces; and

"(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

"(c) Payment Method.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

"(d) Repayment.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"329. Special pay: accession bonus for officer candidates.".

(3) Effective date.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) Authority for Payment of Bonus Under Earlier Agreements.—

(1) In general.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) Limitation on amount.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) Construction with enlistment bonus.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

SEC. 621. ENHANCEMENT OF BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve," and inserting "an individual referred to in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.".

(b) AMOUNT OF BONUS.—Subsection (d) of such section is amended to read as follows:

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable in two lump sums as provided in subsection (e).".

(c) PAYMENT OF BONUS.—Subsection (e) of such section is amended to read as follows:

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person referred.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.".

(d) COORDINATION WITH RECEIPT OF RETIRED PAY.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to such member is entitled under title 10, 37, or 38, United States Code, or under any other provision of law.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXPANSION OF PAYMENT OF REPLACEMENT VALUE OF PERSONAL PROPERTY DAMAGED DURING TRANSPORT AT GOVERNMENT EXPENSE.

(a) COVERAGE OF PROPERTY OF CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.—Subsection (a) of section 2636a of title 10, United States Code, is amended by inserting "or civilian employees of the Department of Defense" after "members of the armed forces".

(b) REQUIREMENT FOR PAYMENT.—Effective March 1, 2008, such subsection is further amended by striking "may include" and inserting "shall include".

(c) REQUIREMENT FOR DEDUCTION UPON FAILURE OF CARRIER TO SETTLE.—Subsection (b) of such section is amended by striking "may be deducted" and inserting "shall be deducted".

(d) CERTIFICATION ON FAMILIES FIRST PROGRAM.—The Secretary of Defense shall submit to the congressional defense committees a report containing the certifications of the Secretary on the following matters with respect to the program of the Department of Defense known as "Families First":

(1) Whether there is an alternative to the system under the program that would provide equal or greater capability at less cost.

(2) Whether the estimates on costs, and the anticipated schedule and performance parameters, for the program and system are reasonable.

(3) Whether the management structure for the program is adequate to manage and control program costs.

(e) COMPTROLLER GENERAL REPORTS ON FAMILIES FIRST PROGRAM.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a review and assessment of the progress of the Department of Defense in implementing the Families First program.

(2) ELEMENTS.—In conducting the review and assessment required by paragraph (1), the Comptroller General shall—

(A) assess the progress of the Department in achieving the goals of the Families First program, including progress in the development and deployment of the Defense Personal Property System;

(B) assess the organization, staffing, resources, and capabilities of the Defense Personal Property System Project Management Office established on April 7, 2006;

(C) evaluate the growth in cost of the program since the previous assessment of the program by the Comptroller General, and estimate the current annual cost of the Defense Personal Property System and each component of that system; and

(D) assess the feasibility of implementing processes and procedures, pending the satisfactory development of the Defense Personal Property System, which would achieve the goals of the program of providing improved personal property management services to members of the Armed Forces.

(3) REPORTS.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives reports as follows:

(A) An interim report on the review and assessment required by paragraph (1) not later than December 1, 2006.

(B) A final report on the review and assessment by not later than June 1, 2007.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. MODIFICATION OF DEPARTMENT OF DEFENSE CONTRIBUTIONS TO MILITARY RETIREMENT FUND AND GOVERNMENT CONTRIBUTIONS TO MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND.—

(1) DETERMINATION OF CONTRIBUTIONS.—Section 1465 of title 10, United States Code, is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A)(ii)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the period at the end the following: ", except that amounts expected to be paid to members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section shall be excluded"; and

(ii) in subparagraph (B)(ii)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty"; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting "other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section," after "full-time National Guard duty,"; and

(ii) in subparagraph (B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty".

(2) PAYMENTS.—Section 1466(a) of such title is amended—

(A) in paragraph (1)(B)—

(i) by striking "(other than active duty for training)";

(ii) by striking "(other than full-time National Guard duty for training only)"; and

(iii) by inserting before the period at the end the following: ", except that amounts accrued for that month by members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section shall be excluded"; and

(B) in paragraph (2)(B)—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty".

(b) DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.—

(1) EXCLUSION OF CADETS AND MIDSHIPMEN FROM TREATMENT ON ACTIVE DUTY.—Section 1111(b) of such title is amended by adding at the end the following new paragraph:

"(5) The term 'members of the uniformed services on active duty' does not include a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or a midshipman at the United States Naval Academy.".

(2) DETERMINATION OF CONTRIBUTIONS.—Section 1115 of such title is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the period at the end the following: ", other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section"; and

(ii) in paragraph (2)(B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "other than members on full-time National Guard duty other than for training)"; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the semicolon the following: ", other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section"; and

(ii) in subparagraph (B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "(other than members on full-time National Guard duty other than for training)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) RETURN OF SBP PREMIUMS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—

(1) RETURN OF CERTAIN REFUNDED AMOUNTS REQUIRED.—Under regulations prescribed by the Secretary of Defense, a surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code (as in effect on the day before the effective date provided under subsection (e)), shall be required to repay such refund to the United States.

(2) TERMS AND CONDITIONS.—A surviving spouse repaying a refund to the United States under this subsection shall not be required to pay the United States any interest that would otherwise accrue or have accrued on any balance of such refund while such balance remains unpaid to the United States under this subsection. The amount repayable to the United States shall be repayable in a lump sum or over a period of years (not to exceed 10 years) agreed to by the surviving spouse or specified by the Secretary of Defense, in the absence of such an agreement.

(3) WAIVER OF REPAYMENT.—The Secretary of Defense may waive the repayment of a refund under this subsection if the Secretary determines that—

(A) hardship or other circumstances make repayment of such refund unwarranted;

(B) repayment of such refund would otherwise not be in the best interests of the United States.

(d) RECONSIDERATION OF OPTIONAL ANNUITY.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by adding at the end the following new sentences: "The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 643. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2006".

SEC. 644. EXPANSION OF CONDITIONS FOR DIRECT PAYMENT OF DIVISIBLE RETIRED PAY.

(a) REPEAL OF CERTAIN CONDITION.—Section 1408(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) PROHIBITION ON RETROACTIVE PAYMENTS.—No payment may be made under section 1408(d) of title 10, United States Code, to or for the benefit of any person covered by paragraph (2) of such section (as in effect on the day before the effective date specified in paragraph (1)) for any period before such effective date.

SEC. 645. AUTHORITY FOR COST OF LIVING ADJUSTMENTS OF RETIRED PAY TREATED AS DIVISIBLE PROPERTY.

(a) IN GENERAL.—Section 1408 of title 10, United States Code, is amended—

(1) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) COST OF LIVING ADJUSTMENTS OF DIVISIBLE PROPERTY.—A court order under subsection (a)(2)(C) may provide for the adjustment of the amount, if expressed in dollars, payable from the disposable retired pay of a member at the same time and in the same manner as retired pay is adjusted to reflect changes in the Consumer Price Index under section 1401a of this title.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to court orders that become effective after the end of the 90-day period beginning on the date of enactment of this Act.

SEC. 646. NOTICE AND COPY TO MEMBERS OF COURT ORDERS ON PAYMENT OF RETIRED PAY.

(a) WAIVER OF NOTICE.—Subsection (g) of section 1408 of title 10, United States Code, is amended—

(1) by inserting "(1)" before "A person"; and

(2) by adding at the end the following new paragraph:

"(2) A member may waive receipt of notice on a court order otherwise required by paragraph (1). The waiver shall take such form and include such requirements as the Secretary concerned may prescribe.".

(b) COPY OF COURT ORDER UPON REQUEST.—Such subsection is further amended—

(1) in paragraph (1), as designated by subsection (a)(1) of this section, by striking "(together with a copy of such order)"; and

(2) by adding at the end the following new paragraph:

"(3) Upon the request of a member, written notice of a court order under paragraph (1) shall include a copy of the court order.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to court orders received on or after such date.

SEC. 647. RETENTION OF ASSISTIVE TECHNOLOGY AND DEVICES BY CERTAIN MEMBERS OF THE ARMED FORCES AFTER SEPARATION FROM SERVICE.

(a) RETENTION AUTHORIZED.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1154. Retention of assistive technology and devices provided before separation

"(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, a member of the armed forces who is provided an assistive technology or assistive technology device while a member of the armed forces for a severe or debilitating illness or injury incurred or aggravated by such member on active duty may retain such assistive technology or assistive technology device after separation from the armed forces.

"(b) DEFINITIONS.—In this section, the terms 'assistive technology' and 'assistive technology device' have the meaning given such terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

"1154. Retention of assistive technology and devices provided before separation.".

SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—

(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENTS.—Such subchapter is further amended by striking "**Death Gratuity:**" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "**Fallen Hero Compensation:**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SEC. 649. EFFECTIVE DATE OF TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY VIRTUE OF UNEMPLOYABILITY.

(a) IN GENERAL.—Section 1414(a)(1) of title 10, United States Code, is amended by striking "100 percent" the first place it appears and all that follows and inserting "100 percent and in the case of a qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SEC. 650. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) DETERMINATION OF RETIRED PAY BASE.—

(1) IN GENERAL.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section:

"**§ 1407a. Retired pay base: members who were general or flag officers**

"Notwithstanding any other provision of law, if the determination of the retired pay base or retainer pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grades O–7 through O–10 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

"1407a. Retired pay base: members who were general or flag officers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

SEC. 651. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) IN GENERAL.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

"(3) 30 YEARS OF SERVICE.—

"(A) RETIREMENT BEFORE JANUARY 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

"(B) RETIREMENT AFTER DECEMBER 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

"(i) 75 percent; and

"(ii) the product (stated as a percentage) of—

"(I) 2½; and

"(II) the member's years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.".

(b) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12739(c) of such title is amended—

(1) by striking "The total amount" and inserting "(1) Except as provided in paragraph (2), the total amount"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

"(A) 75 percent of the retired pay base upon which the computation is based; and

"(B) the product of—

"(i) the retired pay base upon which the computation is based; and

"(ii) 2½ percent of the years of service credited to that person under section 12733 of this title for service, regardless of when served, under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.".

SEC. 652. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking "who dies after November 23, 2003" and inserting "who dies after October 7, 2001".

(b) APPLICABILITY.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

SEC. 653. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title

10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) Effective Date and Applicability.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 661. AUDIT OF PAY ACCOUNTS OF MEMBERS OF THE ARMY EVACUATED FROM A COMBAT ZONE FOR INPATIENT CARE.

(a) Audit Required.—

(1) In general.—The Secretary of the Army shall conduct a complete audit of the pay accounts of each member of the Army wounded or injured in a combat zone who was evacuated from a theater of operations for inpatient care during the period beginning on May 1, 2005, and ending on April 30, 2006.

(2) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the audit conducted under paragraph (1).

(3) Report elements.—The report under paragraph (2) shall include the following:

(A) A list of each member of the Army described in paragraph (1) identified (in a manner that protects the privacy of members so listed) by—

(i) date of wound or injury on which inclusion of such member on the list is based; and

(ii) grade and unit designation as of such date.

(B) For each member so listed, a statement of any underpayment of each of any pay, allowance, or other monetary benefit to which such member was entitled during the period beginning on the date of such wound or injury and ending on April 30, 2006, including basic pay, hazardous duty pay, imminent danger pay, basic allowance for housing, basic allowance for subsistence, any family separation allowance, any tax exclusion for combat duty, and any other pay, allowance, or monetary benefit to which such member was entitled during such period.

(C) For each member so listed, a statement of any disbursements made to correct underpayments made to such member as identified under subparagraph (B).

(D) For each member so listed, a statement of any debts to the United States collected or pending collection from such member.

(E) For each member so listed, a statement of any reimbursements or debt relief granted to such member for a debt identified under subparagraph (D).

(F) For each member so listed who has applied to the United States for a relief of debt—

(i) a description of the nature of the debt for which relief was applied; and

(ii) a description of the disposition of the application, including, if granted, the date of disbursement for relief granted, and, if denied, the reasons for the denial.

(G) For each member so listed, a report of any referral of such member to a collection or credit agency.

(4) Form.—The report under paragraph (2) shall be in unclassified form, but may include a classified annex.

(b) Assistance With Pay or Account Difficulties.—

(1) Call assistance center.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense an assistance center, accessible by toll-free telephone call, through which a covered member of the Armed Forces, or the primary next of kin of such a member in the case of such a member who dies, may secure assistance in resolving difficulties relating to the military pay or accounts of such member.

(2) Requests for assistance.—A request for assistance under paragraph (1) may be made—

(A) by a covered member of the Armed Forces; or

(B) by the primary next of kin on behalf of, or with respect to, a covered member of the Armed Forces.

(3) Response to requests for assistance.—The Secretary shall ensure that, in providing assistance under paragraph (1) to a covered member of the Armed Forces or next of kin of such a member, personnel of the assistance center established under that paragraph—

(A) provide an initial response to the request for assistance under paragraph (2) not later than 10 days after receipt of such request; and

(B) provide a final response to the request for assistance under that paragraph not later than 30 days after receipt of such request.

(4) Covered member of the armed forces defined.—In this subsection, the term "covered member of the Armed Forces" means a member of the Armed Forces wounded or injured in a combat zone who is evacuated from a theater of operations for inpatient care.

SEC. 662. PILOT PROGRAM ON TROOPS TO NURSE TEACHERS.

(a) Pilot Program Required.—

(1) In general.—The Secretary of Defense shall, in coordination with the Secretary of Health and Human Services and the Secretary of Education, conduct a pilot program to assess the feasibility and potential benefits of a program to—

(A) assist nurse corps officers described in subsection (c) in achieving necessary qualifications to become nurse educators and in securing employment as nurse educators at accredited schools of nursing;

(B) provide scholarships to nurse corps officers described in subsection (c) in return for continuing service in the Selected Reserve or other forms of public service; and

(C) help alleviate the national shortage of nurse educators and registered nurses.

(2) Duration.—Except as provided in subsection (h), the pilot program shall be conducted during the period beginning on January 1, 2007, and ending on December 31, 2012. A nurse corps officer may not enter into an agreement to participate in the pilot program after December 31, 2012.

(3) Regulations.—The pilot program shall be conducted under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Health and Human Services and the Secretary of Education.

(b) Designation.—The pilot program required by subsection (a) shall be known as the "Troops to Nurse Teachers Pilot Program" (in this section referred to as the "Program").

(c) Nurse Corps Officers.—A nurse corps officer described in this subsection is any commissioned officer of the Armed Forces qualified and designated as an officer in a Nurse Corps of the Armed Forces who is—

(1) serving in a reserve component of the Armed Forces;

(2) honorably discharged from the Armed Forces; or

(3) a retired member of the Armed Forces.

(d) Selection of Participants in Program.—

(1) Application.—An eligible nurse corps officer seeking to participate in the Program shall submit to the Secretary of Defense an application therefor. The application shall be in such form, and contain such information, as the Secretary may require.

(2) Selection.—The Secretary shall select participants in the Program from among qualified nurse corps officers submitting applications therefor under paragraph (1).

(e) Participant Agreement.—

(1) In general.—A nurse corps officer selected under subsection (d) to participate in the Program shall enter into an agreement with the Secretary of Defense relating to participation in the Program.

(2) Elements.—The agreement of a nurse corps officer under the program shall, at the election of the Secretary for purposes of the Program and as appropriate with respect to that status of such nurse corps officer—

(A) require such nurse corps officer, within such time as the Secretary may require, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than one year; or

(B) require such nurse corps officer—

(i) within such time as the Secretary may require, to successfully complete a program leading to a master's degree or doctoral degree in a nursing field from an accredited school of nursing or to a doctoral degree in a related field from an accredited institution of higher education;

(ii) to serve in the Selected Reserve or some other form of public service under terms and conditions established by the Secretary; and

(iii) upon completion of such program and service, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than 3 years.

(f) Assistance.—

(1) Transition assistance.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(A) assistance as follows:

(A) Career placement assistance in securing full-time employment as a nurse educator at an accredited school of nursing.

(B) A stipend in an amount not to exceed $5,000 for transition to employment referred to in paragraph (1), and for educational training for such employment, for a period not to exceed two years after entry by such participant into an agreement under subsection (e).

(2) Scholarship assistance.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(B) scholarship assistance to pursue a degree described in subsection (e)(2)(B)(i) in an amount not to exceed $30,000 annually for a period of not more than four years.

(g) Treatment of Assistance.—A stipend or scholarship provided under subsection (f) shall not be taken into account in determining the eligibility of a participant in the Program for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(h) Administration After Initial Period.—

(1) In general.—The termination of the Program on December 31, 2012, under subsection (a)(2) shall not terminate the entitlement to assistance under the Program of any nurse corps officer entering into an agreement to participate in the Program under

subsection (e) that continues in force after that date.

(2) Administration.—The Secretary of Education shall undertake any administration of the Program that is required after December 31, 2012, including responsibility for any funding necessary to provide assistance under the Program after that date.

(i) Report.—

(1) In general.—Not later than three years after the commencement of the Program, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services and the Secretary of Education, submit to Congress a report on the Program.

(2) Elements.—The report shall—

(A) describe the activities undertaken under the Program; and

(B) include an assessment of the effectiveness of the Program in—

(i) facilitating the development of nurse educators;

(ii) encouraging service in the Selected Reserve and other forms of public service; and

(iii) helping alleviate the national shortage of nurse educators and registered nurses.

(j) Definitions.—In this section:

(1) Nurse educator.—The term "nurse educator" means a registered nurse who—

(A) is a member of the nursing faculty at an accredited school of nursing;

(B) holds a graduate degree in nursing from an accredited school of nursing or a doctoral degree in a related field from an accredited institution of higher education;

(C) holds a valid, unrestricted license to practice nursing from a State; and

(D) has successfully completed additional course work in education and demonstrates competency in an advanced practice area of nursing.

(2) School of nursing.—The term "school of nursing" means a school of nursing (as that term is defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) that is accredited (as that term is defined in section 801(6) of the Public Health Service Act).

(k) Funding.—From amounts authorized to be appropriated for the Department of Defense, $5,000,000 may be available for the Program.

SEC. 663. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) Members of the Army.—

(1) Coverage of all members and former members.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Army" and all that follows through "in an active status" and inserting "a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army".

(2) Time for exercise of authority.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) Repeal of termination of modified authority.—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) Members of the Navy.—

(1) Coverage of all members and former members.—Section 6161 of title 10, United States Code, is amended by striking "a member of the Navy" and all that follows through "in an active status" and inserting "a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy , or a former member of the Navy".

(2) Time for exercise of authority.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) Repeal of termination of modified authority.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(c) Members of the Air Force.—

(1) Coverage of all members and former members.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Air Force" and all that follows through "in an active status" and inserting "a member of the Air Force (including a member on active duty or a member of a reserve component in an active status), a retired member of the Air Force, or a former member of the Air Force".

(2) Time for exercise of authority.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) Repeal of termination of modified authority.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) Deadline for Regulations.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

SEC. 664. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) Exception.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) Except as provided in paragraph (2), the Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37), or the designee of such Secretary, determines that disclosure under that paragraph pending such decision is in the best interests of the United States.".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on March 1, 2007.

(2) Application to prior actions. Paragraph (2) of section 2780(b) of title 10, United States Code (as added by subsection (a)), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) Report.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

SEC. 665. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) Clarification of Pay and Allowances.—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting "(including any bonus or special or incentive pay)" after "pay or allowances".

(b) Waiver by Secretaries Concerned. Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting "or the designee of such Secretary" after "title 37,"; and

(2) in subparagraph (A), by striking "$1,500" and inserting "$10,000".

(c) Time for Waiver.—Subsection (b)(2) of such section is amended by striking "three years" and inserting "five years".

(d) Effective Date.—The amendments made by this section shall take effect on March 1, 2007.

(e) Deadline for Revised Standards.—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

SEC. 666. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER'S DEPENDENT.

(a) Terms of Consumer Credit.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. TERMS OF CONSUMER CREDIT.

"(a) Interest.—A creditor who extends consumer credit to a servicemember or a servicemember's dependent shall not require the servicemember or the servicemember's dependent to pay interest with respect to the extension of such credit, except as—

"(1) agreed to under the terms of the credit agreement or promissory note;

"(2) authorized by applicable State or Federal law; and

"(3) not specifically prohibited by this section.

"(b) Annual Percentage Rate.—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember's dependent.

"(c) Mandatory Loan Disclosures.—

"(1) Information required.—With respect to any extension of consumer credit to a servicemember or a servicemember's dependent, a creditor shall provide to the servicemember or the servicemember's dependent the following information in writing, at or before the issuance of the credit:

"(A) A statement of the annual percentage rate applicable to the extension of credit.

"(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(C) A clear description of the payment obligations of the servicemember or the servicemember's dependent, as applicable.

"(2) Terms.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(d) Limitation.—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember's dependent without—

"(1) executing new loan documentation signed by the servicemember or the servicemember's dependent, as applicable; and

"(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember's dependent.

"(e) Preemption.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember's dependent.

"(f) Penalties.—

"(1) Misdemeanor.—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) Preservation of other remedies.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

"(g) Definition.—For purposes of this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of consumer credit.".

(b) Clerical Amendment.—The table of contents of the Servicemembers Civil Relief Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

"Sec. 208. Terms of consumer credit".

SEC. 667. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) Program Required.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing assistance to families of members of the Armed Forces.

(b) Locations.—

(1) In general.—The Secretary shall carry out the program for at least six regions of the country through sites established by the Secretary for purposes of the program in such regions.

(2) Location of certain sites.—At least three of the sites established under paragraph (1) shall be located in an area that it geographically isolated from military installations.

(c) Functions.—The Secretary shall provide assistance to families of the members of the Armed Forces under the program by providing at each site established for purposes of the program under subsection (b) the following:

(1) Financial, material, and other assistance to families of members of the Armed Forces.

(2) Mobile support services to families of members of the Armed Forces.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services to families of members of the Armed Forces.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(d) Resources.—

(1) In general.—The Secretary shall provide personnel and other resources necessary for the implementation and operation of the program at each site established under subsection (b).

(2) Acceptance of certain services.—In providing resources under paragraph (1), the Secretary may accept and utilize the services of non-Federal Government volunteers and non-profit entities.

(e) Procedures.—The Secretary shall establish procedures for the operation of each site established under subsection (b) and for the provision of assistance to families of members of the Armed Forces at such site.

(f) Implementation Plan.—

(1) Plan required.—Not later than 30 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) Elements.—The plan required under paragraph (1) shall include the following:

(A) A description of the actions taken to select and establish sites for the program under subsection (b).

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination on family assistance program and activities between and among the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(g) Report.—

(1) In general.—Not later than 270 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report on the program.

(2) Elements.—The report shall include the following:

(A) A description of the program, including each site established for purposes of the program, the procedures established under subsection (d) for operations at each such site, and the assistance provided through each such site for families of members of the Armed Forces.

(B) An assessment of the effectiveness of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) Assistance to Non-Profit Entities Providing Assistance to Military Families.—The Secretary may provide financial, material, and other assistance to non-profit entities in order to facilitate the provision by such entities of assistance to geographically isolated families of members of the Armed Forces.

(i) Sunset.—The program required by this section, and the authority to provide assistance under subsection (h), shall cease upon the date that is three years after the first obligation of amounts for the program.

(j) Funding.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 may be available for the program required by this section and the provision of assistance under subsection (h).

SEC. 668. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) Redesignation of Chief Operating Officer as Chief Executive Officer.—

(1) In general.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking "Chief Operating Officer" each place it appears and inserting "Chief Executive Officer"; and

(B) in subsection (e)(1), by striking "Chief Operating Officer's" and inserting "Chief Executive Officer's".

(2) Conforming amendments.—Such Act is further amended by striking "Chief Operating Officer" each place it appears in a provision as follows and inserting "Chief Executive Officer":

(A) Section 1511 (24 U.S.C. 411).
(B) Section 1512 (24 U.S.C. 412).
(C) Section 1513(a) (24 U.S.C. 413(a)).
(D) Section 1514(c)(1) (24 U.S.C. 414(c)(1)).
(E) Section 1516(b) (24 U.S.C. 416(b)).
(F) Section 1517 (24 U.S.C. 417).
(G) Section 1518(c) (24 U.S.C. 418(c)).
(H) Section 1519(c) (24 U.S.C. 419(c)).
(I) Section 1521(a) (24 U.S.C. 421(a)).
(J) Section 1522 (24 U.S.C. 422).
(K) Section 1523(b) (24 U.S.C. 423(b)).
(L) Section 1531 (24 U.S.C. 431).

(3) Clerical amendments.—(A) The heading of section 1515 of such Act is amended to read as follows:

"SEC. 1515. CHIEF EXECUTIVE OFFICER.".

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

"Sec. 1515. Chief Executive Officer.".

(4) References.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) Director and Deputy Director of Facilities.—

(1) Military director.—Subsection (b)(1) of section 1517 of such Act (24 U.S.C. 417) is amended by striking "a civilian with experience as a continuing care retirement community professional or".

(2) CIVILIAN DEPUTY DIRECTOR.—Subsection (d)(1)(A) of such section is amended by striking "or a member" and all that follows and inserting "; and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to any vacancy that occur in the position of Director or Deputy Director of a facility of the Armed Forces Retirement Home that occurs on or after that date.

(c) CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such Act (24 U.S.C. 416(c)(1)(K)) is amended by inserting before the period at the end the following: ", who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half)".

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

SEC. 681. SHORT TITLE.

This subtitle may be cited as the "Heroes at Home Act of 2006".

SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CIVILIAN EMPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in transitioning to civilian employment on their return from such deployment.

(b) MEMBERS.—The working group established under subsection (a) shall include a balance of individuals appointed by the Secretary of Defense from among the following:

(1) Personnel of the Department of Defense.

(2) With the concurrence of the Secretary of Veterans Affairs, personnel of the Department of Veterans Affairs.

(3) With the concurrence of the Secretary of Labor, personnel of the Department of Labor.

(c) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) identify and assess the needs of members of the National Guard and Reserve described in subsection (a) in transitioning to civilian employment on their return from deployment as described in that subsection, including the needs of—

(A) members who were self-employed before deployment and seek to return to such employment after deployment;

(B) members who were students before deployment and seek to return to school or commence employment after deployment;

(C) members who have experienced multiple recent deployments; and

(D) members who have been wounded or injured during deployment; and

(2) develop recommendations on means of improving assistance to members of the National Guard and Reserve described in subsection (a) in meeting the needs identified in paragraph (1) on their return from deployment as described in subsection (a).

(d) CONSULTATION.—In carrying out its responsibilities under subsection (c), the working group established under subsection (a) shall consult with the following:

(1) Appropriate personnel of the Small Business Administration.

(2) Representatives of employers who employ members of the National Guard and Reserve described in subsection (a) on their return to civilian employment as described in that subsection.

(3) Representatives of employee assistance organizations.

(4) Representatives of associations of employers.

(5) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

(6) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the working group established under subsection (a) shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the identification and assessment required under subsection (c)(1).

(B) The recommendations developed under subsection (c)(2), including recommendations on the following:

(i) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment and transition needs of members of the National Guard and Reserve described in subsection (a) upon their return from deployment as described in that subsection.

(ii) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

(iii) The improvement of collaboration between the pubic and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make the report under paragraph (1) available to the public, including through the Internet website of the Department of Defense.

(f) TERMINATION.—

(1) IN GENERAL.—The working group established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(2) INTERIM DUTIES.—During the period beginning on the date of the submittal of the report required by subsection (e) and the termination of the working group under paragraph (1), the working group shall serve as an advisory board to the Office for Employers and Employment Assistance Organizations under section 683.

(g) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS.

(a) DESIGNATION OF OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall designate an office within the Department of Defense to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) NAME.—The office designated under this subsection shall be known as the "Office for Employers and Employment Assistance Organizations" (in this section referred to as the "Office").

(3) HEAD.—The Secretary shall designate an individual to act as the head of the Office.

(4) INTEGRATION.—In designating the Office, the Secretary shall ensure close communication between the Office and the military departments, including the commands of the reserve components of the Armed Forces.

(b) FUNCTIONS.—The Office shall have the following functions:

(1) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful adjustment of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(c) RESOURCES TO BE PROVIDED.—

(1) IN GENERAL.—In carrying out the functions specified in subsection (b), the Office shall provide employers, employment assistance organizations, and associations of employers resources, services, and assistance that include the following:

(A) Guidelines on best practices and effective strategies.

(B) Education on the physical and mental health conditions that can and may be experienced by members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection in transitioning to civilian employment, including Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI), including education on—

(i) the detection of warning signs of such conditions;

(ii) the medical, mental health, and employment services available to such members, including materials on services offered by the Department of Defense, the Department of Veterans Affairs (including through the vet center program under section 1712A of title 38, United States Code), the Department of Labor, military support programs, and community mental health clinics; and

(iii) the mechanisms for referring such members for services described in clause (ii) and for other medical and mental health screening and care when appropriate.

(C) Education on the range and types of potential physical and mental health effects of deployment and post-deployment adjustment on family members of members of the National Guard and Reserve described in subsection (a), including education on—

(i) the detection of warning signs of such effects on family members of members of the National Guard and Reserves;

(ii) the medical, mental health, and employment services available to such family members, including materials on such services as described in subparagraph (B)(ii); and

(iii) mechanisms for referring such family members for services described in clause (ii) and for medical and mental health screening and care when appropriate.

(D) Education on mechanisms, strategies, and resources for accommodating and employing wounded or injured members of the National Guard and Reserves in work settings.

(2) PROVISION OF RESOURCES.—The Office shall make resources, services, and assistance available under this subsection through such mechanisms as the head of the Office considers appropriate, including the Internet, video conferencing, telephone services, workshops, trainings, presentations, group forums, and other mechanisms.

(d) PERSONNEL AND OTHER RESOURCES.—The Secretary of Defense shall assign to the Office such personnel, funding, and other resources as are required to ensure the effective discharge by the Office of the functions under subsection (b).

(e) REPORTS ON ACTIVITIES.—

(1) ANNUAL REPORT BY OFFICE.—Not later than one year after the designation of the Office, and annually thereafter, the head of the Office, in consultation with the working group established pursuant to section 682 (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Office during the one-year period ending on the date of such report.

(2) TRANSMITTAL TO CONGRESS.—Not later than 60 days after receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committees on Armed Services of the Senate and the House of Representatives, together with—

(A) such comments on such report, and such assessment of the effectiveness of the Office, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Office as the Secretary considers appropriate.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Office.

(f) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH RELATING TO MENTAL HEALTH OF MEMBERS OF THE NATIONAL GUARD AND RESERVE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) ADDITIONAL RESPONSIBILITIES.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ASSESSMENT OF MENTAL HEALTH NEEDS OF MEMBERS OF NATIONAL GUARD AND RESERVE DEPLOYED IN OIF OR OEF.—

"(1) IN GENERAL.—In addition to the activities required under subsection (c), the task force shall, not later than 12 months after the date of the enactment of the Heroes at Home Act of 2006, submit to the Secretary a report containing an assessment and recommendations on the needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(2) ELEMENTS.—The assessment and recommendations required by paragraph (1) shall include the following:

"(A) An assessment of the specific needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(B) An identification of mental health conditions and disorders (including Post Traumatic Stress Disorder (PTSD), suicide attempts, and suicide) occurring among members of the National Guard and Reserve who undergo multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(C) Recommendations on mechanisms for improving the mental health services available to members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom, including such members who undergo multiple deployments in such operations, upon their return from such deployment.".

(b) REPORT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) in the subsection heading, by striking "REPORT" and inserting "REPORTS";

(2) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IN GENERAL.—The report submitted to the Secretary under each of subsections (c) and (d) shall include—

"(A) a description of the activities of the task force under such subsection;

"(B) the assessment and recommendations required by such subsection; and

"(C) such other matters relating to the activities of the task force under such subsection as the task force considers appropriate."; and

(3) in paragraph (2)—

(A) by striking "the report under paragraph (1)" and inserting "a report under paragraph (1)"; and

(B) by striking "the report as" and inserting "such report as".

(c) PLAN MATTERS.—Subsection (g) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by striking "the report from the task force under subsection (e)(1)" and inserting "a report from the task force under subsection (f)(1)"; and

(2) by inserting "contained in such report" after "the task force" the second place it appears.

(d) TERMINATION.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by inserting "with respect to the assessment and recommendations required by subsection (d)" after "the task force"; and

(2) by striking "subsection (e)(2)" and inserting "subsection (f)(2)".

SEC. 685. GRANTS ON ASSISTANCE IN COMMUNITY-BASED SETTINGS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE AND THEIR FAMILIES AFTER DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—The Secretary of Defense may award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, after the return of such members from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health conditions that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members of the National Guard and Reserve for medical and mental health screening and care when necessary; and

(3) education to increase awareness of the physical and mental health conditions that family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) depression, anxiety, and relationship problems; and

(B) mechanisms for medical and mental health screening and care when appropriate.

(b) ELIGIBLE ENTITIES.—An entity eligible for the award of a grant under this section is any public or private non-profit organization, such as a community mental health clinic, family support organization, military support organization, law enforcement agency, community college, or public school.

(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An entity awarded a grant under this section shall submit to the Secretary of Defense on an annual basis a report on the activities undertaken by such entity during the preceding year utilizing amounts under the grant. Each report shall include such information as the Secretary shall specify for purposes of this subsection.

(e) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section. The report shall include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The long-term physical and mental health effects of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(3) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(c) REPORTS.—

(1) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to Congress a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(A) Current information on the cumulative outcomes of the study.

(B) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study, including recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and services for members of the Armed Forces with traumatic brain injuries.

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take appropriate actions to make each report under this subsection available to the public.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $5,000,000.

(B) For each of fiscal years 2008 through 2021, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY INCURRED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces for traumatic brain injuries incurred during service in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION OF PANEL.—The panel established under paragraph (1) shall be known as the "Traumatic Brain Injury Family Caregiver Panel".

(3) MEMBERS.—The Traumatic Brain Injury Family Caregiver Panel established under paragraph (1) shall consist of 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among—

(A) physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(B) representatives of family caregivers or family caregiver associations;

(C) Department of Defense and Department of Veterans Affairs health and medical personnel with expertise in traumatic brain injury, and Department of Defense personnel and readiness representatives with expertise in traumatic brain injury;

(D) psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury;

(E) experts in the development of training curricula; and

(F) any other individuals the Secretary considers appropriate.

(b) DEVELOPMENT OF CURRICULA.—

(1) IN GENERAL.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be utilized during the provision of training to family members of members and former members of the Armed Forces described in subsection (a) on techniques, strategies, and skills for care and assistance for such members and former members with the traumatic brain injuries described in that subsection.

(2) SCOPE OF CURRICULA.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) PARTICULAR REQUIREMENTS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricula, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) DISSEMINATION OF CURRICULA.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom or Operation Enduring Freedom. In developing such mechanisms, the Secretary may utilize and enhance existing mechanisms, including the Military Severely Injured Center.

(2) HEALTH CARE PROFESSIONALS.—The health care professionals referred to in this paragraph are the following:

(A) Personnel at military medical treatment facilities.

(B) Personnel at the polytrauma centers of the Department of Veterans Affairs.

(C) Personnel and care managers at the Military Severely Injured Center.

(D) Such other health care professionals of the Department of Defense as the Secretary considers appropriate.

(E) Such other health care professionals of the Department of Veterans Affairs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(3) PROVISION OF TRAINING TO FAMILY CAREGIVERS.—

(A) IN GENERAL.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of members and former members of the Armed Forces who incur traumatic brain injuries during service in the Operation Iraqi Freedom or Operation Enduring Freedom in the care and assistance to be provided for such injuries.

(B) TIMING OF TRAINING.—Training under this paragraph shall, to the extent practicable, be provided to family members while the member or former member concerned is undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs, as applicable, in order to ensure that such family members receive practice on the provision of such care and assistance under the guidance of qualified health professionals.

(C) PARTICULARIZED TRAINING.—Training provided under this paragraph to family members of a particular member or former member shall be tailored to the particular care needs of such member or former member and the particular caregiving needs of such family members.

(4) QUALITY ASSURANCE.—The Secretary shall develop mechanisms to ensure quality in the provision of training under this section to health care professionals referred to in paragraph (2) and in the provision of such training under paragraph (4) by such health care professionals.

(5) REPORT.—Not later than one year after the development of the curricula required by subsection (b), and annually thereafter, the Traumatic Brain Injury Family Caregiver Training Panel shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to Congress, a report on the following:

(A) The actions undertaken under this subsection.

(B) The results of the tracking of outcomes based on training developed and provided under this section.

(C) Recommendations for the improvement of training developed and provided under this section.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $1,000,000.

(B) For each of fiscal years 2008 through 2011, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons

procurement for the Navy is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

TITLE VII—HEALTH CARE

Subtitle A—Benefits Matters

SEC. 701. IMPROVED PROCEDURES FOR CANCER SCREENING FOR WOMEN.

(a) Primary and Preventive Health Care Services Authority.—Section 1074d of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "The services described in paragraphs (1) and (2) of subsection (b) shall be provided under such procedures and at such intervals as the Secretary of Defense shall prescribe."; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) Cervical cancer screening.

"(2) Breast cancer screening.".

(b) TRICARE Program.—Section 1079(a)(2) of such title is amended—

(1) in the matter preceding subparagraph (A), by striking "the schedule of pap smears and mammograms" and inserting "the schedule and method of cervical cancer screenings and breast cancer screenings"; and

(2) in subparagraph (B), by striking "pap smears and mammograms" and inserting "cervical and breast cancer screenings".

SEC. 702. NATIONAL MAIL-ORDER PHARMACY PROGRAM.

(a) Availability of Refills of Maintenance-Type Medications Solely Through Program.—

(1) In general.—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(A) in subparagraph (E), by striking "Pharmaceutical agents" and inserting "Except as provided in subparagraph (F), pharmaceutical agents"; and

(B) by adding at the end the following new subparagraph:

"(F)(i) Effective April 1, 2007, refills of maintenance medications shall, except as provided under clause (ii), be available to eligible covered beneficiaries solely through the national mail-order pharmacy program referred to in subparagraph (E)(iii).

"(ii) Under such regulations as the Secretary may prescribe under this subparagraph, refills of a maintenance medication may be available to covered eligible beneficiaries through means other than the national mail-order pharmacy program if clinical requirements make it advisable that such medication be available to such beneficiaries through such other means.

"(iii) The Secretary shall specify the pharmaceutical agents constituting maintenance medications for purposes of this subparagraph.".

(2) Conforming amendment.—Subsection (f)(1) of such section is amended by striking "subsection (a)(2)(E)" and inserting "subparagraphs (E) and (F) of subsection (a)(2)".

(b) Prohibition on Copayments for Certain Pharmaceuticals Available Through Program.—Subsection (a)(6) of such section is amended by adding at the end the following new subparagraph:

"(C) In establishing the cost-sharing requirements, the Secretary may not impose any copayment or cost-sharing requirement with respect to the following:

"(i) Refills of generic medications.

"(ii) Brand name medications determined by a physician to be medically necessary.".

SEC. 703. AVAILABILITY UNDER TRICARE OF ANESTHESIA FOR CHILDREN IN CONNECTION WITH DENTAL PROCEDURES FOR WHICH DENTAL ANESTHESIA IS INAPPROPRIATE.

Section 1079(a)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except that, pursuant to such regulations as the Secretary of Defense may prescribe, hospitalization and professional services may be provided in connection with the anesthesia of a child under the age of six years for a dental procedure which, as determined by a qualified dental specialist, is necessary".

SEC. 704. TRICARE COVERAGE FOR FORENSIC EXAMINATIONS FOLLOWING SEXUAL ASSAULTS AND DOMESTIC VIOLENCE.

Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(17) Forensic examinations following a sexual assault or domestic violence may be provided.".

SEC. 705. PROHIBITION ON INCREASE IN FISCAL YEAR 2007 IN ENROLLMENT FEES FOR COVERAGE UNDER TRICARE PRIME.

(a) Prohibition.—Fees charged for enrollment in TRICARE Prime may not be increased during fiscal year 2007.

(b) TRICARE Prime Defined.—In this section, the term "TRICARE Prime" means the managed care option of the TRICARE program.

SEC. 706. LIMITATION ON FISCAL YEAR 2007 INCREASE IN PREMIUMS FOR COVERAGE UNDER TRICARE OF MEMBERS OF RESERVE COMPONENTS WHO COMMIT TO CONTINUED SERVICE IN SELECTED RESERVE AFTER RELEASE FROM ACTIVE DUTY.

Any premium charged under subsection (d) of section 1076d of title 10, United States Code, for coverage under TRICARE of members of reserve components who commit to continued service in the Selected Reserve after release from active duty, as authorized by subsection (a) of such section, may not be increased during fiscal year 2007 by an amount which exceeds 2.2 percent of such premium as of September 30, 2006.

SEC. 707. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

Subsection (a)(6) of section 1074g of title 10, United States Code, as amended by section 702(b) of this Act, is further amended by adding at the end the following new subparagraph:

"(D) During the period beginning on October 1, 2006, and ending on September 31, 2007, the cost sharing requirements established under this paragraph for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) may not exceed amounts as follows:

"(i) In the case of generic agents, $3.

"(ii) In the case of formulary agents, $9.

"(iii) In the case of nonformulary agents, $22.".

SEC. 708. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) In General.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) is an employee of a business with 20 or fewer employees.".

(b) Premiums.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2006.

Subtitle B—Planning, Programming, and Management

SEC. 721. TREATMENT OF TRICARE RETAIL PHARMACY NETWORK UNDER FEDERAL PROCUREMENT OF PHARMACEUTICALS.

Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) TRICARE Retail Pharmacy Network.—The TRICARE Retail Pharmacy Network under the TRICARE program shall be treated as an element of the Department of Defense for purposes of the procurement of drugs by Federal agencies under section 8126 of title 38 in connection with the provision by pharmacies in the Network of pharmaceutical services to eligible covered beneficiaries under this section.".

SEC. 722. RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH CARE PLANS.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097b the following new section:

"§ 1097c. TRICARE program: relationship with employer-sponsored group health plans

"(a) In General.—(1) The TRICARE program is the secondary payer for any health care services provided by an employer to a TRICARE eligible employee of such employer, and the spouse of such employee, through any group health plan offered by such employer.

"(2) An employer shall provide that a TRICARE eligible employee of such employer, and the spouse of such employee, is entitled to benefits and services under the group health plan offered by such employer in the same manner and to the same extent as similarly situated employees of such employer who are not TRICARE eligible employees.

"(3) An employer of a TRICARE eligible employee may not establish any condition applicable to the participation of the employee in a group health plan offered by such employer in connection with the entitlement of the employee for health care services under the TRICARE program, including any condition on—

"(A) the eligibility of the employee for participation in the plan; or

"(B) benefits or services available to the employee under the plan.

"(b) Prohibition on Incentives for TRICARE Eligible Employees Not To Enroll or To Disenroll in Group Health Plans.—(1) An employer may not offer a TRICARE eligible employee any financial or other benefit (including health services coverage that is supplemental to health services coverage under the TRICARE program) not to enroll, or to disenroll, in the group health plan offered by the employer in order to ensure that the TRICARE program, rather than the plan, is the primary payer for health care services received by the employee.

"(2)(A) An employer who violates the prohibition in paragraph (1) shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation.

"(B) Any amounts collected under this paragraph shall be credited to the appropriation available for the TRICARE program for the fiscal year in which such amounts are collected.

"(3)(A) Except as provided in subparagraph (B), the provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a) and (b) of such section 1128A, which provisions relate to procedures for the imposition of civil money penalties for certain violations of the Social Security Act, shall apply to the imposition of penalties under paragraph (2).

"(B) The Secretary of Defense may provide in the regulations prescribed under this section for the application to the imposition of penalties under paragraph (2) of procedural requirements specified in such regulations rather than the procedural requirements referred to in subparagraph (A). Any procedural requirements under such regulations shall be comparable to the procedural requirements referred to in subparagraph (A).

"(c) Election of TRICARE Eligible Employees To Participate in Group Health Plan.—A TRICARE eligible employee shall have the opportunity to elect to participate in the group health plan offered by the employer of the employee and receive primary coverage for health care services under the plan in the same manner and to the same extent as similarly situated employees of such employer who are not TRICARE eligible employees.

"(d) Inapplicability to Certain Employers.—The provisions of this section do not apply to any employer who has fewer than 20 employees.

"(e) Retention of Eligibility for Coverage Under TRICARE.—Nothing in this section, including an election made by a TRICARE eligible employee under subsection (c), shall be construed to effect, modify, or terminate the eligibility of a TRICARE eligible employee or spouse of such employee for health care or dental services under this chapter in accordance with the other provisions of this chapter.

"(f) Collection of Information.—(1) To improve the administration of this section, the Secretary of Defense may utilize the authorities on collection of information set forth in paragraphs (1) and (2) of section 1095(k) of this title, including the authority in the second sentence of paragraph (2) of such section.

"(2) Information obtained pursuant to the use of the authorities in paragraph (1) may not be disclosed for any purpose of than to carry out the purpose of this section.

"(g) Outreach.—The Secretary of Defense shall, in coordination with the other administering Secretaries, conduct outreach to inform covered beneficiaries who are entitled to health care benefits under the TRICARE program of the rights and responsibilities of such beneficiaries and employers under this section.

"(h) Regulations.—The Secretary of Defense shall prescribe regulations relating to the administration and enforcement of this section. The regulations shall be prescribed in consultation with the other administering Secretaries and the Attorney General, as appropriate.

"(i) Definitions.—In this section:

"(1) The term 'employer' includes a State or unit of local government.

"(2) The term 'group health plan' means a group health plan (as that term is defined in section 5000(b)(1) of the Internal Revenue Code of 1986 without regard to section 5000(d) of the Internal Revenue Code of 1986).

"(3) The term 'primary payer' means a group health plan that provides a benefit that would be primary under section 1079(j)(1) or 1086(g) of this title.

"(4) The term 'secondary payer' means a plan or program whose medical benefits are payable only after a primary payer has provided medical benefits in accordance with applicable law and the plan of the primary payer.

"(5) The term 'TRICARE eligible employee' means a covered beneficiary under section 1086 of this title entitled to health care benefits under the TRICARE program.

"(j) Effective Date.—This section shall take effect on January 1, 2008.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097b the following new item:

"1097c. TRICARE program: relationship with employer-sponsored group health plans.".

SEC. 723. ENROLLMENT IN THE TRICARE PROGRAM.

(a) System of Enrollment Required.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097c, as added by section 722(a) of this Act, the following new section:

"§ 1097d. TRICARE program: system of enrollment

"(a) Establishment of System.—Not later than October 1, 2007, the Secretary of Defense shall establish a universal system for enrollment of all beneficiaries who obtain health care services from military medical treatment facilities or civilian health care providers under the TRICARE program (in this section referred to as 'participating beneficiaries').

"(b) Purposes of System.—The purposes of the system required by subsection (a) shall be as follows:

"(1) To ensure the efficient administration of benefits under the TRICARE program, including the Standard option of TRICARE.

"(2) To ensure that the geographic distribution of healthcare providers under the TRICARE program meets the needs of participating beneficiaries for ready access to health care services under the program.

"(3) To promote the implementation of disease management and chronic care management programs authorized by the National Defense Authorization Act for Fiscal Year 2007 and other provisions of law.

"(c) Elements.—The system required by subsection (a) shall be subject to the following:

"(1) Enrollment is required for all benefits options under the TRICARE program.

"(2) A one-time enrollment fee (in the amount of $25, in the case of an individual enrolling in self only coverage, or $40, in the case of an individual enrolling in self and family coverage) may be collected for all participating beneficiaries who utilize the Standard option of TRICARE, except that such enrollment fee may not be collected from the following:

"(A) Dependents of members of the armed forces on active duty.

"(B) Dependents of Reserves on extended active duty pursuant to a call or order to active duty of 30 days or more.

"(C) Participating beneficiaries who are also eligible for benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"(D) Participating beneficiaries enrolled in TRICARE Reserve Select under section 1076d of this title.

"(3) Enrollment in the system may occur at any time.

"(4) Enrollment in the system shall be by a variety of means utilizing a standard format.

"(d) Administration.—The Secretary shall provide for the administration of the system in each region of the TRICARE program by the TRICARE Regional Director for such region.

"(e) Health Risk Assessment.—(1) The Secretary of Defense shall provide to each participating beneficiary who enrolls in the system required by subsection (a) a health risk assessment not later than 120 days after the date of the enrollment of such participating beneficiary in the system.

"(2) The Secretary shall provide health risk assessments under paragraph (1) by any means that the Secretary considers appropriate for purposes of this section.

"(f) Consequences of Lack of Payment of Enrollment Fee.—(1) In the case of any participating beneficiary who is subject to the payment of an enrollment fee under the authority in subsection (c)(2), payment of the enrollment fee shall, except as provided in paragraph (2), be a condition for receipt of benefits under the TRICARE program.

"(2) The Secretary of Defense may waive the applicability of paragraph (1) to any participating beneficiary or class of participating beneficiaries if the Secretary determines that the waiver is in the best interests of the United States.

"(g) Communications and Outreach With Enrollees.—(1) The Secretary of Defense shall, on a periodic basis but not less often than annually, provide to participating beneficiaries who are enrolled in the system required by subsection (a) information on current matters relating to the TRICARE program, including information on benefits available under the TRICARE program and information on preventive health care services and other practices intended to promote health and wellness among such participating beneficiaries.

"(2) The Secretary shall, on a periodic basis, conduct surveys or otherwise collect information on participating beneficiaries enrolled in the system with respect to the following:

"(A) The satisfaction of such beneficiaries who are participants in the option of the TRICARE program known as TRICARE Standard with the nature and scope of, and access to, health care services under that option.

"(B) Other health care insurance, if any, that is available to such beneficiaries.

"(C) Any other matters that the Secretary considers appropriate to improve health care benefits and access to health care services under the TRICARE program.

"(h) Consultation.—The Secretary of Defense shall carry out this section in consultation with the other administering Secretaries.".

(b) Comptroller General Report on System.—Not later than September 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the system of enrollment required by section 1097d of title 10, United States Code (as added by subsection (a)). The report shall include the following:

(1) An assessment of the progress made toward implementation of the system.

(2) A description and assessment of the integration of the system with the regional business plan of the TRICARE Regional Offices.

(3) An assessment of the readiness of the Department to implement the system by October 1, 2007.

(c) Repeal of Superseded Authority.—Section 1099 of title 10, United States Code, is repealed.

(d) Clerical Amendments.—The table of sections at the beginning of chapter 55 of such title is amended—

(1) by inserting after the item relating to section 1097c, as added by section 722(b) of this Act, the following new item:

"1097d. TRICARE program: system of enrollment.";

and

(2) by striking the item relating to section 1099.

SEC. 724. INCENTIVE PAYMENTS FOR THE PROVISION OF SERVICES UNDER THE TRICARE PROGRAM IN MEDICALLY UNDERSERVED AREAS.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097d, as added by section 723(a) of this Act, the following new section:

"§1097e. TRICARE program: incentive payments for provision of services in medically underserved areas

"(a) Incentive Payments Authorized.—(1) Commencing with the calendar quarter beginning on January 1, 2008, the Secretary of Defense, after consultation with the other administering Secretaries, shall make incentive payments under this section to physicians participating in the TRICARE program in a medically underserved area.

"(2) Incentive payments payable under this section shall be paid with respect to physician professional services furnished in medically underserved areas.

"(3) The incentive payment payable under this section with respect to a physician professional service is in addition to any other amounts payable for such service under the TRICARE program.

"(b) Medically Underserved Area.—For purposes of this section, a medically underserved area is either of the following:

"(1) A primary care scarcity county (with respect to a primary care physician) or specialist care scarcity county (with respect to any other physician) identified by the Secretary of Health and Human Services under section 1833(u)(4) of the Social Security Act (42 U.S.C. 1395l(u)(4)).

"(2) A health professional shortage area identified by the Secretary of Health and Human Services under section 1833(m)(1) of the Social Security Act (42 U.S.C. 1395l(m)(1)).

"(c) Amount of Incentive Payment.—The amount of the incentive payment payable under subsection (a) with respect to a physician professional service is as follows:

"(1) In the case of a service furnished by a primary care physician in a primary care scarcity county or a service furnished by any other physician in a specialist care scarcity county covered by subsection (b)(1), an amount equal to 5 percent of the amount payable for the service under the TRICARE program.

"(2) In the case of a service furnished in an area covered by subsection (b)(2), an amount equal to 10 percent of the amount payable for the service under the TRICARE program.

"(3) In the case of a service provided in a location that is covered by both paragraphs (1) and (2) of subsection (b), an amount equal to 15 percent of the amount payable for the service under the TRICARE program.

"(d) Location of Provision of Service.—(1) For purposes of identifying the location in which a physician professional service is furnished for purposes of this section, the Secretary of Defense shall use the 5-digit postal ZIP code system.

"(2) If the 5-digit postal ZIP code for an area covers more than one county, the dominant county (as determined by the United States Postal Service or otherwise) shall be used to determine whether the postal ZIP code is in a scarcity county covered by subsection (b)(1).

"(e) Frequency of Payment.—Incentive payments payable under this section shall be paid on a quarterly basis for incentive payments accrued during the previous calendar quarter.

"(f) Regulations.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 55 of such title, as amended by section 723(d)(1) of this Act, is further amended by inserting after the item relating to section 1097d the following new item:

"1097e. TRICARE program: incentive payments for provision of services in medically underserved areas.".

SEC. 725. STANDARDIZATION OF CLAIMS PROCESSING UNDER TRICARE PROGRAM AND MEDICARE PROGRAM.

(a) In General.—Effective October 1, 2007, the claims processing requirements under the TRICARE program on the matters described in subsection (b) shall be identical to the claims processing requirements under the Medicare program on such matters.

(b) Covered Matters.—The matters described in this subsection are as follows:

(1) The utilization of single or multiple provider identification numbers for purposes of the payment of health care claims by Department of Defense contractors.

(2) The documentation required to substantiate medical necessity for items and services that are covered under both the TRICARE program and the Medicare program.

(c) Immediate Collection From Third-Party Payers.—

(1) Policy required.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe in regulations a policy for the collection of amounts from third-party payers as authorized by section 1095 of title 10, United States Code, immediately upon the presentation of claims for health care services to the Department of Defense.

(2) Overpayment.—The policy required by subsection (a) shall include mechanisms for the recoupment by third-party payers of amounts overpaid to the United States under the policy.

(d) Annual Reports on Claims Processing Standardization.—

(1) In general.—Not later than October 1, 2007, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a complete list of the claims processing requirements under the TRICARE program that differ from claims processing requirements under the Medicare program.

(2) Elements.—Each report under paragraph (1) shall include, for each claims processing requirement listed in such report, a business case that justifies maintaining such requirement under the TRICARE program as a different claims processing requirement than that required under the Medicare program.

(e) Definitions.—In this section:

(1) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term "Medicare program" means the program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 726. REQUIREMENTS FOR SUPPORT OF MILITARY TREATMENT FACILITIES BY CIVILIAN CONTRACTORS UNDER TRICARE.

(a) Annual Integrated Regional Requirements on Support.—The Regional Director of each region under the TRICARE program shall develop each year integrated, comprehensive requirements for the support of military treatment facilities in such region that is provided by contract civilian health care and administrative personnel under the TRICARE program.

(b) Purposes.—The purposes of the requirements established under subsection (a) shall be as follows:

(1) To ensure consistent standards of quality in the support of military treatment facilities by contract civilian health care personnel under the TRICARE program.

(2) To identify targeted, actionable opportunities throughout each region of the TRICARE program for the most efficient delivery of health care and support of military treatment facilities.

(3) To ensure the most effective use of various available contracting methods in securing support of military treatment facilities by civilian personnel under the TRICARE program, including resource-sharing and clinical support agreements, direct contracting, and venture capital investments.

(4) To achieve savings targets for each region under the TRICARE program.

(c) Facilitation and Enhancement of Contractor Support.—

(1) In general.—The Secretary of Defense shall take appropriate actions to facilitate and enhance the support of military treatment facilities under the TRICARE program in order to assure maximum quality and productivity.

(2) Actions.—In taking actions under paragraph (1), the Secretary shall—

(A) ensure approval by a Regional Director of all proposals for the support of military treatment facilities in the region concerned in accordance with the most current requirements established by such Regional Director under subsection (a);

(B) ensure the availability of adequate and sustainable funding support for projects which produce a return on investment to the military treatment facilities;

(C) ensure that a portion of any return on investment is returned to the military treatment facility to which such savings are attributable;

(D) require consistent standards of quality for contract civilian health care personnel providing support of military treatment facilities under the TRICARE program, including—

(i) consistent credentialing requirements among military treatment facilities; and

(ii) accreditation of health care staffing firms by the Joint Commission on the Accreditation of Health Care Organization Health Care Staffing Standards;

(E) remove financial disincentives for military treatment facilities and civilian contractors to initiate and sustain agreements for the support of military treatment facilities by such contractors under the TRICARE program;

(F) provide for a consistent process across all regions of the TRICARE program for developing cost benefit analyses of agreements for the support of military treatment facilities by civilian contractors under the TRICARE program based on actual cost and utilization data within each region of the TRICARE program; and

(G) provide for a system for tracking the performance of each project for support of military treatment facilities by a civilian contractor under the TRICARE program.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report on the support of military treatment facilities by civilian contractors under the TRICARE program during the preceding fiscal year.

(2) ELEMENTS.—Each report shall set forth, for the fiscal year covered by such report, the following:

(A) The status of the support of military health treatment facilities that is provided by contract civilian health care personnel under the TRICARE program in each region of the TRICARE program.

(B) An assessment of the compliance of such support with regional requirements under subsection (a).

(C) The number and type of agreements for the support of military treatment facilities by contract civilian health care personnel.

(D) The standards of quality in effect under the requirements under subsection (a).

(E) The savings anticipated, and any savings achieved, as a result of the implementation of the requirements under subsection (a).

SEC. 727. UNIFORM STANDARDS FOR ACCESS TO HEALTH CARE SERVICES FOR WOUNDED OR INJURED SERVICEMEMBERS.

(a) UNIFORM STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations uniform standards for the access of wounded or injured members of the Armed Forces to health care services through the military health care system.

(b) MATTERS COVERED BY STANDARDS.—The standards required by subsection (a) shall establish uniform policy with respect to the following:

(1) The access of wounded or injured members of the Armed Forces to emergency care.

(2) The access of such members to surgical services.

(3) Waiting times for referrals and consultations of such members by medical personnel, dental personnel, mental health specialists, and rehabilitative service specialists, including personnel and specialists with expertise in prosthetics and the in treatment of head, vision, and spinal cord injuries.

(4) Waiting times of such members for acute care and for routine follow-up care.

(c) REFERRAL TO PROVIDERS OUTSIDE MILITARY HEALTH CARE SYSTEM.—To the extent practicable, the Secretary shall require in the standards under subsection (a) that the standards be met through whatever means or mechanisms possible, including through the referral of members described in that subsection to health care providers outside the military health care system.

(d) TRACKING OF PERFORMANCE.—The standards required by subsection (a) shall require each Secretary concerned to establish mechanisms for tracking the performance of the military health care system under the jurisdiction of such Secretary in meeting the requirements for access of wounded or injured members of the Armed Forces to health care services set forth in such standards.

(e) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 728. DISEASE AND CHRONIC CARE MANAGEMENT.

(a) PROGRAM REQUIRED.—Not later than October 1, 2007, the Secretary of Defense shall establish and implement throughout the military health care system a fully-integrated program on disease and chronic care management that provides, to the extent practicable, uniform policies and practices, and regional execution of such policies and practices, on disease management and chronic care management throughout that system, including both military hospitals and clinics and civilian healthcare providers.

(b) PURPOSES OF PROGRAM.—The purposes of the program required by subsection (a) are as follows:

(1) To facilitate the improvement of the health status of individuals under care in the military health care system.

(2) To ensure the availability of effective health care services in that system for individuals with diseases and other chronic conditions.

(3) To ensure the proper allocation of health care resources for individuals who need care for disease or other chronic conditions.

(c) ELEMENTS.—The program required by subsection (a) shall meet the following requirements:

(1) Based on uniform policies prescribed by the Secretary under subsection (a), the program shall, at a minimum, address the following chronic diseases and conditions:

(A) Diabetes.

(B) Cancer.

(C) Heart disease.

(D) Asthma.

(E) Chronic obstructive pulmonary disorder.

(F) Depression and anxiety disorders.

(2) The program shall meet nationally-recognized accreditation standards for disease and chronic care management.

(3) The program shall include specific outcome measures and objectives on disease and chronic care management.

(4) The program shall include strategies for disease and chronic care management for all beneficiaries, including beneficiaries eligible for benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), for whom the TRICARE program is not the primary payer for health care benefits.

(5) Activities under the program shall conform to applicable laws and regulations relating to the confidentiality of health care information.

(d) DESIGN OF CERTAIN PORTIONS OF PROGRAM.—As part of the program required under subsection (a), the Secretary may contract for the design of a disease and chronic care management program for the military health care system.

(e) ACTIONS TO FACILITATE PROGRAM.—In order to facilitate the carrying out of the program required by subsection (a), the Secretary shall—

(1) require a comprehensive analysis of the disease and chronic care management opportunities within each region of the TRICARE program, including within military treatment facilities and through contractors under the TRICARE program;

(2) ensure continuous, adequate funding of disease and chronic care management activities throughout the military health care system in order to achieve maximum health outcomes and cost avoidance;

(3) eliminate, to the extent practicable, any financial disincentives to sustained investment by military hospitals and health care services contractors of the Department of Defense in the disease and chronic care management activities of the Department;

(4) ensure that appropriate clinical and claims data, including pharmacy utilization data, is available for use in implementing the program;

(5) ensure outreach to eligible beneficiaries, who, on the basis of their clinical conditions, are candidates for the program utilizing print and electronic media, telephone, and personal interaction; and

(6) provide a system for monitoring improvements in health status and clinical outcomes under the program and savings associated with the program.

(f) COMPTROLLER GENERAL REPORT.—Not later than September 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the program required by subsection (a). The report shall include the following:

(1) An assessment of the progress made toward implementation of the program.

(2) A description and assessment of the integration of disease and chronic care management strategies in the regional business plan of the TRICARE Regional Offices.

(3) An assessment of the readiness of the Department to implement the program by October 1, 2007.

(g) SECRETARY OF DEFENSE REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2008, and every year thereafter, the Secretary shall submit to the congressional defense committees a report on the program required by subsection (a).

(2) REPORT ELEMENTS.—Each report required by this subsection shall include the following:

(A) An assessment of the program during the one-year period ending on the date of such report.

(B) A description and assessment of improvements in health status and clinical outcomes.

(C) A description of the savings and return on investment associated with the program.

(D) A description of an investment strategy to assure the sustainment of the disease and chronic care management programs of the Department of Defense.

SEC. 729. POST-DEPLOYMENT HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES RETURNING FROM DEPLOYMENT IN SUPPORT OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations requirements applicable to the conduct of post-deployment health assessments for members of the Armed Forces returning from deployment in support of a contingency operation.

(b) GENERAL REQUIREMENTS.—The regulations prescribed under subsection (a) shall require the following:

(1) That a health assessment be conducted on each member of the Armed Forces returning from deployment in support of a contingency operation within such time after the return of such member from deployment as the Secretary shall specify in the regulations.

(2) That each health assessment be conducted by a healthcare provider having such

qualifications as the Secretary shall specify in the regulations.

(3) That each health assessment assess such health-related matters as the Secretary shall specify in the regulations, including an assessment of mental health (including Traumatic Brain Injury (TBI)) for referral of a member for further evaluation relating to mental health (including evaluation of the effects of combat or operational stress).

(4) That the results of each health assessment be stored in a centralized data base maintained by the Secretary under this section.

(c) Assessments of Mental Health.—

(1) Criteria for referral for further evaluations.—The regulations prescribed under subsection (a) shall include—

(A) criteria to be utilized by healthcare providers in determining whether to refer a member of the Armed Forces for further evaluation relating to mental health (including Traumatic Brain Injury);

(B) mechanisms to ensure that healthcare providers are trained in the application of such criteria in making such determinations; and

(C) mechanisms for oversight to ensure that healthcare providers apply such criteria consistently.

(2) Availability of referral.—Under the regulations, a copy of a referral of a member for further evaluation relating to mental health shall be—

(A) provided to the member;

(B) placed in the healthcare record of the member that is maintained by the Department of Defense; and

(C) provided to the healthcare manager of the member.

(3) Tracking mechanisms.—The regulations shall include mechanisms to ensure that a member who receives a referral for further evaluation relating to mental health receives such evaluation and obtains such care and services as are warranted.

(4) Quality assurance.—The regulations shall include a requirement that the Department address, as part of the deployment health assessment quality assurance program of the Department, the following:

(A) The types of healthcare providers conducting post-deployment health assessments.

(B) The training received by such providers applicable to the conduct of such assessments, including training on assessments and referrals relating to mental health.

(C) The guidance available to such providers on how to apply the criteria prescribed under paragraph (1)(A) in determining whether to make a referral for further evaluation of a member of the Armed Forces relating to mental health.

(D) The effectiveness of the tracking mechanisms required under paragraph (3) in ensuring that members who receive referrals for further evaluations relating to mental health receive such evaluations and obtain such care and services as are warranted.

(d) Comptroller General Reports on Implementation of Requirements.—

(1) Study on implementation.—The Comptroller General of the United States shall carry out a study of the implementation of the requirements prescribed under this section.

(2) Periodic evaluation of mental health assessment processes.—The Comptroller General shall, on a periodic basis, evaluate the following:

(A) The compliance of the Department of Defense and healthcare providers with the requirements under this section applicable to the assessment and referral of members of the Armed Forces relating to mental health.

(B) The effectiveness of the processes under such requirements in addressing the mental health care needs of members returning from deployments overseas.

(3) Reports.—(A) Not later than March 1, 2007, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study carried out under paragraph (1).

(B) Upon completion of an evaluation under paragraph (2), the Comptroller General shall submit to the committees of Congress referred to in subparagraph (A) a report on such evaluation.

(e) Contingency Operation Defined.—In this section, the term "contingency operation" has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.

(a) Finding.—Congress finds that the Mental Health Self-Assessment Program (MHSAP) of the Department of Defense is vital to the overall health and well-being of deploying members of the Armed Forces and their families because that program provides—

(1) a non-threatening, voluntary, anonymous self-assessment of mental health that is effective in helping to detect mental health and substance abuse conditions;

(2) awareness regarding warning signs of such conditions; and

(3) information and outreach to members of the Armed Forces (including members of the National Guard and Reserves) and their families on specific services available for such conditions.

(b) Expansion of Program.—The Secretary of Defense shall, acting through the Office of Health Affairs of the Department of Defense, take appropriate actions to expand the Mental Health Self-Assessment Program in order to achieve the following:

(1) The continuous availability of the assessment under the program to members and former members of the Armed Forces in order to ensure the long-term availability of the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge over time.

(2) The availability of programs and services under the program to address the mental health of dependent children of members of the Armed Forces who have been deployed or mobilized.

(c) Outreach.—The Secretary shall develop and implement a plan to conduct outreach and other appropriate activities to expand and enhance awareness of the Mental Health Self-Assessment Program, and the programs and services available under that program, among members of the Armed Forces (including members of the National Guard and Reserves) and their families.

(d) Reports.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions undertaken under this section during the one-year period ending on the date of such report.

SEC. 731. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) Additional Number of Authorized Periods.—

(1) In general.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) Limitation on number of extensions.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed 2 extensions.

(3) Notice and wait.—The Secretary may not commence the exercise of the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) Definitions.—In this subsection, the terms "administering Secretaries" and "TRICARE program" have the meaning given such terms in section 1072 of title 10, United States Code.

(b) Report on Contracting Mechanisms for Health Care Service Support Contracts.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as "excellent".

SEC. 732. MILITARY VACCINATION MATTERS.

(a) Additional Element for Comptroller General Study and Report on Vaccine Healthcare Centers.—Section 736(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3356) is amended by adding at the end the following new paragraph:

"(10) The feasibility and advisability of transferring direct responsibility for the Centers from the Army Medical Command to the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Force Protection and Readiness.".

(b) Response to Medical Needs Arising From Mandatory Military Vaccinations.—

(1) In general.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(2) Elements.—The joint military medical center of excellence under paragraph (1) shall consist of the following:

(A) The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.

(B) Any other elements that the Secretary considers appropriate.

(3) Authorized activities.—In acting as the principal elements of the joint military medical center under paragraph (1), the Vaccine Healthcare Centers referred to in paragraph (2)(A) may carry out the following:

(A) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(B) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(C) The development and sustainment of a long-term vaccine safety and efficacy registry.

(D) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(E) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(F) Educational outreach for immunization providers and those required to receive immunizations.

(G) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

(c) LIMITATION ON RESTRUCTURING OF VACCINE HEALTHCARE CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense until the Secretary submits to Congress a report setting forth a plan for meeting the immunization needs of the Armed Forces during the 10-year period beginning on the date of the submittal of the report.

(2) REPORT ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the potential biological threats to members of the Armed Forces that are addressable by vaccine.

(B) An assessment of the distance and time required to travel to a Vaccine Healthcare Center by members of the Armed Forces who have severe reactions to a mandatory military vaccine.

(C) An identification of the most effective mechanisms for ensuring the provision services by the Vaccine Healthcare Centers to both military medical professionals and members of the Armed Forces.

(D) An assessment of current military and civilian expertise with respect to mass adult immunization programs, including case management under such programs for rare adverse reactions to immunizations.

(E) An organizational structure for each military department to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces.

SEC. 733. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) REQUIRED ELEMENTS OF ASSESSMENTS.—Each pre-deployment mental health assessment of a member of the Armed Forces, shall include the following:

(1) A mental health history of the member, with emphasis on mental health status during the 12-month period ending on the date of the assessment and a review of military service during that period.

(2) An assessment of the current treatment of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(3) An assessment of any behavior of the member identified by the member's commanding officer that could indicate the presence of a mental health condition.

(4) Information provided by the member (through a checklist or other means) on the presence of any serious mental illness or any symptoms indicating a mental health condition or disorder.

(b) REFERRAL FOR FURTHER EVALUATION.—Each member of the Armed Forces who is determined during a pre-deployment or post-deployment mental health assessment to have, or have symptoms or indicators for, a mental health condition or disorder shall be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

(c) REFERRAL OF MEMBERS DEPLOYED IN CONTINGENCY OR COMBAT OPERATIONS.—Any member of the Armed Forces called or ordered to active duty in support of contingency or combat operations who requests access to mental health care services any time before, during, or after deployment shall be provided access to such services—

(1) not later than 72 hours after the making of such request; or

(2) at the earliest practicable time thereafter.

(d) MINIMUM MENTAL HEALTH STANDARDS FOR DEPLOYMENT.—

(1) STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations minimum standards for mental health for the eligibility of a member of the Armed Forces for deployment to a combat operation or contingency operation.

(2) ELEMENTS.—The standards required by paragraph (1) shall include the following:

(A) A specification of the mental health conditions, treatment for such conditions, and receipt of psychotropic medications for such conditions that preclude deployment of a member of the Armed Forces to a combat operation or contingency operation, or to a specified type of such operation.

(B) Guidelines for the deployability and treatment of members of the Armed Forces diagnosed with a severe mental illness or Post Traumatic Stress Disorder (PTSD).

(3) UTILIZATION.—The Secretary shall take appropriate actions to ensure the utilization of the standards prescribed under paragraph (1) in the making of determinations regarding the deployability of members of the Armed Forces to a combat operation or contingency operation.

(e) MONITORING OF CERTAIN INDIVIDUALS.—The Secretary of Defense shall develop a plan, to be implemented throughout the Department of Defense, for monitoring the mental health of each member of the Armed Forces who, after deployment to a combat operation or contingency operation, is known—

(1) to have a mental health condition or disorder; or

(2) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.

(f) IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the actions taken to implement the requirements of this section.

SEC. 734. EDUCATION, TRAINING, AND SUPERVISION OF PERSONNEL PROVIDING SPECIAL EDUCATION SERVICES UNDER EXTENDED BENEFITS UNDER TRICARE.

Section 1079(d)(2) of title 10, United States Code is amended by adding at the end the following: "The regulations shall include the following:

"(A) Requirements for education, training, and supervision of individuals providing special education services known as Applied Behavioral Analysis under this subsection that are in addition to any other education, training, and supervision requirements applicable to Board Certified Behavior Analysts or Board Certified Associate Behavior Analysts or are otherwise applicable to personnel providing such services under applicable State law.

"(B) Metrics to identify and measure the availability and distribution of individuals of various expertise in Applied Behavioral Analysis in order to evaluate and assure the availability of qualified personnel to meet needs for Applied Behavioral Analysis under this subsection.".

Subtitle C—Studies and Reports

SEC. 741. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) PILOT PROJECTS REQUIRED.—The Secretary of Defense shall carry out not less than three pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

(b) DURATION.—The requirement to carry out pilot projects under this section shall commence on October 1, 2007. Any pilot projects carried out under this section shall cease on September 30, 2008.

(c) PILOT PROJECT REQUIREMENTS.—

(1) MOBILIZATION-DEMOBILIZATION FACILITY.—

(A) IN GENERAL.—One of the pilot projects under this section shall be carried out at a military medical facility at a large military installation at which the mobilization or demobilization of members of the Armed Forces occurs.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed to evaluate and produce effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diagnose and treat Post Traumatic Stress Disorder in a manner that avoids the referral of patients to specialty care by a psychiatrist or other mental health professional.

(2) NATIONAL GUARD OR RESERVE FACILITY.—

(A) IN GENERAL.—One of the pilot projects under this section shall be carried out at the location of a National Guard or Reserve unit or units that are located more than 40 miles from a military medical facility and whose personnel are served primarily by civilian community health resources.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed—

(i) to evaluate approaches for providing evidence-based clinical information on Post Traumatic Stress Disorder to civilian primary care providers; and

(ii) to develop educational materials and other tools for use by members of the National Guard or Reserve who come into contact with other members of the National Guard or Reserve who may suffer from Post Traumatic Stress Disorder in order to encourage and facilitate early reporting and referral for treatment.

(3) INTERNET-BASED DIAGNOSIS AND TREATMENT.—One of the pilot projects under this section shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of Post Traumatic Stress Disorder, and for tracking patients who suffer from Post Traumatic Stress Disorder; and

(B) Internet-based tools available to family members of members of the Armed Forces in order to assist such family members in the identification of the emergence of Post Traumatic Stress Disorder.

(d) EVALUATION OF PILOT PROJECTS.—The Secretary shall evaluate each pilot project carried out under this section in order to assess the effectiveness of the approaches taken under such pilot project—

(1) to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the regular components of the Armed Forces, and among members of the National Guard and Reserves, who have returned from deployment; and

(2) to provide outreach to the family members of the members of the Armed Forces described in paragraph (1) on Post Traumatic Stress Disorder and other mental health conditions among such members of the Armed Forces.

(e) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the pilot projects carried out under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of each pilot project carried out under this section.

(B) An assessment of the effectiveness of the approaches taken under each pilot project to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the Armed Forces.

(C) Any recommendations for legislative or administrative action that the Secretary considers appropriate in light of the pilot projects, including recommendations on—

(i) the training of health care providers in the military and civilian health care systems on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions; and

(ii) the provision of outreach on Post Traumatic Stress Disorder and other mental health conditions to members of the National Guard and Reserves who have returned from deployment.

(D) A plan, in light of the pilot projects, for the improvement of the health care services provided to members of the Armed Forces in order to better assure the early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the Armed Forces, including a specific plan for outreach on Post Traumatic Stress Disorder and other mental health conditions to members of the National Guard and Reserve who have returned from deployment in order to facilitate and enhance the early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among such members of the National Guard and Reserves.

(f) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 303(a) for the Defense Health Program, $10,000,000 shall be available for pilot projects under this section.

(2) AVAILABILITY.—The amount available under paragraph (1) shall remain available until expended.

SEC. 742. ANNUAL REPORTS ON CERTAIN MEDICAL MALPRACTICE CASES.

(a) ANNUAL REPORTS TO SECRETARY OF DEFENSE.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 1, 2007, and annually thereafter, each Secretary of a military department shall submit to the Secretary of Defense a report on the following:

(A) Each case (other than a case involving the treatment of a member of the Armed Forces on active duty) during the preceding calendar year in which—

(i) a complaint or claim was made of medical malpractice committed in a medical treatment facility of such military department or by a health care provider of or employed by such military department; and

(ii) either—

(I) a judgment was entered against the United States in the amount of $1,000,000 or more; or

(II) an award, compromise, or settlement was entered into by the United States requiring payment by the United States in the amount of $1,000,000 or more.

(B) Each case during the preceding calendar year in which the death of, or serious personal injury to, a member of the Armed Forces on active duty occurred as a result of medical malpractice while the member was a patient in a medical treatment facility of such military department or under the care of a health care provider of or employed by such military department.

(2) REQUIRED INFORMATION.—The information required in a report under paragraph (1) on a case covered by such paragraph shall include the following:

(A) A description of the medical malpractice involved.

(B) A description of the actions, if any, taken with respect to the continued practice in the military health care system of the health care professionals involved.

(b) TRANSMITTAL OF REPORTS TO CONGRESS.—

(1) TRANSMITTAL REQUIRED.—Not later than April 1, 2007, and annually thereafter, the Secretary of Defense shall transmit to the congressional defense committees the reports submitted to the Secretary by the Secretaries of the military departments in such year.

(2) TRANSMITTAL MATTERS.—In transmitting reports for a year under paragraph (1), the Secretary may include with such reports the following:

(A) Any information or recommendations with respect to the matters covered by such reports that the Secretary considers appropriate.

(B) A summary of the actions taken during the year to address medical malpractice in the military health care system.

(c) DISCLOSURE OF INFORMATION.—In submitting or transmitting reports under this section, the Secretaries of the military departments and the Secretary of Defense shall ensure that the information contained in such reports is suitable for disclosure to the public, taking into account the provisions of law as follows:

(1) Section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(2) Laws relating to the protection and confidentiality of medical quality assurance records, including the provisions of section 1102 of title 10, United States Code.

(3) Any other laws relating to the protection and confidentiality of medical records.

SEC. 743. COMPTROLLER GENERAL STUDY ON DEPARTMENT OF DEFENSE PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the Department of Defense pharmacy benefits program required by section 1074g of title 10, United States Code.

(b) ELEMENTS.—The study required by subsection (a) shall include an examination of the following:

(1) The cost of the Department of Defense pharmacy benefits program since the inception of the program.

(2) The relative costs of various options under the program.

(3) The copayment structure under the program.

(4) The effectiveness of the rebate system under the program as a way of passing on discounts received by the Federal Government in the purchase of pharmaceutical agents.

(5) The uniform formulary under the program, including the success of the formulary in achieving savings anticipated through use of the formulary.

(6) Various alternative means of purchasing pharmaceutical agents more efficiently for availability under the program.

(7) The composition and decision-making processes of the Pharmacy and Therapeutics Committee.

(8) The composition of the Beneficiary Advisory Panel and its history as an advisory panel under the program (including the frequency of the acceptance of its recommendations by the Secretary of Defense).

(9) Quality assurance mechanisms under the program.

(10) The role of the program in support of the disease and chronic care management programs of the Department of Defense.

(11) Mechanisms for customer service and customer feedback under the program.

(12) Beneficiary satisfaction with the program.

(c) RESPONSE TO CERTAIN FINDINGS.—

(1) PHARMACY AND THERAPEUTICS COMMITTEE.—The Pharmacy and Therapeutics Committee shall—

(A) examine the results of the study of the Comptroller General under subsection (b)(7); and

(B) make such recommendations to the Secretary of Defense for modifications in the composition and decision-making processes of the Committee as the Committee considers appropriate in light of such results in order to improve the efficiency of such processes.

(2) BENEFICIARY ADVISORY PANEL.—The Beneficiary Advisory Panel shall—

(A) examine the results of the study of the Comptroller General under subsection (b)(8); and

(B) make such recommendations to the Secretary of Defense for modifications in the composition and advisory functions of the Panel as the Panel considers appropriate in light of such results in order to—

(i) ensure the independence and consumer focus of the Panel;

(ii) ensure the participation of the Panel as an advisory board throughout implementation of the Department of Defense pharmacy benefits program; and

(iii) achieve more effective communication between the Secretary and the Panel.

(d) REPORT.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include such recommendations as the Comptroller General considers appropriate for legislative or administrative action to improve the Department of Defense pharmacy benefits program in light of the study.

SEC. 744. COMPTROLLER GENERAL AUDITS OF DEPARTMENT OF DEFENSE HEALTH CARE COSTS AND COST-SAVING MEASURES.

(a) GENERAL AUDIT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the health care costs and cost-saving measures of the Department of Defense in accordance with this subsection. The Comptroller General shall conduct the audit in conjunction with the Department of Defense initiative to manage future medical benefits available through the Department known as "Sustain the Benefit".

(2) ELEMENTS.—The audit required by paragraph (1) shall examine the following:

(A) The basis for the calculation by the Department of Defense of the portion of the costs of health care benefits provided by the Department to beneficiaries that were paid by such beneficiaries in each of 1995 and 2005, including—

(i) a comparison of the cost to the Department of providing such benefits in each of 1995 and 2005;

(ii) the explanation for any increases in the costs of the Department of providing such benefits between 1995 and 2005; and

(iii) a comparison of the amounts paid, by category of beneficiaries, for health care benefits in 1995 with the amounts paid, by category of beneficiaries, for such benefits in 2005.

(B) The calculations and assumptions utilized by the Department in estimating the savings anticipated through the implementation of proposed increases in cost-sharing for health care benefits beginning in 2007.

(C) The average annual rate of increase, based on inflation, of medical costs for the Department under the Defense Health Program.

(D) The annual rate of growth in the cost of the Defense Health Program that is attributable to inflation in the cost of medical services over the last five years and how such rate of growth compares with annual rates of increases in health care premiums under the Federal Employee Health Benefit Program and other health care programs as well as rates of growth of other health care cost indices over that time.

(E) The assumptions utilized by the Department in estimating savings associated with adjustments in copayments for pharmaceuticals.

(F) The costs of the administration of the Defense Health Program and the TRICARE program for all categories of beneficiaries.

(c) AUDIT OF TRICARE RESERVE SELECT PROGRAM.—

(1) IN GENERAL.—In addition to the audit required by subsection (a), the Comptroller General shall conduct an audit of the costs of the Department of Defense in implementing the TRICARE Reserve Select Program.

(2) ELEMENTS.—The audit required by paragraph (1) shall include an examination of the following:

(A) A comparison of the annual premium amounts established by the Department of Defense for the TRICARE Reserve Select Program with the actual costs of the Department in providing benefits under that program in fiscal years 2004 and 2005.

(B) The rate of inflation of health care costs of the Department during fiscal years 2004 and 2005, and a comparison of that rate of inflation with the annual increase in premiums under the TRICARE Reserve Select Program in January 2006.

(C) A comparison of the financial and health-care utilization assumptions utilized by the Department in establishing premiums under the TRICARE Reserve Select Program with actual experiences under that program in the first year of the implementation of that program.

(3) TRICARE RESERVE SELECT PROGRAM DEFINED.—In this section, the term "TRICARE Reserve Select Program" means the program carried out under section 1074d of title 10, United States Code.

(d) USE OF INDEPENDENT EXPERTS.—Notwithstanding any other provision of law, in conducting the audits required by this section, the Comptroller General may engage the services of appropriate independent experts, including actuaries.

(e) REPORT.—Not later than April 1, 2007, the Comptroller General shall submit to the congressional defense committees a report on the audits conducted under this section. The report shall include—

(1) the findings of the Comptroller General as a result of the audits; and

(2) such recommendations as the Comptroller General considers appropriate in light of such findings to ensure maximum efficiency in the administration of the health care benefits programs of the Department of Defense.

SEC. 745. REVIEW OF DEPARTMENT OF DEFENSE MEDICAL QUALITY IMPROVEMENT PROGRAM.

(a) REVIEW REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of conducting an independent review of the Department of Defense medical quality improvement program.

(b) ELEMENTS.—The review required pursuant to subsection (a) shall include the following:

(1) An assessment of the methods used by the Department of Defense to monitor medical quality in services provided in military hospitals and clinics and in services provided in civilian hospitals and providers under the military health care system.

(2) An assessment of the transparency and public reporting mechanisms of the Department on medical quality.

(3) An assessment of how the Department incorporates medical quality into performance measures for military and civilian health care providers within the military health care system.

(4) An assessment of the patient safety programs of the Department.

(5) A description of the extent to which the Department seeks to address particular medical errors, and an assessment of the adequacy of such efforts.

(6) An assessment of accountability within the military health care system for preventable negative outcomes involving negligence.

(7) An assessment of the performance of the health care safety and quality measures of the Department.

(8) An assessment of the collaboration of the Department with national initiatives to develop evidence-based quality measures and intervention strategies, especially the initiatives of the Agency for Health Care Research and Quality within the Department of Health and Human Services.

(9) A comparison of the methods, mechanisms, and programs and activities referred to in paragraphs (1) through (8) with similar methods, mechanisms, programs, and activities used in other public and private health care systems and organizations.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the review required pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the review required pursuant to subsection (a).

(B) A discussion of recent highlights in the accomplishments of the Department of Defense medical quality assurance program.

(C) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of the program.

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term "uranium-exposed soldiers" means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

Subtitle D—Other Matters

SEC. 761. EXTENSION OF LIMITATION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

Section 744(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3360; 10 U.S.C. 129c note) is amended—

(1) by inserting "in a fiscal year" before "until";

(2) by inserting "with respect to that fiscal year" after "House of Representatives"; and

(3) by striking the last sentence and inserting the following new sentences: "The certification with respect to fiscal year 2007 may not be submitted before June 30, 2006. The certification with respect to any fiscal year after fiscal year 2007 shall be submitted at the same time the budget of the President for such fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code.".

SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) TRANSFER.—

(1) NOTIFICATION OF PARTICIPANTS.—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-Up Agency (in this section referred to as the "Agency") of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) COMPLETION OF TRANSFER.—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) COPIES TO ARCHIVES.—The Air Force shall send paper copies of all study documents to the National Archives.

(b) REPORT ON TRANSFER.—

(1) REQUIREMENT.—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the transfer.

(2) MATTERS COVERED.—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) DISPOSITION OF ASSETS NOT TRANSFERRED.—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) FUNDING.—

(1) COSTS OF TRANSFER.—Of the funds available to the Defense Health Program, the Secretary of Defense may make available to the Air Force $850,000 for preparation, transfer of the assets of the Air Force Health Study and shipment of data and specimens to the Medical Follow-Up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) COSTS OF COLLABORATION.—Of the funds available to the Defense Health Program, the Secretary of Defense may reimburse the National Academy of Sciences up to $200,000 for costs of the Medical Follow-Up Agency to collaborate with the Air Force in the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that year.

SEC. 763. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative of the Department of Defense implements cutting edge transformational medical technologies and applies them to address the challenges of known, emerging, and bioengineered threats.

(3) The Transformational Medical Technology Initiative is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional approaches.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(2) innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. ADDITIONAL CERTIFICATION REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ADDITIONAL CERTIFICATION REQUIREMENTS.—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) redesignating paragraph (7) as paragraph (10); and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) the program is needed to meet validated requirements consistent with the national military strategy;

"(8) reasonable estimates have been developed to execute the product development and production plan under the program;

"(9) funding is available to execute the product development and production plan under the program consistent with the estimates described in paragraph (8) for the program; and".

(b) WAIVER FOR NATIONAL SECURITY.—Subsection (c) of such section is amended by striking "(5), or (6)" and inserting "(5), (6), (7), (8), or (9)".

SEC. 802. EXTENSION AND ENHANCEMENT OF DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) PRIORITY FOR PROPOSALS FROM CERTAIN BUSINESSES.—Paragraph (5) of subsection (b) of section 2359b of title 10, United States Code, is amended to read as follows:

"(5) The Under Secretary—

"(A) may establish procedures to ensure that the Challenge Program does not become an avenue for the repetitive submission of proposals that have been previously reviewed and found not to have merit; and

"(B) may establish procedures to ensure that the Challenge Program establishes appropriate priorities for proposals from businesses that are not major contractors with the Department of Defense.".

(b) EXTENSION.—Subsection (j) of such section is amended by striking "September 30, 2007" and inserting "September 30, 2012".

SEC. 803. BASELINE DESCRIPTION AND UNIT COST REPORTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) SPECIFICATION OF ORIGINAL BASELINE ESTIMATE.—Section 2435(d)(1) of title 10, United States Code, is amended by inserting after "with respect to the program under subsection (a)" the following: "in preparation for entry into system development and demonstration, or at program initiation, whichever occurs later".

(b) REPORTS TO CONGRESS ON CERTAIN COST INCREASES.—Section 2433(e)(1) of such title is amended by adding at the end the following new subparagraph:

"(C) If the Secretary concerned determines that the program acquisition unit cost or procurement unit cost of a major defense acquisition program has increased by a percentage equal to or greater than the significant cost growth threshold for the program and a Selected Acquisition Report has been submitted to Congress under subparagraph (A) or (B), each subsequent quarterly or comprehensive annual Selected Acquisition Report shall include the information required by subsection (g). No further report on increases in the program acquisition unit cost or procurement unit cost shall be required under subsection (c) or (d) unless the program manager has reasonable cause to believe that the program acquisition unit cost or procurement unit cost has increased by a percentage equal to or greater than the critical cost growth threshold.".

SEC. 804. MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) REPORTS AND INFORMATION ON PROGRAM COST AND PERFORMANCE.—

(1) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 144 the following new chapter:

"CHAPTER 144A—MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS

"Sec.
"2445a. Major automated information system program defined.
"2445b. Cost, schedule, and performance information.
"2445c. Reports: quarterly reports; reports on program changes.
"2445d. Construction with other reporting requirements.

"§ 2445a. Major automated information system program defined

"(a) IN GENERAL.—In this chapter, the term 'major automated information system program' means a Department of Defense program for the acquisition of an automated information system (either as a product or a service) if—

"(1) the program is designated by the Secretary of Defense, or a designee of the Secretary, as a major automated information system program; or

"(2) the dollar value of the program is estimated to exceed—

"(A) $32,000,000 in fiscal year 2000 constant dollars for all program costs in a single fiscal year;

"(B) $126,000,000 in fiscal year 2000 constant dollars for all program acquisition costs for the entire program; or

"(C) $378,000,000 in fiscal year 2000 constant dollars for the total life-cycle costs of the program (including operation and maintenance costs).

"(b) ADJUSTMENT.—The Secretary of Defense may adjust the amounts (and base fiscal year) set forth in subsection (a) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the Secretary transmits a written notification of the adjustment to the congressional defense committees.

‘‘(c) Increments.—In the event any increment of a major automated information system program separately meets the requirements for treatment as a major automated information system program, the provisions of this chapter shall apply to such increment as well as to the overall major automated information system program of which such increment is a part.

‘‘§ 2445b. Cost, schedule, and performance information

‘‘(a) Submittal of Cost, Schedule, and Performance Information.—The Secretary of Defense shall submit to Congress each calendar year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, budget justification documents regarding cost, schedule, and performance for each major automated information system program for which funds are requested by the President in the budget.

‘‘(b) Elements.—The documents submitted under subsection (a) with respect to a major automated information system program shall include detailed and summarized information with respect to the automated information system to be acquired under the program, and shall specifically include each of the following:

‘‘(1) The development schedule, including major milestones.

‘‘(2) The implementation schedule, including estimates of milestone dates, initial operational capability, and full operational capability.

‘‘(3) Estimates of development costs and full life-cycle costs.

‘‘(4) A summary of key performance parameters.

‘‘(c) Baseline.—(1) For purposes of this chapter, the initial submittal to Congress of the documents required by subsection (a) with respect to a major automated information system program shall constitute the original estimate or information originally submitted on such program for purposes of the reports and determinations on program changes in section 2445c of this title.

‘‘(2) An adjustment or revision of the original estimate or information originally submitted on a program may be treated as the original estimate or information originally submitted on the program if the adjustment or revision is the result of a critical change in the program covered by section 2445c(d) of this title.

‘‘(3) In the event of an adjustment or revision to the original estimate or information originally submitted on a program under paragraph (2), the Secretary of Defense shall include in the next budget justification documents submitted under subsection (a) after such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.

‘‘§ 2445c. Reports: quarterly reports; reports on program changes

‘‘(a) Quarterly Reports by Program Managers.—The program manager of a major automated information system program shall, on a quarterly basis, submit to the senior Department of Defense official responsible for the program a written report identifying any variance in the projected development schedule, implementation schedule, life-cycle costs, or key performance parameters for the major automated information system to be acquired under the program from such information as originally submitted to Congress under section 2445b of this title.

‘‘(b) Senior Officials Responsible for Programs.—For purposes of this section, the senior Department of Defense official responsible for a major automated information system program is—

‘‘(1) in the case of an automated information system to be acquired for a military department, the senior acquisition executive for the military department; or

‘‘(2) in the case of any other automated information system to be acquired for the Department of Defense or any component of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

‘‘(c) Report on Significant Changes in Program.—

‘‘(1) In general.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 45 days after receiving such report, notify the congressional defense committees in writing of such determination.

‘‘(2) Covered determination.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

‘‘(A) there has been a schedule change that will cause a delay of more than six months but less than a year in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

‘‘(B) the estimated program development cost or full life-cycle cost for the program has increased by at least 15 percent, but less than 25 percent, over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

‘‘(C) there has been a significant, adverse change in the expected performance of the major automated information system to be acquired under the program from the parameters originally submitted to Congress under paragraph (4) of section 2445b(b) of this title.

‘‘(d) Report on Critical Changes in Program.—

‘‘(1) In general.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 60 days after receiving such report—

‘‘(A) carry out an evaluation of the program under subsection (e); and

‘‘(B) submit, through the Secretary of Defense, to the congressional defense committees a report meeting the requirements of subsection (f).

‘‘(2) Covered determination.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

‘‘(A) there has been a schedule change that will cause a delay of one year or more in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

‘‘(B) the estimated program development cost or full life-cycle cost for the program has increased by 25 percent or more over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

‘‘(C) there has been a change in the expected performance of the major automated information system to be acquired under the program that will undermine the ability of the system to perform the functions anticipated at the time information on the program was originally submitted to Congress under section 2445b(b) of this title.

‘‘(e) Program Evaluation.—The evaluation of a major automated information system program conducted under this subsection for purposes of subsection (d)(1)(A) shall include an assessment of—

‘‘(1) the projected cost and schedule for completing the program if current requirements are not modified;

‘‘(2) the projected cost and schedule for completing the program based on reasonable modification of such requirements; and

‘‘(3) the rough order of magnitude of the cost and schedule for any reasonable alternative system or capability.

‘‘(f) Report on Critical Program Changes.—A report on a major automated information system program conducted under this subsection for purposes of subsection (d)(1)(B) shall include a written certification (with supporting explanation) stating that—

‘‘(1) the automated information system to be acquired under the program is essential to the national security or to the efficient management of the Department of Defense;

‘‘(2) there is no alternative to the system which will provide equal or greater capability at less cost;

‘‘(3) the new estimates of the costs, schedule, and performance parameters with respect to the program and system are reasonable; and

‘‘(4) the management structure for the program is adequate to manage and control program costs.

‘‘(g) Prohibition on Obligation of Funds.—(1) If the determination of a critical change to a program is made by the senior Department official responsible for the program under subsection (d)(2) and a report is not submitted to Congress within the 60-day period provided by subsection (d)(1), appropriated funds may not be obligated for any major contract under the program.

‘‘(2) The prohibition on the obligation of funds for a program under paragraph (1) shall cease to apply on the date on which Congress has received a report in compliance with the requirements of subsection (d)(2).

‘‘§ 2445d. Construction with other reporting requirements

‘‘In the case of a major automated information system program covered by this chapter that is also treatable as a major defense acquisition program for which reports would be required under chapter 144 of this title, no reports on the program are required under such chapter if the requirements of this chapter with respect to the program are met.’’.

(2) Clerical amendments.—The tables of chapters the beginning of subtitle A of such title, and of part IV of subtitle A of such title, are each amended by inserting after the item relating to chapter 144 the following new item:

‘‘144A. Major Automated Information System Programs .... 2445a’’.

(b) Report on Reporting Requirements Applicable to Major Automated Information System Programs.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the reporting requirements applicable to major automated information system programs as of the date of the report, including a specification of such reporting requirements considered by the Secretary to be duplicative or redundant.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply with respect to any major automated information system program for which amounts are requested in the budget of the President (as submitted to Congress under section 1105 of title 31, United States Code) for a fiscal year after fiscal year 2008, regardless of whether the acquisition of the automated information system to be acquired under the program was initiated before, on, or after January 1, 2008.

(2) REPORT REQUIREMENT.—Subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 805. ADJUSTMENT OF ORIGINAL BASELINE ESTIMATE FOR MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING COST GROWTH RESULTING FROM DAMAGE CAUSED BY HURRICANES KATRINA, RITA, AND WILMA.

(a) ADJUSTMENT AUTHORIZED.—Notwithstanding any limitations under section 2435(d) of title 10, United States Code, the Secretary of Defense may adjust the original Baseline Estimate for a major defense acquisition program that is carried out primarily in the Hurricane Katrina disaster area, Hurricane Rita disaster area, or Hurricane Wilma disaster area for the sole purpose of addressing cost growth in such program that, as determined by the Secretary, is directly attributable to damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma.

(b) NOTICE TO CONGRESS.—The Secretary shall identify any adjustment to the original Baseline Estimate of a major defense acquisition program under subsection (a), and provide an explanation of the basis for such adjustment, in the first Selected Acquisition Report that is submitted under section 2432 of title 10, United States Code, after such adjustment is made.

(c) SUNSET.—The authority to adjust an original Baseline Estimate for a major defense acquisition program under subsection (a) shall expire on the date that is one year after the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term "major defense acquisition program" has the meaning given that term in section 2430 of title 10, United States Code.

(2) The term "original Baseline Estimate", in the case of a major defense acquisition program, means the first baseline description for the program established under section 2435(a) of title 10, United States Code.

(3) The terms "Hurricane Katrina disaster area", "Hurricane Rita disaster area", and "Hurricane Wilma disaster area" have the meaning given such terms in section 1400M of the Internal Revenue Code of 1986.

SEC. 806. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2007, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2008, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2007; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2007, and before June 16, 2008, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2008, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or subsection (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term "covered non-defense agency" means each of the following:

(A) The Department of Veterans Affairs.

(B) The National Institutes of Health.

(2) The term "governmentwide acquisition contract", with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 807. REGULATIONS ON USE OF FIXED-PRICE CONTRACTS IN DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the use of fixed-price type contracts in development programs.

(b) ELEMENTS.—As modified under subsection (a), the regulations described in that subsection shall—

(1) establish a preference for the use of fixed-price type contracts in development programs to the maximum extent practicable in light of the level of program risk; and

(2) require the use of fixed-price type contracts in each contract for system development and demonstration, or operational system development, unless the use of a different contract type is specifically authorized pursuant to subsection (c).

(c) AUTHORIZATION OF USE OF DIFFERENT CONTRACT TYPE.—

(1) IN GENERAL.—As modified under subsection (a), the regulations described in that subsection shall provide that the Secretary of Defense may authorize the use of a difference contract type under subsection (b)(2) with respect to a program upon a written determination by the Secretary that—

(A) the program is so complex and technically challenging that it would not be practicable to reduce program risk to a level that would permit the use of a fixed-price type contract; and

(B) the complexity and technical challenge of the program is not the result of a failure to meet the certification requirements established in section 2366a of title 10, United States Code.

(2) SUBMITTAL TO CONGRESSIONAL DEFENSE COMMITTEES.—The regulations shall provide that a copy of any determination on a program under paragraph (1), together with an explanation of the basis for such determination, shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of title 10, United States Code, after such determination is made.

(3) DELEGATION OF AUTHORITY.—The regulations shall provide that the authority to make a determination under paragraph (1) may not be delegated below the level of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(d) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 807 of the National Defense Authorization Act for Fiscal Year 1989 (10 U.S.C. 2304 note) is repealed.

(e) EFFECTIVE DATE OF REGULATIONS.—

(1) IN GENERAL.—The modified regulations required under this section shall apply to any contract entered into after the date that is 120 days after the date of the enactment of this Act.

(2) SYSTEM DEVELOPMENT AND DEMONSTRATION OR OPERATIONAL SYSTEM DEVELOPMENT.—The modification required by subsection (b)(2) in the regulations shall apply with respect to programs that enter into system development and demonstration, or operational system development, after the date that is 120 days after the date of the enactment of this Act.

SEC. 808. AVAILABILITY OF FUNDS FOR PERFORMANCE-BASED LOGISTICS CONTRACTS FOR WEAPON SYSTEMS LOGISTICS SUPPORT.

(a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—

(1) IN GENERAL.—Amounts available to the Department of Defense for operation and maintenance—

(A) are available for performance-based logistics contracts for weapon systems; and

(B) subject to paragraph (2), may be used in accordance with the terms of such contracts to implement engineering changes that result in a reduction of the operation and maintenance costs to the Government of such systems.

(2) LIMITATION.—Funds may not be used for a performance-based logistics contract to implement engineering changes the total cost of which is expected to exceed $20,000,000.

(b) NOTICE TO CONGRESS ON ENTRY INTO CONTRACTS.—

(1) IN GENERAL.—Not later than 30 days before entering into a performance-based logistics contract under this section, the Secretary of a military department shall submit to Congress a notice of intent to enter into such contract.

(2) ELEMENTS.—The notice on a performance-based logistics contract under paragraph (1) shall include the following:

(A) A statement that the military department concerned—

(i) has performed a business case analysis for such contract;

(ii) has determined, based on such analysis, that there is a reasonable expectation that such contract will result in an overall reduction of operation and maintenance costs with respect to a weapon system; and

(iii) has specific plans in place to—

(I) update such analysis at appropriate decision points when sufficient cost and performance data have been collected to validate the assumptions used in developing such analysis; and

(II) periodically review and validate the propriety and integrity of program performance measures, and verify the reliability of contractor cost and performance data, with respect to such contract.

(B) An estimate of the projected cost and savings from such contract, together with an explanation of the basis for such estimates.

(c) PERFORMANCE-BASED LOGISTICS CONTRACT DEFINED.—In this section, the term "performance-based logistics contract" means a contract for the acquisition of logistics support (whether at the system, subsystem, or major assembly level) for a weapon system that combines logistics support in an integrated, affordable, performance package designed to optimize system readiness and meet performance goals for the weapon system through long-term support arrangements with clear lines of authority and responsibility for the provision of such support.

(d) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the status of all performance-bases logistics contracts entered into pursuant to this section.

(2) ELEMENTS.—The report under paragraph (1) shall include, for each contract covered by such report, a comparison of the projected cost and savings of such contract (as estimated in the notice to Congress under subsection (b)(2)(B)) with the actual cost and savings of such contract (as determined in accordance with the plan for such contract under subsection (b)(2)(A)(iii)).

(e) SUNSET.—

(1) IN GENERAL.—The authority to enter contracts under this section shall terminate on September 30, 2012.

(2) EFFECT ON EXISTING CONTRACTS. The termination under paragraph (1) of the authority to enter contracts under this section shall not affect the use of funds for purposes authorized by subsection (a) under contracts entered on or before the date specified in that paragraph.

SEC. 809. QUALITY CONTROL IN PROCUREMENT OF SHIP CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) QUALITY CONTROL POLICY.—The Secretary of Defense shall prescribe in regulations a quality control policy for the procurement of the following:

(1) Ship critical safety items.

(2) Modifications, repair, and overhaul of ship critical safety items.

(b) ELEMENTS.—The policy required under subsection (a) shall include requirements as follows:

(1) That the head of the design control activity for ship critical safety items establish processes to identify and manage the procurement, modification, repair, and overhaul of such items.

(2) That the head of the contracting activity for a ship critical safety item enter into a contract for the procurement, modification, repair, or overhaul of such item only with a source on a qualified manufacturers list or a source approved by the design control activity in accordance with section 2319 of title 10, United States Code (as amended by subsection (d)).

(3) That the ship critical safety items delivered, and the services performed with respect to such items, meet all technical and quality requirements specified by the design control activity.

(c) DEFINITIONS.—In this section, the terms "ship critical safety item" and "design control activity" have the meanings given such terms in subsection (g) of 2319 of title 10, United States Code (as so amended).

(d) CONFORMING AMENDMENTS.—Section 2319 of title 10, United States Code, is amended—

(1) in subsection (c)(3), by inserting "or ship critical safety item" after "aviation critical safety item"; and

(2) in subsection (g)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) The term 'ship critical safety item' means any ship part, assembly, or support equipment containing a characteristic the failure, malfunction, or absence of which could cause a catastrophic or critical failure resulting in loss of or serious damage to the ship or unacceptable risk of personal injury or loss of life."; and

(C) in paragraph (3), as so redesignated—

(i) by inserting "or ship critical safety item" after "aviation critical safety item";

(ii) by inserting ", or the seaworthiness of a ship or ship equipment," after "equipment"; and

(iii) by striking "the item" and inserting "such item".

SEC. 810. THREE-YEAR EXTENSION OF REQUIREMENT FOR REPORTS ON COMMERCIAL PRICE TREND ANALYSES OF THE DEPARTMENT OF DEFENSE.

Section 803(c)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2306a note) is amended by striking "2006" and inserting "2009".

SEC. 811. PILOT PROGRAM ON TIME-CERTAIN DEVELOPMENT IN ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) Pilot Program Authorized.—The Secretary of Defense may carry out a pilot program on the use of time-certain development in the acquisition of major weapon systems.

(b) Purpose of Pilot Program.—The purpose of the pilot program authorized by subsection (a) is to assess the feasibility and advisability of utilizing time-certain development in the acquisition of major weapon systems in order to deliver new capabilities to the warfighter more rapidly through disciplined decision-making, emphasis on technological maturity, and appropriate tradeoffs between system performance and schedule.

(c) Inclusion of Systems in Pilot Program.—

(1) In general.—The decision whether to include a major weapon system in the pilot program shall be made by the Milestone Decision Authority for the acquisition program for the system.

(2) Criteria.—A major weapon system may be included in the pilot program only if the Milestone Decision Authority determines, in consultation with the service acquisition executive for the military department carrying out the acquisition program for the system and one or more combatant commanders responsible for fielding the system, that—

(A) the certification requirements of section 2366a of title 10, United States Code, have been met, and no waivers have been granted from such requirements;

(B) a preliminary design has been completed after appropriate requirements analysis using systems engineering, and the system, as so designed, will meet battlefield needs identified by the relevant combatant commanders;

(C) all critical technologies needed to meet system requirements have been demonstrated in an operational environment;

(D) an independent cost estimate has been conducted and used as the basis for funding requirements for the acquisition program for the system;

(E) the budget of the military department responsible for carrying out the acquisition program for the system provides the funding necessary to execute the product development and production plan consistent with the requirements identified pursuant to subparagraph (D);

(F) an appropriately-qualified program manager has entered into a performance agreement with the Milestone Decision Authority that establishes expected parameters for the cost, schedule, and performance of the acquisition program for the system, consistent with a business case for such acquisition program;

(G) the service acquisition executive and the program manager have agreed that the program manager will continue in such position until the delivery of the initial operational capability under the acquisition program for the system;

(H) the service acquisition executive, the relevant combatant commanders, and the program manager have agreed that no additional requirements will be added during the development phase of the acquisition program for the system; and

(I) a planned initial operational capability will be delivered to the relevant combatant commanders no more than 6 years after the date of the milestone B approval for the system.

(3) Timing of decision.—The decision whether to include a major weapon system in the pilot program shall be made at the time of milestone approval for the acquisition program for the system.

(d) Limitation on Number of System in Pilot Program.—The number of major weapon systems included in the pilot program at any time may not exceed 12 major weapon systems.

(e) Special Funding Authority.—

(1) Authority for reserve account.—Notwithstanding any other provision of law, the Secretary of Defense may establish a special reserve account utilizing funds made available for the major weapon systems included in the pilot program.

(2) Elements.—The special reserve account may include—

(A) funds made available for any major weapon system included in the pilot program to cover termination liability;

(B) funds made available for any major weapon system included in the pilot program for award fees that may be earned by contractors; and

(C) funds appropriated to the special reserve account.

(3) Availability of funds.—Funds in the special reserve account may be used, in accordance with guidance issued by the Secretary for purposes of this section, for the following purposes:

(A) To cover termination liability for any major weapon system included in the pilot program.

(B) To pay award fees that are earned by any contractor for a major weapon system included in the pilot program.

(C) To address unforeseen contingencies that could prevent a major weapon system included in the pilot program from meeting critical schedule or performance requirements.

(4) Reports on use of funds.—Not later than 30 days after the use of funds in the special reserve account for the purpose specified in paragraph (3)(C), the Secretary shall submit to the congressional defense committees a report on report the use of funds in the account for such purpose. The report shall set forth the purposes for which the funds were used and the reasons for the use of the funds for such purposes.

(f) Administration of Pilot Program.—The Secretary of Defense shall prescribe policies and procedures on the administration of the pilot program. Such policies and procedures shall—

(1) provide for the use of program status reports based on earned value data to track progress on a major weapon system under the pilot program against baseline estimates applicable to such system at each systems engineering technical review point; and

(2) grant authority to the program manager for the acquisition program for a major weapon system to make key program decisions and trade-offs, subject to management reviews only if cost or schedule deviations exceed 10 percent baselines for such acquisition program.

(g) Expiration of Authority To Include Additional Systems in Pilot Program.—

(1) Expiration.—A major weapon system may not be included in the pilot program after September 30, 2012.

(2) Retention of systems.—A major weapon system included in the pilot program before the date specified in paragraph (1) in accordance with the requirements of this section may remain in the pilot program after that date.

(h) Annual Report.—

(1) In general.—Not later than one year after including the first major weapon system in the pilot program, and annually thereafter, the Secretary shall submit to the congressional defense committees a report on the pilot program, and the major weapon systems included in the pilot program, during the one-year period ending on the date of such report.

(2) Elements.—Each report under this subsection shall include—

(A) a description of progress under the pilot program, and on each major weapon system included in the pilot program, during the period covered by such report; and

(B) such other matters as the Secretary considers appropriate.

(i) Major Weapon System Defined.—In this section, the term "major weapon system" means a weapon system that is treatable as a major system under section 2302(5) of title 10, United States Code.

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) Government Performance of Functions.—

(1) In general.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Government Performance of Critical Acquisition Functions.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

"(1) Program manager.

"(2) Deputy program manager.

"(3) Chief engineer.

"(4) Systems engineer.

"(5) Cost estimator.".

(2) Definitional matters.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

"(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

"(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.".

(b) Effective Date and Phase-In.—

(1) Effective date.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) Temporary waver.—During the two-year period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

Subtitle B—Defense Industrial Base Matters

SEC. 821. REMOVAL OF HAND AND MEASURING TOOLS FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Subsection (b) of section 2533a of title 10, United States Code, is amended by striking paragraph (3).

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking “(b)(1)(A), (b)(2), or (b)(3)” each place it appears and inserting “(b)(1)(A) or (b)(2)”.

SEC. 822. APPLICABILITY OF CERTAIN REQUIREMENTS REGARDING SPECIALTY METALS.

(a) EXEMPTION FOR CERTAIN COMMERCIAL ITEMS.—Subsection (i) of section 2533a of title 10, United States Code, is amended—

(1) by inserting “, DUAL-USE ITEMS, AND ELECTRONIC COMPONENTS” after “COMMERCIAL ITEMS”;

(2) by inserting “(1)” before “this section”;

(3) in paragraph (1), as so designated, by inserting “described in subsection (b)(1)” after “commercial items”; and

(4) by adding at the end the following new paragraphs:

“(2) This section is not applicable to—

“(A) a contract or subcontract for the procurement of a commercial item containing specialty metals described in subsections (b)(2) and (b)(3); or

“(B) specialty metals that are incorporated into an electronic component, where the value of the specialty metal used in the component is de minimis in relation to the value of the electronic component.

“(3) For purposes of paragraph (2)(A), a commercial item does not include—

“(A) any item that contains noncommercial modifications that cost or are expected to cost, in the aggregate, more than 5 percent of the total price of such item;

“(B) any item that would not be considered to be a commercial item, but for sales to government entities or inclusion in items that are sold to government entities;

“(C) forgings or castings for military unique end items;

“(D) fasteners other than commercial off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)); or

“(E) specialty metals.”.

(b) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Such section is further amended by adding at the end the following new subsection:

“(k) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Subsection (a) does not apply to the procurement of an item from a contractor or a first-tier subcontractor if the Secretary of Defense or the Secretary of a military department determines that—

“(1) the item is or will be produced using the same production facilities, a common supply chain, and the same or similar production processes that are used for the production of similar items delivered to non-defense customers; and

“(2) the contractor or subcontractor has made a contractual commitment to purchase a quality, grade, and amount of domestically-melted specialty metals for use by the purchaser during the period of contract performance in the production of the item and other similar items delivered to non-defense customers that is not less that the greater of—

“(A) the amount of specialty metals that is purchased by the contractor for use in the item delivered to the Department of Defense; or

“(B) 40 percent of the amount of specialty metals purchased by the contractor or subcontractor for use during such period in the production of the item and similar items delivered to non-defense contractors.”.

(c) DE MINIMIS STANDARD FOR SPECIALTY METALS.—Such section is further amended by adding at the end the following new subsection:

“(l) MINIMUM THRESHOLD FOR SPECIALTY METALS.—Notwithstanding the requirements of subsection (a), the Secretary of Defense or the Secretary of a military department may accept delivery of an item containing specialty metals that were not grown, reprocessed, reused, or produced in the United States if the total amount of noncompliant specialty metals in the item does not exceed 2 percent of the total amount of specialty metals in the item.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to items accepted for delivery on or after that date.

(2) CIVIL-MILITARY INTEGRATION.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered into on or after that date.

SEC. 823. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2539c. Waiver of domestic source or content requirements

“(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

“(1) in a foreign country that has a Declaration of Principles with the United States;

“(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

“(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

“(b) COVERED REQUIREMENTS.—For purposes of this section:

“(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

“(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

“(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

“(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

“(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

“(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

“(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

“(1) The Small Business Act (15 U.S.C. 631 et seq.).

“(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

“(3) Sections 7309 and 7310 of this title.

“(4) Section 2533a of this title.

“(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

“(h) CLARIFICATION OF RELATIONSHIP WITH BUY AMERICAN ACT.—Nothing in this section shall be construed to alter in any way the applicability of the Buy American Act (41 U.S.C. 10a), or the authority of the Secretary of Defense to waive the requirements of such Act, with respect to the procurement of any item to which such Act would apply without regard to this section.

“(i) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

“(j) DECLARATION OF PRINCIPLES.—(1) In this section, the term ‘Declaration of Principles’ means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

“(A) harmonization of military requirements and acquisition processes;

“(B) security of supply;

“(C) export procedures;

“(D) security of information;

“(E) ownership and corporate governance;

“(F) research and development;

“(G) flow of technical information; and

“(H) defense trade.

“(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

"2539c. Waiver of domestic source or content requirements.".

SEC. 824. REPEAL OF REQUIREMENT FOR IDENTIFICATION OF ESSENTIAL MILITARY ITEMS AND MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 825. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

Subtitle C—Defense Contractor Matters

SEC. 841. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410p. Defense contractors: requirements concerning former Department of Defense officials

"(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

"(b) REPORT INFORMATION.—Except as provided in subsection (c), a report by a contractor under subsection (a) shall—

"(1) list the name of each person who—

"(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces who served—

"(i) in an Executive Schedule position under subchapter II of chapter 53 of title 5;

"(ii) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5;

"(iii) in a general or flag officer position compensated at a rate of pay for grade 0–7 or above under section 201 of title 37; or

"(iv) as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract with a value in excess of $10,000,000; and

"(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than two years after such officer, employee, or member left service in the Department of Defense; and

"(2) in the case of each person listed under paragraph (1)—

"(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

"(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

"(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.

"(c) DUPLICATE INFORMATION NOT REQUIRED.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a previous annual report filed by such contractor under this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410p. Defense contractors: requirements concerning former Department of Defense officials.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 842. LEAD SYSTEMS INTEGRATORS.

(a) LIMITATIONS ON CONTRACTORS ACTING AS LEAD SYSTEMS INTEGRATORS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 841(a)(1) of this Act, is further amended by adding at the end the following new section:

"§ 2410q. Contracts: limitations on lead systems integrators

"(a) IN GENERAL.—Except as provided in subsection (b), no contractor performing any inherently governmental functions, or functions closely associated with inherently governmental functions, relating to the acquisition, engineering, structuring, planning, integration, management, or control of a system of systems, regardless of whether or not such contractor is expressly designated as a so-called 'lead systems integrator', may have any financial interest in the development or construction of any individual system or element of such system of systems.

"(b) EXCEPTION.—A contractor described in subsection (a) may have a financial interest in the development or construction of an individual system or element of a system of systems if the Secretary of Defense certifies to the congressional defense committees that—

"(1) the contractor is the preferred best of industry supplier of the system or element concerned; and

"(2) the contractor was selected to develop or construct the system or element concerned only after a formal competition for such system or element conducted by the Department of Defense in which the contractor participated only as a respondent to the request for proposal (RFP) under the competition.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude a contractor described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

"(d) DEFINITIONS.—In this section:

"(1) The term 'best of industry', with respect to the development or construction of a system or element by a contractor, means that the contractor provides the Government any of the following in the development or construction of the system or element for the Government:

"(A) Best overall value.

"(B) Best technology.

"(C) Best capability.

"(D) Best availability.

"(2) The term 'functions closely associated with inherently governmental functions' has the meaning given such term in section 2383(b)(3) of this title.

"(3) The term 'inherently governmental functions' has the meaning given such term in section 2383(b)(2) of this title.

"(4) The term 'system of systems' means a set of interdependent systems, including one or more major weapon systems, that are related to provide a given capability and in which the loss of any one would significantly degrade the performance or capabilities of the set of systems as a whole.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as amended by section 841(a)(2) of this Act, is further amended by adding at the end the following new item:

"2410q. Contracts: limitations on lead systems integrators.".

(3) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

(b) UPDATE OF REGULATIONS ON LEAD SYSTEMS INTEGRATORS.—Not later than December 31, 2006, the Secretary of Defense shall update the acquisition regulations of the Department of Defense in order to specify fully in such regulations the matters with respect to lead systems integrators set forth in section 805(b) of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3372).

(c) DEFINITION OF LEAD SYSTEMS INTEGRATOR.—

(1) DEFINITION REQUIRED.—The Secretary of Defense shall include in the report required by section 805 of the National Defense Authorization for Fiscal Year 2006 a precise and comprehensive definition of the term "lead systems integrator", as that term is utilized in such section.

(2) MATTERS TO BE ADDRESSED.—In defining the term "lead systems integrator" under paragraph (1), the Secretary shall take into account the following:

(A) The importance of lead systems integrators in the production, fielding, and sustainment of complex systems, including their role in addressing increases in cost, the evolution of interoperability requirements, and the maintenance and sustainment of critical capabilities.

(B) The unique engineering and integration skills of lead systems integrators.

(C) The management and organizational skills and capabilities of lead systems integrators, including the capacity of lead systems integrators to facilitate the participation of small and disadvantaged businesses in the production, fielding, and sustainment of complex systems.

(d) CONTRACT TYPES AND FEE STRUCTURES.—The Secretary of Defense shall include in the report required by section 805 of the National Defense Authorization for Fiscal Year 2006 a specification of various types of contracts and fee structures, including award and incentive fees, that are appropriate for use by lead systems integrators in the production, fielding, and sustainment of complex systems.

SEC. 843. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) Guidance on Linking of Award and Incentive Fees to Acquisition Outcomes.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions (including definitions), for the Department of Defense on the appropriate use of award and incentive fees in Department of Defense acquisition programs.

(b) Elements.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) provide guidance on the circumstances in which contractor performance may be judged to be "excellent" or "superior" and the percentage of the available award fee which contractors should be paid for such performance;

(3) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be "acceptable", "average", "expected", "good", or "satisfactory";

(4) ensure that no award fee may be paid for contractor performance that is judged to be below-satisfactory performance or performance that does not meet the basic requirements of the contract;

(5) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(6) ensure that the Department of Defense—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(7) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(8) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) Assessment of Independent Evaluation Mechanisms.—

(1) In general.—The Secretary of Defense shall select a federally-funded research and development center to assess various mechanisms that could be used to ensure an independent evaluation of contractor performance for the purpose of making determinations applicable to the judging and payment of award fees.

(2) Considerations.—The assessment conducted pursuant to paragraph (1) shall include consideration of the advantages and disadvantages of a system in which award fees are—

(A) held in a separate fund or funds of the Department of Defense; and

(B) allocated to a specific program only upon a determination by an independent board, charged with comparing contractor performance across programs, that such fees have been earned by the contractor for such program.

(3) Report.—The Secretary shall submit to the congressional defense committees a report on the assessment conducted pursuant to paragraph (1) not later than one year after the date of the enactment of this Act.

SEC. 844. PROHIBITION ON EXCESSIVE PASS-THROUGH CHARGES.

(a) Regulations Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations prohibiting excessive pass-through charges on contracts or subcontracts (or task or delivery orders) that are entered into for or on behalf of the Department of Defense that are in excess of the simplified acquisition threshold, as specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

(b) Scope of Regulations.—The regulations prescribed under this section shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(c) Definitions.—In this section:

(1) The term "excessive pass-through charge" means a charge by a covered contractor or subcontractor for overhead or profit on work performed by a covered lower-tier contractor (other than charges for the direct costs of managing lower-tier contracts and overhead and profit based on such direct costs).

(2) The term "covered contractor" means the following:

(A) A contractor that assigns work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit) to subcontractors.

(B) In the case of a contract providing for the development or production of more than one weapon system, a contractor that assigns work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit) for any particular weapon system under such contract to subcontractors.

(3) The term "covered lower-tier contractor" means the following:

(A) With respect to a covered contractor described by paragraph (2)(A) in a contract, any lower-tier subcontractor under such contract.

(B) With respect to a covered contractor described by paragraph (2)(B) in a contract, any lower-tier subcontractor on a weapon system under such contract for which such covered contractor has assigned work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit).

(d) Effective Date.—The regulations prescribed under this section shall apply to contracts awarded for or on behalf of the Department of Defense on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 845. REPORT ON DEPARTMENT OF DEFENSE CONTRACTING WITH CONTRACTORS OR SUBCONTRACTORS EMPLOYING MEMBERS OF THE SELECTIVE RESERVE.

(a) Study Required.—The Secretary of Defense shall conduct a study on contracting with the Department of Defense by actual and potential contractors and subcontractors of the Department who employ members of the Selected Reserve of the reserve components of the Armed Forces.

(b) Elements.—The study required by subsection (a) shall address the following:

(1) The extent to which actual and potential contractors and subcontractors of the Department, including small businesses, employ members of the Selective Reserve.

(2) The extent to which actual and potential contractors and subcontractors of the Department have been or are likely to be disadvantaged in the performance of contracts with the Department, or in competition for new contracts with the Department, when employees who are such members are mobilized as part of a United States military operation overseas.

(3) Any actions that, in the view of the Secretary, should be taken to address any such disadvantage, including—

(A) the extension of additional time for the performance of contracts to contractors and subcontractors of Department who employ members of the Selected Reserve who are mobilized as part of a United States military operation overseas; and

(B) the provision of assistance in forming contracting relationships with other entities to ameliorate the temporary loss of qualified personnel.

(c) Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required by this section. The report shall set forth the findings and recommendations of the Secretary as a result of the study.

(d) Repeal of Superseded Authority.—Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C. 2305 note) is repealed.

Subtitle D—Program Manager Matters

SEC. 861. PROGRAM MANAGER EMPOWERMENT AND ACCOUNTABILITY.

(a) Strategy.—The Secretary of Defense shall develop a comprehensive strategy for enhancing the role of Department of Defense program managers in developing and carrying out defense acquisition programs.

(b) Matters To Be Addressed.—The strategy required by this section shall address, at a minimum—

(1) enhanced training and educational opportunities for program managers;

(2) increased emphasis on the mentoring of current and future program managers by experienced senior executives and program managers within the Department;

(3) improved career paths and career opportunities for program managers;

(4) additional incentives for the recruitment and retention of highly qualified individuals to serve as program managers;

(5) improved resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) for program managers;

(6) improved means of collecting and disseminating best practices and lessons learned to enhance program management across the Department;

(7) common templates and tools to support improved data gathering and analysis for program management and oversight purposes;

(8) increased accountability of program managers for the results of defense acquisition programs; and

(9) enhanced monetary and nonmonetary awards for successful accomplishment of program objectives by program managers.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the strategy developed pursuant to this section.

SEC. 862. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM DEVELOPMENT PERIODS.

(a) Revised Guidance Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for defense acquisition programs to address the tenure and accountability of program managers for the program development period of defense acquisition programs.

(b) Program Development Period.—For the purpose of this section, the term "program development period" refers to the period before a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program).

(c) Responsibilities.—The revised guidance required by subsection (a) shall provide that the program manager for the program development period of a defense acquisition program is responsible for—

(1) bringing to maturity the technologies and manufacturing processes that will be needed to carry out such program;

(2) ensuring continuing focus during program development on meeting stated mission requirements and other requirements of the Department of Defense;

(3) making trade-offs between program cost, schedule and performance for the lifecycle of such program;

(4) developing a business case for such program; and

(5) ensuring that appropriate information is available to the milestone decision authority to make a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program), including information necessary to make the certification required by section 2366a of title 10, United States Code.

(d) Qualifications, Resources, and Tenure.—The Secretary shall ensure that each program manager for the program development period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program until such time as such program is ready for a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program).

SEC. 863. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM EXECUTION PERIODS.

(a) Revised Guidance Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for defense acquisition programs to address the tenure and accountability of program managers for the program execution period of defense acquisition programs.

(b) Program Execution Period.—For the purpose of this section, the term "program execution period" refers to the period after Milestone B approval (or Key Decision Point B approval in the case of a space program).

(c) Responsibilities.—The revised guidance required by subsection (a) shall—

(1) require the program manager for the program execution period of a defense acquisition program to enter into a performance agreement with the milestone decision authority for such program within six months of assignment, that—

(A) establishes expected parameters for the cost, schedule, and performance of such program consistent with the business case for such program;

(B) provides the commitment of the milestone decision authority to provide the level funding and resources required to meet such parameters; and

(C) provides the assurance of the program manager that such parameters are achievable and that such program manager will be accountable for meeting such parameters; and

(2) provide the program manager with the authority to—

(A) veto the addition of new program requirements that would be inconsistent with the parameters established in the performance agreement entered pursuant to paragraph (1);

(B) make trade-offs between cost, schedule and performance, provided that such trade-offs are consistent with the parameters established in the performance agreement entered pursuant to paragraph (1);

(C) redirect funding within such program, to the extent necessary to achieve the parameters established in the performance agreement entered pursuant to paragraph (1);

(D) develop such interim goals and milestones as may be required to achieve the parameters established in the performance agreement entered pursuant to paragraph (1); and

(E) use program funds to recruit and hire such technical experts as may be required to carry out such program, if necessary expertise is not otherwise provided by the Department of Defense.

(d) Qualifications, Resources, and Tenure.—The Secretary shall ensure that each program manager for the program execution period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program at the time of Milestone B approval (or Key Decision Point B approval in the case of a space program) and continues in such position until the delivery of the first production units of such program.

(e) Limited Waiver Authority.—The Secretary may waive the requirement in subsection (d)(3) that a program manager for the program execution period of a defense acquisition program serve in that position until the delivery of the first production units of such program upon submitting to the congressional defense committees a written determination that—

(1) such program is so complex, and the delivery of the first production units will take so long, that it would not be feasible for a single individual to serve as program manager for the entire period covered by such subsection; and

(2) the complexity of such program, and length of time that will be required to deliver the first production units, are not the result of a failure to meet the certification requirements established in section 2366a of title 10, United States Code.

SEC. 864. DEPARTMENT OF DEFENSE PLAN FOR CONTINGENCY PROGRAM MANAGEMENT.

(a) Requirement.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for the Department of Defense for contingency program management during combat operations and post-conflict operations.

(b) Matters To Be Covered.—The plan of the Department of Defense for contingency program management required by subsection (a) shall, at a minimum, provide for—

(1) the designation of a senior executive service official on the Joint Staff with the responsibility for administering the plan;

(2) the assignment of a senior commissioned officer of the Armed Forces with appropriate program management experience and qualifications to act as head of contingency program management during combat operations, post-conflict operations, and contingency operations, who shall report directly to the commander of the combatant command in whose area of responsibility the operations occur;

(3) a preplanned organizational structure for contingency program management that is designed to ensure that the Department is prepared to conduct contingency program management during combat operations and post-conflict operations, including advance planning for—

(A) unified, agile program management processes and procedures for an interagency and coalition environment;

(B) standardized joint contract mechanisms with clearly defined metrics;

(C) continuity of program and project management;

(D) identification of a deployable cadre of experts, trained in processes required under paragraph (4);

(E) required information technology resources and reliable, interoperable connections and communications; and

(F) coordination of program management operations with the activities of commanders in the field;

(4) a requirement for the development of a training program for contingency program management, including—

(A) comprehension of program management that focuses on cost, scope, schedule, success metrices, project oversight, and resource balancing;

(B) contracting options and rules;

(C) procedures for the Department on funding, accountability and component and partner responsibilities; and

(D) effective communications and rules for coordination with commanders in the field; and

(5) a requirement for identification of hiring and appointment authorities for rapid deployment of personnel under this section to ensure the availability of key personnel for sufficient lengths of time to provide for continuing of program and project management.

(c) Utilization in Plan for Interagency Procedures for Stabilization and Reconstruction Operations.—To the extent practicable, the elements of the plan of the Department of Defense for contingency program management required by subsection (a) shall be taken into account in the development of the plan for the establishment of interagency operating procedures for stabilization and reconstruction operations required by section 1222.

SEC. 865. COMPTROLLER GENERAL REPORT.

Not later than February 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the actions taken by the Secretary of Defense to comply with the requirements of this subtitle. The report shall include a description of such actions and an assessment by the Comptroller General of the effectiveness of such actions in meeting such requirements.

Subtitle E—Other Matters

SEC. 871. CLARIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in paragraph (2)(A), by inserting "or, for a defense agency, the director of the defense agency" after "(41 U.S.C. 414(c))"; and

(2) in paragraph (3), by inserting "or director of a defense agency" after "executive".

SEC. 872. ONE-YEAR EXTENSION OF SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542) is amended by striking "September 30, 2006" and inserting "September 30, 2007".

SEC. 873. ONE-YEAR EXTENSION OF INAPPLICABILITY OF CERTAIN LAWS TO CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

Subsections (a)(2)(A) and (b)(2)(A) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2021), as amended by section 848(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3395), are each further amended by striking "2006" and inserting "2007".

SEC. 874. PILOT PROGRAM ON EXPANDED USE OF MENTOR-PROTEGE AUTHORITY.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of treating small business concerns described in subsection (b) as disadvantaged small business concerns under the Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note).

(b) COVERED SMALL BUSINESS CONCERNS.—The small business concerns described in this subsection are small business concerns that—

(1) are participants in the Small Business Innovative Research Program of the Department of Defense established pursuant to section 9 of the Small Business Act (15 U.S.C. 638); and

(2) as determined by the Secretary, are developing technologies that will assist in detecting or defeating Improvised Explosive Devices (IEDs) or other critical force protection measures.

(c) TREATMENT AS DISADVANTAGED SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—For purposes of the pilot program, the Secretary may treat a small business concern described in subsection (b) as a disadvantaged small business concern under the Mentor-Protege Program.

(2) MENTOR-PROTEGE AGREEMENT.—Any eligible business concerned approved for participation in the Mentor-Protege Program as a mentor firm may enter into a mentor-protege agreement and provide assistance described in section 831 of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern treated under paragraph (1) as a disadvantaged small business concern under the Mentor-Protege Program.

(d) FUNDING.—

(1) IN GENERAL.—Notwithstanding the limitation in section 9(f)(2) of the Small Business Act (15 U.S.C. 638(f)(2)), funds for any reimbursement provided to a mentor firm under section 831(g) of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern described in subsection (b) under the pilot program shall be derived from funds available for the Small Business Innovative Research Program of the Department of Defense.

(2) LIMITATION.—The amount available under paragraph (1) for reimbursement described in that paragraph may not exceed the amount equal to one percent of the funds available for the Small Business Innovative Research Program.

(e) SUNSET.—

(1) AGREEMENTS.—No mentor-protege agreement may be entered into under the pilot program after September 30, 2010.

(2) OTHER MATTERS.—No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under the pilot program after September 30, 2013.

(f) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall—

(1) describe the extent to which mentor-protege agreements have been entered under the pilot program; and

(2) describe and assess the technological benefits arising under such agreements.

(g) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate; and

(B) the Committees on Armed Services and Appropriations of the House of Representatives.

(2) The term "small business concern" has the meaning given that term in section 831(m)(1) of the National Defense Authorization Act for Fiscal Year 1991.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

SEC. 901. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§2117. United States Military Cancer Institute

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

"(b) PURPOSES.—The purposes of the Institute are as follows:

"(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

"(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

"(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

"(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

"(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

"(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

"(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

"(B) The prevention and early detection of cancer among members and former members of the armed forces.

"(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

"(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

"(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

"(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

"2117. United States Military Cancer Institute.".

SEC. 902. SENIOR ACQUISITION EXECUTIVE FOR SPECIAL OPERATIONS WITHIN STAFF OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

(a) INCLUSION WITHIN STAFF.—The staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under section 138(b)(4) of title 10, United States Code, shall include a senior acquisition executive for special operations.

(b) DUTIES.—The senior acquisition executive within the staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under subsection (a) shall conduct policy and management oversight of the acquisition activities of the Special Operations Command under section 167 of title 10, United States Code, and shall have such other duties as the Assistant Secretary shall designate.

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

"§6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

"(a) UNITED STATES MARINE BAND. The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

"(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

"(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

"(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

"(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

"(1) to be discharged from the Marine Corps; or

"(2) to revert to the grade and status such member held at the time of appointment under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

"6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.".

SEC. 904. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.

(a) DEPARTMENT OF THE ARMY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) DEPARTMENT OF THE NAVY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall not be counted against the numbers and percentages of officers of the grade of vice admiral.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

Subtitle B—Space Activities

SEC. 911. ESTABLISHMENT OF OPERATIONALLY RESPONSIVE SPACE CAPABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to and use of space is critical for preserving peace and protecting the national security, commercial, and civil interests of the United States.

(2) Key priorities for the national security space activities of the United States include improving the capacity to support military operations worldwide and responding to strategic military threats.

(3) To the maximum extent possible, space capabilities should be integrated into the strategy, doctrine, operations, and contingency plans of the Armed Forces of the United States.

(4) The commanders of the combatant commands should have access to responsive space capabilities that provide prompt, focused support in their theater of operations, which capabilities should compliment other national and Department of Defense space assets while providing direct and flexible support to the warfighter on the battlefield.

(5) The United States Space Transportation Policy of January 6, 2005, calls for the demonstration, before 2010, of an initial capability for operationally responsive access to and use of space to support the national security requirements of the United States.

(b) POLICY.—It is the policy of the United States—

(1) to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support the warfighter from space; and

(2) that the capability described in paragraph (1) shall consist of—

(A) responsive satellite payloads;

(B) inexpensive space launch vehicles and range procedures that facilitate the timely launch of satellites;

(C) common technical standards for satellite busses; and

(D) a configuration of operations and command and control capabilities that permit the warfighter to exploit responsive space assets for combat operations.

(c) OPERATIONALLY RESPONSIVE SPACE HYBRID PROGRAM OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense an office to be known as the Operationally Responsive Space Hybrid Program Office (in this subsection referred to as the "Office").

(2) ELEMENTS.—The Office shall consist of elements of the Department of Defense selected by the Secretary from among the science and technology, acquisition, and operations elements of the Department having the capacity to contribute to the development of capabilities for operationally responsive space. Such elements shall be selected so as to achieve a balanced representation of the military departments in the Office in order to ensure proper acknowledgment of joint considerations in the activities of the Office.

(3) ORGANIZATION OF ELEMENTS.—The elements of the Office under paragraph (2) shall be organized by the Secretary into divisions as follows:

(A) A science and technology division that shall pursue innovative approaches to the development of capabilities for operationally responsive space through basic and applied research focused on payloads, bus, and launch equipment.

(B) An acquisition division that shall undertake the acquisition of systems necessary to procure, integrate, sustain, and launch assets for operationally responsive space.

(C) An operations division that shall—

(i) sustain and maintain assets for operationally responsive space prior to launch;

(ii) integrate and launch such assets; and

(iii) operate such assets in orbit.

(D) A combatant command support division that shall serve as the primary intermediary between the military departments and the combatant commands on operationally responsive space, including the integration of assets for operationally responsive space into—

(i) the operations plans of the combatant commands;

(ii) the training and tactics procedures of the military departments; and

(iii) military exercises, demonstrations, and war games.

(3) ACCOUNTABILITY.—The head of the Office shall report to the Executive Agent for Space of the Department of Defense regarding the activities of Office under this subsection.

(4) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

(A) The Executive Agent for Space of the Department of Defense shall be the senior acquisition executive of the Office.

(B) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office.

(C) The commander of the United States Strategic Command, or a designate of the commander, shall—

(i) validate all system requirements for systems to be acquired by the Office; and

(ii) participate in the approval of any acquisition program initiated by the Office.

(D) The unit procurement cost of a launch vehicle procured by the Office may not exceed $20,000,000.

(E) The unit procurement cost of an integrated satellite procured by the Office may not exceed $40,000,000.

(5) ADJUSTMENT OF UNIT PROCUREMENT COST LIMITS.—The Executive Agent for Space shall

adjust the amounts specified in subparagraphs (D) and (E) of paragraph (4) to take into account the effects of inflation. Such adjustment shall take place once every five years.

(d) Plan for Operationally Responsive Space.—

(1) Plan required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the acquisition by the Department of Defense of capabilities for operationally responsive space to support the warfighter.

(2) Elements.—The plan required by paragraph (1) shall include the following:

(A) An identification of the roles and missions of each military department, Defense Agency, and other component or element of the Department of Defense for the fulfillment of the mission of the Department with respect to operationally responsive space.

(B) An identification of the capabilities required by the Department to fulfill such mission.

(C) A description of the chain of command and reporting structure of the Operationally Responsive Space Hybrid Program Office under subsection (c).

(D) The security classification level required for the Office in order to ensure that the Office carries out its responsibilities under subsection (c) in a proper and efficient manner.

(E) A description of the acquisition policies and procedures applicable to the Office, including a description of any legislative or administrative action necessary to provide the Office additional acquisition authority to carry out its responsibilities.

(F) A schedule for the implementation of the plan.

(G) The funding and personnel required to implement the plan over the course of the current future-years defense program under section 221 of title 10, United States Code.

(e) Definitions.—In this section:

(1) The term "operationally responsive space" means the development and launch of space assets upon demand in a low-cost manner.

(2) The term "procurement unit cost" has the meaning given that term in section 2432(a) of title 10, United States Code.

SEC. 912. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking "shall be conducted during the three-year period beginning on a date specified by the Secretary of Defense, which date shall be not later than 180 days after the date of the enactment of this section" and inserting "may be conducted through September 30, 2009".

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) Independent Review and Assessment Required.—

(1) In general.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) Conduct of review.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) Elements.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) Liaison.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) Report.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) Elements.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

Subtitle C—Other Matters

SEC. 921. DEPARTMENT OF DEFENSE POLICY ON UNMANNED SYSTEMS.

(a) Policy Required.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, develop a policy applicable throughout the Department of Defense on research, development, test, and evaluation, procurement, and operation of unmanned systems.

(b) Elements.—The policy required by subsection (a) shall include the following:

(1) Mission requirements (including mission requirements for the military departments and joint mission requirements) for unmanned systems to replace manned systems in the performance of routine or dangerous missions.

(2) A strategy and schedules for the replacement of manned systems with unmanned systems in the performance of such missions.

(3) Preference for joint unmanned systems in acquisition programs for new systems, including a requirement under any such program for the development of a manned system for a certification that an unmanned system is incapable of meeting program requirements.

(4) Joint development and procurement of unmanned systems and components.

(5) A strategy for the divestment of the military department unmanned systems unique to a particular department with a preference for joint unmanned systems.

(6) Programs to address technical, operational, and production challenges, and gaps in capabilities, with respect to unmanned systems.

(7) An organizational structure for effective management, coordination, and budgeting for the development and procurement of unmanned systems, including an assessment of the feasibility and advisability of designating a single department or other element of the Department of Defense to act as executive agent for the Department on unmanned systems.

(8) Requirements for the integration of unmanned and manned missions.

(9) Requirements in order to satisfy the goals for unmanned air and ground systems established in section 220 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-38).

(c) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the policy required by subsection (a).

SEC. 922. EXECUTIVE SCHEDULE LEVEL IV FOR DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.

(a) Executive Schedule Level IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Under Secretary of Defense for Personnel and Readiness the following new item:

"Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(b) Conforming Amendment.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Deputy Under Secretary of Defense for Logistics and Materiel Readiness on or after that date.

SEC. 923. THREE-YEAR EXTENSION OF JOINT INCENTIVES PROGRAM ON SHARING OF HEALTH CARE RESOURCES BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

Section 8111(d)(4) of title 38, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2010".

SEC. 924. SENSE OF SENATE ON NOMINATION OF INDIVIDUAL TO SERVE AS DIRECTOR OF OPERATIONAL TEST AND EVALUATION ON A PERMANENT BASIS.

(a) Findings.—The Senate makes the following findings:

(1) Congress established the position of Director of Operational Test and Evaluation of the Department of Defense in 1983 to ensure the operational effectiveness and suitability of weapon systems in combat.

(2) The Director of Operational Test and Evaluation serves as the principal adviser to the Secretary of Defense on operational test and evaluation and is vital to ensuring the operational effectiveness of weapon systems in combat.

(3) The position of Director of Operational Test and Evaluation has been held on an acting basis since February 15, 2005.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should submit to the Senate the nomination of an individual for the position of Director of Operational Test and Evaluation as soon as practicable.

SEC. 925. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

"(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.".

SEC. 926. REFORMS TO THE DEFENSE TRAVEL SYSTEM TO A FEE-FOR-USE-OF-SERVICE SYSTEM.

No later than one year after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per Department of Defense customer utilizing the system with an additional fixed fee for each transaction.

SEC. 927. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the United States Special Operations Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

Subtitle D—National Guard Bureau Matters

SEC. 931. SHORT TITLE.

This title may be cited as the "National Defense Enhancement and National Guard Empowerment Act of 2006".

SEC. 932. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands for the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal advisor".

(2) GRADE.—Subsection (e) of such section, as redesignated by paragraph (2)(A)(i) of this subsection, is further amended by striking "lieutenant general" and inserting "general".

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) DEVELOPMENT OF CHARTER.—Section 10503 of title 10, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop" and inserting "The Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force, shall develop"; and

(B) in paragraph (12), by striking "the Secretaries" and inserting "the Secretary of Defense".

(2) ADDITIONAL GENERAL FUNCTIONS.—Such section is further amended—

(A) by redesignating paragraph (12), as amended by paragraph (1)(B) of this subsection, as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(3) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the Adjutant Generals of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(4) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

"(d) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.
"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".

SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

SEC. 1003. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of all the amounts authorized to be appropriated by such titles reduced by $951,469,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of a review of the inflation assumptions used in the preparation of the budget of the President for fiscal year 2007, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTION.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in titles I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to such accounts.

SEC. 1004. INCREASE IN FISCAL YEAR 2006 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3418) is amended by striking "$3,500,000,000" and inserting "$5,000,000,000".

SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2007.

(a) FISCAL YEAR 2007 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2007 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2006, of funds appropriated for fiscal years before fiscal year 2007 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $797,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $310,277,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1006. MODIFICATION OF DATE OF SUBMITTAL OF OMB/CBO REPORT ON SCORING OF OUTLAYS.

Section 226(a) of title 10, United States Code, is amended by striking "January 15 of each year" and inserting "April 1 of each year".

SEC. 1007. PROHIBITION ON PARKING OF FUNDS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2773a the following new section:

"§ 2773b. Parking of funds: prohibition; penalties

"(a) PROHIBITION.—An officer or employee of the Department of Defense may not direct the designation of funds for a particular purpose in the budget of the President, as submitted to Congress pursuant to section 1105 of title 31, or the supporting documents of the Department of Defense component of such budget, with the knowledge or intent that such funds, if made available to the Department, will not be used for the purpose for which they are designated.

"(b) PENALTIES.—The direction of the designation of funds in violation of the prohibition in subsection (a) shall be treated for purposes of chapter 13 of title 31 as a violation of section 1341(a)(1)(A) of title 31.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting after the item relating to section 2773a the following new item:

"2773b. Parking of funds: prohibition; penalties.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 31 days after the date of the enactment of this Act.

(2) MODIFICATION OF CERTAIN POLICIES AND REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall modify the policies and regulations of the Department of Defense regarding the preparation and submittal to Congress of budget materials for the Department of Defense to take into account the provisions of section 2773b of title 10, United States Code (as added by subsection (a)).

SEC. 1008. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany S. 2766 of the 109th Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for such program, project, or activity in the Classified Annex.

(d) Distribution of Classified Annex.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1009. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) Annual Report and Notice Required.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) Earmark Defined.—In this section, the term "earmark" means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

Subtitle B—Naval Vessels

SEC. 1011. REPEAL OF REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT CARRIERS WITHIN THE NAVY.

Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 1012. APPROVAL OF TRANSFER OF NAVAL VESSELS TO FOREIGN NATIONS BY VESSEL CLASS.

Section 7307(a) of title 10, United States Code, is amended by inserting "or vessel of that class" after "that vessel".

SEC. 1013. NAMING OF CVN-78 AIRCRAFT CARRIER AS THE U.S.S. GERALD FORD.

(a) Findings.—Congress makes the following findings:

(1) Gerald R. Ford has served his country with honor and distinction for the past 64 years, and continues to serve.

(2) Gerald R. Ford joined the United States Naval Reserve in 1942 and served valiantly at sea on the U.S.S. Monterey (CVL-26) during World War II, taking part in major operations in the Pacific, including at Makin Island, Kwajalein, Truk, Saipan, and the Philippine Sea.

(3) The U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the vessel.

(4) Gerald R. Ford was first elected to the House of Representatives in 1948.

(5) In the course of 25 years of service in the House of Representatives, Gerald R. Ford distinguished himself by his exemplary record for character, decency, and trustworthiness.

(6) Throughout his service in Congress, Gerald R. Ford was an ardent proponent of strong national defense and international leadership by the United States.

(7) From 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives, raising the standard for bipartisanship in his tireless fight for freedom, hope, and justice.

(8) In 1973, Gerald R. Ford was appointed by President Nixon to the office of Vice President of the United States with the overwhelming support of Congress.

(9) From 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office during one of the most challenging periods in the history of the United States and restoring the faith of the people of the United States in the office of the President through his steady leadership, courage, and ultimate integrity.

(10) President Gerald R. Ford helped restore the prestige of the United States in the world community by working to achieve peace in the Middle East, preserve détente with the Soviet Union, and set new limits on the spread of nuclear weapons.

(11) President Gerald R. Ford served as Commander in Chief of the Armed Forces of the United States with great dignity, supporting a strong Navy and a global military presence for the United State and honoring the men and women of the Armed Forces of the United States.

(12) Since leaving the office of President, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, a strong supporter of human rights, and a promoter of higher education.

(13) Gerald R. Ford was awarded the Medal of Freedom and the Congressional Gold Medal in 1999 in recognition of his contribution to the Nation.

(14) As President, Gerald R. Ford bore the weight of a constitutional crisis and guided the Nation on a path of healing and restored hope, earning forever the enduring respect and gratitude of the Nation.

(b) Naming of CVN-78 Aircraft Carrier.—CVN-78, a nuclear powered aircraft carrier of the Navy, shall be named the U.S.S. Gerald Ford.

SEC. 1014. AUTHORITY TO DONATE SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) Findings.—Congress makes the following findings:

(1) It is in the economic and environmental interests of the United States to promote the disposal of vessels in the National Defense Reserve Fleet that are of insufficient value to warrant further preservation.

(2) The Maritime Administration of the Department of Transportation has been authorized to make such disposals, including the sale and recycling of such vessels and the donation of such vessels to any State, commonwealth, or possession of the United States, and to nonprofit organizations.

(3) The government of Greece has expressed an interest in obtaining and using the ex-Liberty ship, SS ARTHUR M. HUDDELL, for purposes of a museum exhibit.

(4) It is in the interest of the United States to authorize the Maritime Administration to donate SS ARTHUR M. HUDDELL to Greece.

(b) Donation of SS ARTHUR M. HUDDELL to Government of Greece.—Notwithstanding Section 510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158), the Secretary of Transportation is authorized to transfer SS ARTHUR M. HUDDELL, by gift, to the Government of Greece, in accordance with terms and conditions determined by the Secretary.

(c) Additional Equipment.—The Secretary may convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet to assist the Government of Greece under this section for purposes of the museum exhibit referred to in subsection (a)(3).

Subtitle C—Counterdrug Matters

SEC. 1021. EXTENSION OF AVAILABILITY OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042) is amended—

(1) in subsection (a)(1), by striking "2005 and 2006" and inserting "2005 through 2008"; and

(2) in subsection (c), by striking "2005 and 2006" and inserting "2005 through 2008".

SEC. 1022. EXTENSION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking "through 2006" and inserting "through 2011".

SEC. 1023. EXTENSION AND EXPANSION OF CERTAIN AUTHORITIES TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES.

(a) Concurrence of Secretary of State in Provision of Support.—Paragraph (1) of subsection (a) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1593), is further amended by striking "shall consult with" and inserting "shall seek the concurrence of".

(b) Extension of Authority.—Paragraph (2) of such subsection is amended by striking "September 30, 2006" and inserting "September 30, 2008".

(c) Additional Governments Eligible To Receive Support.—Subsection (b) of such section 1033, as so amended, is further amended by adding at the end the following new paragraphs:

"(10) The Government of Azerbaijan.

"(11) The Government of Kazakhstan.

"(12) The Government of Kyrgyzstan.

"(13) The Government of Armenia.

"(14) The Government of Niger.

"(15) The Government of Mauritania.

"(16) The Government of Mali.

"(17) The Government of Chad.

"(18) The Government of Indonesia.

"(19) The Government of Philippines.

"(20) The Government of Thailand.

"(21) The Government of Malaysia.

"(22) The Government of Guatemala.

"(23) The Government of Belize.

"(24) The Government of Panama.".

(d) Types of Support.—Subsection (c)(2) of such section 1033, as so amended, is further amended by inserting ", vehicles, and, subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft, and detection, interception, monitoring, and testing equipment" after "patrol boats".

(e) Maximum Annual Amount of Support.—Subsection (e)(2) of such section 1033, as so amended, is further amended—

(1) by striking "or $40,000,000" and inserting "$40,000,000"; and

(2) by inserting before the period at the end the following: ", or $80,000,000 during any of the fiscal years 2007 through 2008".

(f) Annual Report on Support Provided to Additional Governments.—Such section 1033 is further amended by adding at the end the following new subsection:

"(i) Annual Report on Support Provided to Certain Governments.—Not later than November 30 each year through 2008, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a comprehensive report on the support provided under this section during the preceding fiscal year to each government referred to in paragraphs (1) through (24) of subsection (b).".

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) Findings.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interests of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) Report on United States Government Support for OPBAT.—

(1) Report on decision to withdraw.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) Consultation.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) Elements.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

Subtitle D—Defense Intelligence and Related Matters

SEC. 1031. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2008".

SEC. 1032. ANNUAL REPORT ON INTELLIGENCE OVERSIGHT ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) Annual Report Required.—Not later than March 1, 2007, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees and the congressional intelligence committees a report on the intelligence oversight activities of the Department of Defense during the previous calendar year.

(b) Elements.—Each report under subsection (a) shall include, for the calendar year covered by such report, the following:

(1) A description of any questionable intelligence activity that came to the attention of any General Counsel or Inspector General within the Department of Defense, or the Under Secretary of Defense for Intelligence, and a description of the actions taken by such official with respect to such activity.

(2) A description of the results of intelligence oversight inspections undertaken by each of the following:

(A) The Office of the Secretary of Defense.

(B) Each military department.

(C) Each combat support agency.

(D) Each field operating agency.

(3) A description of any changes made in—

(A) any program for the intelligence oversight activities of the Department of Defense, including any training program; or

(B) any published directive or policy memoranda on the intelligence or intelligence-related activities of—

(i) any military department;

(ii) any combat support agency; or

(iii) any field operating agency.

(c) Definitions.—In this section:

(1) The term "combat support agency" has the meaning given that term in section 193(f) of title 10, United States Code.

(2) The term "congressional intelligence committees" has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

(3) The term "field operating agency" means a specialized subdivision of the Department of Defense that carries out activities under the operational control of the Department.

(4) The term "intelligence oversight activities of the Department of Defense" refers to any activity undertaken by an agency, element, or component of the Department of Defense to ensure compliance with regard to requirements or instructions on the intelligence and intelligence-related activities of the Department under law or any Executive order or Presidential directive (including Executive Order No. 12333).

(5) The term "questionable intelligence activity" means an intelligence or intelligence-related activity of the Department of Defense that may violate the law or any Executive order or Presidential directive (including Executive Order No. 12333).

SEC. 1033. ADMINISTRATION OF PILOT PROJECT ON CIVILIAN LINGUIST RESERVE CORPS.

(a) Transfer of Administration to Secretary of Defense.—

(1) In general.—Administration of the pilot project on the establishment of a Civilian Linguist Reserve Corps required by section 613 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108-487; 118 Stat. 3959; 50 U.S.C. 403-1b note) is hereby transferred from the Director of National Intelligence to the Secretary of Defense.

(2) Conforming amendments.—Section 613 of the Intelligence Authorization Act for Fiscal Year 2005 is amended—

(A) by striking "Director of National Intelligence" each place it appears and inserting "Secretary of Defense"; and

(B) by striking "Director" each place it appears and inserting "Secretary".

(b) Discharge of Project.—Subsection (a) of such section is further amended by adding at the end the following new sentence: "The Secretary shall carry out the pilot project through the National Security Education Program.".

(c) Repeal of Specification of Duration of Project.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(d) Modification of Report Requirements.—Subsection (d) of such section, as redesignated by subsection (b) of this section, is further amended—

(1) in paragraph (1), by striking "an initial and a final report" and inserting "a report";

(2) in paragraph (2), by striking "Each report" and inserting "The report"; and

(3) in paragraph (3), by striking "final report" and inserting "report required under paragraph (1)".

(e) Repeal of Superseded Authorization.—Such section is further amended by striking subsection (f).

SEC. 1034. IMPROVEMENT OF AUTHORITIES ON THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) Expansion of Employment Creditable Under Service Agreements.—Paragraph (2) of subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended to read as follows:

"(2)(A) will (in accordance with regulations prescribed by the Secretary of Defense in coordination with the heads of the other Federal departments and agencies concerned) begin work not later than three years after the recipient's completion of degree study during which scholarship assistance was provided under the program—

"(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

"(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); or

"(B) will (in accordance with such regulations) begin work not later than two years after the recipient's completion or termination of study for which fellowship assistance was provided under the program—

"(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

"(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); and".

(b) TEMPORARY EMPLOYMENT AND RETENTION OF CERTAIN PARTICIPANTS.—Such section is further amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) TEMPORARY EMPLOYMENT AND RETENTION OF CERTAIN PARTICIPANTS.—

"(1) IN GENERAL.—The Secretary of Defense may—

"(A) appoint or retain a person provided scholarship or fellowship assistance under the program in a position in the Department of Defense on an interim basis during the period of the person's pursuit of a degree under the program and for a period not to exceed two years after completion of the degree, but only if, in the case of the period after completion of the degree—

"(i) there is no appropriate permanent position for the person under subsection (b)(2)(A); and

"(ii) there is an active and ongoing effort to identify and assign the person to an appropriate permanent position as soon as possible; and

"(B) if there is no appropriate permanent position available for the person after the end of the periods described in subparagraph (A), separate the person from employment with the Department without regard to any other provision of law, in which event the service agreement of the person under subsection (b) shall terminate.

"(2) TREATMENT OF CERTAIN SERVICE.—The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (b).".

(c) PLAN FOR IMPROVING PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for improving the recruitment, placement, and retention within the Department of Defense of individuals who receive scholarships or fellowships under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) in order to facilitate the purposes of that Act in meeting the requirements of the Department in acquiring individuals with critical foreign language skills and individuals who are regional experts.

SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 20.(a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

"(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A–25.

"(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

"(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

"(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).".

SEC. 1036. FUNDING FOR A CERTAIN MILITARY INTELLIGENCE PROGRAM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $450,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $450,000,000, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

Subtitle E—Defense Against Terrorism and Related Security Matters

SEC. 1041. ENHANCEMENT OF AUTHORITY TO PAY MONETARY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

Section 127b(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting ", or to a subcommander of a combatant command designated by the commander of the combatant command and approved by an Under Secretary of Defense to whom such authority is delegated under subparagraph (A)," after "combatant command"; and

(2) in paragraph (2), by striking "$2,500" and inserting "$10,000".

SEC. 1042. USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) USE OF THE ARMED FORCES AUTHORIZED.—

(1) IN GENERAL.—Section 333 of title 10, United States Code, is amended to read as follows:

"§ 333. Major public emergencies; interference with State and Federal law

"(a) USE OF ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.—(1) The President may employ the armed forces, including the National Guard in Federal service, to—

"(A) restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that—

"(i) domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order; and

"(ii) such violence results in a condition described in paragraph (2); or

"(B) suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if such insurrection, violation, combination, or conspiracy results in a condition described in paragraph (2).

"(2) A condition described in this paragraph is a condition that—

"(A) so hinders the execution of the laws of a State or possession, as applicable, and of the United States within that State or possession, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State or possession are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(B) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"(3) In any situation covered by paragraph (1)(B), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

"(b) NOTICE TO CONGRESS.—The President shall notify Congress of the determination to exercise the authority in subsection (a)(1)(A) as soon as practicable after the determination and every 14 days thereafter during the duration of the exercise of the authority.".

(2) PROCLAMATION TO DISPERSE.—Section 334 of such title is amended by inserting "or those obstructing the enforcement of the laws" after "insurgents".

(3) HEADING AMENDMENT.—The heading of such 15 of such title is amended to read as follows:

"CHAPTER 15—ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER".

(4) CLERICAL AMENDMENTS.—(A) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 15 and inserting the following new item:

"15. Enforcement of the Laws To Restore Public Order .... 331".

(B) The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to sections 333 and inserting the following new item:

"333. Major public emergencies; interference with State and Federal law.".

(b) PROVISION OF SUPPLIES, SERVICES, AND EQUIPMENT.—

(1) IN GENERAL.—Chapter 152 of such title is amended by adding at the end the following new section:

"§ 2567. Provision of supplies, services, and equipment in major public emergencies

"(a) PROVISION AUTHORIZED.—In any situation in which the President determines to exercise the authority in section 333(a)(1)(A) of this title, the President may direct the Secretary of Defense to provide supplies, services, and equipment to persons affected by the situation.

"(b) COVERED SUPPLIES, SERVICES, AND EQUIPMENT.—The supplies, services, and equipment provided under this section may include food, water, utilities, bedding, transportation, tentage, search and rescue, medical care, minor repairs, the removal of debris, and other assistance necessary for the immediate preservation of life and property.

"(c) LIMITATIONS.—(1) Supplies, services, and equipment may be provided under this section—

"(A) only to the extent that the constituted authorities of the State or possession concerned are unable to provide such supplies, services, and equipment, as the case may be; and

"(B) only until such authorities, or other departments or agencies of the United States charged with the provision of such supplies, services, and equipment, are able to provide such supplies, services, and equipment.

"(2) The Secretary may provide supplies, services, and equipment under this section only to the extent that the Secretary determines that doing so will not interfere with military preparedness or ongoing military operations or functions.

"(d) INAPPLICABILITY OF CERTAIN AUTHORITIES.—The provision of supplies, services, or equipment under this section shall not be subject to the provisions of section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2567. Provision of supplies, services, and equipment in major public emergencies.".

(c) CONFORMING AMENDMENTS.—Section 12304(c) of such title is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 1043. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN CONFIDENTIAL INFORMATION SHARED WITH STATE AND LOCAL PERSONNEL.

Confidential business information and other sensitive but unclassified homeland security information in the possession of the Department of Defense that is shared, pursuant to section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482), with State and local personnel involved in the prevention, interdiction, or disruption of, or response to, terrorist activity shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), by virtue of the sharing of such information with such personnel.

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "State along the southern land border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

Subtitle F—Miscellaneous Authorities on Availability and Use of Funds

SEC. 1051. ACCEPTANCE AND RETENTION OF REIMBURSEMENT FROM NON-FEDERAL SOURCES TO DEFRAY DEPARTMENT OF DEFENSE COSTS OF CONFERENCES.

(a) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2262. Department of Defense conferences: collection of fees to cover Department of Defense costs

"(a) IN GENERAL.—(1) The Secretary of Defense may, whether directly or by contract, collect fees from any individual or commercial participant in a conference, seminar, exhibition, symposium, or similar meeting (in this section referred to collectively as a 'conference') conducted by the Department of Defense.

"(2) Fees may be collected with respect to a conference under this subsection in advance of the conference.

"(3) The total amount of fees collected under this subsection with respect to a conference may not exceed the costs of the Department of Defense with respect to the conference.

"(b) TREATMENT OF COLLECTIONS.—(1) Amounts collected under subsection (a) with respect to a conference shall be credited to the appropriation or account from which the costs of the conference are paid.

"(2) In the event the total amount of fees collected with respect to a conference exceeds the costs of the Department with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts.

"(3) Amounts credited to an appropriation or account under paragraph (1) with respect to a conference shall be available to pay the costs of the Department with respect to the conference or to reimburse the Department for costs incurred with respect to the conference.

"(c) ANNUAL REPORTS.—(1) Each year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, the Secretary shall submit to the congressional defense committees budget justification documents summarizing the use of the authority under this section.

"(2) Each report under this subsection shall include the following:

"(A) A list of conferences during the last two calendar years for which fees were collected under subsection (a).

"(B) For each conference listed under subparagraph (A)—

"(i) The estimated costs of the Department for such conference.

"(ii) The actual costs of the Department for such conference, including a separate statement of the amount of any conference coordinator fees associated with such conference.

"(iii) The amount for collected under subsection (a) for such conference.

"(C) An estimate of the number of conferences to be conducted in the calendar year of such report for which the Department will collect fees under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

"2262. Department of Defense conferences: collection of fees to cover Department of Defense costs.".

SEC. 1052. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

"§9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

"(a) IN GENERAL.—The Secretary of Defense may award to air carriers participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount determined in accordance with this section.

"(b) MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the annual average expenditure of the Department of Defense for airlift during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

"(2) In calculating the annual average expenditure of the Department of Defense for airlift for purposes of paragraph (1), the Secretary of Defense may omit from the calculation any fiscal year exhibiting unusually high demand for airlift if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated airlift for purposes of that paragraph.

"(3) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under paragraph (1), shall be allocated among all carriers awarded contracts under that subsection for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

"(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In determining the minimum purchase amount payable under a contract under subsection (a) for airlift provided by a carrier during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to the carrier under subsection (b)(3) to take into account periods during such fiscal year when services of the carrier are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when the carrier is placed in non-use status pursuant to section 2640 of this title for safety issues.

"(d) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift from a carrier for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift from the carrier in such fiscal year, such amount shall be provided to the carrier prior to the first day of the following fiscal year.

"(e) TRANSFER OF FUNDS.—At the beginning of each fiscal year, the Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

"(f) AVAILABILITY OF AIRLIFT.—(1) From the total amount of airlift available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift equivalent to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (e).

"(2) A military department may transfer any entitlement to airlift under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by adding at the end the following new item:

"9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.".

SEC. 1053. INCREASED FLEXIBILITY IN USE OF FUNDS FOR JOINT STAFF EXERCISES.

(a) IN GENERAL.—Amounts available to the Chairman of the Joint Chiefs of Staff for joint staff exercises may be available for any expenses as follows:

(1) Expenses of the Armed Forces in connection with such exercises, including expense relating to self-deploying watercraft under the jurisdiction of a military department.

(2) Expenses relating to the costs of port support activities in connection with such exercises, including transportation and port handling.

(3) Expenses relating to the breakout and operation of prepositioned watercraft and lighterage for joint logistics and over the shore exercises in connection with such exercises.

(b) SUPPLEMENT NOT SUPPLANT.—Any amounts made available by the Chairman of the Joint Chiefs of Staff under subsection (a) for expenses covered by that subsection are in addition to any other amounts available under law for such expenses.

SEC. 1054. STRENGTHENING THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

For purposes of discharging the duties of the Special Inspector General for Iraq Reconstruction under subsection (f) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (5 U.S.C. 8G note), and for purposes of determining the date of termination of the Office of the Special Inspector General under subsection (o) of such section, any funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, regardless of how such funds may be designated, shall be treated as amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund.

Subtitle G—Report Matters

SEC. 1061. REPORT ON CLARIFICATION OF PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) It is critical that members of the Armed Forces have clear guidelines about the legality of interrogation techniques as they seek critical intelligence in the War on Terrorism.

(2) To avoid confusion, any determination made about the legality of various interrogation techniques must be consistent across the United States Government.

(3) Confusion continues about the permissibility of various interrogation techniques, even after the enactment of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(4) In testimony before the Senate and in written response to queries from the Senate, senior military commanders, Judge Advocates General of the Armed Forces, and various civilian officials of the Executive Branch have given incomplete or varying answers to questions on what constitutes cruel, inhuman, or degrading treatment.

(5) It is critical to clarify these matters in order to ensure that members of the Armed Forces do not receive unclear or misleading guidance on such matters.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report setting forth the coordinated and definitive legal opinion of the United States Government on whether each of the following interrogation techniques constitutes cruel, inhuman, or degrading treatment or punishment (as defined in section 1002(d) of the Detainee Treatment Act of 2006 (as defined in the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd(d)):

(1) Waterboarding, or any other technique using water, bags, or other devices or substances to induce a sensation of drowning or asphyxiation.

(2) Sleep deprivation, including, at a minimum, depriving a prisoner of sleep for 24 hours or more or permitting five or less hours of sleep per day over a period of three or more days.

(3) Stress positions, including the use of any technique in which a prisoner is placed or shackled in a painful or awkward position (including prolonged standing or crouching, shackling arms above the head for prolonged periods, or the use of shackles or handcuffs in a manner which causes pain due to the swelling of tissue over a prolonged period of time).

(4) The use of extreme temperatures as an aid to interrogation.

(5) The use of beatings, slapping, or violent shaking.

(6) The use of dogs as an aid to interrogation.

(7) The use of nakedness or other forms of sexual humiliation as an aid to interrogation.

(c) ELEMENTS.—The report under subsection (b) shall state, for each interrogation technique listed in that subsection, the following

(1) Whether the technique would constitute cruel and unusual punishment under the Constitution of the United States if used on a United States citizen within the United States.

(2) Whether the technique would constitute cruel and unusual punishment under the Constitution of the United States if used on a United States citizen outside the United States.

(3) Whether the technique would be legal if used to interrogate a member of the Armed Forces of the United States by a state party to the Geneva Conventions.

(4) Whether the technique would be legal if used to interrogate a United States citizen by a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(d) CERTIFICATION ON NATURE OF OPINIONS.—The report under subsection (b) shall include a certification that the legal opinions set forth in the report are the coordinated and definitive opinion of the United States Government binding on all departments and agencies of the United States Government, any personnel of such departments and agencies, and any contractors of such departments and agencies.

(e) DISSEMINATION OF OPINIONS.—

(1) IN GENERAL.—The President shall ensure the dissemination of the legal opinions set forth in the report to all departments and agencies of the United States Government, together with the instruction that such opinions be further disseminated to all personnel of such departments and agencies and all contractors of such departments and agencies.

(2) CERTIFICATION ON DISSEMINATION.—The report shall include a certification regarding compliance with the requirement in paragraph (1).

(f) DEFINITIONS.—In this section:

(1) The term "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, and entering into force June 26, 1987 (T. Doc. 100–20).

(2) The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 1062. REPORTS ON MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE SERVING IN THE LEGISLATIVE BRANCH.

(a) MONTHLY REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Not later than 120 days after the date of the enactment of this Act, and monthly thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the members of the Armed Forces and civilian employees of the Department of Defense who, as of the date of such report, have served continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships.

(b) REPORTS ON CERTAIN MILITARY DETAILS AND FELLOWSHIPS.—If a member of the Armed Forces is assigned to a covered legislative detail or fellowship as the last tour of duty of such member before retirement or separation from the Armed Forces in contravention of the regulations of the Department of Defense, the Secretary shall submit to the congressional defense committees a report on the assignment of such member to such covered legislative detail or fellowship. The report shall include a rationale for the waiver of the regulations of the Department in order to permit the detail or fellowship.

(c) REPORT ELEMENTS.—Each report under subsection (a) or (b) shall set forth, for each member of the Armed Forces or civilian employee covered of the Department of Defense covered by such report, the following:

(1) The name of such member or employee.

(2) In the case of a member, the Armed Force of such member.

(3) The committee or member of Congress to which such member or employee is detailed or assigned.

(4) A general description of the projects or tasks undertaken or to be undertaken, as applicable, by such member or employee as a detailee, fellow, or both.

(5) The anticipated termination date of the current detail or fellowship of such member or employee.

(d) COVERED LEGISLATIVE DETAIL OR FELLOWSHIP DEFINED.—In this section, the term "covered legislative detail or fellowship" means the following:

(1) A detail under the provisions of Department of Defense Directive 1000.17.

(2) A legislative fellowship (including a legislative fellowship under the provisions of Department of Defense Directive 1322.6).

SEC. 1063. ADDITIONAL ELEMENT IN ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following new paragraph:

"(10) A description of the coordination and integration of the program of the Defense Advanced Research Projects Agency (DARPA) on basic and applied research and advanced technology development on chemical and biological warfare defense technologies and systems under section 1701(c)(2) with the overall program of the Department of Defense on chemical and biological warfare defense, including—

"(A) the degree to which the program of the Defense Advanced Research Projects Agency supports the objectives and requirements of the program of the Department of Defense; and

"(B) the means of determining the level of coordination and support provided by the program of the Defense Advanced Research Projects Agency for the program of the Department of Defense.".

SEC. 1064. REPORT ON LOCAL BOARDS OF TRUSTEES OF THE ARMED FORCES RETIREMENT HOME.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home—Washington under section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416).

(2) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home—Gulfport under section 1516 of such Act.

SEC. 1065. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) ANNUAL REPORT ON AVIATION CAREER INCENTIVE PAY.—Section 301a of title 37, United States Code, is amended by striking subsection (f).

(b) ANNUAL REPORT ON EFFECTS OF CERTAIN INITIATIVES ON RECRUITMENT AND RETENTION.—

(1) REPEAL.—Section 1015 of title 37, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of such title is amended by striking the item relating to section 1015.

(c) SECRETARY OF DEFENSE RECOMMENDATION ON NEED FOR DEFENSE IMPACT REVIEW PROCESS.—Section 1041 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1217) is repealed.

(d) REPORT ON PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.—Section 564 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A 134); 10 U.S.C. 503 note) is amended by striking subsection (c).

(e) ANNUAL REPORT ON MEDICAL INFORMATICS.—Section 723(d) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(f) REPORT ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES.—Section 553(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2772; 10 U.S.C. 4331 note) is amended by striking the second sentence.

SEC. 1066. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

SEC. 1067. REPORT ON REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on each report described in paragraph (2) that is required by law to be submitted to the congressional defense committees by the Department of Defense or any department, agency, element, or component under the Department of Defense.

(2) COVERED REPORTS.—Paragraph (1) applies with respect to any report required under a provision of law enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) that requires recurring reports to the committees referred to in that paragraph.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) Each report described by that subsection, including a statement of the provision of law under which such report is required to be submitted to Congress.

(2) For each such report, an assessment by the Secretary of the utility of such report from the perspective of the Department of Defense and a recommendation on the advisability of repealing the requirement for the submittal of such report.

SEC. 1068. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

SEC. 1069. REPORTS ON DEPARTMENT OF JUSTICE EFFORTS TO INVESTIGATE AND PROSECUTE CASES OF CONTRACTING ABUSE IN IRAQ, AFGHANISTAN, AND THROUGHOUT THE WAR ON TERROR.

(a) FINDINGS.—Congress makes the following findings:

(1) Waste, fraud, and abuse in contracting are harmful to United States efforts to successfully win the conflicts in Iraq and Afghanistan and succeed in the war on terror. The act of stealing from our soldiers who are daily in harm's way is clearly criminal and must be actively prosecuted.

(2) It is a vital interest of United States taxpayers to be protected from theft of their tax dollars by corrupt contractors.

(3) Whistleblower lawsuits are an important tool for exposing waste, fraud, and abuse and can identify serious graft and corruption.

(4) This issue is of paramount importance to the United States taxpayer, and the Congress must be provided with information about alleged contractor waste, fraud, and abuse taking place in Iraq, Afghanistan, and throughout the war on terror and about the efforts of the Department of Justice to combat these crimes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary and the Committee on Government Reform of the House of Representatives, and the congressional defense committees a report on efforts to investigate and prosecute cases of waste, fraud, and abuse under sections 3729 and 3730(b) of title 31, United States Code, or any other related law that are related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) Information on organized efforts of the Department of Justice that have been created to ensure that the Department of Justice is investigating, in a timely and appropriate manner, claims of contractor waste, fraud, and abuse related to the activities of the United States Government in Iraq, Afghanistan, and throughout the war on terror.

(B) Information on the specific number of personnel, financial resources, and workdays devoted to addressing this waste, fraud, and abuse, including a complete listing of all of the offices across the United States and throughout the world that are working on these cases and an explanation of the types of additional resources, both in terms of personnel and finances, that the Department of Justice needs to ensure that all of these cases proceed on a timely basis.

(C) A detailed description of any internal Department of Justice task force that exists to work specifically on cases of contractor fraud and abuse in Iraq, Afghanistan, and throughout the war on terror, including a description of its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the nature and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(D) A detailed description of any interagency task force that exists to work specifically on cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the type, nature, and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(E) The names of the senior officials directly responsible for oversight of the efforts to address these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(F) Specific information on the number of investigators and other personnel that have been provided to the Department of Justice by other Federal departments and agencies in support of the efforts of the Department of Justice to combat contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including data on the quantity of time that these investigators have spent working within the Department of Justice structures dedicated to this effort.

(G) Specific information on the full number of investigations, including grand jury investigations currently underway, that are addressing these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(H) Specific information on the number and status of the criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(I) Specific information on the number of civil cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including specific information on the quantity of cases initiated by private parties, as well as the quantity of cases that have been referred to the Department of Justice by the Department of Defense, the Department of State, and other relevant Federal departments and agencies.

(J) Specific information on the resolved civil and criminal cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including the specific results of these cases, the types of waste, fraud, and abuse that took place, the amount of funds that were returned to the United States Government as a result of resolution of these cases, and a full description of the type and substance of the waste, fraud, and abuse that took place. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(K) The best estimate by the Department of Justice of the scale of the problem of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

SEC. 1070. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOSAFETY LABORATORIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, conduct a study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretary of Defense shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

SEC. 1070A. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) CONTENT.—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) PUBLIC AVAILABILITY.—The Department of Defense submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) APPLICABILITY.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1070B. ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.

(b) CONTENT.—Each report required by subsection (a) shall indicate, for each sale in excess of $2,000,000—

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) PUBLIC AVAILABILITY.—The Department of Defense shall make reports submitted under this section publicly available to the maximum extent practicable.

SEC. 1070C. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

SEC. 1070D. ANNUAL REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.

(2) Operational reliability of unmanned systems continues to improve and sense-and-avoid technology development and fielding must continue in an effort to provide unmanned aerial systems with an equivalent level of safety to manned aircraft.

(3) Unmanned aerial vehicles have the potential to support the Nation's homeland defense mission, border security mission, and natural disaster recovery efforts.

(4) Accelerated development and testing of standards for the integration of unmanned aerial vehicles in the National Airspace System would further the increased safe use of such vehicles for border security, homeland defense, and natural disaster recovery efforts.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until the Federal Aviation Administration promulgates such policy, the Secretary of Defense shall submit to the Committees on Armed Services, Commerce, Science and Transportation, and Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services, Energy and Commerce, and Government Reform of the House of Representatives a report on the actions of the Department of Defense to support the development by the Federal Aviation Administration of a policy on the testing and operation of unmanned aerial vehicles in the National Airspace System.

Subtitle H—Technical and Conforming Amendments

SEC. 1071. UNIFORM DEFINITION OF NATIONAL SECURITY SYSTEM FOR CERTAIN DEPARTMENT OF DEFENSE PURPOSES.

(a) DEFENSE BUSINESS SYSTEMS.—Section 2222(j)(6) of title 10, United States Code, is amended by striking "section 2315 of this title" and inserting "section 3542(b)(2) of title 44".

(b) INFORMATION TECHNOLOGY.—Section 2223(c)(3) of such title is amended by striking "section 11103 of title 40" and inserting "section 3542(b)(2) of title 44".

(c) PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES.—The text of section 2315 of such title is amended to read as follows:

"For the purposes of subtitle III of title 40, the term 'national security system' has the meaning given that term in section 3542(b)(2) of title 44.".

SEC. 1072. CONFORMING AMENDMENT RELATING TO REDESIGNATION OF DEFENSE COMMUNICATIONS AGENCY AS DEFENSE INFORMATION SYSTEMS AGENCY.

Paragraph (1) of section 193(f) of title 10, United States Code, is amended to read as follows:

"(1) The Defense Information Systems Agency.".

SEC. 1073. TECHNICAL AMENDMENT.

Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) and as if included in the enactment thereof, section 341(e) of such Act (119 Stat. 3199) is amended by striking "(a)(1)(E)" and inserting "(a)(1)(F)".

Subtitle I—Other Matters

SEC. 1081. NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Effective on October 1, 2006, there is established the National Foreign Language Coordination Council (in this section referred to as the "Council").

(2) INDEPENDENT ESTABLISHMENT.—The National Foreign Language Coordination Council shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The Chairman and President of the Export-Import Bank of the United States.

(17) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) developing a national foreign language strategy, within 18 months of the date of the enactment of this Act, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry;

(vi) heritage associations; and

(vii) other relevant stakeholders;

(B) conducting a survey of the extent of Federal agency foreign language and area expertise, and of Federal agency needs for such expertise;

(C) identifying and evaluating the adequacy of Federal foreign language programs, including any duplicative or overlapping programs that may impede efficiency; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) identification of priorities to expand foreign language skills in the public and private sectors;

(B) recommendations for improving coordination of foreign language programs and activities among Federal agencies, enhancing Federal foreign language programs and activities, and allocating resources appropriately in order to maximize the use of resources;

(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(D) effective ways to increase public awareness of the need for foreign language skills and career paths in the public and private sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(E) recommendations for incentives for developing related educational programs, including foreign language teacher training;

(F) coordination of public and private sector efforts to provide foreign language instruction and acquire foreign language and area expertise;

(G) coordination of public and private sector initiatives to develop a strategic posture for language research;

(H) recommendations for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments of foreign language achievement standards for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(I) recommendations for development of—

(i) language skill-level certification standards;

(ii) frameworks for pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies in non-language areas, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences;

(J) identification of and means for replicating best practices for teaching foreign languages in the public and private sectors, including best practices from the international community; and

(K) recommendations for overcoming barriers in foreign language proficiency.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Council shall prepare and transmit to the President and the relevant committees of Congress the national foreign language strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Director may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and the Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) REPORTS.—Not later than April 1, 2007, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(1) the activities of the Council to develop the national foreign language strategy required under subsection (c);

(2) the findings of the Council as of the date of such report;

(3) the efforts of the Council to improve foreign language education and training; and

(4) impediments identified by the Council to the implementation of a comprehensive national foreign language strategy, including any statutory and regulatory restrictions.

(j) ESTABLISHMENT OF NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities in the public and private sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and monitor the implementation of a national foreign language strategy across the public and private sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) SUNSET.—This section shall cease to have effect on September 30, 2015.

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2007, $1,500,000 to carry out this section.

SEC. 1082. SUPPORT OF SUCCESSOR ORGANIZATIONS OF THE DISESTABLISHED INTERAGENCY GLOBAL POSITIONING SYSTEM EXECUTIVE BOARD.

Section 8 of the Commercial Space Transportation Competitiveness Act of 2000 (Public Law 106-405; 114 Stat. 1753; 10 U.S.C. 2281 note) is amended by striking "the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce" and inserting "the National Space-Based Positioning, Navigation, and Timing Executive Committee, the National Space-Based Positioning, Navigation, and Timing Coordination Office, and the National Space-Based Positioning, Navigation, and Timing Advisory Board, and any successor organization".

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) The Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, is vital in laying out the strategic military planning and threat objectives of the Department of Defense.

(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.—

(1) CONDUCT OF REVIEW.—Subsection (b) of section 118 of title 10, United States Code, is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.".

(2) ADDITIONAL ELEMENT IN REPORT TO CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ", the strategic planning guidance," after "United States";

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph (9):

"(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.".

(3) CJCS REVIEW.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: " and a description of the capabilities needed to address such risk".

(4) INDEPENDENT ASSESSMENT.—Such section is further amended by adding at the end the following new subsection:

"(f) INDEPENDENT ASSESSMENT.—(1) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review.

"(2) The panel appointed under paragraph (1) shall be composed of seven individuals (who may not be employees of the Department of Defense) as follows:

"(A) Three members shall be appointed by the President.

"(B) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Speaker of the House of Representatives.

"(C) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the House of Representatives.

"(D) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Majority Leader of the Senate.

"(E) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the Senate.

"(3) Not later than three months after the date that the report on a quadrennial defense review is submitted to Congress under subsection (d), the panel appointed under paragraph (2) shall provide to the congressional defense committees an assessment of the assumptions, planning guidelines, recommendations, and realism of the review.".

SEC. 1084. SENSE OF CONGRESS ON THE COMMENDABLE ACTIONS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) on June 7, 2006, the United States Armed Forces conducted an air raid near the City of Baquba, northeast of Baghdad, Iraq, that resulted in the death of Ahmad Fadeel al-Nazal al-Khalayleh, better known as Abu Musab al-Zarqawi, the leader of the al-Qaeda in Iraq terrorist organization and the most wanted terrorist in Iraq;

(2) Zarqawi, as the operational commander of al-Qaeda in Iraq, led a brutal campaign of suicide bombings, car bombings, assassinations, and abductions that caused the deaths of many members of the United States Armed Forces, civilian officials of the United States Government, thousands of innocent Iraqi civilians, and innocent civilians of other nations;

(3) Zarqawi publicly swore his allegiance to Osama bin Laden and al-Qaeda in 2004, and changed the name of his terrorist organization from the "Monotheism and Holy War Group" to "al-Qaeda in Iraq";

(4) in an audiotape broadcast in December 2004, Osama bin Laden, the leader of al-Qaeda's worldwide terrorist organization, called Zarqawi "the prince of al-Qaeda in Iraq";

(5) 3 perpetrators confessed to being paid by Zarqawi to carry out the October 2002 assassination of the United States diplomat, Lawrence Foley, in Amman, Jordan;

(6) the Monotheism and Holy War Group claimed responsibility for—

(A) the August 2003 suicide attack that destroyed the United Nations headquarters in Baghdad and killed the United Nations envoy to Iraq Sergio Vieira de Mello along with 21 other people; and

(B) the suicide attack on the Imam Ali Mosque in Najaf that occurred less than 2 weeks later, which killed at least 85 people, including the Ayatollah Sayed Mohammed Baqr al-Hakim, and wounded dozens more;

(7) Zarqawi is believed to have personally beheaded American hostage Nicholas Berg in May 2004;

(8) in May 2004, Zarqawi was implicated in a car bombing that killed Izzadine Salim, the rotating president of the Iraqi Governing Council;

(9) in November 2005, al-Qaeda in Iraq attacked 3 hotels in Amman, Jordan, killing at least 67 innocent civilians;

(10) Zarqawi and his terrorist organization were directly responsible for numerous other brutal terrorist attacks against the American and coalition troops, Iraqi security forces and recruits, and innocent Iraqi civilians;

(11) Zarqawi sought to turn Iraq into a safe haven for al-Qaeda;

(12) to achieve that end, Zarqawi stated his opposition to the democratically elected government of Iraq and worked to divide the Iraqi people, foment sectarian violence, and incite a civil war in Iraq; and

(13) the men and women of the United States Armed Forces, the intelligence community, and other agencies, along with coalition partners and the Iraqi Security Forces, should be commended for their courage and extraordinary efforts to track down the most wanted terrorist in Iraq and to secure a free and prosperous future for the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress—

(1) commends the United States Armed Forces, the intelligence community, and other agencies, along with coalition partners, for the actions taken through June 7, 2006, that resulted in the death of Abu Musab al-Zarqawi, the leader of the al-Qaeda in Iraq terrorist organization and the most wanted terrorist in Iraq;

(2) commends the United States Armed Forces, the intelligence community, and other agencies for this action and their exemplary performance in striving to bring freedom, democracy, and security to the people of Iraq;

(3) commends the coalition partners of the United States, the new government of Iraq, and members of the Iraqi Security Forces for their invaluable assistance in that operation and their extraordinary efforts to secure a free and prosperous Iraq;

(4) commends our civilian and military leadership for their continuing efforts to eliminate the leadership of al-Qaeda in Iraq, and also commends the new government of Iraq, led by Prime Minister Jawad al-Maliki, for its contribution to that achievement;

(5) recognizes that the death of Abu Musab al-Zarqawi is a victory for American and coalition forces in the global war on terror and a blow to the al-Qaeda terrorist organization;

(6) commends the Iraqi Prime Minister Jawad al-Maliki on the finalization of the new Iraqi cabinet;

(7) urges the democratically elected government in Iraq to use this opportunity to defeat the terrorist enemy, to put an end to ethnic and sectarian violence, and to achieve a free, prosperous, and secure future for Iraq; and

(8) affirms that the Senate will continue to support the United States Armed Forces, the democratically elected unity government of Iraq, and the people of Iraq in their quest to secure a free, prosperous, and democratic Iraq.

SEC. 1085. BUDGETING FOR ONGOING MILITARY OPERATIONS.

The President's budget submitted pursuant to section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2007 shall include—

(1) a request for funds for such fiscal year for ongoing military operations in Afghanistan and Iraq;

(2) an estimate of all funds expected to be required in that fiscal year for such operations; and

(3) a detailed justification of the funds requested.

SEC. 1086. COURT SECURITY IMPROVEMENTS.

(a) JUDICIAL BRANCH SECURITY REQUIREMENTS.—

(1) ENSURING CONSULTATION AND COORDINATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult and coordinate with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government.".

(2) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult and coordinate with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government.".

(b) PROTECTION OF FAMILY MEMBERS.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting "or a family member of that individual" after "that individual"; and

(2) in subparagraph (B)(i), by inserting "or a family member of that individual" after "the report".

(c) EXTENSION OF SUNSET PROVISION.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "2005" each place that term appears and inserting "2009".

(d) PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

"(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of a Federal judge or a Federal law enforcement official, on account of the performance of official duties by that Federal judge or Federal law enforcement official, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(b) As used in this section—

"(1) the term 'Federal judge' means a justice or judge of the United States as defined in section 451 of title 28, United States Code, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court, District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands; and

"(2) the term 'Federal law enforcement officer' has the meaning given that term in section 115 of this title and includes an attorney who is an officer or employee of the United States in the executive branch of the Government.".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

(e) PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.—

(1) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 118. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

"(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to kill, kidnap, or inflict bodily harm upon, or to threaten to kill, kidnap, or inflict bodily harm upon, that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114;

"(B) a Federal judge or Federal law enforcement officer as those terms are defined in section 1521; or

"(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

"(3) the term 'immediate family' has the same meaning given that term in section 115(c)(2).".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 117. Domestic assault by an habitual offender.
"Sec. 118. Protection of individuals performing certain official duties.".

(f) PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.—Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

(g) CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

(h) WITNESS PROTECTION GRANT PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

"PART JJ—WITNESS PROTECTION GRANTS

"SEC. 3001. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

"(b) USES OF FUNDS.—Grants awarded under this part shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for witness and victim protection programs;

"(2) has a serious violent crime problem in the jurisdiction; and

"(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.".

(i) GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.—

(1) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.".

(j) ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.—

(1) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "and" at the end;

(ii) in paragraph (3), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(4) grants to State courts to improve security for State and local court systems."; and

(B) in subsection (b), by inserting after the period the following:

"Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.".

(2) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(A) striking "80" and inserting "70";

(B) striking "and 10" and inserting "10"; and

(C) inserting before the period the following: ", and 10 percent for section 515(a)(4)".

(k) BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.—

(1) BANKRUPTCY JUDGES.—Section 153 of title 28, United States Code, is amended by adding at the end the following:

"(e) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a bankruptcy judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(2) UNITED STATES MAGISTRATE JUDGES.—Section 634(c) of title 28, United States Code, is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a magistrate judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(3) TERRITORIAL JUDGES.—

(A) GUAM.—Section 24 of the Organic Act of Guam (48 U.S.C. 1424b) is amended by adding at the end the following:

"(c) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(B) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821) is amended by adding at the end the following:

"(5) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(C) VIRGIN ISLANDS.—Section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)) is amended—

(i) by inserting "(1)" after "(a)"; and

(ii) by adding at the end the following:

"(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(m) HEALTH INSURANCE FOR SURVIVING FAMILY AND SPOUSES OF JUDGES.—Section 8901(3) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking "; and" and inserting a semicolon;

(2) in subparagraph (D), by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(E) a member of a family who is a survivor of—

"(i) a Justice or judge of the United States, as defined under section 451 of title 28, United States Code;

"(ii) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

"(iii) a judge of the United States Court of Federal Claims; or

"(iv) a United States bankruptcy judge or a full-time United States magistrate judge.".

SEC. 1087. SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires all United States chemical weapons stockpiles be destroyed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention;

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report; and

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

SEC. 1088. IMPROVED ACCOUNTABILITY FOR COMPETITIVE CONTRACTING IN HURRICANE RECOVERY.

The exceptions to full and open competition otherwise available under paragraphs (2), (3), (4), and (5) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) and paragraphs (2), (3), (4), and (5) of section 2304(c) of title 10, United States Code, shall not apply to Federal contracts worth over $500,000 for the procurement of property or services in connection with relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season.

SEC. 1089. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employee Protection of Disclosures Act".

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)"; and

(3) by adding at the end the following:

"(C) any disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

"(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

"(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.".

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

"This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.".

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

"(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and"

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

"(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.".

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

"§ 7702a. Actions relating to security clearances

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

"(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

"(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

"(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

"(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.".

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

"7702a. Actions relating to security clearances.".

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

"(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(ii) an assessment of a civil penalty not to exceed $1,000; or

"(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.".

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

"(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).".

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).".

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.".

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: "For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.".

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting ", including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures" after "chapter 12 of this title".

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

SEC. 1090. SENSE OF CONGRESS REGARDING THE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, members of the Armed Forces of the United States successfully liberated the people of Iraq from the tyrannical regime of Saddam Hussein.

(2) Members of the Armed Forces of the United States have bravely risked their lives everyday over the last 3 years to protect the people of Iraq from terror attacks by Al Qaeda and other extremist organizations.

(3) Members of the Armed Forces of the United States have conducted dozens of operations with coalition forces to track, apprehend, and eliminate terrorists in Iraq.

(4) Members of the Armed Forces of the United States have helped sustain political progress in Iraq by assisting the people of Iraq as they exercised their right to choose their leaders and draft their own constitution.

(5) Members of the Armed Forces of the United States have taught over 150,000 soldiers of Iraq to respect civilian authority, conduct counter-insurgency operations, provide meaningful security, and protect the people of Iraq from terror attacks.

(6) Members of the Armed Forces of the United States have built new schools, hospitals, and public works throughout Iraq.

(7) Members of the Armed Forces of the United States have helped rebuild Iraq's dilapidated energy sector.

(8) Members of the Armed Forces of the United States have restored electrical power and sewage waste treatment for the people of Iraq.

(9) Members of the Armed Forces of the United States have established lasting and productive relationships with local leaders in Iraq and secured the support of a majority of the populace of Iraq.

(10) Members of the Armed Forces of the United States have courageously endured sophisticated terror tactics, including deadly car-bombs, sniper attacks, and improvised explosive devices.

(11) Members of the Armed Forces of the United States have paid a high cost in order to defeat the terrorists, defend innocent civilians, and protect democracy from those who desire the return of oppression and extremism to Iraq.

(12) Members of the Armed Forces of the United States have performed their duty in Iraq with an unflagging commitment to the highest ideals and traditions of the United States and the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the men and women in uniform of the Armed Forces of the United States in Iraq should be commended for their on-going service to the United States, their commitment to the ideals of the United States, and their determination to win the Global War on Terrorism;

(2) gratitude should be expressed to the families of the Armed Forces of the United States, especially those families who have lost loved ones in Operational Iraqi Freedom; and

(3) the people of the United States should honor those who have paid the ultimate sacrifice and assist those families who have loved ones in the Armed Forces of the United States deployed overseas.

SEC. 1091. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2008".

SEC. 1092. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.10 percent.".

(b) CONFORMING AMENDMENT.—Section 411 of the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447; 22 U.S.C. 287e note) is repealed.

SEC. 1093. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2007".

SEC. 1094. PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SEC. 1095. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SEC. 1096. SENSE OF CONGRESS ON IRAQ SUMMIT.

SENSE OF CONGRESS.—It is the sense of Congress that the President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES ON TERMINAL LEAVE PERFORMING DUAL EMPLOYMENT.

Section 5534a of title 5, United States Code, is amended by adding at the end the following new sentence: "Such a member is also entitled to accrue annual leave with pay in the manner specified in section 6303(a) of this title for a retired member of the uniformed services.".

SEC. 1102. STRATEGY FOR IMPROVING THE SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) INCLUSION IN 2007 STRATEGIC HUMAN CAPITAL PLAN.—The Secretary of Defense shall include in the March 1, 2007, Strategic Human Capital Plan required by section 1122(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3453; 10 U.S.C. prec. 1580 note) a strategic plan to shape and improve the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

(b) SCOPE OF PLAN.—The strategic plan required by subsection (a) shall cover, at a minimum, the following categories of Department of Defense civilian personnel:

(1) Appointees in the senior executive service under section 3131 of title 5, United States Code.

(2) Persons serving in positions described in section 5376(a) of title 5, United States Code.

(3) Highly qualified experts appointed pursuant to section 9903 of title 5, United States Code.

(4) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into by law by Public Law 106–398 (114 Stat. 1654A–315)).

(5) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

(6) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of title 10, United States Code.

(7) Persons serving in Intelligence Senior Level positions under section 1607 of title 10, United States Code.

(c) CONTENTS OF PLAN.—The strategic plan required by subsection (a) shall include—

(1) an assessment of—

(A) the needs of the Department of Defense for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

(B) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs; and

(2) a plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under paragraph (1)(C), including—

(A) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in subsection (b) or to establish a new category of senior management or technical personnel;

(B) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

(C) any changes in the rates or methods of pay for any category of personnel identified in subsection (b) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

(D) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

(E) specific strategies for development, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

(F) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of title 10, United States Code.

SEC. 1103. AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

SEC. 1104. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor may solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor may prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(c) GAO REPORT.—Not later than June 30, 2007, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

SEC. 1105. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "September 30, 2008" and inserting "September 30, 2011".

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—General Matters

SEC. 1201. EXPANSION OF HUMANITARIAN AND CIVIC ASSISTANCE TO INCLUDE COMMUNICATIONS AND INFORMATION CAPACITY.

Section 401 of title 10, United States Code, as amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) end the following new paragraph (2):

"(2) Expenses covered by paragraph (1) include communications or information systems equipment or supplies incurred in providing assistance described in subsection (e)(4)."; and

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by striking "paragraph (2)(B)" and inserting "paragraph (3)(B)"; and

(2) in subsection (e)(4), by inserting before the period the following: ", including information and communications technology facilities".

SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO THE REGIONAL DEFENSE COUNTERTERRORISM FELLOWSHIP PROGRAM.

(a) Redesignation of Program as Regional Defense Combatting Terrorism Fellowship Program.—Section 2249c of title 10, United States Code, is amended in subsections (a) and (c)(3), by striking "Counterterrorism" and inserting "Combatting Terrorism".

(b) Availability of Funds.—

(1) In general.—Subsection (a) of such section is further amended by striking "the attendance" and all that follows through "military educational institutions" and inserting "the education and training of foreign military officers and other foreign officials at military or civilian educational institutions".

(2) Increase in amount available.—Subsection (b) of such section is amended by striking "$20,000,000" and inserting "$25,000,000".

(3) Availability of amounts across fiscal years.—Subsection (b) of such section is further amended by adding at the end the following new sentence: "Amounts available under the authority in subsection (a) for a fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

(c) Conforming and Clerical Amendments.—

(1) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 2249c. Authority to use appropriated funds for education and training of foreign visitors under Regional Defense Combatting Terrorism Fellowship Program".

(2) Clerical amendment.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c and insert the following new item:

"2249c. Authority to use appropriated funds for education and training of foreign visitors under Regional Defense Combatting Terrorism Fellowship Program.".

SEC. 1203. LOGISTIC SUPPORT OF ALLIED FORCES FOR COMBINED OPERATIONS.

(a) Authority To Use Funds To Provide Support.—

(1) In general.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2249c the following new section:

"§ 2249d. Authority to use appropriated funds for logistic support of allied forces for combined operations

"(a) Authority To Use Funds.—Subject to subsections (b) and (c), funds appropriated to the Department of Defense for operation and maintenance may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide logistic support, supplies, and services to allied forces participating in combined operations with the armed forces of the United States.

"(b) Limitation Relating to Combined Operations.—The authority in subsection (a) to provide logistic support, supplies, and services may be exercised only—

"(1) with respect to combined operations during a period of active hostilities, a contingency operation, or a noncombat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance, country stabilization operations, or peacekeeping operations under chapter VI or VII of the Charter of the United Nations); and

"(2) in circumstances in which the Secretary of Defense determines that the allied forces to be provided such logistic support, supplies, and services—

"(A) are essential to the success of such combined operations; and

"(B) would not be able to participate in such combined operations but for the provision of such logistic support, supplies, and services.

"(c) Limitations Relating to Amount.—(1) Except as provided in paragraph (2), the amount of logistic support, supplies, and services provided under subsection (a) in any fiscal year may not exceed $100,000,000.

"(2) In any fiscal year, in addition to any logistic support, supplies, and services provided under subsection (a) that are covered by paragraph (1), logistic support, supplies, and services in the amount of $5,000,000 may be provided under that subsection if such support, supplies, and services are solely for purposes of enhancing the interoperability of the logistical support systems of allied forces with the logistical support systems of the armed forces of the United States in order to facilitate combined operations.

"(d) Annual Report.—Not later than December 31 each year, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on the use of the authority in subsection (a) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(1) Each nation provided logistic support, supplies, and services.

"(2) For each such nation, a description of the type and value of logistic support, supplies, and services so provided.

"(e) Definitions.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the Committees on Armed Services and Foreign Relations of the Senate; and

"(B) the Committees on Armed Services and International Relations of the House of Representatives.

"(2) The term 'logistic support, supplies, and services' has the meaning given such term in section 2350(1) of this title and includes sealift.".

(2) Clerical amendment.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2249c the following new item:

"2249d. Authority to use appropriated funds for logistic support of allied forces for combined operations.".

(b) Effective Date.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1204. EXCLUSION OF PETROLEUM, OIL, AND LUBRICANTS FROM LIMITATIONS ON AMOUNT OF LIABILITIES THE UNITED STATES MAY ACCRUE UNDER ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) Exclusion.—Section 2347 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The limitations in this section on the amount of reimbursable liabilities or reimbursable credits that the United States may accrue under this subchapter shall not apply with respect to the sale, purchase, or exchange of petroleum, oils, or lubricants.".

(b) Conforming Amendments.—Paragraphs (1) and (2) of subsection (a) of such section are each amended by striking "(other than petroleum, oils, and lubricants)".

SEC. 1205. TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LOAN SIGNIFICANT MILITARY EQUIPMENT TO FOREIGN FORCES IN IRAQ AND AFGHANISTAN FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) Authority.—

(1) In general.—Subject to paragraphs (2) and (3), the Secretary of Defense may treat significant military equipment as logistic support, supplies, and services under subchapter I of chapter 138 of title 10, United States Code, for purposes of providing for the use of such equipment by military forces of nations participating in combined operations with United States Forces in Iraq and Afghanistan if the Secretary, with the concurrence of the Secretary of State, determines in writing that it is in the national security interests of the United States to provide for the use of such equipment in such manner.

(2) Limitation on duration of provision.—Equipment may be used by foreign military forces under this subsection for not longer than one year.

(3) Limitation on use.—Equipment may be used by foreign military forces under this subsection solely for personnel protection or to aid in the personnel survivability of such forces.

(b) Semiannual Reports.—

(1) Reports required.—The Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the exercise of the authority in subsection (a) as follows:

(A) If the authority is exercised during the first six-month period of a fiscal year, not later than 30 days after such period.

(B) If the authority is exercised during the second six-month period of a fiscal year, not later than 30 days after such period.

(2) Elements.—Each report under paragraph (1) shall include, for each exercise of authority under subsection (a) during the period covered by such report, the following:

(A) A copy of the written determination under subsection (a) with respect to the exercise of such authority.

(B) A statement of each recipient of equipment under the exercise of such authority.

(C) A description of the type, quantity, and value of the equipment supplied to each such recipient, and a description of the terms and duration of the supply of the equipment to such recipient.

(c) Construction With Limitations on Transfer of Military Equipment.—The provision of significant military equipment for use under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and of any other export control regime under law relating to the transfer of military technology to foreign nations.

(d) Definitions.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Foreign Relations of the Senate; and

(B) the Committees on Armed Services and International Relations of the House of Representatives.

(2) The term "significant military equipment" means items designated as significant military equipment on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(e) Expiration.—The authority in subsection (a) shall expire on September 30, 2008.

SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO THE BUILDING OF THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) Funds Available for Presidential Program.—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) is amended by striking "defense-wide".

(b) Limited Authority To Respond to Unanticipated Changes in Security Environment.—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) Combatant Commander Authority To Respond to Unanticipated Changes in Security Environment.—

"(1) In general.—During fiscal years 2007 and 2008, the Secretary of Defense may, with the concurrence of the Secretary of State, authorize any commander of a geographic combatant command to respond to unanticipated changes in a security environment within the area of responsibility of such commander by conducting a program to build the capacity of the national military forces of a country within such area of responsibility in order for such country to—

"(A) conduct counterterrorist operations; or

"(B) participate in or support military and stability operations.

"(2) Required elements.—Any program under paragraph (1) shall include elements that promote—

"(A) observance of and respect for human rights and fundamental freedoms; and

"(B) respect for legitimate civilian authority within the country concerned.

"(3) Authorized elements.—Any program under paragraph (1) may include the provision of equipment, supplies, and training.

"(4) Annual funding limitation.—The Secretary of Defense may make available, from funds available for operation and maintenance for fiscal year 2007 or 2008, not to exceed $200,000,000 to conduct activities under paragraph (1) in such fiscal year. Of the amount so made available for a fiscal year, not more than $50,000,000 may be available for any commander of a particular geographic combatant command in such fiscal year. Amounts available under this paragraph are in addition to any other amounts available to the commanders of the geographic combatant commands, including amounts in the Combatant Commanders Initiative Fund.

"(5) Assistance otherwise prohibited by law.—The commander of a geographic combatant command may not use the authority in paragraph (1) to provide any type of assistance described in paragraphs (2) and (3) that is otherwise prohibited by any provision of law.

"(6) Limitation on eligible countries.—The commander of a geographic combatant command may not use the authority in paragraph (1) to provide any type of assistance described in paragraphs (2) and (3) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

"(7) Formulation and execution of programs.—The Secretary of Defense shall prescribe guidance for programs authorized by paragraph (1). Such guidance shall include requirements for the commanders of the geographic combatant commands to—

"(A) formulate any program under paragraph (1) for a country jointly with the United States ambassador or chief of mission to such country; and

"(B) coordinate with the United States ambassador or chief of mission to a country in implementing any program under paragraph (1) for such country.

"(8) Congressional notification.—Not less than 15 days after the initiation of activities in a country under a program under paragraph (1), the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional committees specified in subsection (e)(3) a notice of the following:

"(A) The country being assisted in the building of the capacity of its military forces under the program.

"(B) The budget, implementation timeline with milestones, and completion date for the program.

"(C) The source and planned expenditure of funds to complete the program.".

(c) Limited Authority To Meet Unanticipated Humanitarian Relief or Reconstruction Requirements.—Such section is further amended by inserting after subsection (f), as added by subsection (b)(2) of this section, the following new subsection (g):

"(g) Combatant Commander Authority To Meet Unanticipated Humanitarian Relief or Reconstruction Requirements.—

"(1) In general.—During fiscal years 2007 and 2008, the Secretary of Defense may authorize any commander of a geographic combatant command to provide the assistance described in paragraph (2) to respond to urgent and unanticipated humanitarian relief or reconstruction requirements in a foreign country within the area of responsibility of the commander of the geographic combatant command if the commander of the geographic combatant command determines that the provision of such assistance will promote the security interests of the United States and the country to which such assistance will be provided. Such assistance may be provided without regard to any provision of chapter 137, 140, or 141 of title 10, United States Code, or any other provision of law that would prohibit, restrict, or limit the provision of such assistance.

"(2) Types of assistance.—The assistance that may be provided under paragraph (1) includes the following:

"(A) Construction, reconstruction, or repair of municipal, educational, cultural, or other local facilities.

"(B) Reconstitution or improvement of utilities or other local infrastructure.

"(C) Provision of any other goods or services necessary to respond to urgent and unanticipated humanitarian relief or reconstruction requirements.

"(3) Prohibition on assistance in certain countries.—Assistance may not be provided under paragraph (1) in Iraq or Afghanistan.

"(4) Annual funding limitation.—From funds available for operation and maintenance for fiscal year 2007 or 2008, not more than $200,000 may be available to the commander of a geographic combatant command to conduct activities under paragraph (1) in any particular country in such fiscal year. Amounts available under this paragraph are in addition to any other amounts available to the commanders of the geographic combatant commands, including amounts in the Combatant Commanders Initiative Fund.

"(5) Construction of authority.—The authority and funds available to the commanders of the geographic combatant commands under this subsection are in addition to any other authorities and funds available to the commanders of the geographic combatant commands.

"(6) Guidance on provision of assistance.—(A) No funds may be obligated or expended for the provision of assistance under paragraph (1) until the Secretary of Defense prescribes guidance on the provision of assistance under that paragraph.

"(B) The guidance under this paragraph shall include a requirement that any assistance provided under paragraph (1) in a particular country be provided only with the concurrence of the United States ambassador or chief of mission to that country.

"(C) Not later than 30 days after the issuance of the guidance under this paragraph, the Secretary shall submit to the congressional defense committees a report setting forth such guidance.

"(D) Not later than 30 days after issuing any modification to the guidance under this paragraph, the Secretary shall submit to the congressional defense committees a report on such modification.

"(7) Report.—Not later than November 1 of 2007 and 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the provision of assistance under paragraph (1) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(A) The source of funds utilized to provide assistance under paragraph (1) during such fiscal year.

"(B) Each country in which assistance was so provided.

"(C) For each country so provided assistance, the type and amount of assistance provided.".

(d) Termination of Authority.—Subsection (i) of such section, as redesignated by subsection (b)(1) of this section, is further amended to read as follows:

"(i) TERMINATION.—

"(1) TERMINATION OF PRESIDENTIAL PROGRAM.—The authority of the President under subsection (a) to direct the Secretary of Defense to conduct a program terminates at the close of September 30, 2008. Any program directed before that date may be completed, but only using funds available for fiscal year 2006, 2007, or 2008.

"(2) TERMINATION OF COMBATANT COMMANDER AUTHORITIES.—The authority of the commanders of the geographic combatant commands to carry out programs under subsection (f), and to provide assistance under subsection (g), terminates at the close of September 30, 2008. Any program or assistance commenced before that date may be completed, but only using funds available for fiscal year 2007 or 2008.".

SEC. 1207. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—During fiscal year 2007, the Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

(1) enhancing the ability of military forces and civilian personnel of the nations participating in such centers to engage in joint exercises or coalition or international military operations; or

(2) improving interoperability between the Armed Forces of the United States and the military forces of friendly foreign nations.

(b) COVERED NATIONS.—The nations referred to in this section are as follows:

(1) The United States.

(2) Any member nation of the North Atlantic Treaty Organization (NATO).

(3) Any major non-NATO ally.

(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

(c) MEMORANDUM OF UNDERSTANDING.—The participation of the Department of Defense, or of members of the armed forces or civilian personnel of the Department, in a multinational military center of excellence under subsection (a) shall be governed by the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States share of the expenses of any multinational military center of excellence in which the United States participates under this section.

(B) To pay the costs of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under this section, including the costs of pay, salaries, and expenses of such members and personnel in participating in such centers.

(2) The amount available under paragraph (1)(A) in fiscal year 2007 for the expenses referred to in that paragraph may not exceed $3,000,000.

(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—(1) Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

(2) The use of facilities and equipment for support of a multinational military center of excellence under paragraph (1) may, at the election of the Secretary of Defense, be with or without reimbursement by other nations participating in the center.

(f) REPORT ON USE OF AUTHORITY.—

(1) REPORT REQUIRED.—Not later than October 31, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority in this section during fiscal year 2007.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the participation of the Department of Defense, and of members of the Armed Forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section during fiscal year 2007.

(B) For each multinational military center of excellence in which the Department of Defense, or members of the Armed Forces or civilian personnel of the Department, so participated—

(i) a description of such multinational military center of excellence;

(ii) a description of the activities participated in by the Department, or by members of the Armed Forces or civilian personnel of the Department; and

(iii) a statement of the costs of the Department for such participation, including—

(I) a statement of the United States share of the expenses of such center, and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

(g) DEFINITIONS.—In this section:

(1) The term "multinational military center of excellence" means an entity sponsored by one or more nations that is accredited and approved by the North Atlantic Treaty Organization military committee as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of the North Atlantic Treaty Organization by providing such personnel opportunities to—

(A) enhance education and training;

(B) improve interoperability and capabilities;

(C) assist in the development of doctrine; and

(D) validate concepts through experimentation.

(2) The term "major non-NATO ally" means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

SEC. 1208. DISTRIBUTION OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE INTEROPERABILITY.

(a) DISTRIBUTION AUTHORIZED.—In furtherance of the national security objectives of the United States and to improve interoperability between the Armed Forces of the United States and military forces of friendly foreign countries, the Secretary of Defense may—

(1) provide to the personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development and enhancement of allied and friendly military capabilities for multinational operations, including joint exercises and coalition operations; and

(2) provide information technology, including computer software developed for such purpose, to support the use of such learning content for the education and training of such personnel.

(b) PERSONNEL.—The personnel to which learning content and information technology may be provided under subsection (a) are as follows:

(1) Military and civilian personnel of friendly foreign governments.

(2) Personnel of internationally-recognized nongovernmental organizations.

(c) EDUCATION AND TRAINING.—The education and training provided under subsection (a) shall include the following:

(1) Internet based education and training.

(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer assisted exercises.

(d) INFORMATION TECHNOLOGY.—In providing information technology under subsection (a)(2), the Secretary of Defense may only expend funds for the development and provision of information technology and learning content necessary to support the provision of education and training authorized by this section.

(e) SECRETARY OF STATE CONCURRENCE IN CERTAIN ACTIVITIES.—In the case of any activity proposed to be undertaken under the authority in this section that is not authorized by another provision of law, the Secretary of Defense may not undertake such activity without the concurrence of the Secretary of State.

(f) CONSTRUCTION WITH OTHER AUTHORITY.—

(1) SUPPLEMENTAL AUTHORITY.—The authority in this section is in addition to any other authority available to the Secretary of Defense to provide assistance to foreign nations or military forces.

(2) LIMITATION.—The provision of learning content and information technology under the authority in this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

(g) GUIDANCE.—

(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth such guidance.

(3) MODIFICATION.—In the event the Secretary modifies the guidance required by paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth the modified guidance not later than 30 days after the date of such modification.

(h) ANNUAL REPORT.—

(1) REPORT REQUIRED.—Not later than October 31 of 2007 and 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in this section during the preceding fiscal year.

(2) ELEMENTS.—The report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

(A) A statement of the recipients of learning content and information technology provided under this section.

(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

(i) Termination.—The authority in this section shall expire on September 30, 2008.

SEC. 1209. UNITED STATES' POLICY ON THE NUCLEAR PROGRAMS OF IRAN.

(a) Findings.—Congress finds that:

(1) The pursuit by the Iranian regime of a capability to produce nuclear weapons represents a threat to the United States, the middle east region, and international peace and security.

(2) On May 31, 2006, Secretary of State Rice announced that the United States would join negotiations with Iran, along with the United Kingdom, France, and Germany, provided that Iran fully and verifiably suspends its enrichment and reprocessing activities.

(3) On June 1, 2006, President George W. Bush stated that "Secretary Rice, at my instructions, said to the world that we want to solve the problem of the Iranian nuclear issue diplomatically. And we made it very clear publicly that we're willing to come to the table, so long as the Iranians verifiably suspend their program. In other words, we said to the Iranians [that] the United States of America wants to work with our partners to solve the problem".

(4) On June 1, 2006, the United States, the United Kingdom, France, Germany, the People's Republic of China, and the Russian Federation agreed upon a package of incentives and disincentives, which was subsequently presented to Iran by the High Representative of the European Union, Javier Solana.

(b) Sense of Congress.—Congress—

(1) endorses the policy of the United States, announced May 31, 2006, to achieve a successful diplomatic outcome, in coordination with leading members of the international community, with respect to the threat posed by the efforts of the Iranian regime to acquire a capability to produce nuclear weapons;

(2) calls on Iran to suspend fully and verifiably its enrichment and reprocessing activities, cooperate fully with the International Atomic Energy Agency, and enter into negotiations, including with the United States, pursuant to the package presented to Iran by the High Representative of the European Union; and

(3) urges the President and the Secretary of State to keep Congress fully and currently informed about the progress of this vital diplomatic initiative.

SEC. 1210. MODIFICATION OF LIMITATIONS ON ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

Section 2013(13)(A) of the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 116 Stat. 909; 22 U.S.C. 7432(13)(A)) is amended by striking "or 5".

SEC. 1211. SENSE OF THE CONGRESS COMMENDING THE GOVERNMENT OF IRAQ FOR AFFIRMING ITS POSITION OF NO AMNESTY FOR TERRORISTS WHO ATTACK UNITED STATES ARMED FORCES.

(a) Findings.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(4) The National Security Advisor of Iraq affirmed that the Government of Iraq will "never give amnesty to those who have killed American soldiers or Iraqi soldiers or civilians."

(5) The National Security Advisor of Iraq thanked "the American wives and American women and American mothers for the treasure and blood they have invested in this country . . . of liberating 30 million people in this country . . . and we are ever so grateful."

(b) Sense of Congress.—It is the sense of Congress that—

(1) the goal of the United States and our coalition partners has been to empower the Iraqi nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;

(2) history records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorists acts; and

(3) the United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people who have fought once a conflict is concluded.

SEC. 1212. SENSE OF CONGRESS ON THE GRANTING OF AMNESTY TO PERSONS KNOWN TO HAVE KILLED MEMBERS OF THE ARMED FORCES IN IRAQ.

(a) Findings.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.

(3) More than 2,500 members of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and

(2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

SEC. 1213. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) Annual Report Required.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) Elements.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

SEC. 1214. NORTH KOREA.

(a) Coordinator of Policy on North Korea.—

(1) Appointment required.—Not later than 60 days after the date of the enactment of this Act, the President shall appoint a senior presidential envoy to act as coordinator of United States policy on North Korea.

(2) Designation.—The individual appointed under paragraph (1) may be known as the "North Korea Policy Coordinator" (in this subsection referred to as the "Coordinator)".

(3) Duties.—The Coordinator shall—

(A) conduct a full and complete interagency review of United States policy toward North Korea including matters related to security and human rights;

(B) provide policy direction for negotiations with North Korea relating to nuclear weapons, ballistic missiles, and other security matters; and

(C) provide leadership for United States participation in Six Party Talks on the denuclearization of the Korean peninsula.

(4) Report.—Not later than 90 days after the date of the appointment of an individual as Coordinator under paragraph (1), the Coordinator shall submit to the President and Congress an unclassified report, with a classified annex if necessary, on the actions undertaken under paragraph (3). The report shall set forth—

(A) the results of the review under paragraph (3)(A); and

(B) any other matters on North Korea that the individual considers appropriate.

(b) Report on Nuclear and Missile Programs of North Korea.—

(1) Report required.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress an unclassified report, with a classified annex as appropriate, on the nuclear program and the missile program of North Korea.

(2) Elements.—Each report submitted under paragraph (1) shall include the following:

(A) The most current national intelligence estimate on the nuclear program and the missile program of North Korea, and, consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments in the estimate.

(B) The most current unclassified United States Government assessment, stated as a range if necessary, of (i) the number of nuclear weapons possessed by North Korea and (ii) the amount of nuclear material suitable for weapons use produced by North Korea by plutonium reprocessing and uranium enrichment for each period as follows:

(I) Before October 1994.

(II) Between October 1994 and October 2002.

(III) Between October 2002 and the date of the submittal of the initial report under paragraph (1).

(IV) Each 12-month period after the submittal of the initial report under paragraph (1).

(C) Any other matter relating to the nuclear program or missile program of North Korea that the President considers appropriate.

SEC. 1215. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) Sense of Senate.—It is the sense of the Senate that the United States should—

(1) support the development of the Transitional Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) Development of a Comprehensive Strategy for Somalia.—

(1) Requirement for strategy.—Not later then 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) Content of strategy.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) Annual Reports.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) Form.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(e) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1216. INTELLIGENCE ON IRAN.

(a) Submittal to Congress of Updated National Intelligence Estimate on Iran.—

(1) Submittal required.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) Notice regarding submittal.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) Form.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) Elements.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) Presidential Report on Policy Objectives and United States Strategy Regarding Iran.—

(1) Report required.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) Form.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) Elements.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) Director of National Intelligence Report on Process for Vetting and Clearing Administration Officials' Statements Drawn From Intelligence.—

(1) Report required.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) Elements.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SEC. 1217. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) Requirement for Reports.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement; and

(2) a description of any violation of the Agreement and any delay in implementing the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) Certification.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) Form and Availability of Reports.—

(1) Form.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) Availability.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

Subtitle B—Report Matters

SEC. 1221. REPORT ON INCREASED ROLE AND PARTICIPATION OF MULTINATIONAL PARTNERS IN THE UNITED NATIONS COMMAND IN THE REPUBLIC OF KOREA.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on an increased role and participation of multinational partners in the United Nations Command in the Republic of Korea.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A list of the nations that are current members of the United Nations Command in the Republic of Korea, and a detailed description of the role and participation of each such member nation in the responsibilities and activities of the United Nations Command.

(2) A detailed description of efforts being undertaken by the United States to encourage enhanced participation in the responsibilities and activities of the United Nations Command in the Republic of Korea by such member nations.

(3) A discussion of whether and how members of the United Nations Command in the Republic of Korea might be persuaded to deploy military forces in peacetime to the Republic of Korea to bolster the deterrence mission of the United Nations Command.

(4) An assessment of how the military and political requirements for United States military forces in the Republic of Korea might be affected were multinational partners in the United Nations Command in the Republic of Korea to increase their contribution of military forces stationed in the Republic of Korea.

(5) An assessment of whether and how the contribution of additional military forces to the United Nations Command in the Republic of Korea by a multinational partner might affect that partner's approach to facilitating a diplomatic resolution of the nuclear challenge posed by the Democratic Peoples Republic of Korea.

(c) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Foreign Relations of the Senate; and

(2) the Committees on Armed Services and International Relations of the House of Representatives.

SEC. 1222. REPORT ON INTERAGENCY OPERATING PROCEDURES FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the United States Government should bring to bear all elements of national power to achieve its national security objectives, including stabilization and reconstruction operations;

(2) civilian agencies of the United States Government lack the capacity to deploy rapidly, and for sustained periods of time, trained personnel to support stabilization and reconstruction operations in the field;

(3) civilian agencies of the United States Government should expand their capacity to plan, coordinate, and conduct stabilization and reconstruction operations, including their capacity to deploy civilians with relevant expertise to participate in sustained stability and reconstruction operations;

(4) National Security Presidential Directive 44, entitled "Management of Interagency Efforts Concerning Reconstruction and Stabilization", is a positive step toward improving coordination, planning, and implementation by the United States Government of reconstruction and stabilization assistance for foreign states and regions at risk of, in, or in transition from conflict or civil strife;

(5) all the relevant United States Government agencies should include in their budget requests for future fiscal years adequate funding for planning and preparing to support contingency operations and, as necessary, request emergency supplemental funds for unanticipated contingency operations; and

(6) the President should provide clear guidance to United States Government agencies to manage complex operations and establish a standard, integrated approach to the planning and conduct of interagency operations to ensure a coherent and unified United States Government approach to contingency operations.

(b) Report.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth a plan to establish interagency operating procedures for the departments and agencies of the United States Government for the planning and conduct of stabilization and reconstruction operations.

(c) Plan Elements.—The plan required under the report under subsection (b) shall include the following:

(1) A delineation of the roles, responsibilities, and authorities of the departments and agencies of the United States Government for stabilization and reconstruction operations.

(2) A description of operational processes for setting policy direction for stabilization and reconstruction operations in order to guide—

(A) operational planning and funding decisions of such departments and agencies;

(B) oversight of policy implementation;

(C) integration of programs and activities into an implementation plan;

(D) integration of civilian and military planning efforts;

(E) provision of guidance to field-level personnel on program direction and priorities; and

(F) monitoring of field implementation of assistance programs.

(3) A description of available capabilities and resources of each department and agency of the United States Government that could be used in support of stabilization and reconstruction operations, and an identification of additional resources needed to support the conduct of stabilization and reconstruction activities.

(4) A description of how the capabilities and resources of the departments and agencies of the United States Government under stabilization and reconstruction operations will be coordinated.

(5) A description of existing, or planned, protocols between departments and agencies of the United States Government on the utilization and allocation of assets in field operations under stabilization and reconstruction operations.

(6) Recommendations for improving interagency training, education, and simulation exercises in order to adequately prepare civilian and military personnel in the departments and agencies of the United States Government to perform stabilization and reconstruction operations.

(7) A discussion of the statutory and budgetary impediments, if any, that prevent civilian agencies of the United States Government from fully and effectively participating in stabilization and reconstruction operations, and recommendations for legislative or administration actions to enhance the ability of the United States Government to conduct stabilization and reconstruction operations.

(8) Guidance for the implementation of the plan.

SEC. 1223. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) Reports on Allied Contributions to the Common Defense.—Section 1003 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended by striking subsections (c) and (d).

(b) Cost-Sharing Report.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2894; 22 U.S.C. 1928 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 1224. REPORTS ON THE DARFUR PEACE AGREEMENT.

Not later than 60 days after the date of the enactment of this Act, annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the Department of Defense's role in assisting the parties to the Darfur Peace Agreement of May 5. 2006 with implementing that Agreement. Each such report shall include a description of—

(1) the assets that the United States military, in concert with the United States North Atlantic Treaty Organisation (NATO) allies, are able to offer the African Union Mission in Sudan (AMIS) and any United Nations peacekeeping mission authorized for Darfur;

(2) any plans of the Secretary of Defense to support the AMIS by providing information regarding the location of belligerents and potential violations of the Darfur Peace Agreement and assistance to improve the AMIS use of intelligence and tactical mobility;

(3) the resources that will be used during the current fiscal year to provide the support described in paragraph (2) and the resources that will be needed during the next fiscal year to provide such support;

(4) the efforts of the Secretary of Defense and Secretary of State to leverage troop contributions from other countries to serve in the proposed United Nation peacekeeping mission for Darfur;

(5) any plans of the Secretary of Defense to participate in the deployment of any NATO mentoring or technical assistance teams to Darfur to assist the AMIS; and

(6) any actions carried out by the Secretary of Defense to address deficiencies in the AMIS communications systems, particularly the interoperability of communications equipment.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) Specification of CTR Programs.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) Fiscal Year 2007 Cooperative Threat Reduction Funds Defined.—As used in this title, the term "fiscal year 2007 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $372,128,000 authorized to be appropriated to the Department of Defense for fiscal year 2007 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $77,000,000.

(2) For nuclear weapons storage security in Russia, $87,100,000.

(3) For nuclear weapons transportation security in Russia, $33,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union. $37,500,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $68,400,000.

(6) For chemical weapons destruction in Russia. $42,700,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $18,500,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2007 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2007 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) Limited Authority To Vary Individual Amounts.—

(1) Authority.—Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2007 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) Notice and Wait.—An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) Limitation.—The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. EXTENSION OF TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

Section 1303(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2094; 22 U.S.C. 5952 note) is amended by striking "December 31, 2006, and no waiver shall remain in effect after that date" and inserting "December 31, 2011".

SEC. 1304. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) Repeal of Restrictions.—

(1) Soviet nuclear threat reduction act of 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) Cooperative threat reduction act of 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) Russian chemical weapons destruction facilities.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) Inapplicability of other restrictions.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

TITLE XIV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

SEC. 1401. PURPOSE.

The purpose of this title is to authorize anticipated future emergency supplemental appropriations for the Department of Defense for fiscal year 2007 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1402. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, $404,100,000.

(2) For missile procurement, $450,000,000.

(3) For weapons and tracked combat vehicles, $214,400,000.

(4) For other procurement, $686,600,000.

SEC. 1403. MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the procurement account for the Marine Corps in the amount of $319,800,000.

SEC. 1404. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the aircraft procurement account for the Air Force in the amount of $51,800,000.

SEC. 1405. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $22,124,466,000.

(2) For the Navy, $2,349,560,000.

(3) For the Marine Corps, $1,544,920,000.

(4) For the Air Force, $2,779,898,000.

(5) For Defense-wide activities, $3,388,402,000.

(6) For the Army National Guard, $59,000,000.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $960,200,000 for operation and maintenance.

SEC. 1407. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2007 for military personnel accounts a total of $7,335,872,000.

SEC. 1408. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year for the Joint Improvised Explosive Device Defeat Fund a total of $2,100,000,000.

SEC. 1409. CLASSIFIED PROGRAMS.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2007 for classified programs a total of $3,000,000,000.

SEC. 1410. IRAQ FREEDOM FUND.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal year 2007 for the Iraq Freedom Fund in the amount of $2,230,982,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1411. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1412. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1413. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2007.

SEC. 1414. AMOUNT FOR PROCUREMENT OF HEMOSTATIC AGENTS FOR USE IN THE FIELD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that every member of the Armed Forces deployed in a combat zone should carry life saving resources on them, including hemostatic agents.

(b) AVAILABILITY OF FUNDS.—(1) Of the amount authorized under section 1405(1) for operation and maintenance for the Army, $15,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each soldier serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(2) Of the amount authorized under section 1405(3) for operation and maintenance for the Marine Corps, $5,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each Marine serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

SEC. 1415. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) ARMY NATIONAL GUARD FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

SEC. 1416. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $10,000,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $10,000,000, due to unexpended obligations, if available.

SEC. 1417. REPORT.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

SEC. 1418. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting "CONGRESS AND" after "SUBMISSION TO"; and

(2) by inserting "the congressional defense committees and" before "the Comptroller General".

SEC. 1419. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2007

On Thursday, June 22, 2006, the Senate passed S. 2768, as follows:

S. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Construction Authorization Act for Fiscal Year 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2006 projects.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain fiscal year 2006 project.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Modification of authority to carry out certain fiscal year 2006 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2004 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2003 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Three-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2802. Authority to carry out military construction projects in connection with industrial facility investment program.
Sec. 2803. Modification of notification requirements related to cost variation authority.
Sec. 2804. Consideration of local comparability of floor areas in construction, acquisition, and improvement of military unaccompanied housing.
Sec. 2805. Increase in thresholds for unspecified minor military construction projects.
Sec. 2806. Inclusion of military transportation and support systems in energy savings program.
Sec. 2807. Repeal of authority to convey property at closed or realigned military installations to support military construction.
Sec. 2808. Repeal of requirement to determine availability of suitable alternative housing for acquisition in lieu of construction of new family housing.
Sec. 2809. Updating foreign currency fluctuation adjustment for certain military family housing leases in Korea.
Sec. 2810. Pilot projects for acquisition or construction of military unaccompanied housing.
Sec. 2811. Certification required for certain military construction projects.
Sec. 2812. Modification of land acquisition authority, Perquimans County, North Carolina.
Sec. 2813. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of Sherwood L. Boehlert, a member of the House of Representatives.
Sec. 2814. Naming of administration building at Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives.
Sec. 2815. Naming of military family housing facility at Fort Carson, Colorado, in honor of Joel Hefley, a member of the House of Representatives.
Sec. 2816. Authority to occupy United States Southern Command family housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Consolidation of easement provisions.
Sec. 2822. Authority to grant restrictive easements for conservation and environmental restoration purposes.
Sec. 2823. Consolidation of provisions relating to transfers of real property within the Department of Defense and to other Federal agencies.
Sec. 2824. Authority to use excess property as exchange under agreements to limit encroachments on military training, testing, and operations.
Sec. 2825. Modification of utility system authority and related reporting requirements.
Sec. 2826. Increase in authorized maximum lease term for certain structures and real property relating to structures in foreign countries.
Sec. 2827. Modification of land transfer authority, Potomac Annex, District of Columbia.
Sec. 2828. Reports on Army training ranges.
Sec. 2829. Use of renewable energy to meet electricity needs.
Sec. 2830. Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of Lane Evans, a Member of the House of Representatives.

Subtitle C—Base Closure and Realignment

Sec. 2831. Defense economic adjustment program: research and technical assistance.
Sec. 2832. Extension of eligibility for community planning assistance related to certain military facilities not under Department of Defense jurisdiction.
Sec. 2833. Modification of deposit requirements in connection with lease proceeds received at military installations approved for closure or realignment after January 1, 2005.
Sec. 2834. Report on Air Force and Air National Guard bases affected by 2005 round of defense base closure and realignment.

Subtitle D—Land Conveyances

Sec. 2841. Land conveyance, Radford Army Ammunition Plant, Virginia.
Sec. 2842. Modifications to land conveyance authority, Engineering Proving Ground, Fort Belvoir, Virginia.
Sec. 2843. Land conveyances, Omaha, Nebraska.

Subtitle E—Other Matters

Sec. 2851. Rickenbacker Airport, Columbus, Ohio.
Sec. 2852. Highway projects, Detroit, Michigan.
Sec. 2853. Fox Point Hurricane Barrier, Providence, Rhode Island.
Sec. 2854. Land conveyance, Hopkinton, New Hampshire.
Sec. 2855. Federal funding for fixed guideway projects.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$20,000,000
Alaska	Fort Richardson	$72,300,000
	Fort Wainwright	$8,800,000
California	Fort Irwin	$10,000,000
Colorado	Fort Carson	$24,000,000
Georgia	Fort Gillem	$15,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
	Fort Stewart/Hunter Army Air Field	$95,300,000
Hawaii	Schofield Barracks	$54,500,000
Kansas	Fort Leavenworth	$15,000,000
	Fort Riley	$17,400,000
Kentucky	Blue Grass Army Depot	$3,500,000
	Fort Campbell	$127,200,000
Louisiana	Fort Polk	$9,800,000
Maryland	Aberdeen Proving Ground	$8,800,000
Michigan	Detroit Arsenal	$18,500,000
Missouri	Fort Leonard Wood	$23,900,000
New York	Fort Drum	$209,200,000
North Carolina	Fort Bragg	$96,900,000
	Sunny Point (Military Ocean Terminal)	$16,000,000
Oklahoma	McAlester Army Ammunition Plant	$3,050,000
Pennsylvania	Letterkenny Depot	$7,500,000
Texas	Fort Hood	$75,000,000
	Red River Depot	$6,000,000
Utah	Dugway Proving Ground	$11,100,000
Virginia	Fort Belvoir	$58,000,000
Washington	Fort Lewis	$502,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	$157,632,000
	Vilseck	$19,000,000
Italy	Vicenza	$223,000,000
Japan	Camp Hansen	$7,150,000
Korea	Camp Humphreys	$77,000,000
	Yongpyong	$7,400,000
Romania	Babadag Range	$31,800,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Fort Richardson	162 Units	$70,000,000
	Fort Wainwright	234 Units	$132,000,000
Arizona	Fort Huachuca	119 Units	$32,000,000
Arkansas	Pine Bluff Arsenal	10 Units	$2,900,000
Wisconsin	Fort McCoy	13 Units	$4,900,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $16,332,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $336,859,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,452,581,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,266,650,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $525,982,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $217,629,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $594,991,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $676,829,000.

(6) For the construction of increment 2 of a barracks complex at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for fiscal year 2006 (division B of Public Law 109-163; 119 Stat. 3485), $16,500,000.

(7) For the construction of increment 2 of a barracks complex for divisional artillery at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for fiscal year 2006 (division B of Public Law 109-163; 119 Stat. 3485), $37,000,000.

(8) For the construction of increment 2 of a barracks complex for the 3rd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction

Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $50,000,000.

(9) For the construction of increment 2 of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $31,000,000.

(10) For the construction of phase 2 of the Defense Access Road at Fort Belvoir, Virginia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3486), $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $306,000,000 (the balance of the amount authorized under section 2101(a) for construction of a brigade complex for Fort Lewis, Washington).

(3) $40,400,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101) for construction of a barracks complex for divisional artillery for Fort Bragg, North Carolina).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$5,966,000
California	Marine Corps Air Station, Camp Pendleton	$6,412,000
	Marine Corps Base, Camp Pendleton	$106,142,000
	Marine Corps Air Station, Miramar	$2,968,000
	Naval Air Station, North Island	$21,535,000
	Marine Corps Base, Twentynine Palms	$8,217,000
Connecticut	Naval Submarine Base, New London	$9,580,000
Florida	Cape Canaveral	$9,900,000
	Naval Station, Pensacola	$13,486,000
Georgia	Marine Corps Logistics Base, Albany	$62,000,000
	Navy Submarine Base, Kings Bay	$20,282,000
Hawaii	Naval Base, Pearl Harbor	$48,338,000
	Naval Shipyard, Pearl Harbor	$22,000,000
Indiana	Naval Support Activity, Crane	$6,730,000
Maine	Portsmouth Naval Shipyard	$9,650,000
Maryland	Naval Air Station, Patuxent River	$16,316,000
	Naval Support Activity, Suitland	$67,939,000
Mississippi	Naval Air Station, Meridian	$5,870,000
Nevada	Naval Air Station, Fallon	$7,730,000
North Carolina	Marine Corps Air Station, New River	$27,300,000
	Marine Corps Base, Camp Lejeune	$160,904,000
Rhode Island	Naval Station, Newport	$3,410,000
South Carolina	Marine Corps Air Station, Beaufort	$14,970,000
Virginia	Marine Corps Base, Quantico	$30,628,000
	Naval Special Weapons Center, Dahlgren	$9,850,000
	Naval Shipyard, Norfolk	$34,952,000
	Naval Station, Norfolk	$12,062,000
	Naval Support Activity, Norfolk	$38,962,000
Washington	Naval Air Station, Whidbey Island	$67,303,000
	Naval Submarine Base, Bangor	$13,507,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	$37,473,000
Italy	Naval Air Station, Sigonella	$13,051,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Various Locations	Helicopter Support Facility	$12,185,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
California	Marine Corps Logistics Base, Barstow	74 Units	$27,851,000
Guam	Naval Base, Guam	176 Units	$98,174,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,600,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $176,446,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,072,435,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $808,750,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $50,524,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $12,185,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $8,939,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $71,247,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $305,071,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $498,525,000.

(7) For the construction of increment 2 of a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489), $43,250,000.

(8) For the construction of increment 2 of Alpha and Bravo wharf improvements at Naval Base, Guam, Marianas Islands, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $29,772,000.

(9) For the construction of increment 2 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $23,589,000.

(10) For the construction of increment 2 of the Wesley Brown Field House at the United States Naval Academy, Annapolis, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $26,685,000.

(11) For the construction of increment 2 of wharf upgrades at Naval Station, Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $44,360,000.

(12) For the construction of increment 2 of the ship repair pier 3 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $30,939,000.

(13) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Naval Station, Everett, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat.3490), $20,917,000.

(14) For the construction of phase 2 of the reclamation and conveyance project at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489), $33,290,000.

(15) For the construction of increment 3 of the Navy Outlaying Landing Field facilities at Washington County, North Carolina, authorized for various locations, continental United States, by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $7,926,000.

(16) For the construction of increment 3 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $14,274,000.

(17) For the construction of increment 4 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $30,633,000.

(18) For the construction of increment 2 of an addition to Hockmuth Hall at Marine Corps Base, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $11,559,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $39,874,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1704) for various locations, continental United States).

(3) $33,951,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2106) for construction of a limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington).

(4) $22,661,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490) for infrastructure upgrades at Recruit Training Command, Great Lakes, Illinois).

(5) $24,740,000 (the balance of the amount authorized under section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490) for wharf upgrades at Naval Station, Yokosuka, Japan.

(6) $56,159,000 (the balance of the amount authorized under section 2201(a) for construction of a National Maritime Intelligence Center addition at Suitland, Maryland).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489) is amended—

(1) in the item related to Marine Corps Base, Camp Pendleton, California, by striking "$90,437,000" in the amount column and inserting "$86,006,000"; and

(2) in the item relating to Marine Corps Base, Quantico, Virginia, by striking "$18,429,000" in the amount column and inserting "$19,829,000".

(b) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (119 Stat. 3492) is amended—

(1) in paragraph (2), by striking "$37,721,000" and inserting "$33,290,000"; and

(2) in paragraph (7), by striking "$10,159,000" and inserting "$11,559,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$38,300,000
	Elmendorf Air Force Base	$68,100,000
Arizona	Davis-Monthan Air Force Base	$4,600,000
California	Beale Air Force Base	$28,000,000
	Travis Air Force Base	$85,800,000
Colorado	Buckley Air Force Base	$10,700,000
	Schriever Air Force Base	$21,000,000
Delaware	Dover Air Force Base	$30,400,000
Florida	Eglin Air Force Base	$19,350,000
	Hurlburt Field	$32,950,000
	MacDill Air Force Base	$71,000,000
	Tyndall Air Force Base	$1,800,000
Georgia	Robins Air Force Base	$52,600,000
Hawaii	Hickam Air Force Base	$28,538,000
Illinois	Scott Air Force Base	$28,200,000
Kentucky	Fort Knox	$3,500,000
Maryland	Andrews Air Force Base	$29,000,000
Massachusetts	Hanscom Air Force Base	$12,400,000
Nevada	Indian Springs Air Force Auxiliary Field	$49,923,000
	Nellis Air Force Base	$4,800,000
New Jersey	McGuire Air Force Base	$15,500,000
New Mexico	Kirtland Air Force Base	$11,400,000
North Dakota	Minot Air Force Base	$9,000,000
Oklahoma	Altus Air Force Base	$9,500,000
	Tinker Air Force Base	$8,100,000
South Carolina	Charleston Air Force Base	$10,200,000
	Shaw Air Force Base	$22,200,000
South Dakota	Ellsworth Air Force Base	$3,000,000
Texas	Fort Bliss	$8,500,000
	Lackland Air Force Base	$13,200,000
Utah	Hill Air Force Base	$63,400,000
Virginia	Langley Air Force Base	$57,700,000
Wyoming	Francis E. Warren Air Force Base	$11,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$53,150,000
Guam	Andersen Air Force Base	$52,800,000
Italy	Naval Air Station, Sigonella	$26,000,000
Korea	Kunsan Air Base	$46,700,000
	Osan Air Base	$2,156,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Common Battlefield Airman Training Complex	$14,200,000
Worldwide Classified	Classified Project	$3,377,000
	Classified—Special Evaluation Program	$4,600,000
	Classified	$1,700,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts, set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Eielson Air Force Base	129 Units	$87,414,000
Idaho	Mountain Home Air Force Base	457 Units	$107,800,000
Missouri	Whiteman Air Force Base	116 Units	$39,270,000
Montana	Malmstrom Air Force Base	493 Units	$140,252,000
North Carolina	Seymour Johnson Air Force Base	56 Units	$22,956,000
North Dakota	Minot Air Force Base	575 Units	$170,188,000
Texas	Dyess Air Force Base	199 Units	$49,215,000
Germany	Ramstein Air Base	101 Units	$73,488,000

Air Force: Family Housing—Continued

State	Installation or Location	Purpose	Amount
United Kingdom	Spangdahlem Air Base	60 Units	$39,291,000
	Royal Air Force Lakenheath	74 Units	$35,282,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $13,202,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $403,727,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,195,485,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $863,661,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $180,806,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $23,877,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $90,632,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,182,138,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $755,071,000.

(7) For the construction of increment 2 of the C–17 maintenance complex at Elmendorf Air Force Base, Alaska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $30,000,000.

(8) For the construction of increment 2 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $31,000,000.

(9) For the construction of increment 2 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $23,300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) (2) and (3) of subsection (a).

(2) $35,000,000 (the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494) for construction of a main base runway at Edwards Air Force Base, California).

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; Stat. 119 Stat. 3494) is amended in the item relating to MacDill Air Force Base, Florida, by striking "$107,200,000" in the amount column and inserting "$101,500,000".

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of that Act (119 Stat. 3496) is amended by striking "$29,000,000" and inserting "$23,300,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Knox	$18,108,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$8,715,000
California	Beale Air Force Base	$9,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$8,900,000
Virginia	Fort Belvoir	$5,500,000
Washington	Naval Air Station, Whidbey Island	$26,000,000

Special Operations Command

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton	$21,400,000
Colorado	Fort Carson	$26,100,000
Florida	Hurlburt Field	$14,482,000
	MacDill Air Force Base	$27,300,000
Kentucky	Fort Campbell	$24,500,000
North Carolina	Fort Bragg	$44,868,000
	Marine Corps Base, Camp Lejune	$51,600,000
	Pope Air Force Base	$15,276,000
Virginia	Naval Air Base, Little Creek	$22,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$37,200,000
California	Fort Irwin	$6,050,000
Florida	Naval Hospital, Jacksonville	$16,000,000
	MacDill Air Force Base	$87,000,000
Hawaii	Naval Base, Pearl Harbor	$7,700,000
Illinois	Naval Hospital, Great Lakes	$20,000,000
Maryland	Fort Detrick	$550,000,000
New York	Fort Drum	$9,700,000
Texas	Fort Hood	$18,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Italy	Camp Ederle	$31,460,000
	Vicenza	$15,750,000
Korea	Osan Air Base	$4,589,000
Spain	Naval Station, Rota	$23,048,000

Defense Logistics Agency

Country	Installation or Location	Amount
Japan	Okinawa	$5,000,000
Wake Island	Wake Island	$2,600,000

Missile Defense Agency

Country	Installation or Location	Amount
Kwajalein	Kwajalein Atoll	$7,592,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid Air Base	$44,500,000

TRICARE Management Activity

Country	Installation or Location	Amount
Italy	Vicenza	$52,000,000

SEC. 2402. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A), the Secretary of the Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Defense Logistics Agency: Family Housing

State	Installation or Location	Purpose	Amount
Virginia	Defense Supply Center, Richmond	25 Units	$7,840,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A), the Secretary of the Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $484,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $60,000,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $7,122,602,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $557,399,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $170,789,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $21,672,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $172,150,000.

(6) For energy conservation projects authorized by section 2403, $60,000,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, $191,220,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, $5,526,894,000.

(9) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $8,808,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,506,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of increment 8 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), $41,836,000.

(11) For the construction of increment 7 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107-107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $99,157,000.

(12) For the construction of increment 2 of a replacement of a regional security operations center, Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 2405(a)(2) of this Act, $47,016,000.

(13) For the construction of increment 2 of the classified material conversion facility at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3497), $11,151,000.

(14) For the construction of increment 2 of a replacement of a regional security operations center, Augusta, Georgia, authorized by section 2401(a) of the Military Construction Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 2405(a)(1) of this Act, $107,118,000.

(15) For the construction of increment 2 of construction of an operations building, Menwith Hall Station, United Kingdom, authorized by section 2401(b) of the Military Construction Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3498), as amended by section 2405(b)(1) of this Act, $46,386,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $184,752,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497) for construction of a regional security operations center, Augusta, Georgia).

(3) $254,508,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497) for construction of a regional security operations center, Kunia, Hawaii).

(4) $521,000,000 (the balance of the amount authorized under section 2401(a) for construction of a replacement facility, Fort Detrick, Maryland).

(5) $187,120,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), for construction of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado).

(6) $134,554,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), for construction of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) Modification of Inside the United States Project.—The table relating to the National Security Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3497) is amended—

(1) in the item relating to Augusta, Georgia, by striking "$61,466,000" in the amount column and inserting "$340,836,000"; and

(2) in the item relating to Kunia, Hawaii, by striking "$305,000,000" in the amount column and inserting "$350,490,000".

(b) Modification of Outside the United States Project.—The table relating to the National Security Agency in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3498) is amended in the item relating to Menwith Hill, United Kingdom, by striking "$86,354,000" in the amount column and inserting "$88,083,000".

(c) Conforming Amendment.—Section 2403(b) of that Act (119 Stat. 3500) is amended—

(1) in paragraph (2), by striking "$12,500,000" and inserting "$291,870,000";

(2) in paragraph (3), by striking "$256,034,000" and inserting "$301,524,000"; and

(3) in paragraph (5), by striking "$44,657,000" and inserting "$46,386,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $205,985,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army

(A) for the Army National Guard of the United States, $524,031,000; and

(B) for the Army Reserve, $189,817,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $48,408,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $245,743,000; and

(B) for the Air Force Reserve, $44,936,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2010 for military construction projects, land acquisition.

family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1716), authorizations set forth in the tables in subsection (b), as provided in sections 2101, 2301, 2302, 2401, and 2601 of that Act, shall remain in effect until October 1, 2007, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Fort Wainwright	Multi-Purpose Training Range Complex	$47,000,000
Hawaii	Helemano Military Reservation	Land Easement	$1,400,000
Virginia	Fort Belvoir	NGIC Land Acquisition	$7,000,000
	Fort Lee	Fire & Emergency Services Center (Ph 2)	$3,850,000
Italy	Aviano Air Base	Joint Deployment Facility (Ph 1)	$15,500,000

Air Force: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
California	Travis Air Force Base	Replace Family Housing (56 Units)	$12,723,000
Florida	Eglin Air Force Base	Replace Family Housing (279 Units)	$32,166,000
Hawaii	Hickam Air Force Base	Expand Strategic Airlift Parking Ramp	$10,102,000
Texas	Dyess Air Force Base	Replace Family Housing (116 Units)	$19,973,000

Defense Wide: Extension of 2004 Project Authorizations

Agency	Installation or Location	Project	Amount
Defense Logistics Agency	Hickam Air Force Base, Hawaii	Replace Hydrant Fuel System	$14,100,000

Army National Guard: Extension of 2004 Authorization of Appropriations

State	Installation or Location	Project	Amount
Indiana	Gary	Army Aviation Support Facility	$15,581,000
New Mexico	Albuquerque	Readiness Center, Add/Alt (ADRS)	$2,533,000
Pennsylvania	Fort Indiantown Gap	Multi-Purpose Training Range	$15,338,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2700), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2007, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

State	Installation or Location	Project	Amount
Florida	Eglin Air Force Base	Replace Family Housing (134 Units)	$15,906,000
	Eglin Air Force Base	Replace Housing Office	$597,000
Texas	Randolph Air Force Base	Replace Family Housing Maintenance Facility	$447,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. THREE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3508), is further amended—

(1) in subsection (a), by striking "fiscal years 2005 and 2006" and inserting "fiscal years 2005, 2006, 2007, 2008, and 2009"; and

(2) in subsection (f)—

(A) in paragraph (1), by striking "the Subcommittees on Defense and Military Construction of" and inserting "the Subcommittees on Defense and on Military Construction and Veterans Affairs, and Related Agencies of"; and

(B) in paragraph (2), by striking "the Subcommittees on Defense and Military Construction of" and inserting "the Subcommittees on Defense and on Military Quality of Life and Veterans Affairs, and Related Agencies of".

SEC. 2802. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS IN CONNECTION WITH INDUSTRIAL FACILITY INVESTMENT PROGRAM.

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2870. Authority to carry out military construction projects in connection with industrial facility investment program

"(a) AUTHORITY.—The Secretary of Defense may carry out a military construction project, not previously authorized, for the purpose of carrying out activities under section 2474(a)(2) of this title, using funds appropriated or otherwise made available for that purpose.

“(b) CREDITING OF FUNDS.—Funds appropriated or otherwise made available in a fiscal year for the purpose of carrying out a military construction project with respect to a public depot under subsection (a) may be credited to the amount required under section 2208(s) of this title to be invested in such fiscal year in the capital budget for such public depot.

“(c) NOTICE AND WAIT REQUIREMENT.—The Secretary may not carry out a project under subsection (a) until 21 days after the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project and the savings estimated to be realized from such project or, if earlier, 14 days after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

“(d) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary shall submit to Congress a report describing actions taken under this section and the savings realized from such actions during the fiscal year ending in the year in which the report is submitted.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2870. Authority to carry out military construction projects in connection with industrial facility investment program.”.

SEC. 2803. MODIFICATION OF NOTIFICATION REQUIREMENTS RELATED TO COST VARIATION AUTHORITY.

Section 2853(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the semicolon at the end and inserting “; and”;

(2) by amending paragraph (2) to read as follows:

“(2)(A) in the case of a cost increase or a reduction in the scope of work—

“(i) the Secretary concerned notifies the appropriate committees of Congress in writing of the cost increase or reduction in scope and the reasons therefor, including a description of the funds proposed to be used to finance any increased costs; and

“(ii) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title; or

“(B) in the case of a cost decrease, the Secretary concerned notifies the appropriate committees of Congress in writing not later than 14 days after the date funds are obligated in connection with the military construction project or military family housing project.”; and

(3) by striking paragraph (3).

SEC. 2804. CONSIDERATION OF LOCAL COMPARABILITY OF FLOOR AREAS IN CONSTRUCTION, ACQUISITION, AND IMPROVEMENT OF MILITARY UNACCOMPANIED HOUSING.

(a) IN GENERAL.—Section 2856 of title 10, United States Code, is amended to read as follows:

“§ 2856. Military unaccompanied housing: local comparability of floor areas

“In the construction, acquisition, and improvement of military unaccompanied housing, the Secretary concerned shall ensure that the floor areas of such housing in a particular locality (as designated by the Secretary concerned for purposes of this section) do not exceed the floor areas of similar housing in the private sector in that locality.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2856 and inserting the following:

“2856. Military unaccompanied housing: local comparability of floor areas.”.

SEC. 2805. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking “$1,500,000” and inserting “$2,500,000”; and

(2) by striking “$3,000,000” and inserting “$4,000,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006.

SEC. 2806. INCLUSION OF MILITARY TRANSPORTATION AND SUPPORT SYSTEMS IN ENERGY SAVINGS PROGRAM.

(a) IN GENERAL.—Section 2865 of title 10, United States Code, is amended—

(1) in the section heading, by inserting “**for military operations and**” after “**Energy savings**”;

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) The Secretary of Defense shall designate energy performance goals for the Department of Defense for military transportation and support systems and installations. The goals shall be consistent, where appropriate, with the Energy Policy Act of 2005 (Public Law 109–58).”;

(B) in paragraph (2), by striking “energy conservation measures” and all that follows through “energy savings” and inserting “energy conservation measures and alternative energy initiatives to achieve maximum total life-cycle energy savings”;

(C) in paragraph (3)—

(i) by striking “energy efficient maintenance” and inserting “energy efficient operations and maintenance”; and

(ii) by inserting after “10 years or less” the following: “, except that the Secretary may provide that energy conservation measures related to equipment and systems supporting industrial processes may have a positive net present value over a period of 20 years or less”; and

(D) in paragraph (4)—

(i) by striking “energy efficient maintenance” and inserting “energy efficient operations and maintenance”;

(ii) in subparagraph (A), by inserting “vehicles, military support equipment,” after “such as”; and

(iii) in subparagraph (B), by striking “an operation or maintenance process, such as improved training” and inserting “a military operation or maintenance process, such as the use of alternative fuels and energy sources, improved training,”;

(3) in subsection (b)(2)(A), by striking “installations of the Department of Defense as may be designated” and inserting “installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated”;

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following new subsection:

“(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

“(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

“(2) In determining the energy efficiency of products, the Secretary shall consider products that—

“(A) meet or exceed Energy Star specifications; or

“(B) are listed on the Department of Energy's Federal Energy Management Program Product Energy Efficiency Recommendations product list.”.

SEC. 2807. REPEAL OF AUTHORITY TO CONVEY PROPERTY AT CLOSED OR REALIGNED MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.

(a) REPEAL.—Section 2869 of title 10, United States Code, is repealed.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—(A) Section 2822(b) of such title is amended by striking paragraph (6).

(B) Section 2883(c) of such title is amended—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (2), by striking subparagraph (F).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869.

SEC. 2808. REPEAL OF REQUIREMENT TO DETERMINE AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING FOR ACQUISITION IN LIEU OF CONSTRUCTION OF NEW FAMILY HOUSING.

(a) IN GENERAL.—Section 2823 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2823.

SEC. 2809. UPDATING FOREIGN CURRENCY FLUCTUATION ADJUSTMENT FOR CERTAIN MILITARY FAMILY HOUSING LEASES IN KOREA.

Section 2828(e)(5)(A) of title 10, United States Code, is amended to read as follows:

“(A) for—

“(i) foreign currency fluctuations from October 1, 1987, in the case of maximum lease amounts provided for under paragraphs (1), (2), and (3); or

“(ii) foreign currency appreciation during the previous fiscal year, starting from the fiscal year of enactment of the lease authority under paragraph (4), in the case of the maximum lease amount provided for under such paragraph; and”.

SEC. 2810. PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

(a) REDUCTION OF APPLICABLE NOTIFICATION PERIODS.—Section 2881a of title 10, United States Code, is amended by striking “90 days” both places it appears and inserting “30 days”.

(b) EXTENSION OF AUTHORITY.—Subsection (f) of such section is amended by striking “2007” and inserting “2009”.

SEC. 2811. CERTIFICATION REQUIRED FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

The Department of Defense may not use amounts authorized to be appropriated for a fiscal year beginning after September 30, 2006, to carry out a military construction project to construct a facility designed to provide training in urban operations for personnel of the Department of Defense or other Federal agencies until the Under Secretary of Defense for Personnel and Readiness, in consultation with the Commander of the United States Joint Forces Command, has certified to the congressional defense committees that—

(1) the Secretary of Defense has approved a strategy for training and facility construction for operations in urban terrain; and

(2) the Under Secretary has evaluated the project and determined that the project—

(A) is consistent with such strategy; and

(B) incorporates the appropriate capabilities for joint and interagency use in accordance with such strategy.

SEC. 2812. MODIFICATION OF LAND ACQUISITION AUTHORITY, PERQUIMANS COUNTY, NORTH CAROLINA.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1320), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2149), is further amended by striking "840 acres" and inserting "1,550 acres".

SEC. 2813. NAMING OF RESEARCH LABORATORY AT AIR FORCE ROME RESEARCH SITE, ROME, NEW YORK, IN HONOR OF SHERWOOD L. BOEHLERT, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The new laboratory facility at the Air Force Rome Research Site, Rome, New York, shall be known and designated as the "Sherwood L. Boehlert Engineering Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such laboratory facility shall be deemed to be a reference to the Sherwood L. Boehlert Engineering Center.

SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall, upon be completion, be known and designated as the "Michael G. Oxley Administration and Technology Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such administration building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

SEC. 2815. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the "Joel Hefley Village". Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

SEC. 2816. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a housing unit leased under section 2828(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. CONSOLIDATION OF EASEMENT PROVISIONS.

(a) CONSOLIDATION OF EASEMENT PROVISIONS.—

(1) TRANSFER OF EASEMENTS SECTION.—Section 2668 of title 10, United States Code, is—

(A) transferred to appear after section 2671 of such title; and

(B) redesignated as section 2672 of such title.

(2) CONSOLIDATED AUTHORITY.—Section 2672, as redesignated by paragraph (1), is amended—

(A) in subsection (a)—

(i) by inserting "TYPES OF EASEMENTS.—" after "(a)";

(ii) in the matter preceding paragraph (1), by striking "to a State, Territory, Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Territory, Commonwealth, or possession,";

(iii) in paragraph (2), by striking "oil pipe lines" and inserting "gas, water, sewer, and oil pipe lines"; and

(iv) in paragraph (13), by striking ", except a purpose covered by section 2669 of this title";

(B) in subsection (b), by inserting "LIMITATION ON SIZE.—" after "(b)";

(C) in subsection (c), by inserting "TERMINATION.—" after "(c)";

(D) in subsection (d), by inserting "NOTICE TO DEPARTMENT OF THE INTERIOR.—" after "(d)"; and

(E) in subsection (e), by inserting "DISPOSITION OF CONSIDERATION.—" after "(e)".

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 2669 of such title is repealed.

(c) CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 159 of such title is amended—

(1) by striking the items relating to sections 2668 and 2669; and

(2) by inserting after the item relating to section 2671 the following new item:

"2672. Easements for rights-of-way.".

SEC. 2822. AUTHORITY TO GRANT RESTRICTIVE EASEMENTS FOR CONSERVATION AND ENVIRONMENTAL RESTORATION PURPOSES.

(a) AUTHORITY TO GRANT RESTRICTIVE EASEMENTS.—Chapter 159 of title 10, United States Code, as amended by section 2821 of this Act, is further amended by inserting after section 2672 of such title the following new section:

"§ 2672a. Authority to grant restrictive easements

"(a) CONSERVATION EASEMENTS.—(1)(A) If the Secretary of a military department finds that it will be in the public interest, the Secretary may, subject to paragraph (2), grant, upon such terms as the Secretary considers advisable and with the consent of an entity described in subparagraph (B), a restrictive easement to such entity over, in, and upon any real property that is transferred by deed by that department restricting future uses of the property for a conservation purpose consistent with section 170(h)(4)(A)(iv) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(4)(A)(iv)).

"(B) An entity referred to in subparagraph (A) is—

"(i) a State or local government; or

"(ii) a qualified organization, as that term is defined in section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)).

"(2) An easement under paragraph (1) shall not be granted unless the Secretary of the military department concerned determines that—

"(A) the conservation of the property can not be effectively achieved through the application of State law by units of State or local government without granting such easement;

"(B) the jurisdiction that encompasses the property authorizes such easement; and

"(C) the Secretary can give or assign to a third party the responsibility for monitoring and enforcing such easement.

"(b) ENVIRONMENTAL EASEMENTS.—If the Secretary of a military department finds that it will be in the public interest, the Secretary may grant, upon such terms as the Secretary considers advisable and with the consent of a State or local government, a restrictive easement to such government over, in, and upon any real property that is transferred by deed by that department restricting future uses of the property to ensure the continued effectiveness of any environmental restoration function on the property conducted pursuant to chapter 160 of this title.

"(c) LIMITATIONS.—(1) No easement granted under this section may include more land than is necessary for the easement.

"(2) Easements granted under this section shall be without consideration from the recipient.

"(3) Nothing in this section shall alter the responsibilities of any party under Federal or State environmental laws.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 2821 of this Act, is further amended by inserting after the item relating to section 2672 the following new item:

"2672a. Authority to grant restrictive easements for conservation and environmental restoration purposes.".

SEC. 2823. CONSOLIDATION OF PROVISIONS RELATING TO TRANSFERS OF REAL PROPERTY WITHIN THE DEPARTMENT OF DEFENSE AND TO OTHER FEDERAL AGENCIES.

(a) CONSOLIDATION AND RESTATEMENT OF AUTHORITY ON INTERCHANGE, TRANSFER, AND SCREENING OF DEPARTMENT OF DEFENSE REAL PROPERTY.—Section 2696 of title 10, United States Code, is amended to read as follows:

"§ 2696. Real property: transfer between armed forces; screening for transfer or conveyance

"(a) TRANSFER BETWEEN ARMED FORCES.—If either of the Secretaries concerned requests it and the other approves, real property may be transferred, without compensation, from one armed force to another.

"(b) SCREENING AND CONVEYANCE OF PROPERTY FOR CORRECTIONAL FACILITIES PURPOSES.—(1) Except as provided in paragraph (2), before any real property or facility of the United States that is under the jurisdiction of any department, agency, or instrumentality of the Department of Defense is determined to be excess to the needs of such department, agency, or instrumentality, the Secretary of Defense shall—

"(A) provide adequate notification of the availability of such real property or facility within the Department of Defense;

"(B) if such real property or facility remains available after such notification, notify the Attorney General of its availability; and

"(C) if the Attorney General certifies to the Secretary that a determination has been made by the Director of the Bureau of Justice Assistance within the Department of Justice to utilize such real property or facility under the correctional options program carried out under section 515 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a), convey such real property or facility, without reimbursement, to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section for such utilization.

"(2) The provisions of this subsection shall not apply during any portion of a fiscal year after four conveyances have been made under this subsection in such fiscal year.

"(c) SCREENING FOR FURTHER FEDERAL USE BEFORE CONVEYANCE TO NON-FEDERAL ENTITIES.—(1) The Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator has screened the property for further Federal use in accordance with subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

"(2)(A) Before the end of the 30-day period beginning on the date of the enactment of a provision of law authorizing or requiring the conveyance of a parcel of real property by the Secretary concerned, the Administrator of General Services shall complete the screening referred to in paragraph (1) with regard to the real property and notify the Secretary concerned and Congress of the results of the screening. The notice shall include—

"(i) the name of the Federal agency requesting transfer of the property;

"(ii) the proposed use to be made of the property by the Federal agency; and

"(iii) the fair market value of the property, including any improvements thereon, as estimated by the Administrator.

"(B) If the Administrator fails to complete the screening and notify the Secretary concerned and Congress within such period, the Secretary concerned shall proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance.

"(3) If the Administrator submits notice under paragraph (2)(A) that further Federal use of a parcel of real property is requested by a Federal agency, the Secretary concerned may not proceed with the conveyance of the property as provided in the provision of law authorizing or requiring the conveyance until the end of the 180-day period beginning on the date on which the notice is submitted to Congress.

"(4) The screening requirements of this subsection shall not apply to real property authorized or required to be conveyed under any of the following provisions of law:

"(A) A base closure law.

"(B) Chapter 5 of title 40.

"(C) Any specific provision of law authorizing or requiring the transfer of administrative jurisdiction over a parcel or real property between Federal agencies.".

(b) CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS TO AUTHORITY ON INTERCHANGE OF PROPERTY AND SERVICES.—(A) Section 2571(a) of such title is amended by striking "and real property".

(B) The heading of such section is amended to read as follows:

"§ 2571. Interchange of supplies and services".

(2) REPEAL OF SUPERSEDED AUTHORITY ON SCREENING AND TRANSFER FOR CORRECTIONAL PURPOSES.—Section 2693 of such title is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2571 and inserting the following new item:

"2571. Interchange of supplies and services.".

(2) The table of sections at the beginning of chapter 159 of such title is amended—

(A) by striking the item relating to section 2693; and

(B) by striking the item relating to section 2696 and inserting the following new item:

"2696. Real property: transfer between armed forces; screening for transfer or conveyance.".

SEC. 2824. AUTHORITY TO USE EXCESS PROPERTY AS EXCHANGE UNDER AGREEMENTS TO LIMIT ENCROACHMENTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

Section 2684a(h) of title 10, United States Code, is amended—

(1) in the heading, by striking "FUNDING" and inserting "CONSIDERATION"; and

(2) by adding at the end the following new paragraph:

"(3) Land under the jurisdiction of the Secretary concerned that is determined to be excess to the needs of the Department of Defense may be used by way of exchange to enter into an agreement under this section, but only if such land is located within the same State as the installation that is the subject of the agreement.".

SEC. 2825. MODIFICATION OF UTILITY SYSTEM AUTHORITY AND RELATED REPORTING REQUIREMENTS.

Section 2688 of title 10, United States Code, as amended by section 2823 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109–163), is further amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i), by striking the semicolon at the end and inserting "; and"; and

(B) by striking clause (iii); and

(2) in subsection (d)—

(A) in paragraph (1), by striking "10 years" and inserting "50 years"; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "a term in excess of 10 years" and all that follows through the period at the end and inserting "a term not to exceed 50 years."; and

(ii) in the second sentence, by striking "shall include" and all that follows through the period at the end and inserting "shall include an explanation of the term of the contract.".

SEC. 2826. INCREASE IN AUTHORIZED MAXIMUM LEASE TERM FOR CERTAIN STRUCTURES AND REAL PROPERTY RELATING TO STRUCTURES IN FOREIGN COUNTRIES.

Section 2675(a) of title 10, United States Code, is amended by striking "five years" and inserting "10 years".

SEC. 2827. MODIFICATION OF LAND TRANSFER AUTHORITY, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

Section 2831 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2795) is amended by striking "consisting of approximately 3 acres" and inserting "consisting of approximately 4 acres and containing two buildings, known as building 6 and building 7".

SEC. 2828. REPORTS ON ARMY TRAINING RANGES.

(a) LIMITATION.—The Secretary of the Army may not carry out any acquisition of real property to expand the Pinon Canyon Maneuver Site at Fort Carson, Colorado until 30 days after the Secretary submits the report required under subsection (b).

(b) REPORT ON PINON CANYON MANEUVER SITE.—

(1) IN GENERAL.—Not later than November 30, 2006, the Secretary of the Army shall submit to the congressional defense committees a report containing an analysis of any potential expansion of the military training range at the Pinon Canyon Maneuver Site at Fort Carson, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) A description of the Army's current and projected military requirements for training at the Pinon Canyon Maneuver Site.

(B) An analysis of the reasons for any changes in those requirements, including the extent to which they are a result of the increase of military personnel due to the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) A proposed plan for addressing those requirements, including a description of any proposed expansion of the existing training range by acquiring privately held land surrounding the site and an analysis of alternative approaches that do not require expansion of the training range.

(D) If an expansion of the training range is recommended pursuant to subparagraph (C), the following information:

(i) An assessment of the economic impact on local communities of such acquisition.

(ii) An assessment of the environmental impact of expanding the Pinon Canyon Maneuver Site.

(iii) An estimate of the costs associated with the potential expansion, including land acquisition, range improvements, installation of utilities, environmental restoration, and other environmental activities in connection with the acquisition.

(iv) An assessment of options for compensating local communities for the loss of property tax revenue as a result of the expansion of Pinon Canyon Maneuver Site.

(v) An assessment of whether the acquisition of additional land at the Pinon Canyon Maneuver Site can be carried out by the Secretary solely through transactions, including land exchanges and the lease or purchase of easements, with willing sellers of the privately held land.

(c) REPORT ON EXPANSION OF ARMY TRAINING RANGES.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the training ranges operated by the Army to support major Army units.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission essential training tasks supported by each such Army training range during fiscal year 2003.

(B) A description of the projected changes in training range requirements, including the size, characteristics, and attributes for mission essential training of each range and the extent to which any changes in requirements are a result of the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) The projected deficit or surplus of training land at each such range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing training range.

(D) A description of the Army's prioritization process and investment strategy to address the potential expansion or upgrade of training ranges.

(E) An analysis of alternatives to the expansion of Army ranges to include an assessment of the joint use of ranges operated by other services.

SEC. 2829. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

SEC. 2830. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

Subtitle C—Base Closure and Realignment

SEC. 2831. DEFENSE ECONOMIC ADJUSTMENT PROGRAM: RESEARCH AND TECHNICAL ASSISTANCE.

Section 2391 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) RESEARCH AND TECHNICAL ASSISTANCE.—(1) The Secretary of Defense may make grants, conclude cooperative agreements, and enter into contracts in order to conduct research and technical assistance in support of activities under this section or Executive Order 12788.

"(2) A grant, cooperative agreement, or contract under this subsection may be with or to a Federal agency, a State or local government, or any private entity.".

SEC. 2832. EXTENSION OF ELIGIBILITY FOR COMMUNITY PLANNING ASSISTANCE RELATED TO CERTAIN MILITARY FACILITIES NOT UNDER DEPARTMENT OF DEFENSE JURISDICTION.

Section 2391(d)(1) of title 10, United States Code, is amended by striking the period at the end and inserting the following: ", except that for purposes of subsection (b)(1)(D), a 'military installation' may also include a military facility owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam even though such facility is not under the jurisdiction of the Department of Defense, if the facility is subject to significant use for training by the armed forces.".

SEC. 2833. MODIFICATION OF DEPOSIT REQUIREMENTS IN CONNECTION WITH LEASE PROCEEDS RECEIVED AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT AFTER JANUARY 1, 2005.

Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by inserting after "lease under subsection (f)" the following: "at a military installation to be closed or realigned under a base closure law, the date of approval of which is before January 1, 2005,"; and

(2) by adding at the end the following new paragraph:

"(6) Money rentals received by the United States from a lease under subsection (f) at a military installation to be closed or realigned under a base closure law, the date of approval of which is on or after January 1, 2005, shall be deposited into the account established under section 2906A(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for active and Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at active and Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(3) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each base; and

(4) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was considered as a potential receiving location for the realignment of aircraft, weapons systems, or functions.

Subtitle D—Land Conveyances

SEC. 2841. LAND CONVEYANCE, RADFORD ARMY AMMUNITION PLANT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia (in this section referred to as the "Commonwealth") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 80 acres at Radford Army Ammunition Plant, New River Unit, Virginia, for the purpose of permitting the Commonwealth to establish on the property a cemetery operated by the Commonwealth for veterans of the Armed Forces.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—(A) The Secretary may require the Commonwealth to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Commonwealth in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Commonwealth.

(B) The authority of the Secretary to require the Commonwealth to cover administrative costs related to the conveyance does not include costs related to any environmental remediation required for the property.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. MODIFICATIONS TO LAND CONVEYANCE AUTHORITY, ENGINEERING PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONSTRUCTION OF SECURITY BARRIER.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as amended by section 2846 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3527), is further amended—

(1) in subsection (b)(4), by striking "$3,880,000" and inserting "$4,880,000"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting after "Virginia," the following: "and the construction of a security barrier, as applicable,"; and

(B) in paragraph (2), by inserting after "Building 191" the following: "and the construction of a security barrier, as applicable".

(b) Authority To Enter Into Alternative Agreement for Design and Construction of Fairfax County Parkway Portion.—Such section 2836 is further amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) except as provided in subsection (f), design and construct, at its expense and for public benefit, the portion of the Fairfax County Parkway through the Engineer Proving Ground (in this section referred to as the 'Parkway portion');"; and

(B) in paragraph (2), by inserting after "C514" the following: ", RW-214 (in this section referred to as 'Parkway project')";

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection:

"(f) Alternate Agreement for Construction of Road.—(1) The Secretary of the Army may, in connection with the conveyance authorized under subsection (a), enter into an agreement with the Commonwealth providing for the design and construction by the Department of the Army or the United States Department of Transportation of the Parkway portion and other portions of the Fairfax County Parkway off the Engineer Proving Ground that are necessary to complete the Parkway project (in this subsection referred to as the 'alternate agreement') if the Secretary determines that the alternate agreement is in the best interests of the United States to support the permanent relocation of additional military and civilian personnel at Fort Belvoir pursuant to decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(2) If the Secretary of Defense certifies that the Parkway portion is important to the national defense pursuant to section 210 of title 23, United States Code, the Secretary of the Army may enter into an agreement with the Secretary of Transportation to carry out the alternate agreement under the Defense Access Road Program.

"(3) The Commonwealth shall pay to the Secretary of the Army the costs of the design and construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground designed and constructed under the alternate agreement. The Secretary shall apply such payment to the design and construction provided for in the alternate agreement.

"(4) The Secretary may carry out environmental restoration activities on real property under the jurisdiction of the Secretary in support of the construction of the Parkway portion with funds appropriated for that purpose.

"(5) The alternate agreement shall be subject to the following conditions:

"(A) The Commonwealth shall acquire and retain all necessary right, title, and interest in any real property not under the jurisdiction of the Secretary that is necessary for construction of the Parkway portion or for construction of any other portions of the Fairfax County Parkway off the Engineer Proving Ground that will be constructed under the alternate agreement, and shall grant to the United States all necessary access to and use of such property for such construction.

"(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

"(C) The Secretary shall receive consideration from the Commonwealth as required in subsections (b)(2), (b)(3), and (b)(4) and shall carry out the acceptance and disposition of funds in accordance with subsection (d).

"(6) The design of the Parkway portion under the alternate agreement shall be subject to the approval of the Secretary and the Commonwealth in accordance with the Virginia Department of Transportation Approved Plan, dated June 15, 2004, Project #R000-029-249, PE-108, C-514, RW-214. For each phase of the design and construction of the Parkway portion under the alternate agreement, the Secretary may—

"(A) accept funds from the Commonwealth; or

"(B) transfer funds received from the Commonwealth to the United States Department of Transportation.

"(7) Upon completion of the construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground required under the alternate agreement, the Secretary shall carry out the conveyance under subsection (a). As a condition of such conveyance carried out under the alternate agreement, the Secretary shall receive a written commitment, in a form satisfactory to the Secretary, that the Commonwealth agrees to accept all responsibility for the costs of operation and maintenance of the Parkway portion upon conveyance to the Commonwealth of such real property."; and

(4) in subsection (g), as redesignated by paragraph (2), by inserting "or the alternate agreement authorized under subsection (f)" after "conveyance under subsection (a)".

SEC. 2843. LAND CONVEYANCES, OMAHA, NEBRASKA.

(a) Conveyances Authorized.—

(1) Army conveyance.—The Secretary of the Army may convey to the Metropolitan Community College Area, a public community college located in Omaha, Nebraska (in this section referred to as the "College") all right, title, and interest of the United States in and to three parcels of real property under the control of the Army Reserve, including any improvements thereon, consisting of approximately 5.42 acres on the Fort Omaha campus at the College, for educational purposes.

(2) Navy conveyance.—The Secretary of the Navy may convey to the College all right, title, and interest of the United States in and to a parcel of real property under the control of the Navy Reserve and Marine Corps Reserve, including any improvements thereon, consisting of approximately 6.57 acres on the Fort Omaha campus at the College, for educational purposes.

(b) Consideration.—

(1) In general.—As consideration for each conveyance under subsection (a), the College shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary concerned.

(2) Reduced tuition rates.—The Secretary concerned may accept as in-kind consideration under paragraph (1) reduced tuition rates for military personnel at the College.

(c) Payment of Costs of Conveyances.—

(1) Payment required.—The Secretary concerned shall require the College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the College.

(2) Treatment of amounts received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary concerned to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretaries concerned.

(e) Additional Terms and Conditions.—The Secretary concerned may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. RICKENBACKER AIRPORT, COLUMBUS, OHIO.

The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking "Grading, paving" and all that follows through "Airport" and inserting "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio".

SEC. 2852. HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) High Priority Project.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking "Plan and construct, land acquisition, Detroit West Riverfront Greenway" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

(b) Transportation Improvement Project.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking "Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

SEC. 2853. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) Definitions.—In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) Responsibility for Barrier.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) Required Structures.—

(1) In general.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) Conveyance.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SEC. 2854. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the "Kast Hill" property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) Consideration.—

(1) In general.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) Waiver of payment of consideration.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Prohibition on Reconveyance of Land.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) Payment of Costs of Conveyance.—

(1) Payment required.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) Treatment of amounts received.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

SEC. 2855. FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C-05-05), which requires fixed guideway projects to achieve a "medium" cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

DEPARTMENT OF ENERGY, NATIONAL SECURITY ACT FOR FISCAL YEAR 2007

On Thursday, June 22, 2006, the Senate passed S. 2769, as follows:

S. 2769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Congressional defense committees.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Other Matters

Sec. 3111. Notice and wait requirement applicable to certain third party financing arrangements.
Sec. 3112. Utilization of international contributions to the Global Threat Reduction Initiative.
Sec. 3113. Utilization of international contributions to the Second Line of Defense Core Program.
Sec. 3114. Extension of Facilities and Infrastructure Recapitalization Program.
Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3116. Extension of deadline for transfer of lands to Los Alamos County, New Mexico, and of lands in trust for the Pueblo of San Ildefonso.
Sec. 3117. Limitations on availability of funds for Waste Treatment and Immobilization Plant.
Sec. 3118. Limitation on availability of funds for implementation of the Russian Surplus Fissile Materials Disposition Program.
Sec. 3119. Limitation on availability of funds for construction of MOX Fuel Fabrication Facility.
Sec. 3120. Technical correction related to authorization of appropriations for fiscal year 2006.
Sec. 3121. Education of future nuclear engineers.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Transfer of government-furnished uranium stored at Sequoyah Fuels Corporation, Gore, Oklahoma.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Completion of equity finalization process for Naval Petroleum Reserve Numbered 1.

SEC. 2. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,333,311,000, to be allocated as follows:

(1) For weapons activities, $6,455,389,000.

(2) For defense nuclear nonproliferation activities, $1,726,213,000.

(3) For naval reactors, $795,133,000.

(4) For the Office of the Administrator for Nuclear Security, $356,576,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 07–D–140, Readiness in Technical Base and Facilities Program, project engineering and design, various locations, $4,977,000.

Project 07–D–220, Radioactive liquid waste treatment facility upgrade project, Los Alamos National Laboratory, Los Alamos, New Mexico, $14,828,000.

(2) For facilities and infrastructure recapitalization, the following new plant project:

Project 07–D–253, Technical Area 1 heating systems modernization, Sandia National Laboratories, Albuquerque, New Mexico, $14,500,000.

(3) For defense nuclear nonproliferation, the following new plant project:

Project 07–SC–05, Physical Sciences Facility, Pacific Northwest National Laboratory, Richland, Washington, $4,220,000.

(4) For naval reactors, the following new plant project:

Project 07–D–190, Materials Research Technology Complex, project engineering and design, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,485,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,430,312,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for other defense activities in carrying out programs necessary for national security in the amount of $624,530,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $333,080,000.

Subtitle B—Other Matters

SEC. 3111. NOTICE AND WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD PARTY FINANCING ARRANGEMENTS.

Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

"SEC. 4804. NOTICE AND WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD PARTY FINANCING ARRANGEMENTS.

"(a) Notice and Wait Requirement.—The Secretary of Energy may not enter into an arrangement described in subsection (b) until 30 days after the date on which the Secretary notifies the congressional defense committees in writing of the proposed arrangement.

"(b) Covered Arrangements.—

"(1) In General.—Except as provided in paragraph (2), an arrangement referred to in subsection (a) is any alternative financing arrangement, third party financing arrangement, public-private partnership, privatization arrangement, private capital arrangement, or other financing arrangement that—

"(A) is entered into in connection with a project conducted using funds authorized to be appropriated to the Department of Energy to carry out programs necessary for national security; and

"(B) involves a contractor or Federal agency obtaining and charging to the Department of Energy as an allowable cost under a contract the use of office space, facilities, or other real property assets with a value of at least $5,000,000.

"(2) Exception.—An arrangement referred to in subsection (a) does not include an arrangement that—

"(A) involves the Department of Energy or a contractor acquiring or entering into a capital lease for office space, facilities, or other real property assets; or

"(B) is entered into in connection with a capital improvement project undertaken as part of an energy savings performance contract under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).".

SEC. 3112. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375: 50 U.S.C. 2569) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) International Participation in Program.—(1) In order to achieve international participation in the program under subsection (b), the Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary of Energy considers appropriate for the contribution of funds by such person, government, or organization for purposes of the programs described in paragraph (2)(B).

"(2)(A) Notwithstanding section 3302 of title 31, United States Code, and subject to paragraphs (3) and (4), the Secretary of Energy may retain and utilize for purposes of the programs described in subparagraph (B) any amounts contributed by a person, government, or organization under an agreement under paragraph (1) without further appropriation and without fiscal year limitation.

"(B) The programs described in this subparagraph are the following programs within the Global Threat Reduction Initiative:

"(i) The International Radiological Threat Reduction program.

"(ii) The Emerging Threats and Gap Materials program.

"(iii) The Reduced Enrichment for Research and Test Reactors program.

"(iv) The Russian Research Reactor Fuel Return program.

"(v) The Global Research Reactor Security program.

"(vi) The Kazakhstan Spent Fuel program.

"(3) The Secretary of Energy may not utilize under paragraph (2) any amount contributed under an agreement under paragraph (1) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

"(4) If any amount contributed under paragraph (1) has not been utilized within 5 years of such contribution, the Secretary of Energy shall return such amount to the person, government, or organization that contributed it.

"(5) Not later than 30 days after the receipt of any amount contributed under paragraph (1), the Secretary of Energy shall submit to the congressional defense committees a notice of the receipt of such amount.

"(6) Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

"(A) a statement of any amounts received under this subsection, including the source of each such amount; and

"(B) a statement of any amounts utilized under this subsection, including the purposes for which such amounts were utilized.

"(7) The authority of the Secretary of Energy to accept and utilize amounts under this subsection shall expire on December 31, 2013.".

SEC. 3113. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE SECOND LINE OF DEFENSE CORE PROGRAM.

(a) International Contributions Authorized.—In order to achieve international participation in the Second Line of Defense Core Program administered by the National Nuclear Security Administration, the Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary of Energy considers appropriate for the contribution of funds by such person, government, or organization for purposes of the program.

(b) Utilization of Contributions.—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Energy may retain and utilize for purposes of the program any amounts contributed by a person, government, or organization under an agreement under subsection (a) without further appropriation and without fiscal year limitation.

(c) Notice and Wait Requirement.—The Secretary of Energy may not utilize under subsection (b) any amount contributed under an agreement under subsection (a) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

(d) Return of Unutilized Amounts.—If any amount contributed under subsection (a) has not been utilized within 5 years of such contribution, the Secretary of Energy shall return such amount to the person, government, or organization that contributed it.

(e) Notification Requirement.—Not later than 30 days after the receipt of any amount contributed under subsection (a), the Secretary of Energy shall submit to the congressional defense committees a notice of the receipt of such amount.

(f) Annual Report.—Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

(1) a statement of any amounts received under this section, including the source of each such amount; and

(2) a statement of any amounts utilized under this section, including the purposes for which such amounts were utilized.

(g) Termination.—The authority of the Secretary of Energy to accept and utilize amounts under this subsection shall expire on December 31, 2013.

SEC. 3114. EXTENSION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.

Section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 50 U.S.C. 2453 note) is amended by striking "2011" both places it appears and inserting "2013".

SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2006" and inserting "September 30, 2008".

SEC. 3116. EXTENSION OF DEADLINE FOR TRANSFER OF LANDS TO LOS ALAMOS COUNTY, NEW MEXICO, AND OF LANDS IN TRUST FOR THE PUEBLO OF SAN ILDEFONSO.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2523; 42 U.S.C. 2391 note) is amended—

(1) in subsection (d)(2), by striking "10 years after the date of enactment of this Act" and inserting "November 26, 2012"; and

(2) in subsection (g)(3)(B), by striking "the end of the 10-year period beginning on the date of enactment of this Act" and inserting "November 26, 2012".

SEC. 3117. LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

Of the amount authorized to be appropriated under section 3102 for defense environmental cleanup activities and available for the Waste Treatment and Immobilization Plant—

(1) not more than 30 percent of such amount may be obligated or expended until the date on which the Secretary of Energy certifies to the congressional defense committees that the Defense Contract Management Agency has certified the earned value management system used to track and report costs of the Waste Treatment and Immobilization Plant; and

(2) not more than 60 percent of such amount may be obligated or expended until the date on which the Secretary of Energy certifies to the congressional defense committees that the final seismic and ground motion criteria have been approved by the Secretary and that the contracting officer of the Waste Treatment and Immobilization Plant Project has formally directed that the final criteria be used for the final design of the Pretreatment Facility and the High-Level Waste Facility of the Waste Treatment and Immobilization Plant.

SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR IMPLEMENTATION OF THE RUSSIAN SURPLUS FISSILE MATERIALS DISPOSITION PROGRAM.

(a) LIMITATION.—(1) Except as provided in subsection (b), none of the amount authorized to be appropriated under section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated for the implementation of the Russian Surplus Fissile Materials Disposition Program (in this section referred to as the "Program") until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees written recommendations regarding whether and in what manner the Program should proceed.

(2) The recommendations submitted under paragraph (1) shall include—

(A) a description of the disposition method the Government of Russia has agreed to use;

(B) a description of the assistance the United States Government plans to provide under the Program;

(C) an estimate of the total cost and schedule of such assistance;

(D) an explanation of how parallelism is to be defined for purposes of the Program and whether such parallelism can be achieved if the United States mixed-oxide (MOX) plutonium disposition program continues on the current planned schedule without further delays.

(b) EXCEPTION.—The limitation under subsection (a) does not apply to the obligation of funds to continue research and development associated with the Gas Turbine-Modular Helium Reactor (GT–MHR).

SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR CONSTRUCTION OF MOX FUEL FABRICATION FACILITY.

None of the amount authorized to be appropriated under section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated for construction project 99–D–143, the Mixed-Oxide (MOX) Fuel Fabrication Facility, until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees—

(1) an independent cost estimate for the United States Surplus Fissile Materials Disposition Program and facilities; and

(2) a written certification that the Department of Energy intends to use the MOX Fuel Fabrication Facility for United States plutonium disposition regardless of the future direction of the Russian Surplus Fissile Materials Disposition Program.

SEC. 3120. TECHNICAL CORRECTION RELATED TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

Effective as of January 6, 2006, and as if included therein as enacted, section 3101(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3537) is amended by striking "$9,196,456" and inserting "$9,196,456,000".

SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense and the United States depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

(2) Experts estimate that over 25 percent of the approximately 58,000 workers in the nuclear power industry in the United States will be eligible to retire within 5 years, representing both a huge loss of institutional memory and a potential national security crisis.

(3) This shortfall of workers is exacerbated by reductions to the University Reactor Infrastructure and Education Assistance program, which trains civilian nuclear scientists and engineers. The defense and civilian nuclear industries are interdependent on a limited number of educational institutions to produce their workforce. A reduction in nuclear scientists and engineers trained in the civilian sector may result in a further loss of qualified personnel for defense-related research and engineering.

(4) The Department of Defense's successful Science, Math and Research for Transformation (SMART) scholarship-for-service program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) REPORT ON EDUCATION OF FUTURE NUCLEAR ENGINEERS.—

(1) STUDY.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

(2) REPORT REQUIRED.—The President shall submit to the congressional defense committees, together with the budget request submitted for fiscal year 2008, a report on the study conducted by the Secretary of Energy under paragraph (1).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2007, $22,260,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.

(a) TRANSPORT AND DISPOSAL.—Not later than March 31, 2007, the Secretary of the Army shall, subject to subsection (c), transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

(b) SOURCE OF FUNDS.—Funds authorized to be appropriated by section 301(1) for the Army for operation and maintenance may be used for the transport and disposal required under subsection (a).

(c) LIABILITY.—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

(1) the United States assumes no liability, legal or otherwise, of Sequoyah Fuels Corporation by transporting such uranium; and

(2) the Sequoyah Fuels Corporation waives any and all claims it may have against the United States related to the transported uranium.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer's 'Shallow Oil Zone Provisional Recommendation of Equity Participation,' which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer, as that term is used in the Protocol on NPR–1 Equity Finalization Implementation Process, July 8, 1996, for the Shallow Oil Zone unless the Department of Energy and Chevron U.S.A. Inc. agree in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to either party for any cost or expense incurred or for any loss or damage sustained—

"(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

"(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

"(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by the its gross negligence or willful misconduct.

"(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.".

G.V. "SONNY" MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

On Thursday, June 22, 2006, the Senate passed H.R. 5122, as follows:

H.R. 5122

Resolved, That the bill from the House of Representatives (H.R. 5122) entitled "An Act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "John Warner National Defense Authorization Act for Fiscal Year 2007".

(b) FINDINGS.—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner's service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty Officer 3rd Class. He then attended Washington and Lee University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Director of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation's founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that his Act, the last annual authorization Act for the national defense that Senator Warner manages in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Limitation on availability of funds for the Joint Network Node.
Sec. 112. Comptroller General report on the contract for the Future Combat Systems program.
Sec. 113. Reports on Army Modularity Initiative.
Sec. 114. Replacement equipment.

Subtitle C—Navy Programs

Sec. 121. CVN–21 class aircraft carrier procurement.
Sec. 122. Construction of first two vessels under the next-generation destroyer program.
Sec. 123. Modification of limitation on total cost of procurement of CVN–77 aircraft carrier.

Subtitle D—Air Force Programs

Sec. 141. Procurement of Joint Primary Aircraft Training System aircraft after fiscal year 2006.
Sec. 142. Prohibition on retirement of C–130E/H tactical airlift aircraft.
Sec. 143. Limitation on retirement of KC 135E aircraft.
Sec. 144. Limitation on retirement of B 52H bomber aircraft.
Sec. 145. Retirement of B–52H bomber aircraft.
Sec. 146. Funding for procurement of F–22A fighter aircraft.
Sec. 147. Multiyear procurement of F–119 engines for F–22A fighter aircraft.
Sec. 148. Multi-spectral imaging capabilities.
Sec. 149. Minuteman III Intercontinental Ballistic Missiles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for science and technology.
Sec. 203. Amount for development and validation of warfighter rapid awareness processing technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Independent estimate of costs of the Future Combat Systems.
Sec. 212. Funding of defense science and technology programs.
Sec. 213. Hypersonics development.
Sec. 214. Trident sea-launched ballistic missiles.
Sec. 215. Arrow ballistic missile defense system.
Sec. 216. High Energy Laser Low Aspect Target Tracking.
Sec. 217. Advanced Aluminum Aerostructures Initiative.
Sec. 218. Legged mobility robotic research.
Sec. 219. Wideband Digital Airborne Electronic Sensing Array.
Sec. 220. Science and technology.

Subtitle C—Missile Defense Programs

Sec. 231. Availability of research, development, test, and evaluation funds for fielding ballistic missile defense capabilities.
Sec. 232. Policy of the United States on priorities in the development, testing, and fielding of missile defense capabilities.
Sec. 233. One-year extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 234. Submittal of plans for test and evaluation of the operational capability of the ballistic missile defense system.
Sec. 235. Annual reports on transition of ballistic missile defense programs to the military departments.
Sec. 236. Testing and operations for missile defense.

Subtitle D—Other Matters

Sec. 251. Extension of requirement for Global Research Watch Program.
Sec. 252. Expansion and extension of authority to award prizes for advanced technology achievements.
Sec. 253. Policies and practices on test and evaluation to address emerging acquisition approaches.
Sec. 254. Development of the propulsion system for the Joint Strike Fighter.
Sec. 255. Independent cost analyses for Joint Strike Fighter engine program.
Sec. 256. Sense of Senate on technology sharing of Joint Strike Fighter technology.
Sec. 257. Report on biometrics programs of the Department of Defense.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Limitation on availability of funds for the Army Logistics Modernization Program.
Sec. 312. Availability of funds for exhibits for the national museums of the Armed Forces.
Sec. 313. Limitation on financial management improvement and audit initiatives within the Department of Defense.
Sec. 314. Limitation on availability of operation and maintenance funds for the management headquarters of the Defense Information Systems Agency.
Sec. 315. Expansion of Junior Reserve Officers' Training Corps program.
Sec. 316. Infantry Combat Equipment.
Sec. 317. Individual First Aid Kit.
Sec. 318. Reading for the Blind and Dyslexic program of the Department of Defense.
Sec. 319. Military training infrastructure improvements at Virginia Military Institute.
Sec. 320. Environmental documentation for beddown of F–22A aircraft at Holloman Air Force Base, New Mexico.

Subtitle C—Environmental Provisions

Sec. 331. Response plan for remediation of military munitions.
Sec. 332. Extension of authority to grant exemptions to certain requirements.
Sec. 333. Research on effects of ocean disposal of munitions.
Sec. 334. Clarification of multi-year authority to use base closure funds to fund cooperative agreements under Environmental Restoration Program.
Sec. 335. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

Subtitle D—Reports

Sec. 351. Comptroller General report on readiness of the ground forces of the Army and the Marine Corps.
Sec. 352. National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina.
Sec. 353. Report on aerial training airspace requirements of the Department of Defense.
Sec. 354. Report on actions to reduce Department of Defense consumption of petroleum-based fuel.
Sec. 355. Reports on withdrawal or diversion of equipment from reserve units for support of reserve units being mobilized and other units.
Sec. 356. Plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom.
Sec. 357. Plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom.
Sec. 358. Report on vehicle-based active protection systems for certain battlefield threats.
Sec. 359. Report on high altitude aviation training site, Eagle County, Colorado.
Sec. 360. Report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.
Sec. 360A. Report on use of alternative fuels by the Department of Defense.

Subtitle E—Workplace and Depot Issues

Sec. 361. Minimum capital investment levels for public depots serviced by working capital funds.
Sec. 362. Permanent exclusion of certain contract expenditures from percentage limitation on the performance of depot-level maintenance.
Sec. 363. Additional exception to prohibition on contractor performance of firefighting functions.
Sec. 364. Temporary security guard services for certain work caused by realignment of military installations under the base closure laws.

Subtitle F—Other Matters

Sec. 371. Recycling of military munitions.
Sec. 372. Incentives clauses in chemical demilitarization contracts.
Sec. 373. Extension of Department of Defense telecommunications benefit program.
Sec. 374. Extension of availability of funds for commemoration of success of the Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.
Sec. 375. Energy efficiency in weapons platforms.
Sec. 376. Chemical demilitarization program contracting authority.
Sec. 377. Utilization of fuel cells as back-up power systems in Department of Defense operations.
Sec. 378. Prepositioning of Department of Defense assets to improve support to civilian authorities.
Sec. 379. Recovery and availability to corporation for the promotion of rifle practice and firearms safety of certain firearms, ammunition, and parts.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Repeal of requirement for permanent end strength levels to support two major regional contingencies.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2007 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

PART I—OFFICER PERSONNEL POLICY GENERALLY

Sec. 501. Military status of officers serving in certain intelligence community positions.
Sec. 502. Extension of temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
Sec. 503. Extension of age limits for active-duty general and flag officers.
Sec. 504. Modification of authorities on senior members of the Judge Advocate General's Corps.
Sec. 505. Requirement for significant joint experience for officers appointed as Surgeon General of the Army, Navy, and Air Force.
Sec. 506. Grade and exclusion from active-duty general and flag officer distribution and strength limitations of officer serving as Attending Physician to the Congress.
Sec. 507. Discretionary separation and retirement of chief warrant officers, W–4, twice failing selection for promotion.
Sec. 508. Increased mandatory retirement ages for reserve officers.
Sec. 509. Modification of qualifications for leadership of the Naval Postgraduate School.

PART II—OFFICER PROMOTION POLICY

Sec. 515. Promotions.
Sec. 516. Consideration of adverse information by promotion selection boards in recommendations on officers to be promoted.
Sec. 517. Expanded authority for removal from reports of selection boards of officers recommended for promotion to grades below general and flag grades.
Sec. 518. Clarification of nondisclosure requirements applicable to promotion selection board proceedings.
Sec. 519. Special selection board authorities.
Sec. 520. Removal from promotion lists of officers returned to the President by the Senate.
Sec. 521. Report on joint officer promotion boards.

PART III—JOINT OFFICER MANAGEMENT REQUIREMENTS

Sec. 526. Modification and enhancement of general authorities on management of joint qualified officers.
Sec. 527. Modification of promotion policy objectives for joint officers.
Sec. 528. Applicability of joint duty assignment requirements limited to graduates of National Defense University schools.
Sec. 529. Modification of definitions relating to jointness.
Sec. 530. Condition on appointment of commissioned officers to position of Director of National Intelligence or Director of the Central Intelligence Agency.

Subtitle B—Reserve Component Personnel Matters

Sec. 531. Enhanced flexibility in the management of reserve component personnel.
Sec. 532. Expansion of activities authorized for Reserves under Weapons of Mass Destruction Civil Support Teams.
Sec. 533. Modification of authorities relating to the Commission on the National Guard and Reserves.
Sec. 534. Pilot program on reintegration of members of the National Guard into civilian life after deployment.

Subtitle C—Military Justice and Related Matters

Sec. 551. Applicability of Uniform Code of Military Justice to members of the Armed Forces ordered to active duty overseas in inactive duty for training status.
Sec. 552. Clarification of application of Uniform Code of Military Justice during a time of war.

Subtitle D—Education and Training Matters

Sec. 561. Detail of commissioned officers as students at medical schools.
Sec. 562. Expansion of eligibility to provide Junior Reserve Officers' Training Corps instruction.
Sec. 563. Increase in maximum amount of repayment under education loan repayment for officers in specified health professions.
Sec. 564. Increase in benefits under Health Professions Scholarship and Financial Assistance program.
Sec. 565. Report on Health Professions Scholarship and Financial Assistance program.
Sec. 566. Expansion of instruction available at the Naval Postgraduate School for enlisted members of the Armed Forces.
Sec. 567. Modification of actions to address sexual harassment and sexual violence at the service academies.
Sec. 568. Department of Defense policy on service academy and ROTC graduates seeking to participate in professional sports before completion of their active-duty service obligations.
Sec. 569. Review of legal status of Junior ROTC program.
Sec. 570. Junior Reserve Officers' Training Corps instructor qualifications.
Sec. 570A. Modification of time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations.

Subtitle E—Defense Dependents Education Matters

Sec. 571. Funding for assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Impact aid for children with severe disabilities.
Sec. 573. Plan to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or BRAC.
Sec. 574. Pilot program on parent education to promote early childhood education for dependent children affected by military deployment or relocation of military units.

Subtitle F—Other Matters

Sec. 581. Administration of oaths.
Sec. 582. Military ID cards for retiree dependents who are permanently disabled.
Sec. 583. Military voting matters.
Sec. 584. Presentation of Medal of Honor Flag to primary next of kin of Medal of Honor recipients.
Sec. 585. Modification of effective period of authority to present recognition items for recruitment and retention purposes.
Sec. 586. Military Severely Injured Center.
Sec. 587. Sense of Senate on notice to Congress of recognition of members of the Armed Forces for extraordinary acts of bravery, heroism, and achievement.
Sec. 588. Report on provision of electronic copy of military records on discharge or release of members from the Armed Forces.
Sec. 589. Purple Heart award eligibility.
Sec. 590. Comprehensive review on procedures of the Department of Defense on Mortuary Affairs.
Sec. 591. Report on omission of social security numbers on military identification cards.
Sec. 592. Funeral ceremonies for veterans.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2007 increase in military basic pay and reform of basic pay rates.
Sec. 602. Increase in maximum rate of basic pay for general and flag officer grades.
Sec. 603. Clarification of effective date of prohibition on compensation for correspondence courses.
Sec. 604. One-year extension of prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
Sec. 605. Additional housing allowance for Reserves on active duty in support of a contingency operation.
Sec. 606. Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are members of the uniformed services.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Increase in special pay for Selected Reserve health care professionals in critically short wartime specialties.
Sec. 616. Expansion and enhancement of accession bonus authorities for certain officers in health care specialities.
Sec. 617. Increase in nuclear career accession bonus for nuclear-qualified officers.
Sec. 618. Modification of certain authorities applicable to the targeted shaping of the Armed Forces.
Sec. 619. Extension of pilot program on contributions to Thrift Savings Plan for initial enlistees in the Army.
Sec. 620. Accession bonus for members of the Armed Forces appointed as commissioned officers after completing officer candidate school.
Sec. 621. Enhancement of bonus to encourage members of the Army to refer other persons for enlistment in the Army.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Expansion of payment of replacement value of personal property damaged during transport at government expense.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Modification of Department of Defense contributions to Military Retirement Fund and government contributions to Medicare-Eligible Retiree Health Care Fund.
Sec. 642. Repeal of requirement of reduction of SBP survivor annuities by dependency and indemnity compensation.
Sec. 643. Effective date of paid-up coverage under Survivor Benefit Plan.
Sec. 644. Expansion of conditions for direct payment of divisible retired pay.
Sec. 645. Authority for cost of living adjustments of retired pay treated as divisible property.
Sec. 646. Notice and copy to members of court orders on payment of retired pay.
Sec. 647. Retention of assistive technology and devices by certain members of the Armed Forces after separation from service.
Sec. 648. Renaming of death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation.
Sec. 649. Effective date of termination of phase-in of concurrent receipt for veterans with service-connected disabilities rated as total by virtue of unemployability.
Sec. 650. Determination of retired pay base of general and flag officers based on rates of basic pay provided by law.
Sec. 651. Inapplicability of retired pay multiplier maximum percentage to service of members of the Armed Forces in excess of 30 years.
Sec. 652. Modification of eligibility for commencement of authority for optional annuities for dependents under the survivor benefit plan.
Sec. 653. Commencement of receipt of non-regular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.

Subtitle E—Other Matters

Sec. 661. Audit of pay accounts of members of the Army evacuated from a combat zone for inpatient care.
Sec. 662. Pilot Program on Troops to Nurse Teachers.
Sec. 663. Expansion and enhancement of authority to remit or cancel indebtedness of members of the Armed Forces.
Sec. 664. Exception for notice to consumer reporting agencies regarding debts or erroneous payments pending a decision to waive, remit, or cancel.
Sec. 665. Enhancement of authority to waive claims for overpayment of pay and allowances.
Sec. 666. Terms of consumer credit extended to servicemember or servicemember's dependent.
Sec. 667. Joint family support assistance program.
Sec. 668. Improvement of management of Armed Forces Retirement Home.

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

Sec. 681. Short title.
Sec. 682. Special working group on transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom and Operation Enduring Freedom.
Sec. 683. Office for employers and employment assistance organizations.
Sec. 684. Additional responsibilities of Department of Defense task force on mental health relating to mental health of members of the National Guard and Reserve deployed in Operation Iraqi Freedom and Operation Enduring Freedom.
Sec. 685. Grants on assistance in community-based settings for members of the National Guard and Reserve and their families after deployment in Operation Iraqi Freedom and Operation Enduring Freedom.
Sec. 686. Longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.
Sec. 687. Training curricula for family caregivers on care and assistance for members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom and Operation Enduring Freedom.

TITLE VII—HEALTH CARE

Subtitle A—Benefits Matters

Sec. 701. Improved procedures for cancer screening for women.
Sec. 702. National mail-order pharmacy program.
Sec. 703. Availability under TRICARE of anesthesia for children in connection with dental procedures for which dental anesthesia is inappropriate.
Sec. 704. TRICARE coverage for forensic examinations following sexual assaults and domestic violence.
Sec. 705. Prohibition on increase in fiscal year 2007 in enrollment fees for coverage under TRICARE Prime.
Sec. 706. Limitation on fiscal year 2007 increase in premiums for coverage under TRICARE of members of reserve components who commit to continued service in Selected Reserve after release from active duty.
Sec. 707. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 708. Expansion of eligibility of members of the Selected Reserve for coverage under TRICARE.

Subtitle B—Planning, Programming, and Management

Sec. 721. Treatment of TRICARE Retail Pharmacy Network under Federal procurement of pharmaceuticals.
Sec. 722. Relationship between the TRICARE program and employer-sponsored group health care plans.
Sec. 723. Enrollment in the TRICARE program.
Sec. 724. Incentive payments for the provision of services under the TRICARE program in medically underserved areas.
Sec. 725. Standardization of claims processing under TRICARE program and Medicare program.
Sec. 726. Requirements for support of military treatment facilities by civilian contractors under TRICARE.
Sec. 727. Uniform standards for access to health care services for wounded or injured servicemembers.
Sec. 728. Disease and chronic care management.
Sec. 729. Post-deployment health assessments for members of the Armed Forces returning from deployment in support of a contingency operation.
Sec. 730. Mental Health Self-Assessment Program.
Sec. 731. Additional authorized option periods for extension of current contracts under TRICARE.
Sec. 732. Military vaccination matters.
Sec. 733. Enhanced mental health screening and services for members of the Armed Forces.
Sec. 734. Education, training, and supervision of personnel providing special education services under extended benefits under TRICARE.

Subtitle C—Studies and Reports

Sec. 741. Pilot projects on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions.
Sec. 742. Annual reports on certain medical malpractice cases.
Sec. 743. Comptroller General study on Department of Defense pharmacy benefits program.
Sec. 744. Comptroller General audits of Department of Defense health care costs and cost-saving measures.
Sec. 745. Review of Department of Defense medical quality improvement program.
Sec. 746. Study of health effects of exposure to depleted uranium.

Subtitle D—Other Matters

Sec. 761. Extension of limitation on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 762. Transfer of custody of the Air Force health study assets to Medical Follow-Up Agency.
Sec. 763. Sense of Senate on the Transformational Medical Technology Initiative of the Department of Defense.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Additional certification requirements for major defense acquisition programs.
Sec. 802. Extension and enhancement of Defense Acquisition Challenge Program.
Sec. 803. Baseline description and unit cost reports for major defense acquisition programs.
Sec. 804. Major automated information system programs.
Sec. 805. Adjustment of original baseline estimate for major defense acquisition programs experiencing cost growth resulting from damage caused by Hurricanes Katrina, Rita, and Wilma.
Sec. 806. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.
Sec. 807. Regulations on use of fixed-price contracts in development programs.
Sec. 808. Availability of funds for performance-based logistics contracts for weapon systems logistics support.
Sec. 809. Quality control in procurement of ship critical safety items and related services.
Sec. 810. Three-year extension of requirement for reports on commercial price trend analyses of the Department of Defense.
Sec. 811. Pilot program on time-certain development in acquisition of major weapon systems.
Sec. 812. Government performance of critical acquisition functions.

Subtitle B—Defense Industrial Base Matters

Sec. 821. Removal of hand and measuring tools from certain requirements.
Sec. 822. Applicability of certain requirements regarding specialty metals.
Sec. 823. Waiver authority for domestic source or content requirements.
Sec. 824. Repeal of requirement for identification of essential military items and military system essential item breakout list.
Sec. 825. Consistency with United States obligations under trade agreements.

Subtitle C—Defense Contractor Matters

Sec. 841. Requirements for defense contractors relating to certain former Department of Defense officials.
Sec. 842. Lead systems integrators.
Sec. 843. Linking of award and incentive fees to acquisition outcomes.
Sec. 844. Prohibition on excessive pass-through charges.
Sec. 845. Report on Department of Defense contracting with contractors or subcontractors employing members of the Selective Reserve.

Subtitle D—Program Manager Matters

Sec. 861. Program manager empowerment and accountability.
Sec. 862. Tenure and accountability of program managers for program development periods.
Sec. 863. Tenure and accountability of program managers for program execution periods.
Sec. 864. Department of Defense plan for contingency program management.
Sec. 865. Comptroller General report.

Subtitle E—Other Matters

Sec. 871. Clarification of authority to carry out certain prototype projects.
Sec. 872. One-year extension of special temporary contract closeout authority.
Sec. 873. One-year extension of inapplicability of certain laws to contracting with employers of persons with disabilities.
Sec. 874. Pilot program on expanded use of mentor-protege authority.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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Sec. 2827. Modification of land transfer authority, Potomac Annex, District of Columbia.
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Sec. 2832. Extension of eligibility for community planning assistance related to certain military facilities not under Department of Defense jurisdiction.
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Sec. 2834. Report on Air Force and Air National Guard bases affected by 2005 round of defense base closure and realignment.

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Sec. 3112. Utilization of international contributions to the Global Threat Reduction Initiative.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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Sec. 3301. Transfer of government-furnished uranium stored at Sequoyah Fuels Corporation, Gore, Oklahoma.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Completion of equity finalization process for Naval Petroleum Reserve Numbered 1.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Army as follows:

(1) For aircraft, $3,457,329,000.

(2) For missiles, $1,428,859,000.

(3) For weapons and tracked combat vehicles, $2,849,743,000.

(4) For ammunition, $2,036,785,000.

(5) For other procurement, $7,729,602,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Navy as follows:

(1) For aircraft, $10,704,155,000.

(2) For weapons, including missiles and torpedoes, $2,587,020,000.

(3) For shipbuilding and conversion, $12,058,553,000.

(4) For other procurement, $5,045,516,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Marine Corps in the amount of $1,300,213,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement of ammunition for the Navy and the Marine Corps in the amount of $809,943,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for the Air Force as follows:

(1) For aircraft, $12,004,096,000.

(2) For missiles, $4,224,145,000.

(3) For ammunition, $1,076,749,000.

(4) For other procurement, $15,434,586,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2007 for Defense-wide procurement in the amount of $2,980,498,000.

Subtitle B—Army Programs

SEC. 111. LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT NETWORK NODE.

(a) LIMITATION.—Of the amount authorized to be appropriated by section 101(5) for other procurement for the Army and available for purposes of the procurement of the Joint Network Node, not more than 50 percent of such amount may be available for such purposes until the Secretary of the Army submits to the congressional defense committees a report on the strategy of the Army for the convergence of the Joint Network Node, the Warfighter Information Network—Tactical, and the Mounted Battle Command On-the-Move communications programs.

(b) ELEMENTS.—The report described in subsection (a) shall include a description of the acquisition plan required for the convergence described in that subsection, including the implementation plan, schedule, and funding of such acquisition plan.

(c) DEADLINE.—The report described in subsection (a) shall be submitted under that subsection, if at all, not later than March 15, 2007.

SEC. 112. COMPTROLLER GENERAL REPORT ON THE CONTRACT FOR THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) REPORT REQUIRED.—Not later than March 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the participation and activities of the lead systems integrator in the Future Combat Systems (FCS) program under the contract of the Army for the Future Combat Systems.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the responsibilities of the lead systems integrator in managing the Future Combat Systems program under the contract for the Future Combat Systems, and an assessment of the manner in which such responsibilities differ from the typical responsibilities of a lead systems integrator under acquisition contracts of the Department of Defense.

(2) A description and assessment of the responsibilities of the Army in managing the Future Combat Systems program, including oversight of the activities of the lead systems integrator and the decisions made by the lead systems integrator.

(3) An assessment of the manner in which the Army—

(A) ensures that the lead systems integrator meets goals for the Future Combat Systems in a timely manner; and

(B) evaluates the extent to which such goals are met.

(4) An identification of the mechanisms in place to ensure the protection of the interests of the United States in the Future Combat Systems program.

(5) An identification of the mechanisms in place to mitigate organizational conflicts of interests with respect to competition on Future Combat Systems technologies and equipment under subcontracts under the Future Combat Systems program.

SEC. 113. REPORTS ON ARMY MODULARITY INITIATIVE.

(a) REPORT BY SECRETARY OF THE ARMY.—

(1) REPORT REQUIRED.—Not later than March 15, 2007, the Secretary of the Army shall submit to the congressional defense committees a report on the modularity initiative of the Army.

(2) ELEMENTS.—The report required by this subsection shall include the following:

(A) A description of the manner in which the Army distinguishes costs under the modularity initiative from costs of modernization and reset.

(B) An identification, by line item, of the amount of funds expended to date on the modularity initiative.

(C) An identification, by line item, of the amount of funds the Army has budgeted and programmed to date on the modularity initiative.

(D) A detailed description on how modularity equipment will be allocated to the regular components and reserve components of the Armed Forces by 2011, and a description of any anticipated shortfalls in such allocation.

(E) A plan for further testing and evaluation of modular designs, and a summary of any lessons learned to date from modular brigades that have been established, deployed to Iraq, or both.

(b) ANNUAL COMPTROLLER GENERAL REPORTS.—

(1) REPORTS REQUIRED.—The Comptroller General of the United States shall submit to the congressional defense committees each year, not later than 45 days after the date on which the budget of the President is submitted to Congress for a fiscal year under section 1105 of title 31, United States Code, a report on the assessment of the Comptroller General on the following:

(A) The progress of the Army in equipping and manning modular units in the regular components and reserve components of the Armed Forces.

(B) The use of funds by the Army for the modularity initiative.

(C) The progress of the Army in conducting further testing and evaluations of designs under the modularity initiative.

(2) FIRST REPORT.—The first report required under this subsection shall be submitted in conjunction with the budget for fiscal year 2008.

SEC. 114. REPLACEMENT EQUIPMENT.

(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for acting and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.

(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies/disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

Subtitle C—Navy Programs

SEC. 121. CVN–21 CLASS AIRCRAFT CARRIER PROCUREMENT.

(a) AVAILABILITY OF FUNDS FOR CVN–21 CLASS AIRCRAFT CARRIERS.—Amounts authorized to be appropriated to Shipbuilding and Conversion, Navy, for purposes of the construction of CVN–21 class aircraft carriers shall be available in the fiscal year for which authorized to be appropriated and the succeeding three fiscal years.

(b) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEAR 2007.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007 for Shipbuilding and Conversion, Navy, $834,100,000 shall be available for advance procurement with respect to the CVN–21 class aircraft carriers designated CVN–78, CVN–79, and CVN–80.

(c) CONTRACT AUTHORITY.—

(1) ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into a contract during fiscal year 2007 for advance procurement with respect to the CVN–21 class aircraft carriers designated CVN–79 and CVN–80.

(2) CONSTRUCTION.—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN–21 class aircraft carrier referred to in paragraph (1), the Secretary may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding three fiscal years.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

SEC. 122. CONSTRUCTION OF FIRST TWO VESSELS UNDER THE NEXT-GENERATION DESTROYER PROGRAM.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007 for Shipbuilding and Conversion, Navy, $2,568,000,000 may be available for the construction of the first two vessels under the next-generation destroyer program.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of each of the first two vessels under the next-generation destroyer program.

(2) LIMITATION.—Not more than one contract described in paragraph (1) may be awarded under that paragraph to a single surface-combatant shipyard.

(3) DURATION ON PROCUREMENT.—Each contract under paragraph (1) shall contemplate funding for the procurement of a vessel under such contract in fiscal years 2007 and 2008.

(4) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2007 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 123. MODIFICATION OF LIMITATION ON TOTAL COST OF PROCUREMENT OF CVN–77 AIRCRAFT CARRIER.

Section 122(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1650) is amended by striking "$4,600,000,000 (such amount being the estimated cost for the procurement of the CVN–77 aircraft carrier in the March 1997 procurement plan)" and inserting "$6,057,000,000".

Subtitle D—Air Force Programs

SEC. 141. PROCUREMENT OF JOINT PRIMARY AIRCRAFT TRAINING SYSTEM AIRCRAFT AFTER FISCAL YEAR 2006.

Any Joint Primary Aircraft Training System (JPATS) aircraft procured after fiscal year 2006 shall be procured through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a contract under part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items (48 C.F.R. 12.000 et seq.).

SEC. 142. PROHIBITION ON RETIREMENT OF C–130E/H TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force shall not retire any C–130E/H tactical airlift aircraft of the Air Force in fiscal year 2007.

SEC. 143. LIMITATION ON RETIREMENT OF KC–135E AIRCRAFT.

The Secretary of the Air Force shall ensure that the number, if any, of KC–135E aircraft of the Air Force that is retired in fiscal year 2007 does not exceed 29 such aircraft.

SEC. 144. LIMITATION ON RETIREMENT OF B–52H BOMBER AIRCRAFT.

The Secretary of the Air Force shall ensure that the number, if any, of B–52H bomber aircraft of the Air Force that is retired in fiscal year 2007 does not exceed 18 such aircraft.

SEC. 145. RETIREMENT OF B–52H BOMBER AIRCRAFT.

(a) LIMITATION ON RETIREMENT PENDING REPORT ON BOMBER FORCE STRUCTURE.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for retiring or dismantling any of the 93 B–52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days after the Secretary of the Air Force transmits to the Committees on Armed Services of the Senate and the House of Representatives a report on the bomber force structure of the Air Force meeting the requirements of subsection (b).

(b) ELEMENTS.—

(1) IN GENERAL.—A report under subsection (a) shall set forth the following:

(A) The plan of the Air Force for the modernization of the B–52H bomber aircraft fleet.

(B) The plans of the Air Force for the modernization of the balance of the bomber force structure.

(C) The amount and type of bombers in the bomber force structure that is appropriate to meet the requirements of the national security strategy of the United States.

(D) A justification of the cost and projected savings of any reductions to the B–52H bomber aircraft fleet as a result of the retirement or dismantlement of the B–52H bomber aircraft covered by the report.

(E) The life expectancy of each bomber aircraft to remain in the bomber force structure.

(F) The date by which any new bomber aircraft must reach initial operational capability and the capabilities of the bomber force structure that would be replaced or superseded by any new bomber aircraft.

(2) AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE DEFINED.—In this subsection, the term "amount and type of bomber force structure" means the number of B–2 bomber aircraft, B–52H bomber aircraft, and B–1 bomber aircraft that are required to carry out the national security strategy of the United States.

(c) PREPARATION OF REPORT.—A report under this section shall be prepared and submitted by the Institute of Defense Analysis to the Secretary of the Air Force for transmittal by the Secretary in accordance with subsection (a).

SEC. 146. FUNDING FOR PROCUREMENT OF F–22A FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A fighter aircraft.

(b) MULTIYEAR PROCUREMENT.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of not more than 60 F–22A fighter aircraft.

SEC. 147. MULTIYEAR PROCUREMENT OF F–119 ENGINES FOR F–22A FIGHTER AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of the following:

(1) Not more than 120 F–119 engines for F–22A fighter aircraft.

(2) Not more than 13 spare F–119 engines for F–22A fighter aircraft.

SEC. 148. MULTI-SPECTRAL IMAGING CAPABILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The budget of the President for fiscal year 2007, as submitted to Congress under section 1105(a) of title 31, United States Code, and the current Future-Years Defense Program adopts an Air Force plan to retire the remaining fleet of U-2 aircraft by 2011.

(2) This retirement would eliminate the multi-spectral capability provided by the electro-optical/infrared (EO/IR) Senior Year Electro-optical Reconnaissance System (SYERS–2) high-altitude imaging system.

(3) The system referred to in paragraph (2) provides high-resolution, long-range, day-and-night image intelligence.

(4) The infrared capabilities of the system referred to in paragraph (2) can defeat enemy efforts to use camouflage or concealment, as well as provide images through poor visibility and smoke.

(5) Although the Air Force has previously recognized the military value of Senior Year Electro-optical Reconnaissance System sensors, the Air Force has no plans to migrate this capability to any platform remaining in the fleet.

(6) The Air Force could integrate such capabilities onto the Global Hawk platform to retain this capability for combatant commanders.

(7) The Nation risks a loss of an important intelligence gathering capability if this capability is not transferred to another platform.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should investigate ways to retain the multi-spectral imaging capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system after the retirement of the U–2 aircraft fleet.

(c) REPORT REQUIREMENT.—The Secretary of the Air Force shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress under section 1105(a) of title 31, United States Code, a plan for migrating the capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system from the U–2 aircraft to the Global Hawk platform before the retirement of the U–2 aircraft fleet in 2011.

SEC. 149. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States "is to deploy a force of 500 ICBMs". The conferees further note "that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.".

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent "remains a keystone of United States national power". However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $5,000,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(3) OFFSET.—The amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term "ICBM Modernization program" means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $11,151,009,000.

(2) For the Navy, $17,451,823,000.

(3) For the Air Force, $24,400,857,000.

(4) For Defense-wide activities, $21,160,459,000, of which $181,520,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $11,468,959,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term "science and technology project" means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION OF WARFIGHTER RAPID AWARENESS PROCESSING TECHNOLOGY.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $4,000,000 may be available for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $4,000,000, due to unexpended obligations, if available.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. INDEPENDENT ESTIMATE OF COSTS OF THE FUTURE COMBAT SYSTEMS.

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—Of the amount authorized to be appropriated by this title and available for the Future Combat Systems (FCS) for purposes of system of systems engineering and program management for the Future Combat Systems, an amount equal to $500,000,000 of such amount may not be obligated and expended for such purposes until the Secretary of Defense submits to the congressional defense committees the report required by subsection (b)(4).

(b) INDEPENDENT ESTIMATE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the preparation of an independent estimate of the anticipated costs of systems development and demonstration with respect to the Future Combat Systems.

(2) CONDUCT OF ESTIMATE.—The estimate required by this subsection shall be prepared by a federally funded research and development center selected by the Secretary for purposes of this subsection.

(3) MATTERS TO BE ADDRESSED.—The independent estimate prepared under this subsection shall address costs of research, development, test, and evaluation, and costs of procurement, for—

(A) the system development and demonstration phase of the core Future Combat Systems;

(B) the Future Combat Systems technologies to be incorporated into the equipment of the current force of the Army (often referred to as "spinouts");

(C) the installation kits for the incorporation of such technologies into such equipment;

(D) the systems treated as complementary systems for the Future Combat Systems;

(E) science and technology initiatives that support the Future Combat Systems program; and

(F) any pass-through charges anticipated to be assessed by the lead systems integrator of the Future Combat Systems and its major subcontractors.

(4) SUBMITTAL TO CONGRESS.—Upon completion of the independent estimate required by this subsection, the Secretary shall submit to the congressional defense committees a report on the estimate.

(5) DEADLINE FOR SUBMITTAL.—The report described in paragraph (4) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2008 (as submitted to Congress under section 1105(a) of title 31, United States Code).

(c) PASS-THROUGH CHARGE DEFINED.—In this section, the term "pass-through charge" has the meaning given that term in section 805(c)(5) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3373).

SEC. 212. FUNDING OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EXTENSION OF FUNDING OBJECTIVE.—Subsection (b) of section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended by striking "through 2009" and inserting "through 2012".

(b) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—Such section is further amended by adding at the end the following new subsection:

"(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—(1) If the proposed budget for a fiscal year covered by subsection (b) fails to comply with the objective set forth in that subsection, the Secretary of Defense shall submit to the congressional defense committees—

"(A) a detailed, prioritized list, including estimates of required funding, of highly-rated, peer-reviewed science and technology projects received by the Department through competitive solicitations and broad agency announcements which—

"(i) are not funded solely due to lack of resources, but

"(ii) represent science and technology opportunities that support the research and development programs and goals of the military departments and the Defense Agencies; and

"(B) a report, in both classified and unclassified form, containing an analysis and evaluation of international research and technology capabilities, including an identification of any technology areas in which the United States will not have global technical leadership within the next five years, in each of the technology areas described in the following plans:

"(i) The most current Joint Warfighting Science and Technology Plan required by section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

"(ii) The Defense Technology Area Plan of the Department of Defense.

"(iii) The Basic Research Plan of the Department of Defense.

"(2)(A) The list required by paragraph (1)(A) for a fiscal year in which the budget for such fiscal year fails to comply with the objective in subsection (b) shall be submitted together with the Department of Defense budget justification materials submitted to Congress under section 1105 of title 31, United States Code, with the budget for the next fiscal year.

"(B) The report required by paragraph (1)(B) for a fiscal year in which the budget for such fiscal year fails to comply with the objective in subsection (b) shall be submitted not later than the six months after the submittal of the Department of Defense budget justification materials that are submitted to Congress under section 1105 of title 31, United States Code, with the budget for the next fiscal year.".

SEC. 213. HYPERSONICS DEVELOPMENT.

(a) ESTABLISHMENT OF JOINT TECHNOLOGY OFFICE ON HYPERSONICS.—The Secretary of Defense shall establish within the Office of the Secretary of Defense a joint technology office on hypersonics. The office shall carry out the program required under subsection (b), and shall have such other responsibilities relating to hypersonics as the Secretary shall specify.

(b) PROGRAM ON HYPERSONICS.—The joint technology office established under subsection (a) shall carry out a program for the development of hypersonics for defense purposes.

(c) RESPONSIBILITIES.—In carrying out the program required by subsection (b), the joint technology office established under subsection (a) shall do the following:

(1) Coordinate and integrate the research, development, test, and evaluation programs and system demonstration programs of the Department of Defense on hypersonics.

(2) Undertake appropriate actions to ensure—

(A) close and continuous integration of the programs on hypersonics of the military departments with the programs on hypersonics of the Defense Agencies; and

(B) coordination of the programs referred to in subparagraph (A) with the programs on hypersonics of the National Aeronautics and Space Administration.

(3) Approve demonstration programs on hypersonic systems.

(4) Ensure that any demonstration program on hypersonic systems that is carried out in any year after its approval under paragraph (3) is carried out only if certified under subsection (e) as being consistent with the roadmap under subsection (d).

(d) ROADMAP.—

(1) ROADMAP REQUIRED.—The joint technology office established under subsection (a) shall, in coordination with the Joint Staff and the National Aeronautics and Space Administration, develop a roadmap for the hypersonics programs of the Department of Defense.

(2) ELEMENTS.—The roadmap shall include the following matters:

(A) Short-term, mid-term, and long-term goals for the Department of Defense on hypersonics which shall be consistent with the missions and anticipated requirements of the Department over the applicable period.

(B) Acquisition transition plans for hypersonics.

(C) Anticipated mission requirements for hypersonics.

(D) A schedule for meeting such goals, including the activities and funding anticipated to be required for meeting such goals.

(3) SUBMITTAL TO CONGRESS.—The Secretary shall submit the roadmap to the congressional defense committees at the same time as the submittal to Congress of the budget for fiscal year 2008 (as submitted pursuant to section 1105 of title 31, United States Code).

(e) ANNUAL REVIEW AND CERTIFICATION OF FUNDING.—

(1) ANNUAL REVIEW.—The joint technology office established under subsection (a) shall conduct on an annual basis a review of the funding available for research, development, test, and evaluation and demonstration programs of the Department of Defense on hypersonics in order to determine whether or not such funding and programs are consistent with the roadmap developed under subsection (d).

(2) CERTIFICATION.—The joint technology office shall, as a result of each review under paragraph (1), certify to the Secretary whether or not the funding and programs subject to such review are consistent with the roadmap developed under subsection (d).

(3) TERMINATION.—The requirements of this subsection shall terminate after the submittal to Congress of the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(f) REPORTS TO CONGRESS.—If, as a result of a review under subsection (e), funding or a program on hypersonics is certified under that subsection not to be consistent with the roadmap developed under subsection (d), the Secretary shall submit to Congress a report on such funding or program, as the case may be, together with a statement of the actions to be taken to make such funding or program, as the case may be, consistent with the roadmap.

(g) HYPERSONICS DEFINED.—In this section, the term "hypersonics" means aircraft and missiles capable of travelling at speeds in excess of Mach 5.

SEC. 214. TRIDENT SEA-LAUNCHED BALLISTIC MISSILES.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds authorized to be appropriated by this Act for the Conventional Trident Modification (CTM) program may be obligated or expended for the development or modification of the Trident D-5 sea-launched ballistic missile until 30 days after the date on which the report required by subsection (b) is submitted to the congressional defense committees.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to amounts authorized to be appropriated by section 201(2) for research, development, test, and evaluation, Navy, and available for Advanced Conventional Strike Capability (PE #64327N) in an amount not to exceed $32,000,000.

(b) REPORT.—

(1) REPORT REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of State, submit to the congressional defense committees a report setting forth a proposal to replace nuclear warheads on twenty-four Trident D–5 sea-launched ballistic missiles with conventional kinetic warheads for deployment on submarines that carry Trident sea-launched ballistic missiles.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the types of scenarios, types of targets, and circumstances in which a conventional sea-launched ballistic missile would be used.

(B) A discussion of the weapon systems or weapons, whether current or planned, that could be used as an alternative for each of the scenarios, target types, and circumstances set forth under subparagraph (A), and a statement of any reason why each is not a suitable alternative to a conventional sea-launched ballistic missile.

(C) A description of the command and control arrangements for conventional sea-launched

ballistic missiles, including launch authority and the use of Permissive Action Links (PALs).

(D) An assessment of the capabilities of other countries to detect and track the launch of a conventional or nuclear sea-launched ballistic missile.

(E) An assessment of the capabilities of other countries to discriminate between the launch of a nuclear sea-launched ballistic missile and a conventional sea-launched ballistic missile, other than in a testing scenario.

(F) An assessment of the notification and other protocols that would have to be in place prior to using any conventional sea-launched ballistic missile and a plan for entering into such protocols.

(G) An assessment of the adequacy of the intelligence that would be needed to support an attack involving conventional sea-launched ballistic missiles.

(H) A description of the total program cost, including the procurement costs of additional D-5 missiles, of the conventional Trident sea-launched ballistic missile program, by fiscal year.

(I) An analysis and assessment of the implications for ballistic missile proliferation if the United States decides to go forward with the conventional Trident sea-launched ballistic missile program or any other conventional long range ballistic missile program.

(J) An analysis and assessment of the implications for the United States missile defense system if other countries utilize long range conventional ballistic missiles.

(K) An analysis of any problems created by the ambiguity that results from the use of the same ballistic missile for both conventional and nuclear warheads.

(L) An analysis and assessment of the methods that other countries might use to resolve the ambiguities associated with a nuclear or conventional sea-launched ballistic missile.

(M) An analysis, by the Secretary of State, of the international, treaty, and other concerns that would be associated with the use of a conventional sea-launched ballistic missile and recommendations for measures to mitigate or eliminate such concerns.

(N) A joint statement by the Secretary of Defense and the Secretary of State on how to ensure that the use of a conventional sea-launched ballistic missile will not result in an intentional, inadvertent, mistaken, or accidental reciprocal or responsive launch of a nuclear strike by any other country.

(c) Availability of Funds for Report.—Of the amounts authorized to be appropriated by this Act (other than the amounts covered by the limitation in subsection (a)), $20,000,000 may be available to prepare the report required by subsection (b).

SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense—

(1) $65,000,000 may be available for coproduction of the Arrow ballistic missile defense system; and

(2) $63,702,000 may be available for the Arrow System Improvement Program.

SEC. 216. HIGH ENERGY LASER LOW ASPECT TARGET TRACKING.

(a) Additional Amount for Research, Development, Test, and Evaluation, Army.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) Availability of Amount.—

(1) In General.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for the Department of Defense High Energy Laser Test Facility for High Energy Laser Low Aspect Target Tracking (HEL-LATT) test series done jointly with the Navy.

(2) Construction with Other Amounts.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $5,000,000, due to unexpended obligations, if available.

SEC. 217. ADVANCED ALUMINUM AEROSTRUCTURES INITIATIVE.

(a) Additional Amount for Research, Development, Test, and Evaluation, Air Force.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $2,000,000 may be available for Aerospace Technology Development and Demonstration (PE #603211F) for the Advanced Aluminum Aerostructures Initiative (A3I).

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $2,000,000, due to unexpended obligations, if available.

SEC. 218. LEGGED MOBILITY ROBOTIC RESEARCH.

(a) Additional Amount for Research, Development, Test, and Evaluation, Army.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Combat Vehicle and Automotive Technology (PE #602601A) for legged mobility robotic research for military applications.

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $1,000,000, due to unexpended obligations, if available

SEC. 219. WIDEBAND DIGITAL AIRBORNE ELECTRONIC SENSING ARRAY.

(a) Additional Amount for Research, Development, Test, and Evaluation, Air Force.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Wideband Digital Airborne Electronic Sensing Array (PE #0602204F).

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $3,000,000, due to unexpended obligations, if available.

SEC. 220. SCIENCE AND TECHNOLOGY.

(a) Army Support for University Research Initiatives.—

(1) Additional amount for research, development, test, and evaluation, army.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103A for University Research Initiatives.

(b) Navy Support for University Research Initiatives.—

(1) Additional amount for research, development, test, and evaluation, navy.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $10,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103N for University Research Initiatives.

(c) Air Force Support for University Research Initiatives.—

(1) Additional amount for research, development, test, and evaluation, air force.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103F for University Research Initiatives.

(d) Computer Science and Cybersecurity.

(1) Additional amount for research, development, test, and evaluation, defense-wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SMART National Defense Education Program.—

(1) Additional amount for research, development, test, and evaluation, defense-wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $5,000,000.

(2) Availability of amount.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $5,000,000 may be available for program element PE 0601120D8Z for the SMART National Defense Education Program.

(f) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000, due to unexpended obligations, if available.

Subtitle C—Missile Defense Programs

SEC. 231. AVAILABILITY OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS FOR FIELDING BALLISTIC MISSILE DEFENSE CAPABILITIES.

Upon approval by the Secretary of Defense, funds authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation and available for the Missile Defense Agency may be used for the development and fielding of ballistic missile defense capabilities.

SEC. 232. POLICY OF THE UNITED STATES ON PRIORITIES IN THE DEVELOPMENT, TESTING, AND FIELDING OF MISSILE DEFENSE CAPABILITIES.

(a) Findings.—Congress makes the following findings:

(1) In response to the threat posed by ballistic missiles, President George W. Bush in December 2002 directed the Secretary of Defense to proceed with the fielding of an initial set of missile defense capabilities in 2004 and 2005.

(2) According to assessments by the intelligence community of the United States, North Korea tested in 2005 a new solid propellant short-range ballistic missile and is likely developing intermediate-range and intercontinental ballistic missile capabilities that could someday reach as far as the United States with a nuclear payload.

(3) According to assessments by the intelligence community of the United States, Iran continued in 2005 to test its medium range ballistic missile, and the danger that Iran will acquire a nuclear weapon and integrate it with a ballistic missile Iran already possesses is a reason for immediate concern.

(b) POLICY.—It is the policy of the United States that the Department of Defense accord a priority within the missile defense program to the development, testing, fielding, and improvement of effective near-term missile defense capabilities, including the ground-based midcourse defense system, the Aegis ballistic missile defense system, the Patriot PAC–3 system, the Terminal High Altitude Area Defense system, and the sensors necessary to support such systems.

SEC. 233. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking "through 2007" and inserting "through 2008"; and

(2) in paragraph (2), by striking "through 2008" and inserting "through 2009".

SEC. 234. SUBMITTAL OF PLANS FOR TEST AND EVALUATION OF THE OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 234(a) of the National Defense Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3174; 10 U.S.C. 2431 note) is amended by adding at the end the following new paragraph:

"(3) SUBMITTAL TO CONGRESS.—Each plan prepared under this subsection and approved by the Director of Operational Test and Evaluation shall be submitted to the congressional defense committees not later than 30 days after the date of the approval of such plan by the Director.".

SEC. 235. ANNUAL REPORTS ON TRANSITION OF BALLISTIC MISSILE DEFENSE PROGRAMS TO THE MILITARY DEPARTMENTS.

(a) REPORT REQUIRED.—Not later than March 1, 2007, and annually thereafter through 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the plans of the Department of Defense for the transition of missile defense programs from the Missile Defense Agency to the military departments.

(b) SCOPE OF REPORTS.—Each report required by subsection (a) shall cover the period covered by the future-years defense program that is submitted under section 221 of title 10, United States Code, in the year in which such report is submitted.

(c) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) An identification of—

(A) the missile defense programs planned to be transitioned from the Missile Defense Agency to the military departments; and

(B) the missile defense programs, if any, not planned for transition to the military departments.

(2) The schedule for transition of each missile defense program planned to be transitioned to a military department, and an explanation of such schedule.

(3) A description of the status of the plans and agreements of the Missile Defense Agency and the military departments on the transition of missile defense programs to the military departments.

(4) An identification of the entity (whether the Missile Defense Agency, a military department, or both) that will be responsible for funding each missile defense program to be transitioned to a military department, and at what date.

(5) A description of the type of funds that will be used (whether funds for research, development, test, and evaluation, procurement, military construction, or operation and maintenance) for each missile defense program to be transitioned to a military department.

(6) An explanation of the number of systems planned for procurement for each missile defense program to be transitioned to a military department, and the schedule for procurement of each such system.

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by subsection (a), $45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (PE #63882C)—

(1) to accelerate the ability to conduct concurrent test and missile defense operations; and

(2) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(c) SUPPLEMENT.—Amounts available under subsection (b) for the program element referred to in that subsection are in addition to any other amounts available in this Act for that program element.

(d) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000, due to unexpended obligations.

Subtitle D—Other Matters

SEC. 251. EXTENSION OF REQUIREMENT FOR GLOBAL RESEARCH WATCH PROGRAM.

Section 2365(f) of title 10, United States Code, is amended by striking "September 30, 2006" and inserting "September 30, 2011".

SEC. 252. EXPANSION AND EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

(a) EXPANSION.—

(1) IN GENERAL.—Subsection (a) of section 2374a of title 10, United States Code, is amended—

(A) by striking "Director of the Defense Advanced Research Projects Agency" and inserting "Director of Defense Research and Engineering and the Service Acquisition Executives of the military departments"; and

(B) by striking "a program" and inserting "programs".

(2) CONFORMING AMENDMENTS.—(A) Subsection (b) of such section is amended by striking "The program" and inserting "Any program".

(B) Subsection (d) of such section is amended—

(i) by striking "The program" and inserting "A program"; and

(ii) by striking "the Director" and inserting "an official referred to in that subsection".

(b) EXTENSION.—Subsection (f) of such section is amended by striking "September 30, 2007" and inserting "September 30, 2011".

(c) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (e) of such section is amended to read as follows:

"(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken during the preceding fiscal year under the authority in subsection (a).

"(2) The report for a fiscal year under this subsection shall include the following:

"(A) A description of the proposed goals of the competitions established under each program under subsection (a), including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department of Defense.

"(B) An analyses of why the utilization of the authority in subsection (a) was the preferable method of achieving the goals described in subparagraph (A) as opposed to other authorities available to the Department, such as contracts, grants, and cooperative agreements.

"(C) The total amount of cash prizes awarded under each program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Department for recording as obligations and expenditures.

"(D) The methods used for the solicitation and evaluation of submissions under each program, together with an assessment of the effectiveness of such methods.

"(E) A description of the resources, including personnel and funding, used in the execution of each program, together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the Department for recording as obligations and expenditures.

"(F) A description of any plans to transition the technologies or prototypes developed as a result of each program into an acquisition program of the Department.".

SEC. 253. POLICIES AND PRACTICES ON TEST AND EVALUATION TO ADDRESS EMERGING ACQUISITION APPROACHES.

(a) REPORTS ON CERTAIN DETERMINATIONS TO PROCEED BEYOND LOW-RATE INITIAL PRODUCTION.—Section 2399(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) If, before a final decision is made within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production, a decision is made within the Department to proceed to operational use of the program or allocate funds available for procurement for the program, the Director shall submit to the Secretary of Defense and the congressional defense committees the report with respect to the program under paragraph (2) as soon as practicable after the decision under this paragraph is made.".

(b) REVIEW AND REVISION OF POLICIES AND PRACTICES.—

(1) REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Operational Test and Evaluation shall review Department of Defense policies and practices on test and evaluation in order to—

(A) reaffirm the test and evaluation principles that guide traditional acquisition programs; and

(B) determine how best to apply such principles to emerging acquisition approaches.

(2) Revised Guidance.—If the Under Secretary determines as a result of the review under paragraph (1) that a revision of the policies and practices referred to in that paragraph is necessary in light of emerging approaches to acquisitions, the Under Secretary and the Director shall jointly issue new or revised guidance for the Department of Defense on test and evaluation to address that determination.

(c) Issues To Be Addressed.—In carrying out subsection (b), the Under Secretary shall address policies and practices on test and evaluation in order to—

(1) ensure the performance of test and evaluation activities with regard to—

(A) items that are acquired pursuant to the authority for rapid acquisition and deployment of items in section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note);

(B) programs that are conducted pursuant to the authority for spiral development in section 803 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2603; 10 U.S.C. 2430 note), or other authority for the conduct of incremental acquisition programs;

(C) systems that are acquired pursuant to time-certain development programs; and

(D) equipment that is not subject to the operational test and evaluation requirements in section 2399 of title 10, United States Code, but which may require limited operational test and evaluation for the purpose of ensuring the safety and survivability of such equipment and personnel using such equipment; and

(2) ensure the appropriate use, if any, of operational test and evaluation resources to assess technology readiness levels for the purpose of section 2366a of title 10, United States Code, and other applicable technology readiness requirements.

(d) Funding Matters.—The Director of the Defense Test Resource Management Center shall ensure that the strategic plan for Department of Defense test and evaluation resources developed pursuant to section 196 of title 10, United States Code—

(1) reflects any testing needs of the Department of Defense that are identified as a result of activities under subsection (b); and

(2) includes an assessment of the test and evaluation facilities, resources, and budgets that will be required to meet such needs.

(e) Report to Congress.—Not later than nine months after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report on the review conducted under paragraph (1) of subsection (b), including any new or revised guidance issued pursuant to paragraph (2) of that subsection.

(f) Time-Certain Development Program Defined.—In this section, the term "time-certain development program" means a development program that is assigned a specific length of time in which milestone events will be accomplished by contract, which length of time may be not more than 6 years from milestone B to initial operational capability.

SEC. 254. DEVELOPMENT OF THE PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

(a) In General.—The Secretary of Defense shall provide for the development of the propulsion system for the F-35 fighter aircraft (commonly referred to as the "Joint Strike Fighter") by a means elected by the Secretary from among the following:

(1) Through the continuing development and sustainment of two interchangeable propulsion systems for the F-35 fighter aircraft by two separate contractors throughout the life cycle of the aircraft.

(2) Through a one-time firm fixed price contract for a selected propulsion system for the F–35 fighter aircraft for the life cycle of the aircraft following the Initial Service Release of the F–35 fighter aircraft propulsion system in fiscal year 2008.

(b) Notice of Change in Development.—The Secretary may not carry out any modification of the procurement program for the F-35 fighter aircraft that would result in the development of the propulsion system for such aircraft in a manner other than as elected by the Secretary under subsection (a) until the Secretary notifies the congressional defense committees of such modification.

SEC. 255. INDEPENDENT COST ANALYSES FOR JOINT STRIKE FIGHTER ENGINE PROGRAM.

(a) Cost Analyses.—

(1) Analyses Required.—The Secretary of Defense (acting through the cost analysis improvement group of the Office of the Secretary of Defense), a federally funded research and development center (FFRDC) selected by the Secretary for purposes of this section, and the Comptroller General of the United States shall each perform three detailed and comprehensive cost analyses of the engine program for the F–35 fighter aircraft (commonly referred to as the "Joint Strike Fighter").

(2) Elements.—Each official or entity performing cost analyses under paragraph (1) shall perform a cost analysis of each of the following:

(A) An alternative under which the F-35 fighter aircraft is capable of using the F135 engine only.

(B) An alternative under which the F–35 fighter aircraft is capable of using either the F135 engine or the F136 engine.

(C) Any other alternative, whether secured through a competitive or sole-source bidding process, that would reduce cost, improve program schedule, and improve performance and reliability of the F–35 fighter aircraft program.

(b) Reports.—

(1) Reports Required.—Not later than March 15, 2007, the Secretary, the federally funded research and development center selected under subsection (a), and the Comptroller General shall each submit to the congressional defense committees a report on the three independent cost analyses performed by such official or entity under subsection (a).

(2) Report Elements.—Each report under paragraph (1) shall include the following:

(A) A statement of the key assumptions utilized in performing each cost analysis covered by such report.

(B) A discussion of the methodology and techniques utilized in performing each cost analysis.

(C) For each alternative under subsection (a)(2)—

(i) a comparison of the life-cycle costs, including costs in current and constant dollars and a net-present-value analysis, with the other alternatives under that subsection; and

(ii) an estimate of—

(I) the supply, maintenance, and other operations manpower required to support such alternative;

(II) the number of flight hours required to achieve engine maturity, and the year in which engine maturity is anticipated to be achieved; and

(III) the total number of engines anticipated to be procured over the lifetime of the F-35 fighter aircraft program.

(D) A discussion of the acquisition strategies used for the acquisition of engines for other tactical fighter aircraft, including the F-15, F-16, F–18, and F–22 fighter aircraft, and an assessment of the experience in terms of cost, schedule, and performance under the acquisition programs for such engines.

(E) A comparison in terms of performance, savings, maintainability, reliability, and technical innovation of the acquisition programs for engines for tactical fighter aircraft carried out on a sole-source basis with the acquisition programs for tactical fighter aircraft carried out on a competitive basis.

(F) Such conclusions and recommendations in light of the cost analyses as the official or entity submitting such report considers appropriate.

(3) Certification of FFRDC and Comptroller General.—In submitting the report required by this subsection, the federally funded research and development center and the Comptroller General shall each also submit a certification as to whether the federally funded research and development center or the Comptroller General, as the case may be, had access to sufficient information to enable the federally funded research and development center or the Comptroller General, as the case may be, to make informed judgments on the matters required to be included in the report.

(c) Life-Cycle Costs Defined.—In this section, the term "life-cycle costs" includes

(1) the elements of costs that would be considered for a life-cycle cost analysis for a major defense acquisition program, such as procurement of engines, procurement of spare engines, and procurement of engine components and parts; and

(2) good-faith estimates of routine engine costs, such as performance upgrades and component improvement, that historically have occurred in tactical fighter engine programs.

SEC. 256. SENSE OF SENATE ON TECHNOLOGY SHARING OF JOINT STRIKE FIGHTER TECHNOLOGY.

It is the sense of the Senate that the Secretary of Defense should share technology with regard to the Joint Strike Fighter between the United States Government and the Government of the United Kingdom consistent with the national security interests of both nations.

SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) Report.—The Secretary of Defense shall submit to Congress, at the same time as the submittal of the budget of the President for fiscal year 2008 (as submitted under section 1105(a) of title 31, United States Code) a report on the biometrics programs of the Department of Defense.

(b) Elements.—The report shall address the following:

(1) Whether the Department should modify the current executive agent management structure for the biometrics programs.

(2) The requirements for the biometrics programs to meet needs throughout the Department of Defense.

(3) A description of programs currently fielded to meet requirements in Iraq and Afghanistan.

(4) An assessment of the adequacy of fielded programs to meet operational requirements.

(5) An assessment of programmatic or capability gaps in meeting future requirements.

(6) The actions being taken within the Executive Branch to coordinate and integrate requirements, programs, and resources among the departments and agencies of the Executive Branch with a role in using or developing biometrics capabilities.

(c) Biometrics Defined.—In this section, the term "biometrics" means an identity management program or system that utilizes distinct personal attributes, including DNA, facial features, irises, retinas, signatures, or voices, to identify individuals.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the

Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,795,580,000.

(2) For the Navy, $31,130,784,000.

(3) For the Marine Corps, $3,905,262,000.

(4) For the Air Force, $31,251,107,000.

(5) For Defense-wide activities, $20,106,756,000.

(6) For the Army Reserve, $2,139,702,000.

(7) For the Naval Reserve, $1,288,764,000.

(8) For the Marine Corps Reserve, $211,911,000.

(9) For the Air Force Reserve, $2,575,100,000.

(10) For the Army National Guard, $4,857,728,000.

(11) For the Air National Guard, $5,318,717,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,721,000.

(13) For Environmental Restoration, Army, $463,794,000.

(14) For Environmental Restoration, Navy, $304,409,000.

(15) For Environmental Restoration, Air Force, $423,871,000.

(16) For Environmental Restoration, Defense-wide, $18,431,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $282,790,000.

(18) For the Overseas Contingency Operations Transfer Fund, $10,000,000.

(19) For Cooperative Threat Reduction programs, $372,128,000.

(20) For Overseas Humanitarian Disaster and Civic Aid, $63,204,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,364,498,000.

(2) For the National Defense Sealift Fund, $1,071,932,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) Defense Health Program.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Defense Health Program, $20,915,321,000, of which—

(1) $20,381,863,000 is for Operation and Maintenance;

(2) $135,603,000 is for Research, Development, Test, and Evaluation; and

(3) $397,855,000 is for Procurement.

(b) Chemical Agents and Munitions Destruction, Defense.—

(1) In general.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,277,304,000, of which—

(A) $1,046,290,000 is for Operation and Maintenance; and

(B) $231,014,000 is for Research, Development, Test, and Evaluation.

(2) Availability.—Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) Drug Interdiction and Counter-Drug Activities, Defense-Wide.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $926,890,000.

(d) Defense Inspector General.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $216,297,000, of which—

(1) $214,897,000 is for Operation and Maintenance; and

(2) $1,400,000 is for Procurement.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ARMY LOGISTICS MODERNIZATION PROGRAM.

Of the funds authorized to be appropriated for the Department of Defense by this division and available for the Army Logistics Modernization Program (LMP), not more than $6,900,000 may be obligated or expended for the development, fielding, or operation of the program until the Chairman of the Defense Business Systems Modernization Committee certifies to the congressional defense committees each of the following:

(1) That the program is essential to the national security of the United States or to the efficient management of the Department of Defense.

(2) That there is no alternative to the system under the program which will provide equal or greater capability at a lower cost.

(3) That the estimated costs, and the proposed schedule and performance parameters, for the program and system are reasonable.

(4) That the management structure for the program is adequate to manage and control program costs.

SEC. 312. AVAILABILITY OF FUNDS FOR EXHIBITS FOR THE NATIONAL MUSEUMS OF THE ARMED FORCES.

(a) National Museum of the United States Army.—Of the amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $3,000,000 may be available to the Secretary of the Army for education and training purposes to contract with the Army Historical Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Army.

(b) National Museum of the United States Navy.—Of the amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $3,000,000 may be available to the Secretary of the Navy for education and training purposes to contract with the Naval Historical Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Navy.

(c) National Museum of the Marine Corps and Heritage Center.—Of the amounts authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps, $3,000,000 may be available to the Secretary of the Navy for education and training purposes to contract with the United States Marine Corps Heritage Foundation for the acquisition, installation, and maintenance of exhibits at the National Museum of the Marine Corps and Heritage Center.

(d) National Museum of the United States Air Force.—Of the amounts authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force, $3,000,000 may be available to the Secretary of the Air Force for education and training purposes to contract with the Air Force Museum Foundation for the acquisition, installation, and maintenance of exhibits at the facility designated by the Secretary as the National Museum of the United States Air Force.

(e) Reimbursement.—

(1) Authority to accept reimbursement.—During any fiscal year after fiscal year 2006, the Secretary of a military department may accept from any non-profit entity authorized to support the national museum of the applicable Armed Force amounts to reimburse such Secretary for amounts obligated and expended by such Secretary from amounts available to such Secretary under this section.

(2) Treatment.—Amounts accepted as reimbursement under paragraph (1) shall be credited to the account that was used to cover the costs incurred by the Secretary of the military department concerned under this section. Amounts so credited shall be merged with amounts in such account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

SEC. 313. LIMITATION ON FINANCIAL MANAGEMENT IMPROVEMENT AND AUDIT INITIATIVES WITHIN THE DEPARTMENT OF DEFENSE.

(a) Limitation.—The Secretary of Defense may not obligate or expend any funds for the purpose of any financial management improvement activity relating to the preparation, processing, or auditing of financial statements until the Secretary submits to the congressional defense committees a written determination that each activity proposed to be funded is—

(1) consistent with the financial management improvement plan of the Department of Defense required by section 376(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 190–163; 119 Stat. 3213); and

(2) likely to improve internal controls or otherwise result in sustained improvements in the ability of the Department to produce timely, reliable, and complete financial management information.

(b) Exception.—The limitation in subsection (a) shall not apply to an activity directed exclusively at assessing the adequacy of internal controls and remediating any inadequacy identified pursuant to such assessment.

SEC. 314. LIMITATION ON AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS FOR THE MANAGEMENT HEADQUARTERS OF THE DEFENSE INFORMATION SYSTEMS AGENCY.

Of the amount authorized to be appropriated by this title and available for purposes of the operation and maintenance of the management headquarters of the Defense Information Systems Agency, not more than 50 percent may be available for such purposes until the Secretary of Defense submits to Congress the report on the acquisition strategy of the Department of Defense for commercial satellite communications services required by section 818(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–136; 119 Stat. 3385).

SEC. 315. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) In General.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) Expansion Targets.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

SEC. 316. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $2,500,000 may be available for Infantry Combat Equipment (ICE).

SEC. 317. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $1,500,000 may be available for the Individual First Aid Kit (IFAK).

SEC. 318. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) Defense Dependents.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary and secondary school age in the continental United States and overseas.

(b) Severely Wounded or Injured Members of the Armed Forces.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

SEC. 319. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate field training of all Armed Forces Reserve Officer Training Corps.

SEC. 320. ENVIRONMENTAL DOCUMENTATION FOR BEDDOWN OF F–22A AIRCRAFT AT HOLLOMAN AIR FORCE BASE, NEW MEXICO.

The Secretary of the Air Force shall prepare environmental documentation per the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the beddown of F–22A aircraft at Holloman Air Force Base, New Mexico, as replacements for the retiring F–117A aircraft.

Subtitle C—Environmental Provisions

SEC. 331. RESPONSE PLAN FOR REMEDIATION OF MILITARY MUNITIONS.

(a) Performance Goals for Remediation.—The Department of Defense shall set the following remediation goals:

(1) To complete, by not later than September 30, 2007, preliminary assessments of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites.

(2) To complete, by not later than September 30, 2010, site inspections of unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites.

(3) To achieve, by not later than September 30, 2009, a remedy in place or response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all military installations closed or realigned as part of a round of defense base closure and realignment occurring prior to the 2005 round.

(4) To achieve, by a time certain established by the Secretary, a remedy in place or response complete for unexploded ordnance, discarded military munitions, and munitions constituents at all active installations and formerly used defense sites (other than operational ranges) and all military installations realigned or closed under the 2005 round of defense base closure and realignment.

(b) Response Plan Required.—

(1) In general.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for addressing the remediation of unexploded ordnance, discarded military munitions, and munitions constituents at current and former defense sites (other than operational ranges).

(2) Content.—The plan required by paragraph (1) shall include—

(A) a schedule, including interim goals, for achieving the goals described in paragraphs (1) through (3) of subsection (a), based upon the Munitions Response Site Prioritization Protocol established by the Department of Defense;

(B) such interim goals as the Secretary determines feasible for efficiently achieving the goal required under paragraph (4) of such subsection; and

(C) an estimate of the funding required to achieve the goals established pursuant to such subsection and the interim goals established pursuant to subparagraphs (A) and (B).

(3) Updates.—(A) The Secretary shall, not later than March 15 of 2008, 2009, and 2010, submit to the congressional defense committees an update of the plan required under paragraph (1). Each update may be included in the report on environmental restoration activities submitted to Congress under section 2706(a) of title 10, United States Code, that is submitted in the year in which such update is submitted.

(B) The Secretary may include in an update submitted under subparagraph (A) any adjustment to the remediation goals established under subsection (a) that the Secretary determines necessary to respond to unforeseen circumstances.

(c) Report on Reuse Standards and Principles.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the efforts of the Department of Defense to achieve agreement with relevant regulatory agencies on appropriate reuse standards or principles, including—

(1) a description of any standards or principles that have been agreed upon; and

(2) a discussion of any issues that remain in disagreement (including the impact that any such disagreement is likely to have on the ability of the Department of Defense to carry out the plan).

(d) Definitions.—In this section, the terms "unexploded ordnance", "discarded military munitions", "munitions constituents", "operational range", and "defense site" have the meaning given such terms in section 2710(e) of title 10, United States Code.

(e) Conforming Repeal.—Section 313 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1051; 10 U.S.C. 2706 note) is repealed.

SEC. 332. EXTENSION OF AUTHORITY TO GRANT EXEMPTIONS TO CERTAIN REQUIREMENTS.

(a) Amendment to Toxic Substances Control Act.—Section 6(e)(3) of the Toxic Substances Control Act (15 U.S.C. 2605(e)(3)) is amended—

(1) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (D)";

(2) in subparagraph (B), by striking "but not more than 1 year from the date it is granted" and inserting "but not more than 1 year from the date it is granted, except as provided in subparagraph (D)"; and

(3) by adding at the end the following new subparagraph:

"(D) The Administrator may grant an exemption pursuant to subparagraph (B) for a period of up to 3 years for the purpose of authorizing the Secretary of Defense and the Secretaries of the military departments to provide for the transportation into the customs territory of the United States of polychlorinated biphenyls generated by or under the control of the Department of Defense for purposes of their disposal, treatment, or storage in the customs territory of the United States.".

(b) Sunset Date.—The amendments made by subsection (a) shall cease to have effect on September 30, 2012. The termination of the authority to grant exemptions pursuant to such amendments shall not effect the validity of any exemption granted prior to such date.

(c) Report.—Not later than March 1, 2011, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Environment and Public Works of the Senate and the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives a report on the status of polychlorinated biphenyls generated by or under the control of the Department of Defense outside the United States. The report shall address, at a minimum—

(1) the remaining volume of such polychlorinated biphenyls that may require transportation into the customs territory of the United States for disposal, treatment, or storage; and

(2) the efforts that have been made by the Department of Defense and other Federal agencies to reduce such volume by—

(A) reducing the volume of polychlorinated biphenyls generated by or under the control of the Department of Defense outside the United States; or

(B) developing alternative options for the disposal, treatment, or storage of such polychlorinated biphenyls.

SEC. 333. RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF MUNITIONS.

(a) Identification of Disposal Sites.—

(1) Historical review.—The Secretary of Defense, in cooperation with the Commandant of the Coast Guard, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other relevant Federal agencies, shall conduct a historical review of available records to determine the number, size, and probable locations of sites where the Armed Forces disposed of military munitions in coastal waters. The historical review shall, to the extent possible, identify the types of munitions at individual sites.

(2) Interim reports.—The Secretary of Defense shall periodically, but no less often than annually, release any new information obtained during the historical review conducted under paragraph (1). The Secretary may withhold from public release the exact nature and locations of munitions the potential unauthorized retrieval of which could pose a significant threat to the national defense or public safety.

(3) Inclusion of information in annual report on environmental restoration activities.—The Secretary shall include the information obtained pursuant to the review conducted under paragraph (1) in the annual report on environmental restoration activities submitted to Congress under section 2706 of title 10, United States Code.

(4) Final report.—The Secretary shall complete the historical review required under paragraph (1) and submit a final report on the findings of such review in the annual report on environmental restoration activities submitted to Congress for fiscal year 2009.

(b) Identification of Navigational and Safety Hazards.—

(1) Identification of hazards.—The Secretary of Defense shall provide available information to the Secretary of Commerce to assist the National Oceanic and Atmospheric Administration in preparing nautical charts and other

navigational materials for coastal waters that identify known or potential hazards posed by disposed military munitions to private activities, including commercial shipping and fishing operations.

(2) CONTINUATION OF INFORMATION ACTIVITIES.—The Secretary of Defense shall continue activities to inform potentially affected users of the ocean environment, particularly fishing operations, of the possible hazards from contact with disposed military munitions and the proper methods to mitigate such hazards.

(c) RESEARCH.—

(1) IN GENERAL.—The Secretary of Defense shall continue to conduct research on the effects on the ocean environment and those who use it of military munitions disposed of in coastal waters.

(2) SCOPE.—Research under paragraph (1) shall include—

(A) the sampling and analysis of ocean waters and sea beds at or adjacent to military munitions disposal sites selected pursuant to paragraph (3) to determine whether the disposed military munitions have caused or are causing contamination of such waters or sea beds;

(B) investigation into the long-term effects of seawater exposure on disposed military munitions, particularly effects on chemical munitions;

(C) investigation into the impacts any such contamination may have on the ocean environment and those who use it, including public health risks;

(D) investigation into the feasibility of removing or otherwise remediating the military munitions; and

(E) the development of effective safety measures for dealing with such military munitions.

(3) RESEARCH CRITERIA.—In conducting the research required by this subsection, the Secretary shall ensure that the sampling, analysis, and investigations are conducted at representative sites, taking into account factors such as depth, water temperature, nature of the military munitions present, and relative proximity to onshore populations. In conducting such research, the Secretary shall select at least two representative sites each in the areas of the Atlantic coast, the Pacific coast (including Alaska), and the Hawaiian Islands.

(4) AUTHORITY TO MAKE GRANTS AND ENTER INTO COOPERATIVE AGREEMENTS.—In conducting research under this subsection, the Secretary may make grants to, and enter into cooperative agreements with, qualified research entities.

(d) MONITORING.—If the historical review required by subsection (a) or the research required by subsection (c) indicates that contamination is being released into the ocean waters from disposed military munitions at a particular site or that the site poses a significant public health or safety risk, the Secretary shall institute appropriate monitoring mechanisms at that site and report to the congressional defense committees on any additional measures that may be necessary to address the release or risk, as applicable.

(e) DEFINITIONS.—In this section:

(1) The term "coastal waters" means that part of the ocean extending from the coast line of the United States to the outer boundary of the outer Continental Shelf.

(2) The term "coast line" has the meaning given that term in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) The term "outer Continental Shelf" has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

SEC. 334. CLARIFICATION OF MULTI-YEAR AUTHORITY TO USE BASE CLOSURE FUNDS TO FUND COOPERATIVE AGREEMENTS UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701 of title 10, United States Code, is amended by adding at the end the following new sentence: "This two-year limitation does not apply to agreements funded through the Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established by sections 2906 and 2906A, respectively, of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

SEC. 335. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—(1) Using funds described in subsection (b), the Secretary of Defense may transfer not more than $111,114.03 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

Subtitle D—Reports

SEC. 351. COMPTROLLER GENERAL REPORT ON READINESS OF THE GROUND FORCES OF THE ARMY AND THE MARINE CORPS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the readiness of the active component and reserve component ground forces of the Army and the Marine Corps.

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements. If the Comptroller General submits more than one report under this section, all such reports shall be submitted not later than the date specified in paragraph (1).

(b) ELEMENTS.—The elements specified in this subsection include the following:

(1) An analysis of the current readiness status of each of the active component and reserve component ground forces of the Army and the Marine Corps, including a description of any major deficiency identified, an analysis of the trends in readiness of such forces during not less than the ten years preceding the report, and a comparison of the current readiness indicators of such ground forces with historical patterns.

(2) An assessment of the ability of the Army and the Marine Corps to provide trained and ready forces for ongoing operations as well as other commitments assigned to the Army and the Marine Corps in defense planning documents.

(3) An analysis of the availability of equipment for training by units of the Army and the Marine Corps in the United States in configurations comparable to the equipment being used by units of the Army and the Marine Corps, as applicable, in ongoing operations.

(4) An analysis of the current and projected requirement for repair or replacement of equipment of the Army and the Marine Corps due to ongoing operations, and the impact of such required repair or replacement of equipment on the availability of equipment for training.

(5) An assessment of the current personnel tempo of Army and Marine Corps forces, including—

(A) a comparison of such tempos to historical trends;

(B) an identification of particular occupational specialties that are experiencing unusually high or low deployment rates; and

(C) an analysis of retention rates in the occupational specialties identified under subparagraph (B).

(6) An assessment of the efforts of the Army and the Marine Corps to mitigate the impact of high operational tempos, including cross-leveling of personnel and equipment or cross training of personnel or units for new or additional mission requirements.

(7) A description of the current policy of the Army and the Marine Corps with respect to the mobilization of reserve component personnel, together with an analysis of the number of reserve component personnel in each of the Army and the Marine Corps that are projected to be available for deployment under such policy.

(c) FORM OF REPORT.—Any report submitted under subsection (a) shall be submitted in both classified and unclassified form.

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) Peer review.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) Submittal.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) Notice on Exposure.—

(1) Notice required.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) Elements.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

SEC. 353. REPORT ON AERIAL TRAINING AIRSPACE REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.

(a) Findings.—Congress makes the following findings:

(1) Access to and use of available and unfettered aerial training airspace is critical for preserving aircrew warfighting proficiency and the ability to test, evaluate, and improve capabilities of both personnel and equipment within the most realistic training environments possible.

(2) The growth of civilian and commercial aviation traffic and the rapid expansion of commercial and general air traffic lanes across the continental United States has left few remaining areas of the country available for realistic air combat training or expansion of existing training areas.

(3) Many Military Operating Areas (MOAs) originally established in what was once open and uncongested airspace are now encroached upon by a heavy volume of commercial and general air traffic, making training more difficult and potentially hazardous.

(4) Some aerial training areas in the upper great plains, western States, and Gulf coast remain largely free from encroachment and available for increased use, expansion, and preservation for the future.

(b) Sense of Congress.—It is the sense of Congress that the Department of Defense should—

(1) establish a policy to identify military aerial training areas that are projected to remain viable and free from encroachment well into the 21st century;

(2) determine aerial training airspace requirements to meet future training and airspace requirements of current and next generation military aircraft; and

(3) undertake all necessary actions in a timely manner, including coordination with the Federal Aviation Administration, to preserve and, if necessary, expand those areas of airspace to meet present and future training requirements.

(c) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposed plan to preserve and, if necessary, expand available aerial training airspace to meet the projected needs of the Department of Defense for such airspace through 2025.

SEC. 354. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) Report Required.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) Elements.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992. (Public Law 102–486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SEC. 355. REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.

(a) Findings.—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately $1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) Reports on Withdrawal or Diversion of Equipment From Reserve Units for Support of Reserve Units Being Mobilized and Other Units.—

(1) In general.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

"§ 10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

"(a) Report Required on Withdrawal or Diversion of Equipment.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a status report on the withdrawal or diversion of equipment.

"(b) Elements.—Each status report under subsection (a) on equipment withdrawn or diverted shall include the following:

"(1) A plan to recapitalize or replace such equipment within the unit from which withdrawn or diverted.

"(2) If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with recapitalized or replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

"(3) A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

"(A) how such equipment will be tracked; and

"(B) when such equipment will be returned to the component from which withdrawn or diverted.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

"10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.".

SEC. 356. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) Plan Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1).

SEC. 357. *PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.*

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1).

SEC. 358. *REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.*

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy top-attack and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) REPORT.—

(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

SEC. 359. *REPORT ON HIGH ALTITUDE AVIATION TRAINING SITE, EAGLE COUNTY, COLORADO.*

(a) REPORT REQUIRED.—Not later than December 15, 2006, the Secretary of the Army shall submit to the congressional defense committees a report on the High Altitude Aviation Training Site (HAATS) in Eagle County, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the type of high altitude aviation training being conducted at the High Altitude Aviation Training Site, including the number of pilots who receive such training on an annual basis and the types of aircraft used in such training.

(2) A description of the number and type of helicopters required at the High Altitude Aviation Training Site to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority is afforded in the provision of such training to commanders, instructor pilots, aviation safety officers, and deploying units.

(3) A thorough evaluation of accident rates for deployed helicopter pilots of the Army who receive high altitude aviation training at the High Altitude Aviation Training Site, and accident rates for deployed Army helicopter pilots who did not receive such training, including the following:

(A) An estimate (set forth as a range) of the number of accidents attributable to power management.

(B) The number of accidents occurring in a combat environment.

(C) The number of accidents occurring in a non-combat environment.

(4) An evaluation of the inventory and availability of Army aircraft for purposes of establishing an appropriate schedule for the assignment of a CH–47 aircraft to the High Altitude Aviation Training Site, if the Chief of Staff of the Army determines there is value in conducting such training at the HAATS.

(5) A description of the status of any efforts to ensure that all helicopter aircrews deployed to the area of responsibility of the Central Command (CENTCOM AOR) are qualified in mountain flight and power management prior to deployment, including the locations where such training occurred, with particular focus on the status of such efforts with respect to aircrews to be deployed in support of Operation Enduring Freedom.

(c) TRACKING SYSTEM.—The Secretary shall implement a system for tracking those pilots that have attended a school with an established program of instruction for high altitude aviation operations training. The system should, if practical, utilize an existing system that permits the query of pilot flight experience and training.

SEC. 360. *REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.*

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the city.

SEC. 360A. *REPORT ON USE OF ALTERNATIVE FUELS BY THE DEPARTMENT OF DEFENSE.*

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including any measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3207) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under this section.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the study required by section 357(c) of the National Defense Authorization Act for Fiscal Year 2006.

(d) ALTERNATIVE FUELS DEFINED.—In this section, the term "alternative fuels" means biofuels, biodiesel, renewable diesel, ethanol that contain less than 85 percent ethyl alcohol, and cellulosic ethanol.

Subtitle E—Workplace and Depot Issues

SEC. 361. *MINIMUM CAPITAL INVESTMENT LEVELS FOR PUBLIC DEPOTS SERVICED BY WORKING CAPITAL FUNDS.*

(a) MINIMUM INVESTMENT LEVELS.—Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(s) MINIMUM CAPITAL INVESTMENT FOR PUBLIC DEPOTS SERVICED BY WORKING CAPITAL FUNDS.—(1) Each public depot that is serviced by a working capital fund shall invest in its capital budget each fiscal year an amount equal to not less than six percent of the actual total revenue of the public depot for the previous fiscal year.

"(2) The Secretary of Defense may waive the requirement in paragraph (1) with respect to a particular public depot for a fiscal year if the Secretary determines that the waiver is necessary for reasons of national security and notifies the congressional defense committees of the reasons for the waiver.

"(3)(A) Each year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, the Secretary shall submit to the congressional defense committees budget justification documents summarizing the level of capital investment at each public depot serviced by working capital funds as of the end of the previous fiscal year.

"(B) Each report under this paragraph shall include the following:

"(i) A specification of the statutory, regulatory, or operational impediments, if any, to achieving the requirement in paragraph (1) with respect to each public depot described in that paragraph.

"(ii) A description of the benchmarks established by each public depot and working capital fund for capital investment and the relationship of the benchmarks to applicable performance measurement methods used in the private sector.

"(iii) If the requirement set out in paragraph (1) is not met for any public depot in the previous fiscal year, a statement of the reasons why and a plan of actions to meet the requirement for such public depot in the fiscal year beginning in the year in which such report is submitted.

"(4) In this subsection, the terms 'total revenue' and 'capital budget' have the meaning given such terms in Department of Defense Financial Management Regulation 7000.14-R of June 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 362. PERMANENT EXCLUSION OF CERTAIN CONTRACT EXPENDITURES FROM PERCENTAGE LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2474(f)(1) of title 10, United States Code, is amended by striking "entered into during fiscal years 2003 through 2009".

SEC. 363. ADDITIONAL EXCEPTION TO PROHIBITION ON CONTRACTOR PERFORMANCE OF FIREFIGHTING FUNCTIONS.

Section 2465(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) A contract for the performance of firefighting functions to—

"(A) fight wildland fires such as range or forest fires; and

"(B) perform wildland fire management, including the conduct of hazardous fuels treatments to reduce wildland fire risks (including prescribed fire and mechanical treatments).".

SEC. 364. TEMPORARY SECURITY GUARD SERVICES FOR CERTAIN WORK CAUSED BY REALIGNMENT OF MILITARY INSTALLATIONS UNDER THE BASE CLOSURE LAWS.

(a) AUTHORITY FOR TEMPORARY SERVICES.—Notwithstanding section 2465 of title 10, United States Code, the Secretary of the military department concerned may, for a period not to exceed one year at any single military installation, contract for security guard services at military installations approved for realignment under a base closure law when such services are required for the safe and secure relocation of either of the following:

(1) Military munitions and munitions-related equipment.

(2) High-value items in temporary storage areas.

(b) DEFINITIONS.—In this section:

(1) The term "base closure law" has the meaning given such term in section 101(a)(17) of title 10, United States Code.

(2) The term "military munitions" has the meaning given such term in section 101(e)(4) of title 10, United States Code.

(c) EXPIRATION.—The authority to enter into a contract under subsection (a) shall expire on September 15, 2011.

Subtitle F—Other Matters

SEC. 371. RECYCLING OF MILITARY MUNITIONS.

(a) IN GENERAL.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§4690. Sale of recyclable munitions materials

"(a) AUTHORITY FOR PROGRAM.—(1) The Secretary of the Army may carry out a program to—

"(A) sell recyclable munitions materials resulting from the demilitarization of conventional military munitions; and

"(B) use the proceeds of sale for reclamation, recycling, and reuse of conventional military munitions.

"(2) The program authorized by this section may be known as the 'Military Munitions Recycling Program'.

"(b) GEOGRAPHIC LIMITATION.—The program authorized by subsection (a) may only be carried out in the United States and its possessions.

"(c) METHOD OF SALE.—(1) Except as provided in paragraph (2), the Secretary shall use competitive procedures to sell recyclable munitions materials under the program authorized by this section.

"(2) The Secretary may use procedures other than competitive procedures to sell recyclable munitions materials under the program authorized by this section in any case in which the Secretary determines there is only one potential buyer of the items being offered for sale.

"(3) The provisions of title 40 concerning disposal of property are not applicable to sales of materials under the program authorized by this section.

"(d) USE OF PROCEEDS.—(1) Proceeds from the sale of recyclable munitions materials under the program authorized by this section shall be credited to the Ammunition Demilitarization Account within the Procurement of Ammunition, Army, Account.

"(2) Amounts credited to the Ammunition Demilitarization Account under paragraph (1) shall be available solely for purposes of reclamation, recycling, and reuse of conventional military munitions, including for research and development for such purposes and for the procurement of equipment for such purposes.

"(3) Funds credited to the Ammunition Demilitarization Account under paragraph (1) in a fiscal year shall be available for obligation under paragraph (2) during the fiscal year in which the funds are so credited and for three fiscal years thereafter.

"(4) Funds credited to the Ammunition Demilitarization Account under paragraph (1) that are not obligated under paragraph (2) within the period of availability under paragraph (3) shall, at the end of such period, be deposited into the Treasury as miscellaneous receipts.

"(e) REGULATIONS.—The Secretary shall prescribe regulations on the operation of the program authorized by this section. The regulations shall be consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and any regulations prescribed thereunder.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 443 of such title is amended by adding at the end the following new item:

"4690. Sale of recyclable munitions materials.".

SEC. 372. INCENTIVES CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS.

(a) IN GENERAL.—

(1) AUTHORITY TO INCLUDE CLAUSES IN CONTRACTS.—The Secretary of Defense may, for the purpose specified in paragraph (2), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(2) PURPOSE.—The purpose of a clause referred to in paragraph (1) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

(b) INCENTIVES CLAUSES.—

(1) IN GENERAL.—An incentives clause under this section shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

(2) LIMITATION ON INCENTIVE PAYMENTS.—The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed amounts as follows:

(A) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, $110,000,000.

(B) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, $55,000,000.

(3) TARGET RANGES.—An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

(4) CALCULATION OF INCENTIVE PAYMENTS.—The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this section shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

(5) CONSISTENCY WITH EXISTING OBLIGATIONS.—The provisions of any incentives clause under this section shall be consistent with the obligation of the Secretary of Defense under section 1412(c)(1)(A) of the Department of Defense Authorization Act, 1986 to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

(6) ADDITIONAL TERMS AND CONDITIONS.—In negotiating the inclusion of an incentives clause in a contract under this section, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

(c) ADDITIONAL LIMITATION ON PAYMENTS.—

(1) PAYMENT CONDITIONAL ON PERFORMANCE.—No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) PAYMENT CONTINGENT ON APPROPRIATIONS.—An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

SEC. 373. EXTENSION OF DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT PROGRAM.

(a) TERMINATION AT END OF CONTINGENCY OPERATION.—Subsection (c) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1449), as amended by section 341 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1857), is further amended by striking "terminate on September 30, 2006" and inserting "terminate with respect to a contingency operation on the date that is 60 days after the date on which the Secretary determines that the contingency operation has ended".

(b) APPLICATION TO OTHER CONTINGENCY OPERATIONS.—Such section is further amended—

(1) in subsection (a), by striking "Operation Iraqi Freedom and Operation Enduring Freedom" and inserting "a contingency operation"; and

(2) by adding at the end the following new subsection:

"(g) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' *has the meaning given that term in section 101(a)(13) of title 10, United States Code. The term includes Operation Iraqi Freedom and Operation Enduring Freedom.''.*

(c) EXTENSION TO HOSPITALIZED MEMBERS.—Subsection (a) of such section is further amended—

(1) by striking ''As soon as possible after the date of the enactment of this Act, the'' and inserting ''The''; and

(2) by adding at the end the following new sentence: ''As soon as possible after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007, the Secretary shall extend such telecommunications benefit to members of the Armed Forces who, although no longer covered by the preceding sentence, are hospitalized as a result of wounds or other injuries incurred while serving in direct support of a contingency operation.''.

(d) REPORT ON IMPLEMENTATION OF MODIFIED BENEFITS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status of the efforts of the Department of Defense to implement the modifications of the Department of Defense telecommunications benefit required by section 344 of the National Defense Authorization Act for Fiscal Year 2004 that result from the amendments made by this section.

SEC. 374. EXTENSION OF AVAILABILITY OF FUNDS FOR COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Section 378(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3214) is amended by striking ''fiscal year 2006'' and inserting ''fiscal years 2006 and 2007''.

SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.

(a) POLICY.—It shall be the policy of the Department of Defense to improve the fuel efficiency of weapons platforms, consistent with mission requirements, in order to—

(1) enhance platform performance;

(2) reduce the size of the fuel logistics systems;

(3) reduce the burden high fuel consumption places on agility;

(4) reduce operating costs; and

(5) dampen the financial impact of volatile oil prices.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in implementing the policy established by subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of the feasibility of designating a senior Department of Defense official to be responsible for implementing the policy established by subsection (a).

(B) A summary of the recommendations made as of the time of the report by—

(i) the Energy Security Integrated Product Team established by the Secretary of Defense in April 2006;

(ii) the Defense Science Board Task Force on Department of Defense Energy Strategy established by the Under Secretary of Defense for Acquisition, Technology and Logistics on May 2, 2006; and

(iii) the January 2001 Defense Science Board Task Force report on Improving Fuel Efficiency of Weapons Platforms.

(C) For each recommendation summarized under subparagraph (B)—

(i) the steps that the Department has taken to implement such recommendation;

(ii) any additional steps the Department plans to take to implement such recommendation; and

(iii) for any recommendation that the Department does not plan to implement, the reasons for the decision not to implement such recommendation.

(D) An assessment of the extent to which the research, development, acquisition, and logistics guidance and directives of the Department for weapons platforms are appropriately designed to address the policy established by subsection (a).

(E) An assessment of the extent to which such guidance and directives are being carried out in the research, development, acquisition, and logistics programs of the Department.

(F) A description of any additional actions that, in the view of the Secretary, may be needed to implement the policy established by subsection (a).

SEC. 376. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTIYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

SEC. 377. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.

The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

SEC. 378. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the ''Economy Act''), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

SEC. 379. RECOVERY AND AVAILABILITY TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY OF CERTAIN FIREARMS, AMMUNITION, AND PARTS.

(a) IN GENERAL.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after the item relating to section 40728 the following new section:

''§40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries

''(a) RECOVERY.—The Secretary of the Army may recover from any country to which a grant of rifles, ammunition, repair parts, or other supplies described in section 40731(a) of this title is made under section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

''(b) COST OF RECOVERY.—(1) Except as provided in paragraph (2), the cost of recovery of any rifles, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

''(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

''(c) AVAILABILITY.—Any rifles, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance with the provisions of section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728 the following new item:

> *''40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries.''.*

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2007, as follows:

(1) The Army, 512,400.

(2) The Navy, 340,700.

(3) The Marine Corps, 180,000.

(4) The Air Force, 334,200.

SEC. 402. REPEAL OF REQUIREMENT FOR PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2007, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 200,000.

(3) The Navy Reserve, 71,300.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 107,000.

(6) The Air Force Reserve, 74,900.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2007, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 27,441.

(2) The Army Reserve, 15,416.

(3) The Navy Reserve, 12,564.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,206.

(6) The Air Force Reserve, 2,707.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2007 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,912.

(2) For the Army National Guard of the United States, 26,050.

(3) For the Air Force Reserve, 10,124.

(4) For the Air National Guard of the United States, 23,255.

SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2007, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2007, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2007, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2007, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2007 a total of $112,043,468,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2007.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2007 from the Armed Forces Retirement Home Trust Fund the sum of $54,846,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Part I—Officer Personnel Policy Generally

SEC. 501. MILITARY STATUS OF OFFICERS SERVING IN CERTAIN INTELLIGENCE COMMUNITY POSITIONS.

Section 528 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(e) MILITARY STATUS.—An officer of the Armed Forces, while serving in a position covered by this section—

"(1) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense, except as directed by the Secretary or the Secretary's designee concerning reassignment from such position; and

"(2) shall not exercise, by reason of the officer's status as an officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(f) EFFECT OF APPOINTMENT.—Except as provided in subsection (e), the appointment of an officer of the Armed Forces to a position covered by this section shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(g) MILITARY PAY AND ALLOWANCES.—(1) An officer of the Armed Forces on active duty who is appointed to a position covered by this section shall, while serving in such position and while remaining on active duty, continue to receive military pay and allowances, and shall not receive the pay prescribed for such position.

"(2) Funds from which pay and allowances under paragraph (1) are paid shall be reimbursed from the following:

"(A) Funds available to the Director of the Central Intelligence Agency, for positions within the Central Intelligence Agency.

"(B) Funds available to the Director of National Intelligence, for positions within the Office of the Director of National Intelligence.".

SEC. 502. EXTENSION OF TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).

Section 619(a)(1)(B) of title 10, United States Code, is amended by striking "October 1, 2005" and inserting "October 1, 2008".

SEC. 503. EXTENSION OF AGE LIMITS FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS.

(a) RESTATEMENT AND MODIFICATION OF CURRENT AGE LIMITS.—Section 1251 of title 10, United States Code, is amended to read as follows:

"§ 1251. Regular commissioned officers; exceptions

"(a) AGE LIMITS FOR GENERAL AND FLAG OFFICERS.—(1) Unless retired or separated earlier, each regular commissioned officer of the Army, Air Force, or Marine Corps serving in a grade at or above brigadier general, or rear admiral (lower half) in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

"(2) Notwithstanding paragraph (1), the Secretary of Defense may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

"(3) Notwithstanding paragraphs (1) and (2), the President may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

"(b) AGE LIMITS FOR OTHER OFFICERS.—Unless retired or separated earlier, each regular commissioned officer of the Army, Air Force, or Marine Corps other than an officer covered by section 1252 of this title or a commissioned warrant officer) serving in a grade below brigadier general, or rear admiral (lower half) in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

"(c) DEFERRED RETIREMENT OF HEALTH PROFESSIONS OFFICERS.—(1) The Secretary of the military department concerned may, subject to subsection (e), defer the retirement under subsection (b) of a health professions officer if during the period of the deferment the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.

"(2) For purposes of this subsection, a health professions officer is—

"(A) a medical officer;

"(B) a dental officer; or

"(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse.

"(d) DEFERRED RETIREMENT OF CHAPLAINS.—The Secretary of the military department concerned may, subject to subsection (e), defer the retirement under subsection (b) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

"(e) LIMITATION ON DEFERRAL OF RETIREMENTS.—(1) Except as provided in paragraph (2), a deferment under subsection (c) or (d) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

"(2) The Secretary of the military department concerned may extend a deferment under subsection (c) or (d) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by striking the item relating to section 1251 and inserting the following new item:

"1251. Regular commissioned officers; exceptions.".

SEC. 504. MODIFICATION OF AUTHORITIES ON SENIOR MEMBERS OF THE JUDGE ADVOCATE GENERAL'S CORPS.

(a) DEPARTMENT OF THE ARMY.—

(1) GRADE OF JUDGE ADVOCATE GENERAL.—Subsection (a) of section 3037 of title 10, United States Code, is amended by striking the third sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(2) REDESIGNATION OF ASSISTANT JUDGE ADVOCATE GENERAL AS DEPUTY JUDGE ADVOCATE GENERAL.—Such section is further amended—

(A) in subsection (a), by striking "Assistant Judge Advocate General" each place it appears and inserting "Deputy Judge Advocate General"; and

(B) in subsection (d), by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(3) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended by striking "**Assistant Judge Advocate General**" and inserting "**Deputy Judge Advocate General**".

(B) The table of sections at the beginning of chapter 305 of such title is amended in the item relating to section 3037 by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(b) GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended in subsection by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.".

(c) GRADE OF JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(d) EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITATIONS.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.".

SEC. 505. REQUIREMENT FOR SIGNIFICANT JOINT EXPERIENCE FOR OFFICERS APPOINTED AS SURGEON GENERAL OF THE ARMY, NAVY, AND AIR FORCE.

(a) RESTATEMENT AND STANDARDIZATION OF AUTHORITIES ON SURGEON GENERAL OF THE ARMY.—

(1) IN GENERAL.—Chapter 305 of title 10, United States Code, is amended by inserting after section 3036 the following new section:

"§3036a. Surgeon General: appointment; grade

"(a) SURGEON GENERAL.—There is a Surgeon General of the Army who is appointed by the President, by and with the advice and consent of the Senate, from officers in any corps of the Army Medical Department.

"(b) GRADE.—The Surgeon General, while so serving, has the grade of lieutenant general.

"(c) TERM OF OFFICE.—An officer appointed as Surgeon General normally holds office for four years.

"(d) JOINT EXPERIENCE REQUIRED FOR APPOINTMENT.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if—

"(A) the Secretary of the Army requests the waiver; and

"(B) in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Army.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(2) CONFORMING AMENDMENT.—Section 3036(b) of such title is amended in the flush matter following paragraph (2) by striking the second sentence.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 305 of such title is amended by inserting after the item relating to section 3036 the following new item:

"3036a. Surgeon General: appointment; grade.".

(b) SURGEON GENERAL OF THE NAVY.—

(1) IN GENERAL.—Section 5137 of such title is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) JOINT EXPERIENCE REQUIRED FOR APPOINTMENT AS CHIEF.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if—

"(A) the Secretary of the Navy requests the waiver; and

"(B) in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Navy.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(2) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting "CHIEF.—" after "(a)"; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting "DEPUTY CHIEF.—" after "(c)".

(c) SURGEON GENERAL OF THE AIR FORCE.—The text of section 8036 of such title is amended to read as follows:

"(a) SURGEON GENERAL.—There is a Surgeon General of the Air Force who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force who are in the Air Force medical department.

"(b) GRADE.—The Surgeon General, while so serving, has the grade of lieutenant general.

"(c) JOINT EXPERIENCE REQUIRED FOR APPOINTMENT.—(1) The Secretary of Defense may not recommend an officer to the President for appointment as Surgeon General unless the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint experience.

"(2) Until October 1, 2010, the Secretary of Defense may waive the limitation in paragraph (1) with respect to the recommendation of an officer as Surgeon General if—

"(A) the Secretary of the Air Force requests the waiver; and

"(B) in the judgment of the Secretary of Defense—

"(i) the officer is qualified for service as Surgeon General; and

"(ii) the waiver is necessary for the good of the Air Force.

"(3) Any waiver under paragraph (2) shall be made on a case-by-case basis.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to appointments to the position of Surgeon General of the Army, Surgeon General of the Navy, and Surgeon General of the Air Force that are made on or after that date.

SEC. 506. GRADE AND EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS OF OFFICER SERVING AS ATTENDING PHYSICIAN TO THE CONGRESS.

(a) GRADE.—

(1) REGULAR OFFICER.—(A) Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

"§722. Attending Physician to the Congress: grade

"A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"722. Attending Physician to the Congress: grade.".

(2) RESERVE OFFICER.—(A) Section 12210 of such title is amended by striking "who holds" and all that follows and inserting "holds the reserve grade of major general or rear admiral, as appropriate.".

(B) The heading of such section is amended to read as follows:

"§12210. Attending Physician to the Congress: reserve grade".

(C) The table of sections at the beginning of chapter 1205 of such title is amended by striking the item relating to section 12210 and inserting the following new item:

"12210. Attending Physician to the Congress: reserve grade.".

(b) DISTRIBUTION LIMITATIONS.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) An officer while serving as Attending Physician to the Congress is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above brigadier general or rear admiral (lower half) under subsection (a).".

(c) ACTIVE-DUTY STRENGTH LIMITATIONS.—Section 526 of such title is amended by adding at the end the following new subsection:

"(f) EXCLUSION OF ATTENDING PHYSICIAN TO THE CONGRESS.—The limitations of this section do not apply to the general or flag officer who is serving as Attending Physician to the Congress.".

SEC. 507. DISCRETIONARY SEPARATION AND RETIREMENT OF CHIEF WARRANT OFFICERS, W–4, TWICE FAILING SELECTION FOR PROMOTION.

(a) IN GENERAL.—Section 580(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ", except as provided in paragraph (5)," after "shall";

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(3) by inserting after paragraph (4) the following new paragraph (5):

"(5) In the case of a warrant officer described in paragraph (1) who is in the grade of chief warrant officer, W–4, the retirement or separation of such member under this subsection shall be subject to the discretion of the Secretary concerned.".

(b) ELIGIBILITY FOR PROMOTION.—Paragraph (6) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by striking "A warrant officer" and inserting "(A) Except as provided in subparagraph (B), a warrant officer"; and

(2) by adding at the end the following new subparagraph:

"(B) A warrant officer who is retained on active duty pursuant to an exercise of the authority in paragraph (5) is eligible for further consideration for promotion while remaining on active duty.".

SEC. 508. INCREASED MANDATORY RETIREMENT AGES FOR RESERVE OFFICERS.

(a) Major Generals and Rear Admirals.—

(1) Increased age.—Section 14511 of title 10, United States Code, is amended by striking "62 years" and inserting "64 years".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 14511. Separation at age 64: major generals and rear admirals".

(b) Brigadier Generals and Rear Admirals (Lower Half).—

(1) Increased age.—Section 14510 of such title is amended by striking "60 years" and inserting "62 years".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 14510. Separation at age 62: brigadier generals and rear admirals (lower half)".

(c) Officers Below Brigadier General or Rear Admiral (Lower Half).—

(1) Increased age.—Section 14509 of such title is amended by striking "60 years" and inserting "62 years".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half)".

(d) Certain Other Officers.—

(1) Increased age.—Section 14512 of such title is amended by striking "64 years" both places it appears and inserting "66 years".

(2) Conforming amendment.—The heading of such section is amended to read as follows:

"§ 14512. Separation at age 66: officers holding certain offices".

(e) Conforming Amendments.—Section 14508 of such title is amended—

(1) in subsection (c), by striking "60 years" and inserting "62 years"; and

(2) in subsection (d), by striking "62 years" and inserting "64 years".

(f) Clerical Amendment.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the items relating to sections 14509, 14510, 14511, and 14512 and inserting the following new items:

"14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half).

"14510. Separation at age 62: brigadier generals and rear admirals (lower half).

"14511. Separation at age 64: major generals and rear admirals.

"14512. Separation at age 66: officers holding certain offices.".

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting "active-duty or retired" after "An";

(B) by inserting "or Marine Corps" after "Navy";

(C) by inserting "or colonel, respectively" after "captain"; and

(D) by inserting "or assigned" after "detailed";

(2) in paragraph (2), by inserting "and the Commandant of the Marine Corps" after "Operations"; and

(3) in paragraph (4)(A)—

(A) by inserting "(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)" after "in the case of a civilian";

(B) by inserting "active-duty or retired" after "in the case of an"; and

(C) by inserting "or Marine Corps" after "Navy".

Part II—Officer Promotion Policy

SEC. 515. PROMOTIONS.

(a) Officers on Active-Duty List.—

(1) Clarification of approval of selection board reports.—Subsection (a)(1) of section 624 of title 10, United States Code, is amended by inserting "or a delegate of the President" after "the President".

(2) Date of establishment of promotion list.—Such subsection is further amended by adding at the end the following new sentence: "For promotions that occur by and with the advice and consent of the Senate, a promotion list shall be treated as being established for purposes of this chapter on the date on which the list is received by the Senate for consideration.".

(3) Uniform procedures for delays of appointment upon promotion.—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking "prescribed by the Secretary concerned" and inserting "prescribed by the Secretary of Defense"; and

(B) in paragraph (2), by striking "prescribed by the Secretary concerned" and inserting "prescribed by the Secretary of Defense".

(4) Additional basis for delay of appointment.—Subsection (d)(1) of such section is further amended—

(A) in subparagraph (C), by striking "or" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; or";

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned."; and

(D) in the flush matter following subparagraph (E), as inserted by subparagraph (C) of this paragraph—

(i) by striking "or if the officer is acquitted" and inserting "if the officer is acquitted"; and

(ii) by inserting after "brought against him," the following: "or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,".

(5) Additional basis for delay in appointment for lack of qualifications.—Subsection (d)(2) of such section is further amended—

(A) in the first sentence, by inserting before "is mentally, physically," the following: "has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or"; and

(B) in the second sentence, by striking "If the Secretary concerned later determines that the officer is qualified for promotion to such grade" and inserting "If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to such grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to such grade".

(b) Officers on Reserve Active-Status List.—

(1) Clarification of approval of selection board reports.—Subsection (a) of section 14308 of title 10, United States Code, is amended by inserting "or a delegate of the President" after "the President".

(2) Date of establishment of promotion list.—Such subsection is further amended by adding at the end the following new sentence: "For promotions that occur by and with the advice and consent of the Senate, a promotion list shall be treated as being established for purposes of this chapter on the date on which the list is received by the Senate for consideration.".

(3) Uniform procedures for delays of appointment upon promotion.—Section 14311 of such title is amended—

(A) in subsection (a)(1), by striking "Secretary of the military department concerned" and inserting "Secretary of Defense"; and

(B) in subsection (b), by striking "Secretary of the military department concerned" and inserting "Secretary of Defense".

(4) Additional basis for original delay of appointment.—Section 14311(a) of such title is further amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned."; and

(B) in paragraph (2)—

(i) by striking "or if the officer is acquitted" and inserting "if the officer is acquitted"; and

(ii) by inserting after "brought against him," the following: "or if after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,".

(5) Additional basis for delay in appointment for lack of qualifications.—Section 14311(b) of such section is further amended—

(A) in the first sentence, by inserting before "is mentally, physically," the following: "has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or"; and

(B) in the second sentence, by striking "If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade" and inserting "If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to the higher grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to the higher grade".

(c) Deadline for Uniform Regulations on Delay of Promotions.—The Secretary of Defense shall prescribe the regulations required by section 624(d) of title 10, United States Code (as amended by subsection (a)(3) of this section), and the regulations required by section 14311 of title 10, United States Code (as amended by subsection (b)(3) of this section), not later than March 1, 2008.

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to officers on promotion lists established on or after that date.

SEC. 516. CONSIDERATION OF ADVERSE INFORMATION BY PROMOTION SELECTION BOARDS IN RECOMMENDATIONS ON OFFICERS TO BE PROMOTED.

(a) Officers on Active-Duty List.—Section 616(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.".

(b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—Section 14108(b) of such title is amended—

(1) in the heading, by striking "MAJORITY REQUIRED" and inserting "ACTIONS REQUIRED";

(2) in paragraph (1), by striking "and" at the end;

(3) in paragraph (2), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 14107 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 517. EXPANDED AUTHORITY FOR REMOVAL FROM REPORTS OF SELECTION BOARDS OF OFFICERS RECOMMENDED FOR PROMOTION TO GRADES BELOW GENERAL AND FLAG GRADES.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 618(d) of title 10, United States Code, is amended—

(1) by striking "The name" and inserting "(1) Except as provided in paragraph (2), the name"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.".

(b) OFFICERS ON RESERVE-ACTIVE STATUS LIST.—Section 14111(b) of such title is amended—

(1) by striking "The name" and inserting "(1) Except as provided in paragraph (2), the name"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 518. CLARIFICATION OF NONDISCLOSURE REQUIREMENTS APPLICABLE TO PROMOTION SELECTION BOARD PROCEEDINGS.

(a) SELECTION BOARD PROCEEDINGS FOR ACTIVE DUTY OFFICERS.—Subsection (f) of section 618 of title 10, United States Code, is amended to read as follows:

"(f)(1) Proceedings of a selection board convened under section 611 of this title shall not be disclosed to any person not a member of the board.

"(2) Discussions and deliberations of a selection board described in paragraph (1), and any written or documentary records thereof, shall—

"(A) be immune from legal process;

"(B) not be admitted as evidence; and

"(C) not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.".

(b) SELECTION BOARD PROCEEDINGS FOR RESERVE OFFICERS.—

(1) IN GENERAL.—Section 14104 of such title is amended to read as follows:

"§ 14104. Nondisclosure of board proceedings

"(a) IN GENERAL.—The proceedings of a selection board convened under section 14101 of this title shall not be disclosed to any person not a member of the board.

"(b) DISCUSSIONS AND DELIBERATIONS.—Discussions and deliberations of a selection board described in subsection (a), and any written or documentary records thereof, shall—

"(1) be immune from legal process;

"(2) not be admitted as evidence; and

"(3) not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1403 of such title is amended by striking the item relating to section 14104 and inserting the following new item:

"14104. Nondisclosure of board proceedings.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the proceedings of any promotion selection board, whether convened before, on, or after such date.

SEC. 519. SPECIAL SELECTION BOARD AUTHORITIES.

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) BOARDS FOR ADMINISTRATIVE ERROR AVAILABLE ONLY TO OFFICERS IN OR ABOVE PROMOTION ZONE.—Subsection (a)(1) of section 628 of title 10, United States Code, is amended by inserting "from in or above the promotion zone" after "for selection for promotion".

(2) ACTIONS TREATABLE AS MATERIAL UNFAIRNESS.—Subsection (b)(1)(A) of such section is amended by inserting "in a matter material to the decision of the board" after "contrary to law".

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14502(b)(1)(A) of such title is amended by inserting "in a matter material to the decision of the board" after "contrary to law".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 520. REMOVAL FROM PROMOTION LISTS OF OFFICERS RETURNED TO THE PRESIDENT BY THE SENATE.

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) CLARIFICATION OF REMOVAL AUTHORITY.—Subsection (a) of section 629 of title 10, United States Code, is amended by inserting "or a delegee of the President" after "The President".

(2) REMOVAL FOLLOWING RETURN.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following new subsection (c):

"(c)(1) If an officer or group of officers on a list of officers approved for promotion by the President and submitted to the Senate for consideration is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list at the end of the 365-day period beginning on the date of such return.

"(2) Prior to the end of the 365-day period referred to in paragraph (1), the President may extend by an additional 365 days the period specified in that paragraph for the removal of an officer or group of officers from a list of officers approved for promotion by the President.

"(3) The President may, during the period specified in paragraph (1), as extended (if at all) under paragraph (2), resubmit to the Senate any officer or group of officers removed under paragraph (1) from a list of officers approved for promotion by the President.

"(4) If an officer or group of officers resubmitted to the Senate under paragraph (3) is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list of officers approved for promotion by the President."; and

(C) in paragraph (1) of subsection (d), as redesignated by paragraph (1) of this subsection, by striking "or (b)" and inserting "(b), or (c)".

(b) OFFICERS ON RESERVE ACTIVE STATUS LIST.—

(1) CLARIFICATION OF REMOVAL AUTHORITY.—Subsection (a) of section 14310 of such title is amended by inserting "or a delegee of the President" after "The President".

(2) REMOVAL FOLLOWING RETURN.—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d);

(B) by inserting after subsection (b) the following new subsection (c):

"(c) REMOVAL FOLLOWING RETURN BY THE SENATE TO THE PRESIDENT.—(1) If an officer or group of officers on a list of officers approved for promotion by the President and submitted to the Senate for consideration is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list at the end of the 365-day period beginning on the date of such return.

"(2) Prior to the end of the 365-day period referred to in paragraph (1), the President may extend by an additional 365 days the period specified in that paragraph for the removal of an officer or group of officers from a list of officers approved for promotion by the President.

"(3) The President may, during the period specified in paragraph (1), as extended (if at all) under paragraph (2), resubmit to the Senate any officer or group of officers removed under paragraph (1) from a list of officers approved for promotion by the President.

"(4) If an officer or group of officers resubmitted to the Senate under paragraph (3) is returned by the Senate to the President pursuant to the rules and procedures of the Senate, the officer or group of officers, as the case may be, shall automatically be removed from the list of officers approved for promotion by the President."; and

(C) in subsection (d), as redesignated by paragraph (1) of this subsection, by striking "or (b)" and inserting "(b), or (c)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on January 1, 2007.

(2) APPLICABILITY TO CERTAIN OFFICERS.—The amendments made by this section shall not apply to any officer on the active-duty list or reserve active status list whose name is on a promotion list or report of a selection board on the date of the enactment of this Act. Any officer whose name is on a promotion list as of the date of the enactment of this Act following the return of the officer's nomination to the President by the Senate and who is eligible as of that date for retirement for years of service shall be retired not later than October 1, 2008.

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) REPORT REQUIRED.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

Part III—Joint Officer Management Requirements

SEC. 526. MODIFICATION AND ENHANCEMENT OF GENERAL AUTHORITIES ON MANAGEMENT OF JOINT QUALIFIED OFFICERS.

(a) REDESIGNATION OF APPLICABILITY OF POLICIES TOWARD JOINT QUALIFICATION.—Subsection (a) of section 661 of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: "For purposes of this chapter, officers to be managed by such policies, procedures, and practices are referred to as 'joint qualified'.".

(b) NUMBERS AND DESIGNATION.—Subsection (b) of such section is amended—

(1) in the heading, by striking "SELECTION" and inserting "DESIGNATION";

(2) in paragraph (1), by striking "of officers with the joint specialty" and inserting "and levels of joint qualified officers";

(3) in paragraph (2)—

(A) by striking "selected for the joint specialty" and inserting "designated as joint qualified officers"; and

(B) by striking the second and third sentences and inserting the following new sentence: "Officers considered for joint qualification shall—

"(A) meet criteria prescribed by the Secretary of Defense; and

"(B) be those officers who are serving in the grade of captain or, in the case of the Navy, lieutenant, or a higher grade."; and

(4) in paragraph (3)—

(A) by striking "select officers for the joint specialty" and inserting "designate officers as joint qualified officers"; and

(B) by striking "the Deputy Secretary of Defense" and inserting "the Under Secretary of Defense for Personnel and Readiness".

(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—Subsection (c) of such section is amended to read as follows:

"(c) EDUCATION AND EXPERIENCE REQUIREMENTS.—(1) An officer may not be designated as a joint qualified officer until the officer—

"(A)(i) successfully completes an appropriate program at a joint professional military education school; and

"(ii) successfully completes a full tour of duty in a joint duty assignment (as described in section 664(f) of this title (other than in paragraph (2) of such section)); or

"(B) under regulations and policy prescribed by the Secretary of Defense, successfully demonstrates a mastery of knowledge, skills, and abilities in joint matters.

"(2)(A) In the case of an officer who has completed two full tours of duty in a joint duty assignment (as described in section 664(f) of this title) and demonstrates a mastery of knowledge, skills, and abilities on joint matters, the Secretary of Defense may waive the requirement that the officer have successfully completed a program of education referred to in paragraph (1)(A)(i) if the Secretary determines that the types of joint duty experiences completed by the officer have been of sufficient breadth to prepare the officer adequately for the highest level of joint qualification.

"(B) The authority of the Secretary of Defense to grant a waiver under subparagraph (A) may be delegated only to the Under Secretary of Defense for Personnel and Readiness.

"(C)(i) A waiver under subparagraph (A) may be granted only on a case-by-case basis.

"(ii) A waiver under subparagraph (A) may be granted only under circumstances justifying variation from the requirements of paragraph (1) for designation of an officer for the highest level of joint qualification as specified by the Secretary of Defense.

"(iii) In the case of a general or flag officer, a waiver under subparagraph (A) may be granted only under circumstances described in clause (ii) and circumstances in which the waiver is necessary to meet a critical need of the Armed Forces, as determined by the Chairman of the Joint Chiefs of Staff.

"(iv) In the case of officers in grades below brigadier general or rear admiral (lower half), the total number of waivers granted under subparagraph (A) for officers in the same pay grade during a fiscal year may not exceed 10 percent of the total number of officers in that pay grade selected for the highest level of joint qualification during that fiscal year.

"(D) There may not be more than 32 general and flag officers on active duty at the same time who were selected for the joint specialty or highest level of joint qualification while holding a general or flag officer grade and for whom a waiver was granted under subparagraph (A).".

(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—Subsection (d) of such section is amended to read as follows:

"(d) NUMBER OF JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above major or, in the case of the Navy, lieutenant commander are filled at any time by officers who have the highest level of joint qualification.

"(2) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall designate an appropriate number of joint duty assignment positions as critical joint duty assignment positions. A position may be designated as a critical joint duty assignment position only if the duties and responsibilities of the position make it important that the occupant be particularly trained in, and oriented toward, joint matters.

"(3)(A) Except as provided in subparagraph (B), a position designated under paragraph (2) may be held only by an officer who has the highest level of joint qualification.

"(B) The Secretary of Defense may waive the requirement in subparagraph (A) with respect to the assignment of an officer to a position designated under paragraph (1). Any such waiver shall be granted on a case-by-case basis. The authority of the Secretary to grant such a waiver may be delegated only to the Chairman of the Joint Chiefs of Staff.

"(4) The Secretary of Defense shall ensure that, of those joint duty assignment positions that are filled by general or flag officers, a substantial portion are among those positions that are designated under paragraph (2) as critical joint duty assignment positions.".

(e) CAREER GUIDELINES.—Subsection (e) of such section is amended by striking "officers with the joint specialty" and inserting "officers who are joint qualified officers".

(f) TREATMENT OF CERTAIN SERVICE.—Subsection (f) of such section is amended by striking "(including section 619(e)(1) of this title)".

(g) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item relating to section 661 and inserting the following new item:

"661. Management policies for joint qualified officers.".

SEC. 527. MODIFICATION OF PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

Section 662(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "and" after the semicolon; and

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) officers who are serving in or have served in joint duty assignments are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.".

SEC. 528. APPLICABILITY OF JOINT DUTY ASSIGNMENT REQUIREMENTS LIMITED TO GRADUATES OF NATIONAL DEFENSE UNIVERSITY SCHOOLS.

(a) APPLICABILITY.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "a joint professional military education school" and inserting "a school within the National Defense University"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a joint professional military education school" and inserting "a school within the National Defense University"; and

(B) in paragraph (2), by striking "a joint professional military education school" and inserting "a school referred to in paragraph (1)".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(c) SCHOOL WITHIN THE NATIONAL DEFENSE UNIVERSITY.—For purposes of this section, a school within the National Defense University includes a school as follows:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Joint Advanced Warfighting School.

"(4) The Joint Forces Staff College.".

SEC. 529. MODIFICATION OF DEFINITIONS RELATING TO JOINTNESS.

(a) MODIFICATION OF DEFINITION OF "JOINT MATTERS".—Subsection (a) of section 668 of title 10, United States Code, is amended to read as follows:

"(a) JOINT MATTERS.—In this chapter, the term 'joint matters' means matters involving the integrated use of military forces relating to national military strategy, strategic and contingency planning, and command and control of operations under unified command that may be conducted under unified action on land, sea, or air, in space, or in the information environment with participants from multiple armed forces, the armed forces and other departments and agencies of the United States Government, the armed forces and the military forces or agencies of other countries, the armed forces and non-

governmental persons or entities, or any combination thereof.''.

(b) MODIFICATION OF DEFINITION OF ''JOINT DUTY ASSIGNMENT''.—Paragraph (1) of subsection (b) of such section is amended by striking "and shall exclude" and all that follows and inserting a period.

(c) RESTATEMENT OF DEFINITION OF ''CRITICAL OCCUPATIONAL SPECIALTY''.—

(1) IN GENERAL.—Section 668 of such title is further amended by adding at the end the following new subsection:

''(d) CRITICAL OCCUPATIONAL SPECIALTY.—In this chapter, the term 'critical occupational specialty' means a military occupational specialty within a combat arm of the Army, or an equivalent arm of the Navy, Air Force, and Marine Corps, that is designated by the Secretary of Defense as a critical occupational specialty because such combat arm is experiencing a severe shortage of trained officers in that military occupational specialty.''.

(2) CONFORMING AMENDMENTS.—The following provisions of such title are each amended by striking ''under section 661(c)(2) of this title'':

(A) Section 664(c)(2).

(B) Section 667(3).

SEC. 530. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) CONDITION.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

"§529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency

''As a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, an officer shall acknowledge that upon termination of service in such position the officer shall be retired in accordance with section 1253 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

''529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency.''.

(b) RETIREMENT.—

(1) IN GENERAL.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

"§1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency

''Upon termination of the appointment of an officer to the position of Director of National Intelligence or Director of the Central Intelligence Agency, the Secretary of the military department concerned shall retire the officer under any provision of this title under which the officer is eligible to retire.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

''1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

Subtitle B—Reserve Component Personnel Matters

SEC. 531. ENHANCED FLEXIBILITY IN THE MANAGEMENT OF RESERVE COMPONENT PERSONNEL.

(a) CLARIFICATION OF DEFINITION OF ''ACTIVE GUARD AND RESERVE DUTY'' UNDER TITLE 10, UNITED STATES CODE.—Section 101(d)(6)(A) of title 10, United States Code, is amended—

(1) by striking ''or full-time National Guard duty'' the first place it appears;

(2) by striking ''to active duty or'' and inserting ''to'';

(3) by striking ''Guard, pursuant'' and inserting ''Guard pursuant''; and

(4) by inserting a comma before ''for a period''.

(b) EXPANSION OF ACTIVE GUARD AND RESERVE DUTY TO INCLUDE SUPPORT OF RESERVE COMPONENT OPERATIONS AND ADDITIONAL INSTRUCTION AND TRAINING.—Section 12310 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ACTIVE GUARD AND RESERVE DUTY.—The Secretary concerned may order a Reserve ordered to or retained on active duty under section 12301(d) of this title to perform active Guard and Reserve duty.

''(b) ADDITIONAL DUTIES.—A Reserve on active duty as described in subsection (a) who is performing active Guard and Reserve duty pursuant to an order under that subsection may be assigned additional duties (to the extent such duties do not interfere with the performance by the Reserve of active Guard and Reserve duty under that subsection) as follows:

''(1) Supporting operations or missions assigned in whole or in part to the reserve components.

''(2) Supporting operations or missions performed or to be performed by—

''(A) a unit composed of elements from more than one component of the same armed force; or

''(B) a joint forces unit that includes—

''(i) one or more reserve component units; or

''(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

''(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the combatant commands on reserve component matters.

''(4) Instructing or training members of the armed forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.

''(c) GRADE WHEN ORDERED TO ACTIVE DUTY.—A Reserve ordered to active duty under subsection (a) shall be ordered in his reserve grade. While so serving, he continues to be eligible for promotion as a Reserve, if he is otherwise qualified.''; and

(3) in paragraph (1) of subsection (d), as so redesignated—

(A) by striking ''Notwithstanding subsection (b), a Reserve'' and inserting ''A Reserve''; and

(B) by striking ''functions'' and inserting ''duty''.

(c) EXPANSION OF DUTIES OF MILITARY TECHNICIANS (DUAL STATUS).—

(1) GENERAL DUTIES.—Section 10216(a)(1)(C) of such title is amended by striking ''administration and'' and inserting ''organizing, administering, instructing, or''.

(2) SUPPORT OF RESERVE COMPONENT OPERATIONS AND ADDITIONAL INSTRUCTION AND TRAINING.—Chapter 1007 of such title is amended by inserting after section 10216 the following new section:

"§10216a. Military technicians (dual status): additional duties

''A military technician (dual status) who is employed under section 3101 of title 5 may perform additional duties (to the extent such duties do not interfere with the performance by the military technician of duties assigned under section 10216(a)(1)(C) of this title) as follows:

''(1) Supporting operations or missions assigned in whole or in part to the military technician's unit.

''(2) Supporting operations or missions performed or to be performed by—

''(A) a unit composed of elements from more than one component of the military technician's armed force; or

''(B) a joint forces unit that includes—

''(i) one or more units of the military technician's reserve component; or

''(ii) a member of the military technician's reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

''(3) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10216 the following new item:

''10216a. Military technicians (dual status): additional duties.''.

(d) ORDER OF NATIONAL GUARD MEMBERS TO PERFORM NATIONAL GUARD ACTIVE GUARD AND RESERVE DUTY AND ADDITIONAL DUTIES.—

(1) DEFINITION OF ''NATIONAL GUARD ACTIVE GUARD AND RESERVE DUTY''.—Section 101 of title 32, United States Code, is amended by adding at the end the following:

''(20)(A) 'National Guard active Guard and Reserve duty' means full-time National Guard duty performed by a member of the National Guard pursuant to an order to full-time National Guard duty, for a period of 180 consecutive days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

''(B) Such term does not include the following:

''(i) Duty performed as a member of the Reserve Forces Policy Board under section 10301 of title 10.

''(ii) Duty performed as a property and fiscal officer under section 708 of this title.

''(iii) Duty performed for the purpose of interdiction and counter-drug activities for which funds have been provided under section 112 of this title.

''(iv) Duty performed as a general or flag officer.

''(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).''.

(2) ORDER TO PERFORM DUTY.—Chapter 3 of such title is amended by adding at the end the following new section:

"§328. National Guard active Guard and Reserve duty; additional duties

''(a) AUTHORITY TO ORDER TO DUTY.—The Governor of his State or Territory or Puerto Rico, or commanding general of the District of Columbia National Guard, as the case may be, with the consent of the Secretary concerned, may order a member of the National Guard to perform National Guard active Guard and Reserve duty.

"(b) NATURE OF DUTY.—(1) A member of the National Guard may be ordered to perform duty under subsection (a)—

"(A) without his consent, but with the pay and allowances provided by law; or

"(B) with his consent, either with or without pay and allowances.

"(2) Duty without pay shall be considered for all purposes as if it were duty with pay.

"(c) DUTIES.—A member of the National Guard performing duty under subsection (a) may perform the following additional duties (to the extent such duties do not interfere with the performance by the member of National Guard active Guard and Reserve duty under that subsection) as follows:

"(1) Support of operations or missions undertaken by the member's unit at the request of the President or the Secretary of Defense.

"(2) Support of Federal training operations or Federal training missions assigned in whole or in part to the member's unit.

"(3) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"328. National Guard active Guard and Reserve duty; additional duties.".

(e) EXPANSION OF DUTIES OF NATIONAL GUARD TECHNICIANS.—Section 709(a) of such title is amended—

(1) in paragraph (1)—

(A) by striking "administration and" and inserting "organizing, administering, instructing, or"; and

(B) by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) the performance of additional duties (to the extent such duties do not interfere with the performance by the technician of duties under paragraphs (1) and (2)) as follows:

"(A) Support of operations or missions undertaken by the technician's unit at the request of the President or the Secretary of Defense.

"(B) Support of Federal training operations or Federal training missions assigned in whole or in part to the technician's unit.

"(C) Instructing or training members of the Armed Forces on active duty, members of foreign military forces (under authorities and limitations applicable to the provision of such instruction or training by members of the Armed Forces on active duty), Department of Defense contractor personnel, and Department of Defense civilian employees.".

SEC. 532. EXPANSION OF ACTIVITIES AUTHORIZED FOR RESERVES UNDER WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) IN GENERAL.—Subsection (d) of section 12310 of title 10, United States Code, as redesignated and amended by section 531(b) of this Act, is further amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting "in the United States, Canada, or the United Mexican States" after "title)"; and

(ii) by striking "or" at the end;

(B) in subparagraph (B)—

(i) by inserting ", Canada, or the United Mexican States" after "United States"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(C) the intentional or unintentional release of nuclear, biological, radiological, or toxic or poisonous chemical materials in the United States, Canada, or the United Mexican States that results, or could result, in catastrophic loss of life or property; or

"(D) a natural or manmade disaster in the United States, Canada, or the United Mexican States that results, or could result, in catastrophic loss of life or property."; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

"(3)(A) A Reserve may perform duties described in subparagraph (A), (B), or (C) of paragraph (1)—

"(i) only while assigned to a reserve component civil support team; and

"(ii) if performing those duties in Canada or the United Mexican States, only after being ordered to active duty under this title.

"(B) A Reserve may perform the duties described in paragraph (1)(D)—

"(i) only while assigned to a reserve component civil support team;

"(ii) only with the approval of the Secretary of Defense; and

"(iii) if performing those duties in Canada or the United Mexican States, only after being ordered to active duty under this title.

"(C) Any duties described in paragraph (1) that are performed in Canada or the United Mexican States may occur, with consultation of the Secretary of State, at any distance beyond the borders of the United States with such country as is agreed to by appropriate authorities in such country.".

(b) DEFINITION OF "UNITED STATES".—Such subsection is further amended by adding at the end the following new paragraph:

"(7) In this subsection, the term 'United States' means each of the several States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.".

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in the heading, by inserting ", TERRORIST ATTACK, AND NATURAL OR MANMADE DISASTER" after "MASS DESTRUCTION";

(2) in paragraph (5), by striking "rapid assessment element team" and inserting "civil support team"; and

(3) in paragraph (6)(B), by striking "paragraph (3)(B)" and inserting "that paragraph".

SEC. 533. MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) ANNUITIES AND PAY OF MEMBERS ON FEDERAL REEMPLOYMENT.—Subsection (e) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1882), as amended by section 516 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3237), is further amended by adding at the end the following new paragraph:

"(3) If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, the chairman of the Commission may exercise, with respect to the members of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.".

(b) FINAL REPORT.—Subsection (f)(2) of such section 513 is amended by striking "one year" and inserting "18 months".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. The amendment made by subsection (a) shall apply to members of the Commission on the National Guard and Reserves appointed on or after that date.

SEC. 534. PILOT PROGRAM ON REINTEGRATION OF MEMBERS OF THE NATIONAL GUARD INTO CIVILIAN LIFE AFTER DEPLOYMENT.

(a) PILOT PROGRAM REQUIRED.—The Secretary of the Army shall carry out a pilot program to assess the feasibility and advisability of utilizing the mechanisms specified in this section to facilitate the reintegration of members of the National Guard into civilian life after their return from deployment overseas.

(b) LIMITATION ON LOCATION.—The pilot program required by subsection (a) may only be carried out in a State that has a National Guard brigade that is returning from deployment overseas during the period of the pilot program.

(c) PROGRAM ELEMENTS.—The mechanisms under the pilot program required by subsection (a) shall include the following:

(1) INITIAL REINTEGRATION TRAINING.—Training (to be known as "initial reintegration training") of members of the National Guard described in subsection (a) to facilitate the reintegration of such members with their families and communities after their return from deployment as described in that subsection. Such training shall be conducted immediately after the return of such members from such deployment. Participation in such training shall be voluntary.

(2) 30-DAY REINTEGRATION TRAINING.—Training (to be known as "30-day reintegration training") of members of the National Guard described in subsection (a) to assist such members in identifying the signs and symptoms of combat stress. Such training shall be conducted approximately 30 days after provision of training under paragraph (1). Participation in such training shall be voluntary.

(3) 60-DAY REINTEGRATION TRAINING.—Training (to be known as "60-day reintegration training") of members of the National Guard described in subsection (a) to assist such members in matters relating to combat stress, including chemical dependency, anger management, and gambling abuse. Such training shall be conducted approximately 30 days after provision of training under paragraph (2). Participation in such training shall be voluntary.

(4) 90-DAY REINTEGRATION TRAINING.—Training (to be known as "90-day reintegration training") of members of the National Guard described in subsection (a) to ensure a thorough physical and mental health assessment of such members after deployment as described in that subsection. Such training shall be conducted approximately 30 days after provision of training under paragraph (3). Participation in such training shall be voluntary.

(5) EDUCATIONAL MATERIALS.—The development and distribution of educational materials for families of members of the National Guard described in subsection (a), and for the communities in which such members and families reside, on matters relating to the reintegration of such members into civilian life after their return from deployment overseas.

(d) REPORT.—Not later than one year after the commencement of the pilot program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the pilot program. The report shall include—

(1) a description of the activities undertaken under the pilot program;

(2) an assessment of the effectiveness of such mechanisms in facilitating the reintegration of members of the National Guard into civilian life after their return from deployment overseas; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(e) FUNDING.—Of the amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard, $6,663,000 may be available for the pilot program required by subsection (a).

Subtitle C—Military Justice and Related Matters

SEC. 551. APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO MEMBERS OF THE ARMED FORCES ORDERED TO ACTIVE DUTY OVERSEAS IN INACTIVE DUTY FOR TRAINING STATUS.

Not later than March 1, 2007, the Secretaries of the military departments shall prescribe regulations, or amend current regulations, in order to provide that officers and enlisted personnel of the Armed Forces who are ordered to active duty at locations overseas in an inactive duty for training status are subject to the jurisdiction of the Uniform Code of Military Justice, pursuant to the provisions of section 802(a)(3) of title 10, United States Code (article 2(a)(3) of the Uniform Code of Military Justice), continuously from the commencement of execution of such orders to the conclusion of such orders.

SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking "war" and inserting "declared war or a contingency operation".

Subtitle D—Education and Training Matters

SEC. 561. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT MEDICAL SCHOOLS.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004 the following new section:

"§2004a. Detail of commissioned officers as students at medical schools

"(a) DETAIL AUTHORIZED.—The Secretary of each military department may detail commissioned officers of the Armed Forces as students at accredited medical schools or schools of osteopathy located in the United States for a period of training leading to the degree of doctor of medicine. No more than 25 officers from each military department may commence such training in any single fiscal year.

"(b) ELIGIBILITY FOR DETAIL.—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

"(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

"(2) sign an agreement that unless sooner separated the officer will—

"(A) complete the educational course of medical training;

"(B) accept transfer or detail as a medical officer within the military department concerned when the officer's training is completed; and

"(C) agree to serve on active duty following completion of training for a period of two years for each year or part thereof of the officer's medical training under subsection (a).

"(c) SELECTION OF OFFICERS FOR DETAIL.—Officers detailed for medical training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

"(d) RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

"(e) EXPENSES.—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

"(f) FAILURE TO COMPLETE PROGRAM.—(1) An officer who is dropped from a program of medical training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

"(2) In no case shall an officer be required to serve on active duty under this subsection for any period in excess of one year for each year or part thereof the officer participated in the program.

"(g) LIMITATION ON DETAILS.—(1) No agreement detailing an officer of the Armed Forces to an accredited medical school or school of osteopathy may be entered into during any period in which the President is authorized by law to induct persons into the Armed Forces involuntarily.

"(2) Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the Armed Forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004 the following new item:

"2004a. Detail of commissioned officers as students at medical schools.".

SEC. 562. EXPANSION OF ELIGIBILITY TO PROVIDE JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTION.

(a) ELIGIBILITY OF RETIRED MEMBERS OF NATIONAL GUARD AND RESERVES.—Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Instead of, or in addition to, the detailing of active duty officers and noncommissioned officers under subsection (c)(1), and the employment of retired officers, noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve under subsection (d), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program retired officers and noncommissioned officers who qualify for retired pay for non-regular service under section 12731 of this title (other than those who qualify for age under subsection (a)(1) of such section) whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

"(1) The Secretary shall pay to the institution an amount equal to one-half of the amount paid to the member by the institution for any period up to a maximum of one-half of the difference between the retired or retainer pay for an active duty officer or noncommissioned offer of the same grade and years of service for such period and the active duty pay and allowances which the member would have received for such period if on active duty. Amounts may be paid with respect to members under this subsection after such members reach the age of 60. Payments by the Secretary under this paragraph shall be made from funds appropriated for that purpose.

"(2) Notwithstanding any other provision of law, such a member is not, while so employed, considered to be on active duty or inactive duty training for any purpose.".

(b) CLARIFICATION OF STATUS OF RETIRED MEMBERS CURRENTLY PROVIDING INSTRUCTION.—Subsection (d) of such section is amended in the matter preceding paragraph (1) by striking "and noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve" and inserting ", noncommissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve who are drawing retired or retained pay".

SEC. 563. INCREASE IN MAXIMUM AMOUNT OF REPAYMENT UNDER EDUCATION LOAN REPAYMENT FOR OFFICERS IN SPECIFIED HEALTH PROFESSIONS.

(a) INCREASE IN MAXIMUM AMOUNT.—Section 2173(e)(2) of title 10, United States Code, is amended by striking "$22,000" and inserting "$60,000".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect agreements entered into under section 2173 of title 10, United States Code, on or after that date.

(2) PROHIBITION ON ADJUSTMENT.—The adjustment required by the second sentence of section 2173(e)(2) of title 10, United States Code, to be made on October 1, 2006, shall not be made.

SEC. 564. INCREASE IN BENEFITS UNDER HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) STIPEND.—Section 2121(d) of title 10, United States Code, is amended—

(1) by striking "the rate of $579 per month" and inserting "in an amount not to exceed $30,000 per year"; and

(2) by striking "That rate" and inserting "The maximum amount of the stipend".

(b) ANNUAL GRANT.—Section 2127(e) of such title is amended—

(1) by striking "$15,000" and inserting "in an amount not to exceed $45,000"; and

(2) by striking "The amount" and inserting "The maximum amount".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

(d) PROHIBITION ON ADJUSTMENTS IN 2007.—No adjustment under subsection (d) of section 2122 of title 10, United States Code, in the maximum amount of the stipend payable under such section 2122, and no adjustment under subsection (e) of section 2127 of such title in the maximum amount of the annual grant payable under such section 2127, shall be made in 2007.

SEC. 565. REPORT ON HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) REPORT REQUIRED.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the health professions scholarship and financial assistance program for active service under subchapter I of chapter 105 of title 10, United States Code.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the success of each military department in achieving its recruiting goals under the health professions scholarship and financial assistance program for active service during each of fiscal years 2000 through 2006.

(2) If any military department failed to achieve its recruiting goals under the program during any fiscal year covered by paragraph (1), an explanation of the failure of the military department to achieve such goal during such fiscal year.

(3) An assessment of the adequacy of the stipend authorized by section 2121(d) of title 10, United States Code, in meeting the objectives of the program.

(4) Such recommendations for legislative or administrative action as the Secretary considers appropriate to enhance the effectiveness of the program in meeting the annual recruiting goals of the military departments for medical personnel covered by the program.

SEC. 566. EXPANSION OF INSTRUCTION AVAILABLE AT THE NAVAL POSTGRADUATE SCHOOL FOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) Certificate Programs and Courses.—Subparagraph (C) of subsection (a)(2) of section 7045 of title 10, United States Code, is amended by striking "Navy or Marine Corps" and inserting "armed forces".

(b) Graduate Level Instruction.—Such subsection is further amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D)(i) The Secretary may, pursuant to regulations prescribed by the Secretary, permit an eligible enlisted member of the armed forces to receive graduate level instruction at the Naval Postgraduate School in a program leading to a master's degree in a technical, analytical, or engineering curricula.

"(ii) To be eligible for instruction under this subparagraph, an enlisted member shall hold a baccalaureate degree granted by an institution of higher education.

"(iii) Instruction shall be provided under this subparagraph on a space-available basis.

"(iv) An enlisted member who successfully completes a course of instruction under this subparagraph may be awarded a master's degree under section 7048 of this title.

"(v) The regulations prescribed under clause (i) may include criteria for eligibility of enlisted members for instruction under this subparagraph and obligations for further service in the armed forces by enlisted members relating to receipt of such instruction."; and

(3) in subparagraph (E), as so redesignated, by striking "and (C)" and inserting "(C), and (D)".

(c) Conforming Amendment.—Subsection (b)(2) of such section is amended by striking "(a)(2)(D)" and inserting "(a)(2)(E)".

(d) Repeal of Certain Requirements on Instruction.—Section 526 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking subsections (c) and (d).

SEC. 567. MODIFICATION OF ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.

(a) Clarification of Scope of Actions.—Section 527 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1468; 10 U.S.C. 4331 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting "Sexual" before "Violence"; and

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "personnel of" and inserting "cadets at";

(ii) in subparagraph (B), by striking "personnel of" and inserting "midshipmen at"; and

(iii) in subparagraph (C), by striking "personnel of" and inserting "cadets at";

(2) by inserting "sexual" before "violence" each place it appears; and

(3) by striking "academy personnel" each place it appears and inserting "cadets or midshipmen".

(b) Assessments of Academy Policies.—

(1) Administration of assessments.—Subsection (b) of such section is further amended—

(A) in paragraph (1)—

(i) by striking "to conduct" and inserting "to provide"; and

(ii) by inserting "(to be administered by the Department of Defense)" after "an assessment"; and

(B) in paragraph (2), by striking "shall conduct" and inserting "shall provide for the conduct of".

(2) Schedule for assessments.—Such subsection is further amended—

(A) in the subsection caption, by striking "Annual Assessment" and inserting "Assessments Required";

(B) in paragraph (1), by inserting "specified in paragraph (2)" after "each program year"; and

(C) in paragraph (2), by striking "2007, and 2008" and inserting "2008, and 2010".

(c) Reports on Activities on Campus.—Subsection (c) of such section is further amended—

(1) in the subsection caption, by striking "Annual Report" and inserting "Reports";

(2) in paragraph (1), by striking "2007, and 2008" and inserting "2008, and 2010";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "The annual report" and inserting "The report"; and

(B) in subparagraph (D), by striking "each of the subsequent academy program years" and inserting "each other academy program year covered by this subsection"; and

(4) in paragraphs (3) and (4), by striking "the annual" and inserting "each".

(d) Conforming Amendment.—The heading of such section is amended to read as follows:

"SEC. 527. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.".

SEC. 568. DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS.

(a) Policy Required.—

(1) In general.—Not later than July 1, 2007, the Secretary of Defense shall prescribe the policy of the Department of Defense on—

(A) whether to authorize graduates of the service academies and the Reserve Officers' Training Corps to participate in professional sports before the completion of their obligations for service on active duty as commissioned officers; and

(B) if so, the obligations for service on active duty as commissioned officers of such graduates who participate in professional sports before the satisfaction of the obligations referred to in subparagraph (A).

(2) Review of current policies.—In prescribing the policy, the Secretary shall review current policies, practices, and regulations of the military departments on the obligations for service on active duty as commissioned officers of graduates of the service academies and the Reserve Officers' Training Corps, including policies on authorized leaves of absence and policies under excess leave programs.

(3) Considerations.—In prescribing the policy, the Secretary shall take into account the following:

(A) The compatibility of participation in professional sports (including training for professional sports) with service on active duty in the Armed Forces or as a member of a reserve component of the Armed Forces.

(B) The benefits for the Armed Forces of waiving obligations for service on active duty for cadets, midshipmen, and commissioned officers in order to permit such individuals to participate in professional sports.

(C) The manner in which the military departments have resolved issues relating to the participation of personnel in professional sports, including the extent of and any reasons for, differences in the resolution of such issues by such departments.

(D) The recoupment of the costs of education provided by the service academies or under the Reserve Officers' Training Corps program if graduates of the service academies or the Reserve Officers' Training Corps, as the case may be, do not complete the period of obligated service to which they have agreed by reason of participation in professional sports.

(E) Any other matters that the Secretary considers appropriate.

(b) Elements of Policy.—The policy prescribed under subsection (a) shall address the following matters:

(1) The eligibility of graduates of the service academies and the Reserve Officers' Training Corps for a reduction in the obligated length of service on active duty as a commissioned officer otherwise required of such graduates on the basis of their participation in professional sports.

(2) Criteria for the treatment of an individual as a participant or potential participant in professional sports.

(3) The effect on obligations for service on active duty as a commissioned officer of any unsatisfied obligations under prior enlistment contracts or other forms of advanced education assistance.

(4) Any authorized variations in the policy that are warranted by the distinctive requirements of a particular Armed Force.

(5) The eligibility of individuals for medical discharge or disability benefits as a result of injuries incurred while participating in professional sports.

(6) A prospective effective date for the policy and for the application of the policy to individuals serving on such effective date as a commissioned officer, cadet, or midshipman.

(c) Application of Policy to Armed Forces.—Not later than December 1, 2007, the Secretary of each military department shall prescribe regulations, or modify current regulations, in order to implement the policy prescribed by the Secretary of Defense under subsection (a) with respect to the Armed Forces under the jurisdiction of such Secretary.

SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) Review.—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) Report.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) Interim Authority.—A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

SEC. 570. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) In General.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§2033. Instructor qualifications

"(a) In General.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

"(b) Senior Military Instructors.—

"(1) Role.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

"(2) Qualifications.—A senior military instructor shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of a baccalaureate degree from an institution of higher learning.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

"(c) Non-Senior Military Instructors.—

"(1) Role.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

"(2) Qualifications.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

"(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

"(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

"(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

"(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

"(ii) professional development to meet content knowledge and instructional skills; and

"(iii) performance evaluation of competencies and standards within the program through site visits and inspections.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2033. Instructor qualifications.".

SEC. 570A. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) Modification.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(b) Conforming Amendment.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(c) Effective Date.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

Subtitle E—Defense Dependents Education Matters

SEC. 571. FUNDING FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Funding for Fiscal Year 2007.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under section 572(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b); and

(2) $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under section 572(b) of that Act.

(b) Treatment of Funding for Notification Purposes.—The funding provided under subsection (a) for fiscal year 2007 shall be treated as funding for that fiscal year for purposes of the notification of local educational agencies required by section 572(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3272).

(c) Transition of Military Dependents From Military to Civilian Schools.—

(1) In general.—The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of dependents of members of the Armed Forces from attendance in Department of Defense dependent schools to civilian schools in systems operated by local educational agencies.

(2) Utilization of existing resources.—In working with the Secretary of Education under paragraph (1), the Secretary of Defense may utilize funds authorized to be appropriated for operation and maintenance for Defense-wide activities to share expertise and experience of the Department of Defense Education Activity with local educational agencies as dependents of members of the Armed Forces make the transition from attendance at Department of Defense dependent schools to attendance at civilian schools in systems operated by such local educational agencies, including such transitions resulting from defense base closure and realignment, global rebasing, and force restructuring.

(3) Definitions.—In this subsection:

(A) The term "expertise and experience", with respect to the Department of Defense Education Activity, means resources of such activity relating to—

(i) academic strategies which result in increased academic achievement;

(ii) curriculum development consultation and materials;

(iii) teacher training resources and materials;

(iv) access to virtual and distance learning technology capabilities and related applications for teachers; and

(v) such other services as the Secretary of Defense considers appropriate to improve the academic achievement of such students.

(B) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) Expiration.—The authority of the Secretary of the Defense under this subsection shall expire on September 30, 2011.

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 573. PLAN TO ASSIST LOCAL EDUCATIONAL AGENCIES EXPERIENCING GROWTH IN ENROLLMENT DUE TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BRAC.

(a) Plan Required.—Not later than January 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

(1) Force structure changes.

(2) The relocation of a military unit.

(3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An identification, current as of the date of the report, of the total number of military dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including—

(A) an identification of the military installations affected by such arrivals and departures;

(B) an estimate of the number of such students arriving at or departing from each such installation; and

(C) the anticipated schedule of such arrivals and departures.

(2) Such recommendations as the Office of Economic Adjustment of the Department of Defense considers appropriate for means of assisting affected local educational agencies in accommodating increases in enrollment of military dependent students as a result of any such event.

(3) A plan for outreach to be conducted to affected local educational agencies, commanders of military installations, and members of the Armed Forces and civilian personnel of the Department of Defense regarding information on the assistance to be provided under the plan under subsection (a).

(c) Update.—Not later than July 1, 2007, and every six months thereafter through January 1, 2011, the Secretary shall submit to the congressional defense committees an update of the report required by subsection (a). Each update

shall include an update of each matter required under subsection (b) current as of the date of such update.

(d) DEFINITIONS.—In this section:

(1) The term "base closure law" has the meaning given that term in section 101 of title 10, United States Code.

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term "military dependent students" refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

SEC. 574. PILOT PROGRAM ON PARENT EDUCATION TO PROMOTE EARLY CHILDHOOD EDUCATION FOR DEPENDENT CHILDREN AFFECTED BY MILITARY DEPLOYMENT OR RELOCATION OF MILITARY UNITS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program on the provision of educational and support tools to the parents of preschool-age children—

(1) whose parent or parents serve as members of the Armed Forces on active duty (including members of the Selected Reserve on active duty pursuant to a call or order to active duty of 180 days or more); and

(2) who are affected by the deployment of their parent or parents or the relocation of the military unit of which their parent or parents are a member.

(b) PURPOSE.—The purpose of the pilot program is to develop models for improving the capability of military child and youth programs on or near military installations to provide assistance to military parents with young children through a program of activities focusing on the unique needs of children described in subsection (a).

(c) DURATION OF PROGRAM.—The pilot program shall commence on October 1, 2007, and shall conclude on September 30, 2010.

(d) SCOPE OF PROGRAM.—The pilot program shall utilize one or more models (demonstrated through research) of universal access of parents of children described in subsection (a) to assistance under the pilot program in order to achieve the following goals:

(1) The identification and mitigation of specific risk factors for such children related to military life.

(2) The maximization of the educational readiness of such children.

(e) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at military installations selected by the Secretary for purposes of this section from among military installations whose military personnel are experiencing significant transition or deployment or which are undergoing transition as a result of the relocation or activation of military units or activities relating to defense base closure and realignment.

(2) SELECTION OF CERTAIN INSTALLATIONS.—At least one of the installations selected by the Secretary under paragraph (1) shall be an installation that permits the meaningful evaluation of a model under subsection (d) that provides outreach to parents in families with a parent who is a member of the National Guard or Reserve, which families live more than 40 miles from the installation so selected.

(f) GOALS OF PARTICIPATING INSTALLATIONS.—Appropriate personnel at each military installation selected for participation in the pilot program shall develop goals, and specific outcome measures with respect to such goals, for the conduct of the pilot program at such installation.

(g) EVALUATION.—

(1) EVALUATION REQUIRED.—Upon completion of the pilot program at a military installation, the personnel referred to in subsection (f) at such installation shall conduct an evaluation and assessment of the success of the pilot program at such installation in meeting the goals developed under that subsection.

(2) REPORT.—Upon completion of the evaluations under paragraph (1) for all military installations participating in the pilot program, the Secretary of Defense shall submit to the congressional defense committees a report on such evaluations. The report shall describe the results of such evaluations, and may include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such evaluations, including recommendations for the continuation of the pilot program.

(h) GUIDELINES.—The Secretary shall issue guidelines applicable to the pilot program, including guidelines on the goals to be developed under subsection (f), specific outcome measures, and guidelines on the selection of curriculum and the conduct of developmental screening under the pilot program.

(i) FUNDING.—Of the amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $1,500,000 shall be available to carry out the pilot program in fiscal year 2007.

Subtitle F—Other Matters

SEC. 581. ADMINISTRATION OF OATHS.

(a) IN GENERAL.—Section 502 of title 10, United States Code, is amended by striking the flush matter at the end and inserting the following new flush matter:

"This oath may be taken before the President, the Vice President, the Secretary of Defense, any commissioned officer of any armed force, or any other person designated under regulations prescribed by the Secretary of Defense.".

(b) CONFORMING AMENDMENT.—Section 1031 of such title is amended by striking "Any commissioned officer" and all that follows through "on active duty," and inserting "The President, the Vice President, the Secretary of Defense, any commissioned officer of an armed force, or any other person designated under regulations prescribed by the Secretary of Defense".

SEC. 582. MILITARY ID CARDS FOR RETIREE DEPENDENTS WHO ARE PERMANENTLY DISABLED.

(a) IN GENERAL.—Subsection (a) of section 1060b of title 10, United States Code, is amended to read as follows:

"(a) ISSUANCE OF PERMANENT ID CARD.—(1) In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent as follows:

"(A) A retiree dependent who has attained 75 years of age.

"(B) A retiree dependent who is permanently disabled.

"(2) A permanent ID card shall be issued to a retiree dependent under paragraph (1)(A) upon the expiration, after the retiree dependent attains 75 years of age, of any earlier, renewable military card or, if earlier, upon the request of the retiree dependent after attaining age 75.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 1060b. Military ID cards: dependents and survivors of retirees".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1060b and inserting the following new item:

"1060b. Military ID cards: dependents and survivors of retirees.".

SEC. 583. MILITARY VOTING MATTERS.

(a) REPEAL OF PERIODIC INSPECTOR GENERAL INSTALLATION VISITS FOR ASSESSMENT OF VOTING ASSISTANCE PROGRAMS.—Section 1566 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 1, 2007, the Comptroller General of the United States shall submit to Congress a report containing the assessment of the Comptroller General with respect to the following:

(1) The programs and activities undertaken by the Department of Defense to facilitate voter registration, transmittal of ballots to absentee voters, and voting utilizing electronic means of communication (such as electronic mail and fax transmission) for military and civilian personnel covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) The progress of the Department of Defense and the Election Assistance Commission in developing a secure, deployable system for Internet-based electronic voting pursuant to the amendment made by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) FUTURE ELECTIONS.—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

SEC. 584. PRESENTATION OF MEDAL OF HONOR FLAG TO PRIMARY NEXT OF KIN OF MEDAL OF HONOR RECIPIENTS.

(a) ARMY RECIPIENTS.—Section 3755 of title 10, United States Code, is amended—

(1) by inserting "(a) PRESENTATION TO MEDAL OF HONOR RECIPIENTS.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) PRESENTATION TO PRIMARY NEXT OF KIN.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(b) Navy and Marine Corps Recipients.—Section 6257 of such title is amended—

(1) by inserting "(a) In General.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) Presentation to Primary Next of Kin.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(c) Air Force Recipients.—Section 8755 of such title is amended—

(1) by inserting "(a) In General.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) Presentation to Primary Next of Kin.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Defense in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

(d) Coast Guard Recipients.—Section 505 of title 14, United States Code, is amended—

(1) by inserting "(a) In General.—" before "The President"; and

(2) by striking "after October 23, 2002"; and

(3) by adding at the end the following new subsection:

"(b) Presentation to Primary Next of Kin.—The President may provide for the presentation of a Medal of Honor Flag to the primary living next of kin (as designated by the Secretary of Homeland Security in regulations prescribed for purposes of this section) of a deceased medal of honor recipient described in subsection (a).".

SEC. 585. MODIFICATION OF EFFECTIVE PERIOD OF AUTHORITY TO PRESENT RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

Subsection (d) of section 2261 of title 10, United States Code, is amended to read as follows:

"(d) Effective Period.—The authority under this section shall be in effect during the period of any war or national emergency declared by the President or Congress.".

SEC. 586. MILITARY SEVERELY INJURED CENTER.

(a) Center Required.—In support of the comprehensive policy on the provision of assistance to severely wounded or injured servicemembers required by section 563 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3269; 10 U.S.C. 113 note), the Secretary of Defense shall establish within the Department of Defense a center to augment and support the programs and activities of the military departments for the provision of such assistance, including the programs of the military departments referred to in subsection (c).

(b) Designation.—The center established under subsection (a) shall be known as the "Military Severely Injured Center" (in this section referred to as the "Center").

(c) Programs of the Military Departments.—The programs of the military departments referred to in this subsection are as follows:

(1) The Army Wounded Warrior Support Program.

(2) The Navy Safe Harbor Program.

(3) The Palace HART Program of the Air Force.

(4) The Marine for Life Injured Support Program of the Marine Corps.

(d) Activities of Center.—

(1) In general.—The Center shall carry out such programs and activities to augment and support the programs and activities of the military departments for the provision of assistance through individual case management to severely wounded or injured servicemembers and their families as the Secretary of Defense, in consultation with the Secretaries of the military departments and the heads of other appropriate departments and agencies of the Federal Government (including the Department of Labor and the Department of Veterans Affairs), shall assign the Center.

(2) Database.—The activities of the Center under this subsection shall include the establishment and maintenance of a central database of information for purposes of tracking severely wounded or injured servicemembers.

(e) Resources.—The Secretary of Defense shall allocate to the Center such personnel and other resources as the Secretary of Defense, in consultation with the Secretaries of the military departments, considers appropriate in order to permit the Center to carry out effectively the programs and activities assigned to the Center under subsection (d).

SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committee on Armed Services of the Senate and House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

SEC. 588. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter to relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

SEC. 589. PURPLE HEART AWARD ELIGIBILITY.

(a) Findings.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use.

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit.

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952; Executive Order 11016, dated April 25, 1962; and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) Determination.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941, and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of title 10, but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) Requirements.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart; and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff.

(d) Report.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

SEC. 590. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.

(a) Report.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) Additional Elements.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) Additional Element of Policy on Casualty Assistance to Survivors of Military Decedents.—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

"(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

"(A) provide for the provision of such briefings by fully qualified Department personnel;

"(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

"(C) ensure that—

"(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

"(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

"(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.".

SEC. 591. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) Military Identification Card Defined.—In this section, the term "military identification card" has the meaning given the term "military ID card" in section 1060b(b)(1) of title 10, United States Code.

SEC. 592. FUNERAL CEREMONIES FOR VETERANS.

(a) Support for Ceremonies by Details Consisting Solely of Members of Veterans and Other Organizations.—

(1) Support of ceremonies.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) Support for Funeral Honors Details Composed of Members of Veterans Organizations.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

"(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

"(3) The support provided under this subsection may include the following:

"(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

"(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).".

(2) Conforming amendments.—Such section is further amended—

(A) in subsection (d)(2), by inserting "and subsection (e)" after "paragraph (1)(A)"; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting "(other than a requirement in subsection (e)" after "pursuant to this section".

(b) Use of Excess M–1 Rifles for Ceremonial and Other Purposes.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.";

(2) in subsection (c), by inserting after "accountability" the following: ", provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies";

(3) in subsection (d)—

(A) in paragraph (2), by striking "; or" and inserting "or fire department;";

(B) in paragraph (3), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3)."; and

(4) by adding at the end the following new subsection:

"(e) Eligible Designee Defined.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

"(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has successfully completed a formal firearm training program or a hunting safety program.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

(a) Waiver of Section 1009 Adjustment.—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) January 1, 2007, Increase in Basic Pay.—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.2 percent.

(c) Reform of Basic Pay Rates.—Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

MONTHLY BASIC PAY

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	8,453.10	8,729.70	8,913.60	8,964.90	9,194.10
O-7	7,023.90	7,350.00	7,501.20	7,621.20	7,838.40
O-6	5,206.20	5,719.20	6,094.50	6,094.50	6,117.60
O-5	4,339.80	4,888.80	5,227.50	5,291.10	5,502.00
O-4	3,744.60	4,334.70	4,623.90	4,688.40	4,956.90
O-3[3]	3,292.20	3,732.30	4,028.40	4,392.00	4,602.00
O-2[3]	2,844.30	3,239.70	3,731.40	3,857.40	3,936.60
O-1[3]	2,469.30	2,569.80	3,106.50	3,106.50	3,106.50

	Over 8	Over 10	Over 12	Over 14	Over 16
O-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	9,577.20	9,666.30	10,030.20	10,134.30	10,447.80
O-7	8,052.90	8,301.30	8,548.80	8,797.20	9,577.20
O-6	6,380.10	6,414.60	6,414.60	6,779.10	7,423.80
O-5	5,628.60	5,906.40	6,110.10	6,373.20	6,776.40
O-4	5,244.60	5,602.80	5,882.40	6,076.20	6,187.50
O-3[3]	4,833.30	4,982.70	5,228.40	5,355.90	5,355.90
O-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60

MONTHLY BASIC PAY—Continued

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 8	Over 10	Over 12	Over 14	Over 16
O-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10[2] ...	$0.00	$13,659.00	$13,725.90	$14,011.20	$14,508.60
O-9	0.00	11,946.60	12,118.50	12,367.20	12,801.30
O-8	10,900.80	11,319.00	11,598.30	11,598.30	11,598.30
O-7	10,236.00	10,236.00	10,236.00	10,236.00	10,287.90
O-6	7,802.10	8,180.10	8,395.20	8,613.00	9,035.70
O-5	6,968.10	7,158.00	7,373.10	7,373.10	7,373.10
O-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3[3]	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 28	Over 30	Over 32	Over 34	Over 36
O-10[2] ...	$14,508.60	$15,234.00	$15,234.00	$15,995.70	$15,995.70
O-9	12,801.30	13,441.50	13,441.50	14,113.50	14,113.50
O-8	11,598.30	11,888.40	11,888.40	12,185.70	12,185.70
O-7	10,287.90	10,493.70	10,493.70	10,493.70	10,493.70
O-6	9,035.70	9,216.30	9,216.30	9,216.30	9,216.30
O-5	7,373.10	7,373.10	7,373.10	7,373.10	7,373.10
O-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3[3]	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2[3]	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1[3]	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 38	Over 40			
O-10[2] ...	$16,795.50	$16,795.50			
O-9	14,819.10	14,819.10			
O-8	12,185.70	12,185.70			
O-7	10,493.70	10,493.70			
O-6	9,216.30	9,216.30			
O-5	7,373.10	7,373.10			
O-4	6,252.30	6,252.30			
O-3[3]	5,355.90	5,355.90			
O-2[3]	3,936.60	3,936.60			
O-1[3]	3,106.50	3,106.50			

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O–7 through O–10 may not exceed the rate of pay for level II of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be $17,972.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E ..	$0.00	$0.00	$0.00	$4,392.00	$4,602.00
O-2E ..	0.00	0.00	0.00	3,857.40	3,936.60
O-1E ..	0.00	0.00	0.00	3,106.50	3,317.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E ..	$4,833.00	$4,982.70	$5,228.40	$5,435.40	$5,554.20
O-2E ..	4,062.00	4,273.50	4,437.00	4,558.80	4,558.80
O-1E ..	3,440.10	3,565.50	3,688.80	3,857.40	3,857.40
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E ..	$5,715.90	$5,715.90	$5,715.90	$5,715.90	$5,715.90
O-2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
O-1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 28	Over 30	Over 32	Over 34	Over 36
O-3E ..	$5,715.90	$5,715.90	$5,715.90	$5,715.90	$5,715.90
O-2E ..	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 28	Over 30	Over 32	Over 34	Over 36
O-1E ..	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	Over 38	Over 40			
O-3E ..	$5,715.90	$5,715.90			
O-2E ..	4,558.80	4,558.80			
O-1E ..	3,857.40	3,857.40			

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	3,402.00	3,660.00	3,765.00	3,868.50	4,046.40
W-3	3,106.80	3,236.40	3,369.00	3,412.80	3,552.00
W-2	2,749.20	3,009.30	3,089.40	3,144.60	3,322.80
W-1	2,413.20	2,672.40	2,742.90	2,890.50	3,065.10
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	4,222.20	4,400.70	4,669.20	4,904.40	5,128.20
W-3	3,825.90	4,110.90	4,245.30	4,400.40	4,560.30
W-2	3,600.00	3,737.10	3,872.40	4,037.70	4,166.70
W-1	3,322.20	3,442.20	3,610.20	3,775.50	3,905.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	$0.00	$6,049.50	$6,356.40	$6,585.00	$6,838.20
W-4	5,310.90	5,489.70	5,752.20	5,967.60	6,213.60
W-3	4,847.70	5,042.40	5,158.50	5,282.10	5,450.10
W-2	4,284.00	4,423.80	4,515.90	4,589.40	4,589.40
W-1	4,024.50	4,170.00	4,170.00	4,170.00	4,170.00
	Over 28	Over 30	Over 32	Over 34	Over 36
W-5	$6,838.20	$7,180.20	$7,180.20	$7,539.30	$7,539.30
W-4	6,213.60	6,337.80	6,337.80	6,337.80	6,337.80
W-3	5,450.10	5,450.10	5,450.10	5,450.10	5,450.10
W-2	4,589.40	4,589.40	4,589.40	4,589.40	4,589.40
W-1	4,170.00	4,170.00	4,170.00	4,170.00	4,170.00
	Over 38	Over 40			
W-5	$7,916.40	$7,916.40			
W-4	6,337.80	6,337.80			
W-3	5,450.10	5,450.10			
W-2	4,589.50	4,589.40			
W-1	4,170.00	4,170.00			

ENLISTED MEMBERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[2]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	2,339.10	2,553.00	2,650.80	2,780.70	2,881.50
E-6	2,023.20	2,226.00	2,324.40	2,419.80	2,519.40
E-5	1,854.00	1,977.90	2,073.30	2,171.40	2,323.80
E-4	1,699.50	1,786.50	1,883.10	1,978.50	2,062.80
E-3	1,534.20	1,630.80	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	[3]1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[2]	$0.00	$4,110.60	$4,203.90	$4,321.20	$4,459.50
E-8	3,364.80	3,513.90	3,606.00	3,716.40	3,835.80
E-7	3,055.20	3,152.70	3,326.70	3,471.00	3,569.70
E-6	2,744.10	2,831.40	3,000.00	3,051.90	3,089.70
E-5	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10

ENLISTED MEMBERS[1]—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 8	Over 10	Over 12	Over 14	Over 16
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9[2]	$4,598.40	$4,821.60	$5,010.30	$5,209.20	$5,512.80
E-8	4,051.80	4,161.30	4,347.30	4,450.50	4,704.90
E-7	3,674.40	3,715.50	3,852.00	3,925.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 28	Over 30	Over 32	Over 34	Over 36
E-9[2]	$5,512.80	$5,788.50	$5,788.50	$6,078.00	$6,078.00
E-8	4,704.90	4,799.10	4,799.10	4,799.10	4,799.10
E-7	4,204.20	4,204.20	4,204.20	4,204.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 38	Over 40			
E-9[2]	$6,381.90	$6,381.90			
E-8	4,799.10	4,799.10			
E-7	4,204.20	4,204.20			
E-6	3,133.50	3,133.50			
E-5	2,630.10	2,630.10			
E-4	2,062.80	2,062.80			
E-3	1,729.20	1,729.20			
E-2	1,458.90	1,458.90			
E-1	1,301.40	1,301.40			

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is $6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $1,203.90.

SEC. 602. INCREASE IN MAXIMUM RATE OF BASIC PAY FOR GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE.—Section 203(a)(2) of title 37, United States Code, is amended by striking "level III of the Executive Schedule" and inserting "level II of the Executive Schedule".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2007, and shall apply with respect to months beginning on or after that date.

SEC. 603. CLARIFICATION OF EFFECTIVE DATE OF PROHIBITION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(3) The prohibition in this subsection (including the prohibition as it relates to a member of the National Guard while not in Federal service) shall apply to—

"(A) any work or study performed on or after September 7, 1962; and

"(B) any claim based on such work or study arising after that date.".

SEC. 604. ONE-YEAR EXTENSION OF PROHIBITION AGAINST REQUIRING CERTAIN INJURED MEMBERS TO PAY FOR MEALS PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) EXTENSION.—Section 402(h)(3) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) REPORT ON ADMINISTRATION OF PROHIBITION.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the administration of section 402(h)(3) of title 37, United States Code (as amended by subsection (a)). The report shall include—

(1) a description and assessment of the mechanisms used by the military departments to implement the prohibition contained in such section; and

(2) such recommendations as the Secretary considers appropriate regarding making such prohibition permanent.

SEC. 605. ADDITIONAL HOUSING ALLOWANCE FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Section 403(g) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) Under regulations prescribed by the Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, the Secretary concerned may authorize payment of a housing allowance to a member described in paragraph (1) at a monthly rate equal to the rate of the basic allowance for housing under subsection (b) or the overseas basic allowance for housing under subsection (c), whichever applies to that location, for members of the regular components at that location in the same grade without dependents.

"(B) A member may concurrently receive a basic allowance for housing under paragraph (1) and a housing allowance under this paragraph, but may not receive the portion of the allowance, if any, authorized under section 404 of this title for lodging expenses if a housing allowance is authorized to be paid under this paragraph."; and

(3) in paragraph (3), as so redesignated, by striking "Paragraph (1)" and inserting "Paragraphs (1) and (2)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to months beginning on or after that date.

SEC. 606. EXTENSION OF TEMPORARY CONTINUATION OF HOUSING ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY TO SPOUSES WHO ARE MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Section 403(l) of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) A member of the uniformed services who is the spouse of a deceased member described in paragraph (2) may be paid a basic allowance for housing as provided for in that paragraph. An allowance paid under this paragraph is in addition to any other pay and allowances to which the member of the uniformed services is entitled under any other provision of law."; and

(3) in paragraph (4), as so redesignated, by striking "(2)" and inserting "(2) or (3)".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to deaths occurring on or after that date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking "January 1, 2007" and inserting "January 1, 2008".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 323(i) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(g) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

(h) INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.—Section 327(h) of such title is amended by striking "December 31, 2006" and inserting "December 31, 2009".

SEC. 615. INCREASE IN SPECIAL PAY FOR SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.

(a) Increase in Special Pay.—Section 302g(a) of title 37, United States Code, is amended by striking "$10,000" and inserting "$25,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to written agreements entered into under section 302g of title 37, United States Code, on or after that date.

SEC. 616. EXPANSION AND ENHANCEMENT OF ACCESSION BONUS AUTHORITIES FOR CERTAIN OFFICERS IN HEALTH CARE SPECIALITIES.

(a) INCREASE IN ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(2) of title 37, United States Code, is amended by striking "$30,000" and inserting "$200,000".

(b) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALITIES.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302j the following new section:

"§ 302k. Special pay: accession bonus for medical officers in critically short wartime specialties

"(a) ACCESSION BONUS AUTHORIZED. (1) A person who is a graduate of an accredited school of medicine or osteopathy in a specialty described in subsection (c) and who executes a written agreement described in subsection (d) to accept a commission as an officer of the Armed Forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $400,000.

"(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in medicine or osteopathy; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a doctor or osteopath in a specialty described in subsection (c).

"(c) COVERED SPECIALTIES.—A specialty described in this subsection is a specialty designated by regulations as a critically short wartime specialty.

"(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Medical Corps of the Army or the Navy or as an officer of the Air Force designated as a medical officer in a specialty described in subsection (c).

"(e) REPAYMENT.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a doctor or osteopath, as the case may be, or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2007.".

(c) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALITIES.—Chapter 5 of title 37, United States Code, as amended by subsection (b), is further amended by inserting after section 302k the following new section:

"§ 302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties

"(a) ACCESSION BONUS AUTHORIZED. (1) A person who is a graduate of an accredited dental school in a specialty described in subsection (c) and who executes a written agreement described in subsection (d) to accept a commission as an officer of the Armed Forces and remain on active duty for a period of not less than four consecutive years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in the amount determined by the Secretary concerned.

"(2) The amount of an accession bonus under paragraph (1) may not exceed $400,000.

"(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received

financial assistance from the Department of Defense to pursue a course of study in dentistry; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a dentist in a specialty described in subsection (c).

"(c) COVERED SPECIALTIES.—A specialty described in this subsection is a specialty designated by regulations as a critically short wartime specialty.

"(d) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or as an officer of the Air Force designated as a dental officer in a specialty described in subsection (c).

"(e) REPAYMENT.—A person who, after executing an agreement under subsection (a) is not commissioned as an officer of the armed forces, does not become licensed as a dentist or does not complete the period of active duty in a specialty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) COORDINATION WITH OTHER ACCESSION BONUS AUTHORITY.—A person eligible to execute an agreement under both subsection (a) and section 302h of this title shall elect which authority to execute the agreement under. A person may not execute an agreement under both subsection (a) and such section 302h.

"(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2007.".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302j the following new item:

"302k. Special pay: accession bonus for medical officers in critically short wartime specialties.

"302l. Special pay: accession bonus for dental specialist officers in critically short wartime specialties.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 617. INCREASE IN NUCLEAR CAREER ACCESSION BONUS FOR NUCLEAR-QUALIFIED OFFICERS.

(a) INCREASE.—Section 312b(a)(1) of title 37, United States Code, is amended by striking "$20,000" and inserting "$30,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to agreements under section 312b of title 37, United States Code, entered into on or after that date.

SEC. 618. MODIFICATION OF CERTAIN AUTHORITIES APPLICABLE TO THE TARGETED SHAPING OF THE ARMED FORCES.

(a) VOLUNTARY SEPARATION PAY AND BENEFITS.

(1) INCREASE IN MAXIMUM AMOUNT OF PAY.—Subsection (f) of section 1175a of title 10, United States Code, is amended by striking "two times" and inserting "four times".

(2) EXTENSION OF AUTHORITY.—Subsection (k)(1) of such section is amended by striking "December 31, 2008" and inserting "December 31, 2012".

(3) REPEAL OF LIMITATION ON APPLICABILITY.—Subsection (b) of section 643 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310; 10 U.S.C. 1175a note) is repealed.

(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(c) ENHANCED AUTHORITY FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGES.—

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting "and during the period beginning on October 1, 2006, and ending on December 31, 2012," after "December 31, 2001,".

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: "However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.".

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade"; and

(B) in subparagraph (B), by inserting before the period the following: ", except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade".

(d) INCREASE IN AMOUNT OF INCENTIVE BONUS FOR TRANSFER BETWEEN ARMED FORCES.—Section 327(d)(1) of title 37, United States Code, is amended by striking "$2,500" and inserting "$10,000".

SEC. 619. EXTENSION OF PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMY.

(a) EXTENSION.—Subsection (a) of section 606 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3287; 37 U.S.C. 211 note) is amended by striking "During fiscal year 2006" and inserting "During the period beginning on January 6, 2006, and ending on December 31, 2008".

(b) REPORT DATE.—Subsection (d)(1) of such section is amended by striking "February 1, 2007" and inserting "February 1, 2008".

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 329. Special pay: accession bonus for officer candidates

"(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned.

"(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—

"(1) to complete officer candidate school;

"(2) to accept a commission or appointment as an officer of the armed forces; and

"(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

"(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

"(d) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"329. Special pay: accession bonus for officer candidates.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) LIMITATION ON AMOUNT.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) CONSTRUCTION WITH ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

SEC. 621. ENHANCEMENT OF BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve," and inserting "an individual referred to in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.".

(b) AMOUNT OF BONUS.—Subsection (d) of such section is amended to read as follows:

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable in two lump sums as provided in subsection (e).".

(c) PAYMENT OF BONUS.—Subsection (e) of such section is amended to read as follows:

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person referred.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.".

(d) COORDINATION WITH RECEIPT OF RETIRED PAY.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to such member is entitled under title 10, 37, or 38, United States Code, or under any other provision of law.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXPANSION OF PAYMENT OF REPLACEMENT VALUE OF PERSONAL PROPERTY DAMAGED DURING TRANSPORT AT GOVERNMENT EXPENSE.

(a) COVERAGE OF PROPERTY OF CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE.—Subsection (a) of section 2636a of title 10, United States Code, is amended by inserting "or civilian employees of the Department of Defense" after "members of the armed forces".

(b) REQUIREMENT FOR PAYMENT.—Effective March 1, 2008, such subsection is further amended by striking "may include" and inserting "shall include".

(c) REQUIREMENT FOR DEDUCTION UPON FAILURE OF CARRIER TO SETTLE.—Subsection (b) of such section is amended by striking "may be deducted" and inserting "shall be deducted".

(d) CERTIFICATION ON FAMILIES FIRST PROGRAM.—The Secretary of Defense shall submit to the congressional defense committees a report containing the certifications of the Secretary on the following matters with respect to the program of the Department of Defense known as "Families First":

(1) Whether there is an alternative to the system under the program that would provide equal or greater capability at less cost.

(2) Whether the estimates on costs, and the anticipated schedule and performance parameters, for the program and system are reasonable.

(3) Whether the management structure for the program is adequate to manage and control program costs.

(e) COMPTROLLER GENERAL REPORTS ON FAMILIES FIRST PROGRAM.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a review and assessment of the progress of the Department of Defense in implementing the Families First program.

(2) ELEMENTS.—In conducting the review and assessment required by paragraph (1), the Comptroller General shall—

(A) assess the progress of the Department in achieving the goals of the Families First program, including progress in the development and deployment of the Defense Personal Property System;

(B) assess the organization, staffing, resources, and capabilities of the Defense Personal Property System Project Management Office established on April 7, 2006;

(C) evaluate the growth in cost of the program since the previous assessment of the program by the Comptroller General, and estimate the current annual cost of the Defense Personal Property System and each component of that system; and

(D) assess the feasibility of implementing processes and procedures, pending the satisfactory development of the Defense Personal Property System, which would achieve the goals of the program of providing improved personal property management services to members of the Armed Forces.

(3) REPORTS.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives reports as follows:

(A) An interim report on the review and assessment required by paragraph (1) not later than December 1, 2006.

(B) A final report on the review and assessment by not later than June 1, 2007.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. MODIFICATION OF DEPARTMENT OF DEFENSE CONTRIBUTIONS TO MILITARY RETIREMENT FUND AND GOVERNMENT CONTRIBUTIONS TO MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND.—

(1) DETERMINATION OF CONTRIBUTIONS.—Section 1465 of title 10, United States Code, is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A)(ii)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the period at the end the following: ", except that amounts expected to be paid to members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section shall be excluded"; and

(ii) in subparagraph (B)(ii)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty"; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting "other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section," after "full-time National Guard duty,"; and

(ii) in subparagraph (B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty".

(2) PAYMENTS.—Section 1466(a) of such title is amended—

(A) in paragraph (1)(B)—

(i) by striking "(other than active duty for training)";

(ii) by striking "(other than full-time National Guard duty for training only)"; and

(iii) by inserting before the period at the end the following: ", except that amounts accrued for that month by members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section shall be excluded"; and

(B) in paragraph (2)(B)—

(i) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(ii) by striking "and other than members on full-time National Guard duty other than for training) who are" and inserting ") for duty".

(b) DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.—

(1) EXCLUSION OF CADETS AND MIDSHIPMEN FROM TREATMENT ON ACTIVE DUTY.—Section 1111(b) of such title is amended by adding at the end the following new paragraph:

"(5) The term 'members of the uniformed services on active duty' does not include a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or a midshipman at the United States Naval Academy.".

(2) DETERMINATION OF CONTRIBUTIONS.—Section 1115 of such title is amended—

(A) in subsection (b)—

(i) in paragraph (1)(B)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the period at the end the following: ", other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section"; and

(ii) in paragraph (2)(B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "other than members on full-time National Guard duty other than for training)"; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) by striking "(other than active duty for training)";

(II) by striking "(other than full-time National Guard duty for training only)"; and

(III) by inserting before the semicolon the following: ", other than members who would be excluded from counting for active-duty end strength purposes by section 115(i) of this title for duty covered by such section"; and

(ii) in subparagraph (B)—

(I) by striking "Ready Reserve" and inserting "Selected Reserve"; and

(II) by striking "(other than members on full-time National Guard duty other than for training)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

(b) Prohibition on Retroactive Benefits.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) Return of SBP Premiums Previously Refunded to SBP Recipients.—

(1) Return of certain refunded amounts required.—Under regulations prescribed by the Secretary of Defense, a surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code (as in effect on the day before the effective date provided under subsection (e)), shall be required to repay such refund to the United States.

(2) Terms and conditions.—A surviving spouse repaying a refund to the United States under this subsection shall not be required to pay the United States any interest that would otherwise accrue or have accrued on any balance of such refund while such balance remains unpaid to the United States under this subsection. The amount repayable to the United States shall be repayable in a lump sum or over a period of years (not to exceed 10 years) agreed to by the surviving spouse or specified by the Secretary of Defense, in the absence of such an agreement.

(3) Waiver of repayment.—The Secretary of Defense may waive the repayment of a refund under this subsection if the Secretary determines that—

(A) hardship or other circumstances make repayment of such refund unwarranted;

(B) repayment of such refund would otherwise not be in the best interests of the United States.

(d) Reconsideration of Optional Annuity.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by adding at the end the following new sentences. "The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.".

(e) Effective Date.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 643. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2006".

SEC. 644. EXPANSION OF CONDITIONS FOR DIRECT PAYMENT OF DIVISIBLE RETIRED PAY.

(a) Repeal of Certain Condition.—Section 1408(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively.

(b) Effective Date.—

(1) In general.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) Prohibition on retroactive payments.—No payment may be made under section 1408(d) of title 10, United States Code, to or for the benefit of any person covered by paragraph (2) of such section (as in effect on the day before the effective date specified in paragraph (1)) for any period before such effective date.

SEC. 645. AUTHORITY FOR COST OF LIVING ADJUSTMENTS OF RETIRED PAY TREATED AS DIVISIBLE PROPERTY.

(a) In General.—Section 1408 of title 10, United States Code, is amended—

(1) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

"(i) Cost of Living Adjustments of Divisible Property.—A court order under subsection (a)(2)(C) may provide for the adjustment of the amount, if expressed in dollars, payable from the disposable retired pay of a member at the same time and in the same manner as retired pay is adjusted to reflect changes in the Consumer Price Index under section 1401a of this title.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to court orders that become effective after the end of the 90-day period beginning on the date of enactment of this Act.

SEC. 646. NOTICE AND COPY TO MEMBERS OF COURT ORDERS ON PAYMENT OF RETIRED PAY.

(a) Waiver of Notice.—Subsection (g) of section 1408 of title 10, United States Code, is amended—

(1) by inserting "(1)" before "A person"; and

(2) by adding at the end the following new paragraph:

"(2) A member may waive receipt of notice on a court order otherwise required by paragraph (1). The waiver shall take such form and include such requirements as the Secretary concerned may prescribe.".

(b) Copy of Court Order Upon Request.—Such subsection is further amended—

(1) in paragraph (1), as designated by subsection (a)(1) of this section, by striking "(together with a copy of such order)"; and

(2) by adding at the end the following new paragraph:

"(3) Upon the request of a member, written notice of a court order under paragraph (1) shall include a copy of the court order.".

(c) Effective Date.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to court orders received on or after such date.

SEC. 647. RETENTION OF ASSISTIVE TECHNOLOGY AND DEVICES BY CERTAIN MEMBERS OF THE ARMED FORCES AFTER SEPARATION FROM SERVICE.

(a) Retention Authorized.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1154. Retention of assistive technology and devices provided before separation

"(a) In General.—Under regulations prescribed by the Secretary of Defense, a member of the armed forces who is provided an assistive technology or assistive technology device while a member of the armed forces for a severe or debilitating illness or injury incurred or aggravated by such member on active duty may retain such assistive technology or assistive technology device after separation from the armed forces.

"(b) Definitions.—In this section, the terms 'assistive technology' and 'assistive technology device' have the meaning given such terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

"1154. Retention of assistive technology and devices provided before separation.".

SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) In General.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking "have a death gratuity paid" and inserting "have fallen hero compensation paid".

(2) In section 1476(a)—

(A) in paragraph (1), by striking "a death gratuity" and inserting "fallen hero compensation"; and

(B) in paragraph (2), by striking "A death gratuity" and inserting "Fallen hero compensation".

(3) In section 1477(a), by striking "A death gratuity" and inserting "Fallen hero compensation".

(4) In section 1478(a), by striking "The death gratuity" and inserting "The amount of fallen hero compensation".

(5) In section 1479(1), by striking "the death gratuity" and inserting "fallen hero compensation".

(6) In section 1489—

(A) in subsection (a), by striking "a gratuity" in the matter preceding paragraph (1) and inserting "fallen hero compensation"; and

(B) in subsection (b)(2), by inserting "or other assistance" after "lesser death gratuity".

(b) Clerical Amendments.—

(1) Heading amendments.—Such subchapter is further amended by striking "**Death Gratuity:**" each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting "**Fallen Hero Compensation:**".

(2) Table of sections.—The table of sections at the beginning of such subchapter is amended by striking "Death gratuity:" in the items relating to sections 1474 through 1480 and 1489 and inserting "Fallen hero compensation:".

(c) General References.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SEC. 649. EFFECTIVE DATE OF TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY VIRTUE OF UNEMPLOYABILITY.

(a) In General.—Section 1414(a)(1) of title 10, United States Code, is amended by striking "100 percent" the first place it appears and all that follows and inserting "100 percent and in the case of a qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SEC. 650. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) Determination of Retired Pay Base.—

(1) In General.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section:

"§ 1407a. Retired pay base: members who were general or flag officers

"Notwithstanding any other provision of law, if the determination of the retired pay base or retainer pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grades O–7 through O–10 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.".

(2) Clerical Amendment.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

"1407a. Retired pay base: members who were general or flag officers.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

SEC. 651. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) In General.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

"(3) 30 Years of Service.—

"(A) Retirement Before January 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

"(B) Retirement After December 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

"(i) 75 percent; and

"(ii) the product (stated as a percentage) of—

"(I) 2½; and

"(II) the member's years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.".

(b) Retired Pay for Non-Regular Service.—Section 12739(c) of such title is amended—

(1) by striking "The total amount" and inserting "(1) Except as provided in paragraph (2), the total amount"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

"(A) 75 percent of the retired pay base upon which the computation is based; and

"(B) the product of—

"(i) the retired pay base upon which the computation is based; and

"(ii) 2½ percent of the years of service credited to that person under section 12733 of this title for service, regardless of when served, under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.".

SEC. 652. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) In General.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking "who dies after November 23, 2003" and inserting "who dies after October 7, 2001".

(b) Applicability.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

SEC. 653. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) Reduced Eligibility Age.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) Continuation of Age 60 as Minimum Age for Eligibility of Non-Regular Service Retirees for Health Care.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) Administration of Related Provisions of Law or Policy.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) Effective Date and Applicability.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 661. AUDIT OF PAY ACCOUNTS OF MEMBERS OF THE ARMY EVACUATED FROM A COMBAT ZONE FOR INPATIENT CARE.

(a) Audit Required.—

(1) In General.—The Secretary of the Army shall conduct a complete audit of the pay accounts of each member of the Army wounded or injured in a combat zone who was evacuated from a theater of operations for inpatient care during the period beginning on May 1, 2005, and ending on April 30, 2006.

(2) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the audit conducted under paragraph (1).

(3) Report Elements.—The report under paragraph (2) shall include the following:

(A) A list of each member of the Army described in paragraph (1) identified (in a manner that protects the privacy of members so listed) by—

(i) date of wound or injury on which inclusion of such member on the list is based; and

(ii) grade and unit designation as of such date.

(B) For each member so listed, a statement of any underpayment of each of any pay, allowance, or other monetary benefit to which such member was entitled during the period beginning on the date of such wound or injury and ending on April 30, 2006, including basic pay, hazardous duty pay, imminent danger pay, basic allowance for housing, basic allowance for subsistence, any family separation allowance, any tax exclusion for combat duty, and any other pay, allowance, or monetary benefit to which such member was entitled during such period.

(C) For each member so listed, a statement of any disbursements made to correct underpayments made to such member as identified under subparagraph (B).

(D) For each member so listed, a statement of any debts to the United States collected or pending collection from such member.

(E) For each member so listed, a statement of any reimbursements or debt relief granted to such member for a debt identified under subparagraph (D).

(F) For each member so listed who has applied to the United States for a relief of debt—

(i) a description of the nature of the debt for which relief was applied; and

(ii) a description of the disposition of the application, including, if granted, the date of disbursement for relief granted, and, if denied, the reasons for the denial.

(G) For each member so listed, a report of any referral of such member to a collection or credit agency.

(4) Form.—The report under paragraph (2) shall be in unclassified form, but may include a classified annex.

(b) Assistance With Pay or Account Difficulties.—

(1) Call Assistance Center.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish

within the Department of Defense an assistance center, accessible by toll-free telephone call, through which a covered member of the Armed Forces, or the primary next of kin of such a member in the case of such a member who dies, may secure assistance in resolving difficulties relating to the military pay or accounts of such member.

(2) REQUESTS FOR ASSISTANCE.—A request for assistance under paragraph (1) may be made—

(A) by a covered member of the Armed Forces; or

(B) by the primary next of kin on behalf of, or with respect to, a covered member of the Armed Forces.

(3) RESPONSE TO REQUESTS FOR ASSISTANCE.—The Secretary shall ensure that, in providing assistance under paragraph (1) to a covered member of the Armed Forces or next of kin of such a member, personnel of the assistance center established under that paragraph—

(A) provide an initial response to the request for assistance under paragraph (2) not later than 10 days after receipt of such request; and

(B) provide a final response to the request for assistance under that paragraph not later than 30 days after receipt of such request.

(4) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this subsection, the term "covered member of the Armed Forces" means a member of the Armed Forces wounded or injured in a combat zone who is evacuated from a theater of operations for inpatient care.

SEC. 662. PILOT PROGRAM ON TROOPS TO NURSE TEACHERS.

(a) Pilot Program Required.—

(1) In GENERAL.—The Secretary of Defense shall, in coordination with the Secretary of Health and Human Services and the Secretary of Education, conduct a pilot program to assess the feasibility and potential benefits of a program to—

(A) assist nurse corps officers described in subsection (c) in achieving necessary qualifications to become nurse educators and in securing employment as nurse educators at accredited schools of nursing;

(B) provide scholarships to nurse corps officers described in subsection (c) in return for continuing service in the Selected Reserve or other forms of public service; and

(C) help alleviate the national shortage of nurse educators and registered nurses.

(2) Duration.—Except as provided in subsection (h), the pilot program shall be conducted during the period beginning on January 1, 2007, and ending on December 31, 2012. A nurse corps officer may not enter into an agreement to participate in the pilot program after December 31, 2012.

(3) Regulations.—The pilot program shall be conducted under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Health and Human Services and the Secretary of Education.

(b) Designation.—The pilot program required by subsection (a) shall be known as the "Troops to Nurse Teachers Pilot Program" (in this section referred to as the "Program").

(c) Nurse Corps Officers.—A nurse corps officer described in this subsection is any commissioned officer of the Armed Forces qualified and designated as an officer in a Nurse Corps of the Armed Forces who is—

(1) serving in a reserve component of the Armed Forces;

(2) honorably discharged from the Armed Forces; or

(3) a retired member of the Armed Forces.

(d) Selection of Participants in Program.—

(1) Application.—An eligible nurse corps officer seeking to participate in the Program shall submit to the Secretary of Defense an application therefor. The application shall be in such form, and contain such information, as the Secretary may require.

(2) Selection.—The Secretary shall select participants in the Program from among qualified nurse corps officers submitting applications therefor under paragraph (1).

(e) Participant Agreement.—

(1) In GENERAL.—A nurse corps officer selected under subsection (d) to participate in the Program shall enter into an agreement with the Secretary of Defense relating to participation in the Program.

(2) Elements.—The agreement of a nurse corps officer under the program shall, at the election of the Secretary for purposes of the Program and as appropriate with respect to that status of such nurse corps officer—

(A) require such nurse corps officer, within such time as the Secretary may require, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than one year; or

(B) require such nurse corps officer—

(i) within such time as the Secretary may require, to successfully complete a program leading to a master's degree or doctoral degree in a nursing field from an accredited school of nursing or to a doctoral degree in a related field from an accredited institution of higher education;

(ii) to serve in the Selected Reserve or some other form of public service under terms and conditions established by the Secretary; and

(iii) upon completion of such program and service, to accept an offer of full-time employment as a nurse educator from an accredited school of nursing for a period of not less than 3 years.

(f) Assistance.—

(1) TRANSITION ASSISTANCE.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(A) assistance as follows:

(A) Career placement assistance in securing full-time employment as a nurse educator at an accredited school of nursing.

(B) A stipend in an amount not to exceed $5,000 for transition to employment referred to in paragraph (1), and for educational training for such employment, for a period not to exceed two years after entry by such participant into an agreement under subsection (e).

(2) Scholarship assistance.—The Secretary of Defense may provide a participant in the Program who enters into an agreement described in subsection (e)(2)(B) scholarship assistance to pursue a degree described in subsection (e)(2)(B)(i) in an amount not to exceed $30,000 annually for a period of not more than four years.

(g) Treatment of Assistance.—A stipend or scholarship provided under subsection (f) shall not be taken into account in determining the eligibility of a participant in the Program for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(h) Administration After Initial Period.—

(1) In GENERAL.—The termination of the Program on December 31, 2012, under subsection (a)(2) shall not terminate the entitlement to assistance under the Program of any nurse corps officer entering into an agreement to participate in the Program under subsection (e) that continues in force after that date.

(2) Administration.—The Secretary of Education shall undertake any administration of the Program that is required after December 31, 2012, including responsibility for any funding necessary to provide assistance under the Program after that date.

(i) Report.—

(1) In GENERAL.—Not later than three years after the commencement of the Program, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services and the Secretary of Education, submit to Congress a report on the Program.

(2) Elements.—The report shall—

(A) describe the activities undertaken under the Program; and

(B) include an assessment of the effectiveness of the Program in—

(i) facilitating the development of nurse educators;

(ii) encouraging service in the Selected Reserve and other forms of public service; and

(iii) helping alleviate the national shortage of nurse educators and registered nurses.

(j) Definitions.—In this section:

(1) Nurse EDUCATOR.—The term "nurse educator" means a registered nurse who—

(A) is a member of the nursing faculty at an accredited school of nursing;

(B) holds a graduate degree in nursing from an accredited school of nursing or a doctoral degree in a related field from an accredited institution of higher education;

(C) holds a valid, unrestricted license to practice nursing from a State; and

(D) has successfully completed additional course work in education and demonstrates competency in an advanced practice area of nursing.

(2) School OF NURSING.—The term "school of nursing" means a school of nursing (as that term is defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) that is accredited (as that term is defined in section 801(6) of the Public Health Service Act).

(k) Funding.—From amounts authorized to be appropriated for the Department of Defense, $5,000,000 may be available for the Program.

SEC. 663. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) Members of the Army.—

(1) Coverage of all members and former members.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Army" and all that follows through "in an active status" and inserting "a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army".

(2) Time for exercise of authority.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) Repeal of termination of modified authority.—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) Members of the Navy.—

(1) Coverage of all members and former members.—Section 6161 of title 10, United States Code, is amended by striking "a member of the Navy" and all that follows through "in an active status" and inserting "a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy , or a former member of the Navy".

(2) Time for exercise of authority.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(c) MEMBERS OF THE AIR FORCE.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking "a member of the Air Force" and all that follows through "in an active status" and inserting "a member of the Air Force (including a member on active duty or a member of a reserve component in an active status), a retired member of the Air Force, or a former member of the Air Force".

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding "or" at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

"(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.".

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

SEC. 664. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) EXCEPTION.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) Except as provided in paragraph (2), the Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37), or the designee of such Secretary, determines that disclosure under that paragraph pending such decision is in the best interests of the United States.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2007.

(2) APPLICATION TO PRIOR ACTIONS.—Paragraph (2) of section 2780(b) of title 10, United States Code (as added by subsection (a)), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) REPORT.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

SEC. 665. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) CLARIFICATION OF PAY AND ALLOWANCES.—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting "(including any bonus or special or incentive pay)" after "pay or allowances".

(b) WAIVER BY SECRETARIES CONCERNED.—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting "or the designee of such Secretary" after "title 37,"; and

(2) in subparagraph (A), by striking "$1,500" and inserting "$10,000".

(c) TIME FOR WAIVER.—Subsection (b)(2) of such section is amended by striking "three years" and inserting "five years".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

(e) DEADLINE FOR REVISED STANDARDS.—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

SEC. 666. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER'S DEPENDENT.

(a) TERMS OF CONSUMER CREDIT.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. TERMS OF CONSUMER CREDIT.

"(a) INTEREST.—A creditor who extends consumer credit to a servicemember or a servicemember's dependent shall not require the servicemember or the servicemember's dependent to pay interest with respect to the extension of such credit, except as—

"(1) agreed to under the terms of the credit agreement or promissory note;

"(2) authorized by applicable State or Federal law; and

"(3) not specifically prohibited by this section.

"(b) ANNUAL PERCENTAGE RATE.—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember's dependent.

"(c) MANDATORY LOAN DISCLOSURES.—

"(1) INFORMATION REQUIRED.—With respect to any extension of consumer credit to a servicemember or a servicemember's dependent, a creditor shall provide to the servicemember or the servicemember's dependent the following information in writing, at or before the issuance of the credit:

"(A) A statement of the annual percentage rate applicable to the extension of credit.

"(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(C) A clear description of the payment obligations of the servicemember or the servicemember's dependent, as applicable.

"(2) TERMS.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

"(d) LIMITATION.—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember's dependent without—

"(1) executing new loan documentation signed by the servicemember or the servicemember's dependent, as applicable; and

"(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember's dependent.

"(e) PREEMPTION.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember's dependent.

"(f) PENALTIES.—

"(1) MISDEMEANOR.—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

"(g) DEFINITION.—For purposes of this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of consumer credit.".

(b) CLERICAL AMENDMENT.—The table of contents of the Servicemembers Civil Relief Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

"Sec. 208. Terms of consumer credit".

SEC. 667. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing assistance to families of members of the Armed Forces.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the program for at least six regions of the country through sites established by the Secretary for purposes of the program in such regions.

(2) LOCATION OF CERTAIN SITES.—At least three of the sites established under paragraph (1) shall be located in an area that it geographically isolated from military installations.

(c) FUNCTIONS.—The Secretary shall provide assistance to families of the members of the Armed Forces under the program by providing at each site established for purposes of the program under subsection (b) the following:

(1) Financial, material, and other assistance to families of members of the Armed Forces.

(2) Mobile support services to families of members of the Armed Forces.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services to families of members of the Armed Forces.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and nonprofit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(d) RESOURCES.—

(1) IN GENERAL.—The Secretary shall provide personnel and other resources necessary for the implementation and operation of the program at each site established under subsection (b).

(2) ACCEPTANCE OF CERTAIN SERVICES.—In providing resources under paragraph (1), the Secretary may accept and utilize the services of non-Federal Government volunteers and nonprofit entities.

(e) PROCEDURES.—The Secretary shall establish procedures for the operation of each site established under subsection (b) and for the provision of assistance to families of members of the Armed Forces at such site.

(f) IMPLEMENTATION PLAN.—

(1) PLAN REQUIRED.—Not later than 30 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the actions taken to select and establish sites for the program under subsection (b).

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination on family assistance program and activities between and among the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and nonprofit entities.

(g) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report on the program.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the program, including each site established for purposes of the program, the procedures established under subsection (d) for operations at each such site, and the assistance provided through each such site for families of members of the Armed Forces.

(B) An assessment of the effectiveness of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) ASSISTANCE TO NON-PROFIT ENTITIES PROVIDING ASSISTANCE TO MILITARY FAMILIES.—The Secretary may provide financial, material, and other assistance to non-profit entities in order to facilitate the provision by such entities of assistance to geographically isolated families of members of the Armed Forces.

(i) SUNSET.—The program required by this section, and the authority to provide assistance under subsection (h), shall cease upon the date that is three years after the first obligation of amounts for the program.

(j) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 may be available for the program required by this section and the provision of assistance under subsection (h).

SEC. 668. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking "Chief Operating Officer" each place it appears and inserting "Chief Executive Officer"; and

(B) in subsection (e)(1), by striking "Chief Operating Officer's" and inserting "Chief Executive Officer's".

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking "Chief Operating Officer" each place it appears in a provision as follows and inserting "Chief Executive Officer":

(A) Section 1511 (24 U.S.C. 411).

(B) Section 1512 (24 U.S.C. 412).

(C) Section 1513(a) (24 U.S.C. 413(a)).

(D) Section 1514(c)(1) (24 U.S.C. 414(c)(1)).

(E) Section 1516(b) (24 U.S.C. 416(b)).

(F) Section 1517 (24 U.S.C. 417).

(G) Section 1518(c) (24 U.S.C. 418(c)).

(H) Section 1519(c) (24 U.S.C. 419(c)).

(I) Section 1521(a) (24 U.S.C. 421(a)).

(J) Section 1522 (24 U.S.C. 422).

(K) Section 1523(b) (24 U.S.C. 423(b)).

(L) Section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

"SEC. 1515. CHIEF EXECUTIVE OFFICER.".

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

"Sec. 1515. Chief Executive Officer.".

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) DIRECTOR AND DEPUTY DIRECTOR OF FACILITIES.—

(1) MILITARY DIRECTOR.—Subsection (b)(1) of section 1517 of such Act (24 U.S.C. 417) is amended by striking "a civilian with experience as a continuing care retirement community professional or".

(2) CIVILIAN DEPUTY DIRECTOR.—Subsection (d)(1)(A) of such section is amended by striking "or a member" and all that follows and inserting "; and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to any vacancy that occur in the position of Director or Deputy Director of a facility of the Armed Forces Retirement Home that occurs on or after that date.

(c) CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such Act (24 U.S.C. 416(c)(1)(K)) is amended by inserting before the period at the end the following: ", who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half)".

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

SEC. 681. SHORT TITLE.

This subtitle may be cited as the "Heroes at Home Act of 2006".

SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CIVILIAN EMPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in transitioning to civilian employment on their return from such deployment.

(b) MEMBERS.—The working group established under subsection (a) shall include a balance of individuals appointed by the Secretary of Defense from among the following:

(1) Personnel of the Department of Defense.

(2) With the concurrence of the Secretary of Veterans Affairs, personnel of the Department of Veterans Affairs.

(3) With the concurrence of the Secretary of Labor, personnel of the Department of Labor.

(c) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) identify and assess the needs of members of the National Guard and Reserve described in subsection (a) in transitioning to civilian employment on their return from deployment as described in that subsection, including the needs of—

(A) members who were self-employed before deployment and seek to return to such employment after deployment;

(B) members who were students before deployment and seek to return to school or commence employment after deployment;

(C) members who have experienced multiple recent deployments; and

(D) members who have been wounded or injured during deployment; and

(2) develop recommendations on means of improving assistance to members of the National Guard and Reserve described in subsection (a) in meeting the needs identified in paragraph (1) on their return from deployment as described in subsection (a).

(d) CONSULTATION.—In carrying out its responsibilities under subsection (c), the working group established under subsection (a) shall consult with the following:

(1) Appropriate personnel of the Small Business Administration.

(2) Representatives of employers who employ members of the National Guard and Reserve described in subsection (a) on their return to civilian employment as described in that subsection.

(3) Representatives of employee assistance organizations.

(4) Representatives of associations of employers.

(5) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

(6) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the working group established under subsection (a) shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the identification and assessment required under subsection (c)(1).

(B) The recommendations developed under subsection (c)(2), including recommendations on the following:

(i) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment and transition needs of members of the National Guard and Reserve described in subsection (a) upon their return from deployment as described in that subsection.

(ii) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

(iii) The improvement of collaboration between the pubic and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make the report under paragraph (1) available to the public, including through the Internet website of the Department of Defense.

(f) TERMINATION.—

(1) IN GENERAL.—The working group established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(2) INTERIM DUTIES.—During the period beginning on the date of the submittal of the report required by subsection (e) and the termination of the working group under paragraph (1), the working group shall serve as an advisory board to the Office for Employers and Employment Assistance Organizations under section 683.

(g) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS.

(a) DESIGNATION OF OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall designate an office within the Department of Defense to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) NAME.—The office designated under this subsection shall be known as the "Office for Employers and Employment Assistance Organizations" (in this section referred to as the "Office").

(3) HEAD.—The Secretary shall designate an individual to act as the head of the Office.

(4) INTEGRATION.—In designating the Office, the Secretary shall ensure close communication between the Office and the military departments, including the commands of the reserve components of the Armed Forces.

(b) FUNCTIONS.—The Office shall have the following functions:

(1) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful adjustment of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(c) RESOURCES TO BE PROVIDED.—

(1) IN GENERAL.—In carrying out the functions specified in subsection (b), the Office shall provide employers, employment assistance organizations, and associations of employers resources, services, and assistance that include the following:

(A) Guidelines on best practices and effective strategies.

(B) Education on the physical and mental health conditions that can and may be experienced by members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection in transitioning to civilian employment, including Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI), including education on—

(i) the detection of warning signs of such conditions;

(ii) the medical, mental health, and employment services available to such members, including materials on services offered by the Department of Defense, the Department of Veterans Affairs (including through the vet center program under section 1712A of title 38, United States Code), the Department of Labor, military support programs, and community mental health clinics; and

(iii) the mechanisms for referring such members for services described in clause (ii) and for other medical and mental health screening and care when appropriate.

(C) Education on the range and types of potential physical and mental health effects of deployment and post-deployment adjustment on family members of members of the National Guard and Reserve described in subsection (a), including education on—

(i) the detection of warning signs of such effects on family members of members of the National Guard and Reserves;

(ii) the medical, mental health, and employment services available to such family members, including materials on such services as described in subparagraph (B)(ii); and

(iii) mechanisms for referring such family members for services described in clause (ii) and for medical and mental health screening and care when appropriate.

(D) Education on mechanisms, strategies, and resources for accommodating and employing wounded or injured members of the National Guard and Reserves in work settings.

(2) PROVISION OF RESOURCES.—The Office shall make resources, services, and assistance available under this subsection through such mechanisms as the head of the Office considers appropriate, including the Internet, video conferencing, telephone services, workshops, trainings, presentations, group forums, and other mechanisms.

(d) PERSONNEL AND OTHER RESOURCES.—The Secretary of Defense shall assign to the Office such personnel, funding, and other resources as are required to ensure the effective discharge by the Office of the functions under subsection (b).

(e) REPORTS ON ACTIVITIES.—

(1) ANNUAL REPORT BY OFFICE.—Not later than one year after the designation of the Office, and annually thereafter, the head of the Office, in consultation with the working group established pursuant to section 682 (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Office during the one-year period ending on the date of such report.

(2) TRANSMITTAL TO CONGRESS.—Not later than 60 days after receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committees on Armed Services of the Senate and the House of Representatives, together with—

(A) such comments on such report, and such assessment of the effectiveness of the Office, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Office as the Secretary considers appropriate.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Office.

(f) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term "employment assistance organization" means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH RELATING TO MENTAL HEALTH OF MEMBERS OF THE NATIONAL GUARD AND RESERVE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) ADDITIONAL RESPONSIBILITIES.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3348) is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ASSESSMENT OF MENTAL HEALTH NEEDS OF MEMBERS OF NATIONAL GUARD AND RESERVE DEPLOYED IN OIF OR OEF.—

"(1) IN GENERAL.—In addition to the activities required under subsection (c), the task force shall, not later than 12 months after the date of the enactment of the Heroes at Home Act of 2006, submit to the Secretary a report containing an assessment and recommendations on the needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(2) ELEMENTS.—The assessment and recommendations required by paragraph (1) shall include the following:

"(A) An assessment of the specific needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(B) An identification of mental health conditions and disorders (including Post Traumatic Stress Disorder (PTSD), suicide attempts, and suicide) occurring among members of the National Guard and Reserve who undergo multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

"(C) Recommendations on mechanisms for improving the mental health services available to members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom, including such members who undergo multiple deployments in such operations, upon their return from such deployment.".

(b) REPORT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) in the subsection heading, by striking "REPORT" and inserting "REPORTS";

(2) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IN GENERAL.—The report submitted to the Secretary under each of subsections (c) and (d) shall include—

"(A) a description of the activities of the task force under such subsection;

"(B) the assessment and recommendations required by such subsection; and

"(C) such other matters relating to the activities of the task force under such subsection as the task force considers appropriate."; and

(3) in paragraph (2)—

(A) by striking "the report under paragraph (1)" and inserting "a report under paragraph (1)"; and

(B) by striking "the report as" and inserting "such report as".

(c) PLAN MATTERS.—Subsection (g) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by striking "the report from the task force under subsection (e)(1)" and inserting "a report from the task force under subsection (f)(1)"; and

(2) by inserting "contained in such report" after "the task force" the second place it appears.

(d) TERMINATION.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by inserting "with respect to the assessment and recommendations required by subsection (d)" after "the task force"; and

(2) by striking "subsection (e)(2)" and inserting "subsection (f)(2)".

SEC. 685. GRANTS ON ASSISTANCE IN COMMUNITY-BASED SETTINGS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE AND THEIR FAMILIES AFTER DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—The Secretary of Defense may award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, after the return of such members from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health conditions that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members of the National Guard and Reserve for medical and mental health screening and care when necessary; and

(3) education to increase awareness of the physical and mental health conditions that family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) depression, anxiety, and relationship problems; and

(B) mechanisms for medical and mental health screening and care when appropriate.

(b) ELIGIBLE ENTITIES.—An entity eligible for the award of a grant under this section is any public or private non-profit organization, such as a community mental health clinic, family support organization, military support organization, law enforcement agency, community college, or public school.

(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An entity awarded a grant under this section shall submit to the Secretary of Defense on an annual basis a report on the activities undertaken by such entity during the preceding year utilizing amounts under the grant. Each report shall include such information as the Secretary shall specify for purposes of this subsection.

(e) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section. The report shall include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The long-term physical and mental health effects of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(3) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(c) REPORTS.—

(1) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to Congress a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(A) Current information on the cumulative outcomes of the study.

(B) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study, including recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and services for members of the Armed Forces with traumatic brain injuries.

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take appropriate actions to make each report under this subsection available to the public.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $5,000,000.

(B) For each of fiscal years 2008 through 2021, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY INCURRED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces for traumatic brain injuries incurred during service in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION OF PANEL.—The panel established under paragraph (1) shall be known as the "Traumatic Brain Injury Family Caregiver Panel".

(3) MEMBERS.—The Traumatic Brain Injury Family Caregiver Panel established under paragraph (1) shall consist of 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among—

(A) physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(B) representatives of family caregivers or family caregiver associations;

(C) Department of Defense and Department of Veterans Affairs health and medical personnel with expertise in traumatic brain injury, and Department of Defense personnel and readiness representatives with expertise in traumatic brain injury;

(D) psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury;

(E) experts in the development of training curricula; and

(F) any other individuals the Secretary considers appropriate.

(b) DEVELOPMENT OF CURRICULA.—

(1) IN GENERAL.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be utilized during the provision of training to family members of members and former members of the Armed Forces described in subsection (a) on techniques, strategies, and skills for care and assistance for such members and former members with the traumatic brain injuries described in that subsection.

(2) SCOPE OF CURRICULA.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) PARTICULAR REQUIREMENTS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricula, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) DISSEMINATION OF CURRICULA.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom or Operation Enduring Freedom. In developing such mechanisms, the Secretary may utilize and enhance existing mechanisms, including the Military Severely Injured Center.

(2) HEALTH CARE PROFESSIONALS.—The health care professionals referred to in this paragraph are the following:

(A) Personnel at military medical treatment facilities.

(B) Personnel at the polytrauma centers of the Department of Veterans Affairs.

(C) Personnel and care managers at the Military Severely Injured Center.

(D) Such other health care professionals of the Department of Defense as the Secretary considers appropriate.

(E) Such other health care professionals of the Department of Veterans Affairs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(3) PROVISION OF TRAINING TO FAMILY CAREGIVERS.—

(A) IN GENERAL.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of members and former members of the Armed Forces who incur traumatic brain injuries during service in the Operation Iraqi Freedom or Operation Enduring Freedom in the care and assistance to be provided for such injuries.

(B) TIMING OF TRAINING.—Training under this paragraph shall, to the extent practicable, be provided to family members while the member or former member concerned is undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs, as applicable, in order to ensure that such family members receive practice on the provision of such care and assistance under the guidance of qualified health professionals.

(C) PARTICULARIZED TRAINING.—Training provided under this paragraph to family members of a particular member or former member shall be tailored to the particular care needs of such member or former member and the particular caregiving needs of such family members.

(4) QUALITY ASSURANCE.—The Secretary shall develop mechanisms to ensure quality in the provision of training under this section to health care professionals referred to in paragraph (2) and in the provision of such training under paragraph (4) by such health care professionals.

(5) REPORT.—Not later than one year after the development of the curricula required by subsection (b), and annually thereafter, the Traumatic Brain Injury Family Caregiver Training Panel shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to Congress, a report on the following:

(A) The actions undertaken under this subsection.

(B) The results of the tracking of outcomes based on training developed and provided under this section.

(C) Recommendations for the improvement of training developed and provided under this section.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $1,000,000.

(B) For each of fiscal years 2008 through 2011, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

TITLE VII—HEALTH CARE

Subtitle A—Benefits Matters

SEC. 701. IMPROVED PROCEDURES FOR CANCER SCREENING FOR WOMEN.

(a) PRIMARY AND PREVENTIVE HEALTH CARE SERVICES AUTHORITY.—Section 1074d of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "The services described in paragraphs (1) and (2) of subsection (b) shall be provided under such procedures and at such intervals as the Secretary of Defense shall prescribe."; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) Cervical cancer screening.

"(2) Breast cancer screening.".

(b) TRICARE PROGRAM.—Section 1079(a)(2) of such title is amended—

(1) in the matter preceding subparagraph (A), by striking "the schedule of pap smears and mammograms" and inserting "the schedule and method of cervical cancer screenings and breast cancer screenings"; and

(2) in subparagraph (B), by striking "pap smears and mammograms" and inserting "cervical and breast cancer screenings".

SEC. 702. NATIONAL MAIL-ORDER PHARMACY PROGRAM.

(a) AVAILABILITY OF REFILLS OF MAINTENANCE-TYPE MEDICATIONS SOLELY THROUGH PROGRAM.—

(1) IN GENERAL.—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(A) in subparagraph (E), by striking "Pharmaceutical agents" and inserting "Except as provided in subparagraph (F), pharmaceutical agents"; and

(B) by adding at the end the following new subparagraph:

"(F)(i) Effective April 1, 2007, refills of maintenance medications shall, except as provided under clause (ii), be available to eligible covered beneficiaries solely through the national mail-order pharmacy program referred to in subparagraph (E)(iii).

"(ii) Under such regulations as the Secretary may prescribe under this subparagraph, refills of a maintenance medication may be available to covered eligible beneficiaries through means other than the national mail-order pharmacy program if clinical requirements make it advisable that such medication be available to such beneficiaries through such other means.

"(iii) The Secretary shall specify the pharmaceutical agents constituting maintenance medications for purposes of this subparagraph.".

(2) CONFORMING AMENDMENT.—Subsection (f)(1) of such section is amended by striking "subsection (a)(2)(E)" and inserting "subparagraphs (E) and (F) of subsection (a)(2)".

(b) PROHIBITION ON COPAYMENTS FOR CERTAIN PHARMACEUTICALS AVAILABLE THROUGH PROGRAM.—Subsection (a)(6) of such section is amended by adding at the end the following new subparagraph:

"(C) In establishing the cost-sharing requirements, the Secretary may not impose any copayment or cost-sharing requirement with respect to the following:

"(i) Refills of generic medications.

"(ii) Brand name medications determined by a physician to be medically necessary.".

SEC. 703. AVAILABILITY UNDER TRICARE OF ANESTHESIA FOR CHILDREN IN CONNECTION WITH DENTAL PROCEDURES FOR WHICH DENTAL ANESTHESIA IS INAPPROPRIATE.

Section 1079(a)(1) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except that, pursuant to such regulations as the Secretary of Defense may prescribe, hospitalization and professional services may be provided in connection with the anesthesia of a child under the age of six years for a dental procedure which, as determined by a qualified dental specialist, is necessary".

SEC. 704. TRICARE COVERAGE FOR FORENSIC EXAMINATIONS FOLLOWING SEXUAL ASSAULTS AND DOMESTIC VIOLENCE.

Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(17) Forensic examinations following a sexual assault or domestic violence may be provided.".

SEC. 705. PROHIBITION ON INCREASE IN FISCAL YEAR 2007 IN ENROLLMENT FEES FOR COVERAGE UNDER TRICARE PRIME.

(a) PROHIBITION.—Fees charged for enrollment in TRICARE Prime may not be increased during fiscal year 2007.

(b) TRICARE PRIME DEFINED.—In this section, the term "TRICARE Prime" means the managed care option of the TRICARE program.

SEC. 706. LIMITATION ON FISCAL YEAR 2007 INCREASE IN PREMIUMS FOR COVERAGE UNDER TRICARE OF MEMBERS OF RESERVE COMPONENTS WHO COMMIT TO CONTINUED SERVICE IN SELECTED RESERVE AFTER RELEASE FROM ACTIVE DUTY.

Any premium charged under subsection (d) of section 1076d of title 10, United States Code, for coverage under TRICARE of members of reserve components who commit to continued service in the Selected Reserve after release from active duty, as authorized by subsection (a) of such section, may not be increased during fiscal year 2007 by an amount which exceeds 2.2 percent of such premium as of September 30, 2006.

SEC. 707. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

Subsection (a)(6) of section 1074g of title 10, United States Code, as amended by section 702(b) of this Act, is further amended by adding at the end the following new subparagraph:

"(D) During the period beginning on October 1, 2006, and ending on September 31, 2007, the cost sharing requirements established under this paragraph for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) may not exceed amounts as follows:

"(i) In the case of generic agents, $3.

"(ii) In the case of formulary agents, $9.

"(iii) In the case of nonformulary agents, $22.".

SEC. 708. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) IN GENERAL.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) is an employee of a business with 20 or fewer employees.".

(b) PREMIUMS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

"(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

Subtitle B—Planning, Programming, and Management

SEC. 721. TREATMENT OF TRICARE RETAIL PHARMACY NETWORK UNDER FEDERAL PROCUREMENT OF PHARMACEUTICALS.

Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) TRICARE RETAIL PHARMACY NETWORK.—The TRICARE Retail Pharmacy Network under the TRICARE program shall be treated as an element of the Department of Defense for purposes of the procurement of drugs by Federal agencies under section 8126 of title 38 in connection with the provision by pharmacies in the Network of pharmaceutical services to eligible covered beneficiaries under this section.".

SEC. 722. RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH CARE PLANS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097b the following new section:

"§1097c. TRICARE program: relationship with employer-sponsored group health plans

"(a) IN GENERAL.—(1) The TRICARE program is the secondary payer for any health care services provided by an employer to a TRICARE eligible employee of such employer, and the spouse of such employee, through any group health plan offered by such employer.

"(2) An employer shall provide that a TRICARE eligible employee of such employer, and the spouse of such employee, is entitled to benefits and services under the group health plan offered by such employer in the same manner and to the same extent as similarly situated employees of such employer who are not TRICARE eligible employees.

"(3) An employer of a TRICARE eligible employee may not establish any condition applicable to the participation of the employee in a group health plan offered by such employer in connection with the entitlement of the employee for health care services under the TRICARE program, including any condition on—

"(A) the eligibility of the employee for participation in the plan; or

"(B) benefits or services available to the employee under the plan.

"(b) PROHIBITION ON INCENTIVES FOR TRICARE ELIGIBLE EMPLOYEES NOT TO ENROLL OR TO DISENROLL IN GROUP HEALTH PLANS.—(1) An employer may not offer a TRICARE eligible employee any financial or other benefit (including health services coverage that is supplemental to health services coverage under the TRICARE program) not to enroll, or to disenroll, in the group health plan offered by the employer in order to ensure that the TRICARE program, rather than the plan, is the primary payer for health care services received by the employee.

"(2)(A) An employer who violates the prohibition in paragraph (1) shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation.

"(B) Any amounts collected under this paragraph shall be credited to the appropriation available for the TRICARE program for the fiscal year in which such amounts are collected.

"(3)(A) Except as provided in subparagraph (B), the provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a) and (b) of such section 1128A, which provisions relate to procedures for the imposition of civil money penalties for certain violations of the Social Security Act, shall apply to the imposition of penalties under paragraph (2).

"(B) The Secretary of Defense may provide in the regulations prescribed under this section for the application to the imposition of penalties under paragraph (2) of procedural requirements specified in such regulations rather than the procedural requirements referred to in subparagraph (A). Any procedural requirements under such regulations shall be comparable to the procedural requirements referred to in subparagraph (A).

"(c) ELECTION OF TRICARE ELIGIBLE EMPLOYEES TO PARTICIPATE IN GROUP HEALTH PLAN.—A TRICARE eligible employee shall have the opportunity to elect to participate in the group health plan offered by the employer of the employee and receive primary coverage for health care services under the plan in the same manner and to the same extent as similarly situated employees of such employer who are not TRICARE eligible employees.

"(d) INAPPLICABILITY TO CERTAIN EMPLOYERS.—The provisions of this section do not apply to any employer who has fewer than 20 employees.

"(e) RETENTION OF ELIGIBILITY FOR COVERAGE UNDER TRICARE.—Nothing in this section, including an election made by a TRICARE eligible employee under subsection (c), shall be construed to effect, modify, or terminate the eligibility of a TRICARE eligible employee or spouse of such employee for health care or dental services under this chapter in accordance with the other provisions of this chapter.

"(f) COLLECTION OF INFORMATION.—(1) To improve the administration of this section, the Secretary of Defense may utilize the authorities on collection of information set forth in paragraphs (1) and (2) of section 1095(k) of this title, including the authority in the second sentence of paragraph (2) of such section.

"(2) Information obtained pursuant to the use of the authorities in paragraph (1) may not be disclosed for any purpose of than to carry out the purpose of this section.

"(g) OUTREACH.—The Secretary of Defense shall, in coordination with the other administering Secretaries, conduct outreach to inform covered beneficiaries who are entitled to health care benefits under the TRICARE program of the rights and responsibilities of such beneficiaries and employers under this section.

"(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the administration and enforcement of this section. The regulations shall be prescribed in consultation with the other administering Secretaries and the Attorney General, as appropriate.

"(i) DEFINITIONS.—In this section:

"(1) The term 'employer' includes a State or unit of local government.

"(2) The term 'group health plan' means a group health plan (as that term is defined in section 5000(b)(1) of the Internal Revenue Code of 1986 without regard to section 5000(d) of the Internal Revenue Code of 1986).

"(3) The term 'primary payer' means a group health plan that provides a benefit that would be primary under section 1079(j)(1) or 1086(g) of this title.

"(4) The term 'secondary payer' means a plan or program whose medical benefits are payable only after a primary payer has provided medical benefits in accordance with applicable law and the plan of the primary payer.

"(5) The term 'TRICARE eligible employee' means a covered beneficiary under section 1086 of this title entitled to health care benefits under the TRICARE program.

"(j) EFFECTIVE DATE.—This section shall take effect on January 1, 2008.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097b the following new item:

"1097c. TRICARE program: relationship with employer-sponsored group health plans.".

SEC. 723. ENROLLMENT IN THE TRICARE PROGRAM.

(a) SYSTEM OF ENROLLMENT REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097c, as added by section 722(a) of this Act, the following new section:

"§1097d. TRICARE program: system of enrollment

"(a) ESTABLISHMENT OF SYSTEM.—Not later than October 1, 2007, the Secretary of Defense shall establish a universal system for enrollment of all beneficiaries who obtain health care services from military medical treatment facilities or civilian health care providers under the TRICARE program (in this section referred to as 'participating beneficiaries').

"(b) PURPOSES OF SYSTEM.—The purposes of the system required by subsection (a) shall be as follows:

"(1) To ensure the efficient administration of benefits under the TRICARE program, including the Standard option of TRICARE.

"(2) To ensure that the geographic distribution of healthcare providers under the TRICARE program meets the needs of participating beneficiaries for ready access to health care services under the program.

"(3) To promote the implementation of disease management and chronic care management programs authorized by the National Defense Authorization Act for Fiscal Year 2007 and other provisions of law.

"(c) ELEMENTS.—The system required by subsection (a) shall be subject to the following:

"(1) Enrollment is required for all benefits options under the TRICARE program.

"(2) A one-time enrollment fee (in the amount of $25, in the case of an individual enrolling in self only coverage, or $40, in the case of an individual enrolling in self and family coverage) may be collected for all participating beneficiaries who utilize the Standard option of TRICARE, except that such enrollment fee may not be collected from the following:

"(A) Dependents of members of the armed forces on active duty.

"(B) Dependents of Reserves on extended active duty pursuant to a call or order to active duty of 30 days or more.

"(C) Participating beneficiaries who are also eligible for benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"(D) Participating beneficiaries enrolled in TRICARE Reserve Select under section 1076d of this title.

"(3) Enrollment in the system may occur at any time.

"(4) Enrollment in the system shall be by a variety of means utilizing a standard format.

"(d) ADMINISTRATION.—The Secretary shall provide for the administration of the system in each region of the TRICARE program by the TRICARE Regional Director for such region.

"(e) HEALTH RISK ASSESSMENT.—(1) The Secretary of Defense shall provide to each participating beneficiary who enrolls in the system required by subsection (a) a health risk assessment not later than 120 days after the date of the enrollment of such participating beneficiary in the system.

"(2) The Secretary shall provide health risk assessments under paragraph (1) by any means that the Secretary considers appropriate for purposes of this section.

"(f) Consequences of Lack of Payment of Enrollment Fee.—(1) In the case of any participating beneficiary who is subject to the payment of an enrollment fee under the authority in subsection (c)(2), payment of the enrollment fee shall, except as provided in paragraph (2), be a condition for receipt of benefits under the TRICARE program.

"(2) The Secretary of Defense may waive the applicability of paragraph (1) to any participating beneficiary or class of participating beneficiaries if the Secretary determines that the waiver is in the best interests of the United States.

"(g) Communications and Outreach With Enrollees.—(1) The Secretary of Defense shall, on a periodic basis but not less often than annually, provide to participating beneficiaries who are enrolled in the system required by subsection (a) information on current matters relating to the TRICARE program, including information on benefits available under the TRICARE program and information on preventive health care services and other practices intended to promote health and wellness among such participating beneficiaries.

"(2) The Secretary shall, on a periodic basis, conduct surveys or otherwise collect information on participating beneficiaries enrolled in the system with respect to the following:

"(A) The satisfaction of such beneficiaries who are participants in the option of the TRICARE program known as TRICARE Standard with the nature and scope of, and access to, health care services under that option.

"(B) Other health care insurance, if any, that is available to such beneficiaries.

"(C) Any other matters that the Secretary considers appropriate to improve health care benefits and access to health care services under the TRICARE program.

"(h) Consultation.—The Secretary of Defense shall carry out this section in consultation with the other administering Secretaries.".

(b) Comptroller General Report on System.—Not later than September 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the system of enrollment required by section 1097d of title 10, United States Code (as added by subsection (a)). The report shall include the following:

(1) An assessment of the progress made toward implementation of the system.

(2) A description and assessment of the integration of the system with the regional business plan of the TRICARE Regional Offices.

(3) An assessment of the readiness of the Department to implement the system by October 1, 2007.

(c) Repeal of Superseded Authority.—Section 1099 of title 10, United States Code, is repealed.

(d) Clerical Amendments.—The table of sections at the beginning of chapter 55 of such title is amended—

(1) by inserting after the item relating to section 1097c, as added by section 722(b) of this Act, the following new item:

"1097d. TRICARE program: system of enrollment.";

and

(2) by striking the item relating to section 1099.

SEC. 724. INCENTIVE PAYMENTS FOR THE PROVISION OF SERVICES UNDER THE TRICARE PROGRAM IN MEDICALLY UNDERSERVED AREAS.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097d, as added by section 723(a) of this Act, the following new section:

"§ 1097e. TRICARE program: incentive payments for provision of services in medically underserved areas

"(a) Incentive Payments Authorized.—(1) Commencing with the calendar quarter beginning on January 1, 2008, the Secretary of Defense, after consultation with the other administering Secretaries, shall make incentive payments under this section to physicians participating in the TRICARE program in a medically underserved area.

"(2) Incentive payments payable under this section shall be paid with respect to physician professional services furnished in medically underserved areas.

"(3) The incentive payment payable under this section with respect to a physician professional service is in addition to any other amounts payable for such service under the TRICARE program.

"(b) Medically Underserved Area.—For purposes of this section, a medically underserved area is either of the following:

"(1) A primary care scarcity county (with respect to a primary care physician) or specialist care scarcity county (with respect to any other physician) identified by the Secretary of Health and Human Services under section 1833(u)(4) of the Social Security Act (42 U.S.C. 1395l(u)(4)).

"(2) A health professional shortage area identified by the Secretary of Health and Human Services under section 1833(m)(1) of the Social Security Act (42 U.S.C. 1395l(m)(1)).

"(c) Amount of Incentive Payment.—The amount of the incentive payment payable under subsection (a) with respect to a physician professional service is as follows:

"(1) In the case of a service furnished by a primary care physician in a primary care scarcity county or a service furnished by any other physician in a specialist care scarcity county covered by subsection (b)(1), an amount equal to 5 percent of the amount payable for the service under the TRICARE program.

"(2) In the case of a service furnished in an area covered by subsection (b)(2), an amount equal to 10 percent of the amount payable for the service under the TRICARE program.

"(3) In the case of a service provided in a location that is covered by both paragraphs (1) and (2) of subsection (b), an amount equal to 15 percent of the amount payable for the service under the TRICARE program.

"(d) Location of Provision of Service.—(1) For purposes of identifying the location in which a physician professional service is furnished for purposes of this section, the Secretary of Defense shall use the 5-digit postal ZIP code system.

"(2) If the 5-digit postal ZIP code for an area covers more than one county, the dominant county (as determined by the United States Postal Service or otherwise) shall be used to determine whether the postal ZIP code is in a scarcity county covered by subsection (b)(1).

"(e) Frequency of Payment.—Incentive payments payable under this section shall be paid on a quarterly basis for incentive payments accrued during the previous calendar quarter.

"(f) Regulations.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 55 of such title, as amended by section 723(d)(1) of this Act, is further amended by inserting after the item relating to section 1097d the following new item:

"1097e. TRICARE program: incentive payments for provision of services in medically underserved areas.".

SEC. 725. STANDARDIZATION OF CLAIMS PROCESSING UNDER TRICARE PROGRAM AND MEDICARE PROGRAM.

(a) In General.—Effective October 1, 2007, the claims processing requirements under the TRICARE program on the matters described in subsection (b) shall be identical to the claims processing requirements under the Medicare program on such matters.

(b) Covered Matters.—The matters described in this subsection are as follows:

(1) The utilization of single or multiple provider identification numbers for purposes of the payment of health care claims by Department of Defense contractors.

(2) The documentation required to substantiate medical necessity for items and services that are covered under both the TRICARE program and the Medicare program.

(c) Immediate Collection From Third-Party Payers.—

(1) Policy Required.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe in regulations a policy for the collection of amounts from third-party payers as authorized by section 1095 of title 10, United States Code, immediately upon the presentation of claims for health care services to the Department of Defense.

(2) Overpayment.—The policy required by subsection (a) shall include mechanisms for the recoupment by third-party payers of amounts overpaid to the United States under the policy.

(d) Annual Reports on Claims Processing Standardization.—

(1) In general.—Not later than October 1, 2007, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a complete list of the claims processing requirements under the TRICARE program that differ from claims processing requirements under the Medicare program.

(2) Elements.—Each report under paragraph (1) shall include, for each claims processing requirement listed in such report, a business case that justifies maintaining such requirement under the TRICARE program as a different claims processing requirement than that required under the Medicare program.

(e) Definitions.—In this section:

(1) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term "Medicare program" means the program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 726. REQUIREMENTS FOR SUPPORT OF MILITARY TREATMENT FACILITIES BY CIVILIAN CONTRACTORS UNDER TRICARE.

(a) Annual Integrated Regional Requirements on Support.—The Regional Director of each region under the TRICARE program shall develop each year integrated, comprehensive requirements for the support of military treatment facilities in such region that is provided by contract civilian health care and administrative personnel under the TRICARE program.

(b) Purposes.—The purposes of the requirements established under subsection (a) shall be as follows:

(1) To ensure consistent standards of quality in the support of military treatment facilities by contract civilian health care personnel under the TRICARE program.

(2) To identify targeted, actionable opportunities throughout each region of the TRICARE program for the most efficient delivery of health care and support of military treatment facilities.

(3) To ensure the most effective use of various available contracting methods in securing support of military treatment facilities by civilian

personnel under the TRICARE program, including resource-sharing and clinical support agreements, direct contracting, and venture capital investments.

(4) To achieve savings targets for each region under the TRICARE program.

(c) FACILITATION AND ENHANCEMENT OF CONTRACTOR SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to facilitate and enhance the support of military treatment facilities under the TRICARE program in order to assure maximum quality and productivity.

(2) ACTIONS.—In taking actions under paragraph (1), the Secretary shall—

(A) ensure approval by a Regional Director of all proposals for the support of military treatment facilities in the region concerned in accordance with the most current requirements established by such Regional Director under subsection (a);

(B) ensure the availability of adequate and sustainable funding support for projects which produce a return on investment to the military treatment facilities;

(C) ensure that a portion of any return on investment is returned to the military treatment facility to which such savings are attributable;

(D) require consistent standards of quality for contract civilian health care personnel providing support of military treatment facilities under the TRICARE program, including—

(i) consistent credentialing requirements among military treatment facilities; and

(ii) accreditation of health care staffing firms by the Joint Commission on the Accreditation of Health Care Organization Health Care Staffing Standards;

(E) remove financial disincentives for military treatment facilities and civilian contractors to initiate and sustain agreements for the support of military treatment facilities by such contractors under the TRICARE program;

(F) provide for a consistent process across all regions of the TRICARE program for developing cost benefit analyses of agreements for the support of military treatment facilities by civilian contractors under the TRICARE program based on actual cost and utilization data within each region of the TRICARE program; and

(G) provide for a system for tracking the performance of each project for support of military treatment facilities by a civilian contractor under the TRICARE program.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 1 each year, the Secretary shall submit to the congressional defense committees a report on the support of military treatment facilities by civilian contractors under the TRICARE program during the preceding fiscal year.

(2) ELEMENTS.—Each report shall set forth, for the fiscal year covered by such report, the following:

(A) The status of the support of military health treatment facilities that is provided by contract civilian health care personnel under the TRICARE program in each region of the TRICARE program.

(B) An assessment of the compliance of such support with regional requirements under subsection (a).

(C) The number and type of agreements for the support of military treatment facilities by contract civilian health care personnel.

(D) The standards of quality in effect under the requirements under subsection (a).

(E) The savings anticipated, and any savings achieved, as a result of the implementation of the requirements under subsection (a).

SEC. 727. UNIFORM STANDARDS FOR ACCESS TO HEALTH CARE SERVICES FOR WOUNDED OR INJURED SERVICEMEMBERS.

(a) UNIFORM STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations uniform standards for the access of wounded or injured members of the Armed Forces to health care services through the military health care system.

(b) MATTERS COVERED BY STANDARDS.—The standards required by subsection (a) shall establish uniform policy with respect to the following:

(1) The access of wounded or injured members of the Armed Forces to emergency care.

(2) The access of such members to surgical services.

(3) Waiting times for referrals and consultations of such members by medical personnel, dental personnel, mental health specialists, and rehabilitative service specialists, including personnel and specialists with expertise in prosthetics and the in treatment of head, vision, and spinal cord injuries.

(4) Waiting times of such members for acute care and for routine follow-up care.

(c) REFERRAL TO PROVIDERS OUTSIDE MILITARY HEALTH CARE SYSTEM.—To the extent practicable, the Secretary shall require in the standards under subsection (a) that the standards be met through whatever means or mechanisms possible, including through the referral of members described in that subsection to health care providers outside the military health care system.

(d) TRACKING OF PERFORMANCE.—The standards required by subsection (a) shall require each Secretary concerned to establish mechanisms for tracking the performance of the military health care system under the jurisdiction of such Secretary in meeting the requirements for access of wounded or injured members of the Armed Forces to health care services set forth in such standards.

(e) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 728. DISEASE AND CHRONIC CARE MANAGEMENT.

(a) PROGRAM REQUIRED.—Not later than October 1, 2007, the Secretary of Defense shall establish and implement throughout the military health care system a fully-integrated program on disease and chronic care management that provides, to the extent practicable, uniform policies and practices, and regional execution of such policies and practices, on disease management and chronic care management throughout that system, including both military hospitals and clinics and civilian healthcare providers.

(b) PURPOSES OF PROGRAM.—The purposes of the program required by subsection (a) are as follows:

(1) To facilitate the improvement of the health status of individuals under care in the military health care system.

(2) To ensure the availability of effective health care services in that system for individuals with diseases and other chronic conditions.

(3) To ensure the proper allocation of health care resources for individuals who need care for disease or other chronic conditions.

(c) ELEMENTS.—The program required by subsection (a) shall meet the following requirements:

(1) Based on uniform policies prescribed by the Secretary under subsection (a), the program shall, at a minimum, address the following chronic diseases and conditions:

(A) Diabetes.

(B) Cancer.

(C) Heart disease.

(D) Asthma.

(E) Chronic obstructive pulmonary disorder.

(F) Depression and anxiety disorders.

(2) The program shall meet nationally-recognized accreditation standards for disease and chronic care management.

(3) The program shall include specific outcome measures and objectives on disease and chronic care management.

(4) The program shall include strategies for disease and chronic care management for all beneficiaries, including beneficiaries eligible for benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), for whom the TRICARE program is not the primary payer for health care benefits.

(5) Activities under the program shall conform to applicable laws and regulations relating to the confidentiality of health care information.

(d) DESIGN OF CERTAIN PORTIONS OF PROGRAM.—As part of the program required under subsection (a), the Secretary may contract for the design of a disease and chronic care management program for the military health care system.

(e) ACTIONS TO FACILITATE PROGRAM.—In order to facilitate the carrying out of the program required by subsection (a), the Secretary shall—

(1) require a comprehensive analysis of the disease and chronic care management opportunities within each region of the TRICARE program, including within military treatment facilities and through contractors under the TRICARE program;

(2) ensure continuous, adequate funding of disease and chronic care management activities throughout the military health care system in order to achieve maximum health outcomes and cost avoidance;

(3) eliminate, to the extent practicable, any financial disincentives to sustained investment by military hospitals and health care services contractors of the Department of Defense in the disease and chronic care management activities of the Department;

(4) ensure that appropriate clinical and claims data, including pharmacy utilization data, is available for use in implementing the program;

(5) ensure outreach to eligible beneficiaries, who, on the basis of their clinical conditions, are candidates for the program utilizing print and electronic media, telephone, and personal interaction; and

(6) provide a system for monitoring improvements in health status and clinical outcomes under the program and savings associated with the program.

(f) COMPTROLLER GENERAL REPORT.—Not later than September 15, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the program required by subsection (a). The report shall include the following:

(1) An assessment of the progress made toward implementation of the program.

(2) A description and assessment of the integration of disease and chronic care management strategies in the regional business plan of the TRICARE Regional Offices.

(3) An assessment of the readiness of the Department to implement the program by October 1, 2007.

(g) SECRETARY OF DEFENSE REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2008, and every year thereafter, the Secretary shall submit to the congressional defense committees a report on the program required by subsection (a).

(2) REPORT ELEMENTS.—Each report required by this subsection shall include the following:

(A) An assessment of the program during the one-year period ending on the date of such report.

(B) A description and assessment of improvements in health status and clinical outcomes.

(C) A description of the savings and return on investment associated with the program.

(D) A description of an investment strategy to assure the sustainment of the disease and

chronic care management programs of the Department of Defense.

SEC. 729. POST-DEPLOYMENT HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES RETURNING FROM DEPLOYMENT IN SUPPORT OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations requirements applicable to the conduct of post-deployment health assessments for members of the Armed Forces returning from deployment in support of a contingency operation.

(b) GENERAL REQUIREMENTS.—The regulations prescribed under subsection (a) shall require the following:

(1) That a health assessment be conducted on each member of the Armed Forces returning from deployment in support of a contingency operation within such time after the return of such member from deployment as the Secretary shall specify in the regulations.

(2) That each health assessment be conducted by a healthcare provider having such qualifications as the Secretary shall specify in the regulations.

(3) That each health assessment assess such health-related matters as the Secretary shall specify in the regulations, including an assessment of mental health (including Traumatic Brain Injury (TBI)) for referral of a member for further evaluation relating to mental health (including evaluation of the effects of combat or operational stress).

(4) That the results of each health assessment be stored in a centralized data base maintained by the Secretary under this section.

(c) ASSESSMENTS OF MENTAL HEALTH.—

(1) CRITERIA FOR REFERRAL FOR FURTHER EVALUATIONS.—The regulations prescribed under subsection (a) shall include—

(A) criteria to be utilized by healthcare providers in determining whether to refer a member of the Armed Forces for further evaluation relating to mental health (including Traumatic Brain Injury);

(B) mechanisms to ensure that healthcare providers are trained in the application of such criteria in making such determinations; and

(C) mechanisms for oversight to ensure that healthcare providers apply such criteria consistently.

(2) AVAILABILITY OF REFERRAL.—Under the regulations, a copy of a referral of a member for further evaluation relating to mental health shall be—

(A) provided to the member;

(B) placed in the healthcare record of the member that is maintained by the Department of Defense; and

(C) provided to the healthcare manager of the member.

(3) TRACKING MECHANISMS.—The regulations shall include mechanisms to ensure that a member who receives a referral for further evaluation relating to mental health receives such evaluation and obtains such care and services as are warranted.

(4) QUALITY ASSURANCE.—The regulations shall include a requirement that the Department address, as part of the deployment health assessment quality assurance program of the Department, the following:

(A) The types of healthcare providers conducting post-deployment health assessments.

(B) The training received by such providers applicable to the conduct of such assessments, including training on assessments and referrals relating to mental health.

(C) The guidance available to such providers on how to apply the criteria prescribed under paragraph (1)(A) in determining whether to make a referral for further evaluation of a member of the Armed Forces relating to mental health.

(D) The effectiveness of the tracking mechanisms required under paragraph (3) in ensuring that members who receive referrals for further evaluations relating to mental health receive such evaluations and obtain such care and services as are warranted.

(d) COMPTROLLER GENERAL REPORTS ON IMPLEMENTATION OF REQUIREMENTS.—

(1) STUDY ON IMPLEMENTATION.—The Comptroller General of the United States shall carry out a study of the implementation of the requirements prescribed under this section.

(2) PERIODIC EVALUATION OF MENTAL HEALTH ASSESSMENT PROCESSES.—The Comptroller General shall, on a periodic basis, evaluate the following:

(A) The compliance of the Department of Defense and healthcare providers with the requirements under this section applicable to the assessment and referral of members of the Armed Forces relating to mental health.

(B) The effectiveness of the processes under such requirements in addressing the mental health care needs of members returning from deployments overseas.

(3) REPORTS.—(A) Not later than March 1, 2007, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study carried out under paragraph (1).

(B) Upon completion of an evaluation under paragraph (2), the Comptroller General shall submit to the committees of Congress referred to in subparagraph (A) a report on such evaluation.

(e) CONTINGENCY OPERATION DEFINED.—In this section, the term "contingency operation" has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.

(a) FINDING.—Congress finds that the Mental Health Self-Assessment Program (MHSAP) of the Department of Defense is vital to the overall health and well-being of deploying members of the Armed Forces and their families because that program provides—

(1) a non-threatening, voluntary, anonymous self-assessment of mental health that is effective in helping to detect mental health and substance abuse conditions;

(2) awareness regarding warning signs of such conditions; and

(3) information and outreach to members of the Armed Forces (including members of the National Guard and Reserves) and their families on specific services available for such conditions.

(b) EXPANSION OF PROGRAM.—The Secretary of Defense shall, acting through the Office of Health Affairs of the Department of Defense, take appropriate actions to expand the Mental Health Self-Assessment Program in order to achieve the following:

(1) The continuous availability of the assessment under the program to members and former members of the Armed Forces in order to ensure the long-term availability of the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge over time.

(2) The availability of programs and services under the program to address the mental health of dependent children of members of the Armed Forces who have been deployed or mobilized.

(c) OUTREACH.—The Secretary shall develop and implement a plan to conduct outreach and other appropriate activities to expand and enhance awareness of the Mental Health Self-Assessment Program, and the programs and services available under that program, among members of the Armed Forces (including members of the National Guard and Reserves) and their families.

(d) REPORTS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions undertaken under this section during the one-year period ending on the date of such report.

SEC. 731. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) ADDITIONAL NUMBER OF AUTHORIZED PERIODS.—

(1) IN GENERAL.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) LIMITATION ON NUMBER OF EXTENSIONS.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed 2 extensions.

(3) NOTICE AND WAIT.—The Secretary may not commence the exercise of the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) DEFINITIONS.—In this subsection, the terms "administering Secretaries" and "TRICARE program" have the meaning given such terms in section 1072 of title 10, United States Code.

(b) REPORT ON CONTRACTING MECHANISMS FOR HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as "excellent".

SEC. 732. MILITARY VACCINATION MATTERS.

(a) ADDITIONAL ELEMENT FOR COMPTROLLER GENERAL STUDY AND REPORT ON VACCINE HEALTHCARE CENTERS.—Section 736(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3356) is amended by adding at the end the following new paragraph:

"(10) The feasibility and advisability of transferring direct responsibility for the Centers from the Army Medical Command to the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Force Protection and Readiness.".

(b) RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(2) ELEMENTS.—The joint military medical center of excellence under paragraph (1) shall consist of the following:

(A) The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.

(B) Any other elements that the Secretary considers appropriate.

(3) AUTHORIZED ACTIVITIES.—In acting as the principal elements of the joint military medical center under paragraph (1), the Vaccine Healthcare Centers referred to in paragraph (2)(A) may carry out the following:

(A) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(B) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(C) The development and sustainment of a long-term vaccine safety and efficacy registry.

(D) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(E) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(F) Educational outreach for immunization providers and those required to receive immunizations.

(G) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

(c) LIMITATION ON RESTRUCTURING OF VACCINE HEALTHCARE CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense until the Secretary submits to Congress a report setting forth a plan for meeting the immunization needs of the Armed Forces during the 10-year period beginning on the date of the submittal of the report.

(2) REPORT ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the potential biological threats to members of the Armed Forces that are addressable by vaccine.

(B) An assessment of the distance and time required to travel to a Vaccine Healthcare Center by members of the Armed Forces who have severe reactions to a mandatory military vaccine.

(C) An identification of the most effective mechanisms for ensuring the provision services by the Vaccine Healthcare Centers to both military medical professionals and members of the Armed Forces.

(D) An assessment of current military and civilian expertise with respect to mass adult immunization programs, including case management under such programs for rare adverse reactions to immunizations.

(E) An organizational structure for each military department to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces.

SEC. 733. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) REQUIRED ELEMENTS OF ASSESSMENTS.—Each pre-deployment mental health assessment of a member of the Armed Forces, shall include the following:

(1) A mental health history of the member, with emphasis on mental health status during the 12-month period ending on the date of the assessment and a review of military service during that period.

(2) An assessment of the current treatment of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(3) An assessment of any behavior of the member identified by the member's commanding officer that could indicate the presence of a mental health condition.

(4) Information provided by the member (through a checklist or other means) on the presence of any serious mental illness or any symptoms indicating a mental health condition or disorder.

(b) REFERRAL FOR FURTHER EVALUATION.—Each member of the Armed Forces who is determined during a pre-deployment or post-deployment mental health assessment to have, or have symptoms or indicators for, a mental health condition or disorder shall be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

(c) REFERRAL OF MEMBERS DEPLOYED IN CONTINGENCY OR COMBAT OPERATIONS.—Any member of the Armed Forces called or ordered to active duty in support of contingency or combat operations who requests access to mental health care services any time before, during, or after deployment shall be provided access to such services—

(1) not later than 72 hours after the making of such request; or

(2) at the earliest practicable time thereafter.

(d) MINIMUM MENTAL HEALTH STANDARDS FOR DEPLOYMENT.—

(1) STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations minimum standards for mental health for the eligibility of a member of the Armed Forces for deployment to a combat operation or contingency operation.

(2) ELEMENTS.—The standards required by paragraph (1) shall include the following:

(A) A specification of the mental health conditions, treatment for such conditions, and receipt of psychotropic medications for such conditions that preclude deployment of a member of the Armed Forces to a combat operation or contingency operation, or to a specified type of such operation.

(B) Guidelines for the deployability and treatment of members of the Armed Forces diagnosed with a severe mental illness or Post Traumatic Stress Disorder (PTSD).

(3) UTILIZATION.—The Secretary shall take appropriate actions to ensure the utilization of the standards prescribed under paragraph (1) in the making of determinations regarding the deployability of members of the Armed Forces to a combat operation or contingency operation.

(e) MONITORING OF CERTAIN INDIVIDUALS.—The Secretary of Defense shall develop a plan, to be implemented throughout the Department of Defense, for monitoring the mental health of each member of the Armed Forces who, after deployment to a combat operation or contingency operation, is known—

(1) to have a mental health condition or disorder; or

(2) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.

(f) IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the actions taken to implement the requirements of this section.

SEC. 734. EDUCATION, TRAINING, AND SUPERVISION OF PERSONNEL PROVIDING SPECIAL EDUCATION SERVICES UNDER EXTENDED BENEFITS UNDER TRICARE.

Section 1079(d)(2) of title 10, United States Code is amended by adding at the end the following: "The regulations shall include the following:

"(A) Requirements for education, training, and supervision of individuals providing special education services known as Applied Behavioral Analysis under this subsection that are in addition to any other education, training, and supervision requirements applicable to Board Certified Behavior Analysts or Board Certified Associate Behavior Analysts or are otherwise applicable to personnel providing such services under applicable State law.

"(B) Metrics to identify and measure the availability and distribution of individuals of various expertise in Applied Behavioral Analysis in order to evaluate and assure the availability of qualified personnel to meet needs for Applied Behavioral Analysis under this subsection.".

Subtitle C—Studies and Reports

SEC. 741. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) PILOT PROJECTS REQUIRED.—The Secretary of Defense shall carry out not less than three pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

(b) DURATION.—The requirement to carry out pilot projects under this section shall commence on October 1, 2007. Any pilot projects carried out under this section shall cease on September 30, 2008.

(c) PILOT PROJECT REQUIREMENTS.—

(1) MOBILIZATION-DEMOBILIZATION FACILITY.—

(A) IN GENERAL.—One of the pilot projects under this section shall be carried out at a military medical facility at a large military installation at which the mobilization or demobilization of members of the Armed Forces occurs.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed to evaluate and produce effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diagnose and treat Post Traumatic Stress Disorder in a manner that avoids the referral of patients to specialty care by a psychiatrist or other mental health professional.

(2) NATIONAL GUARD OR RESERVE FACILITY.—

(A) IN GENERAL.—One of the pilot projects under this section shall be carried out at the location of a National Guard or Reserve unit or units that are located more than 40 miles from a military medical facility and whose personnel are served primarily by civilian community health resources.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed—

(i) to evaluate approaches for providing evidence-based clinical information on Post Traumatic Stress Disorder to civilian primary care providers; and

(ii) to develop educational materials and other tools for use by members of the National Guard or Reserve who come into contact with other members of the National Guard or Reserve who may suffer from Post Traumatic Stress Disorder in order to encourage and facilitate early reporting and referral for treatment.

(3) INTERNET-BASED DIAGNOSIS AND TREATMENT.—One of the pilot projects under this section shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of Post Traumatic Stress Disorder, and for tracking patients who suffer from Post Traumatic Stress Disorder; and

(B) Internet-based tools available to family members of members of the Armed Forces in order to assist such family members in the identification of the emergence of Post Traumatic Stress Disorder.

(d) EVALUATION OF PILOT PROJECTS.—The Secretary shall evaluate each pilot project carried out under this section in order to assess the

effectiveness of the approaches taken under such pilot project—

(1) to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the regular components of the Armed Forces, and among members of the National Guard and Reserves, who have returned from deployment; and

(2) to provide outreach to the family members of the members of the Armed Forces described in paragraph (1) on Post Traumatic Stress Disorder and other mental health conditions among such members of the Armed Forces.

(e) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the pilot projects carried out under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of each pilot project carried out under this section.

(B) An assessment of the effectiveness of the approaches taken under each pilot project to improve the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the Armed Forces.

(C) Any recommendations for legislative or administrative action that the Secretary considers appropriate in light of the pilot projects, including recommendations on—

(i) the training of health care providers in the military and civilian health care systems on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions; and

(ii) the provision of outreach on Post Traumatic Stress Disorder and other mental health conditions to members of the National Guard and Reserves who have returned from deployment.

(D) A plan, in light of the pilot projects, for the improvement of the health care services provided to members of the Armed Forces in order to better assure the early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among members of the Armed Forces, including a specific plan for outreach on Post Traumatic Stress Disorder and other mental health conditions to members of the National Guard and Reserve who have returned from deployment in order to facilitate and enhance the early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions among such members of the National Guard and Reserves.

(f) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 303(a) for the Defense Health Program, $10,000,000 shall be available for pilot projects under this section.

(2) AVAILABILITY.—The amount available under paragraph (1) shall remain available until expended.

SEC. 742. ANNUAL REPORTS ON CERTAIN MEDICAL MALPRACTICE CASES.

(a) ANNUAL REPORTS TO SECRETARY OF DEFENSE.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 1, 2007, and annually thereafter, each Secretary of a military department shall submit to the Secretary of Defense a report on the following:

(A) Each case (other than a case involving the treatment of a member of the Armed Forces on active duty) during the preceding calendar year in which—

(i) a complaint or claim was made of medical malpractice committed in a medical treatment facility of such military department or by a health care provider of or employed by such military department; and

(ii) either—

(I) a judgment was entered against the United States in the amount of $1,000,000 or more; or

(II) an award, compromise, or settlement was entered into by the United States requiring payment by the United States in the amount of $1,000,000 or more.

(B) Each case during the preceding calendar year in which the death of, or serious personal injury to, a member of the Armed Forces on active duty occurred as a result of medical malpractice while the member was a patient in a medical treatment facility of such military department or under the care of a health care provider of or employed by such military department.

(2) REQUIRED INFORMATION.—The information required in a report under paragraph (1) on a case covered by such paragraph shall include the following:

(A) A description of the medical malpractice involved.

(B) A description of the actions, if any, taken with respect to the continued practice in the military health care system of the health care professionals involved.

(b) TRANSMITTAL OF REPORTS TO CONGRESS.—

(1) TRANSMITTAL REQUIRED.—Not later than April 1, 2007, and annually thereafter, the Secretary of Defense shall transmit to the congressional defense committees the reports submitted to the Secretary by the Secretaries of the military departments in such year.

(2) TRANSMITTAL MATTERS.—In transmitting reports for a year under paragraph (1), the Secretary may include with such reports the following:

(A) Any information or recommendations with respect to the matters covered by such reports that the Secretary considers appropriate.

(B) A summary of the actions taken during the year to address medical malpractice in the military health care system.

(c) DISCLOSURE OF INFORMATION.—In submitting or transmitting reports under this section, the Secretaries of the military departments and the Secretary of Defense shall ensure that the information contained in such reports is suitable for disclosure to the public, taking into account the provisions of law as follows:

(1) Section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(2) Laws relating to the protection and confidentiality of medical quality assurance records, including the provisions of section 1102 of title 10, United States Code.

(3) Any other laws relating to the protection and confidentiality of medical records.

SEC. 743. COMPTROLLER GENERAL STUDY ON DEPARTMENT OF DEFENSE PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the Department of Defense pharmacy benefits program required by section 1074g of title 10, United States Code.

(b) ELEMENTS.—The study required by subsection (a) shall include an examination of the following:

(1) The cost of the Department of Defense pharmacy benefits program since the inception of the program.

(2) The relative costs of various options under the program.

(3) The copayment structure under the program.

(4) The effectiveness of the rebate system under the program as a way of passing on discounts received by the Federal Government in the purchase of pharmaceutical agents.

(5) The uniform formulary under the program, including the success of the formulary in achieving savings anticipated through use of the formulary.

(6) Various alternative means of purchasing pharmaceutical agents more efficiently for availability under the program.

(7) The composition and decision-making processes of the Pharmacy and Therapeutics Committee.

(8) The composition of the Beneficiary Advisory Panel and its history as an advisory panel under the program (including the frequency of the acceptance of its recommendations by the Secretary of Defense).

(9) Quality assurance mechanisms under the program.

(10) The role of the program in support of the disease and chronic care management programs of the Department of Defense.

(11) Mechanisms for customer service and customer feedback under the program.

(12) Beneficiary satisfaction with the program.

(c) RESPONSE TO CERTAIN FINDINGS.—

(1) PHARMACY AND THERAPEUTICS COMMITTEE.—The Pharmacy and Therapeutics Committee shall—

(A) examine the results of the study of the Comptroller General under subsection (b)(7); and

(B) make such recommendations to the Secretary of Defense for modifications in the composition and decision-making processes of the Committee as the Committee considers appropriate in light of such results in order to improve the efficiency of such processes.

(2) BENEFICIARY ADVISORY PANEL.—The Beneficiary Advisory Panel shall—

(A) examine the results of the study of the Comptroller General under subsection (b)(8); and

(B) make such recommendations to the Secretary of Defense for modifications in the composition and advisory functions of the Panel as the Panel considers appropriate in light of such results in order to—

(i) ensure the independence and consumer focus of the Panel;

(ii) ensure the participation of the Panel as an advisory board throughout implementation of the Department of Defense pharmacy benefits program; and

(iii) achieve more effective communication between the Secretary and the Panel.

(d) REPORT.—Not later than nine months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include such recommendations as the Comptroller General considers appropriate for legislative or administrative action to improve the Department of Defense pharmacy benefits program in light of the study.

SEC. 744. COMPTROLLER GENERAL AUDITS OF DEPARTMENT OF DEFENSE HEALTH CARE COSTS AND COST-SAVING MEASURES.

(a) GENERAL AUDIT REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the health care costs and cost-saving measures of the Department of Defense in accordance with this subsection. The Comptroller General shall conduct the audit in conjunction with the Department of Defense initiative to manage future medical benefits available through the Department known as "Sustain the Benefit".

(2) ELEMENTS.—The audit required by paragraph (1) shall examine the following:

(A) The basis for the calculation by the Department of Defense of the portion of the costs of health care benefits provided by the Department to beneficiaries that were paid by such beneficiaries in each of 1995 and 2005, including—

(i) a comparison of the cost to the Department of providing such benefits in each of 1995 and 2005;

(ii) the explanation for any increases in the costs of the Department of providing such benefits between 1995 and 2005; and

(iii) a comparison of the amounts paid, by category of beneficiaries, for health care benefits in 1995 with the amounts paid, by category of beneficiaries, for such benefits in 2005.

(B) The calculations and assumptions utilized by the Department in estimating the savings anticipated through the implementation of proposed increases in cost-sharing for health care benefits beginning in 2007.

(C) The average annual rate of increase, based on inflation, of medical costs for the Department under the Defense Health Program.

(D) The annual rate of growth in the cost of the Defense Health Program that is attributable to inflation in the cost of medical services over the last five years and how such rate of growth compares with annual rates of increases in health care premiums under the Federal Employee Health Benefit Program and other health care programs as well as rates of growth of other health care cost indices over that time.

(E) The assumptions utilized by the Department in estimating savings associated with adjustments in copayments for pharmaceuticals.

(F) The costs of the administration of the Defense Health Program and the TRICARE program for all categories of beneficiaries.

(c) AUDIT OF TRICARE RESERVE SELECT PROGRAM.—

(1) IN GENERAL.—In addition to the audit required by subsection (a), the Comptroller General shall conduct an audit of the costs of the Department of Defense in implementing the TRICARE Reserve Select Program.

(2) ELEMENTS.—The audit required by paragraph (1) shall include an examination of the following:

(A) A comparison of the annual premium amounts established by the Department of Defense for the TRICARE Reserve Select Program with the actual costs of the Department in providing benefits under that program in fiscal years 2004 and 2005.

(B) The rate of inflation of health care costs of the Department during fiscal years 2004 and 2005, and a comparison of that rate of inflation with the annual increase in premiums under the TRICARE Reserve Select Program in January 2006.

(C) A comparison of the financial and health-care utilization assumptions utilized by the Department in establishing premiums under the TRICARE Reserve Select Program with actual experiences under that program in the first year of the implementation of that program.

(3) TRICARE RESERVE SELECT PROGRAM DEFINED.—In this section, the term "TRICARE Reserve Select Program" means the program carried out under section 1074d of title 10, United States Code.

(d) USE OF INDEPENDENT EXPERTS.—Notwithstanding any other provision of law, in conducting the audits required by this section, the Comptroller General may engage the services of appropriate independent experts, including actuaries.

(e) REPORT.—Not later than April 1, 2007, the Comptroller General shall submit to the congressional defense committees a report on the audits conducted under this section. The report shall include—

(1) the findings of the Comptroller General as a result of the audits; and

(2) such recommendations as the Comptroller General considers appropriate in light of such findings to ensure maximum efficiency in the administration of the health care benefits programs of the Department of Defense.

SEC. 745. REVIEW OF DEPARTMENT OF DEFENSE MEDICAL QUALITY IMPROVEMENT PROGRAM.

(a) REVIEW REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of conducting an independent review of the Department of Defense medical quality improvement program.

(b) ELEMENTS.—The review required pursuant to subsection (a) shall include the following:

(1) An assessment of the methods used by the Department of Defense to monitor medical quality in services provided in military hospitals and clinics and in services provided in civilian hospitals and providers under the military health care system.

(2) An assessment of the transparency and public reporting mechanisms of the Department on medical quality.

(3) An assessment of how the Department incorporates medical quality into performance measures for military and civilian health care providers within the military health care system.

(4) An assessment of the patient safety programs of the Department.

(5) A description of the extent to which the Department seeks to address particular medical errors, and an assessment of the adequacy of such efforts.

(6) An assessment of accountability within the military health care system for preventable negative outcomes involving negligence.

(7) An assessment of the performance of the health care safety and quality measures of the Department.

(8) An assessment of the collaboration of the Department with national initiatives to develop evidence-based quality measures and intervention strategies, especially the initiatives of the Agency for Health Care Research and Quality within the Department of Health and Human Services.

(9) A comparison of the methods, mechanisms, and programs and activities referred to in paragraphs (1) through (8) with similar methods, mechanisms, programs, and activities used in other public and private health care systems and organizations.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the review required pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the review required pursuant to subsection (a).

(B) A discussion of recent highlights in the accomplishments of the Department of Defense medical quality assurance program.

(C) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of the program.

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term "uranium-exposed soldiers" means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

Subtitle D—Other Matters

SEC. 761. EXTENSION OF LIMITATION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

Section 744(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3360; 10 U.S.C. 129c note) is amended—

(1) by inserting "in a fiscal year" before "until";

(2) by inserting "with respect to that fiscal year" after "House of Representatives"; and

(3) by striking the last sentence and inserting the following new sentences: "The certification with respect to fiscal year 2007 may not be submitted before June 30, 2006. The certification with respect to any fiscal year after fiscal year 2007 shall be submitted at the same time the budget of the President for such fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code.".

SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) TRANSFER.—

(1) NOTIFICATION OF PARTICIPANTS.—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-Up Agency (in this section referred to as the "Agency") of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) COMPLETION OF TRANSFER.—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) COPIES TO ARCHIVES.—The Air Force shall send paper copies of all study documents to the National Archives.

(b) REPORT ON TRANSFER.—

(1) REQUIREMENT.—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the transfer.

(2) MATTERS COVERED.—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) Disposition of Assets Not Transferred.—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) Funding.—

(1) Costs of transfer.—Of the funds available to the Defense Health Program, the Secretary of Defense may make available to the Air Force $850,000 for preparation, transfer of the assets of the Air Force Health Study and shipment of data and specimens to the Medical Follow-Up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) Costs of collaboration.—Of the funds available to the Defense Health Program, the Secretary of Defense may reimburse the National Academy of Sciences up to $200,000 for costs of the Medical Follow-Up Agency to collaborate with the Air Force in the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that year.

SEC. 763. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) Findings.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative of the Department of Defense implements cutting edge transformational medical technologies and applies them to address the challenges of known, emerging, and bioengineered threats.

(3) The Transformational Medical Technology Initiative is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional approaches.

(b) Sense of Senate.—It is the sense of the Senate that—

(1) the Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(2) innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. ADDITIONAL CERTIFICATION REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Additional Certification Requirements.—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) redesignating paragraph (7) as paragraph (10); and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) the program is needed to meet validated requirements consistent with the national military strategy;

"(8) reasonable estimates have been developed to execute the product development and production plan under the program;

"(9) funding is available to execute the product development and production plan under the program consistent with the estimates described in paragraph (8) for the program; and".

(b) Waiver for National Security.—Subsection (c) of such section is amended by striking "(5), or (6)" and inserting "(5), (6), (7), (8), or (9)".

SEC. 802. EXTENSION AND ENHANCEMENT OF DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) Priority for Proposals From Certain Businesses.—Paragraph (5) of subsection (b) of section 2359b of title 10, United States Code, is amended to read as follows:

"(5) The Under Secretary—

"(A) may establish procedures to ensure that the Challenge Program does not become an avenue for the repetitive submission of proposals that have been previously reviewed and found not to have merit; and

"(B) may establish procedures to ensure that the Challenge Program establishes appropriate priorities for proposals from businesses that are not major contractors with the Department of Defense.".

(b) Extension.—Subsection (j) of such section is amended by striking "September 30, 2007" and inserting "September 30, 2012".

SEC. 803. BASELINE DESCRIPTION AND UNIT COST REPORTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Specification of Original Baseline Estimate.—Section 2435(d)(1) of title 10, United States Code, is amended by inserting after "with respect to the program under subsection (a)" the following: "in preparation for entry into system development and demonstration, or at program initiation, whichever occurs later".

(b) Reports to Congress on Certain Cost Increases.—Section 2433(e)(1) of such title is amended by adding at the end the following new subparagraph:

"(C) If the Secretary concerned determines that the program acquisition unit cost or procurement unit cost of a major defense acquisition program has increased by a percentage equal to or greater than the significant cost growth threshold for the program and a Selected Acquisition Report has been submitted to Congress under subparagraph (A) or (B), each subsequent quarterly or comprehensive annual Selected Acquisition Report shall include the information required by subsection (g). No further report on increases in the program acquisition unit cost or procurement unit cost shall be required under subsection (c) or (d) unless the program manager has reasonable cause to believe that the program acquisition unit cost or procurement unit cost has increased by a percentage equal to or greater than the critical cost growth threshold.".

SEC. 804. MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) Reports and Information on Program Cost and Performance.—

(1) In general.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 144 the following new chapter:

"CHAPTER 144A—MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS

"Sec.
"2445a. Major automated information system program defined.
"2445b. Cost, schedule, and performance information.
"2445c. Reports: quarterly reports; reports on program changes.
"2445d. Construction with other reporting requirements.

"§ 2445a. Major automated information system program defined

"(a) In General.—In this chapter, the term 'major automated information system program' means a Department of Defense program for the acquisition of an automated information system (either as a product or a service) if—

"(1) the program is designated by the Secretary of Defense, or a designee of the Secretary, as a major automated information system program; or

"(2) the dollar value of the program is estimated to exceed—

"(A) $32,000,000 in fiscal year 2000 constant dollars for all program costs in a single fiscal year;

"(B) $126,000,000 in fiscal year 2000 constant dollars for all program acquisition costs for the entire program; or

"(C) $378,000,000 in fiscal year 2000 constant dollars for the total life-cycle costs of the program (including operation and maintenance costs).

"(b) Adjustment.—The Secretary of Defense may adjust the amounts (and base fiscal year) set forth in subsection (a) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the Secretary transmits a written notification of the adjustment to the congressional defense committees.

"(c) Increments.—In the event any increment of a major automated information system program separately meets the requirements for treatment as a major automated information system program, the provisions of this chapter shall apply to such increment as well as to the overall major automated information system program of which such increment is a part.

"§ 2445b. Cost, schedule, and performance information

"(a) Submittal of Cost, Schedule, and Performance Information.—The Secretary of Defense shall submit to Congress each calendar year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, budget justification documents regarding cost, schedule, and performance for each major automated information system program for which funds are requested by the President in the budget.

"(b) Elements.—The documents submitted under subsection (a) with respect to a major automated information system program shall include detailed and summarized information with respect to the automated information system to be acquired under the program, and shall specifically include each of the following:

"(1) The development schedule, including major milestones.

"(2) The implementation schedule, including estimates of milestone dates, initial operational capability, and full operational capability.

"(3) Estimates of development costs and full life-cycle costs.

"(4) A summary of key performance parameters.

"(c) Baseline.—(1) For purposes of this chapter, the initial submittal to Congress of the documents required by subsection (a) with respect to a major automated information system program shall constitute the original estimate or information originally submitted on such program for purposes of the reports and determinations on program changes in section 2445c of this title.

"(2) An adjustment or revision of the original estimate or information originally submitted on a program may be treated as the original estimate or information originally submitted on the program if the adjustment or revision is the result of a critical change in the program covered by section 2445c(d) of this title.

"(3) In the event of an adjustment or revision to the original estimate or information originally

submitted on a program under paragraph (2), the Secretary of Defense shall include in the next budget justification documents submitted under subsection (a) after such adjustment or revision a notification to the congressional defense committees of such adjustment or revision, together with the reasons for such adjustment or revision.

"§2445c. Reports: quarterly reports; reports on program changes

"(a) QUARTERLY REPORTS BY PROGRAM MANAGERS.—The program manager of a major automated information system program shall, on a quarterly basis, submit to the senior Department of Defense official responsible for the program a written report identifying any variance in the projected development schedule, implementation schedule, life-cycle costs, or key performance parameters for the major automated information system to be acquired under the program from such information as originally submitted to Congress under section 2445b of this title.

"(b) SENIOR OFFICIALS RESPONSIBLE FOR PROGRAMS.—For purposes of this section, the senior Department of Defense official responsible for a major automated information system program is—

"(1) in the case of an automated information system to be acquired for a military department, the senior acquisition executive for the military department; or

"(2) in the case of any other automated information system to be acquired for the Department of Defense or any component of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(c) REPORT ON SIGNIFICANT CHANGES IN PROGRAM.—

"(1) IN GENERAL.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 45 days after receiving such report, notify the congressional defense committees in writing of such determination.

"(2) COVERED DETERMINATION.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

"(A) there has been a schedule change that will cause a delay of more than six months but less than a year in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

"(B) the estimated program development cost or full life-cycle cost for the program has increased by at least 15 percent, but less than 25 percent, over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

"(C) there has been a significant, adverse change in the expected performance of the major automated information system to be acquired under the program from the parameters originally submitted to Congress under paragraph (4) of section 2445b(b) of this title.

"(d) REPORT ON CRITICAL CHANGES IN PROGRAM.—

"(1) IN GENERAL.—If, based on a quarterly report submitted by the program manager of a major automated information system program pursuant to subsection (a), the senior Department of Defense official responsible for the program makes a determination described in paragraph (2), the official shall, not later than 60 days after receiving such report—

"(A) carry out an evaluation of the program under subsection (e); and

"(B) submit, through the Secretary of Defense, to the congressional defense committees a report meeting the requirements of subsection (f).

"(2) COVERED DETERMINATION.—A determination described in this paragraph with respect to a major automated information system program is a determination that—

"(A) there has been a schedule change that will cause a delay of one year or more in any program schedule milestone or significant event from the schedule originally submitted to Congress under paragraph (1) or (2) of section 2445b(b) of this title;

"(B) the estimated program development cost or full life-cycle cost for the program has increased by 25 percent or more over the original estimate submitted to Congress under paragraph (3) of section 2445b(b) of this title; or

"(C) there has been a change in the expected performance of the major automated information system to be acquired under the program that will undermine the ability of the system to perform the functions anticipated at the time information on the program was originally submitted to Congress under section 2445b(b) of this title.

"(e) PROGRAM EVALUATION.—The evaluation of a major automated information system program conducted under this subsection for purposes of subsection (d)(1)(A) shall include an assessment of—

"(1) the projected cost and schedule for completing the program if current requirements are not modified;

"(2) the projected cost and schedule for completing the program based on reasonable modification of such requirements; and

"(3) the rough order of magnitude of the cost and schedule for any reasonable alternative system or capability.

"(f) REPORT ON CRITICAL PROGRAM CHANGES.—A report on a major automated information system program conducted under this subsection for purposes of subsection (d)(1)(B) shall include a written certification (with supporting explanation) stating that—

"(1) the automated information system to be acquired under the program is essential to the national security or to the efficient management of the Department of Defense;

"(2) there is no alternative to the system which will provide equal or greater capability at less cost;

"(3) the new estimates of the costs, schedule, and performance parameters with respect to the program and system are reasonable; and

"(4) the management structure for the program is adequate to manage and control program costs.

"(g) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If the determination of a critical change to a program is made by the senior Department official responsible for the program under subsection (d)(2) and a report is not submitted to Congress within the 60-day period provided by subsection (d)(1), appropriated funds may not be obligated for any major contract under the program.

"(2) The prohibition on the obligation of funds for a program under paragraph (1) shall cease to apply on the date on which Congress has received a report in compliance with the requirements of subsection (d)(2).

"§2445d. Construction with other reporting requirements

"In the case of a major automated information system program covered by this chapter that is also treatable as a major defense acquisition program for which reports would be required under chapter 144 of this title, no reports on the program are required under such chapter if the requirements of this chapter with respect to the program are met.".

(2) CLERICAL AMENDMENTS.—The tables of chapters the beginning of subtitle A of such title, and of part IV of subtitle A of such title, are each amended by inserting after the item relating to chapter 144 the following new item:

"144A. Major Automated Information System Programs .... 2445a".

(b) REPORT ON REPORTING REQUIREMENTS APPLICABLE TO MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the reporting requirements applicable to major automated information system programs as of the date of the report, including a specification of such reporting requirements considered by the Secretary to be duplicative or redundant.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on January 1, 2008, and shall apply with respect to any major automated information system program for which amounts are requested in the budget of the President (as submitted to Congress under section 1105 of title 31, United States Code) for a fiscal year after fiscal year 2008, regardless of whether the acquisition of the automated information system to be acquired under the program was initiated before, on, or after January 1, 2008.

(2) REPORT REQUIREMENT.—Subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 805. ADJUSTMENT OF ORIGINAL BASELINE ESTIMATE FOR MAJOR DEFENSE ACQUISITION PROGRAMS EXPERIENCING COST GROWTH RESULTING FROM DAMAGE CAUSED BY HURRICANES KATRINA, RITA, AND WILMA.

(a) ADJUSTMENT AUTHORIZED.—Notwithstanding any limitations under section 2435(d) of title 10, United States Code, the Secretary of Defense may adjust the original Baseline Estimate for a major defense acquisition program that is carried out primarily in the Hurricane Katrina disaster area, Hurricane Rita disaster area, or Hurricane Wilma disaster area for the sole purpose of addressing cost growth in such program that, as determined by the Secretary, is directly attributable to damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma.

(b) NOTICE TO CONGRESS.—The Secretary shall identify any adjustment to the original Baseline Estimate of a major defense acquisition program under subsection (a), and provide an explanation of the basis for such adjustment, in the first Selected Acquisition Report that is submitted under section 2432 of title 10, United States Code, after such adjustment is made.

(c) SUNSET.—The authority to adjust an original Baseline Estimate for a major defense acquisition program under subsection (a) shall expire on the date that is one year after the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term "major defense acquisition program" has the meaning given that term in section 2430 of title 10, United States Code.

(2) The term "original Baseline Estimate", in the case of a major defense acquisition program, means the first baseline description for the program established under section 2435(a) of title 10, United States Code.

(3) The terms "Hurricane Katrina disaster area", "Hurricane Rita disaster area", and "Hurricane Wilma disaster area" have the meaning given such terms in section 1400M of the Internal Revenue Code of 1986.

SEC. 806. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2007, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2008, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2007; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2007, and before June 16, 2008, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2008, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or subsection (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term "covered non-defense agency" means each of the following:

(A) The Department of Veterans Affairs.

(B) The National Institutes of Health.

(2) The term "governmentwide acquisition contract", with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 807. REGULATIONS ON USE OF FIXED-PRICE CONTRACTS IN DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the use of fixed-price type contracts in development programs.

(b) ELEMENTS.—As modified under subsection (a), the regulations described in that subsection shall—

(1) establish a preference for the use of fixed-price type contracts in development programs to the maximum extent practicable in light of the level of program risk; and

(2) require the use of fixed-price type contracts in each contract for system development and demonstration, or operational system development, unless the use of a different contract type is specifically authorized pursuant to subsection (c).

(c) AUTHORIZATION OF USE OF DIFFERENT CONTRACT TYPE.—

(1) IN GENERAL.—As modified under subsection (a), the regulations described in that subsection shall provide that the Secretary of Defense may authorize the use of a difference contract type under subsection (b)(2) with respect to a program upon a written determination by the Secretary that—

(A) the program is so complex and technically challenging that it would not be practicable to reduce program risk to a level that would permit the use of a fixed-price type contract; and

(B) the complexity and technical challenge of the program is not the result of a failure to meet the certification requirements established in section 2366a of title 10, United States Code.

(2) SUBMITTAL TO CONGRESSIONAL DEFENSE COMMITTEES.—The regulations shall provide that a copy of any determination on a program under paragraph (1), together with an explanation of the basis for such determination, shall be submitted to the congressional defense committees with the first Selected Acquisition Report submitted under section 2432 of title 10, United States Code, after such determination is made.

(3) DELEGATION OF AUTHORITY.—The regulations shall provide that the authority to make a determination under paragraph (1) may not be delegated below the level of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(d) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 807 of the National Defense Authorization Act for Fiscal Year 1989 (10 U.S.C. 2304 note) is repealed.

(e) EFFECTIVE DATE OF REGULATIONS.—

(1) IN GENERAL.—The modified regulations required under this section shall apply to any contract entered into after the date that is 120 days after the date of the enactment of this Act.

(2) SYSTEM DEVELOPMENT AND DEMONSTRATION OR OPERATIONAL SYSTEM DEVELOPMENT.—The modification required by subsection (b)(2) in the regulations shall apply with respect to programs that enter into system development and demonstration, or operational system development, after the date that is 120 days after the date of the enactment of this Act.

SEC. 808. AVAILABILITY OF FUNDS FOR PERFORMANCE-BASED LOGISTICS CONTRACTS FOR WEAPON SYSTEMS LOGISTICS SUPPORT.

(a) Availability of Operation and Maintenance Funds.—

(1) In general.—Amounts available to the Department of Defense for operation and maintenance—

(A) are available for performance-based logistics contracts for weapon systems; and

(B) subject to paragraph (2), may be used in accordance with the terms of such contracts to implement engineering changes that result in a reduction of the operation and maintenance costs to the Government of such systems.

(2) Limitation.—Funds may not be used for a performance-based logistics contract to implement engineering changes the total cost of which is expected to exceed $20,000,000.

(b) Notice to Congress on Entry Into Contracts.—

(1) In general.—Not later than 30 days before entering into a performance-based logistics contract under this section, the Secretary of a military department shall submit to Congress a notice of intent to enter into such contract.

(2) Elements.—The notice on a performance-based logistics contract under paragraph (1) shall include the following:

(A) A statement that the military department concerned—

(i) has performed a business case analysis for such contract;

(ii) has determined, based on such analysis, that there is a reasonable expectation that such contract will result in an overall reduction of operation and maintenance costs with respect to a weapon system; and

(iii) has specific plans in place to—

(I) update such analysis at appropriate decision points when sufficient cost and performance data have been collected to validate the assumptions used in developing such analysis; and

(II) periodically review and validate the propriety and integrity of program performance measures, and verify the reliability of contractor cost and performance data, with respect to such contract.

(B) An estimate of the projected cost and savings from such contract, together with an explanation of the basis for such estimates.

(c) Performance-Based Logistics Contract Defined.—In this section, the term "performance-based logistics contract" means a contract for the acquisition of logistics support (whether at the system, subsystem, or major assembly level) for a weapon system that combines logistics support in an integrated, affordable, performance package designed to optimize system readiness and meet performance goals for the weapon system through long-term support arrangements with clear lines of authority and responsibility for the provision of such support.

(d) Report.—

(1) In general.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the status of all performance-bases logistics contracts entered into pursuant to this section.

(2) Elements.—The report under paragraph (1) shall include, for each contract covered by such report, a comparison of the projected cost and savings of such contract (as estimated in the notice to Congress under subsection (b)(2)(B)) with the actual cost and savings of such contract (as determined in accordance with the plan for such contract under subsection (b)(2)(A)(iii)).

(e) Sunset.—

(1) In general.—The authority to enter contracts under this section shall terminate on September 30, 2012.

(2) Effect on existing contracts.—The termination under paragraph (1) of the authority to enter contracts under this section shall not affect the use of funds for purposes authorized by subsection (a) under contracts entered on or before the date specified in that paragraph.

SEC. 809. QUALITY CONTROL IN PROCUREMENT OF SHIP CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) Quality Control Policy.—The Secretary of Defense shall prescribe in regulations a quality control policy for the procurement of the following:

(1) Ship critical safety items.

(2) Modifications, repair, and overhaul of ship critical safety items.

(b) Elements.—The policy required under subsection (a) shall include requirements as follows:

(1) That the head of the design control activity for ship critical safety items establish processes to identify and manage the procurement, modification, repair, and overhaul of such items.

(2) That the head of the contracting activity for a ship critical safety item enter into a contract for the procurement, modification, repair, or overhaul of such item only with a source on a qualified manufacturers list or a source approved by the design control activity in accordance with section 2319 of title 10, United States Code (as amended by subsection (d)).

(3) That the ship critical safety items delivered, and the services performed with respect to such items, meet all technical and quality requirements specified by the design control activity.

(c) Definitions.—In this section, the terms "ship critical safety item" and "design control activity" have the meanings given such terms in subsection (g) of 2319 of title 10, United States Code (as so amended).

(d) Conforming Amendments.—Section 2319 of title 10, United States Code, is amended—

(1) in subsection (c)(3), by inserting "or ship critical safety item" after "aviation critical safety item"; and

(2) in subsection (g)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) The term 'ship critical safety item' means any ship part, assembly, or support equipment containing a characteristic the failure, malfunction, or absence of which could cause a catastrophic or critical failure resulting in loss of or serious damage to the ship or unacceptable risk of personal injury or loss of life."; and

(C) in paragraph (3), as so redesignated—

(i) by inserting "or ship critical safety item" after "aviation critical safety item";

(ii) by inserting ", or the seaworthiness of a ship or ship equipment," after "equipment"; and

(iii) by striking "the item" and inserting "such item".

SEC. 810. THREE-YEAR EXTENSION OF REQUIREMENT FOR REPORTS ON COMMERCIAL PRICE TREND ANALYSES OF THE DEPARTMENT OF DEFENSE.

Section 803(c)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2306a note) is amended by striking "2006" and inserting "2009".

SEC. 811. PILOT PROGRAM ON TIME-CERTAIN DEVELOPMENT IN ACQUISITION OF MAJOR WEAPON SYSTEMS.

(a) Pilot Program Authorized.—The Secretary of Defense may carry out a pilot program on the use of time-certain development in the acquisition of major weapon systems.

(b) Purpose of Pilot Program.—The purpose of the pilot program authorized by subsection (a) is to assess the feasibility and advisability of utilizing time-certain development in the acquisition of major weapon systems in order to deliver new capabilities to the warfighter more rapidly through disciplined decision-making, emphasis on technological maturity, and appropriate trade-offs between system performance and schedule.

(c) Inclusion of Systems in Pilot Program.—

(1) In general.—The decision whether to include a major weapon system in the pilot program shall be made by the Milestone Decision Authority for the acquisition program for the system.

(2) Criteria.—A major weapon system may be included in the pilot program only if the Milestone Decision Authority determines, in consultation with the service acquisition executive for the military department carrying out the acquisition program for the system and one or more combatant commanders responsible for fielding the system, that—

(A) the certification requirements of section 2366a of title 10, United States Code, have been met, and no waivers have been granted from such requirements;

(B) a preliminary design has been completed after appropriate requirements analysis using systems engineering, and the system, as so designed, will meet battlefield needs identified by the relevant combatant commanders;

(C) all critical technologies needed to meet system requirements have been demonstrated in an operational environment;

(D) an independent cost estimate has been conducted and used as the basis for funding requirements for the acquisition program for the system;

(E) the budget of the military department responsible for carrying out the acquisition program for the system provides the funding necessary to execute the product development and production plan consistent with the requirements identified pursuant to subparagraph (D);

(F) an appropriately-qualified program manager has entered into a performance agreement with the Milestone Decision Authority that establishes expected parameters for the cost, schedule, and performance of the acquisition program for the system, consistent with a business case for such acquisition program;

(G) the service acquisition executive and the program manager have agreed that the program manager will continue in such position until the delivery of the initial operational capability under the acquisition program for the system;

(H) the service acquisition executive, the relevant combatant commanders, and the program manager have agreed that no additional requirements will be added during the development phase of the acquisition program for the system; and

(I) a planned initial operational capability will be delivered to the relevant combatant commanders no more than 6 years after the date of the milestone B approval for the system.

(3) Timing of decision.—The decision whether to include a major weapon system in the pilot program shall be made at the time of milestone approval for the acquisition program for the system.

(d) Limitation on Number of System in Pilot Program.—The number of major weapon systems included in the pilot program at any time may not exceed 12 major weapon systems.

(e) Special Funding Authority.—

(1) Authority for reserve account.—Notwithstanding any other provision of law, the Secretary of Defense may establish a special reserve account utilizing funds made available for the major weapon systems included in the pilot program.

(2) Elements.—The special reserve account may include—

(A) funds made available for any major weapon system included in the pilot program to cover termination liability;

(B) funds made available for any major weapon system included in the pilot program for award fees that may be earned by contractors; and

(C) funds appropriated to the special reserve account.

(3) AVAILABILITY OF FUNDS.—Funds in the special reserve account may be used, in accordance with guidance issued by the Secretary for purposes of this section, for the following purposes:

(A) To cover termination liability for any major weapon system included in the pilot program.

(B) To pay award fees that are earned by any contractor for a major weapon system included in the pilot program.

(C) To address unforeseen contingencies that could prevent a major weapon system included in the pilot program from meeting critical schedule or performance requirements.

(4) REPORTS ON USE OF FUNDS.—Not later than 30 days after the use of funds in the special reserve account for the purpose specified in paragraph (3)(C), the Secretary shall submit to the congressional defense committees a report on report the use of funds in the account for such purpose. The report shall set forth the purposes for which the funds were used and the reasons for the use of the funds for such purposes.

(f) ADMINISTRATION OF PILOT PROGRAM.—The Secretary of Defense shall prescribe policies and procedures on the administration of the pilot program. Such policies and procedures shall—

(1) provide for the use of program status reports based on earned value data to track progress on a major weapon system under the pilot program against baseline estimates applicable to such system at each systems engineering technical review point; and

(2) grant authority to the program manager for the acquisition program for a major weapon system to make key program decisions and trade-offs, subject to management reviews only if cost or schedule deviations exceed 10 percent baselines for such acquisition program.

(g) EXPIRATION OF AUTHORITY TO INCLUDE ADDITIONAL SYSTEMS IN PILOT PROGRAM.—

(1) EXPIRATION.—A major weapon system may not be included in the pilot program after September 30, 2012.

(2) RETENTION OF SYSTEMS.—A major weapon system included in the pilot program before the date specified in paragraph (1) in accordance with the requirements of this section may remain in the pilot program after that date.

(h) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than one year after including the first major weapon system in the pilot program, and annually thereafter, the Secretary shall submit to the congressional defense committees a report on the pilot program, and the major weapon systems included in the pilot program, during the one-year period ending on the date of such report.

(2) ELEMENTS.—Each report under this subsection shall include—

(A) a description of progress under the pilot program, and on each major weapon system included in the pilot program, during the period covered by such report; and

(B) such other matters as the Secretary considers appropriate.

(i) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term "major weapon system" means a weapon system that is treatable as a major system under section 2302(5) of title 10, United States Code.

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

"(1) Program manager.

"(2) Deputy program manager.

"(3) Chief engineer.

"(4) Systems engineer.

"(5) Cost estimator.".

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

"(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

"(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.".

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAVER.—During the two-year period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

Subtitle B—Defense Industrial Base Matters

SEC. 821. REMOVAL OF HAND AND MEASURING TOOLS FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Subsection (b) of section 2533a of title 10, United States Code, is amended by striking paragraph (3).

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking "(b)(1)(A), (b)(2), or (b)(3)" each place it appears and inserting "(b)(1)(A) or (b)(2)".

SEC. 822. APPLICABILITY OF CERTAIN REQUIREMENTS REGARDING SPECIALTY METALS.

(a) EXEMPTION FOR CERTAIN COMMERCIAL ITEMS.—Subsection (i) of section 2533a of title 10, United States Code, is amended—

(1) by inserting ", DUAL-USE ITEMS, AND ELECTRONIC COMPONENTS" after "COMMERCIAL ITEMS";

(2) by inserting "(1)" before "this section";

(3) in paragraph (1), as so designated, by inserting "described in subsection (b)(1)" after "commercial items"; and

(4) by adding at the end the following new paragraphs:

"(2) This section is not applicable to—

"(A) a contract or subcontract for the procurement of a commercial item containing specialty metals described in subsections (b)(2) and (b)(3); or

"(B) specialty metals that are incorporated into an electronic component, where the value of the specialty metal used in the component is de minimis in relation to the value of the electronic component.

"(3) For purposes of paragraph (2)(A), a commercial item does not include—

"(A) any item that contains noncommercial modifications that cost or are expected to cost, in the aggregate, more than 5 percent of the total price of such item;

"(B) any item that would not be considered to be a commercial item, but for sales to government entities or inclusion in items that are sold to government entities;

"(C) forgings or castings for military unique end items;

"(D) fasteners other than commercial off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c)); or

"(E) specialty metals.".

(b) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Such section is further amended by adding at the end the following new subsection:

"(k) EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO FACILITATE CIVIL-MILITARY INTEGRATION.—Subsection (a) does not apply to the procurement of an item from a contractor or a first-tier subcontractor if the Secretary of Defense or the Secretary of a military department determines that—

"(1) the item is or will be produced using the same production facilities, a common supply chain, and the same or similar production processes that are used for the production of similar items delivered to non-defense customers; and

"(2) the contractor or subcontractor has made a contractual commitment to purchase a quality, grade, and amount of domestically-melted specialty metals for use by the purchaser during the period of contract performance in the production of the item and other similar items delivered to non-defense customers that is not less that the greater of—

"(A) the amount of specialty metals that is purchased by the contractor for use in the item delivered to the Department of Defense; or

"(B) 40 percent of the amount of specialty metals purchased by the contractor or subcontractor for use during such period in the production of the item and similar items delivered to non-defense contractors.".

(c) DE MINIMIS STANDARD FOR SPECIALTY METALS.—Such section is further amended by adding at the end the following new subsection:

"(l) MINIMUM THRESHOLD FOR SPECIALTY METALS.—Notwithstanding the requirements of subsection (a), the Secretary of Defense or the Secretary of a military department may accept delivery of an item containing specialty metals that were not grown, reprocessed, reused, or produced in the United States if the total amount of noncompliant specialty metals in the item does not exceed 2 percent of the total amount of specialty metals in the item.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to items accepted for delivery on or after that date.

(2) CIVIL-MILITARY INTEGRATION.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered into on or after that date.

SEC. 823. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2539c. Waiver of domestic source or content requirements

"(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

"(1) in a foreign country that has a Declaration of Principles with the United States;

"(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

"(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

"(b) Covered Requirements.—For purposes of this section:

"(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

"(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

"(c) Applicability.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

"(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

"(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(d) Limitation on Delegation.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(e) Consultations.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

"(f) Laws Not Waivable.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

"(1) The Small Business Act (15 U.S.C. 631 et seq.).

"(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

"(3) Sections 7309 and 7310 of this title.

"(4) Section 2533a of this title.

"(g) Relationship to Other Waiver Authority.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

"(h) Clarification of Relationship With Buy American Act.—Nothing in this section shall be construed to alter in any way the applicability of the Buy American Act (41 U.S.C. 10a), or the authority of the Secretary of Defense to waive the requirements of such Act, with respect to the procurement of any item to which such Act would apply without regard to this section.

"(i) Construction With Respect to Later Enacted Laws.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

"(j) Declaration of Principles.—(1) In this section, the term 'Declaration of Principles' means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

"(A) harmonization of military requirements and acquisition processes;

"(B) security of supply;

"(C) export procedures;

"(D) security of information;

"(E) ownership and corporate governance;

"(F) research and development;

"(G) flow of technical information; and

"(H) defense trade.

"(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

"2539c. Waiver of domestic source or content requirements.".

SEC. 824. REPEAL OF REQUIREMENT FOR IDENTIFICATION OF ESSENTIAL MILITARY ITEMS AND MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 825. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

Subtitle C—Defense Contractor Matters

SEC. 841. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) Requirements.—

(1) In general.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410p. Defense contractors: requirements concerning former Department of Defense officials

"(a) In General.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

"(b) Report Information.—Except as provided in subsection (c), a report by a contractor under subsection (a) shall—

"(1) list the name of each person who—

"(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces who served—

"(i) in an Executive Schedule position under subchapter II of chapter 53 of title 5;

"(ii) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5;

"(iii) in a general or flag officer position compensated at a rate of pay for grade 0–7 or above under section 201 of title 37; or

"(iv) as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract with a value in excess of $10,000,000; and

"(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than two years after such officer, employee, or member left service in the Department of Defense; and

"(2) in the case of each person listed under paragraph (1)—

"(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

"(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

"(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.

"(c) Duplicate Information Not Required.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a previous annual report filed by such contractor under this section.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410p. Defense contractors: requirements concerning former Department of Defense officials.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 842. LEAD SYSTEMS INTEGRATORS.120 (a) Limitations on Contractors Acting as Lead Systems Integrators.—

(1) In general.—Chapter 141 of title 10, United States Code, as amended by section 841(a)(1) of this Act, is further amended by adding at the end the following new section:

"§2410q. Contracts: limitations on lead systems integrators

"(a) In General.—Except as provided in subsection (b), no contractor performing any inherently governmental functions, or functions closely associated with inherently governmental functions, relating to the acquisition, engineering, structuring, planning, integration, management, or control of a system of systems, regardless of whether or not such contractor is expressly designated as a so-called 'lead systems integrator', may have any financial interest in the development or construction of any individual system or element of such system of systems.

"(b) Exception.—A contractor described in subsection (a) may have a financial interest in the development or construction of an individual system or element of a system of systems if the Secretary of Defense certifies to the congressional defense committees that—

"(1) the contractor is the preferred best of industry supplier of the system or element concerned; and

"(2) the contractor was selected to develop or construct the system or element concerned only after a formal competition for such system or element conducted by the Department of Defense in which the contractor participated only as a respondent to the request for proposal (RFP) under the competition.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to preclude a contractor described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

"(d) DEFINITIONS.—In this section:

"(1) The term 'best of industry', with respect to the development or construction of a system or element by a contractor, means that the contractor provides the Government any of the following in the development or construction of the system or element for the Government:

"(A) Best overall value.

"(B) Best technology.

"(C) Best capability.

"(D) Best availability.

"(2) The term 'functions closely associated with inherently governmental functions' has the meaning given such term in section 2383(b)(3) of this title.

"(3) The term 'inherently governmental functions' has the meaning given such term in section 2383(b)(2) of this title.

"(4) The term 'system of systems' means a set of interdependent systems, including one or more major weapon systems, that are related to provide a given capability and in which the loss of any one would significantly degrade the performance or capabilities of the set of systems as a whole.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as amended by section 841(a)(2) of this Act, is further amended by adding at the end the following new item:

"2410q. Contracts: limitations on lead systems integrators.".

(3) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

(b) UPDATE OF REGULATIONS ON LEAD SYSTEMS INTEGRATORS.—Not later than December 31, 2006, the Secretary of Defense shall update the acquisition regulations of the Department of Defense in order to specify fully in such regulations the matters with respect to lead systems integrators set forth in section 805(b) of the National Defense Authorization for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3372).

(c) DEFINITION OF LEAD SYSTEMS INTEGRATOR.—

(1) DEFINITION REQUIRED.—The Secretary of Defense shall include in the report required by section 805 of the National Defense Authorization for Fiscal Year 2006 a precise and comprehensive definition of the term "lead systems integrator", as that term is utilized in such section.

(2) MATTERS TO BE ADDRESSED.—In defining the term "lead systems integrator" under paragraph (1), the Secretary shall take into account the following:

(A) The importance of lead systems integrators in the production, fielding, and sustainment of complex systems, including their role in addressing increases in cost, the evolution of interoperability requirements, and the maintenance and sustainment of critical capabilities.

(B) The unique engineering and integration skills of lead systems integrators.

(C) The management and organizational skills and capabilities of lead systems integrators, including the capacity of lead systems integrators to facilitate the participation of small and disadvantaged businesses in the production, fielding, and sustainment of complex systems.

(d) CONTRACT TYPES AND FEE STRUCTURES.—The Secretary of Defense shall include in the report required by section 805 of the National Defense Authorization for Fiscal Year 2006 a specification of various types of contracts and fee structures, including award and incentive fees, that are appropriate for use by lead systems integrators in the production, fielding, and sustainment of complex systems.

SEC. 843. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions (including definitions), for the Department of Defense on the appropriate use of award and incentive fees in Department of Defense acquisition programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) provide guidance on the circumstances in which contractor performance may be judged to be "excellent" or "superior" and the percentage of the available award fee which contractors should be paid for such performance;

(3) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be "acceptable", "average", "expected", "good", or "satisfactory";

(4) ensure that no award fee may be paid for contractor performance that is judged to be below-satisfactory performance or performance that does not meet the basic requirements of the contract;

(5) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(6) ensure that the Department of Defense—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(7) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(8) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) ASSESSMENT OF INDEPENDENT EVALUATION MECHANISMS.—

(1) IN GENERAL.—The Secretary of Defense shall select a federally-funded research and development center to assess various mechanisms that could be used to ensure an independent evaluation of contractor performance for the purpose of making determinations applicable to the judging and payment of award fees.

(2) CONSIDERATIONS.—The assessment conducted pursuant to paragraph (1) shall include consideration of the advantages and disadvantages of a system in which award fees are—

(A) held in a separate fund or funds of the Department of Defense; and

(B) allocated to a specific program only upon a determination by an independent board, charged with comparing contractor performance across programs, that such fees have been earned by the contractor for such program.

(3) REPORT.—The Secretary shall submit to the congressional defense committees a report on the assessment conducted pursuant to paragraph (1) not later than one year after the date of the enactment of this Act.

SEC. 844. PROHIBITION ON EXCESSIVE PASS-THROUGH CHARGES.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations prohibiting excessive pass-through charges on contracts or subcontracts (or task or delivery orders) that are entered into for or on behalf of the Department of Defense that are in excess of the simplified acquisition threshold, as specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

(b) SCOPE OF REGULATIONS.—The regulations prescribed under this section shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(c) DEFINITIONS.—In this section:

(1) The term "excessive pass-through charge" means a charge by a covered contractor or subcontractor for overhead or profit on work performed by a covered lower-tier contractor (other than charges for the direct costs of managing lower-tier contracts and overhead and profit based on such direct costs).

(2) The term "covered contractor" means the following:

(A) A contractor that assigns work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit) to subcontractors.

(B) In the case of a contract providing for the development or production of more than one weapon system, a contractor that assigns work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit) for any particular weapon system under such contract to subcontractors.

(3) The term "covered lower-tier contractor" means the following:

(A) With respect to a covered contractor described by paragraph (2)(A) in a contract, any lower-tier subcontractor under such contract.

(B) With respect to a covered contractor described by paragraph (2)(B) in a contract, any lower-tier subcontractor on a weapon system under such contract for which such covered contractor has assigned work accounting for more than 90 percent of the cost of contract performance (not including overhead or profit).

(d) EFFECTIVE DATE.—The regulations prescribed under this section shall apply to contracts awarded for or on behalf of the Department of Defense on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 845. REPORT ON DEPARTMENT OF DEFENSE CONTRACTING WITH CONTRACTORS OR SUBCONTRACTORS EMPLOYING MEMBERS OF THE SELECTIVE RESERVE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on contracting with the Department of Defense by actual and potential contractors and subcontractors of the Department who employ members of the Selected Reserve of the reserve components of the Armed Forces.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The extent to which actual and potential contractors and subcontractors of the Department, including small businesses, employ members of the Selective Reserve.

(2) The extent to which actual and potential contractors and subcontractors of the Department have been or are likely to be disadvantaged in the performance of contracts with the Department, or in competition for new contracts with the Department, when employees who are such members are mobilized as part of a United States military operation overseas.

(3) Any actions that, in the view of the Secretary, should be taken to address any such disadvantage, including—

(A) the extension of additional time for the performance of contracts to contractors and subcontractors of Department who employ members of the Selected Reserve who are mobilized as part of a United States military operation overseas; and

(B) the provision of assistance in forming contracting relationships with other entities to ameliorate the temporary loss of qualified personnel.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required by this section. The report shall set forth the findings and recommendations of the Secretary as a result of the study.

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3385; 10 U.S.C. 2305 note) is repealed.

Subtitle D—Program Manager Matters

SEC. 861. PROGRAM MANAGER EMPOWERMENT AND ACCOUNTABILITY.

(a) STRATEGY.—The Secretary of Defense shall develop a comprehensive strategy for enhancing the role of Department of Defense program managers in developing and carrying out defense acquisition programs.

(b) MATTERS TO BE ADDRESSED.—The strategy required by this section shall address, at a minimum—

(1) enhanced training and educational opportunities for program managers;

(2) increased emphasis on the mentoring of current and future program managers by experienced senior executives and program managers within the Department;

(3) improved career paths and career opportunities for program managers;

(4) additional incentives for the recruitment and retention of highly qualified individuals to serve as program managers;

(5) improved resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) for program managers;

(6) improved means of collecting and disseminating best practices and lessons learned to enhance program management across the Department;

(7) common templates and tools to support improved data gathering and analysis for program management and oversight purposes;

(8) increased accountability of program managers for the results of defense acquisition programs; and

(9) enhanced monetary and nonmonetary awards for successful accomplishment of program objectives by program managers.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the strategy developed pursuant to this section.

SEC. 862. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM DEVELOPMENT PERIODS.

(a) REVISED GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for defense acquisition programs to address the tenure and accountability of program managers for the program development period of defense acquisition programs.

(b) PROGRAM DEVELOPMENT PERIOD.—For the purpose of this section, the term "program development period" refers to the period before a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program).

(c) RESPONSIBILITIES.—The revised guidance required by subsection (a) shall provide that the program manager for the program development period of a defense acquisition program is responsible for—

(1) bringing to maturity the technologies and manufacturing processes that will be needed to carry out such program;

(2) ensuring continuing focus during program development on meeting stated mission requirements and other requirements of the Department of Defense;

(3) making trade-offs between program cost, schedule and performance for the life-cycle of such program;

(4) developing a business case for such program; and

(5) ensuring that appropriate information is available to the milestone decision authority to make a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program), including information necessary to make the certification required by section 2366a of title 10, United States Code.

(d) QUALIFICATIONS, RESOURCES, AND TENURE.—The Secretary shall ensure that each program manager for the program development period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program until such time as such program is ready for a decision on Milestone B approval (or Key Decision Point B approval in the case of a space program).

SEC. 863. TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS FOR PROGRAM EXECUTION PERIODS.

(a) REVISED GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense guidance for defense acquisition programs to address the tenure and accountability of program managers for the program execution period of defense acquisition programs.

(b) PROGRAM EXECUTION PERIOD.—For the purpose of this section, the term "program execution period" refers to the period after Milestone B approval (or Key Decision Point B approval in the case of a space program).

(c) RESPONSIBILITIES.—The revised guidance required by subsection (a) shall—

(1) require the program manager for the program execution period of a defense acquisition program to enter into a performance agreement with the milestone decision authority for such program within six months of assignment, that—

(A) establishes expected parameters for the cost, schedule, and performance of such program consistent with the business case for such program;

(B) provides the commitment of the milestone decision authority to provide the level funding and resources required to meet such parameters; and

(C) provides the assurance of the program manager that such parameters are achievable and that such program manager will be accountable for meeting such parameters; and

(2) provide the program manager with the authority to—

(A) veto the addition of new program requirements that would be inconsistent with the parameters established in the performance agreement entered pursuant to paragraph (1);

(B) make trade-offs between cost, schedule and performance, provided that such trade-offs are consistent with the parameters established in the performance agreement entered pursuant to paragraph (1);

(C) redirect funding within such program, to the extent necessary to achieve the parameters established in the performance agreement entered pursuant to paragraph (1);

(D) develop such interim goals and milestones as may be required to achieve the parameters established in the performance agreement entered pursuant to paragraph (1); and

(E) use program funds to recruit and hire such technical experts as may be required to carry out such program, if necessary expertise is not otherwise provided by the Department of Defense.

(d) QUALIFICATIONS, RESOURCES, AND TENURE.—The Secretary shall ensure that each program manager for the program execution period of a defense acquisition program—

(1) has the appropriate management, engineering, technical, and financial expertise needed to meet the responsibilities assigned pursuant to subsection (c);

(2) is provided the resources and support (including systems engineering expertise, cost estimating expertise, and software development expertise) needed to meet such responsibilities; and

(3) is assigned to the program manager position for such program at the time of Milestone B approval (or Key Decision Point B approval in the case of a space program) and continues in such position until the delivery of the first production units of such program.

(e) LIMITED WAIVER AUTHORITY.—The Secretary may waive the requirement in subsection (d)(3) that a program manager for the program execution period of a defense acquisition program serve in that position until the delivery of the first production units of such program upon submitting to the congressional defense committees a written determination that—

(1) such program is so complex, and the delivery of the first production units will take so long, that it would not be feasible for a single individual to serve as program manager for the entire period covered by such subsection; and

(2) the complexity of such program, and length of time that will be required to deliver the first production units, are not the result of a failure to meet the certification requirements established in section 2366a of title 10, United States Code.

SEC. 864. DEPARTMENT OF DEFENSE PLAN FOR CONTINGENCY PROGRAM MANAGEMENT.

(a) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for the Department of Defense for contingency program management during combat operations and post-conflict operations.

(b) MATTERS TO BE COVERED.—The plan of the Department of Defense for contingency program management required by subsection .(a) shall, at a minimum, provide for—

(1) the designation of a senior executive service official on the Joint Staff with the responsibility for administering the plan;

(2) the assignment of a senior commissioned officer of the Armed Forces with appropriate program management experience and qualifications to act as head of contingency program management during combat operations, post-conflict operations, and contingency operations, who shall report directly to the commander of the combatant command in whose area of responsibility the operations occur;

(3) a preplanned organizational structure for contingency program management that is designed to ensure that the Department is prepared to conduct contingency program management during combat operations and post-conflict operations, including advance planning for—

(A) unified, agile program management processes and procedures for an interagency and coalition environment;

(B) standardized joint contract mechanisms with clearly defined metrics;

(C) continuity of program and project management;

(D) identification of a deployable cadre of experts, trained in processes required under paragraph (4);

(E) required information technology resources and reliable, interoperable connections and communications; and

(F) coordination of program management operations with the activities of commanders in the field;

(4) a requirement for the development of a training program for contingency program management, including—

(A) comprehension of program management that focuses on cost, scope, schedule, success metrices, project oversight, and resource balancing;

(B) contracting options and rules;

(C) procedures for the Department on funding, accountability and component and partner responsibilities; and

(D) effective communications and rules for coordination with commanders in the field; and

(5) a requirement for identification of hiring and appointment authorities for rapid deployment of personnel under this section to ensure the availability of key personnel for sufficient lengths of time to provide for continuing of program and project management.

(c) UTILIZATION IN PLAN FOR INTERAGENCY PROCEDURES FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.—To the extent practicable, the elements of the plan of the Department of Defense for contingency program management required by subsection (a) shall be taken into account in the development of the plan for the establishment of interagency operating procedures for stabilization and reconstruction operations required by section 1222.

SEC. 865. COMPTROLLER GENERAL REPORT.

Not later than February 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the actions taken by the Secretary of Defense to comply with the requirements of this subtitle. The report shall include a description of such actions and an assessment by the Comptroller General of the effectiveness of such actions in meeting such requirements.

Subtitle E—Other Matters

SEC. 871. CLARIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in paragraph (2)(A), by inserting "or, for a defense agency, the director of the defense agency" after "(41 U.S.C. 414(c))"; and

(2) in paragraph (3), by inserting "or director of a defense agency" after "executive".

SEC. 872. ONE-YEAR EXTENSION OF SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542) is amended by striking "September 30, 2006" and inserting "September 30, 2007".

SEC. 873. ONE-YEAR EXTENSION OF INAPPLICABILITY OF CERTAIN LAWS TO CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

Subsections (a)(2)(A) and (b)(2)(A) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021), as amended by section 848(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3395), are each further amended by striking "2006" and inserting "2007".

SEC. 874. PILOT PROGRAM ON EXPANDED USE OF MENTOR-PROTEGE AUTHORITY.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of treating small business concerns described in subsection (b) as disadvantaged small business concerns under the Mentor-Protege Program under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note).

(b) COVERED SMALL BUSINESS CONCERNS.—The small business concerns described in this subsection are small business concerns that—

(1) are participants in the Small Business Innovative Research Program of the Department of Defense established pursuant to section 9 of the Small Business Act (15 U.S.C. 638); and

(2) as determined by the Secretary, are developing technologies that will assist in detecting or defeating Improvised Explosive Devices (IEDs) or other critical force protection measures.

(c) TREATMENT AS DISADVANTAGED SMALL BUSINESS CONCERNS.—

(1) IN GENERAL.—For purposes of the pilot program, the Secretary may treat a small business concern described in subsection (b) as a disadvantaged small business concern under the Mentor-Protege Program.

(2) MENTOR-PROTEGE AGREEMENT.—Any eligible business concerned approved for participation in the Mentor-Protege Program as a mentor firm may enter into a mentor-protege agreement and provide assistance described in section 831 of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern treated under paragraph (1) as a disadvantaged small business concern under the Mentor-Protege Program.

(d) FUNDING.—

(1) IN GENERAL.—Notwithstanding the limitation in section 9(f)(2) of the Small Business Act (15 U.S.C. 638(f)(2)), funds for any reimbursement provided to a mentor firm under section 831(g) of the National Defense Authorization Act for Fiscal Year 1991 with respect to a small business concern described in subsection (b) under the pilot program shall be derived from funds available for the Small Business Innovative Research Program of the Department of Defense.

(2) LIMITATION.—The amount available under paragraph (1) for reimbursement described in that paragraph may not exceed the amount equal to one percent of the funds available for the Small Business Innovative Research Program.

(e) SUNSET.—

(1) AGREEMENTS.—No mentor-protege agreement may be entered into under the pilot program after September 30, 2010.

(2) OTHER MATTERS.—No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under the pilot program after September 30, 2013.

(f) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall—

(1) describe the extent to which mentor-protege agreements have been entered under the pilot program; and

(2) describe and assess the technological benefits arising under such agreements.

(g) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate; and

(B) the Committees on Armed Services and Appropriations of the House of Representatives.

(2) The term "small business concern" has the meaning given that term in section 831(m)(1) of the National Defense Authorization Act for Fiscal Year 1991.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

SEC. 901. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§2117. United States Military Cancer Institute

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

"(b) PURPOSES.—The purposes of the Institute are as follows:

"(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

"(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

"(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

"(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

"(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

"(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

"(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

"(B) The prevention and early detection of cancer among members and former members of the armed forces.

"(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

"(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

"(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

"(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

"2117. United States Military Cancer Institute.".

SEC. 902. SENIOR ACQUISITION EXECUTIVE FOR SPECIAL OPERATIONS WITHIN STAFF OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

(a) Inclusion Within Staff.—The staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under section 138(b)(4) of title 10, United States Code, shall include a senior acquisition executive for special operations.

(b) Duties.—The senior acquisition executive within the staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under subsection (a) shall conduct policy and management oversight of the acquisition activities of the Special Operations Command under section 167 of title 10, United States Code, and shall have such other duties as the Assistant Secretary shall designate.

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) In General.—Section 6222 of title 10, United States Code, is amended to read as follows:

"§6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

"(a) United States Marine Band.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(b) United States Marine Drum and Bugle Corps.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

"(c) Appointment and Promotion.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

"(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

"(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

"(d) Retirement.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

"(e) Revocation of Appointment.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

"(1) to be discharged from the Marine Corps; or

"(2) to revert to the grade and status such member held at the time of appointment under this section.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

"6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.".

SEC. 904. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.

(a) Department of the Army.—

(1) Establishment of Position.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) Lieutenant General.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) Exclusion From Grade and Number Limitations.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) Department of the Navy.—

(1) Establishment of Position.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) Vice Admiral.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) Exclusion From Grade and Number Limitations.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall not be counted against the numbers and percentages of officers of the grade of vice admiral.

(c) Department of the Air Force.—

(1) Establishment of Position.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) Lieutenant General.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) Exclusion From Grade and Number Limitations.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

Subtitle B—Space Activities

SEC. 911. ESTABLISHMENT OF OPERATIONALLY RESPONSIVE SPACE CAPABILITIES.

(a) Findings.—Congress makes the following findings:

(1) Access to and use of space is critical for preserving peace and protecting the national security, commercial, and civil interests of the United States.

(2) Key priorities for the national security space activities of the United States include improving the capacity to support military operations worldwide and responding to strategic military threats.

(3) To the maximum extent possible, space capabilities should be integrated into the strategy, doctrine, operations, and contingency plans of the Armed Forces of the United States.

(4) The commanders of the combatant commands should have access to responsive space capabilities that provide prompt, focused support in their theater of operations, which capabilities should compliment other national and Department of Defense space assets while providing direct and flexible support to the warfighter on the battlefield.

(5) The United States Space Transportation Policy of January 6, 2005, calls for the demonstration, before 2010, of an initial capability for operationally responsive access to and use of space to support the national security requirements of the United States.

(b) Policy.—It is the policy of the United States—

(1) to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support the warfighter from space; and

(2) that the capability described in paragraph (1) shall consist of—

(A) responsive satellite payloads;

(B) inexpensive space launch vehicles and range procedures that facilitate the timely launch of satellites;

(C) common technical standards for satellite busses; and

(D) a configuration of operations and command and control capabilities that permit the warfighter to exploit responsive space assets for combat operations.

(c) Operationally Responsive Space Hybrid Program Office.—

(1) In General.—The Secretary of Defense shall establish within the Department of Defense an office to be known as the Operationally Responsive Space Hybrid Program Office (in this subsection referred to as the "Office").

(2) Elements.—The Office shall consist of elements of the Department of Defense selected by the Secretary from among the science and technology, acquisition, and operations elements of the Department having the capacity to contribute to the development of capabilities for operationally responsive space. Such elements shall be selected so as to achieve a balanced representation of the military departments in the Office in order to ensure proper acknowledgment of joint considerations in the activities of the Office.

(3) Organization of Elements.—The elements of the Office under paragraph (2) shall be organized by the Secretary into divisions as follows:

(A) A science and technology division that shall pursue innovative approaches to the development of capabilities for operationally responsive space through basic and applied research focused on payloads, bus, and launch equipment.

(B) An acquisition division that shall undertake the acquisition of systems necessary to procure, integrate, sustain, and launch assets for operationally responsive space.

(C) An operations division that shall—

(i) sustain and maintain assets for operationally responsive space prior to launch;

(ii) integrate and launch such assets; and

(iii) operate such assets in orbit.

(D) A combatant command support division that shall serve as the primary intermediary between the military departments and the combatant commands on operationally responsive space, including the integration of assets for operationally responsive space into—

(i) the operations plans of the combatant commands;

(ii) the training and tactics procedures of the military departments; and

(iii) military exercises, demonstrations, and war games.

(3) ACCOUNTABILITY.—The head of the Office shall report to the Executive Agent for Space of the Department of Defense regarding the activities of Office under this subsection.

(4) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

(A) The Executive Agent for Space of the Department of Defense shall be the senior acquisition executive of the Office.

(B) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office.

(C) The commander of the United States Strategic Command, or a designate of the commander, shall—

(i) validate all system requirements for systems to be acquired by the Office; and

(ii) participate in the approval of any acquisition program initiated by the Office.

(D) The unit procurement cost of a launch vehicle procured by the Office may not exceed $20,000,000.

(E) The unit procurement cost of an integrated satellite procured by the Office may not exceed $40,000,000.

(5) ADJUSTMENT OF UNIT PROCUREMENT COST LIMITS.—The Executive Agent for Space shall adjust the amounts specified in subparagraphs (D) and (E) of paragraph (4) to take into account the effects of inflation. Such adjustment shall take place once every five years.

(d) PLAN FOR OPERATIONALLY RESPONSIVE SPACE.—

(1) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the acquisition by the Department of Defense of capabilities for operationally responsive space to support the warfighter.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) An identification of the roles and missions of each military department, Defense Agency, and other component or element of the Department of Defense for the fulfillment of the mission of the Department with respect to operationally responsive space.

(B) An identification of the capabilities required by the Department to fulfill such mission.

(C) A description of the chain of command and reporting structure of the Operationally Responsive Space Hybrid Program Office under subsection (c).

(D) The security classification level required for the Office in order to ensure that the Office carries out its responsibilities under subsection (c) in a proper and efficient manner.

(E) A description of the acquisition policies and procedures applicable to the Office, including a description of any legislative or administrative action necessary to provide the Office additional acquisition authority to carry out its responsibilities.

(F) A schedule for the implementation of the plan.

(G) The funding and personnel required to implement the plan over the course of the current future-years defense program under section 221 of title 10, United States Code.

(e) DEFINITIONS.—In this section:

(1) The term "operationally responsive space" means the development and launch of space assets upon demand in a low-cost manner.

(2) The term "procurement unit cost" has the meaning given that term in section 2432(a) of title 10, United States Code.

SEC. 912. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking "shall be conducted during the three-year period beginning on a date specified by the Secretary of Defense, which date shall be not later than 180 days after the date of the enactment of this section" and inserting "may be conducted through September 30, 2009".

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called "black space") and the non-intelligence aspects of national security space (so-called "white space").

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

Subtitle C—Other Matters

SEC. 921. DEPARTMENT OF DEFENSE POLICY ON UNMANNED SYSTEMS.

(a) POLICY REQUIRED.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, develop a policy applicable throughout the Department of Defense on research, development, test, and evaluation, procurement, and operation of unmanned systems.

(b) ELEMENTS.—The policy required by subsection (a) shall include the following:

(1) Mission requirements (including mission requirements for the military departments and joint mission requirements) for unmanned systems to replace manned systems in the performance of routine or dangerous missions.

(2) A strategy and schedules for the replacement of manned systems with unmanned systems in the performance of such missions.

(3) Preference for joint unmanned systems in acquisition programs for new systems, including a requirement under any such program for the development of a manned system for a certification that an unmanned system is incapable of meeting program requirements.

(4) Joint development and procurement of unmanned systems and components.

(5) A strategy for the divestment of the military department unmanned systems unique to a particular department with a preference for joint unmanned systems.

(6) Programs to address technical, operational, and production challenges, and gaps in capabilities, with respect to unmanned systems.

(7) An organizational structure for effective management, coordination, and budgeting for the development and procurement of unmanned systems, including an assessment of the feasibility and advisability of designating a single department or other element of the Department of Defense to act as executive agent for the Department on unmanned systems.

(8) Requirements for the integration of unmanned and manned missions.

(9) Requirements in order to satisfy the goals for unmanned air and ground systems established in section 220 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–38).

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the policy required by subsection (a).

SEC. 922. EXECUTIVE SCHEDULE LEVEL IV FOR DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.

(a) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Under Secretary of Defense for Personnel and Readiness the following new item:

"Deputy Under Secretary of Defense for Logistics and Materiel Readiness.".

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Deputy Under Secretary of Defense for Logistics and Materiel Readiness on or after that date.

SEC. 923. THREE-YEAR EXTENSION OF JOINT INCENTIVES PROGRAM ON SHARING OF HEALTH CARE RESOURCES BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

Section 8111(d)(4) of title 38, United States Code, is amended by striking "September 30, 2007" and inserting "September 30, 2010".

SEC. 924. SENSE OF SENATE ON NOMINATION OF INDIVIDUAL TO SERVE AS DIRECTOR OF OPERATIONAL TEST AND EVALUATION ON A PERMANENT BASIS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Congress established the position of Director of Operational Test and Evaluation of the Department of Defense in 1983 to ensure the operational effectiveness and suitability of weapon systems in combat.

(2) The Director of Operational Test and Evaluation serves as the principal adviser to the Secretary of Defense on operational test and evaluation and is vital to ensuring the operational effectiveness of weapon systems in combat.

(3) The position of Director of Operational Test and Evaluation has been held on an acting basis since February 15, 2005.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should submit to the Senate the nomination of an individual for the position of Director of Operational Test and Evaluation as soon as practicable.

SEC. 925. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

"(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.".

SEC. 926. REFORMS TO THE DEFENSE TRAVEL SYSTEM TO A FEE-FOR-USE-OF-SERVICE SYSTEM.

No later than one year after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per Department of Defense customer utilizing the system with an additional fixed fee for each transaction.

SEC. 927. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the United States Special Operations Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

Subtitle D—National Guard Bureau Matters

SEC. 931. SHORT TITLE.

This title may be cited as the "National Defense Enhancement and National Guard Empowerment Act of 2006".

SEC. 932. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands for the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal advisor".

(2) GRADE.—Subsection (e) of such section, as redesignated by paragraph (2)(A)(i) of this subsection, is further amended by striking "lieutenant general" and inserting "general".

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) DEVELOPMENT OF CHARTER.—Section 10503 of title 10, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop" and inserting "The Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force, shall develop"; and

(B) in paragraph (12), by striking "the Secretaries" and inserting "the Secretary of Defense".

(2) ADDITIONAL GENERAL FUNCTIONS.—Such section is further amended—

(A) by redesignating paragraph (12), as amended by paragraph (1)(B) of this subsection, as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(3) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the Adjutant Generals of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(4) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

"(d) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.
"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".

SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

SEC. 1003. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of all the amounts authorized to be appropriated by such titles reduced by $951,469,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of a review of the inflation assumptions used in the preparation of the budget of the President for fiscal year 2007, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTION.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in titles I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to such accounts.

SEC. 1004. INCREASE IN FISCAL YEAR 2006 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3418) is amended by striking "$3,500,000,000" and inserting "$5,000,000,000".

SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2007.

(a) FISCAL YEAR 2007 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2007 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2006, of funds appropriated for fiscal years before fiscal year 2007 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $797,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $310,277,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1006. MODIFICATION OF DATE OF SUBMITTAL OF OMB/CBO REPORT ON SCORING OF OUTLAYS.

Section 226(a) of title 10, United States Code, is amended by striking "January 15 of each year" and inserting "April 1 of each year".

SEC. 1007. PROHIBITION ON PARKING OF FUNDS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2773a the following new section:

"§ 2773b. Parking of funds: prohibition; penalties

"(a) PROHIBITION.—An officer or employee of the Department of Defense may not direct the designation of funds for a particular purpose in the budget of the President, as submitted to Congress pursuant to section 1105 of title 31, or the supporting documents of the Department of Defense component of such budget, with the knowledge or intent that such funds, if made available to the Department, will not be used for the purpose for which they are designated.

"(b) PENALTIES.—The direction of the designation of funds in violation of the prohibition in subsection (a) shall be treated for purposes of chapter 13 of title 31 as a violation of section 1341(a)(1)(A) of title 31.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting after the item relating to section 2773a the following new item:

"2773b. Parking of funds: prohibition; penalties.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 31 days after the date of the enactment of this Act.

(2) MODIFICATION OF CERTAIN POLICIES AND REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall modify the policies and regulations of the Department of Defense regarding the preparation and submittal to Congress of budget materials for the Department of Defense to take into account the provisions of section 2773b of title 10, United States Code (as added by subsection (a)).

SEC. 1008. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany S. 2766 of the 109th Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for such program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1009. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT AND NOTICE REQUIRED.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the

Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term "earmark" means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

Subtitle B—Naval Vessels

SEC. 1011. REPEAL OF REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT CARRIERS WITHIN THE NAVY.

Section 5062 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 1012. APPROVAL OF TRANSFER OF NAVAL VESSELS TO FOREIGN NATIONS BY VESSEL CLASS.

Section 7307(a) of title 10, United States Code, is amended by inserting "or vessel of that class" after "that vessel".

SEC. 1013. NAMING OF CVN–78 AIRCRAFT CARRIER AS THE U.S.S. GERALD FORD.

(a) FINDINGS.—Congress makes the following findings:

(1) Gerald R. Ford has served his country with honor and distinction for the past 64 years, and continues to serve.

(2) Gerald R. Ford joined the United States Naval Reserve in 1942 and served valiantly at sea on the U.S.S. Monterey (CVL-26) during World War II, taking part in major operations in the Pacific, including at Makin Island, Kwajalein, Truk, Saipan, and the Philippine Sea.

(3) The U.S.S. Monterey earned 10 battle stars, awarded for participation in battle, while Gerald R. Ford served on the vessel.

(4) Gerald R. Ford was first elected to the House of Representatives in 1948.

(5) In the course of 25 years of service in the House of Representatives, Gerald R. Ford distinguished himself by his exemplary record for character, decency, and trustworthiness.

(6) Throughout his service in Congress, Gerald R. Ford was an ardent proponent of strong national defense and international leadership by the United States.

(7) From 1965 to 1973, Gerald R. Ford served as minority leader of the House of Representatives, raising the standard for bipartisanship in his tireless fight for freedom, hope, and justice.

(8) In 1973, Gerald R. Ford was appointed by President Nixon to the office of Vice President of the United States with the overwhelming support of Congress.

(9) From 1974 to 1976, Gerald R. Ford served as the 38th President of the United States, taking office during one of the most challenging periods in the history of the United States and restoring the faith of the people of the United States in the office of the President through his steady leadership, courage, and ultimate integrity.

(10) President Gerald R. Ford helped restore the prestige of the United States in the world community by working to achieve peace in the Middle East, preserve détente with the Soviet Union, and set new limits on the spread of nuclear weapons.

(11) President Gerald R. Ford served as Commander in Chief of the Armed Forces of the United States with great dignity, supporting a strong Navy and a global military presence for the United State and honoring the men and women of the Armed Forces of the United States.

(12) Since leaving the office of President, Gerald R. Ford has been an international ambassador of American goodwill, a noted scholar and lecturer, a strong supporter of human rights, and a promoter of higher education.

(13) Gerald R. Ford was awarded the Medal of Freedom and the Congressional Gold Medal in 1999 in recognition of his contribution to the Nation.

(14) As President, Gerald R. Ford bore the weight of a constitutional crisis and guided the Nation on a path of healing and restored hope, earning forever the enduring respect and gratitude of the Nation.

(b) NAMING OF CVN–78 AIRCRAFT CARRIER.—CVN–78, a nuclear powered aircraft carrier of the Navy, shall be named the U.S.S. Gerald Ford.

SEC. 1014. AUTHORITY TO DONATE SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the economic and environmental interests of the United States to promote the disposal of vessels in the National Defense Reserve Fleet that are of insufficient value to warrant further preservation.

(2) The Maritime Administration of the Department of Transportation has been authorized to make such disposals, including the sale and recycling of such vessels and the donation of such vessels to any State, commonwealth, or possession of the United States, and to nonprofit organizations.

(3) The government of Greece has expressed an interest in obtaining and using the ex-Liberty ship, SS ARTHUR M. HUDDELL, for purposes of a museum exhibit.

(4) It is in the interest of the United States to authorize the Maritime Administration to donate SS ARTHUR M. HUDDELL to Greece.

(b) DONATION OF SS ARTHUR M. HUDDELL TO GOVERNMENT OF GREECE.—Notwithstanding Section 510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158), the Secretary of Transportation is authorized to transfer SS ARTHUR M. HUDDELL, by gift, to the Government of Greece, in accordance with terms and conditions determined by the Secretary.

(c) ADDITIONAL EQUIPMENT.—The Secretary may convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet to assist the Government of Greece under this section for purposes of the museum exhibit referred to in subsection (a)(3).

Subtitle C—Counterdrug Matters

SEC. 1021. EXTENSION OF AVAILABILITY OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042) is amended—

(1) in subsection (a)(1), by striking "2005 and 2006" and inserting "2005 through 2008"; and

(2) in subsection (c), by striking "2005 and 2006" and inserting "2005 through 2008".

SEC. 1022. EXTENSION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.

Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking "through 2006" and inserting "through 2011".

SEC. 1023. EXTENSION AND EXPANSION OF CERTAIN AUTHORITIES TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES.

(a) CONCURRENCE OF SECRETARY OF STATE IN PROVISION OF SUPPORT.—Paragraph (1) of subsection (a) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593), is further amended by striking "shall consult with" and inserting "shall seek the concurrence of".

(b) EXTENSION OF AUTHORITY.—Paragraph (2) of such subsection is amended by striking "September 30, 2006" and inserting "September 30, 2008".

(c) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section 1033, as so amended, is further amended by adding at the end the following new paragraphs:

"(10) The Government of Azerbaijan.

"(11) The Government of Kazakhstan.

"(12) The Government of Kyrgyzstan.

"(13) The Government of Armenia.

"(14) The Government of Niger.

"(15) The Government of Mauritania.

"(16) The Government of Mali.

"(17) The Government of Chad.

"(18) The Government of Indonesia.

"(19) The Government of Philippines.

"(20) The Government of Thailand.

"(21) The Government of Malaysia.

"(22) The Government of Guatemala.

"(23) The Government of Belize.

"(24) The Government of Panama.".

(d) TYPES OF SUPPORT.—Subsection (c)(2) of such section 1033, as so amended, is further amended by inserting ", vehicles, and, subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft, and detection, interception, monitoring, and testing equipment" after "patrol boats".

(e) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section 1033, as so amended, is further amended—

(1) by striking "or $40,000,000" and inserting "$40,000,000"; and

(2) by inserting before the period at the end the following: ", or $80,000,000 during any of the fiscal years 2007 through 2008".

(f) ANNUAL REPORT ON SUPPORT PROVIDED TO ADDITIONAL GOVERNMENTS.—Such section 1033 is further amended by adding at the end the following new subsection:

"(i) ANNUAL REPORT ON SUPPORT PROVIDED TO CERTAIN GOVERNMENTS.—Not later than November 30 each year through 2008, the Secretary

of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a comprehensive report on the support provided under this section during the preceding fiscal year to each government referred to in paragraphs (1) through (24) of subsection (b).".

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interests of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) REPORT ON UNITED STATES GOVERNMENT SUPPORT FOR OPBAT.—

(1) REPORT ON DECISION TO WITHDRAW.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) ELEMENTS.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

Subtitle D—Defense Intelligence and Related Matters

SEC. 1031. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2008".

SEC. 1032. ANNUAL REPORT ON INTELLIGENCE OVERSIGHT ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—Not later than March 1, 2007, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees and the congressional intelligence committees a report on the intelligence oversight activities of the Department of Defense during the previous calendar year.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the calendar year covered by such report, the following:

(1) A description of any questionable intelligence activity that came to the attention of any General Counsel or Inspector General within the Department of Defense, or the Under Secretary of Defense for Intelligence, and a description of the actions taken by such official with respect to such activity.

(2) A description of the results of intelligence oversight inspections undertaken by each of the following:

(A) The Office of the Secretary of Defense.

(B) Each military department.

(C) Each combat support agency.

(D) Each field operating agency.

(3) A description of any changes made in—

(A) any program for the intelligence oversight activities of the Department of Defense, including any training program; or

(B) any published directive or policy memoranda on the intelligence or intelligence-related activities of—

(i) any military department;

(ii) any combat support agency; or

(iii) any field operating agency.

(c) DEFINITIONS.—In this section:

(1) The term "combat support agency" has the meaning given that term in section 193(f) of title 10, United States Code.

(2) The term "congressional intelligence committees" has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

(3) The term "field operating agency" means a specialized subdivision of the Department of Defense that carries out activities under the operational control of the Department.

(4) The term "intelligence oversight activities of the Department of Defense" refers to any activity undertaken by an agency, element, or component of the Department of Defense to ensure compliance with regard to requirements or instructions on the intelligence and intelligence-related activities of the Department under law or any Executive order or Presidential directive (including Executive Order No. 12333).

(5) The term "questionable intelligence activity" means an intelligence or intelligence-related activity of the Department of Defense that may violate the law or any Executive order or Presidential directive (including Executive Order No. 12333).

SEC. 1033. ADMINISTRATION OF PILOT PROJECT ON CIVILIAN LINGUIST RESERVE CORPS.

(a) TRANSFER OF ADMINISTRATION TO SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Administration of the pilot project on the establishment of a Civilian Linguist Reserve Corps required by section 613 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3959; 50 U.S.C. 403-1b note) is hereby transferred from the Director of National Intelligence to the Secretary of Defense.

(2) CONFORMING AMENDMENTS.—Section 613 of the Intelligence Authorization Act for Fiscal Year 2005 is amended—

(A) by striking "Director of National Intelligence" each place it appears and inserting "Secretary of Defense"; and

(B) by striking "Director" each place it appears and inserting "Secretary".

(b) DISCHARGE OF PROJECT.—Subsection (a) of such section is further amended by adding at the end the following new sentence: "The Secretary shall carry out the pilot project through the National Security Education Program.".

(c) REPEAL OF SPECIFICATION OF DURATION OF PROJECT.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(d) MODIFICATION OF REPORT REQUIREMENTS.—Subsection (d) of such section, as redesignated by subsection (b) of this section, is further amended—

(1) in paragraph (1), by striking "an initial and a final report" and inserting "a report";

(2) in paragraph (2), by striking "Each report" and inserting "The report"; and

(3) in paragraph (3), by striking "final report" and inserting "report required under paragraph (1)".

(e) REPEAL OF SUPERSEDED AUTHORIZATION.—Such section is further amended by striking subsection (f).

SEC. 1034. IMPROVEMENT OF AUTHORITIES ON THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) EXPANSION OF EMPLOYMENT CREDITABLE UNDER SERVICE AGREEMENTS.—Paragraph (2) of subsection (b) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended to read as follows:

"(2)(A) will (in accordance with regulations prescribed by the Secretary of Defense in coordination with the heads of the other Federal departments and agencies concerned) begin work not later than three years after the recipient's completion of degree study during which scholarship assistance was provided under the program—

"(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

"(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); or

"(B) will (in accordance with such regulations) begin work not later than two years after the recipient's completion or termination of study for which fellowship assistance was provided under the program—

"(i) for not less than one year in a position certified by the Secretary of Defense, in coordination with the Director of National Intelligence, the Secretary of Homeland Security,

and the Secretary of State (as appropriate), as contributing to the national security of the United States in the Department of Defense, any element of the intelligence community, the Department of Homeland Security, or the Department of State;

"(ii) for not less than one year in a position in a Federal agency or office that is identified by the Secretary of Defense under subsection (g) as having national security responsibilities if the recipient demonstrates to the Secretary that no position is available in the departments and agencies covered by clause (i); or

"(iii) for not less than one academic year in a position in the field of education in a discipline related to the study supported by the program if the recipient demonstrates to the Secretary of Defense that no position is available in the departments, agencies, and offices covered by clauses (i) and (ii); and".

(b) Temporary Employment and Retention of Certain Participants.—Such section is further amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) Temporary Employment and Retention of Certain Participants.—

"(1) In general.—The Secretary of Defense may—

"(A) appoint or retain a person provided scholarship or fellowship assistance under the program in a position in the Department of Defense on an interim basis during the period of the person's pursuit of a degree under the program and for a period not to exceed two years after completion of the degree, but only if, in the case of the period after completion of the degree—

"(i) there is no appropriate permanent position for the person under subsection (b)(2)(A); and

"(ii) there is an active and ongoing effort to identify and assign the person to an appropriate permanent position as soon as possible; and

"(B) if there is no appropriate permanent position available for the person after the end of the periods described in subparagraph (A), separate the person from employment with the Department without regard to any other provision of law, in which event the service agreement of the person under subsection (b) shall terminate.

"(2) Treatment of certain service.—The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (b).".

(c) Plan for Improving Program.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for improving the recruitment, placement, and retention within the Department of Defense of individuals who receive scholarships or fellowships under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) in order to facilitate the purposes of that Act in meeting the requirements of the Department in acquiring individuals with critical foreign language skills and individuals who are regional experts.

SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"Sec. 20.(a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

"(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A–25.

"(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

"(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

"(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).".

SEC. 1036. FUNDING FOR A CERTAIN MILITARY INTELLIGENCE PROGRAM.

(a) Increase in Amount for Research, Development, Test, and Evaluation, Defense-Wide.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $450,000,000.

(b) Offset.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $450,000,000, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

Subtitle E—Defense Against Terrorism and Related Security Matters

SEC. 1041. ENHANCEMENT OF AUTHORITY TO PAY MONETARY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

Section 127b(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting ", or to a subcommander of a combatant command designated by the commander of the combatant command and approved by an Under Secretary of Defense to whom such authority is delegated under subparagraph (A)," after "combatant command"; and

(2) in paragraph (2), by striking "$2,500" and inserting "$10,000".

SEC. 1042. USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) Use of the Armed Forces Authorized.—

(1) In general.—Section 333 of title 10, United States Code, is amended to read as follows:

"§ 333. Major public emergencies; interference with State and Federal law

"(a) Use of Armed Forces in Major Public Emergencies.—(1) The President may employ the armed forces, including the National Guard in Federal service, to—

"(A) restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that—

"(i) domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order; and

"(ii) such violence results in a condition described in paragraph (2); or

"(B) suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if such insurrection, violation, combination, or conspiracy results in a condition described in paragraph (2).

"(2) A condition described in this paragraph is a condition that—

"(A) so hinders the execution of the laws of a State or possession, as applicable, and of the United States within that State or possession, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State or possession are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

"(B) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

"(3) In any situation covered by paragraph (1)(B), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

"(b) Notice to Congress.—The President shall notify Congress of the determination to exercise the authority in subsection (a)(1)(A) as soon as practicable after the determination and every 14 days thereafter during the duration of the exercise of the authority.".

(2) Proclamation to disperse.—Section 334 of such title is amended by inserting "or those obstructing the enforcement of the laws" after "insurgents".

(3) Heading amendment.—The heading of such 15 of such title is amended to read as follows:

"CHAPTER 15—ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER".

(4) Clerical amendments.—(A) The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 15 and inserting the following new item:

"15. Enforcement of the Laws To Restore Public Order .... 331".

(B) The table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to sections 333 and inserting the following new item:

"333. Major public emergencies; interference with State and Federal law.".

(b) Provision of Supplies, Services, and Equipment.—

(1) In general.—Chapter 152 of such title is amended by adding at the end the following new section:

"§ 2567. Provision of supplies, services, and equipment in major public emergencies

"(a) Provision Authorized.—In any situation in which the President determines to exercise the authority in section 333(a)(1)(A) of this title, the President may direct the Secretary of Defense to provide supplies, services, and equipment to persons affected by the situation.

"(b) Covered Supplies, Services, and Equipment.—The supplies, services, and equipment provided under this section may include food, water, utilities, bedding, transportation, tentage, search and rescue, medical care, minor repairs, the removal of debris, and other assistance necessary for the immediate preservation of life and property.

"(c) Limitations.—(1) Supplies, services, and equipment may be provided under this section—

"(A) only to the extent that the constituted authorities of the State or possession concerned are unable to provide such supplies, services, and equipment, as the case may be; and

"(B) only until such authorities, or other departments or agencies of the United States charged with the provision of such supplies, services, and equipment, are able to provide such supplies, services, and equipment.

"(2) The Secretary may provide supplies, services, and equipment under this section only to *the extent that the Secretary determines that doing so will not interfere with military preparedness or ongoing military operations or functions.*

"(d) Inapplicability of Certain Authorities.—The provision of supplies, services, or equipment under this section shall not be subject to the provisions of section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)).".

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2567. Provision of supplies, services, and equipment in major public emergencies.".

(c) Conforming Amendments.—Section 12304(c) of such title is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 1043. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN CONFIDENTIAL INFORMATION SHARED WITH STATE AND LOCAL PERSONNEL.

Confidential business information and other sensitive but unclassified homeland security information in the possession of the Department of Defense that is shared, pursuant to section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482), with State and local personnel involved in the prevention, interdiction, or disruption of, or response to, terrorist activity shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), by virtue of the sharing of such information with such personnel.

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) Authority To Provide Assistance.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) Authorized Activities.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) Cooperative Agreements.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) Coordination of Assistance.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) Annual Training.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) Prohibition on Direct Participation in Law Enforcement.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) Duration of Authority.—The authority of this section shall expire on January 1, 2009.

(h) Definitions.—In this section:

(1) The term "Governor of a State" means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "State along the southern land border of the United States" means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

Subtitle F—Miscellaneous Authorities on Availability and Use of Funds

SEC. 1051. ACCEPTANCE AND RETENTION OF REIMBURSEMENT FROM NON-FEDERAL SOURCES TO DEFRAY DEPARTMENT OF DEFENSE COSTS OF CONFERENCES.

(a) In General.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2262. Department of Defense conferences: collection of fees to cover Department of Defense costs

"(a) In General.—(1) The Secretary of Defense may, whether directly or by contract, collect fees from any individual or commercial participant in a conference, seminar, exhibition, symposium, or similar meeting (in this section referred to collectively as a 'conference') conducted by the Department of Defense.

"(2) Fees may be collected with respect to a conference under this subsection in advance of the conference.

"(3) The total amount of fees collected under this subsection with respect to a conference may not exceed the costs of the Department of Defense with respect to the conference.

"(b) Treatment of Collections.—(1) Amounts collected under subsection (a) with respect to a conference shall be credited to the appropriation or account from which the costs of the conference are paid.

"(2) In the event the total amount of fees collected with respect to a conference exceeds the costs of the Department with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts.

"(3) Amounts credited to an appropriation or account under paragraph (1) with respect to a conference shall be available to pay the costs of the Department with respect to the conference or to reimburse the Department for costs incurred with respect to the conference.

"(c) Annual Reports.—(1) Each year, not later than 45 days after the President submits to Congress the budget for a fiscal year under section 1105 of title 31, the Secretary shall submit to the congressional defense committees budget justification documents summarizing the use of the authority under this section.

"(2) Each report under this subsection shall include the following:

"(A) A list of conferences during the last two calendar years for which fees were collected under subsection (a).

"(B) For each conference listed under subparagraph (A)—

"(i) The estimated costs of the Department for such conference.

"(ii) The actual costs of the Department for such conference, including a separate statement of the amount of any conference coordinator fees associated with such conference.

"(iii) The amount for collected under subsection (a) for such conference.

"(C) An estimate of the number of conferences to be conducted in the calendar year of such report for which the Department will collect fees under subsection (a).".

(b) Clerical Amendment.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

"2262. Department of Defense conferences: collection of fees to cover Department of Defense costs.".

SEC. 1052. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) In General.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

"§9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

"(a) In General.—The Secretary of Defense may award to air carriers participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount determined in accordance with this section.

"(b) Minimum Purchase Amount.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the annual average expenditure of the Department of Defense for airlift during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

"(2) In calculating the annual average expenditure of the Department of Defense for airlift for purposes of paragraph (1), the Secretary of Defense may omit from the calculation any fiscal year exhibiting unusually high demand for airlift if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated airlift for purposes of that paragraph.

"(3) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under paragraph (1), shall be allocated among all carriers awarded contracts under that subsection for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

"(c) Adjustment to Minimum Purchase Amount for Periods of Unavailability of Airlift.—In determining the minimum purchase amount payable under a contract under subsection (a) for airlift provided by a carrier during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to the carrier under subsection (b)(3) to take into account periods during such fiscal

year when services of the carrier are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when the carrier is placed in nonuse status pursuant to section 2640 of this title for safety issues.

"(d) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift from a carrier for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift from the carrier in such fiscal year, such amount shall be provided to the carrier prior to the first day of the following fiscal year.

"(e) TRANSFER OF FUNDS.—At the beginning of each fiscal year, the Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

"(f) AVAILABILITY OF AIRLIFT.—(1) From the total amount of airlift available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift equivalent to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (e).

"(2) A military department may transfer any entitlement to airlift under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by adding at the end the following new item:

"9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.".

SEC. 1053. INCREASED FLEXIBILITY IN USE OF FUNDS FOR JOINT STAFF EXERCISES.

(a) IN GENERAL.—Amounts available to the Chairman of the Joint Chiefs of Staff for joint staff exercises may be available for any expenses as follows:

(1) Expenses of the Armed Forces in connection with such exercises, including expense relating to self-deploying watercraft under the jurisdiction of a military department.

(2) Expenses relating to the costs of port support activities in connection with such exercises, including transportation and port handling.

(3) Expenses relating to the breakout and operation of prepositioned watercraft and lighterage for joint logistics and over the shore exercises in connection with such exercises.

(b) SUPPLEMENT NOT SUPPLANT.—Any amounts made available by the Chairman of the Joint Chiefs of Staff under subsection (a) for expenses covered by that subsection are in addition to any other amounts available under law for such expenses.

SEC. 1054. STRENGTHENING THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

For purposes of discharging the duties of the Special Inspector General for Iraq Reconstruction under subsection (f) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (5 U.S.C. 8G note), and for purposes of determining the date of termination of the Office of the Special Inspector General under subsection (o) of such section, any funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, regardless of how such funds may be designated, shall be treated as amounts appropriated or otherwise made available for the Iraq Relief and Reconstruction Fund.

Subtitle G—Report Matters

SEC. 1061. REPORT ON CLARIFICATION OF PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) It is critical that members of the Armed Forces have clear guidelines about the legality of interrogation techniques as they seek critical intelligence in the War on Terrorism.

(2) To avoid confusion, any determination made about the legality of various interrogation techniques must be consistent across the United States Government.

(3) Confusion continues about the permissibility of various interrogation techniques, even after the enactment of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(4) In testimony before the Senate and in written response to queries from the Senate, senior military commanders, Judge Advocates General of the Armed Forces, and various civilian officials of the Executive Branch have given incomplete or varying answers to questions on what constitutes cruel, inhuman, or degrading treatment.

(5) It is critical to clarify these matters in order to ensure that members of the Armed Forces do not receive unclear or misleading guidance on such matters.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report setting forth the coordinated and definitive legal opinion of the United States Government on whether each of the following interrogation techniques constitutes cruel, inhuman, or degrading treatment or punishment (as defined in section 1002(d) of the Detainee Treatment Act of 2006 (as defined in the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd(d)):

(1) Waterboarding, or any other technique using water, bags, or other devices or substances to induce a sensation of drowning or asphyxiation.

(2) Sleep deprivation, including, at a minimum, depriving a prisoner of sleep for 24 hours or more or permitting five or less hours of sleep per day over a period of three or more days.

(3) Stress positions, including the use of any technique in which a prisoner is placed or shackled in a painful or awkward position (including prolonged standing or crouching, shackling arms above the head for prolonged periods, or the use of shackles or handcuffs in a manner which causes pain due to the swelling of tissue over a prolonged period of time).

(4) The use of extreme temperatures as an aid to interrogation.

(5) The use of beatings, slapping, or violent shaking.

(6) The use of dogs as an aid to interrogation.

(7) The use of nakedness or other forms of sexual humiliation as an aid to interrogation.

(c) ELEMENTS.—The report under subsection (b) shall state, for each interrogation technique listed in that subsection, the following

(1) Whether the technique would constitute cruel and unusual punishment under the Constitution of the United States if used on a United States citizen within the United States.

(2) Whether the technique would constitute cruel and unusual punishment under the Constitution of the United States if used on a United States citizen outside the United States.

(3) Whether the technique would be legal if used to interrogate a member of the Armed Forces of the United States by a state party to the Geneva Conventions.

(4) Whether the technique would be legal if used to interrogate a United States citizen by a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(d) CERTIFICATION ON NATURE OF OPINIONS.—The report under subsection (b) shall include a certification that the legal opinions set forth in the report are the coordinated and definitive opinion of the United States Government binding on all departments and agencies of the United States Government, any personnel of such departments and agencies, and any contractors of such departments and agencies.

(e) DISSEMINATION OF OPINIONS.—

(1) IN GENERAL.—The President shall ensure the dissemination of the legal opinions set forth in the report to all departments and agencies of the United States Government, together with the instruction that such opinions be further disseminated to all personnel of such departments and agencies and all contractors of such departments and agencies.

(2) CERTIFICATION ON DISSEMINATION.—The report shall include a certification regarding compliance with the requirement in paragraph (1).

(f) DEFINITIONS.—In this section:

(1) The term "Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, and entering into force June 26, 1987 (T. Doc. 100–20).

(2) The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

SEC. 1062. REPORTS ON MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE SERVING IN THE LEGISLATIVE BRANCH.

(a) MONTHLY REPORTS ON DETAILS AND FELLOWSHIPS OF LONG DURATION.—Not later than 120 days after the date of the enactment of this Act, and monthly thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the members of the Armed Forces and civilian employees of the Department of Defense who, as of the date of such report, have served continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships.

(b) REPORTS ON CERTAIN MILITARY DETAILS AND FELLOWSHIPS.—If a member of the Armed Forces is assigned to a covered legislative detail or fellowship as the last tour of duty of such member before retirement or separation from the Armed Forces in contravention of the regulations of the Department of Defense, the Secretary shall submit to the congressional defense committees a report on the assignment of such member to such covered legislative detail or fellowship. The report shall include a rationale for the waiver of the regulations of the Department in order to permit the detail or fellowship.

(c) REPORT ELEMENTS.—Each report under subsection (a) or (b) shall set forth, for each

member of the Armed Forces or civilian employee covered of the Department of Defense covered by such report, the following:

(1) The name of such member or employee.

(2) In the case of a member, the Armed Force of such member.

(3) The committee or member of Congress to which such member or employee is detailed or assigned.

(4) A general description of the projects or tasks undertaken or to be undertaken, as applicable, by such member or employee as a detailee, fellow, or both.

(5) The anticipated termination date of the current detail or fellowship of such member or employee.

(d) Covered Legislative Detail or Fellowship Defined.—In this section, the term "covered legislative detail or fellowship" means the following:

(1) A detail under the provisions of Department of Defense Directive 1000.17.

(2) A legislative fellowship (including a legislative fellowship under the provisions of Department of Defense Directive 1322.6).

SEC. 1063. ADDITIONAL ELEMENT IN ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following new paragraph:

"(10) A description of the coordination and integration of the program of the Defense Advanced Research Projects Agency (DARPA) on basic and applied research and advanced technology development on chemical and biological warfare defense technologies and systems under section 1701(c)(2) with the overall program of the Department of Defense on chemical and biological warfare defense, including—

"(A) the degree to which the program of the Defense Advanced Research Projects Agency supports the objectives and requirements of the program of the Department of Defense; and

"(B) the means of determining the level of coordination and support provided by the program of the Defense Advanced Research Projects Agency for the program of the Department of Defense.".

SEC. 1064. REPORT ON LOCAL BOARDS OF TRUSTEES OF THE ARMED FORCES RETIREMENT HOME.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home—Washington under section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416).

(2) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home—Gulfport under section 1516 of such Act.

SEC. 1065. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) Annual Report on Aviation Career Incentive Pay.—Section 301a of title 37, United States Code, is amended by striking subsection (f).

(b) Annual Report on Effects of Certain Initiatives on Recruitment and Retention.—

(1) Repeal.—Section 1015 of title 37, United States Code, is repealed.

(2) Clerical amendment.—The table of sections at the beginning of chapter 19 of such title is amended by striking the item relating to section 1015.

(c) Secretary of Defense Recommendation on Need for Defense Impact Review Process.—Section 1041 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1217) is repealed.

(d) Report on Pilot Program To Enhance Military Recruiting by Improving Military Awareness of School Counselors and Educators.—Section 564 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–134); 10 U.S.C. 503 note) is amended by striking subsection (c).

(e) Annual Report on Medical Informatics.—Section 723(d) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(f) Report on Imposition of Additional Charges or Fees for Attendance at Certain Academies.—Section 553(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2772; 10 U.S.C. 4331 note) is amended by striking the second sentence.

SEC. 1066. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) Report Required.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) Covered Members and Former Members of the Armed Forces.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) Requirements and Limitations.—

(1) Nature of incentives.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) Targeting of incentives.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) Payment.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) Elements.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

SEC. 1067. REPORT ON REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) Report Required.—

(1) In general.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on each report described in paragraph (2) that is required by law to be submitted to the congressional defense committees by the Department of Defense or any department, agency, element, or component under the Department of Defense.

(2) Covered reports.—Paragraph (1) applies with respect to any report required under a provision of law enacted on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) that requires recurring reports to the committees referred to in that paragraph.

(b) Elements.—The report required by subsection (a) shall set forth the following:

(1) Each report described by that subsection, including a statement of the provision of law under which such report is required to be submitted to Congress.

(2) For each such report, an assessment by the Secretary of the utility of such report from the perspective of the Department of Defense and a recommendation on the advisability of repealing the requirement for the submittal of such report.

SEC. 1068. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) Content.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers,

and political obstacles such as the reluctance of other allied countries to pursue such technologies.

SEC. 1069. REPORTS ON DEPARTMENT OF JUSTICE EFFORTS TO INVESTIGATE AND PROSECUTE CASES OF CONTRACTING ABUSE IN IRAQ, AFGHANISTAN, AND THROUGHOUT THE WAR ON TERROR.

(a) Findings.—Congress makes the following findings:

(1) Waste, fraud, and abuse in contracting are harmful to United States efforts to successfully win the conflicts in Iraq and Afghanistan and succeed in the war on terror. The act of stealing from our soldiers who are daily in harm's way is clearly criminal and must be actively prosecuted.

(2) It is a vital interest of United States taxpayers to be protected from theft of their tax dollars by corrupt contractors.

(3) Whistleblower lawsuits are an important tool for exposing waste, fraud, and abuse and can identify serious graft and corruption.

(4) This issue is of paramount importance to the United States taxpayer, and the Congress must be provided with information about alleged contractor waste, fraud, and abuse taking place in Iraq, Afghanistan, and throughout the war on terror and about the efforts of the Department of Justice to combat these crimes.

(b) Reports.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary and the Committee on Government Reform of the House of Representatives, and the congressional defense committees a report on efforts to investigate and prosecute cases of waste, fraud, and abuse under sections 3729 and 3730(b) of title 31, United States Code, or any other related law that are related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror.

(2) Content.—Each report submitted under paragraph (1) shall include the following:

(A) Information on organized efforts of the Department of Justice that have been created to ensure that the Department of Justice is investigating, in a timely and appropriate manner, claims of contractor waste, fraud, and abuse related to the activities of the United States Government in Iraq, Afghanistan, and throughout the war on terror.

(B) Information on the specific number of personnel, financial resources, and workdays devoted to addressing this waste, fraud, and abuse, including a complete listing of all of the offices across the United States and throughout the world that are working on these cases and an explanation of the types of additional resources, both in terms of personnel and finances, that the Department of Justice needs to ensure that all of these cases proceed on a timely basis.

(C) A detailed description of any internal Department of Justice task force that exists to work specifically on cases of contractor fraud and abuse in Iraq, Afghanistan, and throughout the war on terror, including a description of its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the nature and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(D) A detailed description of any interagency task force that exists to work specifically on cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the type, nature, and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(E) The names of the senior officials directly responsible for oversight of the efforts to address these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(F) Specific information on the number of investigators and other personnel that have been provided to the Department of Justice by other Federal departments and agencies in support of the efforts of the Department of Justice to combat contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including data on the quantity of time that these investigators have spent working within the Department of Justice structures dedicated to this effort.

(G) Specific information on the full number of investigations, including grand jury investigations currently underway, that are addressing these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(H) Specific information on the number and status of the criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(I) Specific information on the number of civil cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including specific information on the quantity of cases initiated by private parties, as well as the quantity of cases that have been referred to the Department of Justice by the Department of Defense, the Department of State, and other relevant Federal departments and agencies.

(J) Specific information on the resolved civil and criminal cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including the specific results of these cases, the types of waste, fraud, and abuse that took place, the amount of funds that were returned to the United States Government as a result of resolution of these cases, and a full description of the type and substance of the waste, fraud, and abuse that took place. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(K) The best estimate by the Department of Justice of the scale of the problem of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

SEC. 1070. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOSAFETY LABORATORIES.

(a) Study Required.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, conduct a study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) Elements.—In conducting the study, the Secretary of Defense shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) Report.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

SEC. 1070A. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) In General.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) Content.—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) Public Availability.—The Department of Defense submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) Applicability.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1070B. ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) In General.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.

(b) Content.—Each report required by subsection (a) shall indicate, for each sale in excess of $2,000,000—

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) PUBLIC AVAILABILITY.—The Department of Defense shall make reports submitted under this section publicly available to the maximum extent practicable.

SEC. 1070C. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

SEC. 1070D. ANNUAL REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.

(2) Operational reliability of unmanned systems continues to improve and sense-and-avoid technology development and fielding must continue in an effort to provide unmanned aerial systems with an equivalent level of safety to manned aircraft.

(3) Unmanned aerial vehicles have the potential to support the Nation's homeland defense mission, border security mission, and natural disaster recovery efforts.

(4) Accelerated development and testing of standards for the integration of unmanned aerial vehicles in the National Airspace System would further the increased safe use of such vehicles for border security, homeland defense, and natural disaster recovery efforts.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until the Federal Aviation Administration promulgates such policy, the Secretary of Defense shall submit to the Committees on Armed Services, Commerce, Science and Transportation, and Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services, Energy and Commerce, and Government Reform of the House of Representatives a report on the actions of the Department of Defense to support the development by the Federal Aviation Administration of a policy on the testing and operation of unmanned aerial vehicles in the National Airspace System.

Subtitle H—Technical and Conforming Amendments

SEC. 1071. UNIFORM DEFINITION OF NATIONAL SECURITY SYSTEM FOR CERTAIN DEPARTMENT OF DEFENSE PURPOSES.

(a) DEFENSE BUSINESS SYSTEMS.—Section 2222(j)(6) of title 10, United States Code, is amended by striking "section 2315 of this title" and inserting "section 3542(b)(2) of title 44".

(b) INFORMATION TECHNOLOGY.—Section 2223(c)(3) of such title is amended by striking "section 11103 of title 40" and inserting "section 3542(b)(2) of title 44".

(c) PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES.—The text of section 2315 of such title is amended to read as follows:

"For the purposes of subtitle III of title 40, the term 'national security system' has the meaning given that term in section 3542(b)(2) of title 44.".

SEC. 1072. CONFORMING AMENDMENT RELATING TO REDESIGNATION OF DEFENSE COMMUNICATIONS AGENCY AS DEFENSE INFORMATION SYSTEMS AGENCY.

Paragraph (1) of section 193(f) of title 10, United States Code, is amended to read as follows:

"(1) The Defense Information Systems Agency.".

SEC. 1073. TECHNICAL AMENDMENT.

Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) and as if included in the enactment thereof, section 341(e) of such Act (119 Stat. 3199) is amended by striking "(a)(1)(E)" and inserting "(a)(1)(F)".

Subtitle I—Other Matters

SEC. 1081. NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Effective on October 1, 2006, there is established the National Foreign Language Coordination Council (in this section referred to as the "Council").

(2) INDEPENDENT ESTABLISHMENT.—The National Foreign Language Coordination Council shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The Chairman and President of the Export-Import Bank of the United States.

(17) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) developing a national foreign language strategy, within 18 months of the date of the enactment of this Act, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry;

(vi) heritage associations; and

(vii) other relevant stakeholders;

(B) conducting a survey of the extent of Federal agency foreign language and area expertise, and of Federal agency needs for such expertise;

(C) identifying and evaluating the adequacy of Federal foreign language programs, including any duplicative or overlapping programs that may impede efficiency; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) identification of priorities to expand foreign language skills in the public and private sectors;

(B) recommendations for improving coordination of foreign language programs and activities among Federal agencies, enhancing Federal foreign language programs and activities, and allocating resources appropriately in order to maximize the use of resources;

(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(D) effective ways to increase public awareness of the need for foreign language skills and career paths in the public and private sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(E) recommendations for incentives for developing related educational programs, including foreign language teacher training;

(F) coordination of public and private sector efforts to provide foreign language instruction and acquire foreign language and area expertise;

(G) coordination of public and private sector initiatives to develop a strategic posture for language research;

(H) recommendations for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments of foreign language achievement standards for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(I) recommendations for development of—

(i) language skill-level certification standards;

(ii) frameworks for pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies in non-language areas, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences;

(J) identification of and means for replicating best practices for teaching foreign languages in the public and private sectors, including best practices from the international community; and

(K) recommendations for overcoming barriers in foreign language proficiency.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Council shall prepare and transmit to the President and the relevant committees of Congress the national foreign language strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Director may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and the Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) REPORTS.—Not later than April 1, 2007, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(1) the activities of the Council to develop the national foreign language strategy required under subsection (c);

(2) the findings of the Council as of the date of such report;

(3) the efforts of the Council to improve foreign language education and training; and

(4) impediments identified by the Council to the implementation of a comprehensive national foreign language strategy, including any statutory and regulatory restrictions.

(j) ESTABLISHMENT OF NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities in the public and private sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and monitor the implementation of a national foreign language strategy across the public and private sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) SUNSET.—This section shall cease to have effect on September 30, 2015.

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2007, $1,500,000 to carry out this section.

SEC. 1082. SUPPORT OF SUCCESSOR ORGANIZATIONS OF THE DISESTABLISHED INTERAGENCY GLOBAL POSITIONING SYSTEM EXECUTIVE BOARD.

Section 8 of the Commercial Space Transportation Competitiveness Act of 2000 (Public Law 106–405; 114 Stat. 1753; 10 U.S.C. 2281 note) is amended by striking "the Interagency Global Positioning System Executive Board, including an Executive Secretariat to be housed at the Department of Commerce" and inserting "the National Space-Based Positioning, Navigation, and Timing Executive Committee, the National Space-Based Positioning, Navigation, and Timing Coordination Office, and the National Space-Based Positioning, Navigation, and Timing Advisory Board, and any successor organization".

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) The Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, is vital in laying out the strategic military planning and threat objectives of the Department of Defense.

(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.—

(1) CONDUCT OF REVIEW.—Subsection (b) of section 118 of title 10, United States Code, is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.".

(2) ADDITIONAL ELEMENT IN REPORT TO CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ", the strategic planning guidance," after "United States";

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph (9):

"(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.".

(3) CJCS REVIEW.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: " and a description of the capabilities needed to address such risk".

(4) INDEPENDENT ASSESSMENT.—Such section is further amended by adding at the end the following new subsection:

"(f) INDEPENDENT ASSESSMENT.—(1) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review.

"(2) The panel appointed under paragraph (1) shall be composed of seven individuals (who may not be employees of the Department of Defense) as follows:

"(A) Three members shall be appointed by the President.

"(B) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Speaker of the House of Representatives.

"(C) One member shall be appointed by the President in consultation with, and based on

the recommendations of, the Minority Leader of the House of Representatives.

"(D) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Majority Leader of the Senate.

"(E) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the Senate.

"(3) Not later than three months after the date that the report on a quadrennial defense review is submitted to Congress under subsection (d), the panel appointed under paragraph (2) shall provide to the congressional defense committees an assessment of the assumptions, planning guidelines, recommendations, and realism of the review.".

SEC. 1084. SENSE OF CONGRESS ON THE COMMENDABLE ACTIONS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) on June 7, 2006, the United States Armed Forces conducted an air raid near the City of Baquba, northeast of Baghdad, Iraq, that resulted in the death of Ahmad Fadeel al-Nazal al-Khalayleh, better known as Abu Musab al-Zarqawi, the leader of the al-Qaeda in Iraq terrorist organization and the most wanted terrorist in Iraq;

(2) Zarqawi, as the operational commander of al-Qaeda in Iraq, led a brutal campaign of suicide bombings, car bombings, assassinations, and abductions that caused the deaths of many members of the United States Armed Forces, civilian officials of the United States Government, thousands of innocent Iraqi civilians, and innocent civilians of other nations;

(3) Zarqawi publicly swore his allegiance to Osama bin Laden and al-Qaeda in 2004, and changed the name of his terrorist organization from the "Monotheism and Holy War Group" to "al-Qaeda in Iraq";

(4) in an audiotape broadcast in December 2004, Osama bin Laden, the leader of al-Qaeda's worldwide terrorist organization, called Zarqawi "the prince of al-Qaeda in Iraq";

(5) 3 perpetrators confessed to being paid by Zarqawi to carry out the October 2002 assassination of the United States diplomat, Lawrence Foley, in Amman, Jordan;

(6) the Monotheism and Holy War Group claimed responsibility for—

(A) the August 2003 suicide attack that destroyed the United Nations headquarters in Baghdad and killed the United Nations envoy to Iraq Sergio Vieira de Mello along with 21 other people; and

(B) the suicide attack on the Imam Ali Mosque in Najaf that occurred less than 2 weeks later, which killed at least 85 people, including the Ayatollah Sayed Mohammed Baqr al-Hakim, and wounded dozens more;

(7) Zarqawi is believed to have personally beheaded American hostage Nicholas Berg in May 2004;

(8) in May 2004, Zarqawi was implicated in a car bombing that killed Izzadine Salim, the rotating president of the Iraqi Governing Council;

(9) in November 2005, al-Qaeda in Iraq attacked 3 hotels in Amman, Jordan, killing at least 67 innocent civilians;

(10) Zarqawi and his terrorist organization were directly responsible for numerous other brutal terrorist attacks against the American and coalition troops, Iraqi security forces and recruits, and innocent Iraqi civilians;

(11) Zarqawi sought to turn Iraq into a safe haven for al-Qaeda;

(12) to achieve that end, Zarqawi stated his opposition to the democratically elected government of Iraq and worked to divide the Iraqi people, foment sectarian violence, and incite a civil war in Iraq; and

(13) the men and women of the United States Armed Forces, the intelligence community, and other agencies, along with coalition partners and the Iraqi Security Forces, should be commended for their courage and extraordinary efforts to track down the most wanted terrorist in Iraq and to secure a free and prosperous future for the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress—

(1) commends the United States Armed Forces, the intelligence community, and other agencies, along with coalition partners, for the actions taken through June 7, 2006, that resulted in the death of Abu Musab al-Zarqawi, the leader of the al-Qaeda in Iraq terrorist organization and the most wanted terrorist in Iraq;

(2) commends the United States Armed Forces, the intelligence community, and other agencies for this action and their exemplary performance in striving to bring freedom, democracy, and security to the people of Iraq;

(3) commends the coalition partners of the United States, the new government of Iraq, and members of the Iraqi Security Forces for their invaluable assistance in that operation and their extraordinary efforts to secure a free and prosperous Iraq;

(4) commends our civilian and military leadership for their continuing efforts to eliminate the leadership of al-Queda in Iraq, and also commends the new government of Iraq, led by Prime Minister Jawad al-Maliki, for its contribution to that achievement;

(5) recognizes that the death of Abu Musab al-Zarqawi is a victory for American and coalition forces in the global war on terror and a blow to the al-Qaeda terrorist organization;

(6) commends the Iraqi Prime Minister Jawad al-Maliki on the finalization of the new Iraqi cabinet;

(7) urges the democratically elected government in Iraq to use this opportunity to defeat the terrorist enemy, to put an end to ethnic and sectarian violence, and to achieve a free, prosperous, and secure future for Iraq; and

(8) affirms that the Senate will continue to support the United States Armed Forces, the democratically elected unity government of Iraq, and the people of Iraq in their quest to secure a free, prosperous, and democratic Iraq.

SEC. 1085. BUDGETING FOR ONGOING MILITARY OPERATIONS.

The President's budget submitted pursuant to section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2007 shall include—

(1) a request for funds for such fiscal year for ongoing military operations in Afghanistan and Iraq;

(2) an estimate of all funds expected to be required in that fiscal year for such operations; and

(3) a detailed justification of the funds requested.

SEC. 1086. COURT SECURITY IMPROVEMENTS.

(a) JUDICIAL BRANCH SECURITY REQUIREMENTS.—

(1) ENSURING CONSULTATION AND COORDINATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult and coordinate with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government.".

(2) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult and coordinate with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government.".

(b) PROTECTION OF FAMILY MEMBERS.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting "or a family member of that individual" after "that individual"; and

(2) in subparagraph (B)(i), by inserting "or a family member of that individual" after "the report".

(c) EXTENSION OF SUNSET PROVISION.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "2005" each place that term appears and inserting "2009".

(d) PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

"(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of a Federal judge or a Federal law enforcement official, on account of the performance of official duties by that Federal judge or Federal law enforcement official, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(b) As used in this section—

"(1) the term 'Federal judge' means a justice or judge of the United States as defined in section 451 of title 28, United States Code, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court, District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands; and

"(2) the term 'Federal law enforcement officer' has the meaning given that term in section 115 of this title and includes an attorney who is an officer or employee of the United States in the executive branch of the Government.".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

(e) PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.—

(1) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"SEC. 118. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

"(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to kill, kidnap, or inflict bodily harm upon, or to threaten to kill, kidnap, or inflict bodily harm upon, that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114;

"(B) a Federal judge or Federal law enforcement officer as those terms are defined in section 1521; or

"(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

"(3) the term 'immediate family' has the same meaning given that term in section 115(c)(2).".

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 117. Domestic assault by an habitual offender.

"Sec. 118. Protection of individuals performing certain official duties.".

(f) PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.—Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

(g) CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

(h) WITNESS PROTECTION GRANT PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

"PART JJ—WITNESS PROTECTION GRANTS

"SEC. 3001. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

"(b) USES OF FUNDS.—Grants awarded under this part shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for witness and victim protection programs;

"(2) has a serious violent crime problem in the jurisdiction; and

"(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.".

(i) GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.—

(1) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.".

(j) ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.—

(1) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "and" at the end;

(ii) in paragraph (3), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(4) grants to State courts to improve security for State and local court systems."; and

(B) in subsection (b), by inserting after the period the following:

"Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.".

(2) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(A) striking "80" and inserting "70";

(B) striking "and 10" and inserting "10"; and

(C) inserting before the period the following: ", and 10 percent for section 515(a)(4)".

(k) BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.—

(1) BANKRUPTCY JUDGES.—Section 153 of title 28, United States Code, is amended by adding at the end the following:

"(e) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a bankruptcy judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(2) UNITED STATES MAGISTRATE JUDGES.—Section 634(c) of title 28, United States Code, is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a magistrate judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(3) TERRITORIAL JUDGES.—

(A) GUAM.—Section 24 of the Organic Act of Guam (48 U.S.C. 1424b) is amended by adding at the end the following:

"(c) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(B) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821) is amended by adding at the end the following:

"(5) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(C) VIRGIN ISLANDS.—Section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)) is amended—

(i) by inserting "(1)" after "(a)"; and

(ii) by adding at the end the following:

"(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.".

(m) HEALTH INSURANCE FOR SURVIVING FAMILY AND SPOUSES OF JUDGES.—Section 8901(3) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking "; and" and inserting a semicolon;

(2) in subparagraph (D), by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(E) a member of a family who is a survivor of—

"(i) a Justice or judge of the United States, as defined under section 451 of title 28, United States Code;

"(ii) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

"(iii) a judge of the United States Court of Federal Claims; or

"(iv) a United States bankruptcy judge or a full-time United States magistrate judge.".

SEC. 1087. SENSE OF THE SENATE ON DESTRUCTION OF CHEMICAL WEAPONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires all United States chemical weapons stockpiles be destroyed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of United States chemical weapons stockpiles.

(3) Destroying existing chemical weapons is a homeland security imperative, an arms control priority, and required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States is committed to making every effort to safely dispose of its chemical weapons stockpiles by the Chemical Weapons Convention deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under the Convention;

(2) the Secretary of Defense should prepare a comprehensive schedule for safely destroying the United States chemical weapons stockpiles

to prevent further delays in the destruction of such stockpiles, and the schedule should be submitted annually to the congressional defense committees separately or as part of another required report; and

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

SEC. 1088. IMPROVED ACCOUNTABILITY FOR COMPETITIVE CONTRACTING IN HURRICANE RECOVERY.

The exceptions to full and open competition otherwise available under paragraphs (2), (3), (4), and (5) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) and paragraphs (2), (3), (4), and (5) of section 2304(c) of title 10, United States Code, shall not apply to Federal contracts worth over $500,000 for the procurement of property or services in connection with relief and recovery efforts related to Hurricane Katrina and the other hurricanes of the 2005 season.

SEC. 1089. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employee Protection of Disclosures Act".

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting ", without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)"; and

(3) by adding at the end the following:

"(C) any disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

"(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

"(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.".

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking "and" at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

"(i) any violation of any law, rule, or regulation; or

"(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.".

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

"This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.".

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking "and" after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

"(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

"(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

"(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and"

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking "or" at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

"(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

"(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.".

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

"§ 7702a. Actions relating to security clearances

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

"(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

"(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

"(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

"(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence *that it would have taken the same personnel action in the absence of such disclosure.".*

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

"7702a. Actions relating to security clearances.".

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

"(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or".

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(ii) an assessment of a civil penalty not to exceed $1,000; or

"(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.".

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

"(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).".

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).".

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.".

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: "For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.".

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting ", including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures" after "chapter 12 of this title".

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting ", after a finding that a protected disclosure was a contributing factor," after "ordered if".

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

SEC. 1090. SENSE OF CONGRESS REGARDING THE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, members of the Armed Forces of the United States successfully liberated the people of Iraq from the tyrannical regime of Saddam Hussein.

(2) Members of the Armed Forces of the United States have bravely risked their lives everyday over the last 3 years to protect the people of Iraq from terror attacks by Al Qaeda and other extremist organizations.

(3) Members of the Armed Forces of the United States have conducted dozens of operations with coalition forces to track, apprehend, and eliminate terrorists in Iraq.

(4) Members of the Armed Forces of the United States have helped sustain political progress in Iraq by assisting the people of Iraq as they exercised their right to choose their leaders and draft their own constitution.

(5) Members of the Armed Forces of the United States have taught over 150,000 soldiers of Iraq to respect civilian authority, conduct counterinsurgency operations, provide meaningful security, and protect the people of Iraq from terror attacks.

(6) Members of the Armed Forces of the United States have built new schools, hospitals, and public works throughout Iraq.

(7) Members of the Armed Forces of the United States have helped rebuild Iraq's dilapidated energy sector.

(8) Members of the Armed Forces of the United States have restored electrical power and sewage waste treatment for the people of Iraq.

(9) Members of the Armed Forces of the United States have established lasting and productive relationships with local leaders in Iraq and secured the support of a majority of the populace of Iraq.

(10) Members of the Armed Forces of the United States have courageously endured sophisticated terror tactics, including deadly carbombs, sniper attacks, and improvised explosive devices.

(11) Members of the Armed Forces of the United States have paid a high cost in order to defeat the terrorists, defend innocent civilians, and protect democracy from those who desire the return of oppression and extremism to Iraq.

(12) Members of the Armed Forces of the United States have performed their duty in Iraq with an unflagging commitment to the highest ideals and traditions of the United States and the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the men and women in uniform of the Armed Forces of the United States in Iraq should be commended for their on-going service to the United States, their commitment to the ideals of the United States, and their determination to win the Global War on Terrorism;

(2) gratitude should be expressed to the families of the Armed Forces of the United States, especially those families who have lost loved ones in Operational Iraqi Freedom; and

(3) the people of the United States should honor those who have paid the ultimate sacrifice and assist those families who have loved ones in the Armed Forces of the United States deployed overseas.

SEC. 1091. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking "2006" and inserting "2008".

SEC. 1092. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.10 percent.".

(b) CONFORMING AMENDMENT.—Section 411 of the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447; 22 U.S.C. 287e note) is repealed.

SEC. 1093. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2007".

SEC. 1094. PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SEC. 1095. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SEC. 1096. SENSE OF CONGRESS ON IRAQ SUMMIT.

SENSE OF CONGRESS.—It is the sense of Congress that the President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES ON TERMINAL LEAVE PERFORMING DUAL EMPLOYMENT.

Section 5534a of title 5, United States Code, is amended by adding at the end the following new sentence: "Such a member is also entitled to accrue annual leave with pay in the manner specified in section 6303(a) of this title for a retired member of the uniformed services.".

SEC. 1102. STRATEGY FOR IMPROVING THE SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) INCLUSION IN 2007 STRATEGIC HUMAN CAPITAL PLAN.—The Secretary of Defense shall include in the March 1, 2007, Strategic Human Capital Plan required by section 1122(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3453; 10 U.S.C. prec. 1580 note) a strategic plan to shape and improve the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

(b) SCOPE OF PLAN.—The strategic plan required by subsection (a) shall cover, at a minimum, the following categories of Department of Defense civilian personnel:

(1) Appointees in the senior executive service under section 3131 of title 5, United States Code.

(2) Persons serving in positions described in section 5376(a) of title 5, United States Code.

(3) Highly qualified experts appointed pursuant to section 9903 of title 5, United States Code.

(4) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into by law by Public Law 106–398 (114 Stat. 1654A–315)).

(5) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

(6) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of title 10, United States Code.

(7) Persons serving in Intelligence Senior Level positions under section 1607 of title 10, United States Code.

(c) CONTENTS OF PLAN.—The strategic plan required by subsection (a) shall include—

(1) an assessment of—

(A) the needs of the Department of Defense for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

(B) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs; and

(2) a plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under paragraph (1)(C), including—

(A) any legislative or administrative action that may be needed to adjust the requirements

applicable to any category of civilian personnel identified in subsection (b) or to establish a new category of senior management or technical personnel;

(B) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

(C) any changes in the rates or methods of pay for any category of personnel identified in subsection (b) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

(D) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

(E) specific strategies for development, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

(F) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of title 10, United States Code.

SEC. 1103. AUTHORITY TO EQUALIZE ALLOWANCES, BENEFITS, AND GRATUITIES OF PERSONNEL ON OFFICIAL DUTY IN IRAQ AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) As part of the United States effort to bring democracy and freedom to Iraq and Afghanistan, employees of a broad range of Federal agencies are needed to serve in those countries, furnishing expertise to their counterpart agencies in the Government of Iraq and the Government of Afghanistan.

(2) While the heads of a number of Federal agencies already possess authority to provide to their personnel on official duty abroad allowances, benefits, and death gratuities comparable to those provided by the Secretary of State to similarly-situated Foreign Service personnel on official duty abroad, other agency heads do not possess such authority.

(3) In order to assist the United States Government in recruiting personnel to serve in Iraq and Afghanistan, and to avoid inequities in allowances, benefits, and death gratuities among similarly-situated United States Government civilian personnel on official duty in these countries, it is essential that the heads of all agencies that have personnel on official duty in Iraq and Afghanistan have the same basic authority with respect to allowances, benefits, and death gratuities for such personnel.

(b) IN GENERAL.—During any fiscal year, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(c) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

SEC. 1104. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor may solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor may prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(c) GAO REPORT.—Not later than June 30, 2007, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

SEC. 1105. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "September 30, 2008" and inserting "September 30, 2011".

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—General Matters

SEC. 1201. EXPANSION OF HUMANITARIAN AND CIVIC ASSISTANCE TO INCLUDE COMMUNICATIONS AND INFORMATION CAPACITY.

Section 401 of title 10, United States Code, as amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) by inserting after paragraph (1) end the following new paragraph (2):

"(2) Expenses covered by paragraph (1) include communications or information systems equipment or supplies incurred in providing assistance described in subsection (e)(4)."; and

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by striking "paragraph (2)(B)" and inserting "paragraph (3)(B)"; and

(2) in subsection (e)(4), by inserting before the period the following: ", including information and communications technology facilities".

SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO THE REGIONAL DEFENSE COUNTERTERRORISM FELLOWSHIP PROGRAM.

(a) REDESIGNATION OF PROGRAM AS REGIONAL DEFENSE COMBATTING TERRORISM FELLOWSHIP PROGRAM.—Section 2249c of title 10, United States Code, is amended in subsections (a) and (c)(3), by striking "Counterterrorism" and inserting "Combatting Terrorism".

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Subsection (a) of such section is further amended by striking "the attendance" and all that follows through "military educational institutions" and inserting "the education and training of foreign military officers and other foreign officials at military or civilian educational institutions".

(2) INCREASE IN AMOUNT AVAILABLE.—Subsection (b) of such section is amended by striking "$20,000,000" and inserting "$25,000,000".

(3) AVAILABILITY OF AMOUNTS ACROSS FISCAL YEARS.—Subsection (b) of such section is further amended by adding at the end the following new sentence: "Amounts available under the authority in subsection (a) for a fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.".

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 2249c. Authority to use appropriated funds for education and training of foreign visitors under Regional Defense Combatting Terrorism Fellowship Program".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c and insert the following new item:

"2249c. Authority to use appropriated funds for education and training of foreign visitors under Regional Defense Combatting Terrorism Fellowship Program.".

SEC. 1203. LOGISTIC SUPPORT OF ALLIED FORCES FOR COMBINED OPERATIONS.

(a) AUTHORITY TO USE FUNDS TO PROVIDE SUPPORT.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2249c the following new section:

"§ 2249d. Authority to use appropriated funds for logistic support of allied forces for combined operations

"(a) AUTHORITY TO USE FUNDS.—Subject to subsections (b) and (c), funds appropriated to the Department of Defense for operation and maintenance may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to provide logistic support, supplies, and services to allied forces participating in combined operations with the armed forces of the United States.

"(b) LIMITATION RELATING TO COMBINED OPERATIONS.—The authority in subsection (a) to provide logistic support, supplies, and services may be exercised only—

"(1) with respect to combined operations during a period of active hostilities, a contingency operation, or a noncombat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance, country stabilization operations, or peacekeeping operations under chapter VI or VII of the Charter of the United Nations); and

"(2) in circumstances in which the Secretary of Defense determines that the allied forces to be provided such logistic support, supplies, and services—

"(A) are essential to the success of such combined operations; and

"(B) would not be able to participate in such combined operations but for the provision of such logistic support, supplies, and services.

"(c) LIMITATIONS RELATING TO AMOUNT.—(1) Except as provided in paragraph (2), the amount of logistic support, supplies, and services provided under subsection (a) in any fiscal year may not exceed $100,000,000.

"(2) In any fiscal year, in addition to any logistic support, supplies, and services provided under subsection (a) that are covered by paragraph (1), logistic support, supplies, and services in the amount of $5,000,000 may be provided under that subsection if such support, supplies, and services are solely for purposes of enhancing the interoperability of the logistical support systems of allied forces with the logistical support systems of the armed forces of the United States in order to facilitate combined operations.

"(d) ANNUAL REPORT.—Not later than December 31 each year, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on the use of the authority in subsection (a) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(1) Each nation provided logistic support, supplies, and services.

"(2) For each such nation, a description of the type and value of logistic support, supplies, and services so provided.

"(e) DEFINITIONS.—In this section:

"(1) The term 'appropriate committees of Congress' means—

"(A) the Committees on Armed Services and Foreign Relations of the Senate; and

"(B) the Committees on Armed Services and International Relations of the House of Representatives.

"(2) The term 'logistic support, supplies, and services' has the meaning given such term in section 2350(1) of this title and includes sealift.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2249c the following new item:

"2249d. Authority to use appropriated funds for logistic support of allied forces for combined operations.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1204. EXCLUSION OF PETROLEUM, OIL, AND LUBRICANTS FROM LIMITATIONS ON AMOUNT OF LIABILITIES THE UNITED STATES MAY ACCRUE UNDER ACQUISITION AND CROSS-SERVICING AGREEMENTS.

(a) EXCLUSION.—Section 2347 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The limitations in this section on the amount of reimbursable liabilities or reimbursable credits that the United States may accrue under this subchapter shall not apply with respect to the sale, purchase, or exchange of petroleum, oils, or lubricants.".

(b) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of subsection (a) of such section are each amended by striking "(other than petroleum, oils, and lubricants)".

SEC. 1205. TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LOAN SIGNIFICANT MILITARY EQUIPMENT TO FOREIGN FORCES IN IRAQ AND AFGHANISTAN FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary of Defense may treat significant military equipment as logistic support, supplies, and services under subchapter I of chapter 138 of title 10, United States Code, for purposes of providing for the use of such equipment by military forces of nations participating in combined operations with United States Forces in Iraq and Afghanistan if the Secretary, with the concurrence of the Secretary of State, determines in writing that it is in the national security interests of the United States to provide for the use of such equipment in such manner.

(2) LIMITATION ON DURATION OF PROVISION.—Equipment may be used by foreign military forces under this subsection for not longer than one year.

(3) LIMITATION ON USE.—Equipment may be used by foreign military forces under this subsection solely for personnel protection or to aid in the personnel survivability of such forces.

(b) SEMIANNUAL REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the exercise of the authority in subsection (a) as follows:

(A) If the authority is exercised during the first six-month period of a fiscal year, not later than 30 days after such period.

(B) If the authority is exercised during the second six-month period of a fiscal year, not later than 30 days after such period.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for each exercise of authority under subsection (a) during the period covered by such report, the following:

(A) A copy of the written determination under subsection (a) with respect to the exercise of such authority.

(B) A statement of each recipient of equipment under the exercise of such authority.

(C) A description of the type, quantity, and value of the equipment supplied to each such recipient, and a description of the terms and duration of the supply of the equipment to such recipient.

(c) CONSTRUCTION WITH LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT.—The provision of significant military equipment for use under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and of any other export control regime under law relating to the transfer of military technology to foreign nations.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Foreign Relations of the Senate; and

(B) the Committees on Armed Services and International Relations of the House of Representatives.

(2) The term "significant military equipment" means items designated as significant military equipment on the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(e) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2008.

SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO THE BUILDING OF THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) FUNDS AVAILABLE FOR PRESIDENTIAL PROGRAM.—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) is amended by striking "defense-wide".

(b) LIMITED AUTHORITY TO RESPOND TO UNANTICIPATED CHANGES IN SECURITY ENVIRONMENT.—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) COMBATANT COMMANDER AUTHORITY TO RESPOND TO UNANTICIPATED CHANGES IN SECURITY ENVIRONMENT.—

"(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Defense may, with the concurrence of the Secretary of State, authorize any commander of a geographic combatant command to respond to unanticipated changes in a security environment within the area of responsibility of such commander by conducting a program to build the capacity of the national military forces of a country within such area of responsibility in order for such country to—

"(A) conduct counterterrorist operations; or

"(B) participate in or support military and stability operations.

"(2) REQUIRED ELEMENTS.—Any program under paragraph (1) shall include elements that promote—

"(A) observance of and respect for human rights and fundamental freedoms; and

"(B) respect for legitimate civilian authority within the country concerned.

"(3) AUTHORIZED ELEMENTS.—Any program under paragraph (1) may include the provision of equipment, supplies, and training.

"(4) ANNUAL FUNDING LIMITATION.—The Secretary of Defense may make available, from funds available for operation and maintenance for fiscal year 2007 or 2008, not to exceed $200,000,000 to conduct activities under paragraph (1) in such fiscal year. Of the amount so made available for a fiscal year, not more than $50,000,000 may be available for any commander of a particular geographic combatant command in such fiscal year. Amounts available under this paragraph are in addition to any other amounts available to the commanders of the geographic combatant commands, including amounts in the Combatant Commanders Initiative Fund.

"(5) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The commander of a geographic combatant command may not use the authority in paragraph (1) to provide any type of assistance described in paragraphs (2) and (3) that is otherwise prohibited by any provision of law.

"(6) LIMITATION ON ELIGIBLE COUNTRIES.—The commander of a geographic combatant command may not use the authority in paragraph (1) to provide any type of assistance described in paragraphs (2) and (3) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

"(7) FORMULATION AND EXECUTION OF PROGRAMS.—The Secretary of Defense shall prescribe guidance for programs authorized by paragraph (1). Such guidance shall include requirements for the commanders of the geographic combatant commands to—

"(A) formulate any program under paragraph (1) for a country jointly with the United States ambassador or chief of mission to such country; and

"(B) coordinate with the United States ambassador or chief of mission to a country in implementing any program under paragraph (1) for such country.

"(8) CONGRESSIONAL NOTIFICATION.—Not less than 15 days after the initiation of activities in a country under a program under paragraph (1), the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional committees specified in subsection (e)(3) a notice of the following:

"(A) The country being assisted in the building of the capacity of its military forces under the program.

"(B) The budget, implementation timeline with milestones, and completion date for the program.

"(C) The source and planned expenditure of funds to complete the program.".

(c) LIMITED AUTHORITY TO MEET UNANTICIPATED HUMANITARIAN RELIEF OR RECONSTRUCTION REQUIREMENTS.—Such section is further amended by inserting after subsection (f), as added by subsection (b)(2) of this section, the following new subsection (g):

"(g) COMBATANT COMMANDER AUTHORITY TO MEET UNANTICIPATED HUMANITARIAN RELIEF OR RECONSTRUCTION REQUIREMENTS.—

"(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Defense may authorize any commander of a geographic combatant command to provide the assistance described in paragraph (2) to respond to urgent and unanticipated humanitarian relief or reconstruction requirements in a foreign country within the area of responsibility of the commander of the geographic combatant command if the commander of the geographic combatant command determines that the provision of such assistance will promote the security interests of the United States and the country to which such assistance will be provided. Such assistance may be provided without regard to any provision of chapter 137, 140, or 141 of title 10, United States Code, or any other provision of law that would prohibit, restrict, or limit the provision of such assistance.

"(2) TYPES OF ASSISTANCE.—The assistance that may be provided under paragraph (1) includes the following:

"(A) Construction, reconstruction, or repair of municipal, educational, cultural, or other local facilities.

"(B) Reconstitution or improvement of utilities or other local infrastructure.

"(C) Provision of any other goods or services necessary to respond to urgent and unanticipated humanitarian relief or reconstruction requirements.

"(3) PROHIBITION ON ASSISTANCE IN CERTAIN COUNTRIES.—Assistance may not be provided under paragraph (1) in Iraq or Afghanistan.

"(4) ANNUAL FUNDING LIMITATION.—From funds available for operation and maintenance for fiscal year 2007 or 2008, not more than $200,000 may be available to the commander of a geographic combatant command to conduct activities under paragraph (1) in any particular country in such fiscal year. Amounts available under this paragraph are in addition to any other amounts available to the commanders of the geographic combatant commands, including amounts in the Combatant Commanders Initiative Fund.

"(5) CONSTRUCTION OF AUTHORITY.—The authority and funds available to the commanders of the geographic combatant commands under this subsection are in addition to any other authorities and funds available to the commanders of the geographic combatant commands.

"(6) GUIDANCE ON PROVISION OF ASSISTANCE.—(A) No funds may be obligated or expended for the provision of assistance under paragraph (1) until the Secretary of Defense prescribes guidance on the provision of assistance under that paragraph.

"(B) The guidance under this paragraph shall include a requirement that any assistance provided under paragraph (1) in a particular country be provided only with the concurrence of the United States ambassador or chief of mission to that country.

"(C) Not later than 30 days after the issuance of the guidance under this paragraph, the Secretary shall submit to the congressional defense committees a report setting forth such guidance.

"(D) Not later than 30 days after issuing any modification to the guidance under this paragraph, the Secretary shall submit to the congressional defense committees a report on such modification.

"(7) REPORT.—Not later than November 1 of 2007 and 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the provision of assistance under paragraph (1) during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(A) The source of funds utilized to provide assistance under paragraph (1) during such fiscal year.

"(B) Each country in which assistance was so provided.

"(C) For each country so provided assistance, the type and amount of assistance provided.".

(d) TERMINATION OF AUTHORITY.—Subsection (i) of such section, as redesignated by subsection (b)(1) of this section, is further amended to read as follows:

"(i) TERMINATION.—

"(1) TERMINATION OF PRESIDENTIAL PROGRAM.—The authority of the President under subsection (a) to direct the Secretary of Defense to conduct a program terminates at the close of September 30, 2008. Any program directed before that date may be completed, but only using funds available for fiscal year 2006, 2007, or 2008.

"(2) TERMINATION OF COMBATANT COMMANDER AUTHORITIES.—The authority of the commanders of the geographic combatant commands to carry out programs under subsection (f), and to provide assistance under subsection (g), terminates at the close of September 30, 2008. Any program or assistance commenced before that date may be completed, but only using funds available for fiscal year 2007 or 2008.".

SEC. 1207. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—During fiscal year 2007, the Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

(1) enhancing the ability of military forces and civilian personnel of the nations participating in such centers to engage in joint exercises or coalition or international military operations; or

(2) improving interoperability between the Armed Forces of the United States and the military forces of friendly foreign nations.

(b) Covered Nations.—The nations referred to in this section are as follows:

(1) The United States.

(2) Any member nation of the North Atlantic Treaty Organization (NATO).

(3) Any major non-NATO ally.

(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

(c) Memorandum of Understanding.—The participation of the Department of Defense, or of members of the armed forces or civilian personnel of the Department, in a multinational military center of excellence under subsection (a) shall be governed by the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

(d) Availability of Appropriated Funds.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States share of the expenses of any multinational military center of excellence in which the United States participates under this section.

(B) To pay the costs of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under this section, including the costs of pay, salaries, and expenses of such members and personnel in participating in such centers.

(2) The amount available under paragraph (1)(A) in fiscal year 2007 for the expenses referred to in that paragraph may not exceed $3,000,000.

(e) Use of Department of Defense Facilities and Equipment.—(1) Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

(2) The use of facilities and equipment for support of a multinational military center of excellence under paragraph (1) may, at the election of the Secretary of Defense, be with or without reimbursement by other nations participating in the center.

(f) Report on Use of Authority.—

(1) Report required.—Not later than October 31, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority in this section during fiscal year 2007.

(2) Elements.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the participation of the Department of Defense, and of members of the Armed Forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section during fiscal year 2007.

(B) For each multinational military center of excellence in which the Department of Defense, or members of the Armed Forces or civilian personnel of the Department, so participated—

(i) a description of such multinational military center of excellence;

(ii) a description of the activities participated in by the Department, or by members of the Armed Forces or civilian personnel of the Department; and

(iii) a statement of the costs of the Department for such participation, including—

(I) a statement of the United States share of the expenses of such center, and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

(g) Definitions.—In this section:

(1) The term "multinational military center of excellence" means an entity sponsored by one or more nations that is accredited and approved by the North Atlantic Treaty Organization military committee as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of the North Atlantic Treaty Organization by providing such personnel opportunities to—

(A) enhance education and training;

(B) improve interoperability and capabilities;

(C) assist in the development of doctrine; and

(D) validate concepts through experimentation.

(2) The term "major non-NATO ally" means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

SEC. 1208. DISTRIBUTION OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE INTEROPERABILITY.

(a) Distribution Authorized.—In furtherance of the national security objectives of the United States and to improve interoperability between the Armed Forces of the United States and military forces of friendly foreign countries, the Secretary of Defense may—

(1) provide to the personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development and enhancement of allied and friendly military capabilities for multinational operations, including joint exercises and coalition operations; and

(2) provide information technology, including computer software developed for such purpose, to support the use of such learning content for the education and training of such personnel.

(b) Personnel.—The personnel to which learning content and information technology may be provided under subsection (a) are as follows:

(1) Military and civilian personnel of friendly foreign governments.

(2) Personnel of internationally-recognized nongovernmental organizations.

(c) Education and Training.—The education and training provided under subsection (a) shall include the following:

(1) Internet based education and training.

(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer assisted exercises.

(d) Information Technology.—In providing information technology under subsection (a)(2), the Secretary of Defense may only expend funds for the development and provision of information technology and learning content necessary to support the provision of education and training authorized by this section.

(e) Secretary of State Concurrence in Certain Activities.—In the case of any activity proposed to be undertaken under the authority in this section that is not authorized by another provision of law, the Secretary of Defense may not undertake such activity without the concurrence of the Secretary of State.

(f) Construction With Other Authority.—

(1) Supplemental authority.—The authority in this section is in addition to any other authority available to the Secretary of Defense to provide assistance to foreign nations or military forces.

(2) Limitation.—The provision of learning content and information technology under the authority in this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

(g) Guidance.—

(1) Guidance required.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

(2) Submittal to Congress.—Not later than 30 days after issuing the guidance required by paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth such guidance.

(3) Modification.—In the event the Secretary modifies the guidance required by paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth the modified guidance not later than 30 days after the date of such modification.

(h) Annual Report.—

(1) Report required.—Not later than October 31 of 2007 and 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in this section during the preceding fiscal year.

(2) Elements.—The report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

(A) A statement of the recipients of learning content and information technology provided under this section.

(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

(i) Termination.—The authority in this section shall expire on September 30, 2008.

SEC. 1209. UNITED STATES' POLICY ON THE NUCLEAR PROGRAMS OF IRAN.

(a) Findings.—Congress finds that:

(1) The pursuit by the Iranian regime of a capability to produce nuclear weapons represents a threat to the United States, the middle east region, and international peace and security.

(2) On May 31, 2006, Secretary of State Rice announced that the United States would join negotiations with Iran, along with the United Kingdom, France, and Germany, provided that Iran fully and verifiably suspends its enrichment and reprocessing activities.

(3) On June 1, 2006, President George W. Bush stated that "Secretary Rice, at my instructions, said to the world that we want to solve the problem of the Iranian nuclear issue diplomatically. And we made it very clear publicly that we're willing to come to the table, so long as the Iranians verifiably suspend their program. In other words, we said to the Iranians [that] the United States of America wants to work with our partners to solve the problem".

(4) On June 1, 2006, the United States, the United Kingdom, France, Germany, the People's Republic of China, and the Russian Federation agreed upon a package of incentives and disincentives, which was subsequently presented to Iran by the High Representative of the European Union, Javier Solana.

(b) Sense of Congress.—Congress—

(1) endorses the policy of the United States, announced May 31, 2006, to achieve a successful diplomatic outcome, in coordination with leading members of the international community, with respect to the threat posed by the efforts of the Iranian regime to acquire a capability to produce nuclear weapons;

(2) calls on Iran to suspend fully and verifiably its enrichment and reprocessing activities, cooperate fully with the International Atomic Energy Agency, and enter into negotiations, including with the United States, pursuant to the package presented to Iran by the High Representative of the European Union; and

(3) urges the President and the Secretary of State to keep Congress fully and currently informed about the progress of this vital diplomatic initiative.

SEC. 1210. MODIFICATION OF LIMITATIONS ON ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

Section 2013(13)(A) of the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 116 Stat. 909; 22 U.S.C. 7432(13)(A)) is amended by striking "or 5".

SEC. 1211. SENSE OF THE CONGRESS COMMENDING THE GOVERNMENT OF IRAQ FOR AFFIRMING ITS POSITION OF NO AMNESTY FOR TERRORISTS WHO ATTACK UNITED STATES ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(4) The National Security Advisor of Iraq affirmed that the Government of Iraq will "never give amnesty to those who have killed American soldiers or Iraqi soldiers or civilians."

(5) The National Security Advisor of Iraq thanked "the American wives and American women and American mothers for the treasure and blood they have invested in this country . . . of liberating 30 million people in this country . . . and we are ever so grateful."

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the goal of the United States and our coalition partners has been to empower the Iraqi nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;

(2) history records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorists acts; and

(3) the United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people who have fought once a conflict is concluded.

SEC. 1212. SENSE OF CONGRESS ON THE GRANTING OF AMNESTY TO PERSONS KNOWN TO HAVE KILLED MEMBERS OF THE ARMED FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March of 2003.

(3) More than 2,500 members of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States; and

(2) the President should immediately notify the Government of Iraq that the Government of the United States strongly opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States.

SEC. 1213. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

SEC. 1214. NORTH KOREA.

(a) COORDINATOR OF POLICY ON NORTH KOREA.—

(1) APPOINTMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall appoint a senior presidential envoy to act as coordinator of United States policy on North Korea.

(2) DESIGNATION.—The individual appointed under paragraph (1) may be known as the "North Korea Policy Coordinator" (in this subsection referred to as the "Coordinator)".

(3) DUTIES.—The Coordinator shall—

(A) conduct a full and complete interagency review of United States policy toward North Korea including matters related to security and human rights;

(B) provide policy direction for negotiations with North Korea relating to nuclear weapons, ballistic missiles, and other security matters; and

(C) provide leadership for United States participation in Six Party Talks on the denuclearization of the Korean peninsula.

(4) REPORT.—Not later than 90 days after the date of the appointment of an individual as Coordinator under paragraph (1), the Coordinator shall submit to the President and Congress an unclassified report, with a classified annex if necessary, on the actions undertaken under paragraph (3). The report shall set forth—

(A) the results of the review under paragraph (3)(A); and

(B) any other matters on North Korea that the individual considers appropriate.

(b) REPORT ON NUCLEAR AND MISSILE PROGRAMS OF NORTH KOREA.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress an unclassified report, with a classified annex as appropriate, on the nuclear program and the missile program of North Korea.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The most current national intelligence estimate on the nuclear program and the missile program of North Korea, and, consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments in the estimate.

(B) The most current unclassified United States Government assessment, stated as a range if necessary, of (i) the number of nuclear weapons possessed by North Korea and (ii) the amount of nuclear material suitable for weapons use produced by North Korea by plutonium reprocessing and uranium enrichment for each period as follows:

(I) Before October 1994.

(II) Between October 1994 and October 2002.

(III) Between October 2002 and the date of the submittal of the initial report under paragraph (1).

(IV) Each 12-month period after the submittal of the initial report under paragraph (1).

(C) Any other matter relating to the nuclear program or missile program of North Korea that the President considers appropriate.

SEC. 1215. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) SENSE OF SENATE.—It is the sense of the Senate that the United States should—

(1) support the development of the Transitional Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR SOMALIA.—

(1) REQUIREMENT FOR STRATEGY.—Not later then 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1216. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SEC. 1217. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement; and

(2) a description of any violation of the Agreement and any delay in implementing the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

Subtitle B—Report Matters

SEC. 1221. REPORT ON INCREASED ROLE AND PARTICIPATION OF MULTINATIONAL PARTNERS IN THE UNITED NATIONS COMMAND IN THE REPUBLIC OF KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate committees of Congress a report on an increased role and participation of multinational partners in the United Nations Command in the Republic of Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of the nations that are current members of the United Nations Command in the Republic of Korea, and a detailed description of the role and participation of each such member nation in the responsibilities and activities of the United Nations Command.

(2) A detailed description of efforts being undertaken by the United States to encourage enhanced participation in the responsibilities and activities of the United Nations Command in the Republic of Korea by such member nations.

(3) A discussion of whether and how members of the United Nations Command in the Republic of Korea might be persuaded to deploy military forces in peacetime to the Republic of Korea to bolster the deterrence mission of the United Nations Command.

(4) An assessment of how the military and political requirements for United States military forces in the Republic of Korea might be affected were multinational partners in the United Nations Command in the Republic of Korea to increase their contribution of military forces stationed in the Republic of Korea.

(5) An assessment of whether and how the contribution of additional military forces to the United Nations Command in the Republic of Korea by a multinational partner might affect that partner's approach to facilitating a diplomatic resolution of the nuclear challenge posed by the Democratic Peoples Republic of Korea.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Foreign Relations of the Senate; and

(2) the Committees on Armed Services and International Relations of the House of Representatives.

SEC. 1222. REPORT ON INTERAGENCY OPERATING PROCEDURES FOR STABILIZATION AND RECONSTRUCTION OPERATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Government should bring to bear all elements of national power to achieve its national security objectives, including stabilization and reconstruction operations;

(2) civilian agencies of the United States Government lack the capacity to deploy rapidly, and for sustained periods of time, trained personnel to support stabilization and reconstruction operations in the field;

(3) civilian agencies of the United States Government should expand their capacity to plan, coordinate, and conduct stabilization and reconstruction operations, including their capacity to deploy civilians with relevant expertise to participate in sustained stability and reconstruction operations;

(4) National Security Presidential Directive 44, entitled "Management of Interagency Efforts Concerning Reconstruction and Stabilization", is a positive step toward improving coordination, planning, and implementation by the United States Government of reconstruction and stabilization assistance for foreign states and regions at risk of, in, or in transition from conflict or civil strife;

(5) all the relevant United States Government agencies should include in their budget requests for future fiscal years adequate funding for planning and preparing to support contingency operations and, as necessary, request emergency supplemental funds for unanticipated contingency operations; and

(6) the President should provide clear guidance to United States Government agencies to manage complex operations and establish a standard, integrated approach to the planning and conduct of interagency operations to ensure a coherent and unified United States Government approach to contingency operations.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth a plan to establish interagency operating procedures for the departments and agencies of the United States Government for the planning and conduct of stabilization and reconstruction operations.

(c) PLAN ELEMENTS.—The plan required under the report under subsection (b) shall include the following:

(1) A delineation of the roles, responsibilities, and authorities of the departments and agencies of the United States Government for stabilization and reconstruction operations.

(2) A description of operational processes for setting policy direction for stabilization and reconstruction operations in order to guide—

(A) operational planning and funding decisions of such departments and agencies;

(B) oversight of policy implementation;

(C) integration of programs and activities into an implementation plan;

(D) integration of civilian and military planning efforts;

(E) provision of guidance to field-level personnel on program direction and priorities; and

(F) monitoring of field implementation of assistance programs.

(3) A description of available capabilities and resources of each department and agency of the United States Government that could be used in support of stabilization and reconstruction operations, and an identification of additional resources needed to support the conduct of stabilization and reconstruction activities.

(4) A description of how the capabilities and resources of the departments and agencies of the United States Government under stabilization and reconstruction operations will be coordinated.

(5) A description of existing, or planned, protocols between departments and agencies of the United States Government on the utilization and allocation of assets in field operations under stabilization and reconstruction operations.

(6) Recommendations for improving interagency training, education, and simulation exercises in order to adequately prepare civilian and military personnel in the departments and agencies of the United States Government to perform stabilization and reconstruction operations.

(7) A discussion of the statutory and budgetary impediments, if any, that prevent civilian agencies of the United States Government from fully and effectively participating in stabilization and reconstruction operations, and recommendations for legislative or administration actions to enhance the ability of the United States Government to conduct stabilization and reconstruction operations.

(8) Guidance for the implementation of the plan.

SEC. 1223. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended by striking subsections (c) and (d).

(b) COST-SHARING REPORT.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894; 22 U.S.C. 1928 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 1224. REPORTS ON THE DARFUR PEACE AGREEMENT.

Not later than 60 days after the date of the enactment of this Act, annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the Department of Defense's role in assisting the parties to the Darfur Peace Agreement of May 5, 2006 with implementing that Agreement. Each such report shall include a description of—

(1) the assets that the United States military, in concert with the United States North Atlantic Treaty Organisation (NATO) allies, are able to offer the African Union Mission in Sudan (AMIS) and any United Nations peacekeeping mission authorized for Darfur;

(2) any plans of the Secretary of Defense to support the AMIS by providing information regarding the location of belligerents and potential violations of the Darfur Peace Agreement and assistance to improve the AMIS use of intelligence and tactical mobility;

(3) the resources that will be used during the current fiscal year to provide the support described in paragraph (2) and the resources that will be needed during the next fiscal year to provide such support;

(4) the efforts of the Secretary of Defense and Secretary of State to leverage troop contributions from other countries to serve in the proposed United Nation peacekeeping mission for Darfur;

(5) any plans of the Secretary of Defense to participate in the deployment of any NATO mentoring or technical assistance teams to Darfur to assist the AMIS; and

(6) any actions carried out by the Secretary of Defense to address deficiencies in the AMIS communications systems, particularly the interoperability of communications equipment.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2007 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2007 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $372,128,000 authorized to be appropriated to the Department of Defense for fiscal year 2007 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $77,000,000.

(2) For nuclear weapons storage security in Russia, $87,100,000.

(3) For nuclear weapons transportation security in Russia, $33,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $37,500,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $68,400,000.

(6) For chemical weapons destruction in Russia, $42,700,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $18,500,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2007 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2007 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) AUTHORITY.—Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so

in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2007 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE AND WAIT.—An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) LIMITATION.—The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. EXTENSION OF TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

Section 1303(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2094; 22 U.S.C. 5952 note) is amended by striking "December 31, 2006, and no waiver shall remain in effect after that date" and inserting "December 31, 2011".

SEC. 1304. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

TITLE XIV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

SEC. 1401. PURPOSE.

The purpose of this title is to authorize anticipated future emergency supplemental appropriations for the Department of Defense for fiscal year 2007 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1402. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, $404,100,000.

(2) For missile procurement, $450,000,000.

(3) For weapons and tracked combat vehicles, $214,400,000.

(4) For other procurement, $686,600,000.

SEC. 1403. MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the procurement account for the Marine Corps in the amount of $319,800,000.

SEC. 1404. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the aircraft procurement account for the Air Force in the amount of $51,800,000.

SEC. 1405. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $22,124,466,000.

(2) For the Navy, $2,349,560,000.

(3) For the Marine Corps, $1,544,920,000.

(4) For the Air Force, $2,779,898,000.

(5) For Defense-wide activities, $3,388,402,000.

(6) For the Army National Guard, $59,000,000.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $960,200,000 for operation and maintenance.

SEC. 1407. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2007 for military personnel accounts a total of $7,335,872,000.

SEC. 1408. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year for the Joint Improvised Explosive Device Defeat Fund a total of $2,100,000,000.

SEC. 1409. CLASSIFIED PROGRAMS.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2007 for classified programs a total of $3,000,000,000.

SEC. 1410. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2007 for the Iraq Freedom Fund in the amount of $2,230,982,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1411. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1412. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2007 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1413. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2007.

SEC. 1414. AMOUNT FOR PROCUREMENT OF HEMOSTATIC AGENTS FOR USE IN THE FIELD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that every member of the Armed Forces deployed in a combat zone should carry life saving resources on them, including hemostatic agents.

(b) AVAILABILITY OF FUNDS.—(1) Of the amount authorized under section 1405(1) for operation and maintenance for the Army, $15,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each soldier serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(2) Of the amount authorized under section 1405(3) for operation and maintenance for the Marine Corps, $5,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each Marine serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

SEC. 1415. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) Army Funding for Expansion of Program.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) Army National Guard Funding for Expansion of Program.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

SEC. 1416. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) Increase in Amount for Operation and Maintenance, Defense-Wide.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) Availability of Amount.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $10,000,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) Offset.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $10,000,000, due to unexpended obligations, if available.

SEC. 1417. REPORT.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

SEC. 1418. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting "Congress and" after "Submission to"; and

(2) by inserting "the congressional defense committees and" before "the Comptroller General".

SEC. 1419. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2007".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$20,000,000
Alaska	Fort Richardson	$72,300,000
	Fort Wainwright	$8,800,000
California	Fort Irwin	$10,000,000
Colorado	Fort Carson	$24,000,000
Georgia	Fort Gillem	$15,000,000
	Fort Stewart/Hunter Army Air Field	$95,300,000
Hawaii	Schofield Barracks	$54,500,000
Kansas	Fort Leavenworth	$15,000,000
	Fort Riley	$47,400,000
Kentucky	Blue Grass Army Depot	$3,500,000
	Fort Campbell	$127,200,000
Louisiana	Fort Polk	$9,800,000
Maryland	Aberdeen Proving Ground	$8,800,000
Michigan	Detroit Arsenal	$18,500,000
Missouri	Fort Leonard Wood	$23,900,000
New York	Fort Drum	$209,200,000
North Carolina	Fort Bragg	$96,900,000
	Sunny Point (Military Ocean Terminal)	$46,000,000
Oklahoma	McAlester Army Ammunition Plant	$3,050,000
Pennsylvania	Letterkenny Depot	$7,500,000
Texas	Fort Hood	$75,000,000
	Red River Depot	$6,000,000
Utah	Dugway Proving Ground	$14,400,000
Virginia	Fort Belvoir	$58,000,000
Washington	Fort Lewis	$502,600,000

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	$157,632,000
	Vilseck	$19,000,000
Italy	Vicenza	$223,000,000
Japan	Camp Hansen	$7,150,000
Korea	Camp Humphreys	$77,000,000
	Yongpyong	$7,400,000
Romania	Babadag Range	$34,800,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.– Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Fort Richardson	162 Units	$70,000,000
	Fort Wainwright	234 Units	$132,000,000
Arizona	Fort Huachuca	119 Units	$32,000,000
Arkansas	Pine Bluff Arsenal	10 Units	$2,900,000
Wisconsin	Fort McCoy	13 Units	$4,900,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $16,332,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $336,859,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,452,581,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,266,650,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $525,982,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $217,629,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $594,991,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $676,829,000.

(6) For the construction of increment 2 of a barracks complex at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for fiscal year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $16,500,000.

(7) For the construction of increment 2 of a barracks complex for divisional artillery at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for fiscal year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $37,000,000.

(8) For the construction of increment 2 of a barracks complex for the 3rd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $50,000,000.

(9) For the construction of increment 2 of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $31,000,000.

(10) For the construction of phase 2 of the Defense Access Road at Fort Belvoir, Virginia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3486), $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $306,000,000 (the balance of the amount authorized under section 2101(a) for construction of a brigade complex for Fort Lewis, Washington).

(3) $40,400,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101) for construction of a barracks complex for divisional artillery for Fort Bragg, North Carolina).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES. Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$5,966,000
California	Marine Corps Air Station, Camp Pendleton	$6,112,000
	Marine Corps Base, Camp Pendleton	$106,142,000
	Marine Corps Air Station, Miramar	$2,968,000
	Naval Air Station, North Island	$21,535,000
	Marine Corps Base, Twentynine Palms	$8,217,000
Connecticut	Naval Submarine Base, New London	$9,580,000
Florida	Cape Canaveral	$9,900,000
	Naval Station, Pensacola	$13,486,000
Georgia	Marine Corps Logistics Base, Albany	$62,000,000
	Navy Submarine Base, Kings Bay	$20,232,000
Hawaii	Naval Base, Pearl Harbor	$48,338,000
	Naval Shipyard, Pearl Harbor	$22,000,000
Indiana	Naval Support Activity, Crane	$6,730,000
Maine	Portsmouth Naval Shipyard	$9,650,000
Maryland	Naval Air Station, Patuxent River	$16,316,000
	Naval Support Activity, Suitland	$67,939,000
Mississippi	Naval Air Station, Meridian	$5,870,000
Nevada	Naval Air Station, Fallon	$7,730,000
North Carolina	Marine Corps Air Station, New River	$27,300,000
	Marine Corps Base, Camp Lejeune	$160,904,000
Rhode Island	Naval Station, Newport	$3,110,000
South Carolina	Marine Corps Air Station, Beaufort	$14,970,000
Virginia	Marine Corps Base, Quantico	$30,628,000
	Naval Special Weapons Center, Dahlgren	$9,850,000
	Naval Shipyard, Norfolk	$34,952,000
	Naval Station, Norfolk	$12,062,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Washington	Naval Support Activity, Norfolk	$38,962,000
	Naval Air Station, Whidbey Island	$67,303,000
	Naval Submarine Base, Bangor	$13,507,000

(b) OUTSIDE THE UNITED STATES.—.Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	$37,473,000
Italy	Naval Air Station, Sigonella	$13,051,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Various Locations	Helicopter Support Facility	$12,185,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
California	Marine Corps Logistics Base, Barstow	74 Units	$27,851,000
Guam	Naval Base, Guam	176 Units	$98,174,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,600,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $176,446,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,072,435,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $808,750,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $50,524,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $12,185,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $8.939,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $71,247,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $305,071,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $498,525,000.

(7) For the construction of increment 2 of a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3489), $43,250,000.

(8) For the construction of increment 2 of Alpha and Bravo wharf improvements at Naval Base, Guam, Marianas Islands, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $29,772,000.

(9) For the construction of increment 2 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $23,589,000.

(10) For the construction of increment 2 of the Wesley Brown Field House at the United States Naval Academy, Annapolis, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $26,685,000.

(11) For the construction of increment 2 of wharf upgrades at Naval Station, Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $44,360,000.

(12) For the construction of increment 2 of the ship repair pier 3 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $30,939,000.

(13) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Naval Station, Everett, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat.3490), $20,917,000.

(14) For the construction of phase 2 of the reclamation and conveyance project at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489), $33,290,000.

(15) For the construction of increment 3 of the Navy Outlaying Landing Field facilities at Washington County, North Carolina, authorized for various locations, continental United States, by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $7,926,000.

(16) For the construction of increment 3 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for

Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $14,274,000.

(17) For the construction of increment 4 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $30,633,000.

(18) For the construction of increment 2 of an addition to Hockmuth Hall at Marine Corps Base, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $11,559,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $39,874,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704) for various locations, continental United States).

(3) $33,951,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106) for construction of a limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington).

(4) $22,661,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) for infrastructure upgrades at Recruit Training Command, Great Lakes, Illinois).

(5) $24,740,000 (the balance of the amount authorized under section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) for wharf upgrades at Naval Station, Yokosuka, Japan.

(6) $56,159,000 (the balance of the amount authorized under section 2201(a) for construction of a National Maritime Intelligence Center addition at Suitland, Maryland).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3489) is amended—

(1) in the item related to Marine Corps Base, Camp Pendleton, California, by striking "$90,437,000" in the amount column and inserting "$86,006,000"; and

(2) in the item relating to Marine Corps Base, Quantico, Virginia, by striking "$18,429,000" in the amount column and inserting "$19,829,000".

(b) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (119 Stat. 3492) is amended—

(1) in paragraph (2), by striking "$37,721,000" and inserting "$33,290,000"; and

(2) in paragraph (7), by striking "$10,159,000" and inserting "$11,559,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	*Installation or Location*	*Amount*
Alaska	*Eielson Air Force Base*	*$38,300,000*
	Elmendorf Air Force Base	*$68,100,000*
Arizona	*Davis-Monthan Air Force Base*	*$4,600,000*
California	*Beale Air Force Base*	*$28,000,000*
	Travis Air Force Base	*$85,800,000*
Colorado	*Buckley Air Force Base*	*$10,700,000*
	Schriever Air Force Base	*$21,000,000*
Delaware	*Dover Air Force Base*	*$30,400,000*
Florida	*Eglin Air Force Base*	*$19,350,000*
	Hurlburt Field	*$32,950,000*
	MacDill Air Force Base	*$71,000,000*
	Tyndall Air Force Base	*$1,800,000*
Georgia	*Robins Air Force Base*	*$52,600,000*
Hawaii	*Hickam Air Force Base*	*$28,538,000*
Illinois	*Scott Air Force Base*	*$28,200,000*
Kentucky	*Fort Knox*	*$3,500,000*
Maryland	*Andrews Air Force Base*	*$29,000,000*
Massachusetts	*Hanscom Air Force Base*	*$12,400,000*
Nevada	*Indian Springs Air Force Auxiliary Field*	*$49,923,000*
	Nellis Air Force Base	*$4,800,000*
New Jersey	*McGuire Air Force Base*	*$15,500,000*
New Mexico	*Kirtland Air Force Base*	*$11,400,000*
North Dakota	*Minot Air Force Base*	*$9,000,000*
Oklahoma	*Altus Air Force Base*	*$9,500,000*
	Tinker Air Force Base	*$8,100,000*
South Carolina	*Charleston Air Force Base*	*$10,200,000*
	Shaw Air Force Base	*$22,200,000*
South Dakota	*Ellsworth Air Force Base*	*$3,000,000*
Texas	*Fort Bliss*	*$8,500,000*
	Lackland Air Force Base	*$13,200,000*
Utah	*Hill Air Force Base*	*$63,400,000*
Virginia	*Langley Air Force Base*	*$57,700,000*
Wyoming	*Francis E. Warren Air Force Base*	*$11,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	*Installation or Location*	*Amount*
Germany	*Ramstein Air Base*	*$53,150,000*
Guam	*Andersen Air Force Base*	*$52,800,000*
Italy	*Naval Air Station, Sigonella*	*$26,000,000*
Korea	*Kunsan Air Base*	*$46,700,000*
	Osan Air Base	*$2,156,000*

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Common Battlefield Airman Training Complex	$14,200,000
Worldwide Classified	Classified Project	$3,377,000
	Classified—Special Evaluation Program	$4,600,000
	Classified	$1,700,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts, set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Eielson Air Force Base	129 Units	$87,414,000
Idaho	Mountain Home Air Force Base	457 Units	$107,800,000
Missouri	Whiteman Air Force Base	116 Units	$39,270,000
Montana	Malmstrom Air Force Base	493 Units	$140,252,000
North Carolina	Seymour Johnson Air Force Base	56 Units	$22,956,000
North Dakota	Minot Air Force Base	575 Units	$170,188,000
Texas	Dyess Air Force Base	199 Units	$49,215,000
Germany	Ramstein Air Base	101 Units	$73,488,000
	Spangdahlem Air Base	60 Units	$39,294,000
United Kingdom	Royal Air Force Lakenheath	74 Units	$35,282,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $13,202,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $403,727,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,195,485,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $863,661,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $180,806,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $23,877,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $90,632,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,182,138,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $755,071,000.

(7) For the construction of increment 2 of the C–17 maintenance complex at Elmendorf Air Force Base, Alaska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $30,000,000.

(8) For the construction of increment 2 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $31,000,000.

(9) For the construction of increment 2 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $23,300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) (2) and (3) of subsection (a).

(2) $35,000,000 (the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494) for construction of a main base runway at Edwards Air Force Base, California).

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; Stat. 119 Stat. 3494) is amended in the item relating to MacDill Air Force Base, Florida, by striking "$107,200,000" in the amount column and inserting "$101,500,000".

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of that Act (119 Stat. 3496) is amended by striking "$29,000,000" and inserting "$23,300,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Knox	$18,108,000

Defense Logistics Agency

State	*Installation or Location*	*Amount*
Arizona	*Marine Corps Air Station, Yuma*	*$8,715,000*
California	*Beale Air Force Base*	*$9,000,000*
Pennsylvania	*Defense Distribution Depot, New Cumberland*	*$8,900,000*
Virginia	*Fort Belvoir*	*$5,500,000*
Washington	*Naval Air Station, Whidbey Island*	*$26,000,000*

Special Operations Command

State	*Installation or Location*	*Amount*
California	*Marine Corps Base, Camp Pendleton*	*$24,100,000*
Colorado	*Fort Carson*	*$26,100,000*
Florida	*Hurlburt Field*	*$14,482,000*
	MacDill Air Force Base	*$27,300,000*
Kentucky	*Fort Campbell*	*$24,500,000*
North Carolina	*Fort Bragg*	*$44,868,000*
	Marine Corps Base, Camp Lejeune	*$51,600,000*
	Pope Air Force Base	*$15,276,000*
Virginia	*Naval Air Base, Little Creek*	*$22,000,000*

TRICARE Management Activity

State	*Installation or Location*	*Amount*
Alaska	*Fort Richardson*	*$37,200,000*
California	*Fort Irwin*	*$6,050,000*
Florida	*Naval Hospital, Jacksonville*	*$16,000,000*
	MacDill Air Force Base	*$87,000,000*
Hawaii	*Naval Base, Pearl Harbor*	*$7,700,000*
Illinois	*Naval Hospital, Great Lakes*	*$20,000,000*
Maryland	*Fort Detrick*	*$550,000,000*
New York	*Fort Drum*	*$9,700,000*
Texas	*Fort Hood*	*$18,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	*Installation or Location*	*Amount*
Italy	*Camp Ederle*	*$31,460,000*
	Vicenza	*$15,750,000*
Korea	*Osan Air Base*	*$4,589,000*
Spain	*Naval Station, Rota*	*$23,048,000*

Defense Logistics Agency

Country	*Installation or Location*	*Amount*
Japan	*Okinawa*	*$5,000,000*
Wake Island	*Wake Island*	*$2,600,000*

Missile Defense Agency

Country	*Installation or Location*	*Amount*
Kwajalein	*Kwajalein Atoll*	*$7,592,000*

Special Operations Command

Country	*Installation or Location*	*Amount*
Qatar	*Al Udeid Air Base*	*$44,500,000*

TRICARE Management Activity

Country	*Installation or Location*	*Amount*
Italy	*Vicenza*	*$52,000,000*

SEC. 2402. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A), the Secretary of the Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Defense Logistics Agency: Family Housing

State	Installation or Location	Purpose	Amount
Virginia	Defense Supply Center, Richmond	25 Units	$7,840,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A), the Secretary of the Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $484,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $60,000,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $7,122,602,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $557,399,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $170,789,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $21,672,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $172,150,000.

(6) For energy conservation projects authorized by section 2403, $60,000,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, $191,220,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, $5,526,894,000.

(9) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $8,808,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,506,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of increment 8 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $41,836,000.

(11) For the construction of increment 7 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107–107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $99,157,000.

(12) For the construction of increment 2 of a replacement of a regional security operations center, Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 2405(a)(2) of this Act, $47,016,000.

(13) For the construction of increment 2 of the classified material conversion facility at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), $11,151,000.

(14) For the construction of increment 2 of a replacement of a regional security operations center, Augusta, Georgia, authorized by section 2401(a) of the Military Construction Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 2405(a)(1) of this Act, $107,118,000.

(15) For the construction of increment 2 of construction of an operations building, Menwith Hall Station, United Kingdom, authorized by section 2401(b) of the Military Construction Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3498), as amended by section 2405(b)(1) of this Act, $46,386,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $184,752,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497) for construction of a regional security operations center, Augusta, Georgia).

(3) $254,508,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497) for construction of a regional security operations center, Kunia, Hawaii).

(4) $521,000,000 (the balance of the amount authorized under section 2401(a) for construction of a replacement facility, Fort Detrick, Maryland).

(5) $187,120,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), for construction of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado).

(6) $134,554,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), for construction of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table relating to the National Security Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497) is amended—

(1) in the item relating to Augusta, Georgia, by striking "$61,466,000" in the amount column and inserting "$340,836,000"; and

(2) in the item relating to Kunia, Hawaii, by striking "$305,000,000" in the amount column and inserting "$350,490,000".

(b) MODIFICATION OF OUTSIDE THE UNITED STATES PROJECT.—The table relating to the National Security Agency in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3498) is amended in the item relating to Menwith Hill, United Kingdom, by striking "$86,354,000" in the amount column and inserting "$88,083,000".

(c) CONFORMING AMENDMENT.—Section 2403(b) of that Act (119 Stat. 3500) is amended—

(1) in paragraph (2), by striking "$12,500,000" and inserting "$291,870,000";

(2) in paragraph (3), by striking "$256,034,000" and inserting "$301,524,000"; and

(3) in paragraph (5), by striking "$44,657,000" and inserting "$46,386,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $205,985,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $524,031,000; and

(B) for the Army Reserve, $189,817,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $48,408,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $245,743,000; and

(B) for the Air Force Reserve, $44,936,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2010 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the tables in subsection (b), as provided in sections 2101, 2301, 2302, 2401, and 2601 of that Act, shall remain in effect until October 1, 2007, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Fort Wainwright	Multi-Purpose Training Range Complex	$47,000,000
Hawaii	Helemano Military Reservation	Land Easement	$1,400,000
Virginia	Fort Belvoir	NGIC Land Acquisition	$7,000,000
	Fort Lee	Fire & Emergency Services Center (Ph 2)	$3,850,000
Italy	Aviano Air Base	Joint Deployment Facility (Ph 1)	$15,500,000

Air Force: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
California	Travis Air Force Base	Replace Family Housing (56 Units)	$12,723,000
Florida	Eglin Air Force Base	Replace Family Housing (279 Units)	$32,166,000
Hawaii	Hickam Air Force Base	Expand Strategic Airlift Parking Ramp	$10,102,000
Texas	Dyess Air Force Base	Replace Family Housing (116 Units)	$19,973,000

Defense Wide: Extension of 2004 Project Authorizations

Agency	Installation or Location	Project	Amount
Defense Logistics Agency	Hickam Air Force Base, Hawaii	Replace Hydrant Fuel System	$14,100,000

Army National Guard: Extension of 2004 Authorization of Appropriations

State	Installation or Location	Project	Amount
Indiana	Gary	Army Aviation Support Facility	$15,581,000
New Mexico	Albuquerque	Readiness Center, Add/Alt (ADRS)	$2,533,000
Pennsylvania	Fort Indiantown Gap	Multi-Purpose Training Range	$15,338,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2700), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2007, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

State	Installation or Location	Project	Amount
Florida	Eglin Air Force Base	Replace Family Housing (134 Units)	$15,906,000
	Eglin Air Force Base	Replace Housing Office	$597,000
Texas	Randolph Air Force Base	Replace Family Housing Maintenance Facility	$417,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. THREE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended—

(1) in subsection (a), by striking "fiscal years 2005 and 2006" and inserting "fiscal years 2005, 2006, 2007, 2008, and 2009"; and

(2) in subsection (f)—

(A) in paragraph (1), by striking "the Subcommittees on Defense and Military Construction of" and inserting "the Subcommittees on Defense and on Military Construction and Veterans Affairs, and Related Agencies of"; and

(B) in paragraph (2), by striking "the Subcommittees on Defense and Military Construction of" and inserting "the Subcommittees on Defense and on Military Quality of Life and Veterans Affairs, and Related Agencies of".

SEC. 2802. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS IN CONNECTION WITH INDUSTRIAL FACILITY INVESTMENT PROGRAM.

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2870. Authority to carry out military construction projects in connection with industrial facility investment program

"(a) AUTHORITY.—The Secretary of Defense may carry out a military construction project, not previously authorized, for the purpose of carrying out activities under section 2474(a)(2) of this title, using funds appropriated or otherwise made available for that purpose.

"(b) CREDITING OF FUNDS.—Funds appropriated or otherwise made available in a fiscal year for the purpose of carrying out a military construction project with respect to a public depot under subsection (a) may be credited to the amount required under section 2208(s) of this title to be invested in such fiscal year in the capital budget for such public depot.

"(c) NOTICE AND WAIT REQUIREMENT.—The Secretary may not carry out a project under subsection (a) until 21 days after the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project and the savings estimated to be realized from such project or, if earlier, 14 days after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

"(d) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary shall submit to Congress a report describing actions taken under this section and the savings realized from such actions during the fiscal year ending in the year in which the report is submitted.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2870. Authority to carry out military construction projects in connection with industrial facility investment program.".

SEC. 2803. MODIFICATION OF NOTIFICATION REQUIREMENTS RELATED TO COST VARIATION AUTHORITY.

Section 2853(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the semicolon at the end and inserting "; and";

(2) by amending paragraph (2) to read as follows:

"(2)(A) in the case of a cost increase or a reduction in the scope of work—

"(i) the Secretary concerned notifies the appropriate committees of Congress in writing of the cost increase or reduction in scope and the reasons therefor, including a description of the funds proposed to be used to finance any increased costs; and

"(ii) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title; or

"(B) in the case of a cost decrease, the Secretary concerned notifies the appropriate committees of Congress in writing not later than 14 days after the date funds are obligated in connection with the military construction project or military family housing project."; and

(3) by striking paragraph (3).

SEC. 2804. CONSIDERATION OF LOCAL COMPARABILITY OF FLOOR AREAS IN CONSTRUCTION, ACQUISITION, AND IMPROVEMENT OF MILITARY UNACCOMPANIED HOUSING.

(a) IN GENERAL.—Section 2856 of title 10, United States Code, is amended to read as follows:

"§2856. Military unaccompanied housing: local comparability of floor areas

"In the construction, acquisition, and improvement of military unaccompanied housing, the Secretary concerned shall ensure that the floor areas of such housing in a particular locality (as designated by the Secretary concerned for purposes of this section) do not exceed the floor areas of similar housing in the private sector in that locality.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2856 and inserting the following:

"2856. Military unaccompanied housing: local comparability of floor areas.".

SEC. 2805. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking "$1,500,000" and inserting "$2,500,000"; and

(2) by striking "$3,000,000" and inserting "$4,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006.

SEC. 2806. INCLUSION OF MILITARY TRANSPORTATION AND SUPPORT SYSTEMS IN ENERGY SAVINGS PROGRAM.

(a) IN GENERAL.—Section 2865 of title 10, United States Code, is amended—

*(1) in the section heading, by inserting "**for military operations and**" after "**Energy savings**";*

(2) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) The Secretary of Defense shall designate energy performance goals for the Department of Defense for military transportation and support systems and installations. The goals shall be consistent, where appropriate, with the Energy Policy Act of 2005 (Public Law 109–58).";

(B) in paragraph (2), by striking "energy conservation measures" and all that follows through "energy savings" and inserting "energy conservation measures and alternative energy initiatives to achieve maximum total life-cycle energy savings";

(C) in paragraph (3)—

(i) by striking "energy efficient maintenance" and inserting "energy efficient operations and maintenance"; and

(ii) by inserting after "10 years or less" the following: ", except that the Secretary may provide that energy conservation measures related to equipment and systems supporting industrial processes may have a positive net present value over a period of 20 years or less"; and

(D) in paragraph (4)—

(i) by striking "energy efficient maintenance" and inserting "energy efficient operations and maintenance";

(ii) in subparagraph (A), by inserting "vehicles, military support equipment," after "such as"; and

(iii) in subparagraph (B), by striking "an operation or maintenance process, such as improved training" and inserting "a military operation or maintenance process, such as the use of alternative fuels and energy sources, improved training,";

(3) in subsection (b)(2)(A), by striking "installations of the Department of Defense as may be designated" and inserting "installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated";

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following new subsection:

"(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

"(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

"(2) In determining the energy efficiency of products, the Secretary shall consider products that—

"(A) meet or exceed Energy Star specifications; or

"(B) are listed on the Department of Energy's Federal Energy Management Program Product Energy Efficiency Recommendations product list.".

SEC. 2807. REPEAL OF AUTHORITY TO CONVEY PROPERTY AT CLOSED OR REALIGNED MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.

(a) REPEAL.—Section 2869 of title 10, United States Code, is repealed.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—(A) Section 2822(b) of such title is amended by striking paragraph (6).

(B) Section 2883(c) of such title is amended—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (2), by striking subparagraph (F).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869.

SEC. 2808. REPEAL OF REQUIREMENT TO DETERMINE AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING FOR ACQUISITION IN LIEU OF CONSTRUCTION OF NEW FAMILY HOUSING.

(a) IN GENERAL.—Section 2823 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2823.

SEC. 2809. UPDATING FOREIGN CURRENCY FLUCTUATION ADJUSTMENT FOR CERTAIN MILITARY FAMILY HOUSING LEASES IN KOREA.

Section 2828(e)(5)(A) of title 10, United States Code, is amended to read as follows:

"(A) for—

"(i) foreign currency fluctuations from October 1, 1987, in the case of maximum lease amounts provided for under paragraphs (1), (2), and (3); or

"(ii) foreign currency appreciation during the previous fiscal year, starting from the fiscal year of enactment of the lease authority under paragraph (4), in the case of the maximum lease amount provided for under such paragraph; and".

SEC. 2810. PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

(a) REDUCTION OF APPLICABLE NOTIFICATION PERIODS.—Section 2881a of title 10, United States Code, is amended by striking "90 days" both places it appears and inserting "30 days".

(b) EXTENSION OF AUTHORITY.—Subsection (f) of such section is amended by striking "2007" and inserting "2009".

SEC. 2811. CERTIFICATION REQUIRED FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

The Department of Defense may not use amounts authorized to be appropriated for a fiscal year beginning after September 30, 2006, to carry out a military construction project to construct a facility designed to provide training in urban operations for personnel of the Department of Defense or other Federal agencies until the Under Secretary of Defense for Personnel and Readiness, in consultation with the Commander of the United States Joint Forces Command, has certified to the congressional defense committees that—

(1) the Secretary of Defense has approved a strategy for training and facility construction for operations in urban terrain; and

(2) the Under Secretary has evaluated the project and determined that the project—

(A) is consistent with such strategy; and

(B) incorporates the appropriate capabilities for joint and interagency use in accordance with such strategy.

SEC. 2812. MODIFICATION OF LAND ACQUISITION AUTHORITY, PERQUIMANS COUNTY, NORTH CAROLINA.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1320), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2149), is further amended by striking "840 acres" and inserting "1,550 acres".

SEC. 2813. NAMING OF RESEARCH LABORATORY AT AIR FORCE ROME RESEARCH SITE, ROME, NEW YORK, IN HONOR OF SHERWOOD L. BOEHLERT, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The new laboratory facility at the Air Force Rome Research Site, Rome, New York, shall be known and designated as the "Sherwood L. Boehlert Engineering Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such laboratory facility shall be deemed to be a reference to the Sherwood L. Boehlert Engineering Center.

SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall, upon be completion, be known and designated as the "Michael G. Oxley Administration and Technology Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such administration building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

SEC. 2815. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the "Joel Hefley Village". Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

SEC. 2816. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a housing unit leased under section 2828(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. CONSOLIDATION OF EASEMENT PROVISIONS.

(a) CONSOLIDATION OF EASEMENT PROVISIONS.—

(1) TRANSFER OF EASEMENTS SECTION.—Section 2668 of title 10, United States Code, is—

(A) transferred to appear after section 2671 of such title; and

(B) redesignated as section 2672 of such title.

(2) CONSOLIDATED AUTHORITY.—Section 2672, as redesignated by paragraph (1), is amended—

(A) in subsection (a)—

(i) by inserting "TYPES OF EASEMENTS.—" after "(a)";

(ii) in the matter preceding paragraph (1), by striking "to a State, Territory, Commonwealth, or possession, or political subdivision thereof, or to a citizen, association, partnership, or corporation of a State, Territory, Commonwealth, or possession,";

(iii) in paragraph (2), by striking "oil pipe lines" and inserting "gas, water, sewer, and oil pipe lines"; and

(iv) in paragraph (13), by striking ", except a purpose covered by section 2669 of this title";

(B) in subsection (b), by inserting "LIMITATION ON SIZE.—" after "(b)";

(C) in subsection (c), by inserting "TERMINATION.—" after "(c)";

(D) in subsection (d), by inserting "NOTICE TO DEPARTMENT OF THE INTERIOR.—" after "(d)"; and

(E) in subsection (e), by inserting "DISPOSITION OF CONSIDERATION.—" after "(e)".

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 2669 of such title is repealed.

(c) CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 159 of such title is amended—

(1) by striking the items relating to sections 2668 and 2669; and

(2) by inserting after the item relating to section 2671 the following new item:

"2672. Easements for rights-of-way.".

SEC. 2822. AUTHORITY TO GRANT RESTRICTIVE EASEMENTS FOR CONSERVATION AND ENVIRONMENTAL RESTORATION PURPOSES.

(a) AUTHORITY TO GRANT RESTRICTIVE EASEMENTS.—Chapter 159 of title 10, United States Code, as amended by section 2821 of this Act, is further amended by inserting after section 2672 of such title the following new section:

"§2672a. Authority to grant restrictive easements

"(a) CONSERVATION EASEMENTS.—(1)(A) If the Secretary of a military department finds that it will be in the public interest, the Secretary may, subject to paragraph (2), grant, upon such terms as the Secretary considers advisable and with the consent of an entity described in subparagraph (B), a restrictive easement to such entity over, in, and upon any real property that is transferred by deed by that department restricting future uses of the property for a conservation purpose consistent with section 170(h)(4)(A)(iv) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(4)(A)(iv)).

"(B) An entity referred to in subparagraph (A) is—

"(i) a State or local government; or

"(ii) a qualified organization, as that term is defined in section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)).

"(2) An easement under paragraph (1) shall not be granted unless the Secretary of the military department concerned determines that—

"(A) the conservation of the property can not be effectively achieved through the application of State law by units of State or local government without granting such easement;

"(B) the jurisdiction that encompasses the property authorizes such easement; and

"(C) the Secretary can give or assign to a third party the responsibility for monitoring and enforcing such easement.

"(b) ENVIRONMENTAL EASEMENTS.—If the Secretary of a military department finds that it will be in the public interest, the Secretary may grant, upon such terms as the Secretary considers advisable and with the consent of a State or local government, a restrictive easement to such government over, in, and upon any real property that is transferred by deed by that department restricting future uses of the property to ensure the continued effectiveness of any environmental restoration function on the property conducted pursuant to chapter 160 of this title.

"(c) LIMITATIONS.—(1) No easement granted under this section may include more land than is necessary for the easement.

"(2) Easements granted under this section shall be without consideration from the recipient.

"(3) Nothing in this section shall alter the responsibilities of any party under Federal or State environmental laws.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 2821 of this Act, is further amended by inserting after the item relating to section 2672 the following new item:

"2672a. Authority to grant restrictive easements for conservation and environmental restoration purposes.".

SEC. 2823. CONSOLIDATION OF PROVISIONS RELATING TO TRANSFERS OF REAL PROPERTY WITHIN THE DEPARTMENT OF DEFENSE AND TO OTHER FEDERAL AGENCIES.

(a) CONSOLIDATION AND RESTATEMENT OF AUTHORITY ON INTERCHANGE, TRANSFER, AND SCREENING OF DEPARTMENT OF DEFENSE REAL PROPERTY.—Section 2696 of title 10, United States Code, is amended to read as follows:

"§2696. Real property: transfer between armed forces; screening for transfer or conveyance

"(a) TRANSFER BETWEEN ARMED FORCES.—If either of the Secretaries concerned requests it and the other approves, real property may be transferred, without compensation, from one armed force to another.

"(b) SCREENING AND CONVEYANCE OF PROPERTY FOR CORRECTIONAL FACILITIES PURPOSES.—(1) Except as provided in paragraph (2), before any real property or facility of the United States that is under the jurisdiction of any department, agency, or instrumentality of the Department of Defense is determined to be excess to the needs of such department, agency, or instrumentality, the Secretary of Defense shall—

"(A) provide adequate notification of the availability of such real property or facility within the Department of Defense;

"(B) if such real property or facility remains available after such notification, notify the Attorney General of its availability; and

"(C) if the Attorney General certifies to the Secretary that a determination has been made by the Director of the Bureau of Justice Assistance within the Department of Justice to utilize such real property or facility under the correctional options program carried out under section 515 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a), convey such real property or facility, without reimbursement, to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section for such utilization.

"(2) The provisions of this subsection shall not apply during any portion of a fiscal year after four conveyances have been made under this subsection in such fiscal year.

"(c) SCREENING FOR FURTHER FEDERAL USE BEFORE CONVEYANCE TO NON-FEDERAL ENTITIES.—(1) The Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator has screened the property for further Federal use in accordance with subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

"(2)(A) Before the end of the 30-day period beginning on the date of the enactment of a provision of law authorizing or requiring the conveyance of a parcel of real property by the Secretary concerned, the Administrator of General Services shall complete the screening referred to in paragraph (1) with regard to the real property and notify the Secretary concerned and Congress of the results of the screening. The notice shall include—

"(i) the name of the Federal agency requesting transfer of the property;

"(ii) the proposed use to be made of the property by the Federal agency; and

"(iii) the fair market value of the property, including any improvements thereon, as estimated by the Administrator.

"(B) If the Administrator fails to complete the screening and notify the Secretary concerned and Congress within such period, the Secretary concerned shall proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance.

"(3) If the Administrator submits notice under paragraph (2)(A) that further Federal use of a parcel of real property is requested by a Federal agency, the Secretary concerned may not proceed with the conveyance of the property as provided in the provision of law authorizing or requiring the conveyance until the end of the 180-day period beginning on the date on which the notice is submitted to Congress.

"(4) The screening requirements of this subsection shall not apply to real property authorized or required to be conveyed under any of the following provisions of law:

"(A) A base closure law.

"(B) Chapter 5 of title 40.

"(C) Any specific provision of law authorizing or requiring the transfer of administrative jurisdiction over a parcel or real property between Federal agencies.".

(b) CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS TO AUTHORITY ON INTERCHANGE OF PROPERTY AND SERVICES.—(A) Section 2571(a) of such title is amended by striking "and real property".

(B) The heading of such section is amended to read as follows:

"§2571. Interchange of supplies and services".

(2) REPEAL OF SUPERSEDED AUTHORITY ON SCREENING AND TRANSFER FOR CORRECTIONAL PURPOSES.—Section 2693 of such title is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2571 and inserting the following new item:

"2571. Interchange of supplies and services.".

(2) The table of sections at the beginning of chapter 159 of such title is amended—

(A) by striking the item relating to section 2693; and

(B) by striking the item relating to section 2696 and inserting the following new item:

"2696. Real property: transfer between armed forces; screening for transfer or conveyance.".

SEC. 2824. AUTHORITY TO USE EXCESS PROPERTY AS EXCHANGE UNDER AGREEMENTS TO LIMIT ENCROACHMENTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

Section 2684a(h) of title 10, United States Code, is amended—

(1) in the heading, by striking "FUNDING" and inserting "CONSIDERATION"; and

(2) by adding at the end the following new paragraph:

"(3) Land under the jurisdiction of the Secretary concerned that is determined to be excess to the needs of the Department of Defense may be used by way of exchange to enter into an agreement under this section, but only if such land is located within the same State as the installation that is the subject of the agreement.".

SEC. 2825. MODIFICATION OF UTILITY SYSTEM AUTHORITY AND RELATED REPORTING REQUIREMENTS.

Section 2688 of title 10, United States Code, as amended by section 2823 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109-163), is further amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i), by striking the semicolon at the end and inserting "; and"; and

(B) by striking clause (iii); and

(2) in subsection (d)—

(A) in paragraph (1), by striking "10 years" and inserting "50 years"; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "a term in excess of 10 years" and all that follows through the period at the end and inserting "a term not to exceed 50 years."; and

(ii) in the second sentence, by striking "shall include" and all that follows through the period at the end and inserting "shall include an explanation of the term of the contract.".

SEC. 2826. INCREASE IN AUTHORIZED MAXIMUM LEASE TERM FOR CERTAIN STRUCTURES AND REAL PROPERTY RELATING TO STRUCTURES IN FOREIGN COUNTRIES.

Section 2675(a) of title 10, United States Code, is amended by striking "five years" and inserting "10 years".

SEC. 2827. MODIFICATION OF LAND TRANSFER AUTHORITY, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

Section 2831 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2795) is amended by striking "consisting of approximately 3 acres" and inserting "consisting of approximately 4 acres and containing two buildings, known as building 6 and building 7".

SEC. 2828. REPORTS ON ARMY TRAINING RANGES.

(a) LIMITATION.—The Secretary of the Army may not carry out any acquisition of real property to expand the Pinon Canyon Maneuver Site at Fort Carson, Colorado until 30 days after the Secretary submits the report required under subsection (b).

(b) REPORT ON PINON CANYON MANEUVER SITE.—

(1) IN GENERAL.—Not later than November 30, 2006, the Secretary of the Army shall submit to the congressional defense committees a report containing an analysis of any potential expansion of the military training range at the Pinon Canyon Maneuver Site at Fort Carson, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) A description of the Army's current and projected military requirements for training at the Pinon Canyon Maneuver Site.

(B) An analysis of the reasons for any changes in those requirements, including the extent to which they are a result of the increase of military personnel due to the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) A proposed plan for addressing those requirements, including a description of any proposed expansion of the existing training range by acquiring privately held land surrounding the site and an analysis of alternative approaches that do not require expansion of the training range.

(D) If an expansion of the training range is recommended pursuant to subparagraph (C), the following information:

(i) An assessment of the economic impact on local communities of such acquisition.

(ii) An assessment of the environmental impact of expanding the Pinon Canyon Maneuver Site.

(iii) An estimate of the costs associated with the potential expansion, including land acquisition, range improvements, installation of utilities, environmental restoration, and other environmental activities in connection with the acquisition.

(iv) An assessment of options for compensating local communities for the loss of property tax revenue as a result of the expansion of Pinon Canyon Maneuver Site.

(v) An assessment of whether the acquisition of additional land at the Pinon Canyon Maneuver Site can be carried out by the Secretary solely through transactions, including land exchanges and the lease or purchase of easements, with willing sellers of the privately held land.

(c) REPORT ON EXPANSION OF ARMY TRAINING RANGES.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the training ranges

operated by the Army to support major Army units.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission essential training tasks supported by each such Army training range during fiscal year 2003.

(B) A description of the projected changes in training range requirements, including the size, characteristics, and attributes for mission essential training of each range and the extent to which any changes in requirements are a result of the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) The projected deficit or surplus of training land at each such range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing training range.

(D) A description of the Army's prioritization process and investment strategy to address the potential expansion or upgrade of training ranges.

(E) An analysis of alternatives to the expansion of Army ranges to include an assessment of the joint use of ranges operated by other services.

SEC. 2829. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

SEC. 2830. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

Subtitle C—Base Closure and Realignment

SEC. 2831. DEFENSE ECONOMIC ADJUSTMENT PROGRAM: RESEARCH AND TECHNICAL ASSISTANCE.

Section 2391 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

"(c) RESEARCH AND TECHNICAL ASSISTANCE.—(1) The Secretary of Defense may make grants, conclude cooperative agreements, and enter into contracts in order to conduct research and technical assistance in support of activities under this section or Executive Order 12788.

"(2) A grant, cooperative agreement, or contract under this subsection may be with or to a Federal agency, a State or local government, or any private entity.".

SEC. 2832. EXTENSION OF ELIGIBILITY FOR COMMUNITY PLANNING ASSISTANCE RELATED TO CERTAIN MILITARY FACILITIES NOT UNDER DEPARTMENT OF DEFENSE JURISDICTION.

Section 2391(d)(1) of title 10, United States Code, is amended by striking the period at the end and inserting the following: ", except that for purposes of subsection (b)(1)(D), a 'military installation' may also include a military facility owned and operated by a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam even though such facility is not under the jurisdiction of the Department of Defense, if the facility is subject to significant use for training by the armed forces.".

SEC. 2833. MODIFICATION OF DEPOSIT REQUIREMENTS IN CONNECTION WITH LEASE PROCEEDS RECEIVED AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT AFTER JANUARY 1, 2005.

Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by inserting after "lease under subsection (f)" the following: "at a military installation to be closed or realigned under a base closure law, the date of approval of which is before January 1, 2005,"; and

(2) by adding at the end the following new paragraph:

"(6) Money rentals received by the United States from a lease under subsection (f) at a military installation to be closed or realigned under a base closure law, the date of approval of which is on or after January 1, 2005, shall be deposited into the account established under section 2906A(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for active and Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at active and Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(3) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each base; and

(4) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was considered as a potential receiving location for the realignment of aircraft, weapons systems, or functions.

Subtitle D—Land Conveyances

SEC. 2841. LAND CONVEYANCE, RADFORD ARMY AMMUNITION PLANT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia (in this section referred to as the "Commonwealth") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 80 acres at Radford Army Ammunition Plant, New River Unit, Virginia, for the purpose of permitting the Commonwealth to establish on the property a cemetery operated by the Commonwealth for veterans of the Armed Forces.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.

(1) PAYMENT REQUIRED.—(A) The Secretary may require the Commonwealth to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Commonwealth in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Commonwealth.

(B) The authority of the Secretary to require the Commonwealth to cover administrative costs related to the conveyance does not include costs related to any environmental remediation required for the property.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. MODIFICATIONS TO LAND CONVEYANCE AUTHORITY, ENGINEERING PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONSTRUCTION OF SECURITY BARRIER.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as amended by section 2846 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3527), is further amended—

(1) in subsection (b)(4), by striking "$3,880,000" and inserting "$4,880,000"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting after "Virginia," the following: "and the construction of a security barrier, as applicable,"; and

(B) in paragraph (2), by inserting after "Building 191" the following: "and the construction of a security barrier, as applicable".

(b) AUTHORITY TO ENTER INTO ALTERNATIVE AGREEMENT FOR DESIGN AND CONSTRUCTION OF

Fairfax County Parkway Portion.—Such section 2836 is further amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) except as provided in subsection (f), design and construct, at its expense and for public benefit, the portion of the Fairfax County Parkway through the Engineer Proving Ground (in this section referred to as the 'Parkway portion');"; and

(B) in paragraph (2), by inserting after "C514" the following: ", RW–214 (in this section referred to as 'Parkway project')";

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection:

"(f) Alternate Agreement for Construction of Road.—(1) The Secretary of the Army may, in connection with the conveyance authorized under subsection (a), enter into an agreement with the Commonwealth providing for the design and construction by the Department of the Army or the United States Department of Transportation of the Parkway portion and other portions of the Fairfax County Parkway off the Engineer Proving Ground that are necessary to complete the Parkway project (in this subsection referred to as the 'alternate agreement') if the Secretary determines that the alternate agreement is in the best interests of the United States to support the permanent relocation of additional military and civilian personnel at Fort Belvoir pursuant to decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) If the Secretary of Defense certifies that the Parkway portion is important to the national defense pursuant to section 210 of title 23, United States Code, the Secretary of the Army may enter into an agreement with the Secretary of Transportation to carry out the alternate agreement under the Defense Access Road Program.

"(3) The Commonwealth shall pay to the Secretary of the Army the costs of the design and construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground designed and constructed under the alternate agreement. The Secretary shall apply such payment to the design and construction provided for in the alternate agreement.

"(4) The Secretary may carry out environmental restoration activities on real property under the jurisdiction of the Secretary in support of the construction of the Parkway portion with funds appropriated for that purpose.

"(5) The alternate agreement shall be subject to the following conditions:

"(A) The Commonwealth shall acquire and retain all necessary right, title, and interest in any real property not under the jurisdiction of the Secretary that is necessary for construction of the Parkway portion or for construction of any other portions of the Fairfax County Parkway off the Engineer Proving Ground that will be constructed under the alternate agreement, and shall grant to the United States all necessary access to and use of such property for such construction.

"(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

"(C) The Secretary shall receive consideration from the Commonwealth as required in subsections (b)(2), (b)(3), and (b)(4) and shall carry out the acceptance and disposition of funds in accordance with subsection (d).

"(6) The design of the Parkway portion under the alternate agreement shall be subject to the approval of the Secretary and the Commonwealth in accordance with the Virginia Department of Transportation Approved Plan, dated June 15, 2004, Project #R000–029–249, PE–108, C–514, RW–214. For each phase of the design and construction of the Parkway portion under the alternate agreement, the Secretary may—

"(A) accept funds from the Commonwealth; or

"(B) transfer funds received from the Commonwealth to the United States Department of Transportation.

"(7) Upon completion of the construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground required under the alternate agreement, the Secretary shall carry out the conveyance under subsection (a). As a condition of such conveyance carried out under the alternate agreement, the Secretary shall receive a written commitment, in a form satisfactory to the Secretary, that the Commonwealth agrees to accept all responsibility for the costs of operation and maintenance of the Parkway portion upon conveyance to the Commonwealth of such real property."; and

(4) in subsection (g), as redesignated by paragraph (2), by inserting "or the alternate agreement authorized under subsection (f)" after "conveyance under subsection (a)".

SEC. 2843. LAND CONVEYANCES, OMAHA, NEBRASKA.

(a) Conveyances Authorized.—

(1) Army conveyance.—The Secretary of the Army may convey to the Metropolitan Community College Area, a public community college located in Omaha, Nebraska (in this section referred to as the "College") all right, title, and interest of the United States in and to three parcels of real property under the control of the Army Reserve, including any improvements thereon, consisting of approximately 5.42 acres on the Fort Omaha campus at the College, for educational purposes.

(2) Navy conveyance.—The Secretary of the Navy may convey to the College all right, title, and interest of the United States in and to a parcel of real property under the control of the Navy Reserve and Marine Corps Reserve, including any improvements thereon, consisting of approximately 6.57 acres on the Fort Omaha campus at the College, for educational purposes.

(b) Consideration.—

(1) In general.—As consideration for each conveyance under subsection (a), the College shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary concerned.

(2) Reduced tuition rates.—The Secretary concerned may accept as in-kind consideration under paragraph (1) reduced tuition rates for military personnel at the College.

(c) Payment of Costs of Conveyances.—

(1) Payment required.—The Secretary concerned shall require the College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the College.

(2) Treatment of amounts received.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary concerned to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretaries concerned.

(e) Additional Terms and Conditions.—The Secretary concerned may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2851. RICKENBACKER AIRPORT, COLUMBUS, OHIO.

The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking "Grading, paving" and all that follows through "Airport" and inserting "Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio".

SEC. 2852. HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) High Priority Project.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking "Plan and construct, land acquisition, Detroit West Riverfront Greenway" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

(b) Transportation Improvement Project.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking "Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit" and inserting "Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit".

SEC. 2853. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) Definitions.—In this section:

(1) The term "Barrier" means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term "City" means the city of Providence, Rhode Island.

(3) The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(b) Responsibility for Barrier.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) Required Structures.—

(1) In general.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

SEC. 2854. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the "Kast Hill" property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) WAIVER OF PAYMENT OF CONSIDERATION.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PROHIBITION ON RECONVEYANCE OF LAND.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

SEC. 2855. FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C-05-05), which requires fixed guideway projects to achieve a "medium" cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,333,311,000, to be allocated as follows:

(1) For weapons activities, $6,455,389,000.

(2) For defense nuclear nonproliferation activities, $1,726,213,000.

(3) For naval reactors, $795,133,000.

(4) For the Office of the Administrator for Nuclear Security, $356,576,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 07-D-140, Readiness in Technical Base and Facilities Program, project engineering and design, various locations, $4,977,000.

Project 07-D-220, Radioactive liquid waste treatment facility upgrade project, Los Alamos National Laboratory, Los Alamos, New Mexico, $14,828,000.

(2) For facilities and infrastructure recapitalization, the following new plant project:

Project 07–D–253, Technical Area 1 heating systems modernization, Sandia National Laboratories, Albuquerque, New Mexico, $14,500,000.

(3) For defense nuclear nonproliferation, the following new plant project:

Project 07-SC-05, Physical Sciences Facility, Pacific Northwest National Laboratory, Richland, Washington, $4,220,000.

(4) For naval reactors, the following new plant project:

Project 07-D-190, Materials Research Technology Complex, project engineering and design, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,485,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,430,312,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for other defense activities in carrying out programs necessary for national security in the amount of $624,530,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2007 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $333,080,000.

Subtitle B—Other Matters

SEC. 3111. NOTICE AND WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD PARTY FINANCING ARRANGEMENTS.

Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

"SEC. 4804. NOTICE AND WAIT REQUIREMENT APPLICABLE TO CERTAIN THIRD PARTY FINANCING ARRANGEMENTS.

"(a) NOTICE AND WAIT REQUIREMENT.—The Secretary of Energy may not enter into an arrangement described in subsection (b) until 30 days after the date on which the Secretary notifies the congressional defense committees in writing of the proposed arrangement.

"(b) COVERED ARRANGEMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an arrangement referred to in subsection (a) is any alternative financing arrangement, third party financing arrangement, public-private partnership, privatization arrangement, private capital arrangement, or other financing arrangement that—

"(A) is entered into in connection with a project conducted using funds authorized to be appropriated to the Department of Energy to carry out programs necessary for national security; and

"(B) involves a contractor or Federal agency obtaining and charging to the Department of Energy as an allowable cost under a contract the use of office space, facilities, or other real property assets with a value of at least $5,000,000.

"(2) EXCEPTION.—An arrangement referred to in subsection (a) does not include an arrangement that—

"(A) involves the Department of Energy or a contractor acquiring or entering into a capital lease for office space, facilities, or other real property assets; or

"(B) is entered into in connection with a capital improvement project undertaken as part of an energy savings performance contract under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).".

SEC. 3112. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE GLOBAL THREAT REDUCTION INITIATIVE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 2569) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) INTERNATIONAL PARTICIPATION IN PROGRAM.—(1) In order to achieve international participation in the program under subsection (b), the Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary of Energy considers appropriate for the contribution of funds by such person, government, or organization for purposes of the programs described in paragraph (2)(B).

"(2)(A) Notwithstanding section 3302 of title 31, United States Code, and subject to paragraphs (3) and (4), the Secretary of Energy may *retain and utilize for purposes of the programs described in subparagraph (B) any amounts contributed by a person, government, or organization under an agreement under paragraph (1) without further appropriation and without fiscal year limitation.*

"(B) The programs described in this subparagraph are the following programs within the Global Threat Reduction Initiative:

"(i) The International Radiological Threat Reduction program.

"(ii) The Emerging Threats and Gap Materials program.

"(iii) The Reduced Enrichment for Research and Test Reactors program.

"(iv) The Russian Research Reactor Fuel Return program.

"(v) The Global Research Reactor Security program.

"(vi) The Kazakhstan Spent Fuel program.

"(3) The Secretary of Energy may not utilize under paragraph (2) any amount contributed under an agreement under paragraph (1) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

"(4) If any amount contributed under paragraph (1) has not been utilized within 5 years of such contribution, the Secretary of Energy shall return such amount to the person, government, or organization that contributed it.

"(5) Not later than 30 days after the receipt of any amount contributed under paragraph (1), the Secretary of Energy shall submit to the congressional defense committees a notice of the receipt of such amount.

"(6) Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

"(A) a statement of any amounts received under this subsection, including the source of each such amount; and

"(B) a statement of any amounts utilized under this subsection, including the purposes for which such amounts were utilized.

"(7) The authority of the Secretary of Energy to accept and utilize amounts under this subsection shall expire on December 31, 2013.".

SEC. 3113. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE SECOND LINE OF DEFENSE CORE PROGRAM.

(a) International Contributions Authorized.—In order to achieve international participation in the Second Line of Defense Core Program administered by the National Nuclear Security Administration, the Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary of Energy considers appropriate for the contribution of funds by such person, government, or organization for purposes of the program.

(b) Utilization of Contributions.—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Energy may retain and utilize for purposes of the program any amounts contributed by a person, government, or organization under an agreement under subsection (a) without further appropriation and without fiscal year limitation.

(c) Notice and Wait Requirement.—The Secretary of Energy may not utilize under subsection (b) any amount contributed under an agreement under subsection (a) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

(d) Return of Unutilized Amounts.—If any amount contributed under subsection (a) has not been utilized within 5 years of such contribution, the Secretary of Energy shall return such amount to the person, government, or organization that contributed it.

(e) Notification Requirement.—Not later than 30 days after the receipt of any amount contributed under subsection (a), the Secretary of Energy shall submit to the congressional defense committees a notice of the receipt of such amount.

(f) Annual Report.—Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

(1) a statement of any amounts received under this section, including the source of each such amount; and

(2) a statement of any amounts utilized under this section, including the purposes for which such amounts were utilized.

(g) Termination.—The authority of the Secretary of Energy to accept and utilize amounts under this subsection shall expire on December 31, 2013.

SEC. 3114. EXTENSION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.

Section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 50 U.S.C. 2453 note) is amended by striking "2011" both places it appears and inserting "2013".

SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2006" and inserting "September 30, 2008".

SEC. 3116. EXTENSION OF DEADLINE FOR TRANSFER OF LANDS TO LOS ALAMOS COUNTY, NEW MEXICO, AND OF LANDS IN TRUST FOR THE PUEBLO OF SAN ILDEFONSO.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2523; 42 U.S.C. 2391 note) is amended—

(1) in subsection (d)(2), by striking "10 years after the date of enactment of this Act" and inserting "November 26, 2012"; and

(2) in subsection (g)(3)(B), by striking "the end of the 10-year period beginning on the date of enactment of this Act" and inserting "November 26, 2012".

SEC. 3117. LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

Of the amount authorized to be appropriated under section 3102 for defense environmental cleanup activities and available for the Waste Treatment and Immobilization Plant—

(1) not more than 30 percent of such amount may be obligated or expended until the date on which the Secretary of Energy certifies to the congressional defense committees that the Defense Contract Management Agency has certified the earned value management system used to track and report costs of the Waste Treatment and Immobilization Plant; and

(2) not more than 60 percent of such amount may be obligated or expended until the date on which the Secretary of Energy certifies to the congressional defense committees that the final seismic and ground motion criteria have been approved by the Secretary and that the contracting officer of the Waste Treatment and Immobilization Plant Project has formally directed that the final criteria be used for the final design of the Pretreatment Facility and the High-Level Waste Facility of the Waste Treatment and Immobilization Plant.

SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR IMPLEMENTATION OF THE RUSSIAN SURPLUS FISSILE MATERIALS DISPOSITION PROGRAM.

(a) Limitation.—(1) Except as provided in subsection (b), none of the amount authorized to be appropriated under section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated for the implementation of the Russian Surplus Fissile Materials Disposition Program (in this section referred to as the "Program") until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees written recommendations regarding whether and in what manner the Program should proceed.

(2) The recommendations submitted under paragraph (1) shall include—

(A) a description of the disposition method the Government of Russia has agreed to use;

(B) a description of the assistance the United States Government plans to provide under the Program;

(C) an estimate of the total cost and schedule of such assistance;

(D) an explanation of how parallelism is to be defined for purposes of the Program and whether such parallelism can be achieved if the United States mixed-oxide (MOX) plutonium disposition program continues on the current planned schedule without further delays.

(b) Exception.—The limitation under subsection (a) does not apply to the obligation of funds to continue research and development associated with the Gas Turbine-Modular Helium Reactor (GT–MHR).

SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR CONSTRUCTION OF MOX FUEL FABRICATION FACILITY.

None of the amount authorized to be appropriated under section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated for construction project 99–D–143, the Mixed-Oxide (MOX) Fuel Fabrication Facility, until 30 days after the date on which the Secretary of Energy provides to the congressional defense committees—

(1) an independent cost estimate for the United States Surplus Fissile Materials Disposition Program and facilities; and

(2) a written certification that the Department of Energy intends to use the MOX Fuel Fabrication Facility for United States plutonium disposition regardless of the future direction of the Russian Surplus Fissile Materials Disposition Program.

SEC. 3120. TECHNICAL CORRECTION RELATED TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

Effective as of January 6, 2006, and as if included therein as enacted, section 3101(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3537) is amended by striking "$9,196,456" and inserting "$9,196,456,000".

SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) Findings.—Congress makes the following findings:

(1) The Department of Defense and the United States depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

(2) Experts estimate that over 25 percent of the approximately 58,000 workers in the nuclear power industry in the United States will be eligible to retire within 5 years, representing both a

huge loss of institutional memory and a potential national security crisis.

(3) This shortfall of workers is exacerbated by reductions to the University Reactor Infrastructure and Education Assistance program, which trains civilian nuclear scientists and engineers. The defense and civilian nuclear industries are interdependent on a limited number of educational institutions to produce their workforce. A reduction in nuclear scientists and engineers trained in the civilian sector may result in a further loss of qualified personnel for defense-related research and engineering.

(4) The Department of Defense's successful Science, Math and Research for Transformation (SMART) scholarship-for-service program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) Report on Education of Future Nuclear Engineers.—

(1) Study.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

(2) Report required.—The President shall submit to the congressional defense committees, together with the budget request submitted for fiscal year 2008, a report on the study conducted by the Secretary of Energy under paragraph (1).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2007, $22,260,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.

(a) Transport and Disposal.—Not later than March 31, 2007, the Secretary of the Army shall, subject to subsection (c), transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

(b) Source of Funds.—Funds authorized to be appropriated by section 301(1) for the Army for operation and maintenance may be used for the transport and disposal required under subsection (a).

(c) Liability.—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

(1) the United States assumes no liability, legal or otherwise, of Sequoyah Fuels Corporation by transporting such uranium; and

(2) the Sequoyah Fuels Corporation waives any and all claims it may have against the United States related to the transported uranium.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer's 'Shallow Oil Zone Provisional Recommendation of Equity Participation,' which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer, as that term is used in the Protocol on NPR-1 Equity Finalization Implementation Process, July 8, 1996, for the Shallow Oil Zone unless the Department of Energy and Chevron U.S.A. Inc. agree in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to either party for any cost or expense incurred or for any loss or damage sustained—

"(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

"(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

"(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by the its gross negligence or willful misconduct.

"(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.".

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 3626 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 810, S. 2754. S. 3504

Mr. FRIST. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed en bloc to the following bills under the following agreement:

H.R. 810, Stem Cell Research Enhancement Act, discharged from the HELP Committee; S. 2754, Alternative Pluripotent Stem Cell Therapies Enhancement Act, discharged from the HELP Committee; S. 3504, Fetus Farming Prohibition Act of 2006.

I further ask consent there be a total of 12 hours of debate equally divided between the two leaders or their designees; provided further that no amendments be in order to any of the measures; further, that following the use or yielding back of time the bills be read a third time and the Senate proceed to three consecutive votes in the following order with no intervening action or debate: S. 3504, S. 2754, H.R. 810.

Finally, I ask unanimous consent that any bill that does not receive 60 votes in the affirmative, the vote on passage be vitiated and the bill be returned to its previous status on the calendar or in the HELP Committee; and further, other than as provided in this agreement, it not be in order for the Senate to consider any bill or amendment relating to stem cell research during the remainder of the 109th Congress.

Mr. REID. Mr. President, reserving the right to object, it is my understanding that if any one of these three bills or all of them receive 60 votes, they would be passed.

Mr. FRIST. That is correct. Each of these bills will have a 60-vote threshold.

Mr. REID. Mr. President, let me say, first of all, that I extend my appreciation to the distinguished majority leader. This has been difficult. I know that. I would rather that we would just be going forward with H.R. 810, but we will take what we have.

I think this bill is going to be bring peace and comfort to Nancy Reagan and many people just like Nancy Reagan who believe that what we are going to do next month. I hope—is that right?

Mr. FRIST. In all likelihood, but at some mutually agreeable time.

Mr. REID. Will be something that will give comfort to Nancy Reagan and people like her about treatment and maybe cures which can come from some of these dread diseases.

I think it is an important day for the Senate.

Again, I tell the leader how much I appreciate this and I speak for every Democrat and I speak for people throughout the country. I know this has not been easy.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I thank the Democratic leader. As he knows, we have been working a long time to bring, in an appropriate fashion, these bills to the floor. The unanimous consent agreement that we just obtained says that we will address three bills—I will have more to say about those shortly—over the course of the 12-hour period and then have the 60-vote threshold on each of those.

It was several weeks ago that I reiterated my commitment to work with my colleagues on both sides of the aisle to bring the debate about Federal funding for stem cell research to the Senate floor. We have been working very hard in meeting after meeting to do just that.

I just propounded a unanimous consent request which was agreed to that had three pieces of legislation—the Alternative Pluripotent Stem Cell Therapies Enhancement Act, the Stem Cell Research Enhancement Act, which is H.R. 810, and the Fetus Farming Prohibition Act of 2006.

I will have a little bit more to say about each of these.

Mr. REID. Mr. President, I will be very quick because I know the leader has things to do.

In entering this agreement, which we have just done, I am relying on the leader's good faith—basically his word and reputation—that we will do this before we get out of here by the October break. Is that his intention?

Mr. FRIST. It is my intention, as it is worded in here, that the two of us will agree upon a time. It is my intention after getting over this first hurdle to do this in the not too distant future before we leave.

Mr. REID. I hope we can arrive at a time and agree that we can get this done.

Mr. FRIST. We will.

Mr. President, I would like to comment a little bit on the approach and the rationale behind these bills which have been a long time in coming. This is a very similar to the approach that we tried about a year ago, but because of timing and a whole host of reasons we couldn't get a unanimous consent agreement. So I am pleased that we are there.

I am pro-life. I personally believe that human life begins at conception in large part because it is the moment that the organism is complete—immature, yes, but complete.

An embryo is nascent human life. It is genetically distinct as that individual; it is biologically human; it is living. This position is consistent with my faith. But to me it isn't just a matter of faith; it is a matter of science.

Our development is this continuous process; it is gradual; it is chronological; and at one point in time all of us in this room were embryos. That embryo is human life at that very earliest stage of development, which is continuous, which again is chronological over time. And accordingly, that embryo has more significance, it has more moral value, and thus it deserves our utmost respect and dignity.

I also believe, as do other scientists—I would say countless other scientists, clinicians, and doctors—that all stem cells, but specifically embryonic stem cells, hold a very specific, unique promise for some therapies and potential cures: diabetes, Parkinson's disease, Alzheimer's, Lou Gehrig's disease, and spinal cord injuries. Stem cells offer hope for treatment that other lines of research simply haven't offered.

Embryonic stem cells are what we call "pluripotent," adult stem cells. You have embryonic stem cells, and these embryonic stem cells are "pluripotential." What that means is that they have two remarkable qualities that really no other cell in the human body has. That is why they are so unique. The embryonic stem cells have the capacity to become any other type of tissue that is unique to them.

Second, they have this remarkable capacity of being able to renew themselves—copy themselves again and again and again and again indefinitely.

It is those two properties, the ability to copy itself over time and to become any sort of tissue, which makes it specifically unique and so remarkable. That is why we have so much potential hope for cure and for therapy.

Right now, there is the challenge; there is the ethical challenge. This is why it is so hard for us and for people all across this country as they listen to the debate: that is, to derive these embryonic stem cells using the technology that we know today. The embryo itself has to be altered in some way or destroyed.

That is the heart of the ethical concern. That is why I have made it clear that while I strongly support Federal funding for embryonic stem cell research, that Federal funding should only be provided within a system, a comprehensive system of ethical oversight, strict safeguards in this ethical system that are overseeing this financial investment. That comprehensive oversight has to have strict safeguards and public accountability. It has to have complete transparency so we ensure that this new research, this evolving research unfolds over time within accepted ethical bounds.

It is interesting. I came to this floor about 5 years ago. It was 5 years ago sometime around either June or July. At that time, I laid out a comprehensive proposal to promote stem cell research within this ethical framework.

That is interesting because I talked about adult stem cells and embryonic stem cells. At that point in time, embryonic stem cells were only 3 years old in terms of discovery. They had been around a long time, but we only discovered them really in about 1998. At that point in time, I proposed 10 specific interdependent principles.

At this juncture, I ask unanimous consent to have printed in the RECORD those principles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRIST PRINCIPLES ON HUMAN STEM CELL RESEARCH

Stem cell research holds tremendous potential for treating serious illness and disease. Because the embryonic stem cells derived from five to six day-old blastocysts are "pluripotent" (appearing capable of indefinite self-renewal and differentiation into all cell types), research conducted with embryonic stem cells derived from the roughly 20–30 cells contained in the inner cell mass of the blastocyst has the potential to help advance treatments for diabetes, Alzheimer's disease, Parkinson's disease, leukemia, spinal cord injuries and a number of other diseases and conditions. Research using adult stem cells also holds great promise, although there may be characteristics of adult stem cells that limit the medical potential of this research.

Embryonic stem cell research—and the derivation of stem cells from blastocysts—raises significant ethical and moral questions. Many believe that these days-old embryos are human life and should not be used for research purposes under any circumstance. Others believe that, because such embryos exist outside the womb at this early developmental stage, they are not yet life. Still others believe that, regardless of whether such embryos are life, the potential of embryonic stem cells should outweigh moral or ethical concerns about their use for potentially life-saving research.

These competing concerns make it extremely difficult to reach consensus on a federal policy in this area. Nonetheless, because both embryonic and adult stem cell research may contribute to significant medical and health advancement, research on both should be federally funded within a carefully regulated, fully transparent framework that ensures respect for the moral significance of the human embryo.

The unique interplay of this promising but uncharted new science with the ethical and moral considerations of life, disease and health is continually evolving and presenting new challenges. Therefore, we must ensure a strong, comprehensive, publicly accountable oversight structure that is responsive on an ongoing basis to moral, social and scientific considerations.

Federal funding for stem cell research should be contingent on the implementation of strict new safeguards and public accountability governing this new, evolving research. The following 10 points are essential components of a comprehensive framework that allows stem cell research to progress in a manner respectful of both the moral significance of human embryos and the potential of stem cell research to improve health.

1. Ban Embryo Creation for Research: The creation of human embryos solely for research purposes should be strictly prohibited.

2. Continue Funding Ban on Derivation: Strengthen and codify the current ban on federal funding for the derivation of embryonic stem cells.

3. Ban Human Cloning: Prohibit all human cloning to prevent the creation and exploitation of life for research purposes.

4. Increase Adult Stem Cell Research Funding: Increase federal funding for research on adult stem cells to ensure the pursuit of all promising areas of stem cell research.

5. Provide Funding for Embryonic Stem Cell Research Only From Blastocysts That Would Otherwise Be Discarded: Allow federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in vitro fertilization (IVF) and would otherwise be discarded.

6. Require a Rigorous Informed Consent Process: To ensure that blastocysts used for stem cell research are only those that would otherwise be discarded, require a comprehensive informed consent process establishing a clear separation between potential donors' primary decision to donate blastocysts for adoption or to discard blastocysts and their subsequent option to donate blastocysts for research purposes. Such a process, modeled in part on well-established and broadly accepted organ and tissue donation practices, will ensure that donors are fully informed of all their options.

7. Limit Number of Stem Cell Lines: Restrict federally-funded research using embryonic stem cells derived from blastocysts to a limited number of cell lines. In addition, authorize federal funding for embryonic stem stem cell research for five years to ensure ongoing Congressional oversight.

8. Establish A Strong Public Research Oversight System: Establish appropriate public oversight mechanisms, including a national research registry, to ensure the transparent, in-depth monitoring of federally-funded and federally-regulated stem cell research and to promote ethical, high quality research standards.

9. Require Ongoing, Independent Scientific and Ethical Review: Establish an ongoing scientific review of stem cell research by the Institute of Medicine (IOM) and create an independent Presidential advisory panel to monitor evolving bioethical issues in the area of stem cell research. In addition, require the Secretary of Health and Human Services to report to Congress annually on the status of federal grants for stem cell research, the number of stem cell lines created, the results of stem cell research, the number of grant applications received and awarded, and the amount of federal funding provided.

10. Strengthen and Harmonize Fetal Tissue Research Restrictions: Because stem cell research would be subject to new, stringent federal requirements, ensure that informed consent and oversight regulations applicable to federally funded fetal tissue research are consistent with these new rules.

Mr. FRIST. Mr. President, I also said at the time that policymakers and the public must often reassess the research, this new research, this evolving research and the circumstances under which it is conducted.

As I said then—and I believe now—we must do all we can to pursue promising alternative strategies that hold the same potential, the potential for developing the pluripotent stem cell lines without damaging the embryo, without altering the embryo, without destroying the embryo or nascent human life.

Shortly after that time—that was 5 years ago—the President announced his policy for embryonic stem cell research. That was remarkable at the time. I think it was August 11. It was Federally funded embryonic stem cell research for the first time ever. It did so within that ethical framework. It showed respect for human life.

That is why I believe it is important for us to have this debate on the floor of the Senate.

The policy also restricted the embryonic stem cell funding only to those stem cell lines that had been derived prior to his announcement. That was the cutoff line. At that time it was widely believed that there were 78 such embryonic stem cell lines that would be available for Federal funding; 78 we thought at the time when President put forth his proposal. Unfortunately, over time we have learned that had not been the case. What we thought would have been 78 lines today we realize only became 22 cell lines—22 lines—that are eligible.

Moreover, those lines unexpectedly—we didn't know it at the time. That is why it is so important to constantly come back and modify, if necessary, but reevaluate policies. Those lines unexpectedly after several generations are starting to became less stable and less replicative than we had initially anticipated.

Science is fascinating. Just as an aside, they seem to be acquiring and losing chromosomes. They are losing what we call the normal carrier type. They are potentially losing growth control, all of which means these cell lines out there are less useful in terms of research, in terms of opening up that potential, those possibilities, that hope for cures.

Also, another complication which we didn't realize at the time—some scientists did but we didn't know what the impact would be—all of these cell lines were grown on mouse-feeder cells, which we have learned since will limit their future potential for using those clinically or in clinical therapy in humans. There are concerns, for example, about viral contamination.

These are limitations we didn't realize at the time but we do know today, 5 years later.

While embryonic stem cell research is still in the very early stage, we have to be careful not to over-promise. And when people look at these bills coming through, although we want to open up that possibility for hope, we cannot over-promise.

The limitations we put in place in 2001 will over time show our ability to investigate new treatments for certain diseases—the mouse-feeder cells, the changes that we are seeing in the initial cell lines, the fact that there are fewer cells lines.

Therefore, I think it is the responsible thing for us to do, to come to the floor and consider modifying that policy, updating that policy based on what we have learned, which is why, with reservation, I support the House-passed embryonic stem cell research bill, H.R. 810.

Let me be clear on this particular bill. Because again and again people come forward saying there are so many deficiencies in the bill. And I see deficiencies in the bill. If circumstances were different, I would seek to ensure that a much stronger ethical and scientific oversight mechanism be in place, which is not part of that particular bill. Things like a clear prohibition on financial or other incentives between science and fertility clinics, more explicit requirements around informed consent, all of which is not in that particular bill.

But I have said that we should debate and vote on that House-passed bill. I, thus, have asked that it be included in the package of bills that we put forward for consideration on which we just got by unanimous consent agreement to debate and vote.

Moreover, as we consider embryonic stem cell research, we shouldn't diminish in any way the promise or slow the progress of research on adult stem cells or cells that have pluripotential capability but aren't strictly embryonic stem cells.

To date, adult stem cell research is the only type of stem cell research that is actively used in humans for treatment, for therapy, to cure diseases.

As a transplant surgeon—I transplant hearts and lungs—today we can transplant these adult stem cells. It is lifesaving. It has saved the lives of thousands and thousands of people. Part of that is that we have much longer experience with adult stem cells. We have probably three decades of experience with the adult stem cells. We only have about 8 years of experience with the embryonic stem cells.

With more Federal support and emphasis, newer methods of deriving the pluripotential cells are being developed and have proven themselves in animal models—not yet in humans—fully developed, and we need to continue to support that research. It will have huge scientific and clinical payoffs.

Just as important, they may bridge the moral and ethical differences among people who now hold very different views on stem cell research because these newer alternative methods avoid the destruction of any human embryos. It is these forms of research which may offer not only a way forward to these new treatments and these new cures but also a way out of these ethical dilemmas posed by other forms of research.

That is why in this package I asked the Senate to also continue legislation to enhance this support for alternatives to embryonic stem cell research. I am very pleased that Senators SANTORUM and SPECTER have joined together and crafted the Alternative Pluripotent Stem Cell Therapies Enhancement Act, S. 2754, which is similar to legislation I worked on with a number of our colleagues—most specifically Senator ISAKSON from Georgia—last year. I do encourage every Senator to support these new alternative ways of reaching pluripotency in cells. It is very exciting research. There is no reason this legislation should not truly unite us as a body and be something everyone can support.

The third bill that has been included in this unanimous consent request is the Fetus Farming Prohibition Act of 2006, S. 3504. One may ask, what is fetus farming? It is the implantation and gestation of an embryo in a human or animal for the purpose of aborting for research. As far as I am aware, fetus farming is not a method that is currently employed but a method that has been proposed. It is not out of the realm of possibility. Therefore, Senators BROWNBACK and SANTORUM have proposed legislation which would draw a clear line which should not be crossed.

Those are the three bills which we will be debating. Several of my colleagues on the other side of the aisle have come to the Senate over the last several weeks and months to suggest we take up H.R. 810 or that we immediately take it up. However, I am absolutely convinced that all three bills I have mentioned address the profound ethical questions surrounding the promise of stem cells, the hope that these stem cells will lead to cure and therapy. That is why I believe it is only fair on an issue of this magnitude that Senators be given the courtesy and respect of addressing all three of these very different ideas, these areas which are surrounded in some ethical concern but also are important to medicine, science, and health.

The other proposals for handling this include taking a bill out and seeing what happens. Because these bills are so complex and Members have so many potential amendments, we have taken this course of having 3 bills with the 60-vote thresholds.

I thank my colleagues. We covered the spectrum. It has actually taken several months to pull together this unanimous consent request and agreement. I am very pleased we now have a process in place, the timing of which we can determine or I will determine in consultation with my colleagues on both sides of the aisle

Mr. HATCH. Mr. President, I support the unanimous consent agreement on stem cell research legislation propounded by our majority leader, Senator FRIST.

Overall, this is a fair proposal and it is certainly a matter that this Senate should be prepared to debate and vote upon as soon as possible.

It is over a year since the House of Representatives acted in a bipartisan fashion to adopt legislation, H.R. 810 that would increase the number of stem cell lines eligible for Federal funding if those stem cell lines were derived from embryos no longer needed for in vitro fertilization.

This is a good bill that Senators SPECTER and HARKIN have urged on this body since 2001. It is time to debate and vote upon this proposal.

The unanimous consent agreement also accommodates the interests of other Senators by including two other bills in this package.

I believe I can support these other two measures which are designed to outlaw so-called fetal farming and to encourage alterative means of devising new stem cell lines.

While I do not think that the alternative measure can or should be thought of as a replacement for the new cell lines that will be derived if H.R. 810 is passed, I am supportive of this type of research.

The stem cell issue is ripe for debate and resolution and I think that this unanimous consent agreement will move us down the road in a constructive fashion.

While this unanimous consent agreement does not address the issue of cloning, or somatic cell research as it is known in the language of science, we will have ample time to debate these matters in the future. And as much as Senator FEINSTEIN and I and others would like to debate and vote on our bill to ban reproductive cloning and to erect ethical safeguards to govern therapeutic cloning that advances the science of regenerative medicine, we can agree to have this somewhat different debate on a different day.

It is time for the Senate to vote on the Castle-DeGette bill that passed the House last year. Scientists tell us that there is great advantage to expanding the number of stem cell lines eligible for Federal funding.

Here is what one Nobel Laureate, Paul Berg of Stanford University, has said about the importance of passing this legislation:

> DEAR SENATOR FEINSTEIN,
>
> The Senate will shortly be considering legislation to permit the National Institutes of Health (NIH) to fund research with additional and new and existing human embryonic stem cell (hESC) lines. As a staunch supporter of biomedical research and particularly research with hESCs, I trust that you will exert your influence to ensure passage of H.R 810. Scientists engaged in ESC research are counting on you and like-minded Senate colleagues to assure its passage. The President must also be persuaded not to veto this legislation for if we continue on the path he set five years ago United States investigators will be out of the running in converting embryonic stem cells into important new therapies. It is especially frustrating and demeaning that American scientists are prohibited from using their NIH grant funds for research with the hundreds of hESC line generated outside the United States or generated in this country with private funding.
>
> Paul Berg

When our Nobel Award winning scientists, like Dr. Berg, are telling us how important this research is, we should all pay careful attention.

Many among the American public agree that the time has come for the Senate to take up and pass the legislation that the House has already passed over a year ago.

Let me just share with you a letter that I received from Nancy Reagan on this important issue.

> OFFICE OF NANCY REAGAN,
> *Los Angeles, CA, May 1, 2006.*
>
> Hon. ORRIN HATCH,
> *Washington, DC.*
>
> DEAR ORRIN, Thank you for your continued commitment to helping the millions of Americans who suffer from devastating and disabling diseases. Your support has given so much hope to so many.
>
> It has been nearly a year since the United States House of Representatives first approved the stem cell legislation that would open the research so we could fully unleash its promise. For those who are waiting every day for scientific progress to help their loved ones, the wait for United States Senate action has been very difficult and hard to comprehend.
>
> I understand that the United States Senate is now considering voting on H.R. 810, the Stem Cell Research Enhancement Act, sometime this month. Orrin, I know I can count on friends like you to help make sure this happens. There is just no more time to wait.
>
> Sincerely,
>
> NANCY REAGAN.

I think that Mrs. Reagan has it exactly right.

We need to debate and vote on this issue and we need to do it now. That is what I understand that the unanimous consent agreement proposed by Senator FRIST will accomplish. I am pleased that all of my colleagues have agreed to this unanimous consent agreement.

This agreement is acceptable to some of the staunchest opponents of H.R. 810. For example, I do not think that anyone has been as outspoken in their opposition to H.R. 810 than my friend from Kansas, Senator BROWNBACK. But I understand that this unanimous consent agreement is acceptable to him.

Both Senator BROWNBACK and I—and many others—might have crafted a slightly different unanimous consent agreement—but I think that most would agree that what is being proposed by Senator FRIST gives a fair series of votes that could be accomplished in a reasonable amount of floor time in a part of the year when floor time is becoming a precious quantity.

Stem cell research presents a great opportunity for scientists to gain knowledge that can help those families in America and around the world in which loved ones suffer from currently incurable diseases such as cancer, heart disease, Alzheimer's, diabetes and Parkinson's to name a few.

In order to develop a better understanding of the causes and cures of many diseases tomorrow, we must conduct a vigorous research program today.

And let me be clear, cures will not happen overnight or will come easily.

We have years of hard work ahead of us. But we have much work to do today to bring about these future advances.

In my view, what this unanimous consent agreement does is to move the ball forward. I am pleased that no one appears to be objecting to this agreement so we can give this matter the debate and votes that it deserves.

The House has acted on an important bill and, in this case, I believe that the Senate should give the American people a simple, an up-or-down vote on this measure.

I think that each of these three bills can gain substantial majorities.

I support the unanimous consent agreement. I am prepared to vote and hope my colleagues will support this agreement that will allow us to debate and have votes in a manner that does not allow parliamentary tactics to unduly delay or otherwise obstruct debate on this important legislation.

This unanimous consent agreement is a step in the right direction and I look forward to the debate on these three bills which can benefit the American public so much down the road.

This is good news for individuals like young Cody Anderson of Utah, who suffers from juvenile diabetes. This is good news for many individuals.

I commend the majority leader and my colleagues for tonight's agreement on a way to move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 613, 621, 738, 739, 740, 741, 742, 743, 744, 746 through 750, 752 through 758, 759, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

ENVIRONMENTAL PROTECTION AGENCY

James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

DEPARTMENT OF VETERANS AFFAIRS

Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

DEPARTMENT OF DEFENSE

Michael L. Dominguez, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness, vice Charles S. Abell, resigned.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Maurice L. McFann, Jr., 9309

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Frank A. Cipolla, 8710

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael J. Silva, 8763

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Robert B. Murrett, 7287

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Mark J. Edwards, 3734

LEGAL SERVICES CORPORATION

Jonann E. Chiles, of Arkansas, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2008, vice Robert J. Dieter.

DEPARTMENT OF STATE

John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues.

Gaddi H. Vasquez, of California, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

Michael E. Ranneberger, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Robert D. McCallum, Jr., of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Eric M. Bost, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Leslie V. Rowe, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

W. Stuart Symington IV, of Missouri, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Gayleatha Beatrice Brown, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Peter R. Coneway, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Clifford M. Sobel, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Robert O. Blake, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Thomas C. Foley, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

SMALL BUSINESS ADMINISTRATION

Steven G. Preston, of Illinois, to be Administrator of the Small Business Administration.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

PN1676 ARMY nomination of Con G. Pham, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1677 ARMY nominations (7) beginning DARYL W. FRANCIS, and ending DWAINE M. TORGERSEN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1678 ARMY nominations (6) beginning BRIAN E. BISHOP, and ending ALAN C. SAUNDERS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1679 ARMY nominations (4) beginning JOSE R. ATENCIO III, and ending CHRISTOPHER J. MORGAN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1680 ARMY nominations (3) beginning BRENT E. BRACEWELL, and ending ALLEN L. MEYER, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1681 ARMY nominations (9) beginning BRUCE R. DESCHERE, and ending MICHAEL B. ROUNTREE, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1682 ARMY nominations (3) beginning MICHAEL L. ELLIS, and ending KRISTINE KNUTSON, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1683 ARMY nomination of Debra R. Hernandez, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1684 ARMY nomination of Anne M. Emshoff, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1685 ARMY nomination of Andrew P. Cap, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1686 ARMY nominations (27) beginning MARK E. GANTS, and ending SAMUEL L. YINGST, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1687 ARMY nominations (32) beginning CATHLEEN A. BURGESS, and ending JEFFREY L. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1688 ARMY nominations (99) beginning HAZEL P. HAYNES, and ending GIA K. YI, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1689 ARMY nominations (24) beginning Ben L. Clark, and ending JENNIFER L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1690 ARMY nominations (699) beginning LYNN F. ABRAMS, and ending ROBERT T. ZABENKO, which nominations were received the Senate and appeared in the Congressional Record of June 14, 2006.

IN THE MARINE CORPS

PN1691 MARINE CORPS nominations (6) beginning CHRISTOPHER J. GALFANO, and ending RUSSELL W. PARKER, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

IN THE NAVY

PN1692 NAVY nomination of Zina L. Rawlins, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

NOMINATION OF KENNETH WAINSTEIN

Mr. LEAHY. Mr. President, today we consider a nominee for the new position of Assistant Attorney General for the National Security Division. All too often, in the Bush-Cheney administration, national security has been cited as a justification for overriding the rule of law and for imposing unprecedented secrecy. With the acquiescence of the Republican-controlled Congress, this administration may be the most unresponsive in history and the most unaccountable.

Ken Wainstein is President Bush's selection to be the first Assistant Attorney General for National Security, a new position created by Congress. I will not oppose this nomination in the hope that Mr. Wainstein will work with us and be responsive to the Senate.

I have concerns about this administration's unilateral approach to national security issues. Four years ago, the Office of Legal Counsel at the Justice Department issued a secret legal opinion concluding that the President of the United States had the power to override domestic and international laws outlawing torture. The memo sought to redefine torture and asserted that the President enjoys "complete authority over the conduct of war" and asserted that application of the criminal law passed by Congress prohibiting torture "in a manner that interferes with the President's direction of such core war matters as the detention and interrogation of enemy combatants would be unconstitutional." It seemed to assert that the President could immunize people from prosecution for violations of U.S. criminal laws that prohibit torture. This Justice Department memo was withdrawn only after it became public because it could not withstand public scrutiny.

We have learned through the media of warrantless wiretapping and datamining conducted by this administration. This, despite the Foreign Surveillance Intelligence Act and its express provisions and the actions on the Senate in voting to curtail the data-mining programs by Admiral Poindexter at the Defense Department. We have yet to be provided with a convincing legal justification for these programs. We have yet to be able to investigate or hold the administration accountable. Instead, every effort at oversight and accountability have been obstructed or curtailed by the administration. The administration refuses to follow the law and submit matters to the FISA court and claims state secrets to force court challenges to be dismissed. The administration tells the Senate when, what and how it may investigate. The Department of Justice's own, internal Office of Professional Responsibility's probe of whether or not lawyers at the Department violated ethical rules in justifying these activities was shut down by the Attorney General and the White House.

As this administration continues to expand its power, the Department of Justice should be advising the President to obey the law and respect the Congress and the courts, not just helping to rationalize actions and forestall oversight.

In theory, this new position might help Department of Justice attorneys to act responsibly on national security issues, rather than just to do the White House's bidding. It should put national security issues into the hands of experts, not political cronies. In fact, the WMD Commission recommended in March of last year that the different components of the Department's dealing with national security, terrorism, counterintelligence, and foreign intelligence surveillance be combined to eliminate deficiencies and inefficiencies in the Department's national security efforts. Congress acted to create the post. This new Assistant Attorney General position can only serve a useful role if the person who occupies it is willing to think independently. This administration has consistently prized loyalty over independence and expertise.

Mr. Wainstein has some experience as a prosecutor, but he has also been a loyal official of this administration for some time now. I hope that he will be able to look at the crucial national security issues to be handled by this new office with a critical eye and a view toward respecting law and the Congress. If he does, he will be a breath of fresh air in the Bush-Cheney administration.

Recently, Judiciary Committee Chairman SPECTER and I received a letter from the Fraternal Order of Police. The FOP "endorsed" Mr. Wainstein "in order to facilitate his departure from the U.S. Attorney's Office." They criticized him for being "unwilling to perform" the function of investigating and prosecuting an alleged attack on a police officer. That is not what I would term high praise for his judgment. I ask that a copy of the letter be printed in the Record

There being no objection, the material was ordered to be printed in the Record, as follows:

Grand Lodge,
Fraternal Order of Police,
Washington, DC, June 9, 2006.

Hon. Arlen Specter,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. Patrick J. Leahy,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

Dear Mr. Chairman Specter and Senator Leahy, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our position on the nomination of Kenneth L. Wainstein, currently the U.S. Attorney for the District of Columbia, to be the Assistant Attorney General for the National Security Division at the U.S. Department of Justice.

The F.O.P. is very frustrated by the manner in which Mr. Wainstein is handling the investigation into the attack on a Federal law enforcement officer by U.S. Representative Cynthia L. McKinney. The grand jury has held this case for more than two months when the usual practice of a Federal prosecutor is to immediately arrest and swiftly indict people that attack police officers. It is clear to us that the accused in this case is receiving special treatment from Mr. Wainstein. This is unacceptable—had the officer's attacker in this case been a visitor to the Capitol instead of a U.S. Representative, it is likely that he or she would have already stood trial. Instead, under the stewardship of Mr. Wainstein, we have a seemingly endless grand jury proceeding and rumored talks of a plea deal, despite the fact that there has not even been an indictment.

Given that the basic function of a prosecutor is to investigate and prosecute cases, and given that Mr. Wainstein seems unwilling to perform this function in a simple assault case, the F.O.P. was initially reluctant to support his nomination to Assistant Attorney General. However, upon further reflection, we have reconsidered. There is a genuine need to have an effective and appropriately aggressive Federal prosecutor in the District of Columbia and, because the responsibilities of the position for which he has been nominated are largely advisory in nature, we have decided to advocate his swift and immediate confirmation in order to facilitate his departure from the U.S. Attorney's office. In so doing, we hope that his replacement will prove to be better able to handle pending cases—particularly those involving assaults on law enforcement officers.

Justice is something that must be vigorously pursued and Mr. Wainstein is waffling. We feel that someone of his temperament is better suited to a less operational position and, for this reason, on behalf of the more than 324,000 members of the Fraternal Order of Police, we urge his expeditious confirmation. I thank you both in advance for your consideration of our views on this matter. If I can be for any further help, please feel free to contact me or Executive Director Jim Pasco at my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

SMALL BUSINESS ADMINISTRATION

Mr. KERRY. Mr. President, today the Senate Committee on Small Business and Entrepreneurship unanimously reported the President's nomination of Steven Preston to serve as Administrator for the Small Business Administration. I would like to thank Chair SNOWE and her staff for their work on this nomination.

Mr. Preston brings keen business sense and a wealth of management experience to an agency woefully in need of better management. From the disaster loan program to oversight of federal contracting, the SBA has failed small businesses under the current administration. Hurricane Katrina is now 10 months behind us, and still we are witnessing delays in getting loan money to the residents of the Gulf Coast. Deep budget cuts have bled the agency of key staff. Efforts to eliminate key programs like the Microloan program, PRIME and New Markets Venture Capital have undermined access to capital and business counseling for small businesses, especially the smallest of firms. As Mr. Preston stated many times throughout the nomination process, morale at the SBA is dangerously low. There is a vacuum of leadership into which Mr. Preston now steps, and there is much for him to do to reinvigorate this agency.

I am hopeful that Mr. Preston will prove to be an aggressive advocate for small business. His career and his actions demonstrate that he is not a political person, and I hope his instincts lead him to do the right thing rather than the political thing. With investment, commitment, and most of all, strong leadership, the SBA can make a real difference in people's lives.

I am also hopeful that as Administrator, Mr. Preston will fight for realistic budgets. The budget delivered to Congress by President Bush this past year had no basis in reality. The former SBA Administrator's reaction was to travel the country to support Administration proposals that often had little to do with the needs of small businesses. Meanwhile, the SBA budget was being slashed. The SBA needs someone who will consider the impact of the budget on small businesses and disaster victims and will fight budgets that hurt these communities. The President is proposing to assess unprecedented administrative fees on small business loans, on top of the high fees that are already passed on to small businesses in this zero subsidy environment. He is also trying to balance the Federal budget on the backs of disaster victims by raising interest rates on disaster loans. These are not recipes for helping small business, and I hope Mr. Preston recognizes that.

The SBA also needs to be a more vigilant watchdog for small business contracting. The record of the last few years is appalling. Federal small business contracting numbers have been manipulated and overstated to score political points. The SBA's office dedicated to veterans contracting has been shut down. Implementation of the women's contracting program has been delayed for 6 years. The SBA IG reports and GAO reports make it clear: There is a pattern of neglect when it comes to SBA's oversight of federal contracting to ensure fair access for small firms. Report after report indicates that there needs to be more staff to oversee federal contracting, and the agency continues to deny our efforts to get more accurate small business contracting numbers. This is a serious problem, and through this nomination process, Mr. Preston has been made well aware that I and my fellow committee members expect it to be addressed.

Above all, I am tired of hearing the administration's claim that it is doing "more with less." At some point, this catch phrase gives way to the reality that an agency can no longer even fulfill its mandate with any less. It is my belief that we have reached that point. Small Business Development Centers have been forced to reduce services. Women's Business Centers are on the verge of shutting down. Lending to minorities has been generally flat or has gone down, particularly dollars loaned to African Americans and women. This agency has a unique role to play in fostering entrepreneurship in underserved communities. It is clear from his history of charitable involvement that Mr. Preston understands the needs of these underserved communities, and I hope that this spirit is evident in his work at the SBA on behalf of underserved and disadvantaged businesses.

I have served on the Committee on Small Business and Entrepreneurship for 21 years, as ranking member or Chairman since 1997, and I have worked with a number of SBA Administrators. Too often, a nominee comes before the Committee and says all the right things to get confirmed. My hope for Mr. Preston is that he will not simply talk the talk, but that he will walk the walk. By living up to his promises, I think Mr. Preston will see that he and Congress can work side by side to help small businesses across the Nation.

Ms. LANDRIEU. Mr. President, I welcome the confirmation of Steven Preston to be U.S. Small Business Administration, BSA Administrator. I had the pleasure of meeting with Mr. Preston a few weeks ago, and I believe that he has the management experience to take on the many challenges facing the Small Business Administration. More importantly, I was impressed with his passion to serve and to take on this particularly challenging position.

For too long this agency, which serves the backbone of our Nation's economy, has been a second-class citizen in this administration. The SBA enjoyed Cabinet-level status under President Clinton but has since been downgraded to a second-tier agency. The SBA's budget has been cut by nearly 40 percent since 2001—more than any other Federal agency. This sends the wrong signal to small businesses, especially our small businesses down in the gulf coast. It tells them that they are not worth the investment, that small businesses are not a national priority.

We need a SBA Administrator who is a "work horse" not a "show horse." Washington has plenty of show horses, but they should not be running Federal agencies. We have seen that in the gulf, and we don't want to see it again. I am willing to work with Mr. Preston and with my colleagues on the Senate Committee on Small Business and Entrepreneurship to help the SBA be more effective and responsive in good times and bad.

One of the first challenges Mr. Preston will face is to ensure that the SBA is ready for this year's hurricane season. Experts forecast that this will be a very active season, and the SBA has to be ready. Last year, we had the sense that the agency was acting by the seat of their pants. Under the circumstances, that is not so surprising. The country had never seen anything like Katrina before. But now Mr. Preston and the SBA have the opportunity to take the lessons of last year to better prepared for this year.

The emergency supplemental appropriations bill we most recently passed contains language that I sponsored to require SBA to submit a comprehensive disaster preparedness plan to Congress by July 15. SBA did not have one in place for Katrina, so my colleagues and I want to ensure that they are more prepared for hurricane season this year and future disasters as well. I look forward to receiving this report next week.

I mentioned that Mr. Preston's management experience will serve him well as he works to make the SBA a more efficient and responsive agency. Congress also needs to give SBA the tools to allow it to improve. After Katrina, small businesses in Louisiana had nothing but complaints about SBA's service in the Disaster Loan Program. They needed access to immediate capital to pay employees, restore inventory, and make quick repairs, but SBA said it was not in the business of short-term recovery. That is why the upcoming SBJ reauthorization is going to be so important. This will be an opportunity to not only reauthorize funding for the SBA capital and technical assistance programs but also to make the SBA more responsive and efficient for future disasters.

I intend to introduce legislation that I would like to see included in the reauthorization bill to give the SBA more tools for handling future disasters. We need to give SBA expedited disaster loan authority for businesses in good standing with the SBA. We need to authorize short-term bridge loan and grant authority, so that in a major disaster, businesses can get help earlier, rather than later. SBA needs a full-time planning staff, and we must encourage the agency to better utilize its district offices. In the aftermath of Katrina, we need a strong SBA more than ever. In taking the helm, Mr. Preston will be a pivotal figure in the recovery of the gulf coast as well as to the economic growth of small businesses nationwide.

As Administrator, he will be inheriting an agency that by many accounts has an unfortunate legacy of mismanagement, inefficiency, poor employee morale, and soured relations with Congress. The management challenges are huge, but the need to do it right is greater. I believe that in Steven Preston, we have a nominee who can use his corporate management and finance experience to fix SBA. I invite him to not be afraid to take on the old ways of doing things at SBA. If he runs into roadblocks, come talk to us on the Senate Small Business Committee. If he needs a legislative change to move this agency forward, come to us. We want this agency to work. Our small businesses need this agency to work and to work well.

DISCHARGE AND REFERRAL

Mr. McCONNELL. Mr. President, I ask unanimous consent that the nomination of Drue Pearce to be the Federal Coordinator for Alaska Natural Gas Transportation Projects be discharged from the Committee on Commerce, Science, and Transportation and be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 440, the adjournment resolution; provided that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 440) was agreed to, as follows:

H. CON. RES. 440

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 29, 2006, or Friday, June 30, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, July 10, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, June 29, 2006, Friday, June 30, 2006, or Saturday, July 1, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

AUTHORIZATION TO SIGN BILLS OR JOINT RESOLUTIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority whip and both Senators from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 3590

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for a second time.

The legislative clerk read as follows:

A bill (S. 3590) to amend title XIX of the Social Security Act to delay the effective date of the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

AUTHORIZING PRINTING AND BINDING OF SUPPLEMENT TO AND REVISED EDITION OF SENATE PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 40 that was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRINTING OF SUPPLEMENT TO, AND REVISED EDITION OF, SENATE PROCEDURE.

(a) IN GENERAL.—Each of the following documents shall be prepared under the supervision of Alan Frumin, Parliamentarian and Parliamentarian Emeritus of the Senate, and shall be printed and bound as a Senate document:

(1) A supplement to "Riddick's Senate Procedure", to be styled "Frumin's Supplement to Riddick's Senate Procedure".

(2) A revised edition of "Riddick's Senate Procedure", to be styled "Frumin's Senate Procedure".

(b) COPIES.—One thousand five hundred copies of each document described in subsection (a) shall be printed for distribution to Senators and for the use of the Senate.

Mr. McCONNELL. I ask unanimous consent that the joint resolution be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 40) was ordered to be engrossed for a third reading, was read the third time, and passed.

LOUIS BRAILLE BICENTENNIAL—BRAILLE LITERACY COMMEMORATIVE COIN ACT

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 475, S. 2321.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2321) to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2321) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 2321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Louis Braille Bicentennial—Braille Literacy Commemorative Coin Act".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Louis Braille, who invented the Braille method for reading and writing by the blind that has allowed millions of blind people to be literate participants in their societies, was born in Coupvray, a small village near Paris, on January 4, 1809.

(2) Braille lost his sight at the age of 3, after injuring himself with an awl in the shop of his father Rene, a maker of harnesses and other objects of leather.

(3) A youth who was both intelligent and creative, Braille was blessed with dedicated parents, a thoughtful local priest, and an energetic local schoolteacher.

(4) Braille adapted to his situation and attended local school with other children of his age, an unheard-of practice for a blind child of the period.

(5) At the age of 10, when his schooling otherwise would have stopped, Braille, with the aid of his priest and schoolteacher, was given a scholarship by a local nobleman and went to Paris to attend the Royal Institute for Blind Children, where he became the youngest pupil.

(6) At the Institute, most instruction was oral but Braille found there were books for the blind, large, expensive-to-produce books, in which the text was of large letters embossed upon the page.

(7) Soon, Braille had read all 14 books in the school, but thirsted for more.

(8) Charles Barbier de la Serre, a captain in Napoleon's army, had invented "night writing", a method for communicating on the battlefield amidst the thick smoke of combat, or at night without lighting a match (which would aid enemy gunners), that used dots and dashes that were felt and interpreted with the fingers. He later adapted the method for use by the blind, calling it "Sonography", because it represented words by sounds, rather than spelling.

(9) Braille adopted the Sonography method instantly, but soon recognized that the basis in sound and the large number of dots, as many as 12, used to represent words was too cumbersome.

(10) By the age of 15, and using a blunt awl, the same sort of tool that had blinded him, Braille had developed what is essentially modern Braille, a code that uses no more than 6 dots in a "cell" of 2 columns of 3 dots each to represent each letter, and contains a system of punctuation and of "contractions" to speed writing and reading.

(11) In contrast to the bulky books consisting of large embossed letters, Braille books can contain as many as 1,000 characters or contractions on a standard 11-by-12-inch page of heavy paper, and to this day, Braille can be punched with an awl-like "stylus" into paper held in a metal "slate" that is very similar to the ones that Louis Braille adapted from Barbier's original "night writing" devices.

(12) Also a talented organist who supported himself by giving concerts, Braille went on to develop the Braille representation of music, and in 1829, published the first-ever Braille book, a manual about how to read and write music.

(13) 8 years later, in 1837, Braille followed that publication with another book detailing a system of representation of mathematics.

(14) Braille's talents were quickly recognized, and at age 17, he was made the first blind apprentice teacher at the school, where he taught algebra, grammar, music, and geography.

(15) He and 2 blind classmates, his friends who probably were the first people to learn to read and write Braille, later became the first 3 blind full professors at the school.

(16) However, despite the fact that many blind people enthusiastically adopted the system of writing and reading, there was great skepticism among sighted people about the real usefulness of Braille's code, and even at the Royal Institute, it was not taught until after his death on January 6, 1852.

(17) Braille did not start to spread widely until 1868 when a group of British men, later to become known as the Royal National Institute for the Blind, began publicizing and teaching the system.

(18) Braille did not become the official and sole method of reading and writing for blind United States citizens until the 20th Century.

(19) Helen Keller, a Braille reader of another generation, said: "Braille has been a most precious aid to me in many ways. It made my going to college possible—it was the only method by which I could take notes on lectures. All my examination papers were copied for me in this system. I use Braille as a spider uses its web—to catch thoughts that flit across my mind for speeches, messages, and manuscripts.".

(20) While rapid technological advances in the 20th Century have greatly aided the blind in many ways by speeding access to information, each advance has seen a commensurate drop in the teaching of Braille, to the point that only about 10 percent of blind students today are taught the system.

(21) However, for the blind not to know Braille is in itself a handicap, because literacy is the ability to read and the ability to write and the ability to do the 2 interactively.

(22) The National Federation of the Blind, the Nation's oldest membership organization consisting of blind members, has been a champion of the Braille code, of Braille literacy for all blind people, and of the memory of Louis Braille, and continues its Braille literacy efforts today through its divisions emphasizing Braille literacy, education of blind children, and employment of the blind.

(23) Braille literacy aids the blind in taking responsible and self-sufficient roles in society, such as employment. While 70 percent of the blind are unemployed, 85 percent of the employed blind are Braille-literate.

SEC. 3. COIN SPECIFICATIONS.

(a) IN GENERAL.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 400,000 $1 coins bearing the designs specified in section 4(a), each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of Louis Braille.

(2) OBVERSE.—The design on the obverse shall bear a representation of the image of Louis Braille.

(3) REVERSE.—The design on the reverse shall emphasize Braille literacy, and shall specifically include the word for Braille in Braille code (the Braille capital sign and the letters Brl) represented in a way that complies with section 3 of specification 800 of the National Library Service for the Blind and Physically Handicapped of the Library of Congress specifications for Braille, and is tactilely indiscernible from printed or written Braille.

(4) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2009"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts and the National Federation of the Blind; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2009.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales of coins under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Federation of the Blind, to further its programs to promote Braille literacy.

(c) AUDITS.—The National Federation of the Blind shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the National Federation of the Blind under subsection (b).

ABRAHAM LINCOLN COMMEMORATIVE COIN ACT

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 500, S. 811.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 811) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 811) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abraham Lincoln Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Abraham Lincoln, the 16th President, was one of the Nation's greatest leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in present-day LaRue County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for his country, dying from an assassin's bullet on April 15, 1865.

(6) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln.

(7) The Abraham Lincoln Bicentennial Commission has been charged by Congress with planning the celebration of President Lincoln's bicentennial.

(8) The proceeds from a commemorative coin will help fund the celebration and the continued study of the life of President Lincoln.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of President Abraham Lincoln.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2009"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts and the Abraham Lincoln Bicentennial Commission; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2009.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins minted under this Act shall be promptly paid by the Secretary to the Abraham Lincoln Bicentennial Commission to further the work of the Commission.

(c) AUDITS.—The Abraham Lincoln Bicentennial Commission shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

DEMOCRATIC REPUBLIC OF THE CONGO RELIEF, SECURITY, AND DEMOCRACY PROMOTION ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 442, S. 2125.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2125) to promote relief, security, and democracy in the Democratic Republic of the Congo.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I understand that Senator OBAMA has an amendment at the desk. I ask unanimous consent that it be considered and agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4545) was agreed to, as follows:

On page 1, line 6, strike "2005" and insert "2006".

On page 3, beginning on line 7, strike "promoting security, peace, and prosperity in the" and insert "a secure, peaceful, and prosperous".

Beginning on page 4, strike line 19 and all that follows through page 5, line 18, and insert the following:

(9) According to the 2005 Department of State report on human rights practices in the Democratic Republic of the Congo, "In all areas of the country, the human rights record remained poor, and numerous serious abuses were committed; however, there were some improvements during the year.".

On page 6, beginning on line 4, strike "fair and democratic elections within the timeframe provided by the Sun City Peace Accords" and insert "that the elections scheduled to be held on July 30, 2006, and future elections in the Democratic Republic of the Congo are carried out in a fair and democratic manner".

On page 6, line 23, insert "through the provision of necessary equipment and training" after "establish".

On page 7, line 15, insert "and other illegally armed groups" before the semicolon at the end.

On page 12, beginning on line 7, strike "2005 (division D of the Consolidated Appropriations Act, 2005; Public Law 108-447; 118 Stat. 3015)" and insert "2006 (Public Law 109-102; 119 Stat. 2218)".

On page 14, line 20, strike "60" and insert "180".

On page 15, after section (b) insert:

(c) ELIGIBILITY OF DEPARTMENT OF STATE EMPLOYEES.—The individual designated to serve as the Special Envoy may be an employee of the Department of State with the rank of Deputy Assistant Secretary or higher.

On page 16, line 9, strike "IN GENERAL.—".

On page 19, strike lines 3 through 11.

On page 20, strike lines 3 through 15 and insert the following:

(b) SUPPORT CONTINGENT ON PROGRESS.—If the Secretary of State determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives in section 102, the President shall consider withdrawing United States support for the assistance described in subsection (a) when future funding decisions are considered.

The bill (S. 2125), as amended, was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006".

TITLE I—BILATERAL ACTION ON ADDRESSING URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The National Security Strategy of the United States, dated September 17, 2002, concludes that "[i]n Africa, promise and opportunity sit side-by-side with disease, war, and desperate poverty. This threatens both a core value of the United States preserving human dignity and our strategic priority combating global terror. American interests and American principles, therefore, lead in the same direction: we will work with others for an African continent that lives in liberty, peace, and growing prosperity."

(2) On February 16, 2005, the Director of the Central Intelligence Agency testified, "In Africa, chronic instability will continue to hamper counterterrorism efforts and pose heavy humanitarian and peacekeeping burdens."

(3) According to the United States Agency for International Development, "Given its size, population, and resources, the Congo is an important player in Africa and of long-term interest to the United States."

(4) The Democratic Republic of Congo is 2,345,410 square miles (approximately ¼ the size of the United States), lies at the heart of Africa, and touches every major region of sub-Saharan Africa. Therefore, a secure, peaceful, and prosperous Democratic Republic of the Congo would have a profound impact on progress throughout Africa.

(5) A mortality study completed in December 2004 by the International Rescue Committee found that 31,000 people were dying monthly and 3,800,000 people had died in the previous 6 years because of the conflict in the Democratic Republic of the Congo and resulting disintegration of the social service infrastructure and that "improving and maintaining security and increasing simple, proven and cost-effective interventions such as basic medical care, immunizations and clean water would save hundreds of thousands of lives in the Congo. There's no shortage of evidence. It's sustained compassion and political will that's lacking."

(6) The International Crisis Group concluded, "The conflict in the Democratic Republic of the Congo remains one of the deadliest conflicts since World War II and has resulted in the loss of nearly 4 million lives since 1998. . . . The international community, and the United Nations Security Council in particular, must take strong and urgent action to support the transition, establish a national army and secure lasting peace in the Democratic Republic of the Congo, if it is to live up to its responsibility to protect those in need."

(7) According to the Department of State, "returning one of Africa's largest countries [the Democratic Republic of the Congo] to full peace and stability will require significant United States investments in support of national elections, the reintegration of former combatants, the return and reintegration of refugees and [internally displaced persons], establishment of central government control over vast territories, and promotion of national reconciliation and good governance".

(8) According to the 2005 Department of State report on human rights practices in the Democratic Republic of the Congo, "In all areas of the country, the human rights record remained poor, and numerous serious abuses were committed; however, there were some improvements during the year.".

SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to promote, reinvigorate, and support the political process in the Democratic Republic of the Congo in order to press all parties in the Transitional National Government to move forward with approval of an electoral law and put in place mechanisms, including national and international election observers, fair and transparent voter registration procedures, and a significant civic awareness and public education campaign, to ensure that the elections scheduled to be held on July 30, 2006, and future elections in the Democratic Republic of the Congo are carried out in a fair and democratic manner;

(2) to ensure that, once a stable national government is established in the Democratic Republic of the Congo, it is committed to multiparty democracy, open and transparent governance, respect for human rights and religious freedom, ending the violence throughout the country, promoting peace and stability with its neighbors, rehabilitating the national judicial system and enhancing the rule of law, and combating corruption;

(3) to assist the Government of the Democratic Republic of the Congo in meeting the basic needs of its citizens, including security, safety, and access to health care, education, food, shelter, and clean drinking water;

(4) to engage in security sector reform by helping the Government of the Democratic Republic of the Congo establish through the provision of necessary equipment and training a viable and professional national army and police force that respects human rights and the rule of law, is under effective civilian control, and possesses a viable presence throughout the entire country, including by contributing to the provision of necessary equipment and training;

(5) to expedite planning and implementation of programs associated with the disarmament, demobilization, repatriation, reintegration, and rehabilitation process in the Democratic Republic of the Congo;

(6) to support efforts of the Government of the Democratic Republic of the Congo, the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC), and other entities, as appropriate, to disarm, demobilize, and repatriate the Democratic Forces for the Liberation of Rwanda and other illegally armed groups;

(7) to ensure that the Government of the Democratic Republic of the Congo—

(A) is committed to responsible and transparent management of natural resources across the country; and

(B) takes active measures—

(i) to promote economic development;

(ii) to hold accountable individuals who misuse the country's natural resources for personal gain; and

(iii) to implement the Extractive Industries Transparency Initiative by enacting laws requiring disclosure and independent auditing of company payments and government receipts for natural resource extraction;

(8) to promote a viable civil society and to enhance nongovernmental organizations and institutions, including religious organizations, the media, political parties, trade unions, and trade and business associations, that can act as a stabilizing force and effective check on the government;

(9) to rebuild and enhance infrastructure, communications, and other mechanisms that will increase the ability of the central government to manage internal affairs, encourage economic development, and facilitate relief efforts of humanitarian organizations;

(10) to halt the high prevalence of sexual abuse and violence perpetrated against women and children in the Democratic Republic of the Congo and mitigate the detrimental effects from acts of this type of violence by undertaking a number of health, education, and financial support measures, including psycho-social programs, counseling, and HIV/AIDS testing and treatment, and providing financial support;

(11) to work aggressively on a bilateral basis to urge governments of countries contributing troops to the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) to enact and enforce laws on trafficking in persons and sexual abuse that meet international standards, promote codes of conduct for troops serving as part of United Nations peacekeeping missions, and immediately investigate and punish citizens who are responsible for abuses in the Democratic Republic of the Congo;

(12) to undertake steps that—

(A) protect internally displaced persons and refugees in the Democratic Republic of the Congo and border regions from all forms of violence, including gender-based violence and other human rights abuses;

(B) address other basic needs of vulnerable populations with the goal of allowing these conflict-affected individuals to ultimately return to their homes; and

(C) assess the magnitude of the problem in the Democratic Republic of the Congo of orphans from conflict and HIV/AIDS, and work to establish a program of national support;

(13) to engage with governments working to promote peace and security throughout the Democratic Republic of the Congo and

hold accountable individuals, entities, and countries working to destabilize the country; and

(14) to promote appropriate use of the forests of the Democratic Republic of the Congo in a manner that benefits the rural population in that country that depends on the forests for their livelihoods and protects national and environmental interests.

SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, including amounts from regional funds, there is authorized to be appropriated $52,000,000 for fiscal year 2006 for bilateral assistance programs in the Democratic Republic of the Congo under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454, chapter 469), and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) USES OF ASSISTANCE.—Amounts appropriated pursuant to subsection (a) shall be used to accomplish the policy objectives in section 102.

(c) FUTURE YEAR FUNDING.—The Department of State should submit budget requests in fiscal years 2007, 2008, and 2009 that contain increases in bilateral assistance for the Democratic Republic of the Congo that are appropriate and similar to the increase authorized under subsection (a) for fiscal year 2006 if progress is being made, particularly cooperation by the Government of the Democratic Republic of the Congo, toward accomplishing the objectives in section 102.

(d) OFFSETS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State should consult with the Chairmen and Ranking Members of the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on International Relations, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives to determine appropriate reductions in funding, especially redundant or duplicative programs, to offset the increase in funding authorized in subsection (a).

(e) USES OF SECURITY ASSISTANCE.—Security assistance that is authorized to be appropriated under this section shall be made available consistent with section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2218) and other provisions of law related to eligibility.

(f) COORDINATION WITH OTHER DONOR NATIONS.—The United States should work with other donor nations, on a bilateral and multilateral basis, to increase international contributions to the Democratic Republic of the Congo and accomplish the policy objectives described in section 102.

SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of the Democratic Republic of the Congo must be committed to achieving the policy objectives described in this Act if the efforts of the United States and other members of the international community are to be effective in bringing relief, security, and democracy to the country; and

(2) the international community, through the United Nations peacekeeping mission, humanitarian and development relief, and other forms of assistance, is providing a substantial amount of funding that is giving the Government of the Democratic Republic of the Congo an opportunity to make progress towards accomplishing the policy objectives in section 102, but this assistance cannot continue in perpetuity.

(b) REPORT ON PROGRESS.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the progress made toward accomplishing the policy objectives described in section 102.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of any major impediments that prevent the accomplishment of the policy objectives described in section 102;

(B) an evaluation of United States policies and foreign assistance programs designed to accomplish such policy objectives; and

(C) recommendations for—

(i) improving these policies and programs; and

(ii) any additional bilateral or multilateral actions necessary to promote peace and prosperity in the Democratic Republic of the Congo.

(c) TERMINATION OF ASSISTANCE.—The Secretary of State may withhold assistance otherwise available under this Act if the Secretary determines and reports to Congress that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102.

SEC. 105. STRATEGY ON PROMOTING HUMANITARIAN RELIEF, SECURITY, AND DEMOCRACY IN THE DEMOCRATIC REPUBLIC OF THE CONGO.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a report setting forth a strategy for achieving the policy objectives described in section 102, including a description of an effective mechanism for coordination of United States Government efforts to implement this strategy.

SEC. 106. SPECIAL ENVOY FOR THE GREAT LAKES REGION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President should appoint a Special Envoy for the Great Lakes Region to resolve the instability and insecurity in Eastern Congo, which is the result of multiple international and domestic factors, and to enhance the regional harmonization of United States policies and assistance programs.

(b) CONSULTATION.—In appointing the Special Envoy, the President should consult with the Majority Leader and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the Chairmen and Ranking Members of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(c) ELIGIBILITY OF DEPARTMENT OF STATE EMPLOYEES.—The individual designated to serve as the Special Envoy may be an employee of the Department of State with the rank of Deputy Assistant Secretary or higher.

TITLE II—MULTILATERAL ACTIONS TO ADDRESS URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE UNITED NATIONS SECURITY COUNCIL.

The United States shall use its voice and vote in the United Nations Security Council—

(1) to address exploitation at the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) by urging, when credible allegations exist, appropriate investigation of alleged perpetrators and, as necessary, prosecution of United Nations personnel responsible for sexual abuses in the Democratic Republic of the Congo;

(2) to ensure that appropriate guidelines, codes of conduct, and programs for the prevention of sexual abuse and trafficking in persons are undertaken by the United Nations;

(3) to strengthen the authority and capacity of MONUC by—

(A) providing specific authority and obligation to prevent and effectively counter imminent threats;

(B) clarifying and strengthening MONUC's rules of engagement to enhance the protection of vulnerable civilian populations;

(C) enhancing the surveillance and intelligence-gathering capabilities available to MONUC;

(D) where consistent with United States policy, making available personnel, communications, and military assets that improve the effectiveness of robust peacekeeping, mobility, and command and control capabilities of MONUC; and

(E) providing MONUC with the authority and resources needed to support efforts surrounding national elections and the referendum on the constitution, and to monitor arms trafficking and natural resource exploitation at key border posts and airfields in the eastern part of the Democratic Republic of the Congo;

(4) to encourage regular visits of the United Nations Security Council to monitor the situation in the Democratic Republic of the Congo;

(5) to ensure that the practice of recruiting and arming children in the Democratic Republic of the Congo is immediately halted pursuant to Security Council Resolutions 1460 (2003) and 1539 (2004);

(6) to strengthen the arms embargo imposed pursuant to Security Council Resolution 1493 (2003) and ensure that violators are held accountable through appropriate measures, including the possible imposition of sanctions;

(7) to allow for the more effective protection and monitoring of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, and for public disclosure and independent auditing of natural resource revenues to help ensure transparent and accountable management of these revenues;

(8) to press countries in the Congo region to help facilitate an end to the violence in the Democratic Republic of the Congo and promote relief, security, and democracy throughout the region; and

(9) to encourage the United Nations Secretary-General to become more involved in completing the policy objectives described in paragraphs (1) and (2) of section 102 and ensure that recent fighting in North Kivu, which displaced over 150,000 people, as well as fighting in Ituri and other areas, does not

create widespread instability throughout the country.

SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HUMANITARIAN AND DEVELOPMENT ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—The President shall instruct the United States permanent representative or executive director, as the case may be, to the United Nations voluntary agencies, including the World Food Program, the United Nations Development Program, and the United Nations High Commissioner for Refugees, international financial institutions, and other appropriate international organizations to use the voice and vote of the United States to support additional humanitarian and development assistance for the Democratic Republic of the Congo in order to accomplish the objectives described in section 102.

(b) SUPPORT CONTINGENT ON PROGRESS.—If the Secretary of State determines that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives in section 102, the President shall consider withdrawing United States support for the assistance described in subsection (a) when future funding decisions are considered.

RECOGNIZING THE FDA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to H. Con. Res 426.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 426) recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drug Act for the important service it provides the Nation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. CLINTON. Mr. President, as we recognize the 100th anniversary of the establishment of the Food and Drug Administration, I would like to rise and express my concern about the current direction of this agency.

There is no doubt that, since the agency's founding, the employees of the FDA have made an enormous contribution to protection the health of our Nation, and I believe that we should recognize the efforts of the thousands of civil servants who have helped to ensure the safety of our food and medicine.

Yet while the FDA has long represented the gold standard of consumer protection, I am afraid that this standard is being tarnished by the current activities of the agency. Under this administration, we have seen ideology placed before science, and politics before the public health.

Consider the way in which the FDA has sought to block wider access to Emergency Contraception, also known as Plan B, a tool that can prevent unintended pregnancy. Two successive FDA commissioners—Bush administration political appointees—blocked Plan B from being sold over the counter, overruling the FDA's medical experts, advisors, and the recommendations of over 70 organizations, including the American Medical Association and the American Academy of Pediatrics. The Government Accountability Office has confirmed that the FDA's 2004 decision not to approve over-the-counter sales was politically motivated. And despite the years that have passed since the original recommendation to approve Plan B for over the counter use, we still have no action, other than delay after delay, on that recommendation.

American women deserve an answer from the FDA. With Senator PATTY MURRAY, I have placed a hold on the nomination of current acting Commissioner Dr. Andrew Von Eschenbach's to lead this agency, and I will continue to hold the nomination of Dr. von Eschenbach until the FDA issues a decision on Plan B, yes or no.

The FDA was founded in 1906 to protect the interests of the American consumer. One hundred years later, I fear that politics and ideology may triumph over the agency's original mission. I believe the best way to celebrate the FDA centennial is to make a commitment to reforms that will restore this agency's reputation as the gold standard of consumer protection.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 426) was agreed to.

The preamble was agreed to.

WORKFORCE INVESTMENT ACT AMENDMENTS OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 203, S. 1021.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1021) to reauthorize the Workforce Investment Act of 1998, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Investment Act Amendments of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

Sec. 101. Definitions.

Subtitle B—Statewide and Local Workforce Investment Systems

Sec. 111. Purpose.
Sec. 112. State workforce investment boards.
Sec. 113. State plan.
Sec. 114. Local workforce investment areas.
Sec. 115. Local workforce investment boards.
Sec. 116. Local plan.
Sec. 117. Establishment of one-stop delivery systems.
Sec. 118. Eligible providers of training services.
Sec. 119. Eligible providers of youth activities.
Sec. 120. Youth activities.
Sec. 121. Adult and dislocated worker employment and training activities.
Sec. 122. Performance accountability system.
Sec. 123. Authorization of appropriations.

Subtitle C—Job Corps

Sec. 131. Job Corps.

Subtitle D—National Programs

Sec. 141. Native American programs.
Sec. 142. Migrant and seasonal farmworker programs.
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SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by redesignating paragraphs (1) through (4), (5) through (16), (17), (18) through (41), and (42) through (53) as paragraphs (2) through (5), (7) through (18), (20), (23) through (46), and (48) through (59), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' means charges incurred by recipients of funds under this title for a given period requiring the provision of funds for—

"(A) goods or other tangible property received;

"(B) services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

"(C) other amounts becoming owed under programs assisted under this title for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.";

(3) in paragraph (2) (as redesignated by paragraph (1)), by striking "Except in sections 127 and 132," and inserting "Except in section 132,";

(4) by striking paragraph (5) (as redesignated by paragraph (1)) and inserting the following:

"(5) BASIC SKILLS DEFICIENT.—The term 'basic skills deficient' means, with respect to an individual, that the individual—

"(A) has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test; or

"(B) is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.";

(5) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

"(6) BUSINESS INTERMEDIARY.—The term 'business intermediary' means an entity that brings together various stakeholders with an expertise in an industry or business sector.";

(6) in paragraph (9) (as redesignated by paragraph (1)), by inserting ", including a faith-based organization," after "nonprofit organization";

(7) in paragraph (10) (as redesignated by paragraph (1)), in subparagraph (C), by striking "for not less than 50 percent of the cost of the training." and inserting "for—

"(i) a significant portion of the cost of training as determined by the local board, taking into account the size of the employer and such other factors as the local board determines to be appropriate; and

"(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) with an employer in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.";

(8) in paragraph (11) (as redesignated by paragraph (1))—

(A) in subparagraph (A)(ii)(II), by striking "section 134(c)" and inserting "section 121(e)";

(B) in subparagraph (C), by striking "or" after the semicolon;

(C) in subparagraph (D), by striking the period and inserting "; or"; and

(D) by adding at the end the following:

"(E)(i) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

"(ii) is the spouse of a member of the Armed Forces on active duty who meets the criteria described in paragraph (12)(B).";

(9) in paragraph (12)(A) (as redesignated by paragraph (1))—

(A) by striking "and" after the semicolon and inserting "or";

(B) by striking "(A)" and inserting "(A)(i)"; and

(C) by adding at the end the following:

"(ii) is the dependent spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and";

(10) in paragraph (14)(A) (as redesignated by paragraph (1)), by striking "section 122(e)(3)" and inserting "section 122";

(11) by inserting after paragraph (18) (as redesignated by paragraph (1)) the following:

"(19) HARD-TO-SERVE POPULATIONS.—The term 'hard-to-serve populations' means populations of individuals who are hard to serve, including displaced homemakers, low-income individuals, Native Americans, individuals with disabilities, older individuals, ex-offenders, homeless individuals, individuals with limited English proficiency, individuals who do not meet the definition of literacy in section 203, individuals facing substantial cultural barriers, migrant and seasonal farmworkers, individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), single parents (including single pregnant women), and such other groups as the Governor determines to be hard to serve.";

(12) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

"(21) INTEGRATED TRAINING PROGRAM.—The term 'integrated training program' means a program that combines occupational skills training with English language acquisition.

"(22) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a), and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001(a), 1002(a)(1)).";

(13) in paragraph (30) (as redesignated by paragraph (1))—

(A) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(B) by inserting after subparagraph (C) the following:

"(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);";

(14) in paragraph (31) (as redesignated by paragraph (1)), by inserting after "fields of work" the following: ", including occupations in computer science and technology and other emerging high-skill occupations,";

(15) in paragraph (35) (as redesignated by paragraph (1)), by inserting ", subject to section 121(b)(1)(C)" after "121(b)(1)";

(16) by striking paragraph (38) (as redesignated by paragraph (1)) and inserting the following:

"(38) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an out-of-school youth as defined in section 129(a)(1)(B).";

(17) by inserting after paragraph (46) (as redesignated by paragraph (1)) the following:

"(47) SELF-SUFFICIENCY.—The term 'self-sufficiency' means self-sufficiency within the meaning of subsections (a)(3)(A)(x) and (e)(1)(A)(xii) of section 134.";

(18) in paragraph (49) (as redesignated by paragraph (1)), by striking "clause (iii) or (v) of section 136(b)(3)(A)" and inserting "section 136(b)(3)(A)(iii)";

(19) in paragraph (58) (as redesignated by paragraph (1)), by striking "(or as described in section 129(c)(5))" and inserting "(or as described in section 129(a)(2))"; and

(20) in paragraph (59) (as redesignated by paragraph (1)), by striking "established under section 117(h)" and inserting "that may be established under section 117(h)(2)".

Subtitle B—Statewide and Local Workforce Investment Systems

SEC. 111. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended to read as follows:

"SEC. 106. PURPOSES.

"The purposes of this subtitle are the following:

"(1)(A) Primarily, to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, self-sufficiency, and earnings of participants, and increase occupational skill attainment by participants.

"(B) As a result of the provision of the activities, to improve the quality of the workforce, reduce welfare dependency, increase self-sufficiency, and enhance the productivity and competitiveness of the Nation.

"(2) To enhance the workforce investment system of the Nation by strengthening one-stop centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment and training and related services, establishing a targeted approach to serving youth, improving performance accountability, and promoting State and local flexibility.

"(3) To provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.

"(4) To provide workforce investment systems that are demand-driven and responsive to the needs of all employers, including small employers.

"(5) To provide workforce investment systems that work in all areas of the Nation, including urban and rural areas.

"(6) To allow flexibility to meet State, local, regional, and individual workforce investment needs.

"(7) To recognize and reinforce the vital link between economic development and workforce investment activities.

"(8) To provide for accurate data collection, reporting, and performance measures that are not unduly burdensome.

"(9) To address the ongoing shortage of essential skills in the United States workforce related to both manufacturing and knowledge-based economies to ensure that the United States remains competitive in the global economy.

"(10) To equip workers with higher skills and contribute to lifelong education.

"(11) To eliminate training disincentives for hard-to-serve populations and minority workers, including effectively utilizing community programs, services, and agencies.

"(12) To educate limited English proficient individuals about skills and language so the individuals are employable.

"(13) To increase the employment, retention and earnings of individuals with disabilities.".

SEC. 112. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) in paragraph (1), by striking subparagraph (C) and inserting the following:

"(C) representatives appointed by the Governor, who—

"(i) are the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners, except that—

"(I) in any case in which no lead State agency official has responsibility for such a program or activity, the representative shall be a representative in the State with expertise relating to such program or activity; and

"(II) in the case of the programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), the representative shall be the director of the designated State unit, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

"(ii) are the State agency officials responsible for economic development;

"(iii) are representatives of business in the State, including small businesses, who—

"(I) are owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

"(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

"(III) are appointed from among individuals nominated by State business organizations, business trade associations, and local boards;

"(iv) are chief elected officials (representing cities and counties, where appropriate);

"(v) are representatives of labor organizations, who have been nominated by State labor federations; and

"(vi) are such other State agency officials and other representatives as the Governor may designate."; and

(B) in paragraph (3), by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(C)(iii)".

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C. 2821(c)) is amended by striking "subsection (b)(1)(C)(i)" and inserting "subsection (b)(1)(C)(iii)".

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2821(d)) is amended—

(1) in paragraph (1), by striking "development" and inserting "development, implementation, and revision";

(2) in paragraph (2)—

(A) by striking "section 134(c)" and inserting "section 121(e)"; and

(B) in subparagraph (A), by inserting after "section 121(b)" the following: ", including granting the authority for the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) to plan and coordinate employment and training activities with local boards";

(3) by striking paragraph (3) and inserting the following:

"(3) reviewing and providing comment on the State plans of all one-stop partner programs, where applicable, in order to provide effective strategic leadership in the development of a high quality, comprehensive statewide workforce investment system, including commenting at least once annually on the measures taken pursuant to section 113(b)(3) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2323(b)(3)) and title II of this Act;";

(4) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(5) by inserting after paragraph (3) the following:

"(4) development and review of statewide policies affecting the coordinated provision of services through the one-stop delivery system described in section 121(e) within the State, including—

"(A) the development of objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers under section 121(g);

"(B) the development of guidance for the allocation of one-stop center infrastructure funds under section 121(h)(1)(B);

"(C) the development of—

"(i) statewide policies relating to the appropriate roles and contributions of one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the one-stop delivery system;

"(ii) statewide strategies for providing effective outreach to individuals, including hard-to-serve populations, and employers who could benefit from services provided through the one-stop delivery system;

"(iii) strategies for technology improvements to facilitate access to services provided through the one-stop delivery system, in remote areas, and for individuals with disabilities, which may be utilized throughout the State; and

"(iv) strategies for the effective coordination of activities between the one-stop delivery system of the State and the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(D) identification and dissemination of information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies, including for hard-to-serve populations; and

"(E) conduct of such other matters as may promote statewide objectives for, and enhance the performance of, the one-stop delivery system;";

(6) in paragraph (5) (as redesignated by paragraph (4)), by inserting "and the development of statewide criteria to be used by chief elected officials for the appointment of local boards consistent with section 117" after "section 116";

(7) in paragraph (6) (as redesignated by paragraph (4)), by striking "sections 128(b)(3)(B) and 133(b)(3)(B)" and inserting "sections 128(b)(3) and 133(b)(3)(B)";

(8) in paragraph (9) (as redesignated by paragraph (4))—

(A) by striking "employment statistics system" and inserting "workforce and labor market information system"; and

(B) by striking "and" after the semicolon;

(9) in paragraph (10) (as redesignated by paragraph (4))—

(A) by inserting "section 136(i) and" before "section 503"; and

(B) by striking the period and inserting "; and"; and

(10) by adding at the end the following:

"(11) increasing the availability of skills training, employment opportunities, and career advancement, for hard-to-serve populations.".

(c) ALTERNATIVE ENTITY.—Section 111(e) (29 U.S.C. 2821(e)) is amended—

(1) in paragraph (1), by striking "For" and inserting "Subject to paragraph (3), for"; and

(2) by adding at the end the following:

"(3) FAILURE TO MEET PERFORMANCE MEASURES.—If a State fails to have performed successfully, as defined in section 116(a)(2), the Secretary may require the State to establish a State board in accordance with subsections (a), (b), and (c) in lieu of the alternative entity established under paragraph (1).".

(d) CONFLICT OF INTEREST.—Section 111(f)(1) (29 U.S.C. 2821(f)(1)) is amended by inserting "or participate in action taken" after "vote".

(e) SUNSHINE PROVISION.—Section 111(g) (29 U.S.C. 2821(g)) is amended—

(1) by inserting ", and modifications to the State plan," before "prior"; and

(2) by inserting ", and modifications to the State plan" after "the plan".

(f) AUTHORITY TO HIRE STAFF.—Section 111 (29 U.S.C. 2821) is amended by adding at the end the following:

"(h) AUTHORITY TO HIRE STAFF.—

"(1) IN GENERAL.—The State board may hire staff to assist in carrying out the functions described in subsection (d) using funds allocated under sections 127(b)(1)(C) and 132(b).

"(2) LIMITATION ON RATE.—Funds appropriated under this title shall not be used to pay staff employed by the State board, either as a direct cost or through any proration as an indirect cost, at a rate in excess of the maximum rate payable for a position at GS–15 of the General Schedule as in effect on the date of enactment of the Workforce Investment Act Amendments of 2005.".

SEC. 113. STATE PLAN.

(a) PLANNING CYCLE.—Section 112(a) (29 U.S.C. 2822(a)) is amended—

(1) by inserting ", or a State unified plan as described in section 501," before "that outlines";

(2) by striking "5-year strategy" and inserting "4-year strategy"; and

(3) by adding at the end the following: "At the end of the first 2-year period of the 4-year State plan, the State board shall review and, as needed, amend the 4-year State plan to reflect labor market and economic conditions. In addition, the State shall submit a modification to the State plan at the end of the first 2-year period of the State plan, which may include redesignation of local areas pursuant to section 116(a) and specification of the levels of performance under sections 136 for the third and fourth years of the plan.".

(b) CONTENTS.—Section 112(b) (29 U.S.C. 2822(b)) is amended—

(1) in paragraph (8)(A)—

(A) in clause (ix), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(xi) programs authorized under title II of the Social Security Act (42 U.S.C. 401 et seq.) (relating to Federal old-age, survivors, and disability insurance benefits), title XVI of such Act (42 U.S.C. 1381 et seq.) (relating to supplemental security income), title XIX of such Act (42 U.S.C. 1396 et seq.) (relating to medicaid), and title XX of such Act (42 U.S.C. 1397 et seq.) (relating to block grants to States for social services), programs authorized under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), and programs carried out by State agencies relating to mental retardation and developmental disabilities; and";

(2) by striking paragraph (10) and inserting the following:

"(10) a description of how the State will use funds the State received under this subtitle to leverage other Federal, State, local, and private resources, in order to maximize the effectiveness of such resources, expand resources for the provision of education and training services, and expand the participation of businesses, employees, and individuals in the statewide workforce investment system, including a description of incentives and technical assistance the State will provide to local areas for such purposes;";

(3) in paragraph (12)(A), by striking "sections 128(b)(3)(B) and 133(b)(3)(B)" and inserting "sections 128(b)(3) and 133(b)(3)(B)";

(4) in paragraph (14), by striking "section 134(c)" and inserting "section 121(e)";

(5) in paragraph (15), by striking "section 116(a)(5)" and inserting "section 116(a)(4)";

(6) in paragraph (17)—

(A) in subparagraph (A)—

(i) in clause (iii)—

(I) by inserting "local" before "customized training"; and

(II) by striking "and" at the end;

(ii) in clause (iv), by striking "(including displaced homemakers)," and all that follows through "disabilities)" and inserting ", hard-to-serve populations, and individuals training for nontraditional employment"; and

(iii) by adding after clause (iv) the following:

"(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (42 U.S.C. 12131 note; relating to community-based alternatives for individuals with disabilities), including the provision of outreach, intake, the conduct of assessments, service delivery, the development of adjustments to performance measures established under section 136, and the training of staff; and"; and

(B) in subparagraph (B), by striking "and" at the end;

(7) in paragraph (18)(D)—

(A) by striking "youth opportunity grants under section 169" and inserting "youth challenge grants authorized under section 169 and other federally funded youth programs"; and

(B) by striking the period and inserting a semicolon; and

(8) by adding at the end the following:

"(19) a description of how the State will utilize technology to facilitate access to services in remote areas, which may be utilized throughout the State;

"(20) a description of the State strategy for coordinating workforce investment activities and economic development activities, and promoting entrepreneurial skills training and microenterprise services;

"(21) a description of the State strategy and assistance to be provided for ensuring regional cooperation within the State and across State borders as appropriate;

"(22) a description of how the State will use funds the State receives under this subtitle to—

"(A) implement innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies that better engage employers in workforce investment activities and make the statewide workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title; and

"(B) provide incentives and technical assistance to assist local areas in more fully engaging all employers, including small employers, in local workforce investment activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts to contribute to the economic well-being of the local area, as determined appropriate by the local board;

"(23) a description of the State strategy—

"(A) for ensuring cooperation between transportation providers, including public transportation providers, and providers of workforce investment activities; and

"(B) for ensuring coordination among appropriate State agencies and programs to make available skills training, employment services and opportunities, and career advancement activities, that will assist ex-offenders in reentering the workforce;

"(24) a description of how the State will assist local areas in assuring physical and programmatic accessibility for individuals with disabilities at one-stop centers;

"(25) a description of the process and methodology that will be used by the State board to—

"(A) review statewide policies and provide guidance on the coordinated provision of services through the one-stop delivery system described in section 121(e);

"(B) establish, in consultation with chief elected officials and local boards, objective criteria and procedures for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system as described in section 121(g); and

"(C) determine—

"(i) one-stop partner program contributions for the costs of the infrastructure of one-stop centers under section 121(h)(2); and

"(ii) the formula for allocating the funds described in section 121(h)(2) to local areas;

"(26) a description of the State strategy for ensuring that activities carried out under this title are placing men and women in jobs, education, or training that lead to comparable pay; and

"(27) a description of the technical assistance available to one-stop operators and providers of training services for strategies to serve hard-to-serve populations and promote placement in nontraditional employment.".

(c) MODIFICATIONS TO PLAN.—Section 112(d) (29 U.S.C. 2822(d)) is amended—

(1) by striking "5-year period" and inserting "4-year period"; and

(2) by adding at the end the following: "In addition, the State shall submit the modifications to the State plan required under subsection (a), under circumstances prescribed by the Secretary that are due to changes in Federal law that significantly affect elements of the State plan.".

SEC. 114. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS.—

(1) CONSIDERATIONS.—Section 116(a)(1) (29 U.S.C. 2831(a)(1)) is amended—

(A) in subparagraph (A), by striking "paragraphs (2), (3), and (4)" and inserting "paragraphs (2) and (3)"; and

(B) in subparagraph (B), by adding at the end the following:

"(vi) The extent to which such local areas will promote maximum effectiveness in the administration and provision of services.".

(2) AUTOMATIC DESIGNATION.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

"(2) AUTOMATIC DESIGNATION.—

"(A) IN GENERAL.—The Governor shall approve a request for designation as a local area that is submitted prior to the submission of the State plan, or of a modification to the State plan relating to area designation, from any area that—

"(i) is a unit of general local government with a population of 500,000 or more, except that after the initial 2-year period following such designation pursuant to this clause that occurs after the date of enactment of the Workforce Investment Act Amendments of 2005, the Governor shall only be required to approve a request for designation from such area if such area—

"(I) performed successfully; and

"(II) sustained fiscal integrity;

"(ii) was a local area under this title for the preceding 2-year period, if such local area—

"(I) performed successfully; and

"(II) sustained fiscal integrity;

"(iii) is served by a rural concentrated employment program grant recipient, except that after the initial 2-year period following any such designation under the initial State plan submitted after the date of enactment of the Workforce Investment Act Amendments of 2005, the Governor shall only be required to approve a request for designation under this clause for such area if such area—

"(I) performed successfully; and

"(II) sustained fiscal integrity; or

"(iv) was a local area under section 116(a)(2)(C) (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005), except that after the initial 2-year period following such designation pursuant to this clause that occurs after that date of enactment, the Governor shall only be required to approve a request for designation under this clause for such area if such area—

"(I) performed successfully; and

"(II) sustained fiscal integrity.

"(B) DEFINITIONS.—For purposes of this paragraph:

"(i) PERFORMED SUCCESSFULLY.—The term 'performed successfully', when used with respect to a local area, means the local area performed at 80 percent or more of the adjusted level of performance for core indicators of performance described in section 136(b)(2)(A) for 2 consecutive years.

"(ii) SUSTAINED FISCAL INTEGRITY.—The term 'sustained fiscal integrity', used with respect to an area, means that the Secretary has not made a formal determination during the preceding 2-year period that either the grant recipient or the administrative entity of the area misexpended funds provided under this title due to willful disregard of the requirements of the Act involved, gross negligence, or failure to comply with accepted standards of administration.".

(3) CONFORMING AMENDMENTS.—Section 116(a) (29 U.S.C. 2831(a)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively;

(C) in paragraph (3) (as redesignated by subparagraph (B))—

(i) by striking "(including temporary designation)"; and

(ii) by striking "(v)" and inserting "(vi)"; and

(D) in paragraph (4) (as redesignated by subparagraph (B))—

(i) by striking "under paragraph (2) or (3)" and inserting "under paragraph (2)"; and

(ii) by striking the second sentence.

(b) SINGLE LOCAL AREA STATES.—Section 116(b) (29 U.S.C. 2831(b)) is amended to read as follows:

"(b) SINGLE LOCAL AREA STATES.—

"(1) CONTINUATION OF PREVIOUS DESIGNATION.—Notwithstanding subsection (a)(2), the Governor of any State that was a single local area for purposes of this title as of July 1, 2004, may continue to designate the State as a single local area for purposes of this title if the Governor identifies the State as a local area in the State plan under section 112(b)(5).

"(2) REDESIGNATION.—The Governor of a State not described in paragraph (1) may designate the State as a single local area if, prior to the submission of the State plan or modification to such plan so designating the State, no local area meeting the requirements for automatic designation under subsection (a)(2) requests such designation as a separate local area.

"(3) EFFECT ON LOCAL PLAN.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 118 for the area shall be submitted to the Secretary for approval as part of the State plan under section 112.".

(c) REGIONAL PLANNING.—Section 116(c) (29 U.S.C. 2831(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) PLANNING.—

"(A) IN GENERAL.—As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State may require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State, after consultation with local boards and chief elected officials, may require the local boards for the designated region to prepare, submit, and obtain approval of a single regional plan that incorporates local plans for each of the local areas in the region, as required under section 118. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures pursuant to section 134(a)(2)(B)(iii).

"(B) TECHNICAL ASSISTANCE.—If the State requires regional planning as provided in subparagraph (A), the State shall provide technical assistance and labor market information to such local areas in the designated regions to assist with such regional planning and subsequent service delivery efforts.";

(2) in paragraph (2), by inserting "information about the skill requirements of existing and emerging industries and industry clusters," after "information about employment opportunities and trends,"; and

(3) in paragraph (3), by adding at the end the following: "Such services may be required to be coordinated with regional economic development services and strategies.".

SEC. 115. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) COMPOSITION.—Section 117(b) (29 U.S.C. 2832(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking subclause (II) and inserting the following:

"(II) collectively, represent businesses with employment opportunities that reflect the employment opportunities of the local area, and include representatives of businesses that are in high-growth and emerging industries, and representatives of businesses, including small businesses, in the local area; and";

(B) by striking clause (ii) and inserting the following:

"(ii)(I) a superintendent representing the local school districts involved or another high-level official from such districts;

"(II) the president or highest ranking official of an institution of higher education participating in the workforce investment activities in the local area; and

"(III) an administrator of local entities providing adult education and literacy activities in the local area;";

(C) in clause (iv), by inserting ", hard-to-serve populations," after "disabilities";

(D) in clause (v), by striking "and" at the end; and

(E) by striking clause (vi) and inserting the following:

"(vi) a representative from the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) who is serving the local area; and

"(vii) if the local board does not establish or continue a youth council, representatives with experience serving out-of-school youth, particularly out-of-school youth facing barriers to employment; and"; and

(2) by adding at the end the following:

"(6) SPECIAL RULE.—In the case that there are multiple school districts or institutions of higher education serving a local area, the representatives described in subclause (I) or (II) of paragraph (2)(A)(ii), respectively, shall be appointed from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such agencies or institutions.".

(b) AUTHORITY OF BOARD MEMBERS.—Section 117(b)(3) (29 U.S.C. 2832(b)(3)) is amended—

(1) in the heading, by inserting "AND REPRESENTATION" after "AUTHORITY"; and

(2) by adding at the end the following: "The members of the board shall represent diverse geographic sections within the local area.".

(c) CONFORMING AMENDMENT.—Section 117(c)(1)(C) (29 U.S.C. 2832(c)(1)(C)) is amended by striking "section 116(a)(2)(B)" and inserting "section 116(a)(2)(A)(ii)".

(d) FUNCTIONS.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (1), insert after "Governor" the following: ", and shall develop jointly with the head of the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) appropriate components of such plan to maximize coordination, improve service delivery, and avoid duplication of services";

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by inserting "(except as provided in section 123(b))" after "basis"; and

(ii) by inserting "(where appropriate)" after "youth council"; and

(B) by adding at the end the following:

"(E) CONSUMER CHOICE REQUIREMENTS.—Consistent with sections 122 and paragraphs (3) and (4) of 134(d), the local board shall work to ensure there are sufficient providers of intensive services and training services serving the local area in a manner that maximizes consumer choice, including providers with expertise in assisting individuals with disabilities.";

(3) in paragraph (3)(B), by striking clause (ii) and inserting the following:

"(ii) STAFF.—

"(I) IN GENERAL.—The local board may hire staff.

"(II) LIMITATION ON RATE.—Funds appropriated under this title shall not be used to pay staff employed by the local board, either as a direct cost or through any proration as an indirect cost, at a rate in excess of the maximum rate payable for a position at GS-15 of the General Schedule, as in effect on the date of enactment of the Workforce Investment Act Amendments of 2005.";

(4) in paragraph (4), by inserting ", and shall ensure the appropriate use and management of the funds provided under this subtitle for such programs, activities, and system" after "area";

(5) in paragraph (6)—

(A) by striking "EMPLOYMENT STATISTICS SYSTEM" and inserting "WORKFORCE AND LABOR MARKET INFORMATION SYSTEM"; and

(B) by striking "employment statistics system" and inserting "workforce and labor market information system";

(6) in paragraph (8)—

(A) by inserting ", including small employers," after "private sector employers"; and

(B) by striking the period and inserting ", taking into account the unique needs of small businesses."; and

(7) by adding at the end the following:

"(9) TECHNOLOGY IMPROVEMENTS.—The local board shall develop strategies for technology improvements to facilitate access to services, in remote areas, for services authorized under this subtitle and carried out in the local area.".

(e) CONFORMING AMENDMENT.—Section 117(f)(2) (29 U.S.C. 2832(f)(2)) is amended by striking "described in section 134(c)".

(f) Conflict of Interest.—Section 117(g)(1) (29 U.S.C. 2832(g)(1)) is amended by inserting "or participate in action taken" after "vote".

(g) Authority To Establish Councils and Elimination of Requirement for Youth Councils.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

"(h) Councils.—The local board may establish or continue councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include—

"(1) a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system involved;

"(2) a youth council composed of experts and stakeholders in youth programs to advise the local board on youth activities; and

"(3) such other councils as the local board determines are appropriate.".

(h) Alternative Entity Provision.—Section 117(i)(1) (29 U.S.C. 2832(i)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "and paragraphs (1) and (2) of subsection (h),";

(2) by striking subparagraph (B) and inserting the following:

"(B) was in existence on August 7, 1998, pursuant to State law; and";

(3) by striking subparagraph (C); and

(4) by redesignating subparagraph (D) as subparagraph (C).

SEC. 116. LOCAL PLAN.

(a) Planning Cycle.—Section 118(a) (29 U.S.C. 2833(a)) is amended—

(1) by striking "5-year" and inserting "4-year"; and

(2) by adding at the end the following: "At the end of the first 2-year period of the 4-year plan, the local board shall review and, as needed, amend the 4-year plan to reflect labor market and economic conditions.".

(b) Contents.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by striking subparagraph (B) and inserting the following:

"(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system involved, in remote areas, including facilitating access through the use of technology; and"; and

(C) by adding at the end the following:

"(C) a description of how the local board will ensure physical and programmatic accessibility for individuals with disabilities at one-stop centers;";

(2) in paragraph (9), by striking "; and" and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (16); and

(4) by inserting after paragraph (9) the following:

"(10) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the local area, and promote entrepreneurial skills training and microenterprise services;

"(11) a description of the strategies and services that will be initiated in the local area to more fully engage all employers, including small employers, in workforce investment activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts, which may include the implementation of innovative initiatives such as incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliance initiatives, career ladder programs, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of area employers and contribute to the economic well-being of the local area, as determined appropriate by the local board, consistent with the objectives of this title;

"(12) a description of how the local board will expand access to education and training services for eligible individuals who are in need of such services through—

"(A) the utilization of programs funded under this title; and

"(B) the increased leveraging of resources other than those provided under this title, including tax credits, private sector-provided training, and other Federal, State, local, and private funds that are brokered through the one-stop centers for training services;

"(13) a description of how the local board will coordinate workforce investment activities carried out in the local area with the provision of transportation, including public transportation, in the local area;

"(14) a description of plans for, assurances concerning, and strategies for maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system described in section 121(e), to improve service delivery and avoid duplication of services;

"(15) a description of how the local board will coordinate workforce investment activities carried out in the local area with other Federal, State, and local area education, job training, and economic development programs and activities; and".

SEC. 117. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) One-Stop Partners.—

(1) Required partners.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) Roles and responsibilities of one-stop partners.—Each entity that carries out a program or activities described in subparagraph (B) shall—

"(i) provide access through the one-stop delivery system to the programs and activities carried out by the entity, including making the core services described in section 134(d)(2) that are applicable to the program of the entity available at the one-stop centers (in addition to any other appropriate locations);

"(ii) use a portion of the funds available to the program of the entity to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);

"(iii) enter into a local memorandum of understanding with the local board relating to the operation of the one-stop system that meets the requirements of subsection (c);

"(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the programs carried out by the entity; and

"(v) provide representation on the State board to the extent provided under section 111.";

(B) in subparagraph (B)—

(i) by striking clause (v);

(ii) by redesignating clauses (vi) through (xii) as clauses (v) through (xi), respectively;

(iii) in clause (x) (as redesignated by clause (ii)), by striking "and" at the end;

(iv) in clause (xi) (as redesignated by clause (ii)), by striking the period and inserting "; and"; and

(v) by adding at the end the following:

"(xii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C)."; and

(C) by adding at the end the following:

"(C) Determination by the Governor.—

"(i) In general.—An entity that carries out programs referred to in subparagraph (B)(xii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this title unless the Governor of the State provides the notification described in clause (ii).

"(ii) Notification.—The notification referred to in clause (i) is a notification that—

"(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

"(II) is provided to the Secretary and the Secretary of Health and Human Services.".

(2) Additional partners.—

(A) In general.—Section 121(b)(2)(A) (29 U.S.C. 2841(b)(2)(A)) is amended to read as follows:

"(A) In general.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out human resource programs described in subparagraph (B) may be one-stop partners and carry out the responsibilities described in paragraph (1)(A).".

(B) Additional partners.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19);

"(ii) employment and training programs carried out by the Small Business Administration;

"(iii) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));".

(b) Local Memorandum of Understanding.—Section 121(c)(2)(A) (29 U.S.C. 2841(c)(2)(A)) is amended to read as follows:

"(A) provisions describing—

"(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

"(ii) how the costs of such services and the operating costs of such system will be funded, through cash and in-kind contributions, to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the infrastructure costs of one-stop centers in accordance with subsection (h);

"(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

"(iv) methods to ensure the needs of hard-to-serve populations are addressed in providing access to services through the one-stop system; and

"(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 2-year period to ensure appropriate funding and delivery of services; and".

(c) Conforming Amendment.—Section 121(d)(2) (29 U.S.C. 2841(d)(2)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(d) Provision of Services.—

(1) Elimination of provisions concerning established systems.—Section 121 (29 U.S.C. 2841) is amended by striking subsection (e).

(2) Redesignation.—Subtitle B of title I is amended—

(A) in section 134 (29 U.S.C. 2864), by redesignating subsection (c) as subsection (e); and

(B) by transferring that subsection (e) so that the subsection appears after subsection (d) of section 121.

(3) ONE-STOP DELIVERY SYSTEMS.—Paragraph (1) of section 121(e) (29 U.S.C. 2841(e)) (as redesignated by paragraph (2)) is amended—

(A) in subparagraph (A), by striking "subsection (d)(2)" and inserting "section 134(d)(2)";

(B) in subparagraph (B)—

(i) by striking "subsection (d)" and inserting "section 134(d)";

(ii) by striking "individual training accounts" and inserting "career scholarship accounts"; and

(iii) by striking "subsection (d)(4)(G)" and inserting "section 134(d)(4)(G)";

(C) in subparagraph (C), by striking "subsection (e)" and inserting "section 134(e)";

(D) in subparagraph (D), by striking "section 121(b)" and inserting "subsection (b)"; and

(E) in subparagraph (E), by striking "information described in section 15" and inserting "data, information, and analysis described in section 15(a)".

(e) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—Section 121 (29 U.S.C. 2841) is amended by adding at the end the following:

"(g) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

"(1) IN GENERAL.—The State board, in consultation with chief local elected officials and local boards, shall establish objective criteria and procedures for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system.

"(2) CRITERIA.—The procedures and criteria developed under this subsection shall include minimum standards relating to the scope and degree of service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers, consistent with the guidelines and guidance provided by the Governor and by the State board, in consultation with the chief elected official and local boards, for such partners' participation under subsections (h)(1)(B) and subsection (i), respectively, and such other factors relating to the quality, accessibility, and effectiveness of the one-stop delivery system as the State board determines to be appropriate.

"(3) LOCAL BOARDS.—Consistent with the criteria developed by the State, the local board may develop additional criteria of higher standards to respond to local labor market and demographic conditions and trends.

"(h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

"(1) IN GENERAL.—

"(A) OPTIONS FOR INFRASTRUCTURE FUNDING.—

"(i) LOCAL OPTIONS.—The local board, chief elected officials, and one-stop partners in a local area may choose to fund the costs of the infrastructure of one-stop centers through—

"(I) methods described in the local memorandum of understanding, if, the local board, chief elected officials, and one-stop partners agree to such methods; or

"(II) the State infrastructure funding mechanism described in paragraph (2).

"(ii) FAILURE TO REACH AGREEMENT ON FUNDING METHODS.—If, as of July 1, 2006, the local board, chief elected officials, and one-stop partners in a local area fail to reach agreement on methods of sufficient funding of the infrastructure costs of one-stop centers, as determined by the local area, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area.

"(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—In addition to carrying out the requirements relating to the State mechanism for one-stop center infrastructure funding described in paragraph (2), the Governor, after consultation with chief local elected officials, local boards, and the State board, and consistent with the guidelines provided by the State board under subsection (i), shall provide—

"(i) guidelines for State administered one-stop partner programs in determining such programs' contributions to and participation in the one-stop delivery system, including funding for the costs of infrastructure as defined in paragraph (2)(D), negotiated pursuant to the local memorandum of understanding under subsection (c); and

"(ii) guidance to assist local areas in identifying equitable and stable alternative methods of funding of the costs of the infrastructure of one-stop centers in local areas.

"(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—

"(A) PARTNER CONTRIBUTIONS.—

"(i) IN GENERAL.—Subject to clause (iii), a portion determined under clause (ii) of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the programs described in subsection (b)(1) and administered by one-stop partners for a fiscal year shall be provided to the Governor from such programs to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not funded under the option described in paragraph (1)(A)(i)(I).

"(ii) DETERMINATION OF GOVERNOR.—

"(I) IN GENERAL.—Subject to subclause (II) and clause (iii), the Governor, after consultation with chief local elected officials, local boards, and the State board, shall determine the portion of funds to be provided under clause (i) by each one-stop partner from each program described in clause (i). In making such determination, the Governor shall calculate the proportionate use of the one-stop centers for the purpose of determining funding contributions pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, and the costs of administration for purposes not related to one-stop centers for each partner. The Governor shall exclude from such determination the portion of funds and use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the infrastructure of one-stop centers is funded under the option described in paragraph (1)(A)(i)(I).

"(II) SPECIAL RULE.—In a State in which the State constitution places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II and for postsecondary vocational and technical education activities authorized under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the determination described in subclause (I) with respect to the programs authorized under that title and those Acts shall be made by the chief officer of the entity with such authority in consultation with the Governor.

"(III) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) to appeal a determination regarding the portion of funds to be contributed under this paragraph on the basis that such determination is inconsistent with the criteria described in the State plan or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

"(iii) LIMITATIONS.—

"(I) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program limitations with respect to the portion of funds under such program that may be used for administration.

"(II) CAP ON REQUIRED CONTRIBUTIONS.

"(aa) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under clause (i)(II) or (ii) of paragraph (1)(A) by the programs authorized under chapters 4 and 5 and under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall not be in excess of 3 percent of the amount of Federal funds provided to carry out each such program in the State for a fiscal year.

"(bb) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under clause (i)(II) or (ii) of paragraph (1)(A) by a one-stop partner from a program described in subsection (b)(1) other than the programs described under item (aa) shall not be in excess of 1½ percent of the amount of Federal funds provided to carry out such program in the State for a fiscal year.

"(cc) SPECIAL RULE.—Notwithstanding items (aa) and (bb), an agreement, including a local memorandum of understanding, entered into prior to the date of enactment of the Workforce Investment Act Amendments of 2005 by an entity regarding contributions under this title that permits the percentages described in such items to be exceeded, may continue to be in effect until terminated by the parties.

"(dd) VOCATIONAL REHABILITATION.—Notwithstanding items (aa) and (bb), an entity administering a program under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) shall not be required to provide, for the purposes of this paragraph, an amount in excess of—

"(AA) 0.75 percent of the amount provided for such program in the State for the second program year that begins after the date of enactment of the Workforce Investment Act Amendments of 2005;

"(BB) 1.0 percent of the amount provided for such program in the State for the third program year that begins after such date;

"(CC) 1.25 percent of the amount provided for such program in the State for the fourth program year that begins after such date; and

"(DD) 1.5 percent of the amount provided for such program in the State for the fifth and each succeeding program year that begins after such date.

"(III) FEDERAL DIRECT SPENDING PROGRAMS.—An entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined to be equivalent to the cost of the proportionate use of the one-stop centers for such program in the State.

"(IV) NATIVE AMERICAN PROGRAMS.—Native American programs established under section 166 shall not be subject to the provisions of this subsection or subsection (i). The method for determining the appropriate portion of funds to be provided by such Native American programs to pay for the costs of infrastructure of a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

"(B) ALLOCATION BY GOVERNOR.—From the funds provided under subparagraph (A), the Governor shall allocate the funds to local areas in accordance with the formula established under subparagraph (C) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

"(C) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under subparagraph (A) to local areas not funding infrastructure costs under the option described in

paragraph (1)(A)(i)(I). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

"(D) COSTS OF INFRASTRUCTURE.—In this subsection, the term 'costs of infrastructure', used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and adaptive technology for individuals with disabilities), and technology to facilitate remote access to the one-stop center's strategic planning activities, and common outreach activities.

"(i) OTHER FUNDS.—

"(1) IN GENERAL.—Subject to the memorandum of understanding described in subsection (c) for the one-stop delivery system involved, in addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (2), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of core services described in section 134(d)(2) applicable to each program and may include common costs that are not paid from the funds provided under subsection (h).

"(2) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination of an appropriate allocation of the funds and noncash resources in local areas.".

SEC. 118. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

"SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(d)(4) (referred to in this section as 'training services') to receive funds provided under section 133(b) for the provision of training services.

"(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive the funds provided under section 133(b) for the provision of training services, the provider shall be—

"(A) a postsecondary educational institution that—

"(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(ii) provides a program that leads to an associate degree, baccalaureate degree, or industry-recognized certification;

"(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

"(C) another public or private provider of a program of training services.

"(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d)(1). A provider described in paragraph (2)(B) shall be included on the list of eligible providers of training services described in subsection (d)(1) for so long as the provider remains certified by the Department of Labor to carry out the programs described in paragraph (2)(B).

"(b) CRITERIA.—

"(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

"(A) the performance of providers of training services with respect to the performance measures and other matters for which information is required under paragraph (2) and other appropriate measures of performance outcomes for those participants receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions);

"(B) the need to ensure access to training services throughout the State, including any rural areas;

"(C) the information such providers are required to report to State agencies with respect to Federal and State programs (other than the program carried out under this subtitle), including one-stop partner programs;

"(D) the requirements for State licensing of providers of training services, and the licensing status of each provider of training services if applicable;

"(E) to the extent practicable, encouraging the use of industry-recognized standards and certification;

"(F) the ability of the providers to offer programs that lead to a degree or an industry-recognized certification;

"(G) the ability to provide training services to hard-to-serve populations, including individuals with disabilities; and

"(H) such other factors as the Governor determines are appropriate to ensure—

"(i) the quality of services provided;

"(ii) the accountability of the providers;

"(iii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;

"(iv) the informed choice of participants under chapter 5; and

"(v) that the collection of information required is not unduly burdensome or costly to providers.

"(2) INFORMATION.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

"(A) information on degrees and industry-recognized certifications received by such participants;

"(B) information on costs of attendance for such participants;

"(C) information on the program completion rate for such participants; and

"(D) information on the performance of the provider with respect to the performance measures described in section 136 for such participants (taking into consideration the characteristics of the population served and relevant economic conditions), which may include information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program.

"(3) RENEWAL.—The criteria established by the Governor shall also provide for biennial review and renewal of eligibility under this section for providers of training services.

"(4) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required under the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) to provide the services in the local area involved.

"(5) INFORMATION TO ESTABLISH INITIAL ELIGIBILITY.—

"(A) IN GENERAL.—In an effort to provide the highest-quality training services and responsiveness to new and emerging industries, providers may seek initial eligibility under this section as providers of training services. The criteria established by the Governor shall require that a provider who has not previously been an eligible provider of training services under this section provide the information described in subparagraph (B).

"(B) INFORMATION.—The provider shall provide verifiable program-specific performance information supporting the provider's ability to serve participants under this subtitle. The information provided under this subparagraph may include information on outcome measures such as job placement and wage increases for individuals participating in the program, information on business partnerships and other factors that indicate high-quality training services, and information on alignment with industries targeted for potential employment opportunities.

"(C) PROVISION.—The provider shall provide the information described in subparagraph (B) to the Governor and the local boards in a manner that will permit the Governor and the local boards to make a decision on inclusion of the provider on the list of eligible providers described in subsection (d).

"(c) PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services, and identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

"(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants in choosing employment and training activities under chapter 5 and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section in the State, accompanied by appropriate information, is provided to the one-stop delivery system in the State. The accompanying information shall consist of information provided by providers described in subparagraphs (A) and (C) of subsection (a)(2) in accordance with subsection (b) (including information on receipt of degrees and industry-recognized certifications, and costs of attendance, for participants receiving training services under this subtitle in applicable programs) and such other information as the Secretary determines is appropriate. The list and the accompanying information shall be made available to such participants and to members of the public through the one-stop delivery system in the State.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—The criteria and procedures established under this section shall provide the following:

"(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination, by an individual or entity specified in the criteria or procedures, that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider to receive funds under chapter 5 shall be terminated for a period of time that is not less than 2 years.

"(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the criteria or procedures, that a provider of training services substantially violated any requirement under this title, the eligibility of such provider to receive funds under the program involved may be terminated, or other appropriate action may be taken.

"(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such subparagraph.

"(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

"(f) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept career scholarship accounts provided in another State.

"(g) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing criteria, procedures, requirements for information, and the list of eligible providers described in subsection (d)(1), the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, procedures, requirements for information, and list.

"(h) TRANSITION PERIOD FOR IMPLEMENTATION.—The requirements of this section shall be implemented not later than December 31, 2006. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 as such chapter was in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005 may continue to be eligible to provide such services until December 31, 2006, or until such earlier date as the Governor determines to be appropriate.

"(i) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING, OR INCUMBENT WORKER TRAINING EXCEPTION.—

"(1) IN GENERAL.—Providers of on-the-job training, customized training, or incumbent worker training shall not be subject to the requirements of subsections (a) through (h).

"(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, and incumbent worker training as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.".

SEC. 119. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) is amended to read as follows:

"SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

"(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan described in section 112 and shall conduct oversight with respect to such providers.

"(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).".

SEC. 120. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—Section 127 (29 U.S.C. 2852) is amended—

(1) in subsection (a)(1), by striking "opportunity" and inserting "challenge"; and

(2) by striking subsection (b) and inserting the following:

"(b) ALLOTMENT AMONG STATES.—

"(1) YOUTH ACTIVITIES.—

"(A) YOUTH CHALLENGE GRANTS AND YOUTH ACTIVITIES FOR FARMWORKERS AND NATIVE AMERICANS.—

"(i) IN GENERAL.—For each fiscal year in which the amount appropriated under section 137(a) exceeds $1,000,000,000, the Secretary shall reserve a portion of the amount to provide youth activities under section 167 (relating to migrant and seasonal farmworker programs) and provide youth challenge grants and other activities under section 169 (relating to youth challenge grants).

"(ii) PORTION.—The portion referred to in clause (i) shall equal, for a fiscal year—

"(I) except as provided in subclause (II), the difference obtained by subtracting $1,000,000,000 from the amount appropriated under section 137(a) for the fiscal year; or

"(II) for any fiscal year in which the amount is $1,250,000,000 or greater, $250,000,000.

"(iii) YOUTH ACTIVITIES FOR FARMWORKERS.—For a fiscal year described in clause (i), the Secretary shall reserve the greater of $10,000,000 or 4 percent of the portion described in clause (i) for a fiscal year to provide youth activities under section 167. For a fiscal year not described in clause (i), the Secretary shall reserve $10,000,000 of the amount appropriated under section 137(a) to provide youth activities under section 167.

"(iv) YOUTH ACTIVITIES FOR NATIVE AMERICANS.—From the amount appropriated under section 137(a) for each fiscal year that is not reserved under clause (i) or (iii), the Secretary shall reserve not more than 1½ percent of such appropriated amount to provide youth activities under section 166 (relating to Native Americans).

"(B) OUTLYING AREAS.—

"(i) IN GENERAL.—From the amount appropriated under section 137(a) for each fiscal year that is not reserved under subparagraph (A), the Secretary shall reserve not more than ¼ of 1 percent of the appropriated amount to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities.

"(ii) LIMITATION FOR FREELY ASSOCIATED STATES.—

"(I) COMPETITIVE GRANTS.—The Secretary shall use funds described in clause (i) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States to carry out youth activities and statewide workforce investment activities.

"(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(III) ASSISTANCE REQUIREMENTS.—Any Freely Associated State that desires to receive assistance under this subparagraph shall submit an application to the Secretary and shall include in the application for assistance—

"(aa) information demonstrating that the Freely Associated State will meet all conditions that apply to States under this title;

"(bb) an assurance that, notwithstanding any other provision of this title, the Freely Associated State will use such assistance only for the direct provision of services; and

"(cc) such other information and assurances as the Secretary may require.

"(IV) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

"(iii) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95-134, permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including the Freely Associated States, under this subparagraph.

"(C) STATES.—

"(i) IN GENERAL.—From the remainder of the amount appropriated under section 137(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot to the States—

"(I) an amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2005 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005), in accordance with the requirements of such section 127(b)(1)(C); and

"(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I), in accordance with clause (ii).

"(ii) FORMULA.—Subject to clauses (iii) and (iv), of the amount described in clause (i)(II)—

"(I) 33⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each State, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all States;

"(II) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

"(III) 33⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

"(iii) MINIMUM AND MAXIMUM PERCENTAGES.—

"(I) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is less than 90 percent of the allotment percentage of the State for the preceding fiscal year.

"(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

"(I) 3/10 of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

"(II) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, [illegible] of 1 percent of the excess.

"(2) DEFINITIONS.—For the purposes of paragraph (1):

"(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2006 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received by the State involved through an allotment made under this subsection for the fiscal year. The term, used with respect to fiscal year 2005, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005) that is received by the State involved for fiscal year 2005.

"(B) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

"(i) the poverty line; or

"(ii) 70 percent of the lower living standard income level.

"(C) FREELY ASSOCIATED STATE.—The term 'Freely Associated State' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(3) SPECIAL RULE.—For purposes of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.".

(b) REALLOTMENT.—

(1) AMENDMENT.—Section 127(c) (29 U.S.C. 2852(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under this section during such prior program year (including amounts allotted to the State in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the State under this section during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years that remained available); and

"(B) the accrued expenditures during such prior program year.";

(B) in paragraph (3)—

(i) by striking "for the prior program year" and inserting "for the program year for which the determination is made"; and

(ii) by striking "such prior program year" and inserting "such program year";

(C) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made."; and

(D) in paragraph (5), by striking "obligation" and inserting "accrued expenditure".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect for the program year that begins after the date of enactment of this Act.

(c) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATEWIDE ACTIVITIES.—Section 128(a) (29 U.S.C. 2853(a)) is amended to read as follows:

"(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

"(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide activities under section 129(b) or statewide employment and training activities, for adults or dislocated workers, under section 134(a).".

(2) WITHIN STATE ALLOCATION.—Section 128(b) (29 U.S.C. 2853(b)) is amended to read as follows:

"(b) WITHIN STATE ALLOCATIONS.—

"(1) IN GENERAL.—Of the amount allotted to the State under section 127(b)(1)(C) and not reserved under subsection (a)(1)—

"(A) a portion equal to not less than 80 percent of such amount shall be allocated by the Governor to local areas in accordance with paragraph (2); and

"(B) a portion equal to not more than 20 percent of such amount may be allocated by the Governor to local areas in accordance with paragraph (3).

"(2) ESTABLISHED FORMULA.—

"(A) IN GENERAL.—Of the portion described in paragraph (1)(A), the Governor shall allocate—

"(i) 33⅓ percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all local areas in the State;

"(ii) 33⅓ percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and

"(iii) 33⅓ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

"(B) MINIMUM AND MAXIMUM PERCENTAGES.—

"(i) MINIMUM PERCENTAGE.—The Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is less than 90 percent of the allocation percentage of the local area for the preceding fiscal year.

"(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is more than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

"(C) DEFINITIONS.—In this paragraph:

"(i) ALLOCATION PERCENTAGE.—The term 'allocation percentage', used with respect to fiscal year 2006 or a subsequent fiscal year, means a percentage of the portion described in paragraph (1)(A) that is received by the local area involved through an allocation made under this paragraph for the fiscal year. The term, used with respect to fiscal year 2005, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005) that is received by the local area involved for fiscal year 2005.

"(ii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who—

"(I) is age 16 through 21;

"(II) is not a college student or member of the Armed Forces; and

"(III) received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

"(aa) the poverty line; or

"(bb) 70 percent of the lower living standard income level.

"(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor may allocate the portion described in paragraph (1)(B) to local areas where there are a significant number of eligible youth, after consultation with the State board and local boards.

"(4) LOCAL ADMINISTRATIVE COST LIMIT.—

"(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

"(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).".

(3) REALLOCATION.—

(A) AMENDMENT.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(i) in paragraph (1), by striking "paragraph (2)(A) or (3) of";

(ii) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under this section during such prior program year (including amounts allocated to the local area in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the local area under this section during the program year prior to the program year for which the determination is made (including amounts allocated to the local area in all prior program years that remained available); and

"(B) the accrued expenditures during such prior program year.";

(iii) by amending paragraph (3)—

(I) by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)";

(II) by striking "for the prior program year" the first place it appears and inserting "for the program year for which the determination is made";

(III) by striking "such prior program year" and inserting "such program year"; and

(IV) by striking the last sentence; and

(iv) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect for the later of—

(i) the program year that begins after the date of enactment of this Act; or

(ii) program year 2006.

(d) YOUTH PARTICIPANT ELIGIBILITY.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

"(a) YOUTH PARTICIPANT ELIGIBILITY.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

"(B) OUT-OF-SCHOOL YOUTH.—In this title the term 'out-of-school youth' means an individual who is—

"(i) not younger than age 16 nor older than age 21; and

"(ii) one of the following:

"(I) A school dropout.

"(II) A youth who is within the age for compulsory school attendance, but has not attended school for at least 1 school year calendar quarter.

"(III) A recipient of a secondary school diploma or its equivalent who is—

"(aa) deficient in basic skills, including limited English proficiency;

"(bb) a low-income individual; and

"(cc) not attending any school.

"(IV) Subject to the juvenile or adult justice system or ordered by a court to an alternative school.

"(V) A low-income individual who is pregnant or parenting and not attending any school.

"(VI) A youth who is not attending school or a youth attending an alternative school, who is homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

"(VII) A low-income individual who is not attending school and requires additional assistance to enter or complete an educational program or to secure or hold employment.

"(C) IN-SCHOOL YOUTH.—In this section the term 'in-school youth' means an individual who is—

"(i) not younger than age 14 nor older than age 21;

"(ii) a low-income individual; and

"(iii) one or more of the following:

"(I) Deficient in basic literacy skills, including limited English proficiency.

"(II) Homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

"(III) Pregnant or parenting.

"(IV) An offender (other than an individual described in subparagraph (B)(ii)(IV)).

"(V) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

"(2) EXCEPTION.—Not more than 5 percent of the individuals assisted under this section in each local area, in the case of individuals for whom low income is a requirement for eligibility under this section, may be individuals who are not low income.

"(3) LIMITATIONS ON ACTIVITIES FOR IN-SCHOOL YOUTH.—

"(A) IN GENERAL.—For any program year, not more than 60 percent of the funds available for statewide activities under subsection (b), and not more than 60 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B).

"(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may increase the percentage described in subparagraph (A) for a local area in the State, if—

"(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to use at least 40 percent of the funds available for activities under subsection (b) or (c) to serve out-of-school youth due to a low number of out-of-school youth; and

"(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed increased percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and

"(II) the request is approved by the Secretary.

"(4) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.".

(e) STATEWIDE ACTIVITIES.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

"(b) STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b) for statewide activities, which may include—

"(A) conducting—

"(i) evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

"(ii) research; and

"(iii) demonstration projects;

"(B) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this title, and for performance by local areas as described in section 136(i)(2);

"(C) providing technical assistance and capacity building activities to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), and the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State;

"(D) operating a fiscal and management accountability information system under section 136(f);

"(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 5, which may include a review comparing the services provided to male and female youth;

"(F) providing additional assistance to local areas that have high concentrations of eligible youth;

"(G) supporting the development of alternative programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter secondary education, enroll in postsecondary education and advanced training, and obtain career path employment;

"(H) supporting the provision of core services described in section 134(d)(2) in the one-stop delivery system in the State; and

"(I) supporting financial literacy, including—

"(i) supporting the ability to create household budgets, initiate savings plans, and make strategic investment decisions for education, retirement, home ownership, wealth building, or other savings goals;

"(ii) supporting the ability to manage spending, credit, and debt, including credit card debt, effectively;

"(iii) increasing awareness of the availability and significance of credit reports and credit scores in obtaining credit, the importance of their accuracy (and how to correct inaccuracies), their effect on credit terms, and the effect common financial decisions may have on credit scores;

"(iv) supporting the ability to ascertain fair and favorable credit terms;

"(v) supporting the ability to avoid abusive, predatory, or deceptive credit offers and financial products;

"(vi) supporting the ability to understand, evaluate, and compare financial products, services, and opportunities;

"(vii) supporting the ability to understand resources that are easily accessible and affordable, and that inform and educate an investor as to the investor's rights and avenues of recourse when the investor believes the investor's rights have been violated by unprofessional conduct of market intermediaries;

"(viii) increasing awareness of the particular financial needs and financial transactions (such as the sending of remittances) of consumers who are targeted in multilingual financial literacy and education programs and improving the development and distribution of multilingual financial literacy and education materials;

"(ix) promoting bringing individuals who lack basic banking services into the financial mainstream by opening and maintaining accounts with financial institutions; and

"(x) improving financial literacy and education through all other related skills, including personal finance and related economic education, with the primary goal of programs not simply to improve knowledge, but rather to improve consumers' financial choices and outcomes.

"(2) LIMITATION.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

"(3) PROHIBITION.—No funds described in this subsection may be used to develop or implement education curricula for school systems in the State.".

(f) LOCAL ELEMENTS AND REQUIREMENTS.

(1) PROGRAM DESIGN.—Section 129(c)(1) (29 U.S.C. 2854(c)(1)) is amended—

(A) in the matter that precedes subparagraph (A), by striking "paragraph (2)(A) or (3), as appropriate, of";

(B) in subparagraph (B), by inserting "are directly linked to 1 or more of the performance measures relating to this chapter under section 136, and that" after "for each participant that"; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as redesignated by clause (i)) the following:

"(i) activities leading to the attainment of a secondary school diploma or its equivalent, or another recognized credential;";

(iii) in clause (ii) (as redesignated by clause (i)), by inserting "and advanced training" after "opportunities";

(iv) in clause (iii) (as redesignated by clause (i))—

(I) by inserting "instruction based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)" after "academic"; and

(II) by inserting "that lead to the attainment of recognized credentials" after "learning"; and

(v) by striking clause (v) (as redesignated by clause (i)) and inserting the following:

"(v) effective connections to all employers, including small employers, in sectors of the local

and regional labor markets that are experiencing high growth in employment opportunities.".

(2) PROGRAM ELEMENTS.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking "secondary school, including dropout prevention strategies" and inserting "the requirements for a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities) or for another recognized credential, including dropout prevention strategies";

(B) in subparagraph (B), by inserting ", with a priority on exposing youth to technology and nontraditional jobs" before the semicolon;

(C) in subparagraph (F), by striking "during nonschool hours";

(D) in subparagraph (I), by striking "and" at the end;

(E) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

"(K) on-the-job training opportunities;

"(L) opportunities to acquire financial literacy skills;

"(M) entrepreneurial skills training and microenterprise services; and

"(N) information about average wages for a range of jobs available in the local area, including technology jobs.".

(3) ADDITIONAL REQUIREMENTS.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking "or applicant who meets the minimum income criteria to be considered an eligible youth".

(4) PRIORITY AND EXCEPTIONS.—Section 129(c) (29 U.S.C. 2854(c)) is amended by striking paragraphs (4) and (5).

(5) PROHIBITIONS AND LINKAGES.—Section 129(c) (29 U.S.C. 2854(c)), as amended by paragraph (4), is further amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively;

(B) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking "youth councils" and inserting "local boards".

SEC. 121. ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) STATE ALLOTMENTS.—

(1) RESERVATIONS.—Section 132(a)(2)(A) (29 U.S.C. 2862 (a)(2)(A)) is amended by striking "national emergency grants, other than under subsection (a)(4), (f), and (g)" and inserting "national dislocated worker grants, other than under paragraph (4) or (5) of subsection (a), subsection (e), and subsection (f)".

(2) ALLOTMENT AMONG STATES.—Section 132(b) (29 U.S.C. 2862(b)) is amended—

(A) in paragraph (1)(A)(ii), by striking "section 127(b)(1)(B)," and all that follows and inserting "section 127(b)(1)(B).";

(B) by striking paragraph (1)(B)(ii) and inserting the following:

"(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

"(I) 40 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

"(II) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States; and

"(III) 35 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).";

(C) in paragraph (1)(B)—

(i) in clause (iii), by striking "section 116(a)(2)(B)" and inserting "section 116(a)(2)(A)(iii)";

(ii) in clause (iv)—

(I) in subclause (I)—

(aa) by striking "Subject to subclause (IV), the" and inserting "The"; and

(bb) by striking "than the greater of" and all that follows and inserting "than an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year.";

(II) in subclause (II), by striking "subclauses (I), (III), and (IV)" and inserting "subclauses (I) and (III)"; and

(III) by striking subclause (IV); and

(iii) in clause (v), by striking subclause (VI); and

(D) in paragraph (2)(A)(ii), by striking "section 127(b)(1)(B)" and all that follows and inserting "section 127(b)(1)(B).".

(3) REALLOTMENT.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallotment for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year (including amounts allotted to the State in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years under such provisions that remained available); and

"(B) the accrued expenditures from such total amount of funds available under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year.";

(B) in paragraph (3)—

(i) by striking "under this section for such activities for the prior program year" and inserting "under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for the program year for which the determination is made"; and

(ii) by striking "under this section for such activities for such prior program year" and inserting "under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for such program year";

(C) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means—

"(A) with respect to funds allotted under subsection (b)(1)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

"(B) with respect to funds allotted under subsection (b)(2)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made."; and

(D) in paragraph (5), by striking "obligation" and inserting "accrued expenditure".

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2006.

(b) WITHIN STATE ALLOCATIONS.—

(1) ALLOCATION.—Section 133(b)(2)(A)(i) (29 U.S.C. 2863(b)(2)(A)(i)) is amended—

(A) in subclause (I), by striking "33⅓ percent" and inserting "40 percent";

(B) in subclause (II), by striking "33⅓ percent" and inserting "25 percent"; and

(C) in subclause (III), by striking "33⅓ percent" and inserting "35 percent".

(2) TRANSFER AUTHORITY.—Section 133(b)(4) (29 U.S.C. 2863(b)(4)) is amended by striking "20 percent" each place it appears and inserting "45 percent".

(3) REQUIREMENTS.—Clauses (i) and (ii) of section 133(b)(5)(B) (29 U.S.C. 2863(b)(5)(B)) are amended by striking "section 134(c)" and inserting "section 121(e)".

(4) REALLOCATION.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by inserting ", and under subsection (b)(2)(B) for dislocated worker employment and training activities," after "activities";

(B) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallocation for a program year for programs funded under paragraphs (2)(A) and (3) of subsection (b) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year (including amounts allocated to the local area in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the local area in all prior program years under such provisions that remained available); and

"(B) the accrued expenditures from such total amount of funds available under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year.";

(C) by striking paragraph (3) and inserting the following:

"(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

"(A) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under paragraphs (2)(A) or (3) of subsection (b), an amount based on the relative amount allocated to such local area under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for such program year; and

"(B) with respect to amounts that are available for reallocation under paragraph (2) that

were allocated under subsection (b)(2)(B), an amount based on the relative amount allocated to such local area under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under subsection (b)(2)(B) for such program year."; and

(D) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—

"(A) with respect to funds allocated under paragraphs (2)(A) or (3) of subsection (b), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

"(B) with respect to funds allocated under subsection (b)(2)(B), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(5) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2006.

(c) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2)(A) (29 U.S.C. 2864(a)(2)(A)) is amended to read as follows:

"(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—

"(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by a Governor for a State under section 133(a)(2). Such activities shall include—

"(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

"(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

"(ii) USE OF UNEXPENDED FUNDS.—Funds reserved under section 133(a)(2) to carry out this subparagraph that remain unexpended after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) and paragraph (3)(A) in addition to activities under this subparagraph.".

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) (regardless of whether the funds were allotted to the States under section 127(b)(1)(C) or paragraphs (1)(B) or (2)(B) of section 132(b)) shall be used for statewide employment and training activities, including—

"(i) disseminating—

"(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs described in section 122(a)(2)(B);

"(II) information identifying eligible providers of on-the-job training, customized training, and incumbent worker training;

"(III) information on effective business outreach, partnerships, and services;

"(IV) performance information and information on costs of attendance, as described in subsections (d) and (i) of section 122; and

"(V) information on physical and programmatic accessibility for individuals with disabilities;

"(ii) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

"(iii) providing incentive grants to local areas, in accordance with section 136(i);

"(iv) developing strategies for ensuring that activities carried out under this section are placing men and women in jobs, education, and training that lead to comparable pay;

"(v) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), which may include the development and training of staff to provide opportunities for hard-to-serve populations to enter high-wage, high-skilled, and nontraditional occupations;

"(vi) operating a fiscal and management accountability system under section 136(f); and

"(vii) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4.".

(C) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3)(A) (29 U.S.C. 2864(a)(3)(A)) is amended to read as follows:

"(A) IN GENERAL.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) may be used to carry out additional statewide employment and training activities, which may include—

"(i) implementing innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnerships, including regional skills alliances, sectoral skills partnerships (in which representatives of multiple employers for a specific industry sector or group of related occupations, economic development agencies, providers of training services described in subsection (d)(4), labor federations, and other entities that can provide needed supportive services tailored to the needs of workers in that sector or group, for a local area or region, identify gaps between the current and expected demand and supply of labor and skills in that sector or group for that area or region and develop a strategic skills gap action plan), career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

"(ii) developing strategies for effectively serving hard-to-serve populations and for coordinating programs and services among one-stop partners;

"(iii) implementing innovative programs for displaced homemakers, which for purposes of this clause may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(iv) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

"(v) carrying out activities to facilitate remote access to services, including training services described in subsection (d)(4), provided through a one-stop delivery system, including facilitating access through the use of technology;

"(vi) supporting the provision of core services described in subsection (d)(2) in the one-stop delivery system in the State;

"(vii) coordinating with the child welfare system to facilitate services for children in foster care and those who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);

"(viii) activities—

"(I) to improve coordination between workforce investment activities carried out within the State involved and economic development activities, and to promote entrepreneurial skills training and microenterprise services;

"(II) to improve coordination between employment and training assistance, child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(III) to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

"(IV) to improve coordination between employment and training assistance and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a);

"(V) to develop and disseminate workforce and labor market information;

"(VI) to improve coordination with the corrections system to facilitate provision of training services and employment opportunities that will assist ex-offenders in reentering the workforce; and

"(VII) to promote financial literacy, including carrying out activities described in section 129(b)(1)(I);

"(ix) conducting—

"(I) research; and

"(II) demonstration projects; and

"(x) adopting, calculating, or commissioning a minimum self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.".

(2) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(d)(1)(A) (29 U.S.C. 2864(d)(1)(A)) is amended—

(i) in clause (i), by striking "described in subsection (c)";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(v) to designate a dedicated business liaison in the local area who may be funded with funds provided under this title or from other sources to establish and develop relationships and networks with large and small employers and their intermediaries; and

"(vi) in order to improve service delivery to avoid duplication of services and enhance coordination of services, to require the colocation *of employment services provided under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) at the one-stop centers.".*

(B) CORE SERVICES.—Section 134(d)(2) (29 U.S.C. 2864(d)(2)) is amended—

(i) in the matter preceding subparagraph (A), by striking "paragraph (1)(A)" and inserting "paragraph (1)";

(ii) in subparagraph (C), by inserting "(including literacy, numeracy, and English language proficiency)" after "skill levels";

(iii) by striking subparagraph (D) and inserting the following:

"(D) labor exchange services, including—

"(i) job search and placement assistance and, in appropriate cases, career counseling, including—

"(I) exposure to high wage, high skill jobs; and

"(II) nontraditional employment; and

"(ii) appropriate recruitment and other business services for all employers, including small employers, in the local area, which may include services described in this subsection, including information and referral to specialized business services not traditionally offered through the one-stop delivery system;";

(iv) in subparagraph (E)(iii)—

(I) by inserting ", career ladders," after "earnings"; and

(II) by striking "and" at the end;

(v) in subparagraph (F)—

(I) by striking "and program cost information"; and

(II) by striking "described in section 123";

(vi) by striking subparagraph (H) and inserting the following:

"(H) provision of accurate information, in formats that are usable and understandable to all one-stop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other supportive services and transportation provided through funds made available under such part, available in the local area, and referral to such services or assistance as appropriate;"; and

(vii) in subparagraph (J), by striking "for—" and all that follows through "(ii) programs" and inserting "for programs".

(C) INTENSIVE SERVICES.—Section 134(d)(3) (29 U.S.C. 2864(d)(3)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively—

"(I) who are unemployed and who, after an interview, evaluation, or assessment, have been determined by a one-stop operator or one-stop partner to be—

"(aa) unlikely or unable to obtain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through core services described in paragraph (2); and

"(bb) in need of intensive services to obtain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; or

"(II) who are employed, but who, after an interview, evaluation, or assessment are determined by a one-stop operator or one-stop partner to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

"(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program."; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking "for participants seeking training services under paragraph (4)"; and

(II) by adding at the end the following:

"(vii) Internships and work experience.

"(viii) Literacy activities relating to basic work readiness.

"(ix) Financial literacy services, such as activities described in section 129(b)(1)(I).

"(x) Out-of-area job search assistance and relocation assistance.

"(xi) English language acquisition and integrated training programs.".

(D) TRAINING SERVICES.—Section 134(d)(4) (29 U.S.C. 2864(d)(4)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

"(I) who, after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

"(aa) be unlikely or unable to obtain or retain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through the intensive services described in paragraph (3);

"(bb) be in need of training services to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; and

"(cc) have the skills and qualifications to successfully participate in the selected program of training services;

"(II) who select programs of training services that are directly linked to the employment opportunities in the local area or region involved or in another area to which the adults or dislocated workers are willing to commute or relocate;

"(III) who meet the requirements of subparagraph (B); and

"(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

"(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.";

(ii) in subparagraph (B)(i), by striking "Except" and inserting "Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except";

(iii) in subparagraph (D)—

(I) in clause (viii), by striking "and" after the semicolon;

(II) in clause (ix), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(x) English language acquisition and integrated training programs.";

(iv) in subparagraph (F)—

(I) in clause (ii), by striking "referred to in subsection (c), shall make available—" and all that follows and inserting "shall make available a list of eligible providers of training services, and accompanying information, in accordance with section 122(d).";

(II) in the heading of clause (iii), by striking "INDIVIDUAL TRAINING ACCOUNTS" and inserting "CAREER SCHOLARSHIP ACCOUNTS";

(III) in clause (iii)—

(aa) by striking "identifying information" and inserting "accompanying information";

(bb) by striking "clause (ii)(I)" and inserting "clause (ii)"; and

(cc) by striking "an individual training account" and inserting "a career scholarship account"; and

(IV) by adding at the end the following:

"(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career scholarship accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services."; and

(v) in subparagraph (G)—

(I) in the subparagraph heading, by striking "INDIVIDUAL TRAINING ACCOUNTS" and inserting "CAREER SCHOLARSHIP ACCOUNTS";

(II) in clause (i), by striking "individual training accounts" and inserting "career scholarship accounts";

(III) in clause (ii)—

(aa) by striking "an individual training account" and inserting "a career scholarship account";

(bb) in subclause (II), by striking "individual training accounts" and inserting "career scholarship accounts";

(cc) in subclause (II) by striking "or" after the semicolon;

(dd) in subclause (III), by striking "special participant populations that face multiple barriers to employment" and inserting "hard-to-serve populations";

(ee) in subclause (III), by striking the period and inserting "; or"; and

(ff) by adding at the end the following:

"(IV) the local board determines that it would be most appropriate to award a contract to an institution of higher education in order to facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice."; and

(IV) in clause (iv)—

(aa) by redesignating subclause (IV) as subclause (V); and

(bb) by inserting after subclause (III) the following:

"(IV) Individuals with disabilities.".

(3) PERMISSIBLE ACTIVITIES.—Section 134(e) (29 U.S.C. 2864(e)) is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

"(e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved—

"(i) customized screening and referral of qualified participants in training services described in subsection (d)(4) to employment;

"(ii) customized employment-related services to employers on a fee-for-service basis;

"(iii) customer support to enable members of hard-to-serve populations, including individuals with disabilities, to navigate among multiple services and activities for such populations;

"(iv) technical assistance and capacity building for serving individuals with disabilities in local areas, for one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, and the development of performance measures;

"(v) employment and training assistance provided in coordination with child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(vi) activities to improve coordination between employment and training assistance, child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(vii) activities to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

"(viii) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

"(ix) activities—

"(I) to improve coordination between workforce investment activities carried out within the local area involved and economic development activities, and to promote entrepreneurial skills training and microenterprise services; and

"(II) to improve services and linkages between the local workforce investment system including the local one-stop delivery system, and all employers, including small employers in the local area, through services described in this section, including subparagraph (B);

"(x) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

"(xi) using a portion of the funds allocated under section 133(b), activities to carry out business services and strategies that meet the workforce investment needs of local area employers, as determined by the local board, consistent with the local plan under section 118, which services—

"(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development and other resources as determined appropriate by the local board; and

"(II) may include—

"(aa) identifying and disseminating to business, educators, and job seekers, information related to the workforce, economic and community development needs, and opportunities of the local economy;

"(bb) development and delivery of innovative workforce investment services and strategies for area businesses, which may include sectoral, industry cluster, regional skills alliances, career ladder, skills upgrading, skill standard development and certification, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;

"(cc) participation in seminars and classes offered in partnership with relevant organizations focusing on the workforce-related needs of area employers and job seekers;

"(dd) training consulting, needs analysis, and brokering services for area businesses, including the organization and aggregation of training (which may be paid for with funds other than those provided under this title), for individual employers and coalitions of employers with similar interests, products, or workforce needs;

"(ee) assistance to area employers in the aversion of layoffs and in managing reductions in force in coordination with rapid response activities;

"(ff) the marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers;

"(gg) information referral on concerns affecting local employers; and

"(hh) other business services and strategies designed to better engage employers in workforce investment activities and to make the workforce investment system more relevant to the workforce investment needs of area businesses, as determined by the local board to be consistent with the objectives of this title;

"(xii) activities to adjust the self-sufficiency standards for local factors, or activities to adopt, calculate, or commission a self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations; and

"(xiii) improved coordination between employment and training assistance and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a).

"(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

"(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

"(ii) ACTIVITIES.—The activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided.";

(B) in paragraph (2), by striking the matter preceding subparagraph (A) and inserting the following:

"(2) SUPPORTIVE SERVICES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—"; and

(C) by adding at the end the following:

"(4) INCUMBENT WORKER TRAINING PROGRAMS.—

"(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through an incumbent worker training program carried out in accordance with this paragraph. The Governor or State board may make recommendations to the local board regarding incumbent worker training with statewide impact.

"(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

"(C) EMPLOYER SHARE REQUIRED.—

"(i) IN GENERAL.—Employers participating in the program carried out under this paragraph shall be required to pay the non-Federal share of the costs of providing the training to incumbent workers of the employers. The local board shall establish the non-Federal share of such costs, which may include in-kind contributions. The non-Federal share shall not be less than—

"(I) 10 percent of the costs, for employers with 50 or fewer employees;

"(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

"(III) 50 percent of the costs, for employers with 100 or more employees.

"(ii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share paid by such an employer may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph.".

SEC. 122. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) STATE PERFORMANCE MEASURES.—

(1) INDICATORS OF PERFORMANCE.—Section 136(b)(2)(A) (29 U.S.C. 2871(b)(2)(A)) is amended—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129";

(ii) by striking subclause (III) and inserting the following:

"(III) increases in earnings from unsubsidized employment; and"; and

(iii) in subclause (IV), by striking ", or by participants" and all that follows through "unsubsidized employment"; and

(B) by striking clause (ii) and inserting the following:

"(ii) CORE INDICATORS FOR ELIGIBLE YOUTH.—The core indicators of performance for youth activities authorized under section 129 shall consist of—

"(I) entry into employment, education or advanced training, or military service;

"(II) school retention, and attainment of secondary school diplomas or their recognized equivalents and of postsecondary certificates; and

"(III) literacy or numeracy gains.".

(2) ADDITIONAL INDICATORS.—Section 136(b)(2)(C) (29 U.S.C. 2871(b)(2)(C)) is amended to read as follows:

"(C) ADDITIONAL INDICATORS.—A State may identify in the State plan additional indicators for workforce investment activities under this subtitle, including indicators identified in collaboration with State business and industry associations, with employee representatives where applicable, and with local boards, to measure the performance of the workforce investment system in serving the workforce needs of business and industry in the State.".

(3) LEVELS OF PERFORMANCE.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (iii)—

(i) in the heading, by striking "FOR FIRST 3 YEARS";

(ii) by striking "and the customer satisfaction indicator of performance, for the first 3" and inserting "described in clauses (i) and (ii) of paragraph (2)(A) and the customer satisfaction indicator of performance, for the first 2"; and

(iii) by inserting at the end the following: "Agreements on levels of performance for each of the core indicators of performance for the third and fourth program years covered by the State plan shall be reached prior to the beginning of the third program year covered by the State plan, and incorporated as a modification to the State plan.'';

(B) in clause (iv)—

(i) in the matter preceding subclause (I), by striking ''or (v)'';

(ii) in subclause (II)—

(I) by striking ''taking into account'' and inserting ''and shall ensure that the levels involved are adjusted, using objective statistical methods, based on'';

(II) by inserting ''(such as differences in unemployment rates and job losses or gains in particular industries)'' after ''economic conditions'';

(III) by inserting ''(such as indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency)'' after ''program''; and

(IV) by striking ''and'' at the end;

(iii) in subclause (III), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(IV) the extent to which the levels involved will assist the State in meeting the national goals described in clause (v).'';

(C) by striking clause (v) and inserting the following:

''(v) ESTABLISHMENT OF NATIONAL GOALS.—In order to promote enhanced performance outcomes on the performance measures and to facilitate the process of reaching agreements with the States under clause (iii) and to measure systemwide performance for the one-stop delivery systems of the States, the Secretary shall establish long-term national goals for the adjusted levels of performance for that systemwide performance to be achieved by the programs assisted under chapters 4 and 5 on the core indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2). Such goals shall be established in accordance with the Government Performance and Results Act of 1993 in consultation with the States and other appropriate parties.''; and

(D) in clause (vi)—

(i) by striking ''or (v)''; and

(ii) by striking ''with the representatives described in subsection (i)'' and inserting ''with the States and other interested parties''.

(b) LOCAL PERFORMANCE MEASURES.—Section 136(c)(3) (29 U.S.C. 2871(c)(3)) is amended—

(1) by striking ''shall take into account'' and inserting ''shall ensure that the levels involved are adjusted, using objective statistical methods, based on'';

(2) by inserting ''(characteristics such as unemployment rates and job losses or gains in particular industries)'' after ''economic''; and

(3) by inserting ''(characteristics such as indicators of poor work history, lack of work experience, lack of educational and occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency)'' after ''demographic''.

(c) REPORT.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by adding at the end the following: ''In the case of a State or local area that chooses to expend funds for activities under subsection (a)(3)(A)(i) or (e)(1)(A)(xi), respectively, of section 134, the report also shall include the amount of such funds so expended and the percentage that such funds are of the funds available for activities under section 134.'';

(2) in paragraph (2)—

(A) in subparagraph (E)—

(i) by striking ''(excluding participants who received only self-service and informational activities)''; and

(ii) by striking ''and'' after the semicolon;

(B) in subparagraph (F)—

(i) by inserting ''noncustodial parents with child support obligations, homeless individuals,'' after ''displaced homemakers,''; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(G) the number of participants who have received services, other than followup services, authorized under this title;

''(H) the number of participants who have received services, other than followup services, authorized under this title, in the form of core services described in section 134(d)(2), intensive services described in section 134(d)(3), and training services described in section 134(d)(4), respectively;

''(I) the number of participants who have received followup services authorized under this title;

''(J) the cost per participant for services authorized under this title; and

''(K) the amount of adult and dislocated worker funds spent on—

''(i) core, intensive, and training services, respectively; and

''(ii) services provided under subsection (a)(3)(A)(i) or (e)(1)(A)(xi) of section 134, if applicable.''; and

(3) by adding at the end the following:

''(4) DATA VALIDATION.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure that the information contained in the reports is valid and reliable.''.

(d) EVALUATION OF STATE PROGRAMS.—Section 136(e)(3) (29 U.S.C. 2871(e)(3)) is amended by inserting '', including information on promoting self-sufficiency and comparable pay between men and women'' after ''employers''.

(e) SANCTIONS FOR STATE.—Section 136(g)(1)(B) (29 U.S.C. 2871(g)(1)(B)) is amended by striking ''If such failure continues for a second consecutive year'' and inserting ''If a State performs at less than 80 percent of the adjusted level of performance for core indicators of performance described in subsection (b)(2)(A) for 2 consecutive years''.

(f) SANCTIONS FOR LOCAL AREA.—Section 136(h)(2)(A) (29 U.S.C. 2871(h)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''If such failure continues for a second consecutive year'' and inserting ''If a local area performs at less than 80 percent of the adjusted level of performance for core indicators of performance described in subsection (b)(2)(A) for 2 consecutive years'';

(2) in clause (ii), by striking ''or'' after the semicolon;

(3) by redesignating clause (iii) as clause (iv); and

(4) by inserting after clause (ii) the following:

''(iii) redesignate the local area in accordance with section 116(b)(2); or''.

(g) INCENTIVE GRANTS.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

''(i) INCENTIVE GRANTS FOR LOCAL AREAS.—

''(1) IN GENERAL.—From funds reserved under sections 128(a) and 133(a)(1), the Governor involved shall award incentive grants to local areas for performance described in paragraph (2).

''(2) BASIS.—The Governor shall award the grants on the basis that the local areas—

''(A) have exceeded the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii); or

''(B) have—

''(i) met the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii); and

''(ii) demonstrated—

''(I) exemplary coordination of one-stop partner programs described in section 121 with statewide economic development or business needs;

''(II) exemplary performance in the one-stop partner programs in the State in serving hard-to-serve populations; or

''(III) effective—

''(aa) coordination of multiple systems for the one-stop partner programs into a comprehensive workforce investment system, including coordination of employment services under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and core services under section 134(d)(2);

''(bb) expansion of access to training through the one-stop partner programs, including expansion of access through increased leveraging of resources other than those provided through programs under this title;

''(cc) implementation of coordination activities relating to the one-stop partner programs, through agreements with relevant regional or local agencies and offices, including those responsible for programs under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

''(dd) regional coordination relating to the one-stop partner programs, with other local boards or local areas;

''(ee) alignment of management information systems to integrate participant information across the one-stop partner programs; or

''(ff) integration of performance information systems and common measures for accountability across the one-stop partner programs.

''(3) USE OF FUNDS.—The funds awarded to a local area under this subsection may be used to carry out activities authorized for local areas in programs carried out under this title, the Adult Education and Family Literacy Act, and the Rehabilitation Act of 1973 (referred to in this subsection as 'workforce and education programs'), and such innovative projects or programs that increase coordination and enhance service to participants in such programs, particularly hard-to-serve populations, as may be approved by the Governor, including—

''(A) activities that support business needs, especially for incumbent workers and enhancing opportunities for retention and advancement;

''(B) activities that support linkages between the workforce and education programs, and secondary, postsecondary, or career and technical education programs, including activities under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

''(C) activities that support regional economic development plans that support high-wage, high-skill, or high-demand occupations leading to self-sufficiency;

''(D) activities that coordinate the workforce and education programs with other Federal and State programs related to the workforce and education programs;

''(E) activities that support the development of an integrated performance information system that includes common measures for one-stop partner programs described in section 121;

''(F) activities that align management information systems with integrated performance information across the one-stop partner programs;

''(G) activities that support activities to improve performance in workforce and education programs and program coordination of workforce and education programs; or

"(H) activities that leverage additional training resources, other than those provided through workforce and education programs, for adults and youth.

"(4) TECHNICAL ASSISTANCE.—The Governor shall reserve 4 percent of the funds available for grants under this subsection to provide technical assistance to local areas—

"(A) to replicate best practices for workforce and education programs;

"(B) to develop integrated performance information systems for the one-stop partner programs;

"(C) to strengthen coordination between workforce and education programs, and other education programs; or

"(D) to strengthen regional economic development.".

(h) USE OF CORE MEASURES IN OTHER DEPARTMENT OF LABOR PROGRAMS.—Section 136 (29 U.S.C. 2871) is amended by adding at the end the following:

"(j) USE OF CORE INDICATORS FOR OTHER PROGRAMS.—In addition to the programs carried out under chapters 4 and 5, and consistent with the requirements of the applicable authorizing laws, the Secretary shall use the indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2) to assess the effectiveness of the programs described in clauses (i), (ii), and (vi) of section 121(b)(1)(B) that are carried out by the Secretary.".

(i) PREVIOUS DEFINITIONS OF CORE INDICATORS.—Section 502 (29 U.S.C. 9272) is repealed.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH ACTIVITIES.—Section 137(a) (29 U.S.C. 2872(a)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(c) (29 U.S.C. 2872(c)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

Subtitle C—Job Corps

SEC. 131. JOB CORPS.

(a) ELIGIBILITY.—Section 144(3) (29 U.S.C. 2884(3)) is amended by adding at the end the following:

"(F) A child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677).".

(b) IMPLEMENTATION OF STANDARDS AND PROCEDURES.—Section 145(a)(3) (29 U.S.C. 2885(a)(3)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) child welfare agencies that are responsible for children in foster care and children eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677).".

(c) INDUSTRY COUNCILS.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking "local and distant"; and

(2) by adding at the end the following:

"(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

"(4) SPECIAL RULE FOR SINGLE LOCAL AREA STATES.—In the case of a single local area State designated under section 116(b), the industry council shall include a representative of the State Board.".

(d) INDICATORS OF PERFORMANCE.—Section 159 (29 U.S.C. 2899) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

"(1) PERFORMANCE INDICATORS.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators of performance for youth activities identified in section 136(b)(2)(A)(ii).";

(B) in paragraph (2), by striking "measures" each place it appears and inserting "indicators"; and

(C) in paragraph (3)—

(i) in the first sentence, by striking "core performance measures, as compared to the expected performance level for each performance measure" and inserting "performance indicators described in paragraph (1), as compared to the expected level of performance established under paragraph (1) for each performance measure"; and

(ii) in the second sentence, by striking "measures" each place it appears and inserting "indicators"; and

(2) in subsection (f)(2), in the first sentence, by striking "core performance measures" and inserting "indicators of performance".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 161 (29 U.S.C. 2901) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

Subtitle D—National Programs

SEC. 141. NATIVE AMERICAN PROGRAMS.

(a) ADVISORY COUNCIL.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

"(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).".

(b) ASSISTANCE TO UNIQUE POPULATIONS IN ALASKA AND HAWAII.—Section 166(j) (29 U.S.C. 2911(j)) is amended to read as follows:

"(j) ASSISTANCE TO UNIQUE POPULATIONS IN ALASKA AND HAWAII.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to the Cook Inlet Tribal Council, Incorporated, and the University of Hawaii at Maui, for the unique populations who reside in Alaska or Hawaii, to improve job training and workforce investment activities.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 2006 through 2011.".

(c) PERFORMANCE INDICATORS.—Section 166 (29 U.S.C. 2911) is amended by adding at the end the following:

"(k) PERFORMANCE INDICATORS.—

"(1) DEVELOPMENT OF INDICATORS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards which shall be applicable to programs under this section.

"(2) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

"(A) the purpose of this section as described in subsection (a)(1);

"(B) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

"(C) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.".

SEC. 142. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

Section 167 (29 U.S.C. 2912) is amended—

(1) in subsection (a), by striking "2" and inserting "2 to 4";

(2) in subsection (b), by inserting "and deliver" after "administer";

(3) in subsection (c)—

(A) in paragraph (1), by striking "2-year" and inserting "4-year";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "describe the population to be served and" before "identify"; and

(II) by inserting ", including upgraded employment in agriculture" before the semicolon;

(ii) in subparagraph (B), by striking "and" at the end;

(iii) in subparagraph (C), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(D) describe the availability and accessibility of local resources such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

"(E) describe the plan for providing services under this section, including strategies and systems for outreach, case management, assessment, and delivery through one-stop delivery systems."; and

(C) by striking paragraph (4) and inserting the following:

"(4) COMPETITION.—The competition for grants made and contracts entered into under this section shall be conducted every 2 to 4 years.";

(4) in subsection (d), by striking "include" and all that follows and inserting "include outreach, employment, training, educational assistance, literary assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, school dropout prevention activities, followup services for those individuals placed in employment, self-employment and related business or micro-enterprise development or education as needed by eligible individuals and as identified pursuant to the plan required by subsection (c), customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area, and technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.";

(5) in subsection (f), by striking "take into account the economic circumstances and demographics of eligible migrant and seasonal farmworkers." and inserting "are adjusted based on the economic and demographic barriers to employment of eligible migrant and seasonal farmworkers.";

(6) in subsection (g), by striking "(enacted by the Single Audit Act of 1984)";

(7) in subsection (h)—

(A) by striking paragraph (1) and inserting the following:

"(1) DEPENDENT.—The term 'dependent', used with respect to an eligible migrant or seasonal farmworker, means an individual who—

"(A) was claimed as a dependent on the farmworker's Federal income tax return for the previous year;

"(B) is the spouse of the farmworker; or

"(C) is able to establish—

"(i) a relationship as the farmworker's—

"(I) biological or legally adopted child, grandchild, or great-grandchild;

"(II) foster child;

"(III) stepchild;

"(IV) brother, sister, half-brother, half-sister, stepbrother, or stepsister;

"(V) parent, grandparent, or other direct ancestor (but not foster parent);

"(VI) stepfather or stepmother;

"(VII) uncle or aunt;

"(VIII) niece or nephew; or

"(IX) father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; and

"(ii) the receipt of over half of the individual's total support from the farmworker's family during the eligibility determination period for the farmworker."; and

(B) in paragraph (4)(A)—

(i) by striking "disadvantaged person" and inserting "low-income individual"; and

(ii) by inserting "and who faces multiple barriers to self-sufficiency" before the semicolon;

(8) by redesignating subsection (h) as subsection (i); and

(9) by inserting before subsection (i) the following:

"(h) Funding Allocation.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities."

SEC. 143. VETERANS' WORKFORCE INVESTMENT PROGRAMS.

Section 168(a)(3) (29 U.S.C. 2913(a)(3)) is amended—

(1) in subparagraph (A), by inserting ", including services provided by one-stop operators and one-stop partners" before the semicolon; and

(2) in subparagraph (C), by striking "section 134(c)" and inserting "section 121(e)".

SEC. 144. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

"SEC. 169. YOUTH CHALLENGE GRANTS.

"(a) In General.—Of the amounts reserved by the Secretary under section 127(b)(1)(A) for a fiscal year—

"(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

"(2) the Secretary may use not more than 20 percent to award competitive grants under subsection (c).

"(b) Competitive Grants to States and Local Areas.—

"(1) Establishment.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this subsection to assist eligible youth in acquiring the skills, credentials, and employment experience necessary to achieve the performance outcomes for youth described in section 136.

"(2) Eligible entity.—In this subsection, the term 'eligible entity' means—

"(A) a State or consortium of States;

"(B) a local board or consortium of local boards;

"(C) a recipient of a grant under section 166 (relating to Native American programs); or

"(D) a public or private entity (including a consortium of such entities) with expertise in the provision of youth activities, applying in partnership with a local board or consortium of local boards.

"(3) Applications.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the activities the eligible entity will provide to eligible youth under this subsection, and how the eligible entity will collaborate with State and local workforce investment systems established under this title in the provision of such activities;

"(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

"(C) a description of the State, local, and private resources that will be leveraged to provide the activities described under subparagraph (A) in addition to funds provided under this subsection, and a description of the extent of the involvement of employers in the activities;

"(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii); and

"(E) an assurance that the State board of each State in which the proposed activities are to be carried out had the opportunity to review the application, and including the comments, if any, of the affected State boards on the application, except that this subparagraph shall not apply to an eligible entity described in paragraph (2)(C).

"(4) Factors for award.—

"(A) In general.—In awarding grants under this subsection the Secretary shall consider—

"(i) the quality of the proposed activities;

"(ii) the goals to be achieved;

"(iii) the likelihood of successful implementation;

"(iv) the extent to which the proposed activities are based on proven strategies or the extent to which the proposed activities will expand the base of knowledge relating to the provision of activities for eligible youth;

"(v) the extent of collaboration with the State and local workforce investment systems in carrying out the proposed activities;

"(vi) the extent of employer involvement in the proposed activities;

"(vii) whether there are other Federal and non-Federal funds available for similar activities to the proposed activities, and the additional State, local, and private resources that will be provided to carry out the proposed activities;

"(viii) the quality of the proposed activities in meeting the needs of the eligible youth to be served; and

"(ix) the extent to which the proposed activities will expand on services provided under section 127.

"(B) Equitable geographic distribution.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants across geographically diverse areas.

"(5) Use of funds.—

"(A) In general.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out activities that are designed to assist eligible youth in acquiring the skills, credentials, and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129.

"(B) Activities.—The activities carried out pursuant to subparagraph (A) may include the following:

"(i) Training and internships for out-of-school youth in sectors of the economy experiencing, or projected to experience, high growth.

"(ii) Dropout prevention activities for in-school youth.

"(iii) Activities designed to assist special youth populations, such as court-involved youth and youth with disabilities.

"(iv) Activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to post-secondary education, apprenticeships, and career-ladder employment.

"(v) Activities, including work experience, paid internships, and entrepreneurial training, in areas where there is a migration of youth out of the areas.

"(C) Participant eligibility.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

"(6) Grant period.—The Secretary shall make a grant under this subsection for a period of 2 years and may renew the grant, if the eligible entity has performed successfully, for a period of not more than 3 succeeding years.

"(7) Matching funds required.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

"(8) Evaluation.—The Secretary shall reserve not more than 3 percent of the funds described in subsection (a)(1) to provide technical assistance to, and conduct evaluations of (using appropriate techniques as described in section 172(c)), the projects funded under this subsection.

"(c) Competitive First Jobs for Youth.—

"(1) Eligible entity.—In this subsection, the term 'eligible entity' means a consortium that—

"(A) shall include—

"(i)(I) a State board; or

"(II) a local board; and

"(ii) a consortium of businesses, including small businesses;

"(B) may include 1 or more—

"(i) local educational agencies;

"(ii) institutions of higher education;

"(iii) business intermediaries;

"(iv) community-based organizations; or

"(v) entities carrying out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

"(C) submits an application under paragraph (3).

"(2) Authorization.—From the funds described in subsection (a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, entering, and retaining employment.

"(3) Applications.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the area to be served, including information demonstrating that the area has—

"(i) high unemployment among individuals ages 16 through 21;

"(ii) high unemployment among youth who are individuals with disabilities; or

"(iii) high job loss;

"(B) a description of the proposed program, including activities, compensation, and expected outcomes;

"(C) an assurance that the participating employers in the proposed program are located

in the area to be served, and a demonstration of the commitment of the participating employers to hire individuals who—

"(i) have successfully completed the program; or

"(ii) continue to work in the program;

"(D) demographic information about the targeted populations to be served by the proposed program, including information on gender, age, and race;

"(E) a description of how the proposed program will address the barriers to employment of the targeted populations;

"(F) a description of the manner in which the eligible entity will evaluate the program; and

"(G) a description of the ability of the eligible entity to carry out and expand the program after the expiration of the grant period.

"(4) EQUITABLE DISTRIBUTION TO RURAL AREAS.—In awarding grants under this subsection, the Secretary shall ensure an equitable distribution of such grants to rural areas.

"(5) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out—

"(i) activities that will assist youth in preparing for, entering, and retaining employment, including the activities described in section 129 for out-of-school youth (as defined in section 129(a));

"(ii) activities designed to strengthen academic skills that would assist—

"(I) in-school youth (as so defined) to be successful in secondary school and continue such participants' education; and

"(II) out-of-school youth (as so defined) to earn a high school diploma or its recognized equivalent, or prepare for postsecondary programs;

"(iii) activities designed to assist youth in economically distressed areas;

"(iv) subsidized employment for not more than 9 months that provides direct experience in a sector that has opportunities for full-time employment;

"(v) career and academic advisement, activities to promote financial literacy and the attainment of entrepreneurial skills, and provision of labor market information on high-skill, high-wage, and nontraditional occupations; and

"(vi) such other activities as the Secretary determines are appropriate to ensure that youth entering the workforce have the skills needed by employers.

"(B) PARTICIPANT ELIGIBILITY.—An individual who is not younger than 16 years of age and not older than 21 years of age, as of the time the eligibility determination is made, who faces barriers to employment, including an individual who is an individual with a disability, may be eligible to participate in activities under this subsection.

"(6) SPECIAL RULE.—An eligible entity that receives a grant under this subsection shall coordinate activities with the designated State agency (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)) and other appropriate State agencies in the State to be served.

"(7) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out with assistance provided under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

"(8) EVALUATIONS.—The Secretary may require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).".

SEC. 145. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) in subsection (a)(1), by—

(A) inserting "the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, the training of members of State boards and local boards, peer review activities under this title," after "localities,"; and

(B) striking "from carrying out activities" and all that follows through the period and inserting "to implement the amendments made by the Workforce Investment Act Amendments of 2005.";

(2) in subsection (a)(2), by adding at the end the following: "The Secretary shall also hire staff qualified to provide the assistance described in paragraph (1).";

(3) in subsection (b)(2), by striking the last sentence and inserting "Such projects shall be administered by the Employment and Training Administration."; and

(4) by adding at the end the following:

"(c) BEST PRACTICES COORDINATION.—The Secretary shall—

"(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act;

"(2) evaluate and disseminate information regarding best practices and identify knowledge gaps; and

"(3) commission research under section 171(c) to address knowledge gaps identified under paragraph (2).".

SEC. 146. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS.

(a) DEMONSTRATION AND PILOT PROJECTS.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking "Under a" and inserting "Consistent with the priorities specified in the";

(B) by redesignating subparagraphs (F) through (H) as subparagraphs (G) through (I), respectively;

(C) by striking subparagraphs (A) through (E) and inserting the following:

"(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers for career ladder jobs and to provide information to such system on skills and occupations in demand;

"(B) projects that promote the development of systems that will improve the maximum effectiveness of programs carried out under this title;

"(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing, or are likely to experience, high rates of growth and jobs with wages leading to self-sufficiency;

"(D) projects that focus on collaborations among local boards, institutions of higher education, medical facilities, and other community stakeholders, to promote opportunities for dislocated workers to receive training and related services for employment in the high-demand health care sector;

"(E) computerized, individualized, self-paced training projects targeted to dislocated, disadvantaged, or incumbent workers utilizing equipment and curriculum designed in partnership with industries for employment in the operations, repair, and maintenance of high-tech equipment that is used in integrated systems technology;

"(F) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;";

(D) in subparagraph (H) (as redesignated by subparagraph (B)), by striking "and" after the semicolon; and

(E) by striking subparagraph (I) (as redesignated by subparagraph (B)), and inserting the following:

"(I) projects that provide retention grants, which shall—

"(i) be made to qualified job training programs offering instruction, assessment, or professional coaching, upon placement of a low-income individual trained by the program involved in employment with an employer and retention of the low-income individual in that employment with that employer for a period of 1 year, if that employment provides the low-income individual with an annual salary—

"(I) that is at least $10,000 more than the individual's federally adjusted income for the previous year; and

"(II) that is not less than twice the poverty line applicable to the individual; and

"(ii) be made taking into account the economic benefit received by the Federal Government from the employment and retention of the individual, including the economic benefit from tax revenue and decreased public subsidies;

"(J) targeted innovation projects that improve access to and delivery of employment and training services, with emphasis given to projects that incorporate advanced technologies to facilitate the connection of individuals to the information and tools the individuals need to upgrade skills;

"(K) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet; and

"(L) projects that provide comprehensive education and training services, and support services, in coordination with local boards, for populations in targeted high poverty areas where the greatest barriers to employment exist, including ex-offenders, out-of-school youth, and public assistance recipient populations.'; and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) MULTISERVICE PROJECTS.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

"(B) STUDIES AND REPORTS.—

"(i) NET IMPACT STUDIES AND REPORTS.—

"(I) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, shall conduct studies to determine the net impacts of, including best practices of, programs, services, and activities carried out under this title.

"(II) REPORTS.—The Secretary shall prepare and disseminate to the public reports containing the results of the studies conducted under subclause (I).

"(ii) STUDY ON RESOURCES AVAILABLE TO ASSIST OUT-OF-SCHOOL YOUTH.—The Secretary, in coordination with the Secretary of Education, may conduct a study examining the resources available at the Federal, State, and local levels to assist out-of-school youth in obtaining the skills, credentials, and work experience necessary to become successfully employed, including the availability of funds provided through average daily attendance and other methodologies used by States and local areas to distribute funds.

"(iii) STUDY OF INDUSTRY-BASED CERTIFICATION AND CREDENTIALS.—

"(I) IN GENERAL.—The Secretary shall conduct a study concerning the role and benefits of credentialing and certification to businesses and workers in the economy and the implications of certification to the services provided through the workforce investment system. The study may examine issues such as—

"(aa) the characteristics of successful credentialing and certification systems that serve business and individual needs;

"(bb) the relative proportions of certificates and credentials attained with assistance from the public sector, with private-sector training of new hires or incumbent workers, and by individuals on their own initiative without other assistance, respectively;

"(cc) the return on human capital investments from occupational credentials and industry-based skill certifications, including the extent to which acquisition of such credentials or certificates enhances outcomes such as entry into employment, retention, earnings (including the number and amount of wage increases), career advancement, and layoff aversion;

"(dd) the implications of the effects of skill certifications and credentials to the types and delivery of services provided through the workforce investment system;

"(ee) the role that Federal and State governments play in fostering the development of and disseminating credentials and skill standards; and

"(ff) the use of credentials by businesses to achieve goals for workforce skill upgrading and greater operating efficiency.

"(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study conducted pursuant to subclause (I). Such report may include any recommendations that the Secretary determines are appropriate to include in such report relating to promoting the acquisition of industry-based certification and credentials, and the appropriate role of the Department of Labor and the workforce investment system in supporting the needs of business and individuals with respect to such certification and credentials.

"(iv) STUDY OF EFFECTIVENESS OF WORKFORCE INVESTMENT SYSTEM IN MEETING BUSINESS NEEDS.—

"(I) IN GENERAL.—Using funds available to carry out this section jointly with funds available to the Secretary of Commerce and Administrator of the Small Business Administration, the Secretary, in coordination with the Secretary of Commerce and the Administraior of the Small Business Administration, may conduct a study of the effectiveness of the workforce investment system in meeting the needs of business, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies. In conducting the study, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may examine issues such as—

"(aa) methods for identifying the workforce needs of businesses and how the requirements of small businesses may differ from larger establishments;

"(bb) business satisfaction with the workforce investment system, with particular emphasis on the satisfaction of small businesses;

"(cc) the extent to which business is engaged as a collaborative partner in the workforce investment system, including the extent of business involvement as members of State boards and local boards, and the extent to which such boards and one-stop centers effectively collaborate with business and industry leaders in developing workforce investment strategies, including strategies to identify high growth opportunities;

"(dd) ways in which the workforce investment system addresses changing skill needs of business that result from changes in technology and work processes;

"(ee) promising practices for serving small businesses;

"(ff) the extent and manner in which the workforce investment system uses technology to serve business and individual needs, and how uses of technology could enhance efficiency and effectiveness in providing services; and

"(gg) the extent to which various segments of the labor force have access to and utilize technology to locate job openings and apply for jobs, and characteristics of individuals utilizing such technology (such as age, gender, race or ethnicity, industry sector, and occupational groups).

"(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study described in subclause (I). Such report may include any recommendations the Secretary determines are appropriate to include in such report, including ways to enhance the effectiveness of the workforce investment system in meeting the needs of business for skilled workers.".

(c) ADMINISTRATION.—Section 171(d) (29 U.S.C. 2916(d)) is amended by striking the last sentence and inserting the following: "Such projects shall be administered by the Employment and Training Administration.".

(d) NEXT GENERATION TECHNOLOGIES.—Section 171 (29 U.S.C. 2916) is amended by adding at the end the following:

"(e) SKILL CERTIFICATION PILOT PROJECTS.—

"(1) PILOT PROJECTS.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (10), the Secretary shall establish and carry out not more than 10 pilot projects to establish a system of industry-validated national certifications of skills, including—

"(A) not more than 8 national certifications of skills in high-technology industries, including biotechnology, telecommunications, highly automated manufacturing (including semiconductors), nanotechnology, and energy technology; and

"(B) not more than 2 cross-disciplinary national certifications of skills in homeland security technology.

"(2) GRANTS TO ELIGIBLE ENTITIES.—In carrying out the pilot projects, the Secretary shall make grants to eligible entities, for periods of not less than 36 months and not more than 48 months, to carry out the authorized activities described in paragraph (7) with respect to the certifications described in paragraph (1). In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

"(3) ELIGIBLE ENTITIES.—

"(A) DEFINITION OF ELIGIBLE ENTITY.—In this subsection the term 'eligible entity' means an entity that shall work in conjunction with a local board and shall include as a principal participant 1 or more of the following:

"(i) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

"(ii) An advanced technology education center.

"(iii) A local board.

"(iv) A representative of a business in a target industry for the certification involved.

"(v) A representative of an industry association, labor organization, or community development organization.

"(B) HISTORY OF DEMONSTRATED CAPABILITY REQUIRED.—To be eligible to receive a grant under this subsection, an eligible entity shall have a history of demonstrated capability for effective collaboration with industry on workforce investment activities that is consistent with the objectives of this title.

"(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(5) CRITERIA.—The Secretary shall establish criteria, consistent with paragraph (6), for awarding grants under this subsection.

"(6) PRIORITY.—In selecting eligible entities to receive grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate the availability of and ability to provide matching funds from industry or nonprofit sources. Such matching funds may be provided in cash or in kind.

"(7) AUTHORIZED ACTIVITIES.—

"(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the funds made available through the grant—

"(i) to facilitate the establishment of certification requirements for a certification described in paragraph (1) for an industry;

"(ii) to develop and initiate a certification program that includes preparatory courses, course materials, procedures, and examinations, for the certification; and

"(iii) to collect and analyze data related to the program at the program's completion, and to identify best practices (consistent with paragraph (8)) that may be used by State and local workforce investment boards in the future.

"(B) BASIS FOR REQUIREMENTS.—The certification requirements established under the grant shall be based on applicable skill standards for the industry involved that have been developed by or linked to national centers of excellence under the National Science Foundation's Advanced Technological Education Program. The requirements shall require an individual to demonstrate an identifiable set of competencies relevant to the industry in order to receive certification. The requirements shall be designed to provide evidence of a transferable skill set that allows flexibility and mobility of workers within a high technology industry.

"(C) RELATIONSHIP TO TRAINING AND EDUCATION PROGRAMS.—The eligible entity shall ensure that—

"(i) a training and education program related to competencies for the industry involved, that is flexible in mode and timeframe for delivery and that meets the needs of those seeking the certification, is offered; and

"(ii) the certification program is offered at the completion of the training and education program.

"(D) RELATIONSHIP TO THE ASSOCIATE DEGREE.—The eligible entity shall ensure that the certification program is consistent with the requirements for a 2-year associate degree.

"(E) AVAILABILITY.—The eligible entity shall ensure that the certification program is open to students pursuing associate degrees, employed workers, and displaced workers.

"(8) CONSULTATION.—The Secretary shall consult with the Director of the National Science Foundation to ensure that the pilot projects build on the expertise and information about best practices gained through the implementation of the National Science Foundation's Advanced Technological Education Program.

"(9) CORE COMPONENTS; GUIDELINES; REPORTS.—After collecting and analyzing the data obtained from the pilot programs, the Secretary shall—

"(A) establish the core components of a model high-technology certification program;

"(B) establish guidelines to assure development of a uniform set of standards and policies for such programs;

"(C) prepare and submit a report on the pilot projects to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

"(D) make available to the public both the data and the report.

“(10) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $30,000,000 for fiscal year 2006 to carry out this subsection.”.

(e) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.—Section 171 (29 U.S.C. 2916), as amended by subsection (d), is further amended by adding at the end the following:

“(f) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.—

“(1) DEFINITIONS.—In this subsection:

“(A) INTEGRATED WORKFORCE TRAINING.—The term ‘integrated workforce training’ means training that integrates occupational skills training with language acquisition.

“(B) SECRETARY.—The term ‘Secretary’ means the Secretary of Labor in consultation with the Secretary of Education.

“(2) DEMONSTRATION PROJECT.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (11), the Secretary shall establish and implement a national demonstration project designed to both analyze and provide data on workforce training programs that integrate English language acquisition and occupational training.

“(3) GRANTS.—

“(A) IN GENERAL.—In carrying out the demonstration project, the Secretary shall make not less than 10 grants, on a competitive basis, to eligible entities to provide the integrated workforce training programs. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

“(B) PERIODS.—The Secretary shall make the grants for periods of not less than 24 months and not more than 48 months.

“(4) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall work in conjunction with a local board and shall include as a principal participant 1 or more of the following:

“(i) An employer or employer association.

“(ii) A nonprofit provider of English language instruction.

“(iii) A provider of occupational or skills training.

“(iv) A community-based organization.

“(v) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

“(vi) A labor organization.

“(vii) A local board.

“(B) EXPERTISE.—To be eligible to receive a grant under this subsection, an eligible entity shall have proven expertise in—

“(i) serving individuals with limited English proficiency, including individuals with lower levels of oral and written English; and

“(ii) providing workforce programs with training and English language instruction.

“(5) APPLICATIONS.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

“(i) contain information, including capability statements, that demonstrates that the eligible entity has the expertise described in paragraph (4)(B); and

“(ii) include an assurance that the program to be assisted shall—

“(I) establish a generalized adult bilingual workforce training and education model that integrates English language acquisition and occupational training, and incorporates the unique linguistic and cultural factors of the participants;

“(II) establish a framework by which the employer, employee, and other relevant members of the eligible entity can create a career development and training plan that assists both the employer and the employee to meet their long-term needs;

“(III) ensure that the framework established under subclause (II) takes into consideration the knowledge, skills, and abilities of the employee with respect to both the current and economic conditions of the employer and future labor market conditions relevant to the local area; and

“(IV) establish identifiable measures so that the progress of the employee and employer and the relative efficacy of the program can be evaluated and best practices identified.

“(6) CRITERIA.—The Secretary shall establish criteria for awarding grants under this subsection.

“(7) INTEGRATED WORKFORCE TRAINING PROGRAMS.—

“(A) PROGRAM COMPONENTS.—

“(i) REQUIRED COMPONENTS.—Each program that receives funding under this subsection shall—

“(I) test an individual's English language proficiency levels to assess oral and literacy gains from the beginning and throughout program enrollment;

“(II) combine training specific to a particular occupation or occupational cluster, with—

“(aa) English language instruction, such as instruction through an English as a Second Language program, or an English for Speakers of Other Languages program;

“(bb) basic skills instruction; and

“(cc) supportive services;

“(III) effectively integrate public and private sector entities, including the local workforce investment system and its functions, to achieve the goals of the program; and

“(IV) require matching or in-kind resources from private and nonprofit entities.

“(ii) PERMISSIBLE COMPONENTS.—The program may offer other services, as necessary to promote successful participation and completion, including work-based learning, substance abuse treatment, and mental health services.

“(B) GOAL.—Each program that receives funding under this subsection shall be designed to prepare limited English proficient adults for, and place such adults in employment in, growing industries with identifiable career ladder paths.

“(C) PROGRAM TYPES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs that meet 1 or more of the following criteria:

“(i) A program that—

“(I) serves unemployed, limited English proficient individuals with significant work experience or substantial education but persistently low wages; and

“(II) aims to prepare such individuals for, and place such individuals in, higher paying employment, defined for purposes of this subparagraph as employment that provides at least 75 percent of the median wage in the local area.

“(ii) A program that—

“(I) serves limited English proficient individuals with lower levels of oral and written fluency, who are working but at persistently low wages; and

“(II) aims to prepare such individuals for, and place such individuals in, higher paying employment, through services provided at the worksite, or at a location central to several work sites, during work hours.

“(iii) A program that—

“(I) serves unemployed, limited English proficient individuals with lower levels of oral and written fluency, who have little or no work experience; and

“(II) aims to prepare such individuals for, and place such individuals in, employment through services that include subsidized employment, in addition to the components required in subparagraph (A)(i).

“(iv) A program that includes funds from private and nonprofit entities.

“(D) PROGRAM APPROACHES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs with different approaches to integrated workforce training, in different contexts, in order to obtain comparative data on multiple approaches to integrated workforce training and English language instruction, to ensure programs are tailored to characteristics of individuals with varying skill levels, and to assess how different curricula work for limited English proficient populations. Such approaches may include—

“(i) bilingual programs in which the workplace language component and the training are conducted in a combination of an individual's native language and English;

“(ii) integrated workforce training programs that combine basic skills, language instruction, and job specific skills training; or

“(iii) sequential programs that provide a progression of skills, language, and training to ensure success upon an individual's completion of the program.

“(8) EVALUATION BY ELIGIBLE ENTITY.—Each eligible entity that receives a grant under this subsection for a program shall carry out a continuous program evaluation and an evaluation specific to the last phase of the program operations.

“(9) EVALUATION BY SECRETARY.—

“(A) IN GENERAL.—The Secretary shall conduct an evaluation of program impacts of the programs funded under the demonstration project, with a random assignment, experimental design impact study done at each worksite at which such a program is carried out.

“(B) DATA COLLECTION AND ANALYSIS.—The Secretary shall collect and analyze the data from the demonstration project to determine program effectiveness, including gains in language proficiency, acquisition of skills, and job advancement for program participants.

“(C) REPORT.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and make available to the public, a report on the demonstration project, including the results of the evaluation.

“(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to recipients of grants under this subsection throughout the grant periods.

“(11) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $10,000,000 for fiscal year 2006 to carry out this subsection.”.

(f) COMMUNITY-BASED JOB TRAINING.—Section 171 (29 U.S.C. 2916), as amended by subsection (e), is further amended by adding at the end the following:

“(g) COMMUNITY-BASED JOB TRAINING.

“(1) DEFINITIONS.—In this subsection:

“(A) COMMUNITY COLLEGE.—The term ‘community college’ means—

“(i) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), that provides a 2-year degree that is acceptable for full credit toward a bachelor's degree; or

“(ii) a tribally controlled college or university, as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a community college, a consortium of community colleges, or a consortium composed of a community college and 1 or more institutions of higher education, that shall work with—

"(i) a local board;

"(ii) a business in the qualified industry or an industry association in the qualified industry, as identified in the application of the entity; and

"(iii) an economic development entity.

"(C) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in subparagraph (A)(i), the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) and the meaning given the term 'postsecondary vocational institution' in section 102(a)(1)(B) of such Act (20 U.S.C. 1002(a)(1)(B)).

"(D) QUALIFIED INDUSTRY.—The term 'qualified industry' means an industry or economic sector that is projected to experience significant growth, such as an industry or economic sector that—

"(i) is projected to add substantial numbers of new jobs to the regional economy;

"(ii) has or is projected to have significant impact on the regional economy;

"(iii) impacts or is projected to impact the growth of other industries or economic sectors in the regional economy;

"(iv) is being transformed by technology and innovation requiring new knowledge or skill sets for workers;

"(v) is a new or emerging industry or economic sector that is projected to grow; or

"(vi) requires high skills and has significant labor shortages in the regional economy.

"(2) DEMONSTRATION PROJECT.—In addition to the demonstration projects authorized under subsection (b), the Secretary may establish and implement a national demonstration project designed—

"(A) to develop local innovative solutions to the workforce challenges facing high-growth, high-skill industries with labor shortages; and

"(B) to increase employment opportunities for workers in high-growth, high-demand occupations by establishing partnerships among education entities, the State workforce investment systems, and businesses in high-growth, high-skill industries or sectors.

"(3) GRANTS.—In carrying out the national demonstration project authorized under this subsection, the Secretary shall award grants, on a competitive basis, for 2, 3, or 4 years, in accordance with generally applicable Federal requirements, to eligible entities to enable the eligible entities to carry out activities authorized under this subsection.

"(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the eligible entity that will offer training under the grant;

"(B) a justification of the need for discretionary funding under the grant, including the need for external funds to create a program to carry out the activities described in paragraph (6);

"(C) an economic analysis of the local labor market to identify—

"(i) high-growth, high-demand industries;

"(ii) the workforce issues faced by such industries; and

"(iii) potential participants in programs funded under this subsection;

"(D) a description of the qualified industry for which the training will occur, the availability of competencies on which the training will be based, and how the grant will help workers acquire the competencies and skills necessary for employment;

"(E) a description of the involvement of the local board and businesses, including small businesses, in the geographic area where the proposed grant will be implemented;

"(F) performance measures for the grant, including performance measures for the expected number of individuals to be trained in a qualified industry, the employment and retention rates for such individuals in a qualified industry, and initial earnings and earnings increases for such individuals;

"(G) a description of how the activities funded by the grant will be coordinated with activities provided through the one-stop center in the local area; and

"(H) a description of the local or private resources that will—

"(i) support the activities carried out under this subsection; and

"(ii) enable the entity to carry out and expand such activities after the expiration of the grant.

"(5) FACTORS FOR AWARD OF GRANT.—

"(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall consider—

"(i) the extent of public and private collaboration, including existing partnerships among qualified industries, the eligible entity, and the public workforce investment system;

"(ii) the extent to which the grant will provide job seekers with high-quality training for employment in high-growth, high-demand occupations;

"(iii) the extent to which the grant will expand the eligible entity and local one-stop center's capacity to be demand-driven and responsive to local economic needs;

"(iv) the extent to which local businesses commit to hire, retain, or advance individuals who receive training through the grant; and

"(v) the extent to which the eligible entity commits to make any newly developed products, such as skill standards, assessments, or industry-recognized training curricula, available for dissemination nationally.

"(B) LEVERAGING OF RESOURCES.—In awarding grants under this subsection, the Secretary shall also consider—

"(i) the extent to which local or private resources will be made available to support the activities carried out under this subsection, taking into account the resources of the eligible entity and the entity's partners; and

"(ii) the ability of an eligible entity to continue to carry out and expand such activities after the expiration of the grant.

"(C) DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall ensure an equitable distribution of such grants across diverse industries and geographic areas.

"(6) USE OF FUNDS.—An eligible entity that receives a grant under this subsection—

"(A) shall use the grant funds for—

"(i) the development by the community college that is a part of the eligible entity in collaboration with other partners identified in the application, and, if applicable, other representatives of qualified industries, of rigorous training and education programs leading to an industry-recognized credential or degree and employment in the qualified industry; and

"(ii) training of adults, incumbent workers, dislocated workers, or out-of-school youth in the skills and competencies needed to obtain or upgrade employment in a qualified industry identified in the eligible entity's application; and

"(B) may use the grant funds for—

"(i) disseminating information on training available for high-growth, high-demand occupations in qualified industries through the one-stop delivery system to prospective participants, businesses, business intermediaries, and community-based organizations in the region, including training available through the grant;

"(ii) referring individuals trained under the grant for employment in qualified industries;

"(iii) enhancing integration of community colleges, training and education with businesses, and the one-stop system to meet the training needs of qualified industries for new and incumbent workers;

"(iv) providing training and relevant job skills to small business owners or operators to facilitate small business development in high-growth, high-skill industries; or

"(v) expanding or creating programs for distance, evening, weekend, modular, or compressed learning opportunities that provide training and relevant job skills for high-growth, high-demand occupations.

"(7) AUTHORITY TO REQUIRE NON-FEDERAL SHARE.—The Secretary may require that recipients of grants under this subsection provide a non-Federal share, from either cash or noncash resources, of the costs of activities carried out under a grant awarded under this subsection.

"(8) PERFORMANCE ACCOUNTABILITY AND EVALUATION.—

"(A) PERFORMANCE ACCOUNTABILITY.—The Secretary shall require an eligible entity that receives a grant under this subsection to submit an interim and final report to the Secretary on the impact on business partners and employment outcomes obtained by individuals receiving training under this subsection using the performance measures identified in the eligible entity's grant application.

"(B) EVALUATION.—The Secretary shall require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).".

SEC. 147. NATIONAL DISLOCATED WORKER GRANTS.

(a) IN GENERAL.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking the heading and inserting the following:

"SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.";

and

(2) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) IN GENERAL.—The Secretary is authorized to award national dislocated worker grants—";

(B) in paragraph (1), by striking "subsection (c)" and inserting "subsection (b)";

(C) in paragraph (3), by striking "and" after the semicolon; and

(D) by striking paragraph (4) and inserting the following:

"(4) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (e), including providing assistance to eligible individuals;

"(5) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (f), including providing assistance to eligible individuals;

"(6) to provide additional assistance to a State board or local board where a higher than average demand for employment and training activities for dislocated members of the Armed Forces, or spouses, as described in section 101(11)(E), of members of the Armed Forces, described in subsection (b)(2)(A)(iv), exceeds State and local resources for providing such services, and where such programs are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs; and

"(7) to provide assistance to a State for statewide or local use in order to—

"(A) address cases in which there have been worker dislocations across multiple sectors, across multiple businesses within a sector, or across multiple local areas, and such workers remain dislocated;

"(B) meet emerging economic development needs; and

"(C) train eligible individuals who are dislocated workers described in subparagraph (A). The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application. The Secretary shall issue a notice of obligation for such a grant not later than 10 days after the award of the grant.".

(b) Administration and Additional Assistance.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in paragraph (2) of subsection (b) (as redesignated by paragraph (2))—

(A) in subparagraph (A), in the matter preceding clause (i), by striking "national emergency grant" and inserting "national dislocated worker grant"; and

(B) in subparagraph (C), by striking "national emergency grants" and inserting "national dislocated worker grants";

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) Additional Assistance.—

"(1) In general.—From the amount appropriated and made available to carry out this section for any program year, the Secretary shall use not more than $20,000,000 to make grants to States to provide employment and training activities under section 134, in accordance with subtitle B.

"(2) Eligible states.—The Secretary shall make a grant under paragraph (1) to a State for a program year if—

"(A) the amount of the allotment that was made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003, is greater than

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).

"(3) Amount of grants.—Subject to paragraph (1), the amount of the grant made under paragraph (1) to a State for a program year shall be based on the difference between—

"(A) the amount of the allotment that was made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003; and

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).";

(5) in subsection (e) (as redesignated by paragraph (2))—

(A) in paragraph (1), by striking "paragraph (4)(A)" and inserting "paragraph (4)";

(B) in paragraph (2), by striking "subsection (g)" and inserting "subsection (f)";

(C) in paragraph (3)(B), by striking "subsection (a)(4)(A)" and inserting "subsection (a)(4)";

(D) in paragraph (4), by striking "subsection (g)" and inserting "subsection (f)";

(E) in paragraph (5), by striking "subsection (g)" and inserting "subsection (f)"; and

(F) in paragraph (6)—

(i) by striking "subsection (g)" and inserting "subsection (f)"; and

(ii) by striking "subsection (c)(1)(B)" and inserting "subsection (b)(1)(B)"; and

(6) in subsection (f) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking "paragraph (4)(B)" and inserting "paragraph (5)"; and

(ii) by striking "subsection (f)(1)(A)" and inserting "subsection (e)(1)(A)"; and

(B) in paragraph (4)(B), by striking "subsection (a)(4)(B)" and inserting "subsection (a)(5)".

SEC. 148. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) In General.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

(b) Reservations.—Section 174(b) (29 U.S.C. 2919(b)) is amended to read as follows:

"(b) Technical Assistance; Demonstration and Pilot Projects, Evaluations, Incentive Grants.—

"(1) In general.—Subject to paragraph (2), there are authorized to be appropriated to carry out sections 170 through 172 and section 503 such sums as may be necessary for each of fiscal years 2006 through 2011.

"(2) Reservation.—Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) for a fiscal year, the Secretary shall, for each of the fiscal years 2006 through 2011, reserve not less than 25 percent for carrying out section 503.".

(c) Assistance for Eligible Workers.—Section 174(c) (29 U.S.C. 2919(c)) is amended—

(1) in paragraphs (1)(A) and (2)(A), by striking "subsection (a)(4)(A)" and inserting "subsection (a)(4)"; and

(2) in paragraphs (1)(B) and (2)(B), by striking "subsection (a)(4)(B)" and inserting "subsection (a)(5)".

Subtitle E—Administration

SEC. 151. REQUIREMENTS AND RESTRICTIONS.

Section 181(e) (29 U.S.C. 2931(e)) is amended by striking "economic development activities,".

SEC. 152. REPORTS.

Section 185(c) (29 U.S.C. 2935(c)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) shall have the option to submit or disseminate electronically any reports, records, plans, or any other data that are required to be collected or disseminated under this title.".

SEC. 153. ADMINISTRATIVE PROVISIONS.

(a) Annual Report.—Section 189(d) (29 U.S.C. 2939(d)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) the negotiated levels of performance of the States, the States' requests for adjustments of such levels, and the adjustments of such levels that are made; and".

(b) Availability.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended, in the first sentence—

(1) by striking "Funds" and inserting "Except as otherwise provided in this paragraph, funds"; and

(2) by striking "each State receiving" and inserting "each recipient of".

(c) General Waivers.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended—

(1) in subparagraph (A)(i), by inserting "the funding of infrastructure costs for one-stop centers," after "local boards,";

(2) in subparagraph (C), by striking "90" and inserting "60"; and

(3) by adding at the end the following:

"(D) Expedited requests.—The Secretary shall expedite requests for waivers of statutory or regulatory requirements that have been approved for a State pursuant to subparagraph (B), if the requirements of this paragraph have been satisfied.

"(E) Special rule.—With respect to any State that has a waiver under this paragraph relating to the transfer authority under section 133(b)(4), and has the waiver in effect on the date of enactment of the Workforce Investment Act Amendments of 2005 or subsequently receives such a waiver, the waiver shall continue to apply for so long as the State meets or exceeds State performance measures relating to the indicators described in section 136(b)(2)(A)(i).".

SEC. 154. USE OF CERTAIN REAL PROPERTY.

Section 193 (29 U.S.C. 2943) is amended to read as follows:

"SEC. 193. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.

"(a) Transfer of Federal Equity.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act.

"(b) Limitation on Use.—A State shall not use funds awarded under title III of the Social Security Act or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the effective date of this provision.".

SEC. 155. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended by adding at the end the following:

"(14) Funds provided under this title shall not be used to establish or operate stand-alone fee-for-service enterprises that compete with private sector employment agencies (as defined in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c))). For purposes of this paragraph, such an enterprise does not include a one-stop service delivery system described in section 121(e).".

Subtitle F—Incentive Grants

SEC. 161. INCENTIVE GRANTS.

Section 503 (20 U.S.C. 9273) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Timeline.—

"(A) Prior to July 1, 2006.—Prior to July 1, 2006, the Secretary shall award a grant to each State in accordance with the provisions of this section as this section was in effect on July 1, 2003.

"(B) Beginning July 1, 2006.—Beginning on July 1, 2006, the Secretary shall award incentive grants to States for performance described in paragraph (2), to implement or enhance innovative and coordinated programs as described in paragraph (3), consistent with the statewide economic, workforce, and educational interests of the State.

"(2) Basis.—The Secretary shall award the grants on the basis that the States—

"(A) have exceeded the State performance measures established under section 136(b), the

performance measures established under section 212(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)), and the State performance measures established under section 113(b) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2323(b)); or

"(B) have—

"(i) met the State performance measures established under section 136(b), the performance measures established under section 212(b) of the Adult Education and Family Literacy Act, and the State performance measures established under section 113(b) of the Carl D. Perkins Vocational and Technical Education Act of 1998; and

"(ii) demonstrated—

"(I) exemplary coordination of one-stop partner programs described in section 121 with statewide economic development or business needs;

"(II) exemplary performance in the one-stop partner programs in the State in serving hard-to-serve populations; or

"(III) effective—

"(aa) coordination of multiple systems for the one-stop partner programs into a comprehensive workforce investment system, including coordination of employment activities under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and core services under section 134(d)(2);

"(bb) expansion of access to training through the one-stop partner programs, including expansion of access through increased leveraging of resources other than those provided through programs under title I;

"(cc) implementation of statewide coordination activities relating to the one-stop partner programs, through agreements with relevant State agencies and offices, including those responsible for programs under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(dd) statewide coordination relating to the one-stop partner programs, through arrangements with local boards or local areas;

"(ee) alignment of management information systems to integrate participant information across the one-stop partner programs; or

"(ff) integration of performance information systems and common measures for accountability across the one-stop partner programs.

"(3) USE OF FUNDS.—The funds awarded to a State under this section may be used to carry out activities authorized for States in programs carried out under title I, the Adult Education and Family Literacy Act, and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) (referred to in this subsection as 'workforce and education programs'), including demonstration projects, and innovative projects or programs that increase coordination and enhance service to participants in such programs, particularly hard-to-serve populations, including—

"(A) activities that support business needs, especially for incumbent workers and enhancing opportunities for retention and advancement;

"(B) activities that support linkages between the workforce and education programs, and secondary, postsecondary, or career and technical education programs, including activities under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(C) activities that support statewide economic development plans that support high-wage, high-skill, or high-demand occupations leading to self-sufficiency;

"(D) activities that coordinate the workforce and education programs with other Federal and State programs related to the workforce and education programs;

"(E) activities that support the development of a statewide integrated performance information system that includes common measures for one-stop partner programs described in section 121;

"(F) activities that align management information systems with integrated performance information across the one-stop partner programs; or

"(G) activities that support local workforce investment boards or areas in improving performance in workforce and education programs and program coordination of workforce and education programs.

"(4) WAIVER.—For States that have developed and implemented a statewide integrated performance information system with common measures, as described in paragraph (3)(E), for the one-stop partner programs, the Secretary may waive for the State such reporting requirements for the one-stop partner programs as the Secretary has authority or agreement to waive.

"(5) TECHNICAL ASSISTANCE.—The Secretary shall reserve 4 percent of the funds available for grants under this section to provide technical assistance to States—

"(A) to replicate best practices for workforce and education programs;

"(B) to develop integrated performance information systems for the one-stop partner programs;

"(C) to strengthen coordination between workforce and education programs and other education programs; or

"(D) to strengthen economic development.

"(6) DEFINITION.—As used in this subsection, the term 'hard-to-serve populations' has the meaning given the term in section 101.";

(2) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking "only" and all that follows through "assurances:" and inserting "to ensure that the application contains, and to determine the accuracy of, the following assurances:"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the State meets the requirements of subparagraph (A) or (B) of subsection (a)(2)."; and

(3) by striking subsection (d).

Subtitle G—Conforming Amendments

SEC. 171. TABLE OF CONTENTS.

Section 1(b) (29 U.S.C. 9201 note) is amended—

(1) by striking the item relating to section 106 and inserting the following:

"Sec. 106. Purposes.";

(2) by striking the item relating to section 123 and inserting the following:

"Sec. 123. Eligible providers of youth activities.";

(3) by striking the item relating to section 169 and inserting the following:

"Sec. 169. Youth challenge grants.";

(4) by striking the item relating to section 173 and inserting the following:

"Sec. 173. National dislocated worker grants.";

(5) by striking the item relating to section 193 and inserting the following:

"Sec. 193. Transfer of Federal equity in State employment security agency real property to the States.";

(6) by inserting after the item relating to section 243 the following:

"Sec. 244. Integrated English literacy and civics education.";

and

(7) by striking the item relating to section 502.

SEC. 172. CONFORMING AMENDMENTS.

(a) TRADE ACT OF 1974.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended by striking "section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))" and inserting "section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e))".

(b) ADULT EDUCATION AND FAMILY LITERACY ACT.—Section 212(b)(3)(A)(vi) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)(3)(A)(vi)) is amended by striking "the representatives described in section 136(i)(1)" and inserting "representatives of appropriate Federal agencies, and representatives of States and political subdivisions, business and industry, employees, eligible providers of employment and training activities (as defined in section 101), educators, and participants (as defined in section 101), with expertise regarding workforce investment policies and workforce investment activities (as defined in section 101)".

(c) OLDER AMERICANS ACT OF 1965.—

(1) Subparagraphs (H) and (O) of section 502(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)) are amended by striking "section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))" and inserting "section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e))".

(2) Section 505(c)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056c(c)(1)) is amended by striking "section 134(c) of such Act (29 U.S.C. 2864(c))" and inserting "section 121(e) of such Act (29 U.S.C. 2841(e))".

(3) Section 512(a) of the Older Americans Act of 1965 (42 U.S.C. 3056j(a)) is amended—

(A) by striking "(B)(vi)" and inserting "(B)(v)"; and

(B) by striking "section 134(c) of such Act (29 U.S.C. 2864(c))" and inserting "section 121(e) of such Act (29 U.S.C. 2841(e))".

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

SEC. 201. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Adult Education and Family Literacy Act Amendments of 2005".

(b) PURPOSE.—Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking "education." and inserting "education and in the transition to postsecondary education; and"; and

(3) by adding at the end the following:

"(4) assist immigrants and other individuals with limited English proficiency in improving their reading, writing, speaking, and mathematics skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.".

SEC. 202. DEFINITIONS.

Section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "services or instruction below the postsecondary level" and inserting "academic instruction and education services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematics"; and

(B) by striking subparagraph (C)(i) and inserting the following:

"(i) are basic skills deficient as defined in section 101;";

(2) in paragraph (2), by striking "activities described in section 231(b)" and inserting "programs and services which include reading, writing, speaking, or mathematics skills, workplace literacy activities, family literacy activities, English language acquisition activities, or other activities necessary for the attainment of a secondary school diploma or its State recognized equivalent";

(3) in paragraph (5)—

(A) by inserting "an organization that has demonstrated effectiveness in providing adult education, that may include" after "means";

(B) in subparagraph (B), by striking "of demonstrated effectiveness";

(C) in subparagraph (C), by striking "of demonstrated effectiveness"; and

(D) in subparagraph (I), by inserting "or coalition" after "consortium";

(4) in paragraph (6)—

(A) by striking "LITERACY PROGRAM" and inserting "LANGUAGE ACQUISITION PROGRAM";

(B) by striking "literacy program" and inserting "language acquisition program"; and

(C) by inserting "reading, writing, and speaking" after "competence in";

(5) by striking paragraph (10);

(6) by redesignating paragraphs (7) through (9) and (12) through (18) as paragraphs (8) through (10) and (13) through (19), respectively;

(7) by inserting after paragraph (6) the following:

"(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).";

(8) by inserting after paragraph (11) the following:

"(12) LIMITED ENGLISH PROFICIENCY.—The term 'limited English proficiency', when used with respect to an individual, means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language, and—

"(A) whose native language is a language other than English; or

"(B) who lives in a family or community environment where a language other than English is the dominant language.";

(9) by striking paragraph (15), as redesignated by paragraph (6), and inserting the following:

"(15) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands."; and

(10) by striking paragraph (19), as redesignated by paragraph (6), and inserting the following:

"(19) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program designed to improve the productivity of the workforce through the improvement of literacy skills that is offered by an eligible provider in collaboration with an employer or an employee organization at a workplace, at an off-site location, or in a simulated workplace environment.".

SEC. 203. HOME SCHOOLS.

Section 204 of the Adult Education and Family Literacy Act (20 U.S.C. 9203) is amended to read as follows:

"SEC. 204. HOME SCHOOLS.

"Nothing in this title shall be construed to affect home schools, whether a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in an English language acquisition program, family literacy services, or adult education.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "2003" and inserting "2011".

SEC. 205. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) RESERVATION OF FUNDS.—From the sum appropriated under section 205 for a fiscal year, the Secretary—

"(1) shall reserve 1.5 percent to carry out section 242, except that the amount so reserved shall not exceed $10,000,000;

"(2) shall reserve 1.5 percent to carry out section 243 and subsection (f)(4), except that the amount so reserved shall not exceed $8,000,000;

"(3) shall make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 136(i); and

"(4) shall reserve 12 percent of the amount that remains after reserving funds under paragraphs (1), (2) and (3) to carry out section 244.";

(2) in subsection (c)(2)—

(A) by inserting "and the sole agency responsible for administering or supervising policy for adult education and literacy in the Republic of Palau" after "an initial allotment under paragraph (1)";

(B) by inserting "or served by the agency for the Republic of Palau" after "by the eligible agency"; and

(C) by striking "States and outlying areas" and inserting "States, outlying areas, and the Republic of Palau";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and"; and

(ii) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, or" and inserting "or"; and

(B) in paragraph (3)—

(i) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and"; and

(ii) by striking "2001" and inserting "2007";

(4) by striking subsection (f) and inserting the following:

"(f) HOLD-HARMLESS PROVISIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (c) and subject to paragraph (2), for fiscal year 2005 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.

"(2) 100 PERCENT ALLOTMENT.—Notwithstanding paragraphs (1) and (2) of subsection (e), an eligible agency that receives only an initial allotment under subsection (c)(1) (and no additional allotment under subsection (c)(2)) shall receive an allotment under this section that is equal to 100 percent of the initial allotment under subsection (c)(1).

"(3) RATABLE REDUCTION.—If for any fiscal year the amount available for allotment under this subtitle is insufficient to satisfy the provisions of paragraphs (1) and (2), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

"(4) ADDITIONAL ASSISTANCE.—

"(A) IN GENERAL.—From amounts reserved under subsection (a)(2), the Secretary shall make grants to eligible agencies described in subparagraph (B) to enable such agencies to provide activities authorized under chapter 2.

"(B) ELIGIBILITY.—An eligible agency is eligible to receive a grant under this paragraph for a fiscal year if the amount of the allotment such agency receives under this section for the fiscal year is less than the amount such agency would have received for the fiscal year if the allotment formula under this section as in effect on September 30, 2003, were in effect for such year.

"(C) AMOUNT OF GRANT.—The amount of a grant made to an eligible agency under this paragraph for a fiscal year shall be the difference between—

"(i) the amount of the allotment such agency would have received for the fiscal year if the allotment formula under this section as in effect on September 30, 2003, were in effect for such year; and

"(ii) the amount of the allotment such agency receives under this section for the fiscal year."; and

(5) by adding at the end the following:

"(h) STUDY AND REPORT.—

"(1) STUDY.—The Comptroller General of the United States shall conduct a study concerning the formula described in this section and, in conducting the study, shall at a minimum—

"(A) examine whether the formula results in a distribution of funds that sufficiently serves the entire population of individuals eligible for adult education and literacy activities under this subtitle;

"(B) examine whether the data used to count qualified adults, for purposes of the formula, accurately measure the population of individuals eligible for the activities; and

"(C) develop recommendations for improving the formula so that the formula results in a distribution of funds that better serves that population and the data used to count qualified adults accurately measure that population.

"(2) REPORT.—Not later than 3 years after the date of enactment of the Workforce Investment Act Amendments of 2005, the Comptroller General shall submit to Congress a report containing the results of the study described in paragraph (1).".

SEC. 206. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212 of the Adult Education and Family Literacy Act (20 U.S.C. 9212) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking "additional indicators of performance (if any)" and inserting "the employment performance indicators";

(B) by striking paragraph (2) and inserting the following:

"(2) INDICATORS OF PERFORMANCE.—

"(A) CORE INDICATORS OF PERFORMANCE.—An eligible agency shall identify in the State plan individual academic performance indicators that include, at a minimum, the following:

"(i) Measurable improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills.

"(ii) Placement in, retention in, or completion of, postsecondary education or other training programs.

"(iii) Completion of a secondary school diploma, its recognized equivalent, or a recognized alternative standard for individuals with disabilities.

"(B) EMPLOYMENT PERFORMANCE INDICATORS.—

"(i) IN GENERAL.—An eligible agency shall identify in the State plan individual participant employment performance indicators that include, at a minimum, the following:

"(I) Entry into unsubsidized employment.

"(II) Retention in unsubsidized employment 6 months after entry into the employment.

"(III) Increases in earnings from unsubsidized employment.

"(ii) DATA COLLECTION.—The State workforce investment board shall assist the eligible agency in obtaining and using quarterly wage records to collect data for each of the indicators described in clause (i), consistent with applicable Federal and State privacy laws.

"(C) INDICATORS FOR WORKPLACE LITERACY PROGRAMS.—Special accountability measures may be negotiated for workplace literacy programs."; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)(II), by striking "in performance" and inserting "the agency's performance outcomes in an objective, quantifiable, and measurable form";

(II) in clause (ii), by striking "3 program years" and inserting "2 program years";

(III) in clause (iii), by striking "FIRST 3 YEARS" and inserting "FIRST 2 YEARS";

(IV) in clause (iii), by striking "first 3 program years" and inserting "first 2 program years";

(V) in clause (v), by striking "4TH AND 5TH" and inserting "3RD AND 4TH";

(VI) in clause (v), by striking "to the fourth" and inserting "to the third";

(VII) in clause (v), by striking "fourth and fifth" and inserting "third and fourth"; and

(VIII) in clause (vi), by striking "(II)" and inserting "(I)";

(ii) in subparagraph (B)—

(I) by striking the heading and inserting "LEVELS OF EMPLOYMENT PERFORMANCE";

(II) by striking "may" and inserting "shall"; and

(III) by striking "additional" and inserting "employment performance"; and

(iii) by adding at the end the following:

"(C) ALTERNATIVE ASSESSMENT SYSTEMS.—Eligible agencies may approve the use of assessment systems that are not commercially available standardized systems if such systems meet the Standards for Educational and Psychological Testing issued by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ", the Governor, the State legislature, and the State workforce investment board" after "Secretary"; and

(ii) by striking "including" and all that follows through the period and inserting "including the following:

"(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance, and employment performance indicators.

"(B) Information on the number or percentage of qualifying adults (as defined in section 211(d)) who are participants in adult education programs under this subtitle and making satisfactory progress toward 1 or more of each of the following:

"(i) Core indicators of performance.

"(ii) Employment performance indicators.

"(iii) Other long-term objectives.

"(C) The number and type of each eligible provider that receives funding under such grant.

"(D) The number of enrollees 16 to 18 years of age who enrolled in adult education not later than 1 year after participating in secondary school education.";

(B) in paragraph (2)(A), by inserting "eligible providers and" after "available to"; and

(C) by adding at the end the following:

"(3) DATA ACCESS.—The report made available under paragraph (2) shall indicate which eligible agencies did not have access to State unemployment insurance wage data in measuring employment performance indicators."; and

(3) by adding at the end the following:

"(d) PROGRAM IMPROVEMENT.—

"(1) IN GENERAL.—If the Secretary determines that an eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A) for any program year, the eligible agency shall—

"(A) work with the Secretary to develop and implement a program improvement plan for the 2 program years succeeding the program year in which the eligible agency did not meet its adjusted levels of performance; and

"(B) revise its State plan under section 224, if necessary, to reflect the changes agreed to in the program improvement plan.

"(2) FURTHER ASSISTANCE.—If, after the period described in paragraph (1)(A), the Secretary has provided technical assistance to the eligible agency but determines that the eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A), the Secretary may require the eligible agency to make further revisions to the program improvement plan described in paragraph (1). Such further revisions shall be accompanied by further technical assistance from the Secretary.".

SEC. 207. STATE ADMINISTRATION.

Section 221(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9221(1)) is amended by striking "and implementation" and inserting "implementation, and monitoring".

SEC. 208. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222 of the Adult Education and Family Literacy Act (20 U.S.C. 9222) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "82.5" the first place such term appears and inserting "80"; and

(ii) by striking "the 82.5 percent" and inserting "such amount";

(B) in paragraph (2), by striking "not more than 12.5 percent" and inserting "not more than 15 percent"; and

(C) in paragraph (3), by striking "$65,000" and inserting "$75,000"; and

(2) in subsection (b)(1), by striking "equal to" and inserting "that is not less than".

SEC. 209. STATE LEADERSHIP ACTIVITIES.

Section 223 of the Adult Education and Family Literacy Act (20 U.S.C. 9223) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "to develop or enhance the adult education system of the State or outlying area" after "activities";

(B) in paragraph (1), by striking "instruction incorporating" and all that follows through the period and inserting "instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.";

(C) in paragraph (2), by inserting ", including development and dissemination of instructional and programmatic practices based on the most rigorous research available and appropriate, including scientifically based research that is available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance learning, and staff training" after "activities";

(D) in paragraph (5), by striking "monitoring and";

(E) by striking paragraph (6) and inserting the following:

"(6) The development and implementation of technology applications, translation technology, or distance learning, including professional development to support the use of instructional technology."; and

(F) by striking paragraph (7) through paragraph (11) and inserting the following:

"(7) Coordination with—

"(A) other partners carrying out activities authorized under this Act; and

"(B) existing support services, such as transportation, child care, mental health services, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, for adults enrolled in such activities.

"(8) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

"(9) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this subtitle.

"(10) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education, including linkages with postsecondary educational institutions.

"(11) Integration of literacy and English language instruction with occupational skill training, and promoting linkages with employers.

"(12) Activities to promote workplace literacy programs.

"(13) Activities to promote and complement local outreach initiatives described in section 243(b)(3)(F).

"(14) In cooperation with efforts funded under sections 242 and 243, the development of curriculum frameworks and rigorous content standards that—

"(A) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

"(B) take into consideration the following:

"(i) State academic standards established under section 1111(b) of the Elementary and Secondary Education Act of 1965.

"(ii) The current adult skills and literacy assessments used in the State or outlying area.

"(iii) The core indicators of performance established under section 212(b)(2)(A).

"(iv) Standards and academic requirements for enrollment in non-remedial, for-credit, courses in postsecondary education institutions supported by the State or outlying area.

"(v) Where appropriate, the basic and literacy skill content of occupational and industry skill standards widely used by business and industry in the State or outlying area.

"(15) In cooperation with efforts funded under sections 242 and 243, development and piloting of—

"(A) new assessment tools and strategies that—

"(i) are based on scientifically based research, where available and appropriate; and

"(ii) identify the needs and capture the gains of students at all levels, with particular emphasis on—

"(I) students at the lowest achievement level;

"(II) students who have limited English proficiency; and

"(III) adults with learning disabilities;

"(B) options for improving teacher quality and retention; and

"(C) assistance in converting research into practice.

"(16) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or limited English proficiency.

"(17) Other activities of statewide significance that promote the purpose of this title."; and

(2) in subsection (c), by striking "being State- or outlying area-imposed" and inserting "being imposed by the State or outlying area".

SEC. 210. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting "4-YEAR PLANS"; and

(B) in paragraph (1), by striking "5" and inserting "4";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "and the role of provider and cooperating agencies in preparing the assessment" after "serve";

(B) by striking paragraph (2) and inserting the following:

"(2) a description of how the eligible agency will address the adult education and literacy needs identified under paragraph (1) in each workforce development area of the State, using funds received under this subtitle, as well as other Federal, State, or local funds received in partnership with other agencies for the purpose of adult literacy as applicable;";

(C) in paragraph (3)—

(i) by inserting "and measure" after "evaluate";

(ii) by inserting "and improvement" after "effectiveness"; and

(iii) by striking "212" and inserting "212, including—

"(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

"(B) how the eligible agency—

"(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this subtitle and regarding the core indicators of performance described in section 212(b)(2)(A); and

"(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on performance)";

(D) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(E) by inserting after paragraph (4) the following:

"(5) a description of how the eligible agency will improve teacher quality, the professional development of eligible providers, and instruction;";

(F) in paragraph (6) (as redesignated by subparagraph (D)), by striking "who" and all that follows through the semicolon and inserting "that—

"(A) offers flexible schedules and coordinates with necessary Federal, State, and local support services (such as child care, transportation, mental health services, and case management) to enable individuals, including individuals with disabilities or individuals with other special needs, to participate in adult education and literacy activities; and

"(B) attempts to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;";

(G) in paragraph (10) (as redesignated by subparagraph (D)), by striking "plan;" and inserting "plan, which process—

"(A) shall include the State workforce investment board, the Governor, State officials representing public schools, community colleges, welfare agencies, agencies that provide services to individuals with disabilities, other State agencies that promote or operate adult education and literacy activities, and direct providers of such adult literacy services; and

"(B) may include consultation with the State agency for higher education, institutions responsible for professional development of adult education and literacy education program instructors, institutions of higher education, representatives of business and industry, refugee assistance programs, and community-based organizations (as such term is defined in section 101);";

(H) in paragraph (11) (as redesignated by subparagraph (D))—

(i) by inserting "assess potential population needs and" after "will";

(ii) in subparagraph (A), by striking "students" and inserting "individuals";

(iii) in subparagraph (C), by striking "and" after the semicolon; and

(iv) by adding at the end the following:

"(E) the unemployed; and

"(F) those individuals who are employed, but at levels below self-sufficiency, as defined in section 101;";

(I) in paragraph (12) (as redesignated by subparagraph (D))—

(i) by inserting "and how the plan submitted under this subtitle is coordinated with the plan submitted by the State under title I" after "eligible agency"; and

(ii) by striking "and" after the semicolon;

(J) in paragraph (13) (as redesignated by subparagraph (D)), by striking "231(c)(1)." and inserting "231(c)(1), including—

"(A) how the State will build the capacity of organizations that provide adult education and literacy activities; and

"(B) how the State will increase the participation of business and industry in adult education and literacy activities;"; and

(K) by adding at the end the following:

"(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education programs and services (including academic skill development and support services) that prepare students to enter postsecondary education upon the attainment of a secondary school diploma or its recognized equivalent;

"(15) a description of how the eligible agency will consult with the State agency responsible for workforce development to develop adult education programs and services that are designed to prepare students to enter the workforce; and

"(16) a description of how the eligible agency will improve the professional development of eligible providers of adult education and literacy activities.";

(3) in subsection (c), by adding at the end the following: "At the end of the first 2-year period of the 4-year State plan, the eligible agency shall review and, as needed, revise the 4-year State plan."; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ", the chief State school officer, the State officer responsible for administering community and technical colleges, and the State workforce investment board" after "Governor"; and

(B) in paragraph (2), by striking "comments" and all that follows through the period and inserting "comments regarding the State plan by the Governor, the chief State school officer, the State officer responsible for administering community and technical colleges, and the State workforce investment board, and any revision to the State plan, are submitted to the Secretary.".

SEC. 211. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "basic education" and inserting "adult education and literacy activities";

(B) in paragraph (2), by inserting "and" after the semicolon;

(C) by striking paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (d), by striking "DEFINITION OF CRIMINAL OFFENDER.—" and inserting "DEFINITIONS.—In this section:".

SEC. 212. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231 of the Adult Education and Family Literacy Act (20 U.S.C. 9241) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "workplace literacy services" and inserting "workplace literacy programs"; and

(B) in paragraph (3), by striking "literacy" and inserting "language acquisition"; and

(2) in subsection (e)—

(A) in paragraph (1), by inserting "to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2)" after "outcomes";

(B) by striking paragraph (3) and inserting the following:

"(3) the commitment of the eligible provider to be responsive to local needs and to serve individuals in the community who were identified by the assessment as most in need of adult literacy services, including individuals who are low-income, have minimal literacy skills, have learning disabilities, or have limited English proficiency;";

(C) in paragraph (4)(B), by striking ", such as" and all that follows through the semicolon and inserting "that include the essential components of reading instruction;";

(D) in paragraph (5), by striking "research" and inserting "the most rigorous research available, including scientifically based research,";

(E) in paragraph (9), by inserting "education, job training, and social service" after "other available";

(F) in paragraph (10)—

(i) by inserting "coordination with Federal, State, and local" after "schedules and"; and

(ii) by striking "and transportation" and inserting ", transportation, mental health services, and case management";

(G) in paragraph (11)—

(i) by inserting "measurable" after "report";

(ii) by striking "eligible agency";

(iii) by inserting "established by the eligible agency" after "performance measures"; and

(iv) by striking "and" after the semicolon;

(H) in paragraph (12), by striking "literacy programs." and inserting "language acquisition programs and civics education programs;"; and

(I) by adding at the end the following:

"(13) the capacity of the eligible provider to produce information on performance results, including enrollments and measurable participant outcomes;

"(14) whether reading, writing, speaking, mathematics, and English language acquisition instruction provided by the eligible provider are based on the best practices derived from the most rigorous research available and appropriate, including scientifically based research that is available and appropriate;

"(15) whether the eligible provider's applications of technology and services to be provided are sufficient to increase the amount and quality of learning and lead to measurable learning gains within specified time periods; and

"(16) the capacity of the eligible provider to serve adult learners with learning disabilities.".

SEC. 213. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in paragraph (1)—

(A) by inserting "consistent with the requirements of this subtitle" after "spent"; and

(B) by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) information that addresses each of the considerations required under section 231(e).".

SEC. 214. LOCAL ADMINISTRATIVE COST LIMITS.

Section 233 of the Adult Education and Family Literacy Act (20 U.S.C. 9243) is amended—

(1) in subsection (a)(2)—

(A) by inserting "and professional" after "personnel"; and

(B) by inserting "development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation," after "development,"; and

(2) in subsection (b)—

(A) by inserting "and professional" after "personnel"; and

(B) by inserting "development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation," after "development,".

SEC. 215. ADMINISTRATIVE PROVISIONS.

Section 241(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9251(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "adult education and literacy activities" each place the term appears and inserting "activities under this subtitle"; and

(B) by striking "was" and inserting "were"; and

(2) in paragraph (4)—

(A) by inserting "not more than" after "this subsection for"; and

(B) by striking "only".

SEC. 216. NATIONAL INSTITUTE FOR LITERACY.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "literacy" and inserting "effective literacy programs for children, youth, adults, and families";

(B) in paragraph (2), by inserting "and disseminates information on" after "coordinates"; and

(C) by striking paragraph (3)(A) and inserting the following:

"(A) coordinating and participating in the Federal effort to identify and disseminate information on literacy that is derived from scientifically based research, or the most rigorous research available, and effective programs that serve children, youth, adults, and families; and";

(2) by striking subsection (b)(3) and inserting the following:

"(3) RECOMMENDATIONS.—The Interagency Group, in consultation with the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (e), shall plan the goals of the Institute and the implementation of any programs to achieve the goals. The Board may also request a meeting of the Interagency Group to discuss any recommendations the Board may make.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "to establish" and inserting "to maintain";

(II) in clause (i), by striking "phonemic awareness, systematic phonics, fluency, and reading comprehension" and inserting "the essential components of reading instruction";

(III) in clause (iii), by striking "and" after the semicolon;

(IV) in clause (iv), by inserting "and" after the semicolon; and

(V) by adding at the end the following:

"(v) a list of local adult education and literacy programs;";

(ii) in subparagraph (C)—

(I) by striking "reliable and replicable research" and inserting "reliable and replicable research as defined by the Institute of Education Sciences"; and

(II) by striking "especially with the Office of Educational Research and Improvement in the Department of Education,";

(iii) in subparagraph (D), by striking "phonemic awareness, systematic phonics, fluency, and reading comprehension based on" and inserting "the essential components of reading instruction and";

(iv) in subparagraph (H), by striking "and" after the semicolon;

(v) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following:

"(J) to work cooperatively with the Department of Education to assist States that are pursuing the implementation of standards-based educational improvements for adults through the dissemination of training, technical assistance, and related support and through the development and dissemination of related standards-based assessment instruments; and

"(K) to identify scientifically based research where available and appropriate, or the most rigorous research available and appropriate, on the effectiveness of instructional practices and organizational strategies relating to literacy programs on the acquisition of skills in reading, writing, English acquisition, and mathematics."; and

(B) by adding at the end the following:

"(3) COORDINATION.—In identifying the reliable and replicable research the Institute will support, the Institute shall use standards for research quality that are consistent with those of the Institute of Education Sciences.";

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking "literacy programs" and inserting "language acquisition programs";

(ii) in clause (ii), by striking "literacy programs" and inserting "or have participated in or partnered with workplace literacy programs";

(iii) in clause (iv), by inserting ", including adult literacy research" after "research";

(iv) in clause (vi), by striking "and" after the semicolon;

(v) in clause (vii), by striking the period at the end and inserting "; and"; and

(vi) by adding at the end the following:

"(viii) institutions of higher education.";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) review the biennial report submitted to Congress pursuant to subsection (k)."; and

(C) in paragraph (5), by striking the second sentence and inserting the following: "A recommendation of the Board may be passed only by a majority of the Board's members present at a meeting for which there is a quorum."; and

(5) in subsection (k)—

(A) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(B) by striking "The Institute shall submit a report biennially to" and inserting "Not later than 1 year after the date of enactment of the Adult Education and Family Literacy Act Amendments of 2005, and biennially thereafter, the Institute shall submit a report to".

SEC. 217. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:

"SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

"(a) IN GENERAL.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide.

"(b) PERMISSIVE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:

"(1) Technical assistance, including—

"(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;

"(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available;

"(C) assistance in distance learning and promoting and improving the use of technology in the classroom;

"(D) assistance in developing valid, measurable, and reliable performance data, including data about employment and employment outcome, and using performance information for the improvement of adult education and literacy programs; and

"(E) assistance to help States, particularly low-performing States, meet the requirements of section 212.

"(2) A program of grants, contracts, or cooperative agreements awarded on a competitive basis to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to build the capacity of such networks' members to meet the performance requirements of eligible providers under this title and involve adult learners in program improvement.

"(3) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as—

"(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

"(B) increasing the effectiveness of, and improving the quality of, adult education and literacy activities, including family literacy services;

"(C) carrying out rigorous research, including scientifically based research where appropriate, on national literacy basic skill acquisition for adult learning, including estimating the number of adults functioning at the lowest levels of literacy proficiency;

"(D)(i) carrying out demonstration programs;

"(ii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs; and

"(iii) developing and replicating best practices and innovative programs, including—

"(I) the development of models for basic skill certificates;

"(II) the identification of effective strategies for working with adults with learning disabilities and with adults with limited English proficiency;

"(III) integrated basic and workplace skills education programs;

"(IV) coordinated literacy and employment services; and

"(V) postsecondary education transition programs;

"(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of—

"(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

"(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;

"(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs; and "(iv) the extent to which different types of providers measurably improve the skills of participants in adult education and literacy programs;

"(F) supporting efforts aimed at capacity building of programs at the State and local levels such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;

"(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;

"(H) supporting the development of an entity that would produce and distribute technology-based programs and materials for adult education and literacy programs using an interconnection system (as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397)) and expand the effective outreach and use of such programs and materials to adult education eligible providers;

"(I) determining how participation in adult education and literacy activities prepares individuals for entry into postsecondary education and employment and, in the case of prison-based services, has an effect on recidivism; and

"(J) other activities designed to enhance the quality of adult education and literacy activities nationwide.".

SEC. 218. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

Chapter 4 of subtitle A of title II (29 U.S.C. 9251 et seq.) is amended by adding at the end the following:

"SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

"(a) In General.—From funds made available under section 211(a)(4) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.

"(b) Allotment.—

"(1) In general.—Subject to paragraph (2), from amounts made available under section 211(a)(4) for a fiscal year, the Secretary shall allocate—

"(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years; and

"(B) 35 percent to the States on the basis of whether the State experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available.

"(2) Minimum.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.".

SEC. 219. TRANSITION.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of the Adult Education and Family Literacy Act (as amended by this title) from any authority under provisions of the Adult Education and Family Literacy Act (as such Act was in effect on the day before the date of enactment of the Adult Education and Family Literacy Act Amendments of 2005).

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

SEC. 301. WAGNER-PEYSER ACT.

(a) Conforming Amendment.—Section 2(3) of the Wagner-Peyser Act (29 U.S.C. 49a(3)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(b) Colocation.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by adding at the end the following:

"(d) In order to avoid duplication of services and enhance integration of services, employment services offices in each State shall be colocated with one-stop centers established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

"(e) The Secretary, in consultation with States, is authorized to assist in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

"(1) the one-stop delivery systems established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)); and

"(2) such other delivery systems as the Secretary determines to be appropriate.".

(c) Cooperative Statistical Program.—Section 14 of the Wagner-Peyser Act (29 U.S.C. 49l–1) is amended by striking the section heading and all that follows through "There" and inserting the following:

"SEC. 14. COOPERATIVE STATISTICAL PROGRAM.

"There".

(d) Workforce and Labor Market Information System.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.";

(2) by striking "employment statistics system" each place it appears and inserting "workforce and labor market information system";

(3) in subsection (a)(1), by striking "of employment statistics";

(4) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "The" and inserting the following:

"(A) Structure.—The"; and

(ii) by adding at the end the following:

"(B) Grants or cooperative agreements.—

"(i) In general.—The Secretary shall carry out the provisions of this section in a timely manner through grants or cooperative agreements with States.

"(ii) Distribution of funds.—With regard to distributing funds appropriated under subsection (g) (relating to workforce and labor market information funding) for fiscal years 2006 through 2011, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 1999 through 2003."; and

(B) in paragraph (2)(E)—

(i) in clause (i), by adding "and" at the end;

(ii) in clause (ii), by striking "; and" and inserting a period; and

(iii) by striking clause (iii);

(5) by striking subsections (c) and (d) and inserting the following:

"(c) Two-Year Plan.—The Secretary, working through the Commissioner of Labor Statistics, and in cooperation with the States and with the assistance of the Assistant Secretary for Employment and Training and heads of other appropriate Federal agencies, shall prepare a 2-year plan which shall be the mechanism for achieving cooperative management of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system. The plan shall—

"(1) describe the steps the to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

"(2) evaluate the performance of the system and recommend needed improvements, with particular attention to the improvements needed at the State and local levels; and

"(3) describe the involvement of States in the development of the plan, through consultation between the Secretary and representatives from State agencies in accordance with subsection (d).

"(d) Coordination With the States.—The Secretary, working though the Commissioner of Labor Statistics and in coordination with the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with representatives of each of the Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2).";

(6) in subsection (e)—

(A) in paragraph (1)(A), by striking "annual plan" and inserting "plan described in subsection (c)"; and

(B) in paragraph (2)—

(i) in subparagraph (G), by adding "and" at the end;

(ii) by striking subparagraph (H); and

(iii) by redesignating subparagraph (I) as subparagraph (H); and

(7) in subsection (g), by striking "1999 through 2004" and inserting "2006 through 2011".

TITLE IV—REHABILITATION ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Rehabilitation Act Amendments of 2005".

SEC. 402. TECHNICAL AMENDMENTS TO TABLE OF CONTENTS.

(a) Expanded Transition Services.—Section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 110 the following:

"Sec. 110A. Reservation for expanded transition services.".

(b) Incentive Grants.—Section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 112 the following:

"Sec. 113. Incentive grants.".

(c) Independent Living Services for Older Individuals Who Are Blind.—Section 1(b) of the Rehabilitation Act of 1973 is amended by striking the items relating to sections 752 and 753 and inserting the following:

"Sec. 752. Training and technical assistance.

"Sec. 753. Program of grants.

"Sec. 754. Authorization of appropriations.".

SEC. 403. PURPOSE.

Section 2 of the Rehabilitation Act of 1973 (29 U.S.C. 701) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7)(A) a high proportion of youth who are individuals with disabilities is leaving special education without being employed or being enrolled in continuing education; and

"(B) there is a substantial need to support those youth as the youth transition from school to postsecondary life."; and

(2) in subsection (b)—

(A) in paragraph (1)(F), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) to provide opportunities for employers and vocational rehabilitation service providers to provide meaningful input at all levels of government to ensure successful employment of individuals with disabilities.".

SEC. 404. REHABILITATION SERVICES ADMINISTRATION.

Section 3 of the Rehabilitation Act of 1973 (29 U.S.C. 702) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) The Secretary shall ensure that—

"(1) the Rehabilitation Services Administration has sufficient staff to provide oversight of, conduct auditing of, and provide technical assistance to, the designated State agencies funded under this Act; and

"(2) such staff include individuals who have training in and experience with the provision of vocational rehabilitation services.".

SEC. 405. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by inserting "and literacy services" after "supported employment"; and

(B) in clause (iii), by inserting "and literacy skills" after "educational achievements";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) ASSISTIVE TECHNOLOGY DEFINITIONS.—

"(A) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' has the meaning given such term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

"(B) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section to the term 'individuals with disabilities' shall be deemed to mean more than one individual with a disability as defined in paragraph (20)(A).

"(C) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section—

"(i) to the term 'individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

"(ii) to the term 'individuals with disabilities' shall be deemed to mean more than one such individual.";

(3) by inserting after paragraph (6) the following:

"(7) CONSUMER ORGANIZATION.—The term 'consumer organization' means a membership organization, or disability advocacy group, for which a majority of the members of the board of directors of the organization or group are individuals with disabilities or family members of individuals with disabilities.";

(4) in paragraph (17)—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E)(i) facilitating transitions of—

"(I) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(II) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences; and

"(ii) assisting individuals with significant disabilities at risk of entering institutions to remain in the community.";

(5) by redesignating paragraphs (24) through (28), (29) through (34), (35) through (37), and (38) through (39), as paragraphs (25) through (29), (31) through (36), (38) through (40), and (42) through (43), respectively;

(6) by inserting after paragraph (23) the following:

"(24) LITERACY.—The term 'literacy' has the meaning given the term in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).";

(7) by inserting after paragraph (29), as redesignated by paragraph (5), the following:

"(30) POST-EMPLOYMENT SERVICE.—The term 'post-employment' service means a service identified in section 103(a) that is—

"(A) provided subsequent to the achievement of an employment outcome; and

"(B) necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.";

(8) by inserting after paragraph (36), as redesignated by paragraph (5), the following:

"(37) STUDENT WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'student with a disability' means an individual with a disability who attends an elementary school or secondary school and who—

"(i) is not younger than 16 years of age;

"(ii) is not older than 22 years of age;

"(iii) has been determined to be eligible under section 102(a) for assistance under title I; and

"(iv)(I) is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

"(II) is an individual with a disability, for purposes of section 504.

"(B) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means more than 1 student with a disability.";

(9) in paragraph (38)(A)(ii), as redesignated by paragraph (5), by striking "paragraph (36)(C)" and inserting "paragraph (39)(C)"; and

(10) by inserting after paragraph (40), as redesignated by paragraph (5), the following:

"(41) TRANSITION SERVICES EXPANSION YEAR.—The term 'transition services expansion year' means—

"(A) the first fiscal year for which the amount appropriated under section 100(b) exceeds the amount appropriated under section 100(b) for fiscal year 2006 by not less than $100,000,000; and

"(B) each fiscal year subsequent to that first fiscal year.".

SEC. 406. ADMINISTRATION OF THE ACT.

Section 12(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) provide technical assistance to the designated State units on developing successful partnerships with local and multi-State businesses in an effort to employ individuals with disabilities; and

"(C) provide technical assistance on developing self-employment opportunities and outcomes for individuals with disabilities;".

SEC. 407. REPORTS.

Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 710) is amended by adding at the end the following:

"(d)(1)(A) The Commissioner shall ensure that the reports, information, and data described in subparagraph (B) will be posted in a timely manner on the website of the Department of Education, in order to inform the public about the administration and performance of programs in each State under this Act.

"(B) The reports, information, and data referred to in subparagraph (A) shall consist of—

"(i) reports submitted by a designated State unit under this Act;

"(ii) accountability information (including State performance information relating to evaluation standards and performance indicators under section 106 and State performance information relating to State performance measures under section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871)) submitted by a designated State unit under this Act or submitted by a State to the Secretary of Labor under subsection (d) of such section 136;

"(iii) data collected from each designated State unit under this Act with the approval of the Office of Management and Budget; and

"(iv) monitoring reports conducted under this Act.

"(C) The Commissioner shall maintain, and post on the website, a listing of the reports, information, and data required to be submitted by designated State units under this Act.

"(D) The Commissioner shall post on the website, or establish links on the website to, evaluations, studies, and audits, including evaluations, studies, and audits conducted by agencies of the Federal Government, concerning programs carried out under this Act.

"(E) The Commissioner shall maintain on the website a list of the designated State units and shall establish links on the website to websites maintained by those units.

"(2) The Commissioner shall maintain public use read-only access to the State and aggregated reports and analyzed data filed and maintained on the Rehabilitation Services Administration management information system or a similar system maintained by the Department of Education.".

SEC. 408. CARRYOVER.

Section 19 of the Rehabilitation Act of 1973 (29 U.S.C. 716) is amended—

(1) in subsection (a)(1)—

(A) by inserting "(except for the client assistance program funded under section 112)" after "any grant program under part B of title I";

(B) by striking ", section 509 (except as provided in section 509(b))";

(C) by striking "or C"; and

(D) by striking "752(b)" and inserting "753(b)"; and

(2) by adding at the end the following:

"(c) CLIENT ASSISTANCE PROGRAM; PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—

"(1) APPROPRIATED AMOUNTS.—Notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out a grant program under section 112 or 509 (except as provided in section 509(b)), including any funds reallotted under such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

"(2) PROGRAM INCOME.—Notwithstanding any other provision of law, any amounts of program income received by recipients under a grant program under section 112 or 509 in a fiscal year that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year, shall remain available until expended.".

Subtitle A—Vocational Rehabilitation Services

SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 412. STATE PLANS.

(a) IN GENERAL.—Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(D) STATE AGENCY FOR REIMBURSEMENT PURPOSES.—A governing body of an Indian tribe that receives a grant under section 121 shall be considered, for purposes of the cost reimbursement provisions—

"(i) in section 222(d)(1) of the Social Security Act (42 U.S.C. 422(d)(1)), to be a State; and

"(ii) in subsections (d) and (e) of section 1615 of the Social Security Act (42 U.S.C. 1382d), to be a State agency described in subsection (d) of that section.";

(2) in paragraph (6)(B), by striking "to employ and advance in employment" and inserting "to recruit, employ, and advance in employment";

(3) in paragraph (7)(A)(v), by striking subclause (I) and inserting the following:

"(I) a system for the continuing education of rehabilitation professionals and paraprofessionals within the designated State unit, particularly with respect to rehabilitation technology, including training implemented in coordination with State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003); and";

(4) in paragraph (10)—

(A) in subparagraph (B), by striking "annual reporting on the eligible individuals receiving the services, on those specific data elements described in section 136(d)(2) of the Workforce Investment Act of 1998" and inserting "annual reporting of information on eligible individuals receiving the services that is needed to assess performance on the core indicators of performance described in section 136(b)(2)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)(i))";

(B) in subparagraph (C), by striking clauses (iii) and (iv) and inserting the following:

"(iii) the number of applicants and eligible recipients, including the number of individuals with significant disabilities, who exited the program carried out under this title and the number of such individuals who achieved employment outcomes after receiving vocational rehabilitation services; and

"(iv) the number of individuals who received vocational rehabilitation services who entered and retained employment and the earnings of such individuals, as such entry, retention, and earnings are defined for purposes of the core indicators of performance described in section 136(b)(2)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)(i))."; and

(C) in subparagraph (E)(ii), by striking "in meeting" and all that follows through the period and inserting "in meeting the standards and indicators established pursuant to section 106.";

(5) in paragraph (11)—

(A) by striking subparagraph (C) and inserting the following:

"(C) INTERAGENCY COOPERATION WITH OTHER AGENCIES.—The State plan shall include descriptions of interagency cooperation with, and utilization of the services and facilities of, Federal, State, and local agencies and programs, including the State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), programs carried out by the Under Secretary for Rural Development of the Department of Agriculture, and State use contracting programs, to the extent that such agencies and programs are not carrying out activities through the statewide workforce investment system.";

(B) by striking subparagraph (D)(ii) and inserting the following:

"(ii) transition planning by personnel of the designated State agency and the State educational agency that will facilitate the development and completion of the individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) and, as appropriate, the development and completion of the individualized plan for employment, in order to achieve post-school employment outcomes of students with disabilities;"; and

(C) by adding at the end the following:

"(G) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.—The State plan shall include an assurance that the designated State unit, and the lead agency and implementing agency (if any) designated by the Governor of the State under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), have developed working relationships and will enter into agreements for the coordination of their activities, including the referral of individuals with disabilities to programs and activities described in that section.

"(H) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.—The State plan shall include an assurance that the designated State unit will coordinate activities with any other State agency that is functioning as an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19).";

(6) in paragraph (15)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (II), by striking "and" after the semicolon;

(II) in subclause (III), by inserting "and" after the semicolon; and

(III) by adding at the end the following:

"(IV) for purposes of addressing needs in a transition services expansion year, students with disabilities, including their need for transition services;";

(ii) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(iii) by inserting after clause (i) the following:

"(ii) include an assessment of the needs of individuals with disabilities for transition services provided under this Act, and coordinated with transition services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and an assessment as to whether the transition services provided under those Acts meet the needs of individuals with disabilities;"; and

(B) in subparagraph (D)—

(i) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

(ii) by inserting after clause (ii) the following:

"(iii) for use in a transition services expansion year, the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to postsecondary life, including the receipt of vocational rehabilitation services under this title, postsecondary education, or employment;";

(7) in paragraph (20)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

"(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

"(i) information on the availability of benefits and medical assistance authorized under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized under other federally funded programs;

"(ii) information on the availability of assistance through benefits planning and assistance programs authorized under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and services provided by the State protection and advocacy system and authorized under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

"(iii) in the case of individuals who are also eligible for a ticket under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the options for using the ticket and information on how to contact a program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks, on providers for the benefits planning and assistance programs described in subparagraph (B) in the State, and on the services provided by the State protection and advocacy system and described in subparagraph (B)."; and

(C) in subparagraph (C)(ii), as redesignated by subparagraph (A)—

(i) in subclause (II), by inserting ", to the maximum extent possible," after "point of contact"; and

(ii) in subclause (III), by striking "or regain" and inserting "regain, or advance in"; and

(8) by adding at the end the following:

"(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan for a transition services expansion year shall provide an assurance satisfactory to the Secretary that the State—

"(A) has developed and shall implement, in each transition services expansion year, strategies to address the needs identified in the assessment described in paragraph (15), and achieve the goals and priorities identified by the State, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

"(B) in each transition services expansion year—

"(i) shall not use more than 5 percent of the funds reserved under section 110A and available for this subparagraph, to pay for administrative costs; and

"(ii) shall use the remaining funds to carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities, through partnerships described in subparagraph (C), that—

"(I) facilitate the transition of the students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

"(II) improve the achievement of post-school goals of students with disabilities through the provision of transition services, including improving the achievement through participation (as appropriate when vocational goals are discussed) in meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

"(III) provide vocational guidance, career exploration services, and job search skills and strategies and technical assistance to students with disabilities;

"(IV) support the provision of training and technical assistance to local educational agency personnel responsible for the planning and provision of services to students with disabilities; and

"(V) support outreach activities to students with disabilities who are eligible for, and need, services under this title; and

"(C) in each transition services expansion year, shall ensure that the funds described in

subparagraph (B)(ii) are awarded only to partnerships that—

"(i) shall include local vocational rehabilitation services providers and local educational agencies; and

"(ii) may include (or may have linkages with)—

"(I) other agencies such as employment, social service, and health organizations, that contribute funds for the provision of vocational rehabilitation services described in subparagraph (B)(ii) for eligible students with disabilities; and

"(II) businesses and business-led intermediaries.".

(b) CONSTRUCTION.—Section 101 of the Rehabilitation Act of 1973 (29 U.S.C. 721) is amended by adding at the end the following:

"(c) CONSTRUCTION.—

"(1) DEFINITIONS.—In this subsection, the terms 'child with a disability', 'free appropriate public education', 'related services', and 'special education' have the meanings given the terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(2) OBLIGATION TO PROVIDE OR PAY FOR TRANSITION SERVICES.—Nothing in this part shall be construed to reduce the obligation of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved.".

SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.

Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the semicolon at the end and inserting ", including a listing of all the community resources (including resources from consumer organizations (including advocacy organizations)), to the maximum extent possible, to assist in the development of such individual's individualized plan for employment to enable the individual to make informed and effective choices in developing the individualized plan for employment;"; and

(ii) in subparagraph (D)—

(I) in clause (i), by striking "and" after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

"(iii) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

"(I) information on the availability of benefits and medical assistance authorized under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized under other federally funded programs;

"(II) information on the availability of assistance through benefits planning and assistance programs authorized under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and services provided by the State protection and advocacy system and authorized under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

"(III) in the case of individuals who are also eligible for a ticket under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the options for using the ticket and information on how to contact a program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks, on providers for the benefits planning and assistance programs described in subparagraph (B) in the State, and on the services provided by the State protection and advocacy system and described in subparagraph (B).";

(B) in paragraph (2)(E)—

(i) in clause (i)(II), by striking "and" after the semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) amended, as necessary, to include the post-employment services and service providers that are necessary for the individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."; and

(C) in paragraph (3)—

(i) in subparagraph (B)(i)(I), by striking "and personal assistance services" and all that follows and inserting "mentoring services, and personal assistance services, including training in the management of such services, and referrals described in section 103(a)(3) to the device reutilization programs and device demonstrations described in subparagraphs (B) and (D) of section 4(e)(2) of the Assistive Technology Act of 1998 (42 U.S.C. 3003(e)(2)) through agreements developed under section 101(a)(11)(G); and";

(ii) in subparagraph (F)(ii), by striking "and" after the semicolon;

(iii) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(H) for an individual who is receiving assistance from an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a list of the services that are listed in the individual work plan that the individual developed with the employment network under subsection (g) of that section."; and

(2) in subsection (c)(7), by inserting "that take into consideration the informed choice of the individual" after "plan development".

SEC. 414. VOCATIONAL REHABILITATION SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by inserting "literacy services," after "vocational adjustment services,";

(B) by striking paragraph (15) and inserting the following:

"(15) transition services for students with disabilities, that facilitate the transition from school to postsecondary life (including employment through the achievement of the employment outcome identified in the individualized plan for employment), including, in a transition services expansion year, services described in subclauses (I) through (III) of section 101(a)(25)(B)(ii);";

(C) in paragraph (17), by striking "and" after the semicolon;

(D) in paragraph (18), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(19) mentoring services."; and

(2) in subsection (b), by striking paragraph (6) and inserting the following:

"(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to postsecondary life, including employment.

"(ii) In a transition services expansion year, training and technical assistance described in section 101(a)(25)(B)(ii)(IV).

"(B) In a transition services expansion year, services for groups of individuals with disabilities who meet the requirements of clauses (i), (ii), and (iv) of section 7(37)(A), including services described in subclauses (I), (II), (III), and (V) of section 101(a)(25)(B)(ii), to assist in the transition from school to postsecondary life, including employment.".

SEC. 415. STATE REHABILITATION COUNCIL.

Section 105 of the Rehabilitation Act of 1973 (29 U.S.C. 725) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking clause (ix) and inserting the following:

"(ix) in a State in which one or more projects provide services under section 121, at least one representative of the directors of the projects;";

(ii) in clause (x), by striking the "and" after the semicolon;

(iii) in clause (xi), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(xii) the director of the State's comprehensive statewide program of technology-related assistance funded under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003)."; and

(B) by striking paragraph (5) and inserting the following:

"(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council."; and

(2) in subsection (c)(6), by inserting before the semicolon the following: "and with the activities of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.)".

SEC. 416. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106 of the Rehabilitation Act of 1973 (29 U.S.C. 726) is amended—

(1) in subsection (a), by striking paragraph (1)(C) and all that follows through paragraph (2) and inserting the following:

"(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that include measures of the program's performance with respect to the transition from school to postsecondary life, including employment, and achievement of the postsecondary vocational goals, of students with disabilities served under the program."; and

(2) in subsection (b)(2)(B)(i), by striking ", if necessary" and all that follows through the semicolon and inserting ", if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State to make further revisions to the plan to improve performance, which may include revising the plan to allocate a higher proportion of the State's resources for services to individuals with disabilities if the State agency's spending on such services is low in comparison to spending on such services by comparable agencies in other States;".

SEC. 417. MONITORING AND REVIEW.

Section 107(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 727(b)(1)) is amended by inserting before the semicolon the following: ", including—

"(A) consulting with the Department of Labor, the Small Business Administration, other appropriate Federal agencies, and businesses or business-led intermediaries; and

"(B) based on information obtained through the consultations, providing technical assistance that improves that quality by enabling designated State units to develop successful partnerships with local and multi-State businesses in an effort to employ individuals with disabilities, and technical assistance on developing self-employment opportunities and improving employment outcomes for individuals with disabilities".

SEC. 418. STATE ALLOTMENTS.

Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) is amended—

(1) by striking subsection (b) and inserting the following:

"(b)(1) Not later than 45 days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any amount from the payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

"(2)(A) As soon as practicable but not later than the end of the fiscal year, the Commissioner shall reallot the amount available under paragraph (1) to other States, consistent with subparagraphs (B) and (C), for carrying out the purposes of this title to the extent the Commissioner determines such other State will be able to use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes.

"(B)(i) The Commissioner shall reallot a portion of the amount available under paragraph (1) for a fiscal year to each State whose allotment under subsection (a) for such fiscal year is less than such State's allotment under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

"(ii)(I) A State that is eligible to receive a reallotment under clause (i) shall receive a portion for a fiscal year from the amount available for reallotment under paragraph (1) that is equal to the difference between—

"(aa) the amount such State was allotted under subsection (a) for such fiscal year; and

"(bb) the amount such State was allotted under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

"(II) If the amount available for reallotment under paragraph (1) is insufficient to provide each State eligible to receive a reallotment with the portion described in subclause (I), the amount reallotted to each eligible State shall be determined by the Commissioner.

"(C) If there are funds remaining after each State eligible to receive a reallotment under subparagraph (B)(i) receives the portion described in subparagraph (B)(ii), the Commissioner shall reallot the remaining funds among the States requesting a reallotment.

"(3) The Commissioner shall reallot an amount to a State under this subsection only if the State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

"(4) For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year."; and

(2) by striking subsection (c)(2) and inserting the following:

"(2)(A) In this paragraph:

"(i) The term 'appropriated amount' means the amount appropriated under section 100(b)(1) for allotment under this section.

"(ii) The term 'covered year' means a fiscal year—

"(I) that begins after September 30, 2005; and

"(II) for which the appropriated amount exceeds the total of—

"(aa) the appropriated amount for the preceding fiscal year; and

"(bb) 0.075 percent of the appropriated amount for the preceding fiscal year.

"(B) For each covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary—

"(i) not more than 1.5 percent of the appropriated amount for the covered year; and

"(ii) not less than the total of the sum reserved under this subsection for the preceding fiscal year and 0.1 percent of the appropriated amount for the covered year, subject to clause (i).

"(C) For each fiscal year that is not a covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary—

"(i) not more than 1.5 percent of the appropriated amount for the fiscal year; and

"(ii) not less than the sum reserved under this subsection for the preceding fiscal year, subject to clause (i).".

SEC. 419. RESERVATION FOR EXPANDED TRANSITION SERVICES.

The Rehabilitation Act of 1973 is amended by inserting after section 110 (29 U.S.C. 730) the following:

"SEC. 110A. RESERVATION FOR EXPANDED TRANSITION SERVICES.

"(a) RESERVATION.—From the State allotment under section 110 in a transition services expansion year, each State shall reserve an amount calculated by the Commissioner under subsection (b) to carry out programs and activities under sections 101(a)(25)(B) and 103(b)(6).

"(b) CALCULATION.—The Commissioner shall calculate the amount to be reserved for such programs and activities for a fiscal year by each State by multiplying $50,000,000 by the percentage determined by dividing—

"(1) the amount allotted to that State under section 110 for the prior fiscal year; by

"(2) the total amount allotted to all States under section 110 for that prior fiscal year.".

SEC. 420. CLIENT ASSISTANCE PROGRAM.

Section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "States" and inserting "agencies designated under subsection (c)"; and

(B) in the second sentence, by striking "State" and inserting "State in which the program is located";

(2) in subsection (b), by striking "the State has in effect not later than October 1, 1984, a client assistance program which" and inserting "the State has designated under subsection (c) an agency that";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "The Secretary" and all that follows through the period and inserting the following: "After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the agencies designated under subsection (c) within the States (referred to individually in this subsection as a 'designated agency') on the basis of relative population of each State, except that no such agency shall receive less than $50,000.";

(ii) in subparagraph (B), by inserting "the designated agencies located in" after "each to";

(iii) in subparagraph (D)(i)—

(I) by inserting "the designated agencies located in" after "$100,000 for"; and

(II) by inserting "the designated agencies located in" after "$45,000 for"; and

(iv) by adding at the end the following:

"(E)(i) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $13,000,000, the Secretary shall reserve funds appropriated under this section to make a grant to the protection and advocacy system serving the American Indian Consortium to provide client assistance services in accordance with this section. The amount of such a grant shall be the same amount as is provided to a territory under subparagraph (B), as increased under clauses (i) and (ii) of subparagraph (D).

"(ii) In this subparagraph:

"(I) The term 'American Indian Consortium' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

"(II) The term 'protection and advocacy system' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

"(F) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $14,000,000, the Secretary shall reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide a grant for training and technical assistance for the programs established under this section. Such training and technical assistance shall be coordinated with activities provided under section 509(c)(1)(A)."; and

(B) in paragraph (2)—

(i) by striking "State" each place such term appears and inserting "designated agency"; and

(ii) by striking "States" each place such term appears and inserting "designated agencies";

(4) in subsection (f), by striking "State" and inserting "agency designated under subsection (c)";

(5) in subsection (g)(1), by striking "State" and inserting "State in which the program is located"; and

(6) in subsection (h), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 421. INCENTIVE GRANTS.

Part B of title I of the Rehabilitation Act of 1973 (29 U.S.C. 730 et seq.) is amended by adding at the end the following:

"SEC. 113. INCENTIVE GRANTS.

"(a) AUTHORITY.—The Commissioner is authorized to make incentive grants to States that, based on the criteria established under subsection (b)(1), demonstrate—

"(1) a high level of performance; or

"(2) a significantly improved level of performance in a reporting period as compared to the previous reporting period or periods.

"(b) CRITERIA.—

"(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Commissioner shall establish, and publish in the Federal Register, criteria for making grant awards under subsection (a).

"(2) DEVELOPMENT AND EVALUATION STANDARDS.—The criteria established under paragraph (1) shall—

"(A) be developed with input from designated State agencies and other vocational rehabilitation stakeholders, including vocational rehabilitation consumers and consumer organizations (including advocacy organizations); and

"(B) be based upon the evaluation standards and performance indicators established under section 106 and other performance-related measures that the Commissioner determines to be appropriate.

"(c) USE OF FUNDS.—A State that receives a grant under subsection (a) shall use the grant funds for any approved activities in the State's State plan submitted under section 101.

"(d) NO NON-FEDERAL SHARE REQUIREMENT.—The provisions of sections 101(a)(3) and 111(a)(2) shall not apply to this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.".

SEC. 422. VOCATIONAL REHABILITATION SERVICES GRANTS.

Section 121 of the Rehabilitation Act of 1973 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting ", consistent with such individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, gainful employment" before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) contains assurances that—

"(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of such services, will be made by a representative of the tribal vocational rehabilitation program; and

"(ii) such decisions will not be delegated to another agency or individual.";

(B) in paragraph (3), by striking the first sentence and inserting the following: "An application approved under this part that complies with the program requirements set forth in the regulations promulgated to carry out this part shall be effective for 5 years and shall be renewed for additional 5-year periods if the Commissioner determines that the grant recipient demonstrated acceptable past performance and the grant recipient submits a plan, including a proposed budget, to the Commissioner that the Commissioner approves that identifies future performance criteria, goals, and objectives."; and

(C) by striking paragraph (4) and inserting the following:

"(4) In allocating funds under this part, the Secretary shall give priority to paying the continuation costs of projects in existence on the date of the allocation and may provide for increases in funding for such projects that the Secretary determines to be necessary.".

SEC. 423. GAO STUDIES.

(a) STUDY ON TITLE I AND TICKET TO WORK.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the interaction of programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), including the impact of the interaction on beneficiaries, community rehabilitation programs (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)), and State vocational rehabilitation agencies.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with all types of participants in the Ticket to Work and Self-Sufficiency Program, including the Social Security Administration, the Rehabilitation Services Administration, ticketholders, designated State agencies, entities carrying out such community rehabilitation programs (including employment networks and nonemployment networks), protection and advocacy agencies, MAXIMUS, and organizations representing the interests of ticketholders.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

(b) STUDY ON THE ALLOTMENT FORMULA.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the relationship between the State allotment formula under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) and the ability of States to provide vocational rehabilitation services in accordance with the States' State plans under section 101 of such Act (29 U.S.C. 721).

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate entities.

(3) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

Subtitle B—Research and Training

SEC. 431. DECLARATION OF PURPOSE.

Section 200(3) of the Rehabilitation Act of 1973 (29 U.S.C. 760(3)) is amended by inserting ", in a timely and efficient manner," before "through".

SEC. 432. AUTHORIZATION OF APPROPRIATIONS.

Section 201 of the Rehabilitation Act of 1973 (29 U.S.C. 761) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(B) in paragraph (2), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(2) by adding at the end the following:

"(c) Of the sums appropriated under subsection (a)(1) for a fiscal year, the Secretary may reserve not more than $200,000 for activities related to convening a national assistive technology summit under section 202(b)(6).".

SEC. 433. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202 of the Rehabilitation Act of 1973 (29 U.S.C. 762) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by inserting before the semicolon the following: ", including convening a national assistive technology summit, to be held at or in conjunction with a national conference relating to assistive technology with respect to all categories of disabilities"; and

(B) in paragraph (10), by striking "and telecommuting" and inserting ", supported employment, and telecommuting";

(2) in subsection (f)(1)—

(A) by striking "Federal employees" and inserting "Department of Education employees"; and

(B) by adding at the end the following: "The peer review panel shall include a director of a designated State unit. Such panel shall include a member of the covered school community (for an activity resulting in educational materials or a product to be used in a covered school), a member of the business community (for an activity resulting in a product to be used in an employment activity), an assistive technology developer or manufacturer (for an activity relating to assistive technology), or an accessible electronic and information technology vendor or manufacturer (for an activity relating to accessible electronic and information technology).";

(3) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively;

(4) by inserting after subsection (h) the following:

"(i)(1) The Director, with the assistance of the Rehabilitation Research Advisory Council established under section 205, shall determine if entities that receive financial assistance under this title are complying with the applicable requirements of this Act and achieving measurable goals, described in section 204(d)(2), that are consistent with the requirements of the programs under which the entities received the financial assistance.

"(2) To assist the Director in carrying out the responsibilities described in paragraph (1), the Director shall require recipients of financial assistance under this title to submit relevant information to evaluate program outcomes with respect to the measurable goals described in section 204(d)(2)."; and

(5) by adding at the end the following:

"(m)(1) Not later than December 31 of each year, the Director shall prepare, and submit to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this title.

"(2) Such report shall include—

"(A) a compilation and summary of the information provided by recipients of financial assistance for such activities under this title; and

"(B) a summary of the applications for financial assistance received under this title and the progress of the recipients of financial assistance in achieving the measurable goals described in section 204(d)(2).

"(n)(1) If the Director determines that an entity that receives financial assistance under this title fails to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals described in section 204(d)(2), with respect to the covered activities involved, the Director shall assist the entity through technical assistance or other means, within 90 days after such determination, to develop a corrective action plan.

"(2) If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Director:

"(A) Partial or complete termination of financial assistance for the covered activities, until the entity develops and complies with such a plan.

"(B) Ineligibility to receive financial assistance for such covered activities for the following year.

"(3) The Secretary shall establish appeals procedures for entities described in paragraph (1) that the Secretary determines fail to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals.

"(4) As part of the annual report required under subsection (m), the Secretary shall describe each action taken by the Secretary under paragraph (1) or (2) and the outcomes of such action.".

SEC. 434. INTERAGENCY COMMITTEE.

Section 203 of the Rehabilitation Act of 1973 (29 U.S.C. 763) is amended—

(1) in subsection (a)(1), by striking "and the Director of the National Science Foundation" and inserting "the Director of the National Science Foundation, the Secretary of Commerce, and the Administrator of the Small Business Administration"; and

(2) in subsection (b)(2)—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) conduct a study, on the assistive technology industry, for which the Committee shall—

"(i) determine the number of individuals who use assistive technology and the scope of the technologies they use;

"(ii) separately identify categories of assistive technology companies by the disability group served, and the type of product or service provided, categorized by—

"(I) size (small, medium, and large) of the companies;

"(II) capitalization of the companies;

"(III) region in which the companies are located; and

"(IV) products or services produced by the companies;

"(iii) compile aggregate data on revenues and unit sales of such companies, including information on international sales, for a recent reporting period, categorized by institution or user type acquiring the products or services, disability for which the products or services are used, and industry segment for the companies;

"(iv) identify platform availability and usage, for those products and services that are electronic and information technology-related;

"(v) identify the types of clients of the companies, such as Government, school, business, private payor, and charitable clients, and funding sources for the clients; and

"(vi) specify geographic segments for the companies, to determine whether there are significant distinctions in industry opportunities on the basis of geography, other than distinctions related to population.".

SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.

Section 204 of the Rehabilitation Act of 1973 (29 U.S.C. 764) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) in clause (vi), by striking "and" after the semicolon;

(ii) in clause (vii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(viii) studies, analyses, and other activities affecting employment outcomes, including self-employment and telecommuting, of individuals with disabilities."; and

(B) by adding at the end the following:

"(3) In carrying out this section, the Director shall emphasize covered activities that are collaborations between—

"(A) for-profit companies working in the assistive technology, rehabilitative engineering, or information technology fields; and

"(B) States or public or private agencies and organizations.

"(4) In carrying out this section, the Director shall emphasize covered activities that include plans for—

"(A) dissemination of educational materials, research results, or findings, conclusions, and recommendations resulting from covered activities; or

"(B) the commercialization of marketable products resulting from the covered activities.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "(18)" each place it appears and inserting "(19)";

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking "rehabilitation services or" and inserting "rehabilitation services, developers or providers of assistive technology devices, assistive technology services, or information technology devices or services, or providers of";

(ii) in subparagraph (B)—

(I) in clause (i), by inserting "improve the evaluation process for determining the assistive technology needs of individuals with disabilities,"after "conditions,";

(II) in clause (ii), by inserting "and assistive technology services" before the semicolon; and

(III) in clause (iii), by inserting ", assistive technology services personnel," before "and other";

(iii) in subparagraph (C)—

(I) in clause (i), by inserting ", including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices" before the semicolon; and

(II) in clause (iii), by inserting ", including the use of assistive technology devices and accessible electronic and information technology devices in employment" before the semicolon;

(iv) in subparagraph (D), by inserting ", including training to provide knowledge about assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services," after "personnel"; and

(v) in subparagraph (G)(i), by inserting ", assistive technology-related, and accessible electronic and information technology-related" before "courses";

(C) in paragraph (3)—

(i) in subparagraph (D)(ii), by adding at the end the following: "Each such Center conducting an activity relating to assistive technology or relating to accessible electronic and information technology shall include in the committee an assistive technology developer or manufacturer, or an accessible electronic and information technology vendor or manufacturer, respectively. Each such Center conducting an activity resulting in educational materials or a product to be used in a covered school, or resulting in a product to be used in an employment activity, shall include in the committee a member of the covered school community, or a member of the business community, respectively."; and

(ii) in subparagraph (G)(ii) by inserting "the success of any commercialized product researched or developed through the Center," after "disabilities,";

(D) in paragraph (8), by inserting "the Department of Commerce, the Small Business Administration, the Department of Labor," before "other Federal agencies,";

(E) in paragraph (13), in the matter preceding subparagraph (A), by striking "employment needs of individuals with disabilities" and inserting "employment needs, opportunities, and outcomes, including needs, opportunities, and outcomes relating to self-employment, supported employment, and telecommuting, of individuals with disabilities, including older individuals with disabilities, and students with disabilities who are transitioning from school to postsecondary life, including employment"; and

(F) by adding at the end the following:

"(19) Research grants may be used to provide for research and demonstration projects that—

"(A) explore methods and practices for promoting access to electronic commerce activities for individuals with disabilities; and

"(B) will—

"(i) ensure dissemination of research findings;

"(ii) provide encouragement and support for initiatives and new approaches by companies engaged in electronic commerce activities; and

"(iii) result in the establishment and maintenance of close working relationships between the disability, research, and business communities.";

(3) in subsection (c)(2), by striking "$500,000" and inserting "$750,000"; and

(4) by adding at the end the following:

"(d)(1) In awarding grants, contracts, or other financial assistance under this title, the Director shall award the financial assistance on a competitive basis.

"(2)(A) To be eligible to receive financial assistance described in paragraph (1) for a covered activity, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(B) The application shall include information describing—

"(i) measurable goals, and a timeline and specific plan for meeting the goals, that the applicant has set for addressing priorities related to—

"(I) commercialization of a marketable product (including a marketable curriculum or research) resulting from the covered activity;

"(II) in the case of a covered activity relating to technology, technology transfer;

"(III) in the case of research, dissemination of research results to, as applicable, Government entities, individuals with disabilities, covered schools, the business community, the assistive technology community, and the accessible electronic and information technology community; and

"(IV) other matters as required by the Director; and

"(ii) information describing how the applicant will quantifiably measure the goals to determine whether the goals have been accomplished.

"(3)(A) In the case of an application for financial assistance under this title to carry out a covered activity that results in the development of a marketable product, the application shall also include a commercialization and dissemination plan, containing commercialization and marketing strategies for the product involved, and strategies for disseminating information about the product. The financial assistance shall not be used to carry out the commercialization and marketing strategies.

"(B) In the case of any other application for financial assistance to carry out a covered activity under this title, the application shall also include a dissemination plan, containing strategies for disseminating educational materials, research results, or findings, conclusions, and recommendations, resulting from the covered activity.".

SEC. 436. REHABILITATION RESEARCH ADVISORY COUNCIL.

Section 205 of the Rehabilitation Act of 1973 (29 U.S.C. 765) is amended—

(1) in subsection (a), by inserting "at least" before "12"; and

(2) in subsection (c), by inserting after "rehabilitation researchers," the following: "the directors of community rehabilitation programs, the business community (and shall include a representative of the small business community) that has experience with the system of vocational rehabilitation services carried out under this Act and with hiring individuals with disabilities, the community of assistive technology developers and manufacturers, the community of information technology vendors and manufacturers, the community of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.), the community of covered school professionals,".

SEC. 437. DEFINITION.

Title II of the Rehabilitation Act of 1973 (29 U.S.C. 760 et seq.) is amended by adding at the end the following:

"SEC. 206. DEFINITION.

"In this title, the term 'covered school' means an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an institution of higher education.".

Subtitle C—Professional Development and Special Projects and Demonstrations

SEC. 441. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 772) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (F), by striking the "and" after the semicolon;

(ii) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(H) personnel trained in providing assistive technology services."; and

(B) in paragraph (4)(B), by striking "section 134(c)" and inserting "section 121(e)";

(2) in subsection (b)(1)(B)(i), by striking "or prosthetics and orthotics" and inserting "prosthetics and orthotics, rehabilitation teaching for

the blind, or orientation and mobility instruction"; and

(3) in subsection (i), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 442. DEMONSTRATION AND TRAINING PROGRAMS.

Section 303 of the Rehabilitation Act of 1973 (29 U.S.C. 773) is amended—

(1) in subsection (b)(5)(A)(i), by striking "special projects" and inserting "not less than 2 special projects";

(2) by redesignating subsections (c), (d), and (e) as subsections (h), (i), and (j), respectively;

(3) by inserting after subsection (b) the following:

"(c) DEMONSTRATION PROJECTS FOR EMPLOYMENT OF STUDENTS WITH INTELLECTUAL DISABILITIES OR MENTAL ILLNESS.—

"(1) PURPOSE.—The purpose of this subsection is to support model demonstration projects to provide supported and competitive employment experiences for students with intellectual disabilities or students with mental illness, and training for personnel that work with students described in this paragraph, to enable the students to gain employment skills and experience that will promote effective transitions from school to postsecondary life, including employment.

"(2) AWARDS AUTHORIZED.—

"(A) COMPETITIVE AWARDS AUTHORIZED.—The Secretary may award grants, contracts, and cooperative agreements, on a competitive basis, to eligible organizations described in paragraph (3), to enable the organizations to carry out demonstration projects described in paragraph (1).

"(B) DURATION.—The Secretary shall award grants, contracts, and cooperative agreements under this subsection for periods of 3 to 5 years.

"(3) ELIGIBLE ORGANIZATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an organization shall—

"(A) have expertise in providing employment and support services for individuals with intellectual disabilities or individuals with mental illness;

"(B) have a proven track record in successfully running supported employment programs;

"(C) provide employment services that are exclusively integrated community-based supported employment services;

"(D) have expertise in creating natural supports for employment;

"(E) have expertise in providing computer training for the targeted population for the project involved; and

"(F) have experience operating mentoring programs for the target population in middle and high schools for at least a decade in diverse communities throughout the Nation.

"(4) APPLICATIONS.—Each organization desiring to receive a grant, contract, or cooperative agreement under this subsection shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may require. Each application shall include—

"(A) a description of how the organization plans to carry out the activities authorized in this subsection through a demonstration project;

"(B) a description of how the organization will evaluate the project;

"(C) a description of how the organization will disseminate information about the activities and the impact of the activities on the lives of students served by the project; and

"(D) a description of how the organization will coordinate activities with any other relevant service providers in the locality where the organization is based, including federally supported independent living centers.

"(5) AUTHORIZED ACTIVITIES.—An organization that receives a grant, contract, or cooperative agreement under this subsection shall use the funds made available through the grant, contract, or cooperative agreement to carry out 1 or more of the following activities for individuals, ages 14 through 21, who are students with intellectual disabilities or students with mental illness:

"(A) PROVIDING SUPPORTED AND COMPETITIVE EMPLOYMENT EXPERIENCES.—The development of innovative and effective supported and competitive employment experiences after school, on weekends, and in the summer, utilizing natural supports that lead to competitive high-paying jobs.

"(B) PROVIDING TRAINING TO SCHOOL AND TRANSITION PERSONNEL.—The development and deployment of experts to work with transition programs (including personnel working with students on transition) so that personnel from the programs develop skills needed to train students with intellectual disabilities or students with mental illness to be successful in competitive employment in a range of settings, including office settings. The training shall include training for the personnel in providing instruction to students in computer skills, office skills, interview etiquette, and appropriate social behavior required for successful long-term employment in professional environments.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years 2007 through 2011.

"(d) DEMONSTRATION PROJECT FOR EMPLOYMENT OF INDIVIDUALS WHO ARE DEAF AND LOW FUNCTIONING.—

"(1) PURPOSE.—The purpose of this subsection is to support a model demonstration project to provide training and employment and support services for individuals who are deaf and low functioning to enable them to gain employment skills that will allow them to become employed and economically self-sufficient.

"(2) DEFINITION.—

"(A) IN GENERAL.—In this subsection, the term 'individual who is deaf and low functioning' means an individual who has been deaf from birth or very early childhood, reads at or below the second grade level, has little or no intelligible speech, and lacks a secondary school diploma or its recognized equivalent.

"(B) SECONDARY DISABILITIES.—Such term may include an individual with a secondary disability.

"(3) GRANTS AUTHORIZED.—

"(A) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may award grants to State agencies, other public agencies or organizations, or not-for-profit organizations with expertise in providing training and employment and support services for individuals who are deaf and low functioning to support model demonstration projects.

"(B) DURATION.—Grants under this subsection shall be awarded for a period not to exceed 5 years.

"(4) AUTHORIZED ACTIVITIES.—

"(A) DEVELOPING A COMPREHENSIVE TRAINING PROGRAM.—Each grant recipient under this subsection shall develop an innovative, comprehensive training program for individuals who are deaf and low functioning that can be implemented at multiple training locations through such means as distance learning and use of advanced technology, as appropriate. Such training program shall be developed to maximize the potential for replication of the program by other training providers.

"(B) IMPLEMENTATION.—Each grant recipient under this subsection shall implement the comprehensive training program developed under subparagraph (A) as soon as feasible. Such training shall provide instruction on the job and the social skills necessary for successful long-term employment of individuals who are deaf and low functioning.

"(C) ESTABLISHING A POST-TRAINING PROGRAM OF EMPLOYMENT AND SUPPORT SERVICES.—Each grant recipient under this subsection shall implement employment and support services to assist individuals who complete the training program under subparagraph (A) in securing employment and transitioning to the workplace, for a period of not less than 90 days subsequent to placement in the employment.

"(5) APPLICATIONS.—Each entity desiring to receive a grant under this subsection for a model demonstration project shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require including—

"(A) a description of how the applicant plans to address the activities authorized under this subsection;

"(B) a description of the evaluation plan to be used in the model demonstration project;

"(C) a description of how the applicant will disseminate information about the training program developed and the results of the project; and

"(D) a description of how the entity will coordinate activities with any other relevant service providers or entities providing training and employment and support services for individuals who are deaf and low functioning.

"(6) MANDATED EVALUATION AND DISSEMINATION ACTIVITIES.—

"(A) ANNUAL REPORT.—Not later than 2 years after the date on which a grant under this subsection is awarded and annually thereafter, the grant recipient shall submit to the Commissioner a report containing information on—

"(i) the number of individuals who are participating in the demonstration project funded under this subsection;

"(ii) the employment and other skills being taught in the project;

"(iii) the number of individuals participating in the project that are placed in employment;

"(iv) the job sites in which those individuals are placed and the type of jobs the individuals are placed in; and

"(v) the number of individuals who have dropped out of the project and the reasons for their terminating participation in the project.

"(B) EVALUATION OF THE PROJECT.—Each grant recipient under this subsection shall implement the evaluation plan approved in its application for determining the results of the project within the timeframe specified in, and following the provisions of, the approved application.

"(C) PARTICIPANT EVALUATION PROCESS; FINAL EVALUATION.—In the final year of the project, the grant recipient will prepare and submit to the Commissioner a final evaluation report of the results of the model demonstration project containing—

"(i) information on—

"(I) the number of individuals who participated in the demonstration project;

"(II) the number of those individuals that are placed in employment;

"(III) the job sites in which those individuals were placed and the type of jobs the individuals were placed in;

"(IV) the number of those individuals who have dropped out of the project and the reasons for their terminating participation in the project; and

"(V) the number of those individuals who participated in the project and who remain employed as of 2 months prior to the date on which the final report is submitted to the Secretary;

"(ii) a written analysis of the project, including both the strengths and weaknesses of the project, to assist other entities in replicating the training program developed through the project; and

"(iii) such other information as the Secretary determines appropriate.

"(D) DISSEMINATION.—Not later than 5 years after the date on which a grant is awarded under this subsection, the evaluation report containing results of activities funded by such grant shall be disseminated to designated State agencies, school systems providing instruction to students who are individuals who are deaf and low functioning, supported employment providers, postsecondary vocational training programs, employers, the Social Security Administration, and other interested parties.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $5,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011.

"(e) TRAINING AND TECHNICAL ASSISTANCE CENTER TO PROMOTE HIGH-QUALITY EMPLOYMENT OUTCOMES FOR INDIVIDUALS RECEIVING SERVICES FROM DESIGNATED STATE AGENCIES.—

"(1) IN GENERAL.—The Commissioner shall award a grant, contract, or cooperative agreement to an entity to support a training and technical assistance program that—

"(A) responds to State-specific information requests concerning high-quality employment outcomes, from designated State agencies funded under title I, including—

"(i) requests for information on the expansion of self-employment, business ownership, and business development opportunities, and other types of entrepreneurial employment opportunities for individuals with disabilities;

"(ii) requests for information on the expansion and improvement of transition services to facilitate the transition of students with disabilities from school to postsecondary life, including employment;

"(iii) requests for examples of policies, practices, procedures, or regulations, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) requests for information on effective approaches to enhance informed choice and a consumer-directed State vocational rehabilitation system;

"(v) requests for assistance developing corrective action plans;

"(vi) requests for assistance in developing and implementing effective data collection and reporting systems that measure the outcomes of the vocational rehabilitation services, and preparing reports for the Commissioner as described in section 106(b)(1); and

"(vii) requests for information on effective approaches that enhance employment outcomes for individuals with disabilities, including conducting outreach and forming partnerships with business and industry; and

"(B) provides State-specific, regional, and national training and technical assistance concerning vocational rehabilitation services and related information to designated State agencies, including—

"(i) facilitating onsite and electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that affect vocational rehabilitation programs authorized under title I;

"(ii) enabling the designated State agencies to coordinate training and data collection efforts with one-stop centers established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e));

"(iii) enabling the designated State agencies to provide information on how the vocational rehabilitation programs authorized under title I can provide technical assistance to the one-stop centers on making programs offered through the centers physically and programmatically accessible to individuals with disabilities;

"(iv) sharing evidence-based and promising practices among the vocational rehabilitation programs;

"(v) maintaining an accessible website that includes links to—

"(I) the vocational rehabilitation programs;

"(II) appropriate Federal departments and agencies, and private associations;

"(III) State assistive technology device and assistive technology service demonstration programs, device loan programs, device reutilization programs, alternative financing systems, or State financing activities, operated through, or independently of, comprehensive statewide programs of technology-related assistance carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), telework programs, and other programs that provide sources of funding for assistive technology devices; and

"(IV) various programs, including programs with tax credits, available to employers for hiring or accommodating employees who are individuals with disabilities;

"(vi) enhancing employment outcomes for individuals with mental illness and individuals with cognitive disabilities;

"(vii) convening experts from the vocational rehabilitation programs to discuss and make recommendations with regard to the employment of individuals with disabilities and national emerging issues of importance to individuals with vocational rehabilitation needs;

"(viii) enabling the designated State agencies to provide practical information on effective approaches for business and industry to use in employing individuals with disabilities, including provision of reasonable accommodations;

"(ix) providing information on other emerging issues concerning the delivery of publicly funded employment and training services and supports to assist individuals with disabilities to enter the workforce, achieve improved employment outcomes, and become economically self-sufficient; and

"(x) carrying out such other activities as the Secretary may require.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an entity shall have (or agree to award a grant or contract to an entity that has)—

"(A) experience and expertise in administering vocational rehabilitation services;

"(B) documented experience with and knowledge about self-employment, business ownership, business development, and other types of entrepreneurial employment opportunities and outcomes for individuals with disabilities, providing transition services for students with disabilities, and assistive technology; and

"(C) the expertise necessary to identify the additional data elements needed to provide comprehensive reporting of activities and outcomes of the vocational rehabilitation programs authorized under title I, and experience in utilizing data to provide annual reports.

"(3) COLLABORATION.—In developing and providing training and technical assistance under this subsection, a recipient of a grant, contract, or cooperative agreement under this subsection shall collaborate with other organizations, in particular—

"(A) agencies carrying out vocational rehabilitation programs under title I and national organizations representing such programs;

"(B) organizations representing individuals with disabilities;

"(C) organizations representing State officials and agencies engaged in the delivery of assistive technology;

"(D) relevant employees from Federal departments and agencies, other than the Department of Education;

"(E) representatives of businesses;

"(F) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services; and

"(G) family members, guardians, advocates, and authorized representatives of such individuals.

"(f) ACCESS TO TELEWORK.—

"(1) DEFINITION OF TELEWORK.—In this subsection, the term 'telework' means work from home and other telework sites with the assistance of a computer and with reasonable accommodations, including the necessary equipment to facilitate successful work from home and other telework sites.

"(2) AUTHORIZATION OF PROGRAM.—The Commissioner is authorized to make grants to States and governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay for the Federal share of the cost of establishing or expanding a telework program.

"(3) APPLICATION.—A State or Indian tribe that desires to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—A State or Indian tribe that receives a grant under this subsection shall establish or expand a telework program that shall provide assistance through loans or other alternative financing mechanisms to individuals with disabilities. The State or Indian tribe shall provide the assistance through the program to enable such individuals to purchase computers or other equipment, including adaptive equipment, to facilitate access to employment and enhance employment outcomes by providing the individual with the opportunity—

"(i) to work from home or other telework sites so that such individuals are able to telework; or

"(ii) to become self-employed on a full-time or part-time basis from home or other telework sites.

"(B) DEVELOPMENT OF TELEWORK OPPORTUNITIES AND BUSINESS PLANS.—A State or Indian tribe that receives a grant under this subsection may use not more than 10 percent of the grant award to develop telework opportunities with employers and assist in the development of business plans for individuals with disabilities interested in self-employment, before such individuals apply for assistance through the telework program.

"(C) SELF EMPLOYMENT.—A State or Indian tribe that receives a grant under this subsection shall enter into cooperative agreements with small business development centers for the development of business plans as described in section 103(a)(13) for individuals described in subparagraph (B), and provide assurances that the State or Indian tribe will, through plans to achieve self-support, vocational rehabilitation services, or other means, identify ways for the individuals described in subparagraph (B) to pay for the development of business plans, before such individuals apply for assistance through the telework program.

"(D) DEFINITIONS.—In this paragraph:

"(i) PLAN TO ACHIEVE SELF-SUPPORT.—The term 'plan to achieve self-support' means a plan described in sections 416.1180 through 416.1182 of title 20, Code of Federal Regulations (or any corresponding similar regulation or ruling).

"(ii) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a center established under section 21 of the Small Business Act (15 U.S.C. 648).

"(5) FEDERAL SHARE.—The Federal share of the cost of establishing or expanding a telework program under this section shall be 90 percent of the cost.

"(6) EXISTING GRANT RECIPIENTS.—An entity that receives a grant under the Access to Telework Fund Program under subsection (b) for a fiscal year may use the funds made available through that grant for that fiscal year in accordance with this subsection rather than subsection (b).

"(7) ANNUAL REPORT.—

"(A) IN GENERAL.—A State or Indian tribe that receives a grant under this subsection shall prepare and submit an annual report to the Commissioner.

"(B) CONTENTS.—The report under subparagraph (A) shall include the following:

"(i) Information on the characteristics of each individual with a disability that receives assistance through a loan or other alternative financing mechanism under the program, including information about the individual such as the following:

"(I) Age.

"(II) Employment status at the time of application for assistance through a loan or other alternative financing mechanism under this subsection.

"(III) Whether the individual attempted to secure financial support from other sources to enable the individual to telework and, if so, a description of such sources.

"(IV) Whether the individual is working and, if so, whether the individual teleworks, the occupation in which the individual is working, the hourly salary the individual receives, and the hourly salary of the individual prior to receiving assistance through a loan or other alternative financing mechanism under the program.

"(V) Whether the individual has repaid assistance from the loan or other alternative financing mechanism received under the program, is in repayment status, is delinquent on repayments, or has defaulted on the assistance from the loan or other alternative financing mechanism.

"(ii) An analysis of the individuals with disabilities that have benefited from the program.

"(iii) Any other information that the Commissioner may require.

"(g) GRANTS FOR DISABILITY CAREER PATHWAYS PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) CENTER FOR INDEPENDENT LIVING.—The term 'center for independent living' means a center for independent living funded under subtitle C of title VII.

"(B) COVERED INSTITUTION.—The term 'covered institution' means—

"(i) a secondary school; and

"(ii) in the discretion of the eligible consortium involved, an institution of higher education.

"(C) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium described in paragraph (3)(A).

"(D) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) PURPOSE OF PROGRAM.—The Commissioner may establish a Disability Career Pathways program, through which the Commissioner may make grants, for periods of not more than 5 years, to institutions of higher education that establish eligible consortia, to enable the consortia to develop and carry out training and education related to disability studies and leadership development. The consortia shall provide the training and education for the purpose of providing career pathways for students at a covered institution, in fields pertinent to individuals with disabilities, and particularly pertinent to the employment of individuals with disabilities.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection on behalf of a consortium, an institution of higher education shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including information demonstrating—

"(A) that the institution of higher education has established a consortium of members that represent—

"(i) the institution of higher education;

"(ii) a community college;

"(iii) a secondary school;

"(iv) a center for independent living;

"(v) a designated State agency;

"(vi) a one-stop center established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)); and

"(vii) the local business community;

"(B) the collaborative working relationships between the institution of higher education and the other members of the consortium, and describing the activities that each member shall undertake; and

"(C) the capacity and expertise of the institution of higher education—

"(i) to coordinate training and education related to disability studies and leadership development with educational institutions and disability-related organizations; and

"(ii) to conduct such training and education effectively.

"(4) DISTRIBUTION OF GRANTS.—In making grants under this subsection, the Commissioner shall ensure that the grants shall be distributed for a geographically diverse set of eligible consortia throughout all regions.

"(5) MANDATORY USES OF FUNDS.—An institution of higher education that receives a grant under this subsection on behalf of a consortium shall ensure that the consortium shall use the grant funds to—

"(A) encourage interest in, enhance awareness and understanding of, and provide educational opportunities in, disability-related fields, and encourage leadership development among students served by a covered institution, including such students who are individuals with disabilities;

"(B) enable the students at a covered institution to gain practical skills and identify work experience opportunities, including opportunities developed by the consortium in conjunction with the private sector, that benefit individuals with disabilities;

"(C) develop postsecondary school career pathways leading to gainful employment, the attainment of an associate or baccalaureate degree, or the completion of further coursework or a further degree, in a disability-related field;

"(D) offer credit-bearing, college-level coursework in a disability-related field to qualified students served by a covered institution; and

"(E) ensure faculty and staff employed by the members of the consortium are available to—

"(i) students at a covered institution for educational and career advising; and

"(ii) teachers and staff of a covered institution for disability-related training.

"(6) PERMISSIBLE USES OF FUNDS.—An institution of higher education that receives a grant under this subsection on behalf of a consortium may permit the consortium to use the grant funds to develop or adapt disabilities studies curricula, including curricula with distance learning opportunities, for use at covered institutions, to encourage students served by such covered institutions to enter careers in disability-related fields.

"(7) CONSULTATION.—The consortium shall consult with appropriate agencies that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, located in the jurisdiction served by the consortium, concerning the program of education and training carried out by the consortium.

"(8) REVIEWS.—

"(A) ADVISORY COMMITTEE.—For an institution of higher education to be eligible to receive a grant under this subsection on behalf of a consortium, the consortium shall have an advisory committee that consists of members that represent the interests of individuals with disabilities, including—

"(i) a professional in the field of vocational rehabilitation;

"(ii) an individual with a disability or a family member of such an individual; and

"(iii) a representative of each type of entity or community represented on the consortium.

"(B) QUARTERLY REVIEWS.—The advisory committee shall meet at least once during each calendar quarter to conduct a review of the program of education and training carried out by the consortium. The committee shall directly advise the governing board of the institution of higher education in the consortium about the views and recommendations of the advisory committee resulting from the review.

"(9) ACCOUNTABILITY.—Every 2 years, the Commissioner shall—

"(A) using information collected from the reviews required in paragraph (8), assess the effectiveness of the Disability Career Pathways program carried out under this subsection, including assessing how many individuals were served by each eligible consortium and how many of those individuals received postsecondary education, or entered into employment, in a disability-related field; and

"(B) prepare and submit to Congress a report containing the results of the assessments described in subparagraph (A)."; and

(4) in subsection (j), as redesignated by paragraph (2)—

(A) by striking "There" and inserting the following:

"(1) IN GENERAL.—There";

(B) in paragraph (1), as designated by subparagraph (A)—

(i) by striking "this section" and inserting "this section (other than subsections (c) and (d))"; and

(ii) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(C) by adding at the end the following:

"(2) RESERVATIONS.—Of the sums appropriated under paragraph (1) for a fiscal year, the Secretary may reserve—

"(A) not more than $500,000 to carry out subsection (e);

"(B) not more than $5,000,000 to carry out subsection (f); and

"(C) not more than $5,000,000 to carry out subsection (g).".

SEC. 443. MIGRANT AND SEASONAL FARMWORKERS.

Section 304(b) of the Rehabilitation Act of 1973 (29 U.S.C. 774(b)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 444. RECREATIONAL PROGRAMS.

Section 305 of the Rehabilitation Act of 1973 (29 U.S.C. 775) is amended—

(1) in subsection (a)(1)(B), by striking "construction of facilities for aquatic rehabilitation therapy,"; and

(2) in subsection (b), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle D—National Council on Disability

SEC. 451. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking "fiscal *years 1999 through 2003" and inserting "fiscal years 2006 through 2011".*

Subtitle E—Rights and Advocacy

SEC. 461. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(j) of the Rehabilitation Act of 1973 (29 U.S.C. 792(j)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 462. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) in subsection (c)(1)(A), by inserting "a grant for" after "to provide";

(2) in subsection (g)(2), by striking "was paid" and inserting "was paid, except that program income generated from the amount paid to an eligible system shall remain available to such system until expended";

(3) in subsection (l), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011";

(4) by redesignating subsections (l) and (m) as subsections (m) and (n), respectively; and

(5) by inserting after subsection (k) the following:

"(l) SYSTEM AUTHORITY.—For purposes of serving persons eligible for services under this section, an eligible system shall have the same general authorities, including access to records, as the system is afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (29 U.S.C. 796c et seq.), as determined by the Secretary.".

Subtitle F—Employment Opportunities for Individuals With Disabilities

SEC. 471. PROJECTS WITH INDUSTRY.

Section 611(a) of the Rehabilitation Act of 1973 (29 U.S.C. 795(a)) is amended—

(1) in paragraph (1), by inserting ", locally and nationally" before the period at the end; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "local and national" before "Projects With Industry"; and

(B) in subparagraph (A)—

(i) in clause (iii), by striking "and" after the semicolon;

(ii) in clause (iv), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(v) coordinate activities with the Job Corps center industry councils established under section 154 of the Workforce Investment Act of 1998 (29 U.S.C. 2894);".

SEC. 472. PROJECTS WITH INDUSTRY AUTHORIZATION OF APPROPRIATIONS.

Section 612 of the Rehabilitation Act of 1973 (29 U.S.C. 795a) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 473. SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES AUTHORIZATION OF APPROPRIATIONS.

Section 628 of the Rehabilitation Act of 1973 (29 U.S.C. 795n) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle G—Independent Living Services and Centers for Independent Living

SEC. 481. STATE PLAN.

Section 704 of the Rehabilitation Act of 1973 (29 U.S.C. 796c) is amended by adding at the end the following:

"(o) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—

"(1) IN GENERAL.—The plan shall describe how the State will provide independent living services that promote full access to community life for individuals with significant disabilities.

"(2) SERVICES.—The services shall include, as appropriate—

"(A) facilitating transitions of—

"(i) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(ii) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences;

"(B) assisting individuals with significant disabilities at risk of entering institutions to remain in the community; and

"(C) promoting home ownership among individuals with significant disabilities.".

SEC. 482. STATEWIDE INDEPENDENT LIVING COUNCIL.

(a) ESTABLISHMENT.—Section 705(a) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(a)) is amended by striking the second sentence and inserting the following: "The Council shall not be established as an entity within a State agency, and shall not provide independent living services directly to individuals with significant disabilities or manage such services.".

(b) COMPOSITION.—Section 705(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)) is amended—

(1) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) in a State in which 1 or more projects provide services under section 121, not less than 1 representative of the directors of the projects."; and

(2) by striking paragraph (5) and inserting the following:

"(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.".

(c) DUTIES.—Section 705(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(c)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and aligning the margins of those subparagraphs with the margins of subparagraph (E) of subsection (b)(3);

(2) by striking "(c)" and all that follows through "shall—" and inserting the following:

"(c) FUNCTIONS.—

"(1) DUTIES.—The Council shall—"; and

(3) by adding at the end the following:

"(2) AUTHORITIES.—The Council may, consistent with the State plan described in section 704, unless prohibited by State law—

"(A) provide advice and assistance to the designated State unit regarding the performance of its responsibilities under this title;

"(B) facilitate the improvement and coordination of services provided to individuals with disabilities by centers for independent living, the designated State unit, other Government agencies, and community organizations;

"(C) conduct resource development activities to obtain funding from public and private resources to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and

"(D) perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.".

SEC. 483. INDEPENDENT LIVING SERVICES AUTHORIZATION OF APPROPRIATIONS.

Section 714 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 484. PROGRAM AUTHORIZATION.

Section 721 of the Rehabilitation Act of 1973 (29 U.S.C. 796f) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) ALLOTMENTS TO STATES.—

"(1) DEFINITIONS.—In this subsection:

"(A) ADDITIONAL APPROPRIATION.—The term 'additional appropriation' means the amount (if any) by which the appropriation for a fiscal year exceeds the total of—

"(i) the amount reserved under subsection (b) for that fiscal year; and

"(ii) the appropriation for fiscal year 2005.

"(B) APPROPRIATION.—The term 'appropriation' means the amount appropriated to carry out this part.

"(C) BASE APPROPRIATION.—The term 'base appropriation' means the portion of the appropriation for a fiscal year that is equal to the lesser of—

"(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or

"(ii) the appropriation for fiscal year 2005.

"(2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION.—After the reservation required by subsection (b) has been made, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2005 bears to the total amount that all States received under this subsection for fiscal year 2005.

"(3) ALLOTMENTS TO STATES OF ADDITIONAL APPROPRIATION.—From any additional appropriation for each fiscal year, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of—

"(A) an amount that bears the same ratio to 50 percent of the additional appropriation as the population of the State bears to the population of all States; and

"(B) 1/56 of 50 percent of the additional appropriation."; and

(2) by adding at the end the following:

"(e) CARRYOVER AUTHORITY.—Notwithstanding any other provision of law—

"(1) any funds appropriated for a fiscal year to carry out a grant program under section 722 or 723, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during that succeeding fiscal year and the subsequent fiscal year; and

"(2) any amounts of program income received by recipients under a grant program under section 722 or 723 in a fiscal year, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year, shall remain available for obligation and expenditure by such recipients during that succeeding fiscal year and the subsequent fiscal year.".

SEC. 485. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

Section 722(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–1(c)) is amended—

(1) by striking "grants" and inserting "grants for a fiscal year"; and

(2) by striking "by September 30, 1997" and inserting "for the preceding fiscal year".

SEC. 486. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

Section 723(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–2(c)) is amended—

(1) by striking "grants" and inserting "grants for a fiscal year"; and

(2) by striking "by September 30, 1997" and inserting "for the preceding fiscal year".

SEC. 487. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

Section 725(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–4(b)) is amended by adding at the end the following:

"(8) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—

"(A) IN GENERAL.—The center shall provide independent living services that promote full access to community life for individuals with significant disabilities.

"(B) SERVICES.—The services shall include, as appropriate—

"(i) facilitating transitions of—

"(I) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(II) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences;

"(ii) assisting individuals with significant disabilities at risk of entering institutions to remain in the community; and

"(iii) promoting home ownership among individuals with significant disabilities.".

SEC. 488. CENTERS FOR INDEPENDENT LIVING AUTHORIZATION OF APPROPRIATIONS.

Section 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–6) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 489. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.

Chapter 2 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796j et seq.) is amended—

(1) by redesignating sections 752 and 753 as sections 753 and 754, respectively; and

(2) by inserting after section 751 the following:

"SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.

"(a) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year for which the funds appropriated to carry out this chapter exceed the funds appropriated to carry out this chapter for fiscal year 2005, the Commissioner shall first reserve from such excess, to provide training and technical assistance to designated State agencies for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this chapter for the fiscal year involved.

"(b) ALLOCATION.—From the funds reserved under subsection (a), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that demonstrate expertise in the provision of services to older individuals who are blind to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating independent living programs for older individuals who are blind.

"(c) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of designated State agencies that receive grants under section 753 regarding training and technical assistance needs in order to determine funding priorities for grants, contracts, and other arrangements under this section.

"(d) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this section, an entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require.

"(e) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this section may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such reserved funds are separately identified in the agreement for such grant or payment and are used for the purposes of this chapter.".

SEC. 490. PROGRAM OF GRANTS.

Section 753 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;

(3) in subsection (b), by striking "section 753" and inserting "section 754";

(4) in subsection (c)—

(A) in paragraph (1), by striking "section 753" and inserting "section 754"; and

(B) in paragraph (2)—

(i) by striking "subsection (j)" and inserting "subsection (i)"; and

(ii) by striking "subsection (i)" and inserting "subsection (h)";

(5) in subsection (g), by inserting ", or contracts with," after "grants to";

(6) in subsection (h), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking "subsection (j)(4)" and inserting "subsection (i)(4)"; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by adding "and" after the semicolon;

(ii) in subparagraph (B)(ii)(III), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(7) in subsection (i), as redesignated by paragraph (2)—

(A) by striking paragraph (2) and inserting the following:

"(2) MINIMUM ALLOTMENT.—

"(A) STATES.—In the case of any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico, the amount referred to in paragraph (1)(A) for a fiscal year is the greater of—

"(i) $350,000;

"(ii) an amount equal to the amount the State, the District of Columbia, or the Commonwealth of Puerto Rico received to carry out this chapter for fiscal year 2005; or

"(iii) an amount equal to ⅓ of 1 percent of the amount appropriated under section 754, and not reserved under section 752, for the fiscal year and available for allotments under subsection (a).

"(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the amount referred to in paragraph (1)(A) for a fiscal year is $60,000.";

(B) in paragraph (3)(A), by striking "section 753" and inserting "section 754, and not reserved under section 752,"; and

(C) in paragraph (4)(B)(i), by striking "subsection (i)" and inserting "subsection (h)".

SEC. 491. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.

Section 754 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle H—Miscellaneous

SEC. 495. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of the Helen Keller National Center Act (29 U.S.C. 1907(h)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of titles I and III of this Act. The Secretary of Education shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of titles II and IV of this Act.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

Mr. ENZI. Mr. President, passing S. 1021, the Workforce Investment Act amendments, is an important step toward ensuring America's competitiveness in the global economy. We need a skilled workforce to maintain our competitive edge in this technology-driven economy. This reauthorization of our job-training system created under the Workforce Investment Act, WIA, will help our workers obtain the skills they need to find good jobs with good wages and fulfilling careers in high skilled occupations.

This bill will help our businesses find the skilled workers they need to grow and remain competitive. We have a skilled worker shortage in this country. Fortunately, that can be addressed by ensuring our workers have access to lifelong education, training, and retraining opportunities

The substitute amendment to S. 1021 makes technical changes to the bill that was reported out of the Health, Education, Labor, and Pensions Committee unanimously. Most importantly, this amendment provides for 100 percent flexibility between WIA adult and dislocated funding streams in order to meet State and local job training needs. However, formula funding for each of these WIA funding streams remains the same. Increased flexibility moves us further toward achieving our goal of an effective, coordinated, and accountable job training system.

This bill allows for real reform shaped at the State and local level with the full participation of the business community. States working in concert with their local governments and leaders should have the option of determining what is best and most needed—for their economy.

There are many other important features of this bill such as improved connections with the private sector, postsecondary education and training, and economic development systems, and a new focus on entrepreneurial skills and microenterprises coupled with the unique needs of small businesses and rural areas.

S. 1021 includes amendments to the Adult Education and Family Literacy Act and the Vocational Rehabilitation

Act. These amendments encourage coordination with K–12 schools, postsecondary education, and the workforce system so that individuals can overcome the barriers to their participation in the workforce and have an opportunity to gain the literacy, language, or core skills needed to enter and advance in their chosen profession. I am especially pleased that we have been able to define an improved transition process for youth with disabilities in order to achieve significant improvements in postsecondary outcomes for youth with disabilities.

I thank Senator KENNEDY and the rest of my colleagues on the HELP Committee for their hard work in getting this important bill passed on a bipartisan basis. I also thank the HELP Committee staff on both sides of the aisle who spent countless hours crafting this bill. I would particularly like to thank Katherine McGuire, Beth Buehlmann, Ilyse Schuman, Scott Fleming, and Aaron Bishop on my staff, and Michael Myers, Carmel Martin, and Connie Garner on Senator KENNEDY's staff, and Jane Oates, formerly on Senator KENNEDY's staff.

Unless we can make sure that those workers with minimum skills have the opportunities and the resources to improve their ability to meet the challenges of the 21st century workplace, we will find ourselves as a nation losing our competitive advantage in a global economy. I look forward to going to conference and getting this important bill signed into law.

Mr. KENNEDY. Mr. President, I strongly support this bipartisan bill to reauthorize the Workforce Investment Act. Thirteen months have passed since our committee first approved the bill, and I commend Chairman ENZI for his leadership and perseverance in bringing it before the Senate today.

The reauthorization renews our commitment to raising the skills of the American workforce and helping workers compete in the job market. The bill will increase opportunities for workers to find new or better jobs, enable them to hold the good jobs of the future, and help the Nation maintain its leadership in the global economy.

The bill strengthens the so-called one-stop system, which is a comprehensive service delivery system for jobseekers and employers. The system is a lifeline for workers who have lost their jobs and need assistance and training to get back on track. It creates stronger partnerships with businesses to recruit new workers and train current workers, so that many more people can be served. It improves opportunities for career ladders and enables job training centers to work with local leaders and businesses to meet the changing needs of their community. The services that one-stops deliver are needed now more than ever as Americans struggle to adjust to the forces of globalization transforming our society and our workforce.

The bill also encourages local service providers to continue their training programs until employees are self-sufficient, so that a support system will be in place to help workers qualify for better-paying jobs that will enable them to provide for themselves and their families.

In addition, the youth program in the bill will continue to work with both in-school and out-of-school youths to help them obtain the education and the job experience they need to succeed in the future.

The bill pays particular attention to the needs of people with disabilities. Workforce training programs must coordinate with vocational rehabilitation programs to provide many more opportunities for those with physical or mental challenges. Through vocational rehabilitation, they can obtain the training, counseling, support and job opportunities they need in order to have independent, productive, and fulfilling lives. For millions of these Americans, vocational rehabilitation is the difference between dependence and independence, between lost potential and a productive career.

The bill also contains the Adult Literacy Act, which funds critical programs for states to assist adults in obtaining the basic reading, writing and English language skills they need in order to participate fully in the workforce and in society.

In December, the Department of Education released the results of the most recent National Assessment of Adult Literacy, and the facts are alarming. Only a quarter of college graduates could read a document well enough to be considered proficient.

Adults in Massachusetts are struggling: 26 percent scored at or below the basic level in document literacy and 46 percent scored at the lowest levels in quantitative literacy. Improving these skills is a key component of job training, and we need to do more to for those who recognize their need to improve these skills in order to improve their lives.

The Workforce Investment Act has improved the quality of job training and strengthened connections between employers and training providers. In 2004, every State met or exceeded its performance level for getting participants into employment. The national average was 80 percent of job seekers who entered employment.

Currently, there are not enough skilled workers in Massachusetts in key industries such as health care, education, community and social services, and the sciences. Workforce investment boards across the State have been doing their part to fill these needs. For example, the Northshore Workforce Investment Board works with 15 long-term care facilities in the region to train workers in basic and clinical skills. Statewide, the Extended Care Career Ladder Initiative has trained over 6,500 workers in over 140 facilities. Wages increase as these workers move up the ladder, and the facilities are able to retain skilled employees and save on personnel costs.

With the extraordinary needs of people looking for jobs, people struggling to keep their jobs and the new needs of employers, the Workforce Investment Act and the services it provides are in high demand. Unfortunately, the Bush administration has continued to underfund and undermine these programs. We need to invest adequate amounts in job training, so that more Americans can take advantage of these opportunities.

The Senate's passage of this reauthorization today is a strong sign of support for the workforce system and the programs that help millions of American workers find new and good jobs. Our bipartisan effort in the Senate enabled us to reach a worthwhile consensus on these provisions, and I urge our colleagues in the House to pass this bipartisan package as well.

Today's skill deficiencies and the skill demands of tomorrow will require a significant new investment in education and job training. This bill will help workers obtain the training they need to meet the employment priorities of their community, and in doing so will strengthen the entire American workforce and its ability to compete in the global marketplace. It deserves to be enacted as soon as possible.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee reported amendment, as amended, be agreed to, and the bill, as amended, be read the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4546) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment, as amended, was agreed to.

The bill (S. 1021) was ordered to be engrossed for a third reading and was read the third time.

Mr. McCONNELL. Mr. President, I now ask unanimous consent that the HELP Committee be discharged and the Senate proceed to the immediate consideration of H.R. 27, the House companion bill; that all after the enacting clause be stricken and the text of S. 1021, as amended, be inserted in lieu thereof; that the bill, as amended, be read a third time and passed, and S. 1021 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 27), as amended, was passed, as follows:

H.R. 27

Resolved, That the bill from the House of Representatives (H.R. 27) entitled "An Act to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Investment Act Amendments of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

Sec. 101. Definitions.

Subtitle B—Statewide and Local Workforce Investment Systems

Sec. 111. Purpose.
Sec. 112. State workforce investment boards.
Sec. 113. State plan.
Sec. 114. Local workforce investment areas.
Sec. 115. Local workforce investment boards.
Sec. 116. Local plan.
Sec. 117. Establishment of one-stop delivery systems.
Sec. 118. Eligible providers of training services.
Sec. 119. Eligible providers of youth activities.
Sec. 120. Youth activities.
Sec. 121. Adult and dislocated worker employment and training activities.
Sec. 122. Performance accountability system.
Sec. 123. Authorization of appropriations.

Subtitle C—Job Corps

Sec. 131. Job Corps.

Subtitle D—National Programs

Sec. 141. Native American programs.
Sec. 142. Migrant and seasonal farmworker programs.
Sec. 143. Veterans' workforce investment programs.
Sec. 144. Youth challenge grants.
Sec. 145. Technical assistance.
Sec. 146. Demonstration, pilot, multiservice, research, and multistate projects.
Sec. 147. National dislocated worker grants.
Sec. 148. Authorization of appropriations for national activities.

Subtitle E—Administration

Sec. 151. Requirements and restrictions.
Sec. 152. Reports.
Sec. 153. Administrative provisions.
Sec. 154. Use of certain real property.
Sec. 155. General program requirements.

Subtitle F—Incentive Grants

Sec. 161. Incentive grants.

Subtitle G—Conforming Amendments

Sec. 171. Table of contents.
Sec. 172. Conforming amendments.

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

Sec. 201. Short title; purpose.
Sec. 202. Definitions.
Sec. 203. Home schools.
Sec. 204. Authorization of appropriations.
Sec. 205. Reservation of funds; grants to eligible agencies; allotments.
Sec. 206. Performance accountability system.
Sec. 207. State administration.
Sec. 208. State distribution of funds; matching requirement.
Sec. 209. State leadership activities.
Sec. 210. State plan.
Sec. 211. Programs for corrections education and other institutionalized individuals.
Sec. 212. Grants and contracts for eligible providers.
Sec. 213. Local application.
Sec. 214. Local administrative cost limits.
Sec. 215. Administrative provisions.
Sec. 216. National Institute for Literacy.
Sec. 217. National leadership activities.
Sec. 218. Integrated English literacy and civics education.
Sec. 219. Transition.

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

Sec. 301. Wagner-Peyser Act.

TITLE IV—REHABILITATION ACT AMENDMENTS

Sec. 401. Short title.
Sec. 402. Technical amendments to table of contents.
Sec. 403. Purpose.
Sec. 404. Rehabilitation Services Administration
Sec. 405. Definitions.
Sec. 406. Administration of the Act.
Sec. 407. Reports.
Sec. 408. Carryover.

Subtitle A—Vocational Rehabilitation Services

Sec. 411. Declaration of policy; authorization of appropriations.
Sec. 412. State plans.
Sec. 413. Eligibility and individualized plan for employment.
Sec. 414. Vocational rehabilitation services.
Sec. 415. State rehabilitation council.
Sec. 416. Evaluation standards and performance indicators.
Sec. 417. Monitoring and review.
Sec. 418. State allotments.
Sec. 419. Reservation for expanded transition services.
Sec. 420. Client assistance program.
Sec. 421. Incentive grants.
Sec. 422. Vocational rehabilitation services grants.
Sec. 423. GAO studies.

Subtitle B—Research and Training

Sec. 431. Declaration of purpose.
Sec. 432. Authorization of appropriations.
Sec. 433. National Institute on Disability and Rehabilitation Research.
Sec. 434. Interagency committee.
Sec. 435. Research and other covered activities.
Sec. 436. Rehabilitation Research Advisory Council.
Sec. 437. Definition.

Subtitle C—Professional Development and Special Projects and Demonstrations

Sec. 441. Training.
Sec. 442. Demonstration and training programs.
Sec. 443. Migrant and seasonal farmworkers.
Sec. 444. Recreational programs.

Subtitle D—National Council on Disability

Sec. 451. Authorization of appropriations.

Subtitle E—Rights and Advocacy

Sec. 461. Architectural and Transportation Barriers Compliance Board.
Sec. 462. Protection and advocacy of individual rights.

Subtitle F—Employment Opportunities for Individuals With Disabilities

Sec. 471. Projects with industry.
Sec. 472. Projects with industry authorization of appropriations.
Sec. 473. Services for individuals with significant disabilities authorization of appropriations.

Subtitle G—Independent Living Services and Centers for Independent Living

Sec. 481. State plan.
Sec. 482. Statewide Independent Living Council.
Sec. 483. Independent living services authorization of appropriations.
Sec. 484. Program authorization.
Sec. 485. Grants to centers for independent living in States in which Federal funding exceeds State funding.
Sec. 486. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
Sec. 487. Standards and assurances for centers for independent living.
Sec. 488. Centers for independent living authorization of appropriations.
Sec. 489. Independent living services for older individuals who are blind.
Sec. 490. Program of grants.
Sec. 491. Independent living services for older individuals who are blind authorization of appropriations.

Subtitle H—Miscellaneous

Sec. 495. Helen Keller National Center Act.

TITLE V—TRANSITION AND EFFECTIVE DATE

Sec. 501. Transition provisions.
Sec. 502. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by redesignating paragraphs (1) through (4), (5) through (16), (17), (18) through (41), and (42) through (53) as paragraphs (2) through (5), (7) through (18), (20), (23) through (46), and (48) through (59), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' means charges incurred by recipients of funds under this title for a given period requiring the provision of funds for—

"(A) goods or other tangible property received;

"(B) services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

"(C) other amounts becoming owed under programs assisted under this title for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.";

(3) in paragraph (2) (as redesignated by paragraph (1)), by striking "Except in sections 127 and 132," and inserting "Except in section 132,";

(4) by striking paragraph (5) (as redesignated by paragraph (1)) and inserting the following:

"(5) BASIC SKILLS DEFICIENT.—The term 'basic skills deficient' means, with respect to an individual, that the individual—

"(A) has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test; or

"(B) is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.";

(5) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

"(6) BUSINESS INTERMEDIARY.—The term 'business intermediary' means an entity that brings together various stakeholders with an expertise in an industry or business sector.";

(6) in paragraph (9) (as redesignated by paragraph (1)), by inserting ", including a faith-based organization," after "nonprofit organization";

(7) in paragraph (10) (as redesignated by paragraph (1)), in subparagraph (C), by striking "for not less than 50 percent of the cost of the training," and inserting "for—

"(i) a significant portion of the cost of training as determined by the local board, taking into account the size of the employer and such other factors as the local board determines to be appropriate; and

"(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) with an employer in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.";

(8) in paragraph (11) (as redesignated by paragraph (1))—

(A) in subparagraph (A)(ii)(II), by striking "section 134(c)" and inserting "section 121(e)";

(B) in subparagraph (C), by striking "or" after the semicolon;

(C) in subparagraph (D), by striking the period and inserting "; or"; and

(D) by adding at the end the following:

"(E)(i) is the spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

"(ii) is the spouse of a member of the Armed Forces on active duty who meets the criteria described in paragraph (12)(B).";

(9) in paragraph (12)(A) (as redesignated by paragraph (1))—

(A) by striking "and" after the semicolon and inserting "or";

(B) by striking "(A)" and inserting "(A)(i)"; and

(C) by adding at the end the following:

"(ii) is the dependent spouse of a member of the Armed Forces on active duty for a period of more than 30 days (as defined in section 101(d)(2) of title 10, United States Code) whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and";

(10) in paragraph (14)(A) (as redesignated by paragraph (1)), by striking "section 122(e)(3)" and inserting "section 122";

(11) by inserting after paragraph (18) (as redesignated by paragraph (1)) the following:

"(19) HARD-TO-SERVE POPULATIONS.—The term 'hard-to-serve populations' means populations of individuals who are hard to serve, including displaced homemakers, low-income individuals, Native Americans, individuals with disabilities, older individuals, ex-offenders, homeless individuals, individuals with limited English proficiency, individuals who do not meet the definition of literacy in section 203, individuals facing substantial cultural barriers, migrant and seasonal farmworkers, individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), single parents (including single pregnant women), and such other groups as the Governor determines to be hard to serve.";

(12) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

"(21) INTEGRATED TRAINING PROGRAM.—The term 'integrated training program' means a program that combines occupational skills training with English language acquisition.

"(22) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a), and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001(a), 1002(a)(1)).";

(13) in paragraph (30) (as redesignated by paragraph (1))—

(A) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(B) by inserting after subparagraph (C) the following:

"(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);";

(14) in paragraph (31) (as redesignated by paragraph (1)), by inserting after "fields of work" the following: ", including occupations in computer science and technology and other emerging high-skill occupations,";

(15) in paragraph (35) (as redesignated by paragraph (1)), by inserting ", subject to section 121(b)(1)(C)" after "121(b)(1)";

(16) by striking paragraph (38) (as redesignated by paragraph (1)) and inserting the following:

"(38) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an out-of-school youth as defined in section 129(a)(1)(B).";

(17) by inserting after paragraph (46) (as redesignated by paragraph (1)) the following:

"(47) SELF-SUFFICIENCY.—The term 'self-sufficiency' means self-sufficiency within the meaning of subsections (a)(3)(A)(x) and (e)(1)(A)(xii) of section 134.";

(18) in paragraph (49) (as redesignated by paragraph (1)), by striking "clause (iii) or (v) of section 136(b)(3)(A)" and inserting "section 136(b)(3)(A)(iii)";

(19) in paragraph (58) (as redesignated by paragraph (1)), by striking "(or as described in section 129(c)(5))" and inserting "(or as described in section 129(a)(2))"; and

(20) in paragraph (59) (as redesignated by paragraph (1)), by striking "established under section 117(h)" and inserting "that may be established under section 117(h)(2)".

Subtitle B—Statewide and Local Workforce Investment Systems

SEC. 111. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended to read as follows:

"SEC. 106. PURPOSES.

"The purposes of this subtitle are the following:

"(1)(A) Primarily, to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, self-sufficiency, and earnings of participants, and increase occupational skill attainment by participants.

"(B) As a result of the provision of the activities, to improve the quality of the workforce, reduce welfare dependency, increase self-sufficiency, and enhance the productivity and competitiveness of the Nation.

"(2) To enhance the workforce investment system of the Nation by strengthening one-stop centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment and training and related services, establishing a targeted approach to serving youth, improving performance accountability, and promoting State and local flexibility.

"(3) To provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.

"(4) To provide workforce investment systems that are demand-driven and responsive to the needs of all employers, including small employers.

"(5) To provide workforce investment systems that work in all areas of the Nation, including urban and rural areas.

"(6) To allow flexibility to meet State, local, regional, and individual workforce investment needs.

"(7) To recognize and reinforce the vital link between economic development and workforce investment activities.

"(8) To provide for accurate data collection, reporting, and performance measures that are not unduly burdensome.

"(9) To address the ongoing shortage of essential skills in the United States workforce related to both manufacturing and knowledge-based economies to ensure that the United States remains competitive in the global economy.

"(10) To equip workers with higher skills and contribute to lifelong education.

"(11) To eliminate training disincentives for hard-to-serve populations and minority workers, including effectively utilizing community programs, services, and agencies.

"(12) To educate limited English proficient individuals about skills and language so the individuals are employable.

"(13) To increase the employment, retention and earnings of individuals with disabilities.".

SEC. 112. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) in paragraph (1), by striking subparagraph (C) and inserting the following:

"(C) representatives appointed by the Governor, who—

"(i) are the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners, except that—

"(I) in any case in which no lead State agency official has responsibility for such a program or activity, the representative shall be a representative in the State with expertise relating to such program or activity; and

"(II) in the case of the programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), the representative shall be the director of the designated State unit, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

"(ii) are the State agency officials responsible for economic development;

"(iii) are representatives of business in the State, including small businesses, who—

"(I) are owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

"(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

"(III) are appointed from among individuals nominated by State business organizations, business trade associations, and local boards;

"(iv) are chief elected officials (representing cities and counties, where appropriate);

"(v) are representatives of labor organizations, who have been nominated by State labor federations; and

"(vi) are such other State agency officials and other representatives as the Governor may designate."; and

(B) in paragraph (3), by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(C)(iii)".

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C. 2821(c)) is amended by striking "subsection (b)(1)(C)(i)" and inserting "subsection (b)(1)(C)(iii)".

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2821(d)) is amended—

(1) in paragraph (1), by striking "development" and inserting "development, implementation, and revision";

(2) in paragraph (2)—

(A) by striking "section 134(c)" and inserting "section 121(e)"; and

(B) in subparagraph (A), by inserting after "section 121(b)" the following: ", including granting the authority for the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) to plan and coordinate employment and training activities with local boards";

(3) by striking paragraph (3) and inserting the following:

"(3) reviewing and providing comment on the State plans of all one-stop partner programs, where applicable, in order to provide effective strategic leadership in the development of a high quality, comprehensive statewide workforce investment system, including commenting at least once annually on the measures taken pursuant to section 113(b)(3) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2323(b)(3)) and title II of this Act;";

(4) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(5) by inserting after paragraph (3) the following:

"(4) development and review of statewide policies affecting the coordinated provision of services through the one-stop delivery system described in section 121(e) within the State, including—

"(A) the development of objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers under section 121(g);

"(B) the development of guidance for the allocation of one-stop center infrastructure funds under section 121(h)(1)(B);

"(C) the development of—

"(i) statewide policies relating to the appropriate roles and contributions of one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the one-stop delivery system;

"(ii) statewide strategies for providing effective outreach to individuals, including hard-to-serve populations, and employers who could benefit from services provided through the one-stop delivery system;

"(iii) strategies for technology improvements to facilitate access to services provided through the one-stop delivery system, in remote areas, and for individuals with disabilities, which may be utilized throughout the State; and

"(iv) strategies for the effective coordination of activities between the one-stop delivery system of the State and the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(D) identification and dissemination of information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies, including for hard-to-serve populations; and

"(E) conduct of such other matters as may promote statewide objectives for, and enhance the performance of, the one-stop delivery system;";

(6) in paragraph (5) (as redesignated by paragraph (4)), by inserting "and the development of statewide criteria to be used by chief elected officials for the appointment of local boards consistent with section 117" after "section 116";

(7) in paragraph (6) (as redesignated by paragraph (4)), by striking "sections 128(b)(3)(B) and 133(b)(3)(B)" and inserting "sections 128(b)(3) and 133(b)(3)(B)";

(8) in paragraph (9) (as redesignated by paragraph (4))—

(A) by striking "employment statistics system" and inserting "workforce and labor market information system"; and

(B) by striking "and" after the semicolon;

(9) in paragraph (10) (as redesignated by paragraph (4))—

(A) by inserting "section 136(i) and" before "section 503"; and

(B) by striking the period and inserting "; and"; and

(10) by adding at the end the following:

"(11) increasing the availability of skills training, employment opportunities, and career advancement, for hard-to-serve populations.".

(c) ALTERNATIVE ENTITY.—Section 111(e) (29 U.S.C. 2821(e)) is amended—

(1) in paragraph (1), by striking "For" and inserting "Subject to paragraph (3), for"; and

(2) by adding at the end the following:

"(3) FAILURE TO MEET PERFORMANCE MEASURES.—If a State fails to have performed successfully, as defined in section 116(a)(2), the Secretary may require the State to establish a State board in accordance with subsections (a), (b), and (c) in lieu of the alternative entity established under paragraph (1).".

(d) CONFLICT OF INTEREST.—Section 111(f)(1) (29 U.S.C. 2821(f)(1)) is amended by inserting "or participate in action taken" after "vote".

(e) SUNSHINE PROVISION.—Section 111(g) (29 U.S.C. 2821(g)) is amended—

(1) by inserting ", and modifications to the State plan," before "prior"; and

(2) by inserting ", and modifications to the State plan" after "the plan".

(f) AUTHORITY TO HIRE STAFF.—Section 111 (29 U.S.C. 2821) is amended by adding at the end the following:

"(h) AUTHORITY TO HIRE STAFF.—

"(1) IN GENERAL.—The State board may hire staff to assist in carrying out the functions described in subsection (d) using funds allocated under sections 127(b)(1)(C) and 132(b).

"(2) LIMITATION ON RATE.—Funds appropriated under this title shall not be used to pay staff employed by the State board, either as a direct cost or through any proration as an indirect cost, at a rate in excess of the maximum rate payable for a position at GS–15 of the General Schedule as in effect on the date of enactment of the Workforce Investment Act Amendments of 2005.".

SEC. 113. STATE PLAN.

(a) PLANNING CYCLE.—Section 112(a) (29 U.S.C. 2822(a)) is amended—

(1) by inserting ", or a State unified plan as described in section 501," before "that outlines";

(2) by striking "5-year strategy" and inserting "4-year strategy"; and

(3) by adding at the end the following: "At the end of the first 2-year period of the 4-year State plan, the State board shall review and, as needed, amend the 4-year State plan to reflect labor market and economic conditions. In addition, the State shall submit a modification to the State plan at the end of the first 2-year period of the State plan, which may include redesignation of local areas pursuant to section 116(a) and specification of the levels of performance under sections 136 for the third and fourth years of the plan.".

(b) CONTENTS.—Section 112(b) (29 U.S.C. 2822(b)) is amended—

(1) in paragraph (8)(A)—

(A) in clause (ix), by striking "and" after the semicolon; and

(B) by adding at the end the following:

"(xi) programs authorized under title II of the Social Security Act (42 U.S.C. 401 et seq.) (relating to Federal old-age, survivors, and disability insurance benefits), title XVI of such Act (42 U.S.C. 1381 et seq.) (relating to supplemental security income), title XIX of such Act (42 U.S.C. 1396 et seq.) (relating to medicaid), and title XX of such Act (42 U.S.C. 1397 et seq.) (relating to block grants to States for social services), programs authorized under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), and programs carried out by State agencies relating to mental retardation and developmental disabilities; and";

(2) by striking paragraph (10) and inserting the following:

"(10) a description of how the State will use funds the State received under this subtitle to leverage other Federal, State, local, and private resources, in order to maximize the effectiveness of such resources, expand resources for the provision of education and training services, and expand the participation of businesses, employees, and individuals in the statewide workforce investment system, including a description of incentives and technical assistance the State will provide to local areas for such purposes;";

(3) in paragraph (12)(A), by striking "sections 128(b)(3)(B) and 133(b)(3)(B)" and inserting "sections 128(b)(3) and 133(b)(3)(B)";

(4) in paragraph (14), by striking "section 134(c)" and inserting "section 121(e)";

(5) in paragraph (15), by striking "section 116(a)(5)" and inserting "section 116(a)(4)";

(6) in paragraph (17)—

(A) in subparagraph (A)—

(i) in clause (iii)—

(I) by inserting "local" before "customized training"; and

(II) by striking "and" at the end;

(ii) in clause (iv), by striking "(including displaced homemakers)," and all that follows through "disabilities)" and inserting ", hard-to-serve populations, and individuals training for nontraditional employment"; and

(iii) by adding after clause (iv) the following:

"(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (42 U.S.C. 12131 note; relating to community-based alternatives for individuals with disabilities), including the provision of outreach, intake, the conduct of assessments, service delivery, the development of adjustments to performance measures established under section 136, and the training of staff; and"; and

(B) in subparagraph (B), by striking "and" at the end;

(7) in paragraph (18)(D)—

(A) by striking "youth opportunity grants under section 169" and inserting "youth challenge grants authorized under section 169 and other federally funded youth programs"; and

(B) by striking the period and inserting a semicolon; and

(8) by adding at the end the following:

"(19) a description of how the State will utilize technology to facilitate access to services in remote areas, which may be utilized throughout the State;

"(20) a description of the State strategy for coordinating workforce investment activities and economic development activities, and promoting entrepreneurial skills training and microenterprise services;

"(21) a description of the State strategy and assistance to be provided for ensuring regional cooperation within the State and across State borders as appropriate;

"(22) a description of how the State will use funds the State receives under this subtitle to—

"(A) implement innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies that better engage employers in workforce investment activities and make the statewide workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title; and

"(B) provide incentives and technical assistance to assist local areas in more fully engaging all employers, including small employers, in local workforce investment activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts to contribute to the economic well-being of the local area, as determined appropriate by the local board;

"(23) a description of the State strategy—

"(A) for ensuring cooperation between transportation providers, including public transportation providers, and providers of workforce investment activities; and

"(B) for ensuring coordination among appropriate State agencies and programs to make available skills training, employment services and opportunities, and career advancement activities, that will assist ex-offenders in reentering the workforce;

"(24) a description of how the State will assist local areas in assuring physical and programmatic accessibility for individuals with disabilities at one-stop centers;

"(25) a description of the process and methodology that will be used by the State board to—

"(A) review statewide policies and provide guidance on the coordinated provision of services through the one-stop delivery system described in section 121(e);

"(B) establish, in consultation with chief elected officials and local boards, objective criteria and procedures for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system as described in section 121(g); and

"(C) determine—

"(i) one-stop partner program contributions for the costs of the infrastructure of one-stop centers under section 121(h)(2); and

"(ii) the formula for allocating the funds described in section 121(h)(2) to local areas;

"(26) a description of the State strategy for ensuring that activities carried out under this title are placing men and women in jobs, education, or training that lead to comparable pay; and

"(27) a description of the technical assistance available to one-stop operators and providers of training services for strategies to serve hard-to-serve populations and promote placement in nontraditional employment.".

(c) Modifications to Plan.—Section 112(d) (29 U.S.C. 2822(d)) is amended—

(1) by striking "5-year period" and inserting "4-year period"; and

(2) by adding at the end the following: "In addition, the State shall submit the modifications to the State plan required under subsection (a), under circumstances prescribed by the Secretary that are due to changes in Federal law that significantly affect elements of the State plan.".

SEC. 114. LOCAL WORKFORCE INVESTMENT AREAS.

(a) Designation of Areas.—

(1) Considerations.—Section 116(a)(1) (29 U.S.C. 2831(a)(1)) is amended—

(A) in subparagraph (A), by striking "paragraphs (2), (3), and (4)" and inserting "paragraphs (2) and (3)"; and

(B) in subparagraph (B), by adding at the end the following:

"(vi) The extent to which such local areas will promote maximum effectiveness in the administration and provision of services.".

(2) Automatic designation.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

"(2) Automatic designation.—

"(A) In general.—The Governor shall approve a request for designation as a local area that is submitted prior to the submission of the State plan, or of a modification to the State plan relating to area designation, from any area that—

"(i) is a unit of general local government with a population of 500,000 or more, except that after the initial 2-year period following such designation pursuant to this clause that occurs after the date of enactment of the Workforce Investment Act Amendments of 2005, the Governor shall only be required to approve a request for designation from such area if such area—

"(I) performed successfully; and

"(II) sustained fiscal integrity;

"(ii) was a local area under this title for the preceding 2-year period (prior to the date of approval), if such local area—

"(I) performed successfully; and

"(II) sustained fiscal integrity;

"(iii) is served by a rural concentrated employment program grant recipient, except that after the initial 2-year period following any such designation under the initial State plan submitted after the date of enactment of the Workforce Investment Act Amendments of 2005, the Governor shall only be required to approve a request for designation under this clause for such area if such area—

"(I) performed successfully; and

"(II) sustained fiscal integrity; or

"(iv) was a local area under section 116(a)(2)(C) (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005), except that after the initial 2-year period following such designation pursuant to this clause that occurs after that date of enactment, the Governor shall only be required to approve a request for designation under this clause for such area if such area—

"(I) performed successfully; and

"(II) sustained fiscal integrity.

"(B) Definitions.—For purposes of this paragraph:

"(i) Performed successfully.—The term 'performed successfully', when used with respect to a local area, means the local area performed at 80 percent or more of the adjusted level of performance for core indicators of performance described in section 136(b)(2)(A) for 2 consecutive years.

"(ii) Sustained fiscal integrity.—The term 'sustained fiscal integrity', used with respect to an area, means that the Secretary has not made a formal determination during the preceding 2-year period that either the grant recipient or the administrative entity of the area misexpended funds provided under this title due to willful disregard of the requirements of the Act involved, gross negligence, or failure to comply with accepted standards of administration.".

(3) Conforming amendments.—Section 116(a) (29 U.S.C. 2831(a)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively;

(C) in paragraph (3) (as redesignated by subparagraph (B))—

(i) by striking "(including temporary designation)"; and

(ii) by striking "(v)" and inserting "(vi)"; and

(D) in paragraph (4) (as redesignated by subparagraph (B))—

(i) by striking "under paragraph (2) or (3)" and inserting "under paragraph (2)"; and

(ii) by striking the second sentence.

(b) Single Local Area States.—Section 116(b) (29 U.S.C. 2831(b)) is amended to read as follows:

"(b) Single Local Area States.—

"(1) Continuation of previous designation.—Notwithstanding subsection (a)(2), the Governor of any State that was a single local area for purposes of this title as of July 1, 2004, may continue to designate the State as a single local area for purposes of this title if the Governor identifies the State as a local area in the State plan under section 112(b)(5).

"(2) Redesignation.—The Governor of a State not described in paragraph (1) may designate the State as a single local area if, prior to the submission of the State plan or modification to such plan so designating the State, no local area meeting the requirements for automatic designation under subsection (a)(2) requests such designation as a separate local area.

"(3) Effect on local plan.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 118 for the area shall be submitted to the Secretary for approval as part of the State plan under section 112.".

(c) Regional Planning.—Section 116(c) (29 U.S.C. 2831(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Planning.—

"(A) In general.—As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State may require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State, after consultation with local boards and chief elected officials, may require the local boards for the designated region to prepare, submit, and obtain approval of a single regional plan that incorporates local plans for each of the local areas in the region, as required under section 118. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures pursuant to section 134(a)(2)(B)(iii).

"(B) Technical assistance.—If the State requires regional planning as provided in subparagraph (A), the State shall provide technical assistance and labor market information to such local areas in the designated regions to assist with such regional planning and subsequent service delivery efforts.";

(2) in paragraph (2), by inserting "information about the skill requirements of existing and emerging industries and industry clusters," after "information about employment opportunities and trends,"; and

(3) in paragraph (3), by adding at the end the following: "Such services may be required to be coordinated with regional economic development services and strategies.".

SEC. 115. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) Composition.—Section 117(b) (29 U.S.C. 2832(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking subclause (II) and inserting the following:

"(II) collectively, represent businesses with employment opportunities that reflect the employment opportunities of the local area, and include representatives of businesses that are in high-growth and emerging industries, and representatives of businesses, including small businesses, in the local area; and";

(B) by striking clause (ii) and inserting the following:

"(ii)(I) a superintendent representing the local school districts involved or another high-level official from such districts;

"(II) the president or highest ranking official of an institution of higher education participating in the workforce investment activities in the local area; and

"(III) an administrator of local entities providing adult education and literacy activities in the local area:";

(C) in clause (iv), by inserting ", hard-to-serve populations," after "disabilities";

(D) in clause (v), by striking "and" at the end; and

(E) by striking clause (vi) and inserting the following:

"(vi) a representative from the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) who is serving the local area; and

"(vii) if the local board does not establish or continue a youth council, representatives with experience serving out-of-school youth, particularly out-of-school youth facing barriers to employment; and"; and

(2) by adding at the end the following:

"(6) SPECIAL RULE.—In the case that there are multiple school districts or institutions of higher education serving a local area, the representatives described in subclause (I) or (II) of paragraph (2)(A)(ii), respectively, shall be appointed from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such agencies or institutions.".

(b) AUTHORITY OF BOARD MEMBERS.—Section 117(b)(3) (29 U.S.C. 2832(b)(3)) is amended—

(1) in the heading, by inserting "AND REPRESENTATION" after "AUTHORITY"; and

(2) by adding at the end the following: "The members of the board shall represent diverse geographic sections within the local area.".

(c) CONFORMING AMENDMENT.—Section 117(c)(1)(C) (29 U.S.C. 2832(c)(1)(C)) is amended by striking "section 116(a)(2)(B)" and inserting "section 116(a)(2)(A)(iii)".

(d) FUNCTIONS.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (1), insert after "Governor" the following: ", and shall develop jointly with the head of the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) appropriate components of such plan to maximize coordination, improve service delivery, and avoid duplication of services";

(2) in paragraph (2)—

(A) in subparagraph (B)—

(i) by inserting "(except as provided in section 123(b))" after "basis"; and

(ii) by inserting "(where appropriate)" after "youth council"; and

(B) by adding at the end the following:

"(E) CONSUMER CHOICE REQUIREMENTS.—Consistent with sections 122 and paragraphs (3) and (4) of 134(d), the local board shall work to ensure there are sufficient providers of intensive services and training services serving the local area in a manner that maximizes consumer choice, including providers with expertise in assisting individuals with disabilities.";

(3) in paragraph (3)(B), by striking clause (ii) and inserting the following:

"(ii) STAFF.—

"(I) IN GENERAL.—The local board may hire staff.

"(II) LIMITATION ON RATE.—Funds appropriated under this title shall not be used to pay staff employed by the local board, either as a direct cost or through any proration as an indirect cost, at a rate in excess of the maximum rate payable for a position at GS–15 of the General Schedule, as in effect on the date of enactment of the Workforce Investment Act Amendments of 2005.";

(4) in paragraph (4), by inserting ", and shall ensure the appropriate use and management of the funds provided under this subtitle for such programs, activities, and system" after "area";

(5) in paragraph (6)—

(A) by striking "EMPLOYMENT STATISTICS SYSTEM" and inserting "WORKFORCE AND LABOR MARKET INFORMATION SYSTEM"; and

(B) by striking "employment statistics system" and inserting "workforce and labor market information system";

(6) in paragraph (8)—

(A) by inserting ", including small employers," after "private sector employers"; and

(B) by striking the period and inserting ", taking into account the unique needs of small businesses."; and

(7) by adding at the end the following:

"(9) TECHNOLOGY IMPROVEMENTS.—The local board shall develop strategies for technology improvements to facilitate access to services, in remote areas, for services authorized under this subtitle and carried out in the local area.".

(e) CONFORMING AMENDMENT.—Section 117(f)(2) (29 U.S.C. 2832(f)(2)) is amended by striking "described in section 134(c)".

(f) CONFLICT OF INTEREST.—Section 117(g)(1) (29 U.S.C. 2832(g)(1)) is amended by inserting "or participate in action taken" after "vote".

(g) AUTHORITY TO ESTABLISH COUNCILS AND ELIMINATION OF REQUIREMENT FOR YOUTH COUNCILS.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

"(h) COUNCILS.—The local board may establish or continue councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include—

"(1) a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system involved;

"(2) a youth council composed of experts and stakeholders in youth programs to advise the local board on youth activities; and

"(3) such other councils as the local board determines are appropriate.".

(h) ALTERNATIVE ENTITY PROVISION.—Section 117(i)(1) (29 U.S.C. 2832(i)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "and paragraphs (1) and (2) of subsection (h),";

(2) by striking subparagraph (B) and inserting the following:

"(B) was in existence on August 7, 1998, pursuant to State law; and";

(3) by striking subparagraph (C); and

(4) by redesignating subparagraph (D) as subparagraph (C).

SEC. 116. LOCAL PLAN.

(a) PLANNING CYCLE.—Section 118(a) (29 U.S.C. 2833(a)) is amended—

(1) by striking "5-year" and inserting "4-year"; and

(2) by adding at the end the following: "At the end of the first 2-year period of the 4-year plan, the local board shall review and, as needed, amend the 4-year plan to reflect labor market and economic conditions.".

(b) CONTENTS.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by striking subparagraph (B) and inserting the following:

"(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system involved, in remote areas, including facilitating access through the use of technology; and"; and

(C) by adding at the end the following:

"(C) a description of how the local board will ensure physical and programmatic accessibility for individuals with disabilities at one-stop centers;";

(2) in paragraph (9), by striking "; and" and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (16); and

(4) by inserting after paragraph (9) the following:

"(10) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the local area, and promote entrepreneurial skills training and microenterprise services;

"(11) a description of the strategies and services that will be initiated in the local area to more fully engage all employers, including small employers, in workforce investment activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts, which may include the implementation of innovative initiatives such as incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliance initiatives, career ladder programs, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of area employers and contribute to the economic well-being of the local area, as determined appropriate by the local board, consistent with the objectives of this title;

"(12) a description of how the local board will expand access to education and training services for eligible individuals who are in need of such services through—

"(A) the utilization of programs funded under this title; and

"(B) the increased leveraging of resources other than those provided under this title, including tax credits, private sector-provided training, and other Federal, State, local, and private funds that are brokered through the one-stop centers for training services;

"(13) a description of how the local board will coordinate workforce investment activities carried out in the local area with the provision of transportation, including public transportation, in the local area;

"(14) a description of plans for, assurances concerning, and strategies for maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system described in section 121(e), to improve service delivery and avoid duplication of services;

"(15) a description of how the local board will coordinate workforce investment activities carried out in the local area with other Federal, State, and local area education, job training, and economic development programs and activities; and".

SEC. 117. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) shall—

"(i) provide access through the one-stop delivery system to the programs and activities carried out by the entity, including making the core services described in section 134(d)(2) that are applicable to the program of the entity available at the one-stop centers (in addition to any other appropriate locations);

"(ii) use a portion of the funds available to the program of the entity to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);

"(iii) enter into a local memorandum of understanding with the local board relating to the operation of the one-stop system that meets the requirements of subsection (c);

"(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the programs carried out by the entity; and

"(v) provide representation on the State board to the extent provided under section 111.";

(B) in subparagraph (B)—

(i) by striking clause (v);

(ii) by redesignating clauses (vi) through (xii) as clauses (v) through (xi), respectively;

(iii) in clause (x) (as redesignated by clause (ii)), by striking "and" at the end;

(iv) in clause (xi) (as redesignated by clause (ii)), by striking the period and inserting "; and"; and

(v) by adding at the end the following:

"(xii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C)."; and

(C) by adding at the end the following:

"(C) DETERMINATION BY THE GOVERNOR.—

"(i) IN GENERAL.—An entity that carries out programs referred to in subparagraph (B)(xii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this title unless the Governor of the State provides the notification described in clause (ii).

"(ii) NOTIFICATION.—The notification referred to in clause (i) is a notification that—

"(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

"(II) is provided to the Secretary and the Secretary of Health and Human Services.".

(2) ADDITIONAL PARTNERS.—

(A) IN GENERAL.—Section 121(b)(2)(A) (29 U.S.C. 2841(b)(2)(A)) is amended to read as follows:

"(A) IN GENERAL.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out human resource programs described in subparagraph (B) may be one-stop partners and carry out the responsibilities described in paragraph (1)(A).".

(B) ADDITIONAL PARTNERS.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended by striking clauses (i) through (iii) and inserting the following:

"(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19);

"(ii) employment and training programs carried out by the Small Business Administration;

"(iii) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));".

(b) LOCAL MEMORANDUM OF UNDERSTANDING.—Section 121(c)(2)(A) (29 U.S.C. 2841(c)(2)(A)) is amended to read as follows:

"(A) provisions describing—

"(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

"(ii) how the costs of such services and the operating costs of such system will be funded, through cash and in-kind contributions, to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the infrastructure costs of one-stop centers in accordance with subsection (h);

"(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

"(iv) methods to ensure the needs of hard-to-serve populations are addressed in providing access to services through the one-stop system; and

"(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 2-year period to ensure appropriate funding and delivery of services; and".

(c) CONFORMING AMENDMENT.—Section 121(d)(2) (29 U.S.C. 2841(d)(2)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(d) PROVISION OF SERVICES.—

(1) ELIMINATION OF PROVISIONS CONCERNING ESTABLISHED SYSTEMS.—Section 121 (29 U.S.C. 2841) is amended by striking subsection (e).

(2) REDESIGNATION.—Subtitle B of title I is amended—

(A) in section 134 (29 U.S.C. 2864), by redesignating subsection (c) as subsection (e); and

(B) by transferring that subsection (e) so that the subsection appears after subsection (d) of section 121.

(3) ONE-STOP DELIVERY SYSTEMS.—Paragraph (1) of section 121(e) (29 U.S.C. 2841(e)) (as redesignated by paragraph (2)) is amended—

(A) in subparagraph (A), by striking "subsection (d)(2)" and inserting "section 134(d)(2)";

(B) in subparagraph (B)—

(i) by striking "subsection (d)" and inserting "section 134(d)";

(ii) by striking "individual training accounts" and inserting "career scholarship accounts"; and

(iii) by striking "subsection (d)(4)(G)" and inserting "section 134(d)(4)(G)";

(C) in subparagraph (C), by striking "subsection (e)" and inserting "section 134(e)";

(D) in subparagraph (D), by striking "section 121(b)" and inserting "subsection (b)"; and

(E) in subparagraph (E), by striking "information described in section 15" and inserting "data, information, and analysis described in section 15(a)".

(e) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—Section 121 (29 U.S.C. 2841) is amended by adding at the end the following:

"(g) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

"(1) IN GENERAL.—The State board, in consultation with chief local elected officials and local boards, shall establish objective criteria and procedures for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system.

"(2) CRITERIA.—The procedures and criteria developed under this subsection shall include minimum standards relating to the scope and degree of service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers, consistent with the guidelines and guidance provided by the Governor and by the State board, in consultation with the chief elected official and local boards, for such partners' participation under subsections (h)(1)(B) and subsection (i), respectively, and such other factors relating to the quality, accessibility, and effectiveness of the one-stop delivery system as the State board determines to be appropriate.

"(3) LOCAL BOARDS.—Consistent with the criteria developed by the State, the local board may develop additional criteria of higher standards to respond to local labor market and demographic conditions and trends.

"(h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

"(1) IN GENERAL.—

"(A) OPTIONS FOR INFRASTRUCTURE FUNDING.—

"(i) LOCAL OPTIONS.—The local board, chief elected officials, and one-stop partners in a local area may choose to fund the costs of the infrastructure of one-stop centers through—

"(I) methods described in the local memorandum of understanding, if, the local board, chief elected officials, and one-stop partners agree to such methods; or

"(II) the State infrastructure funding mechanism described in paragraph (2).

"(ii) FAILURE TO REACH AGREEMENT ON FUNDING METHODS.—If, as of July 1, 2006, the local board, chief elected officials, and one-stop partners in a local area fail to reach agreement on methods of sufficient funding of the infrastructure costs of one-stop centers, as determined by the local area, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area.

"(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—In addition to carrying out the requirements relating to the State mechanism for one-stop center infrastructure funding described in paragraph (2), the Governor, after consultation with chief local elected officials, local boards, and the State board, and consistent with the guidelines provided by the State board under subsection (i), shall provide—

"(i) guidelines for State administered one-stop partner programs in determining such programs' contributions to and participation in the one-stop delivery system, including funding for the costs of infrastructure as defined in paragraph (2)(D), negotiated pursuant to the local memorandum of understanding under subsection (c); and

"(ii) guidance to assist local areas in identifying equitable and stable alternative methods of funding of the costs of the infrastructure of one-stop centers in local areas.

"(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—

"(A) PARTNER CONTRIBUTIONS.—

"(i) IN GENERAL.—Subject to clause (iii), a portion determined under clause (ii) of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the programs described in subsection (b)(1) and administered by one-stop partners for a fiscal year shall be provided to the Governor from such programs to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not funded under the option described in paragraph (1)(A)(i)(I).

"(ii) DETERMINATION OF GOVERNOR.—

"(I) IN GENERAL.—Subject to subclause (II) and clause (iii), the Governor, after consultation with chief local elected officials, local boards, and the State board, shall determine the portion of funds to be provided under clause (i) by each one-stop partner from each program described in clause (i). In making such determination, the Governor shall calculate the proportionate use of the one-stop centers for the purpose of determining funding contributions pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, and the costs of administration for purposes not related to one-stop centers for each partner. The Governor shall exclude from such determination the portion of funds and use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the infrastructure of one-stop centers is funded under the option described in paragraph (1)(A)(i)(I).

"(II) SPECIAL RULE.—In a State in which the State constitution places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II and for postsecondary vocational and technical education activities authorized under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the

determination described in subclause (I) with respect to the programs authorized under that title and those Acts shall be made by the chief officer of the entity with such authority in consultation with the Governor.

"(III) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) to appeal a determination regarding the portion of funds to be contributed under this paragraph on the basis that such determination is inconsistent with the criteria described in the State plan or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

"(iii) LIMITATIONS.—

"(I) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program limitations with respect to the portion of funds under such program that may be used for administration.

"(II) CAP ON REQUIRED CONTRIBUTIONS.—

"(aa) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under clause (i)(II) or (ii) of paragraph (1)(A) by the programs authorized under chapters 4 and 5 and under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall not be in excess of 3 percent of the amount of Federal funds provided to carry out each such program in the State for a fiscal year.

"(bb) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under clause (i)(II) or (ii) of paragraph (1)(A) by a one-stop partner from a program described in subsection (b)(1) other than the programs described under item (aa) shall not be in excess of 1½ percent of the amount of Federal funds provided to carry out such program in the State for a fiscal year.

"(cc) SPECIAL RULE.—Notwithstanding items (aa) and (bb), an agreement, including a local memorandum of understanding, entered into prior to the date of enactment of the Workforce Investment Act Amendments of 2005 by an entity regarding contributions under this title that permits the percentages described in such items to be exceeded, may continue to be in effect until terminated by the parties.

"(dd) VOCATIONAL REHABILITATION.—Notwithstanding items (aa) and (bb), an entity administering a program under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) shall not be required to provide, for the purposes of this paragraph, an amount in excess of—

"(AA) 0.75 percent of the amount provided for such program in the State for the second program year that begins after the date of enactment of the Workforce Investment Act Amendments of 2005;

"(BB) 1.0 percent of the amount provided for such program in the State for the third program year that begins after such date;

"(CC) 1.25 percent of the amount provided for such program in the State for the fourth program year that begins after such date; and

"(DD) 1.5 percent of the amount provided for such program in the State for the fifth and each succeeding program year that begins after such date.

"(III) FEDERAL DIRECT SPENDING PROGRAMS.—An entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined to be equivalent to the cost of the proportionate use of the one-stop centers for such program in the State.

"(IV) NATIVE AMERICAN PROGRAMS.—Native American programs established under section 166 shall not be subject to the provisions of this subsection or subsection (i). The method for determining the appropriate portion of funds to be provided by such Native American programs to pay for the costs of infrastructure of a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

"(B) ALLOCATION BY GOVERNOR.—From the funds provided under subparagraph (A), the Governor shall allocate the funds to local areas in accordance with the formula established under subparagraph (C) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

"(C) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under subparagraph (A) to local areas not funding infrastructure costs under the option described in paragraph (1)(A)(i)(I). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

"(D) COSTS OF INFRASTRUCTURE.—In this subsection, the term 'costs of infrastructure', used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and adaptive technology for individuals with disabilities), and technology to facilitate remote access to the one-stop center's strategic planning activities, and common outreach activities.

"(i) OTHER FUNDS.—

"(1) IN GENERAL.—Subject to the memorandum of understanding described in subsection (c) for the one-stop delivery system involved, in addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (2), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of core services described in section 134(d)(2) applicable to each program and may include common costs that are not paid from the funds provided under subsection (h).

"(2) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination of an appropriate allocation of the funds and noncash resources in local areas.".

SEC. 118. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

"SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(d)(4) (referred to in this section as 'training services') to receive funds provided under section 133(b) for the provision of training services.

"(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive the funds provided under section 133(b) for the provision of training services, the provider shall be—

"(A) a postsecondary educational institution that—

"(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

"(ii) provides a program that leads to an associate degree, baccalaureate degree, or industry-recognized certification;

"(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

"(C) another public or private provider of a program of training services.

"(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d). A provider described in paragraph (2)(B) shall be included on the list of eligible providers of training services described in subsection (d) for so long as the provider remains certified by the Department of Labor to carry out the programs described in paragraph (2)(B).

"(b) CRITERIA.—

"(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

"(A) the performance of providers of training services with respect to the performance measures and other matters for which information is required under paragraph (2) and other appropriate measures of performance outcomes for those participants receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions);

"(B) the need to ensure access to training services throughout the State, including any rural areas;

"(C) the information such providers are required to report to State agencies with respect to Federal and State programs (other than the program carried out under this subtitle), including one-stop partner programs;

"(D) the requirements for State licensing of providers of training services, and the licensing status of each provider of training services if applicable;

"(E) to the extent practicable, encouraging the use of industry-recognized standards and certification;

"(F) the ability of the providers to offer programs that lead to a degree or an industry-recognized certification;

"(G) the ability to provide training services to hard-to-serve populations, including individuals with disabilities; and

"(H) such other factors as the Governor determines are appropriate to ensure—

"(i) the quality of services provided;

"(ii) the accountability of the providers;

"(iii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;

"(iv) the informed choice of participants under chapter 5; and

"(v) that the collection of information required is not unduly burdensome or costly to providers.

"(2) INFORMATION.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

"(A) information on degrees and industry-recognized certifications received by such participants;

"(B) information on costs of attendance for such participants;

"(C) information on the program completion rate for such participants; and

"(D) information on the performance of the provider with respect to the performance measures described in section 136 for such participants (taking into consideration the characteristics of the population served and relevant economic conditions), which may include information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program.

"(3) RENEWAL.—The criteria established by the Governor shall also provide for biennial review and renewal of eligibility under this section for providers of training services.

"(4) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required under the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) to provide the services in the local area involved.

"(5) INFORMATION TO ESTABLISH INITIAL ELIGIBILITY.—

"(A) IN GENERAL.—In an effort to provide the highest-quality training services and responsiveness to new and emerging industries, providers may seek initial eligibility under this section as providers of training services. The criteria established by the Governor shall require that a provider who has not previously been an eligible provider of training services under this section provide the information described in subparagraph (B).

"(B) INFORMATION.—The provider shall provide verifiable program-specific performance information supporting the provider's ability to serve participants under this subtitle. The information provided under this subparagraph may include information on outcome measures such as job placement and wage increases for individuals participating in the program, information on business partnerships and other factors that indicate high-quality training services, and information on alignment with industries targeted for potential employment opportunities.

"(C) PROVISION.—The provider shall provide the information described in subparagraph (B) to the Governor and the local boards in a manner that will permit the Governor and the local boards to make a decision on inclusion of the provider on the list of eligible providers described in subsection (d).

"(c) PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services, and identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

"(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants in choosing employment and training activities under chapter 5 and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section in the State, accompanied by appropriate information, is provided to the one-stop delivery system in the State. The accompanying information shall consist of information provided by providers described in subparagraphs (A) and (C) of subsection (a)(2) in accordance with subsection (b) (including information on receipt of degrees and industry-recognized certifications, and costs of attendance, for participants receiving training services under this subtitle in applicable programs) and such other information as the Secretary determines is appropriate. The list and the accompanying information shall be made available to such participants and to members of the public through the one-stop delivery system in the State.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—The criteria and procedures established under this section shall provide the following:

"(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination, by an individual or entity specified in the criteria or procedures, that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider to receive funds under chapter 5 shall be terminated for a period of time that is not less than 2 years.

"(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the criteria or procedures, that a provider of training services substantially violated any requirement under this title, the eligibility of such provider to receive funds under the program involved may be terminated, or other appropriate action may be taken.

"(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such subparagraph.

"(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.

"(f) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept career scholarship accounts provided in another State.

"(g) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing criteria, procedures, requirements for information, and the list of eligible providers described in subsection (d), the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, procedures, requirements for information, and list.

"(h) TRANSITION PERIOD FOR IMPLEMENTATION.—The requirements of this section shall be implemented not later than December 31, 2006. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 as such chapter was in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005 may continue to be eligible to provide such services until December 31, 2006, or until such earlier date as the Governor determines to be appropriate.

"(i) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING, OR INCUMBENT WORKER TRAINING EXCEPTION.—

"(1) IN GENERAL.—Providers of on-the-job training, customized training, or incumbent worker training shall not be subject to the requirements of subsections (a) through (h).

"(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, and incumbent worker training as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.".

SEC. 119. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) is amended to read as follows:

"SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

"(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan described in section 112 and shall conduct oversight with respect to such providers.

"(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).".

SEC. 120. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—Section 127 (29 U.S.C. 2852) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "opportunity" and inserting "challenge"; and

(B) in paragraph (2), by striking "make allotments" and all that follows and inserting "make allotments and grants, and enter into contracts and cooperative agreements, in accordance with subparagraphs (A)(iv), (B), and (C) of subsection (b)(1)."; and

(2) by striking subsection (b) and inserting the following:

"(b) ALLOTMENT AMONG STATES.—

"(1) YOUTH ACTIVITIES.—

"(A) YOUTH CHALLENGE GRANTS AND YOUTH ACTIVITIES FOR FARMWORKERS AND NATIVE AMERICANS.—

"(i) IN GENERAL.—For each fiscal year in which the amount appropriated under section 137(a) exceeds $1,000,000,000, the Secretary shall reserve a portion of the amount to provide youth activities under section 167 (relating to migrant and seasonal farmworker programs) and provide youth challenge grants and other activities under section 169 (relating to youth challenge grants).

"(ii) PORTION.—The portion referred to in clause (i) shall equal, for a fiscal year—

"(I) except as provided in subclause (II), the difference obtained by subtracting $1,000,000,000 from the amount appropriated under section 137(a) for the fiscal year; or

"(II) for any fiscal year in which the amount is $1,250,000,000 or greater, $250,000,000.

"(iii) YOUTH ACTIVITIES FOR FARMWORKERS.—For a fiscal year described in clause (i), the Secretary shall reserve the greater of $10,000,000 or 4 percent of the portion described in clause (i) for a fiscal year to provide youth activities under section 167. For a fiscal year not described in clause (i), the Secretary shall reserve $10,000,000 of the amount appropriated under section 137(a) to provide youth activities under section 167.

"(iv) YOUTH ACTIVITIES FOR NATIVE AMERICANS.—From the amount appropriated under *section 137(a) for each fiscal year that is not reserved under clause (i) or (iii), the Secretary shall reserve not more than 1½ percent of such appropriated amount to provide youth activities under section 166 (relating to Native Americans).*

"(B) OUTLYING AREAS.—

"(i) IN GENERAL.—From the amount appropriated under section 137(a) for each fiscal year that is not reserved under subparagraph (A), the Secretary shall reserve not more than ¼ of 1 percent of the appropriated amount to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities.

"(ii) LIMITATION FOR FREELY ASSOCIATED STATES.—

"(I) COMPETITIVE GRANTS.—The Secretary shall use funds described in clause (i) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States to carry out youth activities and statewide workforce investment activities.

"(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(III) ASSISTANCE REQUIREMENTS.—Any Freely Associated State that desires to receive assistance under this subparagraph shall submit an application to the Secretary and shall include in the application for assistance—

"(aa) information demonstrating that the Freely Associated State will meet all conditions that apply to States under this title;

"(bb) an assurance that, notwithstanding any other provision of this title, the Freely Associated State will use such assistance only for the direct provision of services; and

"(cc) such other information and assurances as the Secretary may require.

"(IV) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

"(iii) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including the Freely Associated States, under this subparagraph.

"(C) STATES.—

"(i) IN GENERAL.—From the remainder of the amount appropriated under section 137(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot to the States—

"(I) an amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2005 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005), in accordance with the requirements of clause (ii) of such section 127(b)(1)(C); and

"(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I), in accordance with clause (ii).

"(ii) FORMULA.—Of the amount described in clause (i)(II)—

"(I) 33⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each State, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all States;

"(II) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

"(III) 33⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

"(iii) MINIMUM AND MAXIMUM PERCENTAGES.—

"(I) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is less than 90 percent of the allotment percentage of the State for the preceding fiscal year.

"(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

"(I) ⅒ of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

"(II) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, ⅖ of 1 percent of the excess.

"(2) DEFINITIONS.—For the purposes of paragraph (1):

"(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2006 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received by the State involved through an allotment made under this subsection for the fiscal year. The term, used with respect to fiscal year 2005, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005) that is received by the State involved for fiscal year 2005.

"(B) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

"(i) the poverty line; or

"(ii) 70 percent of the lower living standard income level.

"(C) FREELY ASSOCIATED STATE.—The term 'Freely Associated State' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(3) SPECIAL RULE.—For purposes of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.".

(b) REALLOTMENT.—

(1) AMENDMENT.—Section 127(c) (29 U.S.C. 2852(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under this section during such prior program year (including amounts allotted to the State in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the State under this section during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years that remained available); and

"(B) the accrued expenditures during such prior program year.";

(B) in paragraph (3)—

(i) by striking "for the prior program year" and inserting "for the program year for which the determination is made"; and

(ii) by striking "such prior program year" and inserting "such program year";

(C) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made."; and

(D) in paragraph (5), by striking "obligation" and inserting "accrued expenditure".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect for the program year that begins after the date of enactment of this Act.

(c) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATEWIDE ACTIVITIES.—Section 128(a) (29 U.S.C. 2853(a)) is amended to read as follows:

"(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

"(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide activities under section 129(b) or statewide employment and training activities, for adults or dislocated workers, under section 134(a).".

(2) WITHIN STATE ALLOCATION.—Section 128(b) (29 U.S.C. 2853(b)) is amended to read as follows:

"(b) WITHIN STATE ALLOCATIONS.—

"(1) IN GENERAL.—Of the amount allotted to the State under section 127(b)(1)(C) and not reserved under subsection (a)(1)—

"(A) a portion equal to not less than 80 percent of such amount shall be allocated by the Governor to local areas in accordance with paragraph (2); and

"(B) a portion equal to not more than 20 percent of such amount may be allocated by the Governor to local areas in accordance with paragraph (3).

"(2) ESTABLISHED FORMULA.—

"(A) IN GENERAL.—Of the portion described in paragraph (1)(A), the Governor shall allocate—

"(i) 33⅓ percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all local areas in the State;

"(ii) 33⅓ percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and

"(iii) 33⅓ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

"(B) MINIMUM AND MAXIMUM PERCENTAGES.—

"(i) MINIMUM PERCENTAGE.—The Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is less than 90 percent of the allocation percentage of the local area for the preceding fiscal year.

"(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is more than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

"(C) DEFINITIONS.—In this paragraph:

"(i) ALLOCATION PERCENTAGE.—The term 'allocation percentage', used with respect to fiscal year 2006 or a subsequent fiscal year, means a percentage of the portion described in paragraph (1)(A) that is received by the local area involved through an allocation made under this paragraph for the fiscal year. The term, used with respect to fiscal year 2005, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2005) that is received by the local area involved for fiscal year 2005.

"(ii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who—

"(I) is age 16 through 21;

"(II) is not a college student or member of the Armed Forces; and

"(III) received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

"(aa) the poverty line; or

"(bb) 70 percent of the lower living standard income level.

"(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor may allocate the portion described in paragraph (1)(B) to local areas where there are a significant number of eligible youth, after consultation with the State board and local boards.

"(4) LOCAL ADMINISTRATIVE COST LIMIT.—

"(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

"(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).".

(3) REALLOCATION.—

(A) AMENDMENT.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(i) in paragraph (1), by striking "paragraph (2)(A) or (3) of";

(ii) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under this section during such prior program year (including amounts allocated to the local area in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the local area under this section during the program year prior to the program year for which the determination is made (including amounts allocated to the local area in all prior program years that remained available); and

"(B) the accrued expenditures during such prior program year.";

(iii) by amending paragraph (3)—

(I) by striking "subsection (b)(3)" each place it appears and inserting "subsection (b)";

(II) by striking "for the prior program year" the first place it appears and inserting "for the program year for which the determination is made";

(III) by striking "such prior program year" and inserting "such program year"; and

(IV) by striking the last sentence; and

(iv) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect for the later of—

(i) the program year that begins after the date of enactment of this Act; or

(ii) program year 2006.

(d) YOUTH PARTICIPANT ELIGIBILITY.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

"(a) YOUTH PARTICIPANT ELIGIBILITY.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

"(B) OUT-OF-SCHOOL YOUTH.—In this title the term 'out-of-school youth' means an individual who is—

"(i) not younger than age 16 nor older than age 21; and

"(ii) one of the following:

"(I) A school dropout.

"(II) A youth who is within the age for compulsory school attendance, but has not attended school for at least 1 school year calendar quarter.

"(III) A recipient of a secondary school diploma or its equivalent who is—

"(aa) deficient in basic skills, including limited English proficiency;

"(bb) a low-income individual; and

"(cc) not attending any school.

"(IV) Subject to the juvenile or adult justice system or ordered by a court to an alternative school.

"(V) A low-income individual who is pregnant or parenting and not attending any school.

"(VI) A youth who is not attending school or a youth attending an alternative school, who is homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

"(VII) A low-income individual who is not attending school and requires additional assistance to enter or complete an educational program or to secure or hold employment.

"(C) IN-SCHOOL YOUTH.—In this section the term 'in-school youth' means an individual who is—

"(i) not younger than age 14 nor older than age 21;

"(ii) a low-income individual; and

"(iii) one or more of the following:

"(I) Deficient in basic literacy skills, including limited English proficiency.

"(II) Homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.

"(III) Pregnant or parenting.

"(IV) An offender (other than an individual described in subparagraph (B)(ii)(IV)).

"(V) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

"(2) EXCEPTION.—Not more than 5 percent of the individuals assisted under this section in each local area, in the case of individuals for whom low income is a requirement for eligibility under this section, may be individuals who are not low income.

"(3) LIMITATIONS ON ACTIVITIES FOR IN-SCHOOL YOUTH.—

"(A) IN GENERAL.—For any program year, not more than 60 percent of the funds available for statewide activities under subsection (b), and not more than 60 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B).

"(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may increase the percentage described in subparagraph (A) for a local area in the State, if—

"(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to use at least 40 percent of the funds available for activities under subsection (b) or (c) to serve out-of-school youth due to a low number of out-of-school youth; and

"(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed increased percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and

"(II) the request is approved by the Secretary.

"(4) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.".

(e) STATEWIDE ACTIVITIES.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

"(b) STATEWIDE ACTIVITIES.—

"(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b) for statewide activities, which may include—

"(A) conducting—

"(i) evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

"(ii) research; and

"(iii) demonstration projects;

"(B) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this title, and for performance by local areas as described in section 136(i)(2);

"(C) providing technical assistance and capacity building activities to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), and the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State;

"(D) operating a fiscal and management accountability information system under section 136(f);

"(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 5, which may include a review comparing the services provided to male and female youth;

"(F) providing additional assistance to local areas that have high concentrations of eligible youth;

"(G) supporting the development of alternative programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter secondary education, enroll in postsecondary education and advanced training, and obtain career path employment;

"(H) supporting the provision of core services described in section 134(d)(2) in the one-stop delivery system in the State; and

"(I) supporting financial literacy, including—

"(i) supporting the ability to create household budgets, initiate savings plans, and make strategic investment decisions for education, retirement, home ownership, wealth building, or other savings goals;

"(ii) supporting the ability to manage spending, credit, and debt, including credit card debt, effectively;

"(iii) increasing awareness of the availability and significance of credit reports and credit scores in obtaining credit, the importance of their accuracy (and how to correct inaccuracies), their effect on credit terms, and the effect common financial decisions may have on credit scores;

"(iv) supporting the ability to ascertain fair and favorable credit terms;

"(v) supporting the ability to avoid abusive, predatory, or deceptive credit offers and financial products;

"(vi) supporting the ability to understand, evaluate, and compare financial products, services, and opportunities;

"(vii) supporting the ability to understand resources that are easily accessible and affordable, and that inform and educate an investor as to the investor's rights and avenues of recourse when the investor believes the investor's rights have been violated by unprofessional conduct of market intermediaries;

"(viii) increasing awareness of the particular financial needs and financial transactions (such as the sending of remittances) of consumers who are targeted in multilingual financial literacy and education programs and improving the development and distribution of multilingual financial literacy and education materials;

"(ix) promoting bringing individuals who lack basic banking services into the financial mainstream by opening and maintaining accounts with financial institutions; and

"(x) improving financial literacy and education through all other related skills, including personal finance and related economic education, with the primary goal of programs not simply to improve knowledge, but rather to improve consumers' financial choices and outcomes.

"(2) LIMITATION.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

"(3) PROHIBITION.—No funds described in this subsection may be used to develop or implement education curricula for school systems in the State.".

(f) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Section 129(c)(1) (29 U.S.C. 2854(c)(1)) is amended—

(A) in the matter that precedes subparagraph (A), by striking "paragraph (2)(A) or (3), as appropriate, of";

(B) in subparagraph (B), by inserting "are directly linked to 1 or more of the performance measures relating to this chapter under section 136, and that" after "for each participant that"; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as redesignated by clause (i)) the following:

"(i) activities leading to the attainment of a secondary school diploma or its equivalent, or another recognized credential;";

(iii) in clause (ii) (as redesignated by clause (i)), by inserting "and advanced training" after "opportunities";

(iv) in clause (iii) (as redesignated by clause (i))—

(I) by inserting "instruction based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)" after "academic"; and

(II) by inserting "that lead to the attainment of recognized credentials" after "learning"; and

(v) by striking clause (v) (as redesignated by clause (i)) and inserting the following:

"(v) effective connections to all employers, including small employers, in sectors of the local and regional labor markets that are experiencing high growth in employment opportunities.".

(2) PROGRAM ELEMENTS.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking "secondary school, including dropout prevention strategies" and inserting "the requirements for a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities) or for another recognized credential, including dropout prevention strategies";

(B) in subparagraph (B), by inserting ", with a priority on exposing youth to technology and nontraditional jobs" before the semicolon;

(C) in subparagraph (F), by striking "during nonschool hours";

(D) in subparagraph (I), by striking "and" at the end;

(E) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

"(K) on-the-job training opportunities;

"(L) opportunities to acquire financial literacy skills;

"(M) entrepreneurial skills training and microenterprise services; and

"(N) information about average wages for a range of jobs available in the local area, including technology jobs.".

(3) ADDITIONAL REQUIREMENTS.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking "or applicant who meets the minimum income criteria to be considered an eligible youth".

(4) PRIORITY AND EXCEPTIONS.—Section 129(c) (29 U.S.C. 2854(c)) is amended by striking paragraphs (4) and (5).

(5) PROHIBITIONS AND LINKAGES.—Section 129(c) (29 U.S.C. 2854(c)), as amended by paragraph (4), is further amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively;

(B) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking "youth councils" and inserting "local boards".

SEC. 121. ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) STATE ALLOTMENTS.—

(1) RESERVATIONS.—Section 132(a)(2)(A) (29 U.S.C. 2862 (a)(2)(A)) is amended by striking "national emergency grants, other than under subsection (a)(4), (f), and (g)" and inserting "national dislocated worker grants, other than under subparagraph (D) or (E) of subsection (a)(1), subsection (e), and subsection (f)".

(2) ALLOTMENT AMONG STATES.—Section 132(b) (29 U.S.C. 2862(b)) is amended—

(A) in paragraph (1)(A)(ii), by striking "section 127(b)(1)(B)," and all that follows and inserting "section 127(b)(1)(B).";

(B) by striking paragraph (1)(B)(ii) and inserting the following:

"(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

"(I) 40 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

"(II) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States; and

"(III) 35 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).";

(C) in paragraph (1)(B)—

(i) in clause (iii), by striking "section 116(a)(2)(B)" and inserting "section 116(a)(2)(A)(iii)";

(ii) in clause (iv)—

(I) in subclause (I)—

(aa) by striking "Subject to subclause (IV), the" and inserting "The"; and

(bb) by striking "than the greater of" and all that follows and inserting "than an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year.";

(II) in subclause (II), by striking "subclauses (I), (III), and (IV)" and inserting "subclauses (I) and (III)"; and

(III) by striking subclause (IV); and

(iii) in clause (v), by striking subclause (VI); and

(D) in paragraph (2)(A)(ii), by striking "section 127(b)(1)(B)" and all that follows and inserting "section 127(b)(1)(B).".

(3) REALLOTMENT.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallotment for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year (including amounts allotted to the State in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years under such provisions that remained available); and

"(B) the accrued expenditures from such total amount of funds available under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year.";

(B) in paragraph (3)—

(i) by striking "under this section for such activities for the prior program year" and inserting "under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for the program year for which the determination is made"; and

(ii) by striking "under this section for such activities for such prior program year" and inserting "under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for such program year";

(C) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means—

"(A) with respect to funds allotted under subsection (b)(1)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

"(B) with respect to funds allotted under subsection (b)(2)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made."; and

(D) in paragraph (5), by striking "obligation" and inserting "accrued expenditure".

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2006.

(b) WITHIN STATE ALLOCATIONS.—

(1) ALLOCATION.—Section 133(b)(2)(A)(i) (29 U.S.C. 2863(b)(2)(A)(i)) is amended—

(A) in subclause (I), by striking "33⅓ percent" and inserting "40 percent";

(B) in subclause (II), by striking "33⅓ percent" and inserting "25 percent"; and

(C) in subclause (III), by striking "33⅓ percent" and inserting "35 percent".

(2) TRANSFER AUTHORITY.—Section 133(b)(4) (29 U.S.C. 2863(b)(4)) is amended by striking "20 percent" each place it appears and inserting "100 percent".

(3) REQUIREMENTS.—Clauses (i) and (ii) of section 133(b)(5)(B) (29 U.S.C. 2863(b)(5)(B)) are amended by striking "section 134(c)" and inserting "section 121(e)".

(4) REALLOCATION.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by inserting ", and under subsection (b)(2)(B) for dislocated worker employment and training activities," after "activities";

(B) by striking paragraph (2) and inserting the following:

"(2) AMOUNT.—The amount available for reallocation for a program year for programs funded under paragraphs (2)(A) and (3) of subsection (b) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year (including amounts allocated to the local area in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

"(A) the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the local area in all prior program years under such provisions that remained available); and

"(B) the accrued expenditures from such total amount of funds available under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year.";

(C) by striking paragraph (3) and inserting the following:

"(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

"(A) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under paragraphs (2)(A) or (3) of subsection (b), an amount based on the relative amount allocated to such local area under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for such program year; and

"(B) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under subsection (b)(2)(B), an amount based on the relative amount allocated to such local area under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under subsection (b)(2)(B) for such program year."; and

(D) by striking paragraph (4) and inserting the following:

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—

"(A) with respect to funds allocated under paragraphs (2)(A) or (3) of subsection (b), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

"(B) with respect to funds allocated under subsection (b)(2)(B), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.".

(5) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2006.

(c) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2)(A) (29 U.S.C. 2864(a)(2)(A)) is amended to read as follows:

"(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—

"(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by a Governor for a State under section 133(a)(2). Such activities shall include—

"(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

"(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

"(ii) USE OF UNEXPENDED FUNDS.—Funds reserved under section 133(a)(2) to carry out this subparagraph that remain unexpended after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) and paragraph (3)(A) in addition to activities under this subparagraph.".

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) (regardless of whether the funds were allotted to the States under section 127(b)(1)(C) or paragraphs (1)(B) or (2)(B) of section 132(b)) shall be used for statewide employment and training activities, including—

"(i) disseminating—

"(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs described in section 122(a)(2)(B);

"(II) information identifying eligible providers of on-the-job training, customized training, and incumbent worker training;

"(III) information on effective business outreach, partnerships, and services;

"(IV) performance information and information on costs of attendance, as described in subsections (d) and (i) of section 122; and

"(V) information on physical and programmatic accessibility for individuals with disabilities;

"(ii) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

"(iii) providing incentive grants to local areas, in accordance with section 136(i);

"(iv) developing strategies for ensuring that activities carried out under this section are placing men and women in jobs, education, and training that lead to comparable pay;

"(v) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), which may include the development and training of staff to provide opportunities for hard-to-serve populations to enter high-wage, high-skilled, and nontraditional occupations;

"(vi) operating a fiscal and management accountability system under section 136(f); and

"(vii) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4.".

(C) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3)(A) (29 U.S.C. 2864(a)(3)(A)) is amended to read as follows:

"(A) IN GENERAL.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) may be used to carry out additional statewide employment and training activities, which may include—

"(i) implementing innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnerships, including regional skills alliances, sectoral skills partnerships (in which representatives of multiple employers for a specific industry sector or group of related occupations, economic development agencies, providers

of training services described in subsection (d)(4), labor federations, and other entities that can provide needed supportive services tailored to the needs of workers in that sector or group, for a local area or region, identify gaps between the current and expected demand and supply of labor and skills in that sector or group for that area or region and develop a strategic skills gap action plan), career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

"(ii) developing strategies for effectively serving hard-to-serve populations and for coordinating programs and services among one-stop partners;

"(iii) implementing innovative programs for displaced homemakers, which for purposes of this clause may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(iv) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

"(v) carrying out activities to facilitate remote access to services, including training services described in subsection (d)(4), provided through a one-stop delivery system, including facilitating access through the use of technology;

"(vi) supporting the provision of core services described in subsection (d)(2) in the one-stop delivery system in the State;

"(vii) coordinating with the child welfare system to facilitate services for children in foster care and those who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);

"(viii) activities—

"(I) to improve coordination between workforce investment activities carried out within the State involved and economic development activities, and to promote entrepreneurial skills training and microenterprise services;

"(II) to improve coordination between employment and training assistance, child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(III) to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

"(IV) to improve coordination between employment and training assistance and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a);

"(V) to develop and disseminate workforce and labor market information;

"(VI) to improve coordination with the corrections system to facilitate provision of training services and employment opportunities that will assist ex-offenders in reentering the workforce; and

"(VII) to promote financial literacy, including carrying out activities described in section 129(b)(1)(I);

"(ix) conducting—

"(I) research; and

"(II) demonstration projects; and

"(x) adopting, calculating, or commissioning a minimum self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.".

(2) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(d)(1)(A) (29 U.S.C. 2864(d)(1)(A)) is amended—

(i) in clause (i), by striking "described in subsection (c)";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(v) to designate a dedicated business liaison in the local area who may be funded with funds provided under this title or from other sources to establish and develop relationships and networks with large and small employers and their intermediaries; and

"(vi) in order to improve service delivery to avoid duplication of services and enhance coordination of services, to require the colocation of employment services provided under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) at the one-stop centers.".

(B) CORE SERVICES.—Section 134(d)(2) (29 U.S.C. 2864(d)(2)) is amended—

(i) in the matter preceding subparagraph (A), by striking "paragraph (1)(A)" and inserting "paragraph (1)";

(ii) in subparagraph (C), by inserting "(including literacy, numeracy, and English language proficiency)" after "skill levels";

(iii) by striking subparagraph (D) and inserting the following:

"(D) labor exchange services, including—

"(i) job search and placement assistance and, in appropriate cases, career counseling, including—

"(I) exposure to high wage, high skill jobs; and

"(II) nontraditional employment; and

"(ii) appropriate recruitment and other business services for all employers, including small employers, in the local area, which may include services described in this subsection, including information and referral to specialized business services not traditionally offered through the one-stop delivery system;";

(iv) in subparagraph (E)(iii)—

(I) by inserting ", career ladders," after "earnings"; and

(II) by striking "and" at the end;

(v) in subparagraph (F)—

(I) by striking "and program cost information"; and

(II) by striking "described in section 123";

(vi) by striking subparagraph (H) and inserting the following:

"(H) provision of accurate information, in formats that are usable and understandable to all one-stop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other supportive services and transportation provided through funds made available under such part, available in the local area, and referral to such services or assistance as appropriate;"; and

(vii) in subparagraph (J), by striking "for—" and all that follows through "(ii) programs" and inserting "for programs".

(C) INTENSIVE SERVICES.—Section 134(d)(3) (29 U.S.C. 2864(d)(3)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively—

"(I) who are unemployed and who, after an interview, evaluation, or assessment, have been determined by a one-stop operator or one-stop partner to be—

"(aa) unlikely or unable to obtain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through core services described in paragraph (2); and

"(bb) in need of intensive services to obtain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; or

"(II) who are employed, but who, after an interview, evaluation, or assessment are determined by a one-stop operator or one-stop partner to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

"(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program."; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking "for participants seeking training services under paragraph (4)"; and

(II) by adding at the end the following:

"(vii) Internships and work experience.

"(viii) Literacy activities relating to basic work readiness.

"(ix) Financial literacy services, such as activities described in section 129(b)(1)(I).

"(x) Out-of-area job search assistance and relocation assistance.

"(xi) English language acquisition and integrated training programs.".

(D) TRAINING SERVICES.—Section 134(d)(4) (29 U.S.C. 2864(d)(4)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—

"(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

"(I) who, after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

"(aa) be unlikely or unable to obtain or retain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through the intensive services described in paragraph (3);

"(bb) be in need of training services to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; and

"(cc) have the skills and qualifications to successfully participate in the selected program of training services;

"(II) who select programs of training services that are directly linked to the employment opportunities in the local area or region involved *or in another area to which the adults or dislocated workers are willing to commute or relocate;*

"(III) who meet the requirements of subparagraph (B); and

"(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

"(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.";

(ii) in subparagraph (B)(i), by striking "Except" and inserting "Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except";

(iii) in subparagraph (D)—

(I) in clause (viii), by striking "and" after the semicolon;

(II) in clause (ix), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(x) English language acquisition and integrated training programs.";

(iv) in subparagraph (F)—

(I) in clause (ii), by striking "referred to in subsection (c), shall make available—" and all that follows and inserting "shall make available a list of eligible providers of training services, and accompanying information, in accordance with section 122(d).";

(II) in the heading of clause (iii), by striking "INDIVIDUAL TRAINING ACCOUNTS" and inserting "CAREER SCHOLARSHIP ACCOUNTS";

(III) in clause (iii)—

(aa) by striking "identifying information" and inserting "accompanying information";

(bb) by striking "clause (ii)(I)" and inserting "clause (ii)"; and

(cc) by striking "an individual training account" and inserting "a career scholarship account"; and

(IV) by adding at the end the following:

"(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career scholarship accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services."; and

(v) in subparagraph (G)—

(I) in the subparagraph heading, by striking "INDIVIDUAL TRAINING ACCOUNTS" and inserting "CAREER SCHOLARSHIP ACCOUNTS";

(II) in clause (i), by striking "individual training accounts" and inserting "career scholarship accounts";

(III) in clause (ii)—

(aa) by striking "an individual training account" and inserting "a career scholarship account";

(bb) in subclause (II), by striking "individual training accounts" and inserting "career scholarship accounts";

(cc) in subclause (II) by striking "or" after the semicolon;

(dd) in subclause (III), by striking "special participant populations that face multiple barriers to employment" and inserting "hard-to-serve populations";

(ee) in subclause (III), by striking the period and inserting "; or"; and

(ff) by adding at the end the following:

"(IV) the local board determines that it would be most appropriate to award a contract to an institution of higher education in order to facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice."; and

(IV) by striking clause (iv).

(3) PERMISSIBLE ACTIVITIES.—Section 134(e) (29 U.S.C. 2864(e)) is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

"(e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

"(1) IN GENERAL.—

"(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved—

"(i) customized screening and referral of qualified participants in training services described in subsection (d)(4) to employers;

"(ii) customized employment-related services to employers on a fee-for-service basis;

"(iii) customer support to enable members of hard-to-serve populations, including individuals with disabilities, to navigate among multiple services and activities for such populations;

"(iv) technical assistance and capacity building for serving individuals with disabilities in local areas, for one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, and the development of performance measures;

"(v) employment and training assistance provided in coordination with child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(vi) activities to improve coordination among employment and training assistance, child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

"(vii) activities to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

"(viii) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

"(ix) activities—

"(I) to improve coordination between workforce investment activities carried out within the local area involved and economic development activities, and to promote entrepreneurial skills training and microenterprise services; and

"(II) to improve services and linkages between the local workforce investment system including the local one-stop delivery system, and all employers, including small employers in the local area, through services described in this section, including subparagraph (B);

"(x) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

"(xi) using a portion of the funds allocated under section 133(b), activities to carry out business services and strategies that meet the workforce investment needs of local area employers, as determined by the local board, consistent with the local plan under section 118, which services—

"(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development and other resources as determined appropriate by the local board; and

"(II) may include—

"(aa) identifying and disseminating to business, educators, and job seekers, information related to the workforce, economic and community development needs, and opportunities of the local economy;

"(bb) development and delivery of innovative workforce investment services and strategies for area businesses, which may include sectoral, industry cluster, regional skills alliances, career ladder, skills upgrading, skill standard development and certification, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;

"(cc) participation in seminars and classes offered in partnership with relevant organizations focusing on the workforce-related needs of area employers and job seekers;

"(dd) training consulting, needs analysis, and brokering services for area businesses, including the organization and aggregation of training (which may be paid for with funds other than those provided under this title), for individual employers and coalitions of employers with similar interests, products, or workforce needs;

"(ee) assistance to area employers in the aversion of layoffs and in managing reductions in force in coordination with rapid response activities;

"(ff) the marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers;

"(gg) information referral on concerns affecting local employers; and

"(hh) other business services and strategies designed to better engage employers in workforce investment activities and to make the workforce investment system more relevant to the workforce investment needs of area businesses, as determined by the local board to be consistent with the objectives of this title;

"(xii) activities to adjust the self-sufficiency standards for local factors, or activities to adopt, calculate, or commission a self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations; and

"(xiii) improved coordination between employment and training assistance and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a).

"(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

"(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

"(ii) ACTIVITIES.—The activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided."; and

(B) by adding at the end the following:

"(4) INCUMBENT WORKER TRAINING PROGRAMS.—

"(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through an incumbent worker training program carried out in accordance with this

paragraph. The Governor or State board may make recommendations to the local board regarding incumbent worker training with statewide impact.

"(B) Training Activities.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

"(C) Employer Share Required.—

"(i) In General.—Employers participating in the program carried out under this paragraph shall be required to pay the non-Federal share of the costs of providing the training to incumbent workers of the employers. The local board shall establish the non-Federal share of such costs, which may include in-kind contributions. The non-Federal share shall not be less than—

"(I) 10 percent of the costs, for employers with 50 or fewer employees;

"(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

"(III) 50 percent of the costs, for employers with 100 or more employees.

"(ii) Calculation of Employer Share.—The non-Federal share paid by such an employer may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph.".

SEC. 122. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) State Performance Measures.—

(1) Indicators of Performance.—Section 136(b)(2)(A) (29 U.S.C. 2871(b)(2)(A)) is amended—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129";

(ii) by striking subclause (III) and inserting the following:

"(III) increases in earnings from unsubsidized employment; and"; and

(iii) in subclause (IV), by striking ", or by participants" and all that follows through "unsubsidized employment"; and

(B) by striking clause (ii) and inserting the following:

"(ii) Core Indicators for Eligible Youth.—The core indicators of performance for youth activities authorized under section 129 shall consist of—

"(I) entry into employment, education or advanced training, or military service;

"(II) school retention, and attainment of secondary school diplomas or their recognized equivalents and of postsecondary certificates; and

"(III) literacy or numeracy gains.".

(2) Additional Indicators.—Section 136(b)(2)(C) (29 U.S.C. 2871(b)(2)(C)) is amended to read as follows:

"(C) Additional Indicators.—A State may identify in the State plan additional indicators for workforce investment activities under this subtitle, including indicators identified in collaboration with State business and industry associations, with employee representatives where applicable, and with local boards, to measure the performance of the workforce investment system in serving the workforce needs of business and industry in the State.".

(3) Levels of Performance.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (iii)—

(i) in the heading, by striking "FOR FIRST 3 YEARS";

(ii) by striking "and the customer satisfaction indicator of performance, for the first 3" and inserting "described in clauses (i) and (ii) of paragraph (2)(A) and the customer satisfaction indicator of performance, for the first 2"; and

(iii) by inserting at the end the following: "Agreements on levels of performance for each of the core indicators of performance for the third and fourth program years covered by the State plan shall be reached prior to the beginning of the third program year covered by the State plan, and incorporated as a modification to the State plan.";

(B) in clause (iv)—

(i) in the matter preceding subclause (I), by striking "or (v)";

(ii) in subclause (II)—

(I) by striking "taking into account" and inserting "and shall ensure that the levels involved are adjusted, using objective statistical methods, based on";

(II) by inserting "(such as differences in unemployment rates and job losses or gains in particular industries)" after "economic conditions";

(III) by inserting "(such as indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency)" after "program"; and

(IV) by striking "and" at the end;

(iii) in subclause (III), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(IV) the extent to which the levels involved will assist the State in meeting the national goals described in clause (v).";

(C) by striking clause (v) and inserting the following:

"(v) Establishment of National Goals.—In order to promote enhanced performance outcomes on the performance measures and to facilitate the process of reaching agreements with the States under clause (iii) and to measure systemwide performance for the one-stop delivery systems of the States, the Secretary shall establish long-term national goals for the adjusted levels of performance for that systemwide performance to be achieved by the programs assisted under chapters 4 and 5 on the core indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2). Such goals shall be established in accordance with the Government Performance and Results Act of 1993 in consultation with the States and other appropriate parties."; and

(D) in clause (vi)—

(i) by striking "or (v)"; and

(ii) by striking "with the representatives described in subsection (i)" and inserting "with the States and other interested parties".

(b) Local Performance Measures.—Section 136(c)(3) (29 U.S.C. 2871(c)(3)) is amended—

(1) by striking "shall take into account" and inserting "shall ensure that the levels involved are adjusted, using objective statistical methods, based on";

(2) by inserting "characteristics (such as unemployment rates and job losses or gains in particular industries)" after "economic"; and

(3) by inserting "characteristics (such as indicators of poor work history, lack of work experience, lack of educational and occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency)" after "demographic".

(c) Report.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by adding at the end the following: "In the case of a State or local area that chooses to expend funds for activities under subsection (a)(3)(A)(i) or (e)(1)(A)(xi), respectively, of section 134, the report also shall include the amount of such funds so expended and the percentage that such funds are of the funds available for activities under section 134.";

(2) in paragraph (2)—

(A) in subparagraph (E)—

(i) by striking "(excluding participants who received only self-service and informational activities)"; and

(ii) by striking "and" after the semicolon;

(B) in subparagraph (F)—

(i) by inserting "noncustodial parents with child support obligations, homeless individuals," after "displaced homemakers,"; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(G) the number of participants who have received services, other than followup services, authorized under this title;

"(H) the number of participants who have received services, other than followup services, authorized under this title, in the form of core services described in section 134(d)(2), intensive services described in section 134(d)(3), and training services described in section 134(d)(4), respectively;

"(I) the number of participants who have received followup services authorized under this title;

"(J) the cost per participant for services authorized under this title; and

"(K) the amount of adult and dislocated worker funds spent on—

"(i) core, intensive, and training services, respectively; and

"(ii) services provided under subsection (a)(3)(A)(i) or (e)(1)(A)(xi) of section 134, if applicable."; and

(3) by adding at the end the following:

"(4) Data Validation.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure that the information contained in the reports is valid and reliable.".

(d) Evaluation of State Programs.—Section 136(e)(3) (29 U.S.C. 2871(e)(3)) is amended by inserting ", including information on promoting self-sufficiency and comparable pay between men and women" after "employers".

(e) Sanctions for State.—Section 136(g)(1)(B) (29 U.S.C. 2871(g)(1)(B)) is amended by striking "If such failure continues for a second consecutive year" and inserting "If a State performs at less than 80 percent of the adjusted level of performance for core indicators of performance described in subsection (b)(2)(A) for 2 consecutive years".

(f) Sanctions for Local Area.—Section 136(h)(2)(A) (29 U.S.C. 2871(h)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking "If such failure continues for a second consecutive year" and inserting "If a local area performs at less than 80 percent of the adjusted level of performance for core indicators of performance described in subsection (b)(2)(A) for 2 consecutive years";

(2) in clause (ii), by striking "or" after the semicolon;

(3) by redesignating clause (iii) as clause (iv); and

(4) by inserting after clause (ii) the following:

"(iii) redesignate the local area in accordance with section 116(b)(2); or".

(g) Incentive Grants.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

"(i) Incentive Grants for Local Areas.—

"(1) In General.—From funds reserved under sections 128(a) and 133(a)(1), the Governor involved shall award incentive grants to local areas for performance described in paragraph (2).

"(2) Basis.—The Governor shall award the grants on the basis that the local areas—

"(A) have exceeded the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii); or

"(B) have—

"(i) met the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii); and

"(ii) demonstrated—

"(I) exemplary coordination of one-stop partner programs described in section 121 with statewide economic development or business needs;

"(II) exemplary performance in the one-stop partner programs in the State in serving hard-to-serve populations; or

"(III) effective—

"(aa) coordination of multiple systems for the one-stop partner programs into a comprehensive workforce investment system, including coordination of employment services under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and core services under section 134(d)(2);

"(bb) expansion of access to training through the one-stop partner programs, including expansion of access through increased leveraging of resources other than those provided through programs under this title;

"(cc) implementation of coordination activities relating to the one-stop partner programs, through agreements with relevant regional or local agencies and offices, including those responsible for programs under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(dd) regional coordination relating to the one-stop partner programs, with other local boards or local areas;

"(ee) alignment of management information systems to integrate participant information across the one-stop partner programs; or

"(ff) integration of performance information systems and common measures for accountability across the one-stop partner programs.

"(3) Use of funds.—The funds awarded to a local area under this subsection may be used to carry out activities authorized for local areas in programs carried out under this title, the Adult Education and Family Literacy Act, and the Rehabilitation Act of 1973 (referred to in this subsection as 'workforce and education programs'), and such innovative projects or programs that increase coordination and enhance service to participants in such programs, particularly hard-to-serve populations, as may be approved by the Governor, including—

"(A) activities that support business needs, especially for incumbent workers and enhancing opportunities for retention and advancement;

"(B) activities that support linkages between the workforce and education programs, and secondary, postsecondary, or career and technical education programs, including activities under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(C) activities that support regional economic development plans that support high-wage, high-skill, or high-demand occupations leading to self-sufficiency;

"(D) activities that coordinate the workforce and education programs with other Federal and State programs related to the workforce and education programs;

"(E) activities that support the development of an integrated performance information system that includes common measures for one-stop partner programs described in section 121;

"(F) activities that align management information systems with integrated performance information across the one-stop partner programs;

"(G) activities that support activities to improve performance in workforce and education programs and program coordination of workforce and education programs; or

"(H) activities that leverage additional training resources, other than those provided through workforce and education programs, for adults and youth.

"(4) Technical assistance.—The Governor shall reserve 4 percent of the funds available for grants under this subsection to provide technical assistance to local areas—

"(A) to replicate best practices for workforce and education programs;

"(B) to develop integrated performance information systems for the one-stop partner programs;

"(C) to strengthen coordination between workforce and education programs, and other education programs; or

"(D) to strengthen regional economic development.".

(h) Use of Core Measures in Other Department of Labor Programs.—Section 136 (29 U.S.C. 2871) is amended by adding at the end the following:

"(j) Use of Core Indicators for Other Programs.—In addition to the programs carried out under chapters 4 and 5, and consistent with the requirements of the applicable authorizing laws, the Secretary shall use the indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2) to assess the effectiveness of the programs described in clauses (i), (ii), and (vi) of section 121(b)(1)(B) that are carried out by the Secretary.".

(i) Previous Definitions of Core Indicators.—Section 502 (29 U.S.C. 9272) is repealed.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) Youth Activities.—Section 137(a) (29 U.S.C. 2872(a)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

(b) Adult Employment and Training Activities.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

(c) Dislocated Worker Employment and Training Activities.—Section 137(c) (29 U.S.C. 2872(c)) is amended by striking "such sums as may be necessary for each of fiscal years 1999 through 2003" and inserting "such sums as may be necessary for each of fiscal years 2006 through 2011".

Subtitle C—Job Corps

SEC. 131. JOB CORPS.

(a) Eligibility.—Section 144(3) (29 U.S.C. 2884(3)) is amended by adding at the end the following:

"(F) A child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677).".

(b) Implementation of Standards and Procedures.—Section 145(a)(3) (29 U.S.C. 2885(a)(3)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) child welfare agencies that are responsible for children in foster care and children eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677).".

(c) Industry Councils.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking "local and distant"; and

(2) by adding at the end the following:

"(3) Employers outside of local area.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

"(4) Special rule for single local area States.—In the case of a single local area State designated under section 116(b), the industry council shall include a representative of the State Board.".

(d) Indicators of Performance.—Section 159 (29 U.S.C. 2899) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

"(1) Performance indicators.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators of performance for youth activities identified in section 136(b)(2)(A)(ii).";

(B) in paragraph (2), by striking "measures" each place it appears and inserting "indicators"; and

(C) in paragraph (3)—

(i) in the first sentence, by striking "core performance measures, as compared to the expected performance level for each performance measure" and inserting "performance indicators described in paragraph (1), as compared to the expected level of performance established under paragraph (1) for each performance measure"; and

(ii) in the second sentence, by striking "measures" each place it appears and inserting "indicators"; and

(2) in subsection (f)(2), in the first sentence, by striking "core performance measures" and inserting "indicators of performance".

(e) Authorization of Appropriations.—Section 161 (29 U.S.C. 2901) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

Subtitle D—National Programs

SEC. 141. NATIVE AMERICAN PROGRAMS.

(a) Advisory Council.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

"(C) Duties.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).".

(b) Assistance to Unique Populations in Alaska and Hawaii.—Section 166(j) (29 U.S.C. 2911(j)) is amended to read as follows:

"(j) Assistance to Unique Populations in Alaska and Hawaii.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to the Cook Inlet Tribal Council, Incorporated, and the University of Hawaii at Maui, for the unique populations who reside in Alaska or Hawaii, to improve job training and workforce investment activities.

"(2) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 2006 through 2011.".

(c) Performance Indicators.—Section 166 (29 U.S.C. 2911) is amended by adding at the end the following:

"(k) Performance Indicators.—

"(1) Development of indicators.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards which shall be applicable to programs under this section.

"(2) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

"(A) the purpose of this section as described in subsection (a)(1);

"(B) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

"(C) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.".

SEC. 142. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

Section 167 (29 U.S.C. 2912) is amended—

(1) in subsection (a), by striking "2" and inserting "2 to 4";

(2) in subsection (b), by inserting "and deliver" after "administer";

(3) in subsection (c)—

(A) in paragraph (1), by striking "2-year" and inserting "4-year";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "describe the population to be served and" before "identify"; and

(II) by inserting ", including upgraded employment in agriculture" before the semicolon;

(ii) in subparagraph (B), by striking "and" at the end;

(iii) in subparagraph (C), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(D) describe the availability and accessibility of local resources such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

"(E) describe the plan for providing services under this section, including strategies and systems for outreach, case management, assessment, and delivery through one-stop delivery systems."; and

(C) by striking paragraph (4) and inserting the following:

"(4) COMPETITION.—The competition for grants made and contracts entered into under this section shall be conducted every 2 to 4 years.";

(4) in subsection (d), by striking "include" and all that follows and inserting "include outreach, employment, training, educational assistance, literary assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, school dropout prevention activities, followup services for those individuals placed in employment, self-employment and related business or micro-enterprise development or education as needed by eligible individuals and as identified pursuant to the plan required by subsection (c), customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area, and technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.";

(5) in subsection (f), by striking "take into account the economic circumstances and demographics of eligible migrant and seasonal farmworkers." and inserting "are adjusted based on the economic and demographic barriers to employment of eligible migrant and seasonal farmworkers.";

(6) in subsection (g), by striking "(enacted by the Single Audit Act of 1984)";

(7) in subsection (h)—

(A) by striking paragraph (1) and inserting the following:

"(1) DEPENDENT.—The term 'dependent', used with respect to an eligible migrant or seasonal farmworker, means an individual who—

"(A) was claimed as a dependent on the farmworker's Federal income tax return for the previous year;

"(B) is the spouse of the farmworker; or

"(C) is able to establish—

"(i) a relationship as the farmworker's—

"(I) biological or legally adopted child, grandchild, or great-grandchild;

"(II) foster child;

"(III) stepchild;

"(IV) brother, sister, half-brother, half-sister, stepbrother, or stepsister;

"(V) parent, grandparent, or other direct ancestor (but not foster parent);

"(VI) stepfather or stepmother;

"(VII) uncle or aunt;

"(VIII) niece or nephew; or

"(IX) father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; and

"(ii) the receipt of over half of the individual's total support from the farmworker's family during the eligibility determination period for the farmworker."; and

(B) in paragraph (4)(A)—

(i) by striking "disadvantaged person" and inserting "low-income individual"; and

(ii) by inserting "and who faces multiple barriers to self-sufficiency" before the semicolon;

(8) by redesignating subsection (h) as subsection (i); and

(9) by inserting before subsection (i) the following:

"(h) FUNDING ALLOCATION.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities."

SEC. 143. VETERANS' WORKFORCE INVESTMENT PROGRAMS.

Section 168(a)(3) (29 U.S.C. 2913(a)(3)) is amended—

(1) in subparagraph (A), by inserting ", including services provided by one-stop operators and one-stop partners" before the semicolon; and

(2) in subparagraph (C), by striking "section 134(c)" and inserting "section 121(e)".

SEC. 144. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

"SEC. 169. YOUTH CHALLENGE GRANTS.

"(a) IN GENERAL.—Of the amounts reserved by the Secretary under section 127(b)(1)(A) for a fiscal year—

"(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

"(2) the Secretary may use not more than 20 percent to award competitive grants under subsection (c).

"(b) COMPETITIVE GRANTS TO STATES AND LOCAL AREAS.—

"(1) ESTABLISHMENT.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this subsection to assist eligible youth in acquiring the skills, credentials, and employment experience necessary to achieve the performance outcomes for youth described in section 136.

"(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

"(A) a State or consortium of States;

"(B) a local board or consortium of local boards;

"(C) a recipient of a grant under section 166 (relating to Native American programs); or

"(D) a public or private entity (including a consortium of such entities) with expertise in the provision of youth activities, applying in partnership with a local board or consortium of local boards.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the activities the eligible entity will provide to eligible youth under this subsection, and how the eligible entity will collaborate with State and local workforce investment systems established under this title in the provision of such activities;

"(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

"(C) a description of the State, local, and private resources that will be leveraged to provide the activities described under subparagraph (A) in addition to funds provided under this subsection, and a description of the extent of the involvement of employers in the activities;

"(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii); and

"(E) except in the case of an application submitted by an eligible entity described in paragraph (2)(C)—

"(i) an assurance that the State board of each State in which the proposed activities are to be carried out had the opportunity to review the application; and

"(ii) the comments, if any, of the affected State boards on the application.

"(4) FACTORS FOR AWARD.—

"(A) IN GENERAL.—In awarding grants under this subsection the Secretary shall consider—

"(i) the quality of the proposed activities;

"(ii) the goals to be achieved;

"(iii) the likelihood of successful implementation;

"(iv) the extent to which the proposed activities are based on proven strategies or the extent to which the proposed activities will expand the base of knowledge relating to the provision of activities for eligible youth;

"(v) the extent of collaboration with the State and local workforce investment systems in carrying out the proposed activities;

"(vi) the extent of employer involvement in the proposed activities;

"(vii) whether there are other Federal and non-Federal funds available for similar activities to the proposed activities, and the additional State, local, and private resources that will be provided to carry out the proposed activities;

"(viii) the quality of the proposed activities in meeting the needs of the eligible youth to be served; and

"(ix) the extent to which the proposed activities will expand on services provided under section 129.

"(B) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants across geographically diverse areas.

"(5) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out activities that are designed to assist eligible youth in acquiring the skills, credentials, and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129.

"(B) ACTIVITIES.—The activities carried out pursuant to subparagraph (A) may include the following:

"(i) Training and internships for out-of-school youth in sectors of the economy experiencing, or projected to experience, high growth.

"(ii) Dropout prevention activities for in-school youth.

"(iii) Activities designed to assist special youth populations, such as court-involved youth and youth with disabilities.

"(iv) Activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education, apprenticeships, and career-ladder employment.

"(v) Activities, including work experience, paid internships, and entrepreneurial training, in areas where there is a migration of youth out of the areas.

"(C) PARTICIPANT ELIGIBILITY.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

"(6) GRANT PERIOD.—The Secretary shall make a grant under this subsection for a period of 2 years and may renew the grant, if the eligible entity has performed successfully, for a period of not more than 3 succeeding years.

"(7) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

"(8) EVALUATION.—The Secretary shall reserve not more than 3 percent of the funds described in subsection (a)(1) to provide technical assistance to, and conduct evaluations of (using appropriate techniques as described in section 172(c)), the projects funded under this subsection.

"(c) COMPETITIVE FIRST JOBS FOR YOUTH.—

"(1) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a consortium that—

"(A) shall include—

"(i)(I) a State board; or

"(II) a local board; and

"(ii) a consortium of businesses, including small businesses;

"(B) may include 1 or more—

"(i) local educational agencies;

"(ii) institutions of higher education;

"(iii) business intermediaries;

"(iv) community-based organizations; or

"(v) entities carrying out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

"(C) submits an application under paragraph (3).

"(2) AUTHORIZATION.—From the funds described in subsection (a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, entering, and retaining employment.

"(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the area to be served, including information demonstrating that the area has—

"(i) high unemployment among individuals ages 16 through 21;

"(ii) high unemployment among youth who are individuals with disabilities; or

"(iii) high job loss;

"(B) a description of the proposed program, including activities, compensation, and expected outcomes;

"(C) an assurance that the participating employers in the proposed program are located in the area to be served, and a demonstration of the commitment of the participating employers to hire individuals who—

"(i) have successfully completed the program; or

"(ii) continue to work in the program;

"(D) demographic information about the targeted populations to be served by the proposed program, including information on gender, age, and race;

"(E) a description of how the proposed program will address the barriers to employment of the targeted populations;

"(F) a description of the manner in which the eligible entity will evaluate the program; and

"(G) a description of the ability of the eligible entity to carry out and expand the program after the expiration of the grant period.

"(4) EQUITABLE DISTRIBUTION TO RURAL AREAS.—In awarding grants under this subsection, the Secretary shall ensure an equitable distribution of such grants to rural areas.

"(5) USE OF FUNDS.—

"(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out—

"(i) activities that will assist youth in preparing for, entering, and retaining employment, including the activities described in section 129 for out-of-school youth (as defined in section 129(a));

"(ii) activities designed to strengthen academic skills that would assist—

"(I) in-school youth (as so defined) to be successful in secondary school and continue such participants' education; and

"(II) out-of-school youth (as so defined) to earn a high school diploma or its recognized equivalent, or prepare for postsecondary programs;

"(iii) activities designed to assist youth in economically distressed areas;

"(iv) subsidized employment for not more than 9 months that provides direct experience in a sector that has opportunities for full-time employment;

"(v) career and academic advisement, activities to promote financial literacy and the attainment of entrepreneurial skills, and provision of labor market information on high-skill, high-wage, and nontraditional occupations; and

"(vi) such other activities as the Secretary determines are appropriate to ensure that youth entering the workforce have the skills needed by employers.

"(B) PARTICIPANT ELIGIBILITY.—An individual who is not younger than 16 years of age and not older than 21 years of age, as of the time the eligibility determination is made, who faces barriers to employment, including an individual who is an individual with a disability, may be eligible to participate in activities under this subsection.

"(6) SPECIAL RULE.—An eligible entity that receives a grant under this subsection shall coordinate activities with the designated State agency (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)) and other appropriate State agencies in the State to be served.

"(7) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out with assistance provided under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

"(8) EVALUATIONS.—The Secretary may require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).".

SEC. 145. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) in subsection (a)(1), by—

(A) inserting "the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, the training of members of State boards and local boards, peer review activities under this title," after "localities,"; and

(B) striking "from carrying out activities" and all that follows through the period and inserting "to implement the amendments made by the Workforce Investment Act Amendments of 2005.";

(2) in subsection (a)(2), by adding at the end the following: "The Secretary shall also hire staff qualified to provide the assistance described in paragraph (1).";

(3) in subsection (b)(2), by striking the last sentence and inserting "Such projects shall be administered by the Employment and Training Administration."; and

(4) by adding at the end the following:

"(c) BEST PRACTICES COORDINATION.—The Secretary shall—

"(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act;

"(2) evaluate and disseminate information regarding best practices and identify knowledge gaps; and

"(3) commission research under section 171(c) to address knowledge gaps identified under paragraph (2).".

SEC. 146. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS.

(a) DEMONSTRATION AND PILOT PROJECTS.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking "Under a" and inserting "Consistent with the priorities specified in the";

(B) by redesignating subparagraphs (F) through (H) as subparagraphs (H) through (J), respectively;

(C) by striking subparagraphs (A) through (E) and inserting the following:

"(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers for career ladder jobs and to provide information to such system on skills and occupations in demand;

"(B) projects that promote the development of systems that will improve the maximum effectiveness of programs carried out under this title;

"(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing, or are likely to experience, high rates of growth and jobs with wages leading to self-sufficiency;

"(D) projects that focus on collaborations among local boards, institutions of higher education, medical facilities, and other community stakeholders, to promote opportunities for dislocated workers to receive training and related services for employment in the high-demand health care sector;

"(E) projects that focus on career ladder advancement for nursing care providers, including faculty education and distance learning programs;

"(F) computerized, individualized, self-paced training projects targeted to dislocated, disadvantaged, or incumbent workers utilizing equipment and curriculum designed in partnership with industries for employment in the operations, repair, and maintenance of high-tech equipment that is used in integrated systems technology;

"(G) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;";

(D) in subparagraph (I) (as redesignated by subparagraph (B)), by striking "and" after the semicolon; and

(E) by striking subparagraph (J) (as redesignated by subparagraph (B)), and inserting the following:

"(J) projects that provide retention grants, which shall—

"(i) be made to qualified job training programs offering instruction, assessment, or professional coaching, upon placement of a low-income individual trained by the program involved in employment with an employer and retention of the low-income individual in that employment with that employer for a period of 1 year, if that employment provides the low-income individual with an annual salary—

"(I) that is at least $10,000 more than the individual's federally adjusted income for the previous year; and

"(II) that is not less than twice the poverty line applicable to the individual; and

"(ii) be made taking into account the economic benefit received by the Federal Government from the employment and retention of the individual, including the economic benefit from tax revenue and decreased public subsidies;

"(K) targeted innovation projects that improve access to and delivery of employment and training services, with emphasis given to projects that incorporate advanced technologies to facilitate the connection of individuals to the information and tools the individuals need to upgrade skills;

"(L) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet; and

"(M) projects that provide comprehensive education and training services, and support services, in coordination with local boards, for populations in targeted high poverty areas where the greatest barriers to employment exist, including ex-offenders, out-of-school youth, and public assistance recipient populations."; and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) MULTISERVICE PROJECTS.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

"(B) STUDIES AND REPORTS.—

"(i) NET IMPACT STUDIES AND REPORTS.—

"(I) IN GENERAL.—The Secretary, in coordination with the Secretary of Education, shall conduct studies to determine the net impacts of, including best practices of, programs, services, and activities carried out under this title.

"(II) REPORTS.—The Secretary shall prepare and disseminate to the public reports containing the results of the studies conducted under subclause (I).

"(ii) STUDY ON RESOURCES AVAILABLE TO ASSIST OUT-OF-SCHOOL YOUTH.—The Secretary, in coordination with the Secretary of Education, may conduct a study examining the resources available at the Federal, State, and local levels to assist out-of-school youth in obtaining the skills, credentials, and work experience necessary to become successfully employed, including the availability of funds provided through average daily attendance and other methodologies used by States and local areas to distribute funds.

"(iii) STUDY OF INDUSTRY-BASED CERTIFICATION AND CREDENTIALS.—

"(I) IN GENERAL.—The Secretary shall conduct a study concerning the role and benefits of credentialing and certification to businesses and workers in the economy and the implications of certification to the services provided through the workforce investment system. The study may examine issues such as—

"(aa) the characteristics of successful credentialing and certification systems that serve business and individual needs;

"(bb) the relative proportions of certificates and credentials attained with assistance from the public sector, with private-sector training of new hires or incumbent workers, and by individuals on their own initiative without other assistance, respectively;

"(cc) the return on human capital investments from occupational credentials and industry-based skill certifications, including the extent to which acquisition of such credentials or certificates enhances outcomes such as entry into employment, retention, earnings (including the number and amount of wage increases), career advancement, and layoff aversion;

"(dd) the implications of the effects of skill certifications and credentials to the types and delivery of services provided through the workforce investment system;

"(ee) the role that Federal and State governments play in fostering the development of and disseminating credentials and skill standards; and

"(ff) the use of credentials by businesses to achieve goals for workforce skill upgrading and greater operating efficiency.

"(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study conducted pursuant to subclause (I). Such report may include any recommendations that the Secretary determines are appropriate to include in such report relating to promoting the acquisition of industry-based certification and credentials, and the appropriate role of the Department of Labor and the workforce investment system in supporting the needs of business and individuals with respect to such certification and credentials.

"(iv) STUDY OF EFFECTIVENESS OF WORKFORCE INVESTMENT SYSTEM IN MEETING BUSINESS NEEDS.—

"(I) IN GENERAL.—Using funds available to carry out this section jointly with funds available to the Secretary of Commerce and Administrator of the Small Business Administration, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may conduct a study of the effectiveness of the workforce investment system in meeting the needs of business, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies. In conducting the study, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may examine issues such as—

"(aa) methods for identifying the workforce needs of businesses and how the requirements of small businesses may differ from larger establishments;

"(bb) business satisfaction with the workforce investment system, with particular emphasis on the satisfaction of small businesses;

"(cc) the extent to which business is engaged as a collaborative partner in the workforce investment system, including the extent of business involvement as members of State boards and local boards, and the extent to which such boards and one-stop centers effectively collaborate with business and industry leaders in developing workforce investment strategies, including strategies to identify high growth opportunities;

"(dd) ways in which the workforce investment system addresses changing skill needs of business that result from changes in technology and work processes;

"(ee) promising practices for serving small businesses;

"(ff) the extent and manner in which the workforce investment system uses technology to serve business and individual needs, and how uses of technology could enhance efficiency and effectiveness in providing services; and

"(gg) the extent to which various segments of the labor force have access to and utilize technology to locate job openings and apply for jobs, and characteristics of individuals utilizing such technology (such as age, gender, race or ethnicity, industry sector, and occupational groups).

"(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study described in subclause (I). Such report may include any recommendations the Secretary determines are appropriate to include in such report, including ways to enhance the effectiveness of the workforce investment system in meeting the needs of business for skilled workers.".

(c) ADMINISTRATION.—Section 171(d) (29 U.S.C. 2916(d)) is amended by striking the last sentence and inserting the following: "Such projects shall be administered by the Employment and Training Administration.".

(d) NEXT GENERATION TECHNOLOGIES.—Section 171 (29 U.S.C. 2916) is amended by adding at the end the following:

"(e) SKILL CERTIFICATION PILOT PROJECTS.—

"(1) PILOT PROJECTS.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (10), the Secretary shall establish and carry out not more than 10 pilot projects to establish a system of industry-validated national certifications of skills, including—

"(A) not more than 8 national certifications of skills in high-technology and high-growth industries, including biotechnology, telecommunications, highly automated manufacturing (including semiconductors), nanotechnology, energy technology, and nursing; and

"(B) not more than 2 cross-disciplinary national certifications of skills in homeland security technology.

"(2) GRANTS TO ELIGIBLE ENTITIES.—In carrying out the pilot projects, the Secretary shall make grants to eligible entities, for periods of not less than 36 months and not more than 48 months, to carry out the authorized activities described in paragraph (7) with respect to the certifications described in paragraph (1). In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

"(3) ELIGIBLE ENTITIES.—

"(A) DEFINITION OF ELIGIBLE ENTITY.—In this subsection the term 'eligible entity' means an entity that shall work in conjunction with a local board and shall include as a principal participant 1 or more of the following:

"(i) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

"(ii) An advanced technology education center.

"(iii) A local board.

"(iv) A representative of a business in a target industry for the certification involved.

"(v) A representative of an industry association, labor organization, or community development organization.

"(B) HISTORY OF DEMONSTRATED CAPABILITY REQUIRED.—To be eligible to receive a grant under this subsection, an eligible entity shall have a history of demonstrated capability for effective collaboration with industry on workforce investment activities that is consistent with the objectives of this title.

“(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(5) CRITERIA.—The Secretary shall establish criteria, consistent with paragraph (6), for awarding grants under this subsection.

“(6) PRIORITY.—In selecting eligible entities to receive grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate the availability of and ability to provide matching funds from industry or nonprofit sources. Such matching funds may be provided in cash or in kind.

“(7) AUTHORIZED ACTIVITIES.—

“(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the funds made available through the grant—

“(i) to facilitate the establishment of certification requirements for a certification described in paragraph (1) for an industry;

“(ii) to develop and initiate a certification program that includes preparatory courses, course materials, procedures, and examinations, for the certification; and

“(iii) to collect and analyze data related to the program at the program's completion, and to identify best practices (consistent with paragraph (8)) that may be used by State and local workforce investment boards in the future.

“(B) BASIS FOR REQUIREMENTS.—The certification requirements established under the grant shall be based on applicable skill standards for the industry involved that have been developed by or linked to national centers of excellence under the National Science Foundation's Advanced Technological Education Program. The requirements shall require an individual to demonstrate an identifiable set of competencies relevant to the industry in order to receive certification. The requirements shall be designed to provide evidence of a transferable skill set that allows flexibility and mobility of workers within a high technology industry.

“(C) RELATIONSHIP TO TRAINING AND EDUCATION PROGRAMS.—The eligible entity shall ensure that—

“(i) a training and education program related to competencies for the industry involved, that is flexible in mode and timeframe for delivery and that meets the needs of those seeking the certification, is offered; and

“(ii) the certification program is offered at the completion of the training and education program.

“(D) RELATIONSHIP TO THE ASSOCIATE DEGREE.—The eligible entity shall ensure that the certification program is consistent with the requirements for a 2-year associate degree.

“(E) AVAILABILITY.—The eligible entity shall ensure that the certification program is open to students pursuing associate degrees, employed workers, and displaced workers.

“(8) CONSULTATION.—The Secretary shall consult with the Director of the National Science Foundation to ensure that the pilot projects build on the expertise and information about best practices gained through the implementation of the National Science Foundation's Advanced Technological Education Program.

“(9) CORE COMPONENTS; GUIDELINES; REPORTS.—After collecting and analyzing the data obtained from the pilot programs, the Secretary shall—

“(A) establish the core components of a model high-technology certification program;

“(B) establish guidelines to assure development of a uniform set of standards and policies for such programs;

“(C) prepare and submit a report on the pilot projects to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

“(D) make available to the public both the data and the report.

“(10) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $30,000,000 for fiscal year 2006 to carry out this subsection.”.

(e) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.—Section 171 (29 U.S.C. 2916), as amended by subsection (d), is further amended by adding at the end the following:

“(f) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.—

“(1) DEFINITIONS.—In this subsection:

“(A) INTEGRATED WORKFORCE TRAINING.—The term ‘integrated workforce training’ means training that integrates occupational skills training with language acquisition.

“(B) SECRETARY.—The term ‘Secretary’ means the Secretary of Labor in consultation with the Secretary of Education.

“(2) DEMONSTRATION PROJECT.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (11), the Secretary shall establish and implement a national demonstration project designed to both analyze and provide data on workforce training programs that integrate English language acquisition and occupational training.

“(3) GRANTS.—

“(A) IN GENERAL.—In carrying out the demonstration project, the Secretary shall make not less than 10 grants, on a competitive basis, to eligible entities to provide the integrated workforce training programs. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

“(B) PERIODS.—The Secretary shall make the grants for periods of not less than 24 months and not more than 48 months.

“(4) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall work in conjunction with a local board and shall include as a principal participant 1 or more of the following:

“(i) An employer or employer association.

“(ii) A nonprofit provider of English language instruction.

“(iii) A provider of occupational or skills training.

“(iv) A community-based organization.

“(v) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

“(vi) A labor organization.

“(vii) A local board.

“(B) EXPERTISE.—To be eligible to receive a grant under this subsection, an eligible entity shall have proven expertise in—

“(i) serving individuals with limited English proficiency, including individuals with lower levels of oral and written English; and

“(ii) providing workforce programs with training and English language instruction.

“(5) APPLICATIONS.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

“(i) contain information, including capability statements, that demonstrates that the eligible entity has the expertise described in paragraph (4)(B); and

“(ii) include an assurance that the program to be assisted shall—

“(I) establish a generalized adult bilingual workforce training and education model that integrates English language acquisition and occupational training, and incorporates the unique linguistic and cultural factors of the participants;

“(II) establish a framework by which the employer, employee, and other relevant members of the eligible entity can create a career development and training plan that assists both the employer and the employee to meet their long-term needs;

“(III) ensure that the framework established under subclause (II) takes into consideration the knowledge, skills, and abilities of the employee with respect to both the current and economic conditions of the employer and future labor market conditions relevant to the local area; and

“(IV) establish identifiable measures so that the progress of the employee and employer and the relative efficacy of the program can be evaluated and best practices identified.

“(6) CRITERIA.—The Secretary shall establish criteria for awarding grants under this subsection.

“(7) INTEGRATED WORKFORCE TRAINING PROGRAMS.—

“(A) PROGRAM COMPONENTS.—

“(i) REQUIRED COMPONENTS.—Each program that receives funding under this subsection shall—

“(I) test an individual's English language proficiency levels to assess oral and literacy gains from the beginning and throughout program enrollment;

“(II) combine training specific to a particular occupation or occupational cluster, with

“(aa) English language instruction, such as instruction through an English as a Second Language program, or an English for Speakers of Other Languages program;

“(bb) basic skills instruction; and

“(cc) supportive services;

“(III) effectively integrate public and private sector entities, including the local workforce investment system and its functions, to achieve the goals of the program; and

“(IV) require matching or in-kind resources from private and nonprofit entities.

“(ii) PERMISSIBLE COMPONENTS.—The program may offer other services, as necessary to promote successful participation and completion, including work-based learning, substance abuse treatment, and mental health services.

“(B) GOAL.—Each program that receives funding under this subsection shall be designed to prepare limited English proficient adults for, and place such adults in employment in, growing industries with identifiable career ladder paths.

“(C) PROGRAM TYPES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs that meet 1 or more of the following criteria:

“(i) A program—

“(I) that serves unemployed, limited English proficient individuals with significant work experience or substantial education but persistently low wages;

“(II) that aims to prepare such individuals for, and place such individuals in, higher paying employment, defined for purposes of this subparagraph as employment that provides at least 75 percent of the median wage in the local area; and

“(III) with funding that includes funds from private and nonprofit entities.

“(ii) A program—

“(I) that serves limited English proficient individuals with lower levels of oral and written fluency, who are working but at persistently low wages;

“(II) that aims to prepare such individuals for, and place such individuals in, higher paying employment, through services provided at

the worksite, or at a location central to several work sites, during work hours; and

"(III) with funding that includes funds from private and nonprofit entities.

"(iii) A program—

"(I) that serves unemployed, limited English proficient individuals with lower levels of oral and written fluency, who have little or no work experience;

"(II) that aims to prepare such individuals for, and place such individuals in, employment through services that include subsidized employment, in addition to the components required in subparagraph (A)(i); and

"(III) with funding that includes funds from private and nonprofit entities.

"(D) PROGRAM APPROACHES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs with different approaches to integrated workforce training, in different contexts, in order to obtain comparative data on multiple approaches to integrated workforce training and English language instruction, to ensure programs are tailored to characteristics of individuals with varying skill levels, and to assess how different curricula work for limited English proficient populations. Such approaches may include—

"(i) bilingual programs in which the workplace language component and the training are conducted in a combination of an individual's native language and English;

"(ii) integrated workforce training programs that combine basic skills, language instruction, and job specific skills training; or

"(iii) sequential programs that provide a progression of skills, language, and training to ensure success upon an individual's completion of the program.

"(8) EVALUATION BY ELIGIBLE ENTITY.—Each eligible entity that receives a grant under this subsection for a program shall carry out a continuous program evaluation and an evaluation specific to the last phase of the program operations.

"(9) EVALUATION BY SECRETARY.—

"(A) IN GENERAL.—The Secretary shall conduct an evaluation of program impacts of the programs funded under the demonstration project, using an impact study with a random assignment experimental design at each worksite at which such a program is carried out.

"(B) DATA COLLECTION AND ANALYSIS.—The Secretary shall collect and analyze the data from the demonstration project to determine program effectiveness, including gains in language proficiency, acquisition of skills, and job advancement for program participants.

"(C) REPORT.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and make available to the public, a report on the demonstration project, including the results of the evaluation.

"(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to recipients of grants under this subsection throughout the grant periods.

"(11) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $10,000,000 for fiscal year 2006 to carry out this subsection.".

(f) COMMUNITY-BASED JOB TRAINING.—Section 171 (29 U.S.C. 2916), as amended by subsection (e), is further amended by adding at the end the following:

"(g) COMMUNITY-BASED JOB TRAINING.—

"(1) DEFINITIONS.—In this subsection:

"(A) COMMUNITY COLLEGE.—The term 'community college' means—

"(i) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), that provides a 2-year degree that is acceptable for full credit toward a bachelor's degree; or

"(ii) a tribally controlled college or university, as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a community college, a consortium of community colleges, or a consortium composed of a community college and 1 or more institutions of higher education, that shall work with—

"(i) a local board;

"(ii) a business in the qualified industry or an industry association in the qualified industry, as identified in the application of the entity; and

"(iii) an economic development entity.

"(C) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in subparagraph (A)(i), the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) and the meaning given the term 'postsecondary vocational institution' in section 102(a)(1)(B) of such Act (20 U.S.C. 1002(a)(1)(B)).

"(D) QUALIFIED INDUSTRY.—The term 'qualified industry' means an industry or economic sector that is projected to experience significant growth, such as an industry or economic sector that—

"(i) is projected to add substantial numbers of new jobs to the regional economy;

"(ii) has or is projected to have significant impact on the regional economy;

"(iii) impacts or is projected to impact the growth of other industries or economic sectors in the regional economy;

"(iv) is being transformed by technology and innovation requiring new knowledge or skill sets for workers;

"(v) is a new or emerging industry or economic sector that is projected to grow; or

"(vi) requires high skills and has significant labor shortages in the regional economy.

"(2) DEMONSTRATION PROJECT.—In addition to the demonstration projects authorized under subsection (b), the Secretary may establish and implement a national demonstration project designed—

"(A) to develop local innovative solutions to the workforce challenges facing high-growth, high-skill industries with labor shortages; and

"(B) to increase employment opportunities for workers in high-growth, high-demand occupations by establishing partnerships among education entities, the State workforce investment systems, and businesses in high-growth, high-skill industries or sectors.

"(3) GRANTS.—In carrying out the national demonstration project authorized under this subsection, the Secretary shall award grants, on a competitive basis, for 2, 3, or 4 years, in accordance with generally applicable Federal requirements, to eligible entities to enable the eligible entities to carry out activities authorized under this subsection.

"(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a description of the eligible entity that will offer training under the grant;

"(B) a justification of the need for discretionary funding under the grant, including the need for external funds to create a program to carry out the activities described in paragraph (6);

"(C) an economic analysis of the local labor market to identify—

"(i) high-growth, high-demand industries;

"(ii) the workforce issues faced by such industries; and

"(iii) potential participants in programs funded under this subsection;

"(D) a description of the qualified industry for which the training will occur, the availability of competencies on which the training will be based, and how the grant will help workers acquire the competencies and skills necessary for employment;

"(E) a description of the involvement of the local board and businesses, including small businesses, in the geographic area where the proposed grant will be implemented;

"(F) performance measures for the grant, including performance measures for the expected number of individuals to be trained in a qualified industry, the employment and retention rates for such individuals in a qualified industry, and initial earnings and earnings increases for such individuals;

"(G) a description of how the activities funded by the grant will be coordinated with activities provided through the one-stop center in the local area; and

"(H) a description of the local or private resources that will—

"(i) support the activities carried out under this subsection; and

"(ii) enable the entity to carry out and expand such activities after the expiration of the grant.

"(5) FACTORS FOR AWARD OF GRANT.—

"(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall consider—

"(i) the extent of public and private collaboration, including existing partnerships among qualified industries, the eligible entity, and the public workforce investment system;

"(ii) the extent to which the grant will provide job seekers with high-quality training for employment in high-growth, high-demand occupations;

"(iii) the extent to which the grant will expand the eligible entity and local one-stop center's capacity to be demand-driven and responsive to local economic needs;

"(iv) the extent to which local businesses commit to hire, retain, or advance individuals who receive training through the grant; and

"(v) the extent to which the eligible entity commits to make any newly developed products, such as skill standards, assessments, or industry-recognized training curricula, available for dissemination nationally.

"(B) LEVERAGING OF RESOURCES.—In awarding grants under this subsection, the Secretary shall also consider—

"(i) the extent to which local or private resources will be made available to support the activities carried out under this subsection, taking into account the resources of the eligible entity and the entity's partners; and

"(ii) the ability of an eligible entity to continue to carry out and expand such activities after the expiration of the grant.

"(C) DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall ensure an equitable distribution of such grants across diverse industries and geographic areas.

"(6) USE OF FUNDS.—An eligible entity that receives a grant under this subsection—

"(A) shall use the grant funds for—

"(i) the development by the community college that is a part of the eligible entity in collaboration with other partners identified in the application, and, if applicable, other representatives of qualified industries, of rigorous training and education programs leading to an industry-recognized credential or degree and employment in the qualified industry; and

"(ii) training of adults, incumbent workers, dislocated workers, or out-of-school youth in the

skills and competencies needed to obtain or upgrade employment in a qualified industry identified in the eligible entity's application; and

"(B) may use the grant funds for—

"(i) disseminating information on training available for high-growth, high-demand occupations in qualified industries through the one-stop delivery system to prospective participants, businesses, business intermediaries, and community-based organizations in the region, including training available through the grant;

"(ii) referring individuals trained under the grant for employment in qualified industries;

"(iii) enhancing integration of community colleges, training and education with businesses, and the one-stop system to meet the training needs of qualified industries for new and incumbent workers;

"(iv) providing training and relevant job skills to small business owners or operators to facilitate small business development in high-growth, high-skill industries; or

"(v) expanding or creating programs for distance, evening, weekend, modular, or compressed learning opportunities that provide training and relevant job skills for high-growth, high-demand occupations.

"(7) Authority to Require Non-Federal Share.—The Secretary may require that recipients of grants under this subsection provide a non-Federal share, from either cash or noncash resources, of the costs of activities carried out under a grant awarded under this subsection.

"(8) Performance Accountability and Evaluation.—

"(A) Performance Accountability.—The Secretary shall require an eligible entity that receives a grant under this subsection to submit an interim and final report to the Secretary on the impact on business partners and employment outcomes obtained by individuals receiving training under this subsection using the performance measures identified in the eligible entity's grant application.

"(B) Evaluation.—The Secretary shall require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).".

SEC. 147. NATIONAL DISLOCATED WORKER GRANTS.

(a) In General.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking the heading and inserting the following:

"SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.";

and

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and aligning the margins of the subparagraphs with the margins of subparagraph (A) of paragraph (4);

(B) by striking paragraph (4);

(C) by striking the matter preceding paragraph (1) and inserting the following:

"(a) In General.—

"(1) Grants.—The Secretary is authorized to award national dislocated worker grants—";

(D) in paragraph (1)(A), by striking "subsection (c)" and inserting "subsection (b)";

(E) in paragraph (1)(C), by striking "and" after the semicolon; and

(F) by adding at the end the following:

"(D) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (e), including providing assistance to eligible individuals;

"(E) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (f), including providing assistance to eligible individuals;

"(F) to provide additional assistance to a State board or local board where a higher than average demand for employment and training activities for dislocated members of the Armed Forces, or spouses, as described in section 101(11)(E), of members of the Armed Forces, described in subsection (b)(2)(A)(iv), exceeds State and local resources for providing such services, and where such programs are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs; and

"(G) to provide assistance to a State for statewide or local use in order to—

"(i) address cases in which there have been worker dislocations across multiple sectors, across multiple businesses within a sector, or across multiple local areas, and such workers remain dislocated;

"(ii) meet emerging economic development needs; and

"(iii) train eligible individuals who are dislocated workers described in clause (i).

"(2) Decisions and Obligations.—The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application. The Secretary shall issue a notice of obligation for such a grant not later than 10 days after the award of the grant.".

(b) Administration and Additional Assistance.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (b) (as redesignated by paragraph (2))—

(A) in paragraph (1)(A), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)"; and

(B) in paragraph (2)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking "national emergency grant awarded pursuant to subsection (a)(1)" and inserting "national dislocated worker grant awarded pursuant to subsection (a)(1)(A)"; and

(ii) in subparagraph (C), by striking "national emergency grants" and inserting "national dislocated worker grants";

(4) in paragraphs (1), (2), and (3) of subsection (c) (as redesignated by paragraph (3)), by striking "subsection (a)(2)" and inserting "subsection (a)(1)(B)";

(5) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) Additional Assistance.—

"(1) In General.—From the amount appropriated and made available to carry out this section for any program year, the Secretary shall use not more than $20,000,000 to make grants to States to provide employment and training activities under section 134, in accordance with subtitle B.

"(2) Eligible States.—The Secretary shall make a grant under paragraph (1) to a State for a program year if—

"(A) the amount of the allotment that was made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003, is greater than—

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).

"(3) Amount of Grants.—Subject to paragraph (1), the amount of the grant made under paragraph (1) to a State for a program year shall be based on the difference between—

"(A) the amount of the allotment that was made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003; and

"(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).";

(5) in subsection (e) (as redesignated by paragraph (2))—

(A) in paragraph (1), by striking "paragraph (4)(A)" and inserting "paragraph (1)(D)";

(B) in paragraph (2), by striking "subsection (g)" and inserting "subsection (f)";

(C) in paragraph (3)(B), by striking "subsection (a)(4)(A)" and inserting "subsection (a)(1)(D)";

(D) in paragraph (4), by striking "subsection (g)" and inserting "subsection (f)";

(E) in paragraph (5), by striking "subsection (g)" and inserting "subsection (f)"; and

(F) in paragraph (6)—

(i) by striking "subsection (g)" and inserting "subsection (f)"; and

(ii) by striking "subsection (c)(1)(B)" and inserting "subsection (b)(1)(B)"; and

(6) in subsection (f) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking "paragraph (4)(B)" and inserting "paragraph (1)(E)"; and

(ii) by striking "subsection (f)(1)(A)" and inserting "subsection (e)(1)(A)"; and

(B) in paragraph (4)(B), by striking "subsection (a)(4)(B)" and inserting "subsection (a)(1)(E)".

SEC. 148. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) In General.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

(b) Reservations.—Section 174(b) (29 U.S.C. 2919(b)) is amended to read as follows:

"(b) Technical Assistance; Demonstration and Pilot Projects, Evaluations, Incentive Grants.—

"(1) In General.—Subject to paragraph (2), there are authorized to be appropriated to carry out sections 170 through 172 and section 503 such sums as may be necessary for each of fiscal years 2006 through 2011.

"(2) Reservation.—Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) for a fiscal year, the Secretary shall, for each of the fiscal years 2006 through 2011, reserve not less than 25 percent for carrying out section 503.".

(c) Assistance for Eligible Workers.—Section 174(c) (29 U.S.C. 2919(c)) is amended—

(1) in paragraphs (1)(A) and (2)(A), by striking "subsection (a)(4)(A)" and inserting "subsection (a)(1)(D)"; and

(2) in paragraphs (1)(B) and (2)(B), by striking "subsection (a)(4)(B)" and inserting "subsection (a)(1)(E)".

Subtitle E—Administration

SEC. 151. REQUIREMENTS AND RESTRICTIONS.

Section 181(e) (29 U.S.C. 2931(e)) is amended by striking "economic development activities,".

SEC. 152. REPORTS.

Section 185(c) (29 U.S.C. 2935(c)) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) shall have the option to submit or disseminate electronically any reports, records, plans, or any other data that are required to be collected or disseminated under this title.".

SEC. 153. ADMINISTRATIVE PROVISIONS.

(a) Annual Report.—Section 189(d) (29 U.S.C. 2939(d)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) the negotiated levels of performance of the States, the States' requests for adjustments of such levels, and the adjustments of such levels that are made; and".

(b) AVAILABILITY.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended, in the first sentence—

(1) by striking "Funds" and inserting "Except as otherwise provided in this paragraph, funds"; and

(2) by striking "each State receiving" and inserting "each recipient of".

(c) GENERAL WAIVERS.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended—

(1) in subparagraph (A)(i), by inserting "the funding of infrastructure costs for one-stop centers," after "local boards,";

(2) in subparagraph (C), by striking "90" and inserting "60"; and

(3) by adding at the end the following:

"(D) EXPEDITED REQUESTS.—The Secretary shall expedite requests for waivers of statutory or regulatory requirements that have been approved for a State pursuant to subparagraph (B), if the requirements of this paragraph have been satisfied.

"(E) SPECIAL RULE.—With respect to any State that has a waiver under this paragraph relating to the transfer authority under section 133(b)(4), and has the waiver in effect on the date of enactment of the Workforce Investment Act Amendments of 2005 or subsequently receives such a waiver, the waiver shall continue to apply for so long as the State meets or exceeds State performance measures relating to the indicators described in section 136(b)(2)(A)(i).".

SEC. 154. USE OF CERTAIN REAL PROPERTY.

Section 193 (29 U.S.C. 2943) is amended to read as follows:

"SEC. 193. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.

"(a) TRANSFER OF FEDERAL EQUITY.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act.

"(b) LIMITATION ON USE.—A State shall not use funds awarded under title III of the Social Security Act or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the effective date of this provision.".

SEC. 155. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended by adding at the end the following:

"(14) Funds provided under this title shall not be used to establish or operate stand-alone fee-for-service enterprises that compete with private sector employment agencies (as defined in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c))). For purposes of this paragraph, such an enterprise does not include a one-stop service delivery system described in section 121(e).".

Subtitle F—Incentive Grants

SEC. 161. INCENTIVE GRANTS.

Section 503 (20 U.S.C. 9273) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) TIMELINE.—

"(A) PRIOR TO JULY 1, 2006.—Prior to July 1, 2006, the Secretary shall award a grant to each State in accordance with the provisions of this section as this section was in effect on July 1, 2003.

"(B) BEGINNING JULY 1, 2006.—Beginning on July 1, 2006, the Secretary shall award incentive grants to States for performance described in paragraph (2), to implement or enhance innovative and coordinated programs as described in paragraph (3), consistent with the statewide economic, workforce, and educational interests of the State.

"(2) BASIS.—The Secretary shall award the grants on the basis that the States—

"(A) have exceeded the State performance measures established under section 136(b), the performance measures established under section 212(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)), and the State performance measures established under section 113(b) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2323(b)); or

"(B) have—

"(i) met the State performance measures established under section 136(b), the performance measures established under section 212(b) of the Adult Education and Family Literacy Act, and the State performance measures established under section 113(b) of the Carl D. Perkins Vocational and Technical Education Act of 1998; and

"(ii) demonstrated—

"(I) exemplary coordination of one-stop partner programs described in section 121 with statewide economic development or business needs;

"(II) exemplary performance in the one-stop partner programs in the State in serving hard-to-serve populations; or

"(III) effective—

"(aa) coordination of multiple systems for the one-stop partner programs into a comprehensive workforce investment system, including coordination of employment activities under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and core services under section 134(d)(2);

"(bb) expansion of access to training through the one-stop partner programs, including expansion of access through increased leveraging of resources other than those provided through programs under title I;

"(cc) implementation of statewide coordination activities relating to the one-stop partner programs, through agreements with relevant State agencies and offices, including those responsible for programs under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(dd) statewide coordination relating to the one-stop partner programs, through arrangements with local boards or local areas;

"(ee) alignment of management information systems to integrate participant information across the one-stop partner programs; or

"(ff) integration of performance information systems and common measures for accountability across the one-stop partner programs.

"(3) USE OF FUNDS.—The funds awarded to a State under this section may be used to carry out activities authorized for States in programs carried out under title I, the Adult Education and Family Literacy Act, and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.) (referred to in this subsection as 'workforce and education programs'), including demonstration projects, and innovative projects or programs that increase coordination and enhance service to participants in such programs, particularly hard-to-serve populations, including—

"(A) activities that support business needs, especially for incumbent workers and enhancing opportunities for retention and advancement;

"(B) activities that support linkages between the workforce and education programs, and secondary, postsecondary, or career and technical education programs, including activities under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(C) activities that support statewide economic development plans that support high-wage, high-skill, or high-demand occupations leading to self-sufficiency;

"(D) activities that coordinate the workforce and education programs with other Federal and State programs related to the workforce and education programs;

"(E) activities that support the development of a statewide integrated performance information system that includes common measures for one-stop partner programs described in section 121;

"(F) activities that align management information systems with integrated performance information across the one-stop partner programs; or

"(G) activities that support local workforce investment boards or areas in improving performance in workforce and education programs and program coordination of workforce and education programs.

"(4) WAIVER.—For States that have developed and implemented a statewide integrated performance information system with common measures, as described in paragraph (3)(E), for the one-stop partner programs, the Secretary may waive for the State such reporting requirements for the one-stop partner programs as the Secretary has authority or agreement to waive.

"(5) TECHNICAL ASSISTANCE.—The Secretary shall reserve 4 percent of the funds available for grants under this section to provide technical assistance to States—

"(A) to replicate best practices for workforce and education programs;

"(B) to develop integrated performance information systems for the one-stop partner programs;

"(C) to strengthen coordination between workforce and education programs and other education programs; or

"(D) to strengthen economic development.

"(6) DEFINITION.—As used in this subsection, the term 'hard-to-serve populations' has the meaning given the term in section 101.";

(2) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking "only" and all that follows through "assurances:" and inserting "to ensure that the application contains, and to determine the accuracy of, the following assurances:"; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the State meets the requirements of subparagraph (A) or (B) of subsection (a)(2)."; and

(3) by striking subsection (d).

Subtitle G—Conforming Amendments

SEC. 171. TABLE OF CONTENTS.

Section 1(b) (29 U.S.C. 9201 note) is amended—

(1) by striking the item relating to section 106 and inserting the following:

"Sec. 106. Purposes.";

(2) by striking the item relating to section 123 and inserting the following:

"Sec. 123. Eligible providers of youth activities.";

(3) by striking the item relating to section 169 and inserting the following:

"Sec. 169. Youth challenge grants.";

(4) by striking the item relating to section 173 and inserting the following:

"Sec. 173. National dislocated worker grants.";

(5) by striking the item relating to section 193 and inserting the following:

"Sec. 193. Transfer of Federal equity in State employment security agency real property to the States.";

(6) by inserting after the item relating to section 243 the following:

"Sec. 244. Integrated English literacy and civics education.";

and

(7) by striking the item relating to section 502.

SEC. 172. CONFORMING AMENDMENTS.

(a) TRADE ACT OF 1974.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended by striking "section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))" and inserting "section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e))".

(b) ADULT EDUCATION AND FAMILY LITERACY ACT.—Section 212(b)(3)(A)(vi) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)(3)(A)(vi)) is amended by striking "the representatives described in section 136(i)(1)" and inserting "representatives of appropriate Federal agencies, and representatives of States and political subdivisions, business and industry, employees, eligible providers of employment and training activities (as defined in section 101), educators, and participants (as defined in section 101), with expertise regarding workforce investment policies and workforce investment activities (as defined in section 101)".

(c) OLDER AMERICANS ACT OF 1965.—

(1) Subparagraphs (H) and (O) of section 502(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056(b)(1)) are amended by striking "section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))" and inserting "section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e))".

(2) Section 505(c)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056c(c)(1)) is amended by striking "section 134(c) of such Act (29 U.S.C. 2864(c))" and inserting "section 121(e) of such Act (29 U.S.C. 2841(e))".

(3) Section 512(a) of the Older Americans Act of 1965 (42 U.S.C. 3056j(a)) is amended—

(A) by striking "(B)(vi)" and inserting "(B)(v)"; and

(B) by striking "section 134(c) of such Act (29 U.S.C. 2864(c))" and inserting "section 121(e) of such Act (29 U.S.C. 2841(e))".

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

SEC. 201. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Adult Education and Family Literacy Act Amendments of 2005".

(b) PURPOSE.—Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking "education." and inserting "education and in the transition to postsecondary education; and"; and

(3) by adding at the end the following:

"(4) assist immigrants and other individuals with limited English proficiency in improving their reading, writing, speaking, and mathematics skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.".

SEC. 202. DEFINITIONS.

Section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "services or instruction below the postsecondary level" and inserting "academic instruction and education services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematics"; and

(B) by striking subparagraph (C)(i) and inserting the following:

"(i) are basic skills deficient as defined in section 101;";

(2) in paragraph (2), by striking "activities described in section 231(b)" and inserting "programs and services which include reading, writing, speaking, or mathematics skills, workplace literacy activities, family literacy activities, English language acquisition activities, or other activities necessary for the attainment of a secondary school diploma or its State recognized equivalent";

(3) in paragraph (5)—

(A) by inserting "an organization that has demonstrated effectiveness in providing adult education, that may include" after "means";

(B) in subparagraph (B), by striking "of demonstrated effectiveness";

(C) in subparagraph (C), by striking "of demonstrated effectiveness"; and

(D) in subparagraph (I), by inserting "or coalition" after "consortium";

(4) in paragraph (6)—

(A) by striking "LITERACY PROGRAM" and inserting "LANGUAGE ACQUISITION PROGRAM";

(B) by striking "literacy program" and inserting "language acquisition program"; and

(C) by inserting "reading, writing, and speaking" after "competence in";

(5) by striking paragraph (10);

(6) by redesignating paragraphs (7) through (9) and (12) through (18) as paragraphs (8) through (10) and (13) through (19), respectively;

(7) by inserting after paragraph (6) the following:

"(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).";

(8) by inserting after paragraph (11) the following:

"(12) LIMITED ENGLISH PROFICIENCY.—The term 'limited English proficiency', when used with respect to an individual, means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language, and—

"(A) whose native language is a language other than English; or

"(B) who lives in a family or community environment where a language other than English is the dominant language.";

(9) by striking paragraph (15), as redesignated by paragraph (6), and inserting the following:

"(15) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands."; and

(10) by striking paragraph (19), as redesignated by paragraph (6), and inserting the following:

"(19) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program designed to improve the productivity of the workforce through the improvement of literacy skills that is offered by an eligible provider in collaboration with an employer or an employee organization at a workplace, at an off-site location, or in a simulated workplace environment.".

SEC. 203. HOME SCHOOLS.

Section 204 of the Adult Education and Family Literacy Act (20 U.S.C. 9203) is amended to read as follows:

"SEC. 204. HOME SCHOOLS.

"Nothing in this title shall be construed to affect home schools, whether a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in an English language acquisition program, family literacy services, or adult education.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "2003" and inserting "2011".

SEC. 205. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) RESERVATION OF FUNDS.—From the sum appropriated under section 205 for a fiscal year, the Secretary—

"(1) shall reserve 1.5 percent to carry out section 242, except that the amount so reserved shall not exceed $10,000,000;

"(2) shall reserve 1.5 percent to carry out section 243 and subsection (f)(4), except that the amount so reserved shall not exceed $8,000,000;

"(3) shall make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 503; and

"(4) shall reserve 12 percent of the amount that remains after reserving funds under paragraphs (1), (2) and (3) to carry out section 241.";

(2) in subsection (c)(2)—

(A) by inserting "and the sole agency responsible for administering or supervising policy for adult education and literacy in the Republic of Palau" after "an initial allotment under paragraph (1)";

(B) by inserting "or served by the agency for the Republic of Palau" after "by the eligible agency"; and

(C) by striking "States and outlying areas" and inserting "States, outlying areas, and the Republic of Palau";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and"; and

(ii) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, or" and inserting "or"; and

(B) in paragraph (3)—

(i) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and"; and

(ii) by striking "2001" and inserting "2007";

(4) by striking subsection (f) and inserting the following:

"(f) HOLD-HARMLESS PROVISIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (c) and subject to paragraph (2), for fiscal year 2005 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.

"(2) 100 PERCENT ALLOTMENT.—Notwithstanding paragraphs (1) and (2) of subsection (e), an eligible agency that receives only an initial allotment under subsection (c)(1) (and no additional allotment under subsection (c)(2)) shall receive an allotment under this section that is equal to 100 percent of the initial allotment under subsection (c)(1).

"(3) RATABLE REDUCTION.—If for any fiscal year the amount available for allotment under this subtitle is insufficient to satisfy the provisions of paragraphs (1) and (2), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

"(4) ADDITIONAL ASSISTANCE.—

"(A) IN GENERAL.—From amounts reserved under subsection (a)(2), the Secretary shall make grants to eligible agencies described in subparagraph (B) to enable such agencies to provide activities authorized under chapter 2.

"(B) ELIGIBILITY.—An eligible agency is eligible to receive a grant under this paragraph for a fiscal year if the amount of the allotment such agency receives under this section for the fiscal year is less than the amount such agency would have received for the fiscal year if the allotment formula under this section as in effect on September 30, 2003, were in effect for such year.

"(C) AMOUNT OF GRANT.—The amount of a grant made to an eligible agency under this paragraph for a fiscal year shall be the difference between—

"(i) the amount of the allotment such agency would have received for the fiscal year if the allotment formula under this section as in effect on September 30, 2003, were in effect for such year; and

"(ii) the amount of the allotment such agency receives under this section for the fiscal year."; and

(5) by adding at the end the following:

"(h) STUDY AND REPORT.—

"(1) STUDY.—The Comptroller General of the United States shall conduct a study concerning the formula described in this section and, in conducting the study, shall at a minimum—

"(A) examine whether the formula results in a distribution of funds that sufficiently serves the entire population of individuals eligible for adult education and literacy activities under this subtitle;

"(B) examine whether the data used to count qualified adults, for purposes of the formula, accurately measure the population of individuals eligible for the activities; and

"(C) develop recommendations for improving the formula so that the formula results in a distribution of funds that better serves that population and the data used to count qualified adults accurately measure that population.

"(2) REPORT.—Not later than 3 years after the date of enactment of the Workforce Investment Act Amendments of 2005, the Comptroller General shall submit to Congress a report containing the results of the study described in paragraph (1).".

SEC. 206. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212 of the Adult Education and Family Literacy Act (20 U.S.C. 9212) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking "additional indicators of performance (if any)" and inserting "the employment performance indicators";

(B) by striking paragraph (2) and inserting the following:

"(2) INDICATORS OF PERFORMANCE.—

"(A) CORE INDICATORS OF PERFORMANCE.—An eligible agency shall identify in the State plan individual academic performance indicators that include, at a minimum, the following:

"(i) Measurable improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills.

"(ii) Placement in, retention in, or completion of, postsecondary education or other training programs.

"(iii) Completion of a secondary school diploma, its recognized equivalent, or a recognized alternative standard for individuals with disabilities.

"(B) EMPLOYMENT PERFORMANCE INDICATORS.—

"(i) IN GENERAL.—An eligible agency shall identify in the State plan individual participant employment performance indicators that include, at a minimum, the following:

"(I) Entry into unsubsidized employment.

"(II) Retention in unsubsidized employment 6 months after entry into the employment.

"(III) Increases in earnings from unsubsidized employment.

"(ii) DATA COLLECTION.—The State workforce investment board shall assist the eligible agency in obtaining and using quarterly wage records to collect data for each of the indicators described in clause (i), consistent with applicable Federal and State privacy laws.

"(C) INDICATORS FOR WORKPLACE LITERACY PROGRAMS.—Special accountability measures may be negotiated for workplace literacy programs."; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)(II), by striking "in performance" and inserting "the agency's performance outcomes in an objective, quantifiable, and measurable form";

(II) in clause (ii), by striking "3 program years" and inserting "2 program years";

(III) in clause (iii), by striking "FIRST 3 YEARS" and inserting "FIRST 2 YEARS";

(IV) in clause (iii), by striking "first 3 program years" and inserting "first 2 program years";

(V) in clause (v), by striking "4TH AND 5TH" and inserting "3RD AND 4TH";

(VI) in clause (v), by striking "to the fourth" and inserting "to the third";

(VII) in clause (v), by striking "fourth and fifth" and inserting "third and fourth"; and

(VIII) in clause (vi), by striking "(II)" and inserting "(I)";

(ii) in subparagraph (B)—

(I) by striking the heading and inserting "LEVELS OF EMPLOYMENT PERFORMANCE";

(II) by striking "may" and inserting "shall"; and

(III) by striking "additional" and inserting "employment performance"; and

(iii) by adding at the end the following:

"(C) ALTERNATIVE ASSESSMENT SYSTEMS.—Eligible agencies may approve the use of assessment systems that are not commercially available standardized systems if such systems meet the Standards for Educational and Psychological Testing issued by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ", the Governor, the State legislature, and the State workforce investment board" after "Secretary"; and

(ii) by striking "including" and all that follows through the period and inserting "including the following:

"(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance, and employment performance indicators.

"(B) Information on the number or percentage of qualifying adults (as defined in section 211(d)) who are participants in adult education programs under this subtitle and making satisfactory progress toward 1 or more of each of the following:

"(i) Core indicators of performance.

"(ii) Employment performance indicators.

"(iii) Other long-term objectives.

"(C) The number and type of each eligible provider that receives funding under such grant.

"(D) The number of enrollees 16 to 18 years of age who enrolled in adult education not later than 1 year after participating in secondary school education.";

(B) in paragraph (2)(A), by inserting "eligible providers and" after "available to"; and

(C) by adding at the end the following:

"(3) DATA ACCESS.—The report made available under paragraph (2) shall indicate which eligible agencies did not have access to State unemployment insurance wage data in measuring employment performance indicators."; and

(3) by adding at the end the following:

"(d) PROGRAM IMPROVEMENT.—

"(1) IN GENERAL.—If the Secretary determines that an eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A) for any program year, the eligible agency shall—

"(A) work with the Secretary to develop and implement a program improvement plan for the 2 program years succeeding the program year in which the eligible agency did not meet its adjusted levels of performance; and

"(B) revise its State plan under section 224, if necessary, to reflect the changes agreed to in the program improvement plan.

"(2) FURTHER ASSISTANCE.—If, after the period described in paragraph (1)(A), the Secretary has provided technical assistance to the eligible agency but determines that the eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A), the Secretary may require the eligible agency to make further revisions to the program improvement plan described in paragraph (1). Such further revisions shall be accompanied by further technical assistance from the Secretary.".

SEC. 207. STATE ADMINISTRATION.

Section 221(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9221(1)) is amended by striking "and implementation" and inserting "implementation, and monitoring".

SEC. 208. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222 of the Adult Education and Family Literacy Act (20 U.S.C. 9222) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "82.5" the first place such term appears and inserting "80"; and

(ii) by striking "the 82.5 percent" and inserting "such amount";

(B) in paragraph (2), by striking "not more than 12.5 percent" and inserting "not more than 15 percent"; and

(C) in paragraph (3), by striking "$65,000" and inserting "$75,000"; and

(2) in subsection (b)(1), by striking "equal to" and inserting "that is not less than".

SEC. 209. STATE LEADERSHIP ACTIVITIES.

Section 223 of the Adult Education and Family Literacy Act (20 U.S.C. 9223) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "to develop or enhance the adult education system of the State or outlying area" after "activities";

(B) in paragraph (1), by striking "instruction incorporating" and all that follows through the period and inserting "instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.";

(C) in paragraph (2), by inserting ", including development and dissemination of instructional and programmatic practices based on the most rigorous research available and appropriate, including scientifically based research that is available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance learning, and staff training" after "activities";

(D) in paragraph (5), by striking "monitoring and";

(E) by striking paragraph (6) and inserting the following:

"(6) The development and implementation of technology applications, translation technology, *or distance learning, including professional development to support the use of instructional technology."; and*

(F) by striking paragraph (7) through paragraph (11) and inserting the following:

"(7) Coordination with—

"(A) other partners carrying out activities authorized under this Act; and

"(B) existing support services, such as transportation, child care, mental health services, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, for adults enrolled in such activities.

"(8) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

"(9) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this subtitle.

"(10) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education, including linkages with postsecondary educational institutions.

"(11) Integration of literacy and English language instruction with occupational skill training, and promoting linkages with employers.

"(12) Activities to promote workplace literacy programs.

"(13) Activities to promote and complement local outreach initiatives described in section 243(b)(3)(F).

"(14) In cooperation with efforts funded under sections 242 and 243, the development of curriculum frameworks and rigorous content standards that—

"(A) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

"(B) take into consideration the following:

"(i) State academic standards established under section 1111(b) of the Elementary and Secondary Education Act of 1965.

"(ii) The current adult skills and literacy assessments used in the State or outlying area.

"(iii) The core indicators of performance established under section 212(b)(2)(A).

"(iv) Standards and academic requirements for enrollment in non-remedial, for-credit, courses in postsecondary education institutions supported by the State or outlying area.

"(v) Where appropriate, the basic and literacy skill content of occupational and industry skill standards widely used by business and industry in the State or outlying area.

"(15) In cooperation with efforts funded under sections 242 and 243, development and piloting of—

"(A) new assessment tools and strategies that—

"(i) are based on scientifically based research, where available and appropriate; and

"(ii) identify the needs and capture the gains of students at all levels, with particular emphasis on—

"(I) students at the lowest achievement level;

"(II) students who have limited English proficiency; and

"(III) adults with learning disabilities;

"(B) options for improving teacher quality and retention; and

"(C) assistance in converting research into practice.

"(16) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or limited English proficiency.

"(17) Other activities of statewide significance that promote the purpose of this title."; and

(2) in subsection (c), by striking "being State- or outlying area-imposed" and inserting "being imposed by the State or outlying area".

SEC. 210. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting "4-YEAR PLANS"; and

(B) in paragraph (1), by striking "5" and inserting "4";

(2) in subsection (b)—

(A) in paragraph (1), by inserting "and the role of provider and cooperating agencies in preparing the assessment" after "serve";

(B) by striking paragraph (2) and inserting the following:

"(2) a description of how the eligible agency will address the adult education and literacy needs identified under paragraph (1) in each workforce development area of the State, using funds received under this subtitle, as well as other Federal, State, or local funds received in partnership with other agencies for the purpose of adult literacy as applicable;";

(C) in paragraph (3)—

(i) by inserting "and measure" after "evaluate";

(ii) by inserting "and improvement" after "effectiveness"; and

(iii) by striking "212" and inserting "212, including—

"(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

"(B) how the eligible agency—

"(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this subtitle and regarding the core indicators of performance described in section 212(b)(2)(A); and

"(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on performance)";

(D) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(E) by inserting after paragraph (4) the following:

"(5) a description of how the eligible agency will improve teacher quality, the professional development of eligible providers, and instruction;";

(F) in paragraph (6) (as redesignated by subparagraph (D)), by striking "who" and all that follows through the semicolon and inserting "that—

"(A) offers flexible schedules and coordinates with necessary Federal, State, and local support services (such as child care, transportation, mental health services, and case management) to enable individuals, including individuals with disabilities or individuals with other special needs, to participate in adult education and literacy activities; and

"(B) attempts to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;";

(G) in paragraph (10) (as redesignated by subparagraph (D)), by striking "plan;" and inserting "plan, which process—

"(A) shall include the State workforce investment board, the Governor, State officials representing public schools, community colleges, welfare agencies, agencies that provide services to individuals with disabilities, other State agencies that promote or operate adult education and literacy activities, and direct providers of such adult literacy services; and

"(B) may include consultation with the State agency for higher education, institutions responsible for professional development of adult education and literacy education program instructors, institutions of higher education, representatives of business and industry, refugee assistance programs, and community-based organizations (as such term is defined in section 101);";

(H) in paragraph (11) (as redesignated by subparagraph (D))—

(i) by inserting "assess potential population needs and" after "will";

(ii) in subparagraph (A), by striking "students" and inserting "individuals";

(iii) in subparagraph (C), by striking "and" after the semicolon; and

(iv) by adding at the end the following:

"(E) the unemployed; and

"(F) those individuals who are employed, but at levels below self-sufficiency, as defined in section 101;";

(I) in paragraph (12) (as redesignated by subparagraph (D))—

(i) by inserting "and how the plan submitted under this subtitle is coordinated with the plan submitted by the State under title I" after "eligible agency"; and

(ii) by striking "and" after the semicolon;

(J) in paragraph (13) (as redesignated by subparagraph (D)), by striking "231(c)(1)." and inserting "231(c)(1), including—

"(A) how the State will build the capacity of organizations that provide adult education and literacy activities; and

"(B) how the State will increase the participation of business and industry in adult education and literacy activities;"; and

(K) by adding at the end the following:

"(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education programs and services (including academic skill development and support services) that prepare students to enter postsecondary education upon the attainment of a secondary school diploma or its recognized equivalent;

"(15) a description of how the eligible agency will consult with the State agency responsible for workforce development to develop adult education programs and services that are designed to prepare students to enter the workforce; and

"(16) a description of how the eligible agency will improve the professional development of eligible providers of adult education and literacy activities.";

(3) in subsection (c), by adding at the end the following: "At the end of the first 2-year period of the 4-year State plan, the eligible agency shall review and, as needed, revise the 4-year State plan."; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ", the chief State school officer, the State officer responsible for administering community and technical colleges, and the State workforce investment board" after "Governor"; and

(B) in paragraph (2), by striking "comments" and all that follows through the period and inserting "comments regarding the State plan by the Governor, the chief State school officer, the State officer responsible for administering community and technical colleges, and the State workforce investment board, and any revision to the State plan, are submitted to the Secretary.".

SEC. 211. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "basic education" and inserting "adult education and literacy activities";

(B) in paragraph (2), by inserting "and" after the semicolon;

(C) by striking paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (d), by striking "Definition of Criminal Offender.—" and inserting "Definitions.—In this section:".

SEC. 212. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231 of the Adult Education and Family Literacy Act (20 U.S.C. 9241) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "workplace literacy services" and inserting "workplace literacy programs"; and

(B) in paragraph (3), by striking "literacy" and inserting "language acquisition"; and

(2) in subsection (e)—

(A) in paragraph (1), by inserting "to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2)" after "outcomes";

(B) by striking paragraph (3) and inserting the following:

"(3) the commitment of the eligible provider to be responsive to local needs and to serve individuals in the community who were identified by the assessment as most in need of adult literacy services, including individuals who are low-income, have minimal literacy skills, have learning disabilities, or have limited English proficiency;";

(C) in paragraph (4)(B), by striking ", such as" and all that follows through the semicolon and inserting "that include the essential components of reading instruction;";

(D) in paragraph (5), by striking "research" and inserting "the most rigorous research available, including scientifically based research,";

(E) in paragraph (9), by inserting "education, job training, and social service" after "other available";

(F) in paragraph (10)—

(i) by inserting "coordination with Federal, State, and local" after "schedules and"; and

(ii) by striking "and transportation" and inserting ", transportation, mental health services, and case management";

(G) in paragraph (11)—

(i) by inserting "measurable" after "report";

(ii) by striking "eligible agency";

(iii) by inserting "established by the eligible agency" after "performance measures"; and

(iv) by striking "and" after the semicolon;

(H) in paragraph (12), by striking "literacy programs." and inserting "language acquisition programs and civics education programs;"; and

(I) by adding at the end the following:

"(13) the capacity of the eligible provider to produce information on performance results, including enrollments and measurable participant outcomes;

"(14) whether reading, writing, speaking, mathematics, and English language acquisition instruction provided by the eligible provider are based on the best practices derived from the most rigorous research available and appropriate, including scientifically based research that is available and appropriate;

"(15) whether the eligible provider's applications of technology and services to be provided are sufficient to increase the amount and quality of learning and lead to measurable learning gains within specified time periods; and

"(16) the capacity of the eligible provider to serve adult learners with learning disabilities.".

SEC. 213. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in paragraph (1)—

(A) by inserting "consistent with the requirements of this subtitle" after "spent"; and

(B) by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) information that addresses each of the considerations required under section 231(e).".

SEC. 214. LOCAL ADMINISTRATIVE COST LIMITS.

Section 233 of the Adult Education and Family Literacy Act (20 U.S.C. 9243) is amended—

(1) in subsection (a)(2)—

(A) by inserting "and professional" after "personnel"; and

(B) by inserting "development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation," after "development,"; and

(2) in subsection (b)—

(A) by inserting "and professional" after "personnel"; and

(B) by inserting "development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation," after "development,".

SEC. 215. ADMINISTRATIVE PROVISIONS.

Section 241(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9251(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "adult education and literacy activities" each place the term appears and inserting "activities under this subtitle"; and

(B) by striking "was" and inserting "were"; and

(2) in paragraph (4)—

(A) by inserting "not more than" after "this subsection for"; and

(B) by striking "only".

SEC. 216. NATIONAL INSTITUTE FOR LITERACY.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "literacy" and inserting "effective literacy programs for children, youth, adults, and families";

(B) in paragraph (2), by inserting "and disseminates information on" after "coordinates"; and

(C) by striking paragraph (3)(A) and inserting the following:

"(A) coordinating and participating in the Federal effort to identify and disseminate information on literacy that is derived from scientifically based research, or the most rigorous research available, and effective programs that serve children, youth, adults, and families; and";

(2) by striking subsection (b)(3) and inserting the following:

"(3) Recommendations.—The Interagency Group, in consultation with the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (e), shall plan the goals of the Institute and the implementation of any programs to achieve the goals. The Board may also request a meeting of the Interagency Group to discuss any recommendations the Board may make.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "to establish" and inserting "to maintain";

(II) in clause (i), by striking "phonemic awareness, systematic phonics, fluency, and reading comprehension" and inserting "the essential components of reading instruction";

(III) in clause (iii), by striking "and" after the semicolon;

(IV) in clause (iv), by inserting "and" after the semicolon; and

(V) by adding at the end the following:

"(v) a list of local adult education and literacy programs;";

(ii) in subparagraph (C)—

(I) by striking "reliable and replicable research" and inserting "reliable and replicable research as defined by the Institute of Education Sciences"; and

(II) by striking "especially with the Office of Educational Research and Improvement in the Department of Education.";

(iii) in subparagraph (D), by striking "phonemic awareness, systematic phonics, fluency, and reading comprehension based on" and inserting "the essential components of reading instruction and";

(iv) in subparagraph (H), by striking "and" after the semicolon;

(v) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following:

"(J) to work cooperatively with the Department of Education to assist States that are pursuing the implementation of standards-based educational improvements for adults through the dissemination of training, technical assistance, and related support and through the development and dissemination of related standards-based assessment instruments; and

"(K) to identify scientifically based research where available and appropriate, or the most rigorous research available and appropriate, on the effectiveness of instructional practices and organizational strategies relating to literacy programs on the acquisition of skills in reading, writing, English acquisition, and mathematics."; and

(B) by adding at the end the following:

"(3) Coordination.—In identifying the reliable and replicable research the Institute will support, the Institute shall use standards for research quality that are consistent with those of the Institute of Education Sciences.";

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking "literacy programs" and inserting "language acquisition programs";

(ii) in clause (ii), by striking "literacy programs" and inserting "or have participated in or partnered with workplace literacy programs";

(iii) in clause (iv), by inserting ", including adult literacy research" after "research";

(iv) in clause (vi), by striking "and" after the semicolon;

(v) in clause (vii), by striking the period at the end and inserting "; and"; and

(vi) by adding at the end the following:

"(viii) institutions of higher education.";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) review the biennial report submitted to Congress pursuant to subsection (k)."; and

(C) in paragraph (5), by striking the second sentence and inserting the following: "A recommendation of the Board may be passed only by a majority of the Board's members present at a meeting for which there is a quorum."; and

(5) in subsection (k)—

(A) by striking "Labor and Human Resources" and inserting "Health, Education, Labor, and Pensions"; and

(B) by striking "The Institute shall submit a report biennially to" and inserting "Not later than 1 year after the date of enactment of the Adult Education and Family Literacy Act Amendments of 2005, and biennially thereafter, the Institute shall submit a report to".

SEC. 217. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:

"SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

"(a) In General.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide.

"(b) Permissive Activities.—The national leadership activities described in subsection (a) may include the following:

"(1) Technical assistance, including—

"(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;

"(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available;

"(C) assistance in distance learning and promoting and improving the use of technology in the classroom;

"(D) assistance in developing valid, measurable, and reliable performance data, including data about employment and employment outcome, and using performance information for the improvement of adult education and literacy programs; and

"(E) assistance to help States, particularly low-performing States, meet the requirements of section 212.

"(2) A program of grants, contracts, or cooperative agreements awarded on a competitive basis to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to build the capacity of such networks' members to meet the performance requirements of eligible providers under this title and involve adult learners in program improvement.

"(3) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as—

"(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

"(B) increasing the effectiveness of, and improving the quality of, adult education and literacy activities, including family literacy services;

"(C) carrying out rigorous research, including scientifically based research where appropriate, on national literacy basic skill acquisition for adult learning, including estimating the number of adults functioning at the lowest levels of literacy proficiency;

"(D)(i) carrying out demonstration programs;

"(ii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs; and

"(iii) developing and replicating best practices and innovative programs, including—

"(I) the development of models for basic skill certificates;

"(II) the identification of effective strategies for working with adults with learning disabilities and with adults with limited English proficiency;

"(III) integrated basic and workplace skills education programs;

"(IV) coordinated literacy and employment services; and

"(V) postsecondary education transition programs;

"(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of—

"(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

"(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;

"(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs; and

"(iv) the extent to which different types of providers measurably improve the skills of participants in adult education and literacy programs;

"(F) supporting efforts aimed at capacity building of programs at the State and local levels such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;

"(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;

"(H) supporting the development of an entity that would produce and distribute technology-based programs and materials for adult education and literacy programs using an interconnection system (as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397)) and expand the effective outreach and use of such programs and materials to adult education eligible providers;

"(I) determining how participation in adult education and literacy activities prepares individuals for entry into postsecondary education and employment and, in the case of prison-based services, has an effect on recidivism; and

"(J) other activities designed to enhance the quality of adult education and literacy activities nationwide.".

SEC. 218. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

Chapter 4 of subtitle A of title II (29 U.S.C. 9251 et seq.) is amended by adding at the end the following:

"SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

"(a) IN GENERAL.—From funds made available under section 211(a)(4) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(4) for a fiscal year, the Secretary shall allocate—

"(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education, as determined by calculating each State's share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and

"(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.

"(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.".

SEC. 219. TRANSITION.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of the Adult Education and Family Literacy Act (as amended by this title) from any authority under provisions of the Adult Education and Family Literacy Act (as such Act was in effect on the day before the date of enactment of the Adult Education and Family Literacy Act Amendments of 2005).

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

SEC. 301. WAGNER-PEYSER ACT.

(a) CONFORMING AMENDMENT.—Section 2(3) of the Wagner-Peyser Act (29 U.S.C. 49a(3)) is amended by striking "section 134(c)" and inserting "section 121(e)".

(b) COLOCATION.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by adding at the end the following:

"(d) In order to avoid duplication of services and enhance integration of services, employment services offices in each State shall be colocated with one-stop centers established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

"(e) The Secretary, in consultation with States, is authorized to assist in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

"(1) the one-stop delivery systems established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)); and

"(2) such other delivery systems as the Secretary determines to be appropriate.".

(c) WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.";

(2) by striking "employment statistics system" each place it appears and inserting "workforce and labor market information system";

(3) in subsection (a)(1), by striking "of employment statistics";

(4) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "The" and inserting the following:

"(A) STRUCTURE.—The"; and

(ii) by adding at the end the following:

"(B) GRANTS OR COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—The Secretary shall carry out the provisions of this section in a timely manner through grants or cooperative agreements with States.

"(ii) DISTRIBUTION OF FUNDS.—With regard to distributing funds appropriated under subsection (g) (relating to workforce and labor market information funding) for fiscal years 2006 through 2011, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 1999 through 2003."; and

(B) in paragraph (2)(E)—

(i) in clause (i), by adding "and" at the end;

(ii) in clause (ii), by striking "; and" and inserting a period; and

(iii) by striking clause (iii);

(5) by striking subsections (c) and (d) and inserting the following:

"(c) TWO-YEAR PLAN.—The Secretary, working through the Commissioner of Labor Statistics, and in cooperation with the States and with the assistance of the Assistant Secretary for Employment and Training and heads of other appropriate Federal agencies, shall prepare a 2-year plan which shall be the mechanism for achieving cooperative management of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system. The plan shall—

"(1) describe the steps the to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

"(2) evaluate the performance of the system and recommend needed improvements, with particular attention to the improvements needed at the State and local levels; and

"(3) describe the involvement of States in the development of the plan, through consultation between the Secretary and representatives from State agencies in accordance with subsection (d).

"(d) COORDINATION WITH THE STATES.—The Secretary, working though the Commissioner of Labor Statistics and in coordination with the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with representatives of each of the Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2).";

(6) in subsection (e)—

(A) in paragraph (1)(A), by striking "annual plan" and inserting "plan described in subsection (c)"; and

(B) in paragraph (2)—

(i) in subparagraph (G), by adding "and" at the end;

(ii) by striking subparagraph (H); and

(iii) by redesignating subparagraph (I) as subparagraph (H); and

(7) in subsection (g), by striking "1999 through 2004" and inserting "2006 through 2011".

TITLE IV—REHABILITATION ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Rehabilitation Act Amendments of 2005".

SEC. 402. TECHNICAL AMENDMENTS TO TABLE OF CONTENTS.

(a) EXPANDED TRANSITION SERVICES.—Section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 110 the following:

"Sec. 110A. Reservation for expanded transition services.".

(b) INCENTIVE GRANTS.—Section 1(b) of the Rehabilitation Act of 1973 is amended by inserting after the item relating to section 112 the following:

"Sec. 113. Incentive grants.".

(c) INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.—Section 1(b) of the Rehabilitation Act of 1973 is amended by striking the items relating to sections 752 and 753 and inserting the following:

"Sec. 752. Training and technical assistance.

"Sec. 753. Program of grants.

"Sec. 754. Authorization of appropriations.".

SEC. 403. PURPOSE.

Section 2 of the Rehabilitation Act of 1973 (29 U.S.C. 701) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7)(A) a high proportion of youth who are individuals with disabilities is leaving special education without being employed or being enrolled in continuing education; and

"(B) there is a substantial need to support those youth as the youth transition from school to postsecondary life."; and

(2) in subsection (b)—

(A) in paragraph (1)(F), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) to provide opportunities for employers and vocational rehabilitation service providers to provide meaningful input at all levels of government to ensure successful employment of individuals with disabilities.".

SEC. 404. REHABILITATION SERVICES ADMINISTRATION.

Section 3 of the Rehabilitation Act of 1973 (29 U.S.C. 702) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) The Secretary shall ensure that—

"(1) the Rehabilitation Services Administration has sufficient staff to provide oversight of, conduct auditing of, and provide technical assistance to, the designated State agencies funded under this Act; and

"(2) such staff include individuals who have training in and experience with the provision of vocational rehabilitation services.".

SEC. 405. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by inserting "and literacy services" after "supported employment"; and

(B) in clause (iii), by inserting "and literacy skills" after "educational achievements";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) ASSISTIVE TECHNOLOGY DEFINITIONS.—

"(A) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' has the meaning given such term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

"(B) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section to the term 'individuals with disabilities' shall be deemed to mean more than one individual with a disability as defined in paragraph (20)(A).

"(C) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' has the meaning given such term in section 3 of the Assistive Technology Act of 1998, except that the reference in such section—

"(i) to the term 'individual with a disability' shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

"(ii) to the term 'individuals with disabilities' shall be deemed to mean more than one such individual.";

(3) by inserting after paragraph (6) the following:

"(7) CONSUMER ORGANIZATION.—The term 'consumer organization' means a membership organization, or disability advocacy group, for which a majority of the members of the board of directors of the organization or group are individuals with disabilities or family members of individuals with disabilities.";

(4) in paragraph (17)—

(A) in subparagraph (C), by striking "and" after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E)(i) facilitating transitions of—

"(I) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(II) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences; and

"(ii) assisting individuals with significant disabilities at risk of entering institutions to remain in the community.";

(5) by redesignating paragraphs (24) through (28), (29) through (34), (35) through (37), and (38) through (39), as paragraphs (25) through (29), (31) through (36), (38) through (40), and (42) through (43), respectively;

(6) by inserting after paragraph (23) the following:

"(24) LITERACY.—The term 'literacy' has the meaning given the term in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).";

(7) by inserting after paragraph (29), as redesignated by paragraph (5), the following:

"(30) POST-EMPLOYMENT SERVICE.—The term 'post-employment' service means a service identified in section 103(a) that is—

"(A) provided subsequent to the achievement of an employment outcome; and

"(B) necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.";

(8) by inserting after paragraph (36), as redesignated by paragraph (5), the following:

"(37) STUDENT WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'student with a disability' means an individual with a disability who attends an elementary school or secondary school and who—

"(i) is not younger than 16 years of age;

"(ii) is not older than 22 years of age;

"(iii) has been determined to be eligible under section 102(a) for assistance under title I; and

"(iv)(I) is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

"(II) is an individual with a disability, for purposes of section 504.

"(B) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means more than 1 student with a disability.";

(9) in paragraph (38)(A)(ii), as redesignated by paragraph (5), by striking "paragraph (36)(C)" and inserting "paragraph (39)(C)"; and

(10) by inserting after paragraph (40), as redesignated by paragraph (5), the following:

"(41) TRANSITION SERVICES EXPANSION YEAR.—The term 'transition services expansion year' means—

"(A) the first fiscal year for which the amount appropriated under section 100(b) exceeds the amount appropriated under section 100(b) for fiscal year 2006 by not less than $100,000,000; and

"(B) each fiscal year subsequent to that first fiscal year.".

SEC. 406. ADMINISTRATION OF THE ACT.

Section 12(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) provide technical assistance to the designated State units on developing successful partnerships with local and multi-State businesses in an effort to employ individuals with disabilities; and

"(C) provide technical assistance on developing self-employment opportunities and outcomes for individuals with disabilities;".

SEC. 407. REPORTS.

Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 710) is amended by adding at the end the following:

"(d)(1)(A) The Commissioner shall ensure that the reports, information, and data described in subparagraph (B) will be posted in a timely manner on the website of the Department of Education, in order to inform the public about the administration and performance of programs in each State under this Act.

"(B) The reports, information, and data referred to in subparagraph (A) shall consist of—

"(i) reports submitted by a designated State unit under this Act;

"(ii) accountability information (including State performance information relating to evaluation standards and performance indicators under section 106 and State performance information relating to State performance measures under section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871)) submitted by a designated State unit under this Act or submitted by a State to the Secretary of Labor under subsection (d) of such section 136;

"(iii) data collected from each designated State unit under this Act with the approval of the Office of Management and Budget; and

"(iv) monitoring reports conducted under this Act.

"(C) The Commissioner shall maintain, and post on the website, a listing of the reports, information, and data required to be submitted by designated State units under this Act.

"(D) The Commissioner shall post on the website, or establish links on the website to, evaluations, studies, and audits, including evaluations, studies, and audits conducted by agencies of the Federal Government, concerning programs carried out under this Act.

"(E) The Commissioner shall maintain on the website a list of the designated State units and shall establish links on the website to websites maintained by those units.

"(2) The Commissioner shall maintain public use read-only access to the State and aggregated reports and analyzed data filed and maintained on the Rehabilitation Services Administration management information system or a similar system maintained by the Department of Education.".

SEC. 408. CARRYOVER.

Section 19 of the Rehabilitation Act of 1973 (29 U.S.C. 716) is amended—

(1) in subsection (a)(1)—

(A) by inserting "(except for the client assistance program funded under section 112)" after "any grant program under part B of title I";

(B) by striking ", section 509 (except as provided in section 509(b))";

(C) by striking "or C"; and

(D) by striking "752(b)" and inserting "753(b)"; and

(2) by adding at the end the following:

"(c) CLIENT ASSISTANCE PROGRAM; PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—

"(1) APPROPRIATED AMOUNTS.—Notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out a grant program under section 112 or 509 (except as provided in section 509(b)), including any funds reallotted under such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

"(2) PROGRAM INCOME.—Notwithstanding any other provision of law, any amounts of program income received by recipients under a grant program under section 112 or 509 in a fiscal year that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year, shall remain available until expended.".

Subtitle A—Vocational Rehabilitation Services

SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 412. STATE PLANS.

(a) IN GENERAL.—Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(D) STATE AGENCY FOR REIMBURSEMENT PURPOSES.—A governing body of an Indian tribe that receives a grant under section 121 shall be considered, for purposes of the cost reimbursement provisions—

"(i) in section 222(d)(1) of the Social Security Act (42 U.S.C. 422(d)(1)), to be a State; and

"(ii) in subsections (d) and (e) of section 1615 of the Social Security Act (42 U.S.C. 1382d), to be a State agency described in subsection (d) of that section.";

(2) in paragraph (6)(B), by striking "to employ and advance in employment" and inserting "to recruit, employ, and advance in employment";

(3) in paragraph (7)(A)(v), by striking subclause (I) and inserting the following:

"(I) a system for the continuing education of rehabilitation professionals and paraprofessionals within the designated State unit, particularly with respect to rehabilitation technology, including training implemented in coordination with State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003); and";

(4) in paragraph (10)—

(A) in subparagraph (B), by striking "annual reporting on the eligible individuals receiving the services, on those specific data elements described in section 136(d)(2) of the Workforce Investment Act of 1998" and inserting "annual reporting of information on eligible individuals receiving the services that is needed to assess performance on the core indicators of performance described in section 136(b)(2)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)(i))";

(B) in subparagraph (C), by striking clauses (iii) and (iv) and inserting the following:

"(iii) the number of applicants and eligible recipients, including the number of individuals with significant disabilities, who exited the program carried out under this title and the number of such individuals who achieved employment outcomes after receiving vocational rehabilitation services; and

"(iv) the number of individuals who received vocational rehabilitation services who entered and retained employment and the earnings of such individuals, as such entry, retention, and earnings are defined for purposes of the core indicators of performance described in section 136(b)(2)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)(i))."; and

(C) in subparagraph (E)(ii), by striking "in meeting" and all that follows through the period and inserting "in meeting the standards and indicators established pursuant to section 106.";

(5) in paragraph (11)—

(A) by striking subparagraph (C) and inserting the following:

"(C) INTERAGENCY COOPERATION WITH OTHER AGENCIES.—The State plan shall include descriptions of interagency cooperation with, and utilization of the services and facilities of, Federal, State, and local agencies and programs, including the State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), programs carried out by the Under Secretary for Rural Development of the Department of Agriculture, and State use contracting programs, to the extent that such agencies and programs are not carrying out activities through the statewide workforce investment system.";

(B) by striking subparagraph (D)(ii) and inserting the following:

"(ii) transition planning by personnel of the designated State agency and the State educational agency that will facilitate the development and completion of the individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) and, as appropriate, the development and completion of the individualized plan for employment, in order to achieve post-school employment outcomes of students with disabilities;"; and

(C) by adding at the end the following:

"(G) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.—The State plan shall include an assurance that the designated State unit, and the lead agency and implementing agency (if any) designated by the Governor of the State under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), have developed working relationships and will enter into agreements for the coordination of their activities, including the referral of individuals with disabilities to programs and activities described in that section.

"(H) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.—The State plan shall include an assurance that the designated State unit will coordinate activities with any other State agency that is functioning as an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19).";

(6) in paragraph (15)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (II), by striking "and" after the semicolon;

(II) in subclause (III), by inserting "and" after the semicolon; and

(III) by adding at the end the following:

"(IV) for purposes of addressing needs in a transition services expansion year, students with disabilities, including their need for transition services;";

(ii) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(iii) by inserting after clause (i) the following:

"(ii) include an assessment of the needs of individuals with disabilities for transition services provided under this Act, and coordinated with transition services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and an assessment as to whether the transition services provided under those Acts meet the needs of individuals with disabilities,"; and

(B) in subparagraph (D)—

(i) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively; and

(ii) by inserting after clause (ii) the following:

"(iii) for use in a transition services expansion year, the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to postsecondary life, including the receipt of vocational rehabilitation services under this title, postsecondary education, or employment;";

(7) in paragraph (20)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

"(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

"(i) information on the availability of benefits and medical assistance authorized under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized under other federally funded programs;

"(ii) information on the availability of assistance through benefits planning and assistance programs authorized under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and services provided by the State protection and advocacy system and authorized under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

"(iii) in the case of individuals who are also eligible for a ticket under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the options for using the ticket and information on how to contact a program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks, on providers for the benefits planning and assistance programs described in subparagraph (B) in the State, and on the services provided by the State protection and advocacy system and described in subparagraph (B)."; and

(C) in subparagraph (C)(ii), as redesignated by subparagraph (A)—

(i) in subclause (II), by inserting ", to the maximum extent possible," after "point of contact"; and

(ii) in subclause (III), by striking "or regain" and inserting "regain, or advance in"; and

(8) by adding at the end the following:

"(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan for a transition services expansion year shall provide an assurance satisfactory to the Commissioner that the State—

"(A) has developed and shall implement, in each transition services expansion year, strategies to address the needs identified in the assessment described in paragraph (15), and achieve the goals and priorities identified by the State, to improve and expand vocational rehabilitation services for students with disabilities on a statewide basis in accordance with paragraph (15); and

"(B) in each transition services expansion year—

"(i) shall not use more than 5 percent of the funds reserved under section 110A and available for this subparagraph, to pay for administrative costs; and

"(ii) shall use the remaining funds to carry out programs or activities designed to improve and expand vocational rehabilitation services for students with disabilities, through partnerships described in subparagraph (C), that—

"(I) facilitate the transition of the students with disabilities from the receipt of educational services in school, to the receipt of vocational rehabilitation services under this title, including, at a minimum, those services specified in the interagency agreement required in paragraph (11)(D);

"(II) improve the achievement of post-school goals of students with disabilities through the provision of transition services, including improving the achievement through participation (as appropriate when vocational goals are discussed) in meetings regarding individualized education programs developed under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414);

"(III) provide vocational guidance, career exploration services, and job search skills and strategies and technical assistance to students with disabilities;

"(IV) support the provision of training and technical assistance to local educational agency personnel responsible for the planning and provision of services to students with disabilities; and

"(V) support outreach activities to students with disabilities who are eligible for, and need, services under this title; and

"(C) in each transition services expansion year, shall ensure that the funds described in subparagraph (B)(ii) are awarded only to partnerships that—

"(i) shall include local vocational rehabilitation services providers and local educational agencies; and

"(ii) may include (or may have linkages with)—

"(I) other agencies such as employment, social service, and health organizations, that contribute funds for the provision of vocational rehabilitation services described in subparagraph (B)(ii) for eligible students with disabilities; and

"(II) businesses and business-led intermediaries.".

(b) CONSTRUCTION.—Section 101 of the Rehabilitation Act of 1973 (29 U.S.C. 721) is amended by adding at the end the following:

"(c) CONSTRUCTION.—

"(1) DEFINITIONS.—In this subsection, the terms 'child with a disability', 'free appropriate public education', 'related services', and 'special education' have the meanings given the terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(2) OBLIGATION TO PROVIDE OR PAY FOR TRANSITION SERVICES.—Nothing in this part shall be construed to reduce the obligation of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved.".

SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.

Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the semicolon at the end and inserting ", including a listing of all the community resources (including resources from consumer organizations (including advocacy organizations)), to the maximum extent possible, to assist in the development of such individual's individualized plan for employment to enable the individual to make informed and effective choices in developing the individualized plan for employment;"; and

(ii) in subparagraph (D)—

(I) in clause (i), by striking "and" after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

"(iii) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

"(I) information on the availability of benefits and medical assistance authorized under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized under other federally funded programs;

"(II) information on the availability of assistance through benefits planning and assistance programs authorized under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and services provided by the State protection and advocacy system and authorized under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

"(III) in the case of individuals who are also eligible for a ticket under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the options for using the ticket and information on how to contact a program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks, on providers for the benefits planning and assistance programs described in subparagraph (B) in the State, and on the services provided by the State protection and advocacy system and described in subparagraph (B).";

(B) in paragraph (2)(E)—

(i) in clause (i)(II), by striking "and" after the semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) amended, as necessary, to include the post-employment services and service providers that are necessary for the individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice."; and

(C) in paragraph (3)—

(i) in subparagraph (B)(i)(I), by striking "and personal assistance services" and all that follows and inserting "mentoring services, and personal assistance services, including training in the management of such services, and referrals described in section 103(a)(3) to the device reutilization programs and device demonstrations described in subparagraphs (B) and (D) of section 4(e)(2) of the Assistive Technology Act of 1998 (42 U.S.C. 3003(e)(2)) through agreements developed under section 101(a)(11)(G); and";

(ii) in subparagraph (F)(ii), by striking "and" after the semicolon;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(H) for a student with a disability, the description specified—

"(i) in subparagraph (A), which may be a description of the student's projected post-school employment outcome; and

"(ii) in subparagraph (B)(i), which shall include the specific transition services (including, as appropriate, work experience and mentoring activities) needed to achieve the student's employment outcome or projected employment outcome; and

"(I) for an individual who is receiving assistance from an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a list of the services that are listed in the individual work plan that the individual developed with the employment network under subsection (g) of that section."; and

(2) in subsection (c)(7), by inserting "that take into consideration the informed choice of the individual" after "plan development".

SEC. 414. VOCATIONAL REHABILITATION SERVICES.

Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by inserting "literacy services," after "vocational adjustment services,";

(B) by striking paragraph (15) and inserting the following:

"(15) transition services for students with disabilities, that facilitate the transition from school to postsecondary life (including employment through the achievement of the employment outcome identified in the individualized plan for employment), including, in a transition services expansion year, services described in subclauses (I) through (III) of section 101(a)(25)(B)(ii);";

(C) in paragraph (17), by striking "and" after the semicolon;

(D) in paragraph (18), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(19) mentoring services."; and

(2) in subsection (b), by striking paragraph (6) and inserting the following:

"(6)(A)(i) Consultation and technical assistance services to assist State and local educational agencies in planning for the transition of students with disabilities from school to postsecondary life, including employment.

"(ii) In a transition services expansion year, training and technical assistance described in section 101(a)(25)(B)(ii)(IV).

"(B) In a transition services expansion year, services for groups of individuals with disabilities who meet the requirements of clauses (i), (ii), and (iv) of section 7(37)(A), including services described in subclauses (I), (II), (III), and (V) of section 101(a)(25)(B)(ii), to assist in the transition from school to postsecondary life, including employment.".

SEC. 415. STATE REHABILITATION COUNCIL.

Section 105 of the Rehabilitation Act of 1973 (29 U.S.C. 725) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking clause (ix) and inserting the following:

"(ix) in a State in which one or more projects provide services under section 121, at least one representative of the directors of the projects;";

(ii) in clause (x), by striking the "and" after the semicolon;

(iii) in clause (xi), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(xii) the director of the State's comprehensive statewide program of technology-related assistance funded under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003)."; and

(B) by striking paragraph (5) and inserting the following:

"(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council."; and

(2) in subsection (c)(6), by inserting before the semicolon the following: "and with the activities of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.)".

SEC. 416. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106 of the Rehabilitation Act of 1973 (29 U.S.C. 726) is amended—

(1) in subsection (a), by striking paragraph (1)(C) and all that follows through paragraph (2) and inserting the following:

"(2) MEASURES.—The standards and indicators shall include outcome and related measures of program performance that include measures of the program's performance with respect to the transition from school to postsecondary life, including employment, and achievement of the postsecondary vocational goals, of students with disabilities served under the program."; and

(2) in subsection (b)(2)(B)(i), by striking ", if necessary" and all that follows through the semicolon and inserting ", if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State to make further revisions to the plan to improve performance, which may include revising the plan to allocate a higher proportion of the State's resources (from allotments made under section 110) for services to individuals with disabilities if the State agency's spending on such services is low in comparison to spending on such services by comparable agencies in other States;".

SEC. 417. MONITORING AND REVIEW.

Section 107(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 727(b)(1)) is amended by inserting before the semicolon the following: ", including—

"(A) consulting with the Department of Labor, the Small Business Administration, other appropriate Federal agencies, and businesses or business-led intermediaries; and

"(B) based on information obtained through the consultations, providing technical assistance that improves that quality by enabling designated State units to develop successful partnerships with local and multi-State businesses in an effort to employ individuals with disabilities, and technical assistance on developing self-employment opportunities and improving employment outcomes for individuals with disabilities".

SEC. 418. STATE ALLOTMENTS.

Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) is amended—

(1) by striking subsection (b) and inserting the following:

"(b)(1) Not later than 45 days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any amount from the payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

"(2)(A) As soon as practicable but not later than the end of the fiscal year, the Commissioner shall reallot the amount available under paragraph (1) to other States, consistent with subparagraphs (B) and (C), for carrying out the purposes of this title to the extent the Commissioner determines such other State will be able to use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes.

"(B)(i) The Commissioner shall reallot a portion of the amount available under paragraph (1) for a fiscal year to each State whose allotment under subsection (a) for such fiscal year is less than such State's allotment under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

"(ii)(I) A State that is eligible to receive a reallotment under clause (i) shall receive a portion for a fiscal year from the amount available for reallotment under paragraph (1) that is equal to the difference between—

"(aa) the amount such State was allotted under subsection (a) for such fiscal year; and

"(bb) the amount such State was allotted under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

"(II) If the amount available for reallotment under paragraph (1) is insufficient to provide each State eligible to receive a reallotment with the portion described in subclause (I), the amount reallotted to each eligible State shall be determined by the Commissioner.

"(C) If there are funds remaining after each State eligible to receive a reallotment under subparagraph (B)(i) receives the portion described in subparagraph (B)(ii), the Commissioner shall reallot the remaining funds among the States requesting a reallotment.

"(3) The Commissioner shall reallot an amount to a State under this subsection only if the State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

"(4) For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year."; and

(2) by striking subsection (c)(2) and inserting the following:

"(2)(A) In this paragraph:

"(i) The term 'appropriated amount' means the amount appropriated under section 100(b)(1) for allotment under this section.

"(ii) The term 'covered year' means a fiscal year—

"(I) that begins after September 30, 2005; and

"(II) for which the appropriated amount exceeds the total of—

"(aa) the appropriated amount for the preceding fiscal year; and

"(bb) 0.075 percent of the appropriated amount for the preceding fiscal year.

"(B) For each covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary—

"(i) not more than 1.5 percent of the appropriated amount for the covered year; and

"(ii) not less than the total of the sum reserved under this subsection for the preceding fiscal year and 0.1 percent of the appropriated amount for the covered year, subject to clause (i).

"(C) For each fiscal year that is not a covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary—

"(i) not more than 1.5 percent of the appropriated amount for the fiscal year; and

"(ii) not less than the sum reserved under this subsection for the preceding fiscal year, subject to clause (i).".

SEC. 419. RESERVATION FOR EXPANDED TRANSITION SERVICES.

The Rehabilitation Act of 1973 is amended by inserting after section 110 (29 U.S.C. 730) the following:

"SEC. 110A. RESERVATION FOR EXPANDED TRANSITION SERVICES.

"(a) RESERVATION.—From the State allotment under section 110 in a transition services expansion year, each State shall reserve an amount calculated by the Commissioner under subsection (b) to carry out programs and activities under sections 101(a)(25)(B) and 103(b)(6).

"(b) CALCULATION.—The Commissioner shall calculate the amount to be reserved for such programs and activities for a fiscal year by each State by multiplying $50,000,000 by the percentage determined by dividing—

"(1) the amount allotted to that State under section 110 for the prior fiscal year; by

"(2) the total amount allotted to all States under section 110 for that prior fiscal year.".

SEC. 420. CLIENT ASSISTANCE PROGRAM.

Section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "States" and inserting "agencies designated under subsection (c)"; and

(B) in the second sentence, by striking "State" and inserting "State in which the program is located";

(2) in subsection (b), by striking "the State has in effect not later than October 1, 1984, a client assistance program which" and inserting "the State has designated under subsection (c) an agency that";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "The Secretary" and all that follows through the period and inserting the following: "After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the agencies designated under subsection (c) within the States (referred to individually in this subsection as a 'designated agency') on the basis of relative population of each State, except that no such agency shall receive less than $50,000.";

(ii) in subparagraph (B), by inserting "the designated agencies located in" after "each to";

(iii) in subparagraph (D)(i)—

(I) by inserting "the designated agencies located in" after "$100,000 for"; and

(II) by inserting "the designated agencies located in" after "$45,000 for"; and

(iv) by adding at the end the following:

"(E)(i) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $13,000,000, the Secretary shall reserve funds appropriated under this section to make a grant to the protection and advocacy system serving the American Indian Consortium to provide client assistance services in accordance with this section. The amount of such a grant shall be the same amount as is provided to a territory under subparagraph (B), as increased under clauses (i) and (ii) of subparagraph (D).

"(ii) In this subparagraph:

"(I) The term 'American Indian Consortium' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

"(II) The term 'protection and advocacy system' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

"(F) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $14,000,000, the Secretary shall reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide a grant for training and technical assistance for the programs established under this section. Such training and technical assistance shall be coordinated with activities provided under section 509(c)(1)(A)."; and

(B) in paragraph (2)—

(i) by striking "State" each place such term appears and inserting "designated agency"; and

(ii) by striking "States" each place such term appears and inserting "designated agencies";

(4) in subsection (f), by striking "State" and inserting "agency designated under subsection (c)";

(5) in subsection (g)(1), by striking "State" and inserting "State in which the program is located"; and

(6) in subsection (h), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 421. INCENTIVE GRANTS.

Part B of title I of the Rehabilitation Act of 1973 (29 U.S.C. 730 et seq.) is amended by adding at the end the following:

"SEC. 113. INCENTIVE GRANTS.

"(a) Authority.—The Commissioner is authorized to make incentive grants to States that, based on the criteria established under subsection (b)(1), demonstrate—

"(1) a high level of performance; or

"(2) a significantly improved level of performance in a reporting period as compared to the previous reporting period or periods.

"(b) Criteria.—

"(1) Establishment.—Not later than 180 days after the date of enactment of this section, the Commissioner shall establish, and publish in the Federal Register, criteria for making grant awards under subsection (a).

"(2) Development and Evaluation Standards.—The criteria established under paragraph (1) shall—

"(A) be developed with input from designated State agencies and other vocational rehabilitation stakeholders, including vocational rehabilitation consumers and consumer organizations (including advocacy organizations); and

"(B) be based upon the evaluation standards and performance indicators established under section 106 and other performance-related measures that the Commissioner determines to be appropriate.

"(c) Use of Funds.—A State that receives a grant under subsection (a) shall use the grant funds for any approved activities in the State's State plan submitted under section 101.

"(d) No Non-Federal Share Requirement.—The provisions of sections 101(a)(3) and 111(a)(2) shall not apply to this section.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.".

SEC. 422. VOCATIONAL REHABILITATION SERVICES GRANTS.

Section 121 of the Rehabilitation Act of 1973 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting ", consistent with such individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, gainful employment" before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) contains assurances that—

"(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of such services, will be made by a representative of the tribal vocational rehabilitation program; and

"(ii) such decisions will not be delegated to another agency or individual.";

(B) in paragraph (3), by striking the first sentence and inserting the following: "An application approved under this part that complies with the program requirements set forth in the regulations promulgated to carry out this part shall be effective for 5 years and shall be renewed for additional 5-year periods if the Commissioner determines that the grant recipient demonstrated acceptable past performance and the grant recipient submits a plan, including a proposed budget, to the Commissioner that the Commissioner approves that identifies future performance criteria, goals, and objectives."; and

(C) by striking paragraph (4) and inserting the following:

"(4) In allocating funds under this part, the Commissioner shall give priority to paying the continuation costs of projects in existence on the date of the allocation and may provide for increases in funding for such projects that the Commissioner determines to be necessary.".

SEC. 423. GAO STUDIES.

(a) Study on Title I and Ticket to Work.—

(1) In general.—The Comptroller General of the United States shall conduct a study on the interaction of programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), including the impact of the interaction on beneficiaries, community rehabilitation programs (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)), and State vocational rehabilitation agencies.

(2) Conduct of study.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with all types of participants in the Ticket to Work and Self-Sufficiency Program, including the Social Security Administration, the Rehabilitation Services Administration, ticketholders, designated State agencies, entities carrying out such community rehabilitation programs (including employment networks and nonemployment networks), protection and advocacy agencies, MAXIMUS, and organizations representing the interests of ticketholders.

(3) Report to congress.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

(b) Study on the Allotment Formula.—

(1) In general.—The Comptroller General of the United States shall conduct a study on the relationship between the State allotment formula under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) and the ability of States to provide vocational rehabilitation services in accordance with the States' State plans under section 101 of such Act (29 U.S.C. 721).

(2) Conduct of study.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate entities.

(3) Report to congress.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

Subtitle B—Research and Training

SEC. 431. DECLARATION OF PURPOSE.

Section 200(3) of the Rehabilitation Act of 1973 (29 U.S.C. 760(3)) is amended by inserting ", in a timely and efficient manner," before "through".

SEC. 432. AUTHORIZATION OF APPROPRIATIONS.

Section 201 of the Rehabilitation Act of 1973 (29 U.S.C. 761) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(B) in paragraph (2), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(2) by adding at the end the following:

"(c) Of the sums appropriated under subsection (a)(1) for a fiscal year, the Secretary may reserve not more than $200,000 for activities related to convening a national assistive technology summit under section 202(b)(6).".

SEC. 433. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202 of the Rehabilitation Act of 1973 (29 U.S.C. 762) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by inserting before the semicolon the following: ", including convening a national assistive technology summit, to be held at or in conjunction with a national conference relating to assistive technology with respect to all categories of disabilities"; and

(B) in paragraph (10), by striking "and telecommuting" and inserting ", supported employment, and telecommuting";

(2) in subsection (f)(1)—

(A) by striking "Federal employees" and inserting "Department of Education employees"; and

(B) by adding at the end the following: "The peer review panel shall include a director of a designated State unit. Such panel shall include a member of the covered school community (for an activity resulting in educational materials or a product to be used in a covered school), a member of the business community (for an activity resulting in a product to be used in an employment activity), an assistive technology developer or manufacturer (for an activity relating to assistive technology), or an accessible electronic and information technology vendor or manufacturer (for an activity relating to accessible electronic and information technology).";

(3) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively;

(4) by inserting after subsection (h) the following:

"(i)(1) The Director, with the assistance of the Rehabilitation Research Advisory Council established under section 205, shall determine if entities that receive financial assistance under this title are complying with the applicable requirements of this Act and achieving measurable goals, described in section 204(d)(2), that are consistent with the requirements of the programs under which the entities received the financial assistance.

"(2) To assist the Director in carrying out the responsibilities described in paragraph (1), the Director shall require recipients of financial assistance under this title to submit relevant information to evaluate program outcomes with respect to the measurable goals described in section 204(d)(2)."; and

(5) by adding at the end the following:

"(m)(1) Not later than December 31 of each year, the Director shall prepare, and submit to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this title.

"(2) Such report shall include—

"(A) a compilation and summary of the information provided by recipients of financial assistance for such activities under this title; and

"(B) a summary of the applications for financial assistance received under this title and the progress of the recipients of financial assistance in achieving the measurable goals described in section 204(d)(2).

"(n)(1) If the Director determines that an entity that receives financial assistance under this title fails to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals described in section 204(d)(2), with respect to the covered activities involved, the Director shall assist the entity through technical assistance or other means, within 90 days after such determination, to develop a corrective action plan.

"(2) If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Director:

"(A) Partial or complete termination of financial assistance for the covered activities, until the entity develops and complies with such a plan.

"(B) Ineligibility to receive financial assistance for such covered activities for the following year.

"(3) The Secretary shall establish appeals procedures for entities described in paragraph (1) that the Secretary determines fail to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals.

"(4) As part of the annual report required under subsection (m), the Director shall describe each action taken by the Director under paragraph (1) or (2) and the outcomes of such action.".

SEC. 434. INTERAGENCY COMMITTEE.

Section 203 of the Rehabilitation Act of 1973 (29 U.S.C. 763) is amended—

(1) in subsection (a)(1), by striking "and the Director of the National Science Foundation" and inserting "the Director of the National Science Foundation, the Secretary of Commerce, and the Administrator of the Small Business Administration"; and

(2) in subsection (b)(2)—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) conduct a study, on the assistive technology industry, for which the Committee shall—

"(i) determine the number of individuals who use assistive technology and the scope of the technologies they use;

"(ii) separately identify categories of assistive technology companies by the disability group served, and the type of product or service provided, categorized by—

"(I) size (small, medium, and large) of the companies;

"(II) capitalization of the companies;

"(III) region in which the companies are located; and

"(IV) products or services produced by the companies;

"(iii) compile aggregate data on revenues and unit sales of such companies, including information on international sales, for a recent reporting period, categorized by institution or user type acquiring the products or services, disability for which the products or services are used, and industry segment for the companies;

"(iv) identify platform availability and usage, for those products and services that are electronic and information technology-related;

"(v) identify the types of clients of the companies, such as Government, school, business, private payor, and charitable clients, and funding sources for the clients; and

"(vi) specify geographic segments for the companies, to determine whether there are significant distinctions in industry opportunities on the basis of geography, other than distinctions related to population.".

SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.

Section 204 of the Rehabilitation Act of 1973 (29 U.S.C. 764) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B)—

(i) in clause (vi), by striking "and" after the semicolon;

(ii) in clause (vii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(viii) studies, analyses, and other activities affecting employment outcomes, including self-employment and telecommuting, of individuals with disabilities."; and

(B) by adding at the end the following:

"(3) In carrying out this section, the Director shall emphasize covered activities that are collaborations between—

"(A) for-profit companies working in the assistive technology, rehabilitative engineering, or information technology fields; and

"(B) States or public or private agencies and organizations.

"(4) In carrying out this section, the Director shall emphasize covered activities that include plans for—

"(A) dissemination of educational materials, research results, or findings, conclusions, and recommendations resulting from covered activities; or

"(B) the commercialization of marketable products resulting from the covered activities.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "(18)" each place it appears and inserting "(19)";

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking "rehabilitation services or" and inserting "rehabilitation services, developers or providers of assistive technology devices, assistive technology services, or information technology devices or services, or providers of";

(ii) in subparagraph (B)—

(I) in clause (i), by inserting "improve the evaluation process for determining the assistive technology needs of individuals with disabilities,"after "conditions,";

(II) in clause (ii), by inserting "and assistive technology services" before the semicolon; and

(III) in clause (iii), by inserting ", assistive technology services personnel," before "and other";

(iii) in subparagraph (C)—

(I) in clause (i), by inserting ", including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices" before the semicolon; and

(II) in clause (iii), by inserting ", including the use of assistive technology devices and accessible electronic and information technology devices in employment" before the semicolon;

(iv) in subparagraph (D), by inserting ", including training to provide knowledge about assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services," after "personnel"; and

(v) in subparagraph (G)(i), by inserting ", assistive technology-related, and accessible electronic and information technology-related" before "courses";

(C) in paragraph (3)—

(i) in subparagraph (D)(ii), by adding at the end the following: "Each such Center conducting an activity relating to assistive technology or relating to accessible electronic and information technology shall include in the committee an assistive technology developer or manufacturer, or an accessible electronic and information technology vendor or manufacturer, respectively. Each such Center conducting an activity resulting in educational materials or a product to be used in a covered school, or resulting in a product to be used in an employment activity, shall include in the committee a member of the covered school community, or a member of the business community, respectively."; and

(ii) in subparagraph (G)(ii) by inserting "the success of any commercialized product researched or developed through the Center," after "disabilities,";

(D) in paragraph (8), by inserting "the Department of Commerce, the Small Business Administration, the Department of Labor," before "other Federal agencies,";

(E) in paragraph (13), in the matter preceding subparagraph (A), by striking "employment needs of individuals with disabilities" and inserting "employment needs, opportunities, and outcomes, including needs, opportunities, and outcomes relating to self-employment, supported employment, and telecommuting, of individuals with disabilities, including older individuals with disabilities, and students with disabilities who are transitioning from school to postsecondary life, including employment"; and

(F) by adding at the end the following:

"(19) Research grants may be used to provide for research and demonstration projects that—

"(A) explore methods and practices for promoting access to electronic commerce activities for individuals with disabilities; and

"(B) will—

"(i) ensure dissemination of research findings;

"(ii) provide encouragement and support for initiatives and new approaches by companies engaged in electronic commerce activities; and

"(iii) result in the establishment and maintenance of close working relationships between the disability, research, and business communities.";

(3) in subsection (c)(2), by striking "$500,000" and inserting "$750,000"; and

(4) by adding at the end the following:

"(d)(1) In awarding grants, contracts, or other financial assistance under this title, the Director shall award the financial assistance on a competitive basis.

"(2)(A) To be eligible to receive financial assistance described in paragraph (1) for a covered activity, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(B) The application shall include information describing—

"(i) measurable goals, and a timeline and specific plan for meeting the goals, that the applicant has set for addressing priorities related to—

"(I) commercialization of a marketable product (including a marketable curriculum or research) resulting from the covered activity;

"(II) in the case of a covered activity relating to technology, technology transfer;

"(III) in the case of research, dissemination of research results to, as applicable, Government entities, individuals with disabilities, covered schools, the business community, the assistive technology community, and the accessible electronic and information technology community; and

"(IV) other matters as required by the Director; and

"(ii) information describing how the applicant will quantifiably measure the goals to determine whether the goals have been accomplished.

"(3)(A) In the case of an application for financial assistance under this title to carry out a covered activity that results in the development of a marketable product, the application shall also include a commercialization and dissemination plan, containing commercialization and marketing strategies for the product involved, and strategies for disseminating information about the product The financial assistance shall not be used to carry out the commercialization and marketing strategies.

"(B) In the case of any other application for financial assistance to carry out a covered activity under this title, the application shall also include a dissemination plan, containing strategies for disseminating educational materials, research results, or findings, conclusions, and recommendations, resulting from the covered activity.".

SEC. 436. REHABILITATION RESEARCH ADVISORY COUNCIL.

Section 205 of the Rehabilitation Act of 1973 (29 U.S.C. 765) is amended—

(1) in subsection (a), by inserting "at least" before "12"; and

(2) in subsection (c), by inserting after "rehabilitation researchers," the following: "the directors of community rehabilitation programs, the business community (and shall include a representative of the small business community) that has experience with the system of vocational rehabilitation services carried out under this Act and with hiring individuals with disabilities, the community of assistive technology developers and manufacturers, the community of information technology vendors and manufacturers, the community of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.), the community of covered school professionals,".

SEC. 437. DEFINITION.

Title II of the Rehabilitation Act of 1973 (29 U.S.C. 760 et seq.) is amended by adding at the end the following:

"SEC. 206. DEFINITION.

"In this title, the term 'covered school' means an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an institution of higher education.".

Subtitle C—Professional Development and Special Projects and Demonstrations

SEC. 441. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 772) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (F), by striking the "and" after the semicolon;

(ii) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(H) personnel trained in providing assistive technology services."; and

(B) in paragraph (4)(B), by striking "section 134(c)" and inserting "section 121(e)";

(2) in subsection (b)(1)(B)(i), by striking "or prosthetics and orthotics" and inserting "prosthetics and orthotics, rehabilitation teaching for the blind, or orientation and mobility instruction"; and

(3) in subsection (i), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 442. DEMONSTRATION AND TRAINING PROGRAMS.

Section 303 of the Rehabilitation Act of 1973 (29 U.S.C. 773) is amended—

(1) in subsection (b)(5)(A)(i), by striking "special projects" and inserting "not less than 2 special projects";

(2) by redesignating subsections (c), (d), and (e) as subsections (h), (i), and (j), respectively;

(3) by inserting after subsection (b) the following:

"(c) DEMONSTRATION PROJECTS FOR EMPLOYMENT OF STUDENTS WITH INTELLECTUAL DISABILITIES OR MENTAL ILLNESS.—

"(1) PURPOSE.—The purpose of this subsection is to support model demonstration projects to provide supported and competitive employment experiences for students with intellectual disabilities or students with mental illness, and training for personnel that work with students described in this paragraph, to enable the students to gain employment skills and experience that will promote effective transitions from school to postsecondary life, including employment.

"(2) AWARDS AUTHORIZED.—

"(A) COMPETITIVE AWARDS AUTHORIZED.—The Commissioner may award grants, contracts, and cooperative agreements, on a competitive basis, to eligible organizations described in paragraph (3), to enable the organizations to carry out demonstration projects described in paragraph (1).

"(B) DURATION.—The Commissioner shall award grants, contracts, and cooperative agreements under this subsection for periods of 3 to 5 years.

"(3) ELIGIBLE ORGANIZATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an organization shall—

"(A) have expertise in providing employment and support services for individuals with intellectual disabilities or individuals with mental illness;

"(B) have a proven track record in successfully running supported employment programs;

"(C) provide employment services that are exclusively integrated community-based supported employment services;

"(D) have expertise in creating natural supports for employment;

"(E) have expertise in providing computer training for the targeted population for the project involved; and

"(F) have experience operating mentoring programs for the target population in middle and high schools for at least a decade in diverse communities throughout the Nation.

"(4) APPLICATIONS.—Each organization desiring to receive a grant, contract, or cooperative agreement under this subsection shall submit an application to the Commissioner at such time, in such manner, and including such information as the Commissioner may require. Each application shall include—

"(A) a description of how the organization plans to carry out the activities authorized in this subsection through a demonstration project;

"(B) a description of how the organization will evaluate the project;

"(C) a description of how the organization will disseminate information about the activities and the impact of the activities on the lives of students served by the project; and

"(D) a description of how the organization will coordinate activities with any other relevant service providers in the locality where the organization is based, including federally supported independent living centers.

"(5) AUTHORIZED ACTIVITIES.—An organization that receives a grant, contract, or cooperative agreement under this subsection shall use the funds made available through the grant, contract, or cooperative agreement to carry out 1 or more of the following activities for individuals, ages 14 through 21, who are students with intellectual disabilities or students with mental illness:

"(A) PROVIDING SUPPORTED AND COMPETITIVE EMPLOYMENT EXPERIENCES.—The development of innovative and effective supported and competitive employment experiences after school, on weekends, and in the summer, utilizing natural supports that lead to competitive high-paying jobs.

"(B) PROVIDING TRAINING TO SCHOOL AND TRANSITION PERSONNEL.—The development and deployment of experts to work with transition programs (including personnel working with students on transition) so that personnel from the programs develop skills needed to train students with intellectual disabilities or students with mental illness to be successful in competitive employment in a range of settings, including office settings. The training shall include training for the personnel in providing instruction to students in computer skills, office skills, interview etiquette, and appropriate social behavior required for successful long-term employment in professional environments.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years 2007 through 2011.

"(d) DEMONSTRATION PROJECT FOR EMPLOYMENT OF INDIVIDUALS WHO ARE DEAF AND LOW FUNCTIONING.—

"(1) PURPOSE.—The purpose of this subsection is to support a model demonstration project to provide training and employment and support services for individuals who are deaf and low functioning to enable them to gain employment skills that will allow them to become employed and economically self-sufficient.

"(2) DEFINITION.—

"(A) IN GENERAL.—In this subsection, the term 'individual who is deaf and low functioning' means an individual who has been deaf from birth or very early childhood, reads at or below the second grade level, has little or no intelligible speech, and lacks a secondary school diploma or its recognized equivalent.

"(B) SECONDARY DISABILITIES.—Such term may include an individual with a secondary disability.

"(3) GRANTS AUTHORIZED.—

"(A) COMPETITIVE GRANTS AUTHORIZED.—The Commissioner may award grants to State agencies, other public agencies or organizations, or

not-for-profit organizations with expertise in providing training and employment and support services for individuals who are deaf and low functioning to support model demonstration projects.

"(B) DURATION.—Grants under this subsection shall be awarded for a period not to exceed 5 years.

"(4) AUTHORIZED ACTIVITIES.—

"(A) DEVELOPING A COMPREHENSIVE TRAINING PROGRAM.—Each grant recipient under this subsection shall develop an innovative, comprehensive training program for individuals who are deaf and low functioning that can be implemented at multiple training locations through such means as distance learning and use of advanced technology, as appropriate. Such training program shall be developed to maximize the potential for replication of the program by other training providers.

"(B) IMPLEMENTATION.—Each grant recipient under this subsection shall implement the comprehensive training program developed under subparagraph (A) as soon as feasible. Such training shall provide instruction on the job and the social skills necessary for successful long-term employment of individuals who are deaf and low functioning.

"(C) ESTABLISHING A POST-TRAINING PROGRAM OF EMPLOYMENT AND SUPPORT SERVICES.—Each grant recipient under this subsection shall implement employment and support services to assist individuals who complete the training program under subparagraph (A) in securing employment and transitioning to the workplace, for a period of not less than 90 days subsequent to placement in the employment.

"(5) APPLICATIONS.—Each entity desiring to receive a grant under this subsection for a model demonstration project shall submit an application to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may require including—4

"(A) a description of how the applicant plans to address the activities authorized under this subsection;

"(B) a description of the evaluation plan to be used in the model demonstration project;

"(C) a description of how the applicant will disseminate information about the training program developed and the results of the project; and

"(D) a description of how the entity will coordinate activities with any other relevant service providers or entities providing training and employment and support services for individuals who are deaf and low functioning.

"(6) MANDATED EVALUATION AND DISSEMINATION ACTIVITIES.—

"(A) ANNUAL REPORT.—Not later than 2 years after the date on which a grant under this subsection is awarded and annually thereafter, the grant recipient shall submit to the Commissioner a report containing information on—

"(i) the number of individuals who are participating in the demonstration project funded under this subsection;

"(ii) the employment and other skills being taught in the project;

"(iii) the number of individuals participating in the project that are placed in employment;

"(iv) the job sites in which those individuals are placed and the type of jobs the individuals are placed in; and

"(v) the number of individuals who have dropped out of the project and the reasons for their terminating participation in the project.

"(B) EVALUATION OF THE PROJECT.—Each grant recipient under this subsection shall implement the evaluation plan approved in its application for determining the results of the project within the timeframe specified in, and following the provisions of, the approved application.

"(C) PARTICIPANT EVALUATION PROCESS; FINAL EVALUATION.—In the final year of the project, the grant recipient will prepare and submit to the Commissioner a final evaluation report of the results of the model demonstration project containing—

"(i) information on—

"(I) the number of individuals who participated in the demonstration project;

"(II) the number of those individuals that are placed in employment;

"(III) the job sites in which those individuals were placed and the type of jobs the individuals were placed in;

"(IV) the number of those individuals who have dropped out of the project and the reasons for their terminating participation in the project; and

"(V) the number of those individuals who participated in the project and who remain employed as of 2 months prior to the date on which the final report is submitted to the Commissioner;

"(ii) a written analysis of the project, including both the strengths and weaknesses of the project, to assist other entities in replicating the training program developed through the project; and

"(iii) such other information as the Commissioner determines appropriate.

"(D) DISSEMINATION.—Not later than 5 years after the date on which a grant is awarded under this subsection, the evaluation report containing results of activities funded by such grant shall be disseminated to designated State agencies, school systems providing instruction to students who are individuals who are deaf and low functioning, supported employment providers, postsecondary vocational training programs, employers, the Social Security Administration, and other interested parties.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $5,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2011.

"(e) TRAINING AND TECHNICAL ASSISTANCE CENTER TO PROMOTE HIGH-QUALITY EMPLOYMENT OUTCOMES FOR INDIVIDUALS RECEIVING SERVICES FROM DESIGNATED STATE AGENCIES.—

"(1) IN GENERAL.—The Commissioner shall award a grant, contract, or cooperative agreement to an entity to support a training and technical assistance program that—

"(A) responds to State-specific information requests concerning high-quality employment outcomes, from designated State agencies funded under title I, including—

"(i) requests for information on the expansion of self-employment, business ownership, and business development opportunities, and other types of entrepreneurial employment opportunities for individuals with disabilities;

"(ii) requests for information on the expansion and improvement of transition services to facilitate the transition of students with disabilities from school to postsecondary life, including employment;

"(iii) requests for examples of policies, practices, procedures, or regulations, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) requests for information on effective approaches to enhance informed choice and a consumer-directed State vocational rehabilitation system;

"(v) requests for assistance developing corrective action plans;

"(vi) requests for assistance in developing and implementing effective data collection and reporting systems that measure the outcomes of the vocational rehabilitation services, and preparing reports for the Commissioner as described in section 106(b)(1); and

"(vii) requests for information on effective approaches that enhance employment outcomes for individuals with disabilities, including conducting outreach and forming partnerships with business and industry; and

"(B) provides State-specific, regional, and national training and technical assistance concerning vocational rehabilitation services and related information to designated State agencies, including—

"(i) facilitating onsite and electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that affect vocational rehabilitation programs authorized under title I;

"(ii) enabling the designated State agencies to coordinate training and data collection efforts with one-stop centers established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e));

"(iii) enabling the designated State agencies to provide information on how the vocational rehabilitation programs authorized under title I can provide technical assistance to the one-stop centers on making programs offered through the centers physically and programmatically accessible to individuals with disabilities;

"(iv) sharing evidence-based and promising practices among the vocational rehabilitation programs;

"(v) maintaining an accessible website that includes links to—

"(I) the vocational rehabilitation programs;

"(II) appropriate Federal departments and agencies, and private associations;

"(III) State assistive technology device and assistive technology service demonstration programs, device loan programs, device reutilization programs, alternative financing systems, or State financing activities, operated through, or independently of, comprehensive statewide programs of technology-related assistance carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), telework programs, and other programs that provide sources of funding for assistive technology devices; and

"(IV) various programs, including programs with tax credits, available to employers for hiring or accommodating employees who are individuals with disabilities;

"(vi) enhancing employment outcomes for individuals with mental illness and individuals with cognitive disabilities;

"(vii) convening experts from the vocational rehabilitation programs to discuss and make recommendations with regard to the employment of individuals with disabilities and national emerging issues of importance to individuals with vocational rehabilitation needs;

"(viii) enabling the designated State agencies to provide practical information on effective approaches for business and industry to use in employing individuals with disabilities, including provision of reasonable accommodations;

"(ix) providing information on other emerging issues concerning the delivery of publicly funded employment and training services and supports to assist individuals with disabilities to enter the workforce, achieve improved employment outcomes, and become economically self-sufficient; and

"(x) carrying out such other activities as the Commissioner may require.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an entity shall have (or agree to award a grant or contract to an entity that has)—

"(A) experience and expertise in administering vocational rehabilitation services;

"(B) documented experience with and knowledge about self-employment, business ownership, business development, and other types of entrepreneurial employment opportunities and outcomes for individuals with disabilities, providing transition services for students with disabilities, and assistive technology; and

"(C) the expertise necessary to identify the additional data elements needed to provide comprehensive reporting of activities and outcomes of the vocational rehabilitation programs authorized under title I, and experience in utilizing data to provide annual reports.

"(3) COLLABORATION.—In developing and providing training and technical assistance under this subsection, a recipient of a grant, contract, or cooperative agreement under this subsection shall collaborate with other organizations, in particular—

"(A) agencies carrying out vocational rehabilitation programs under title I and national organizations representing such programs;

"(B) organizations representing individuals with disabilities;

"(C) organizations representing State officials and agencies engaged in the delivery of assistive technology;

"(D) relevant employees from Federal departments and agencies, other than the Department of Education;

"(E) representatives of businesses;

"(F) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services; and

"(G) family members, guardians, advocates, and authorized representatives of such individuals.

"(f) ACCESS TO TELEWORK.—

"(1) DEFINITION OF TELEWORK.—In this subsection, the term 'telework' means work from home and other telework sites with the assistance of a computer and with reasonable accommodations, including the necessary equipment to facilitate successful work from home and other telework sites.

"(2) AUTHORIZATION OF PROGRAM.—The Commissioner is authorized to make grants to States and governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay for the Federal share of the cost of establishing or expanding a telework program.

"(3) APPLICATION.—A State or Indian tribe that desires to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(4) USE OF FUNDS.—

"(A) IN GENERAL.—A State or Indian tribe that receives a grant under this subsection shall establish or expand a telework program that shall provide assistance through loans or other alternative financing mechanisms to individuals with disabilities. The State or Indian tribe shall provide the assistance through the program to enable such individuals to purchase computers or other equipment, including adaptive equipment, to facilitate access to employment and enhance employment outcomes by providing the individual with the opportunity—

"(i) to work from home or other telework sites so that such individuals are able to telework; or

"(ii) to become self-employed on a full-time or part-time basis from home or other telework sites.

"(B) DEVELOPMENT OF TELEWORK OPPORTUNITIES AND BUSINESS PLANS.—A State or Indian tribe that receives a grant under this subsection may use not more than 10 percent of the grant award to develop telework opportunities with employers and assist in the development of business plans for individuals with disabilities interested in self-employment, before such individuals apply for assistance through the telework program.

"(C) SELF EMPLOYMENT.—A State or Indian tribe that receives a grant under this subsection shall enter into cooperative agreements with small business development centers for the development of business plans as described in section 103(a)(13) for individuals described in subparagraph (B), and provide assurances that the State or Indian tribe will, through plans to achieve self-support, vocational rehabilitation services, or other means, identify ways for the individuals described in subparagraph (B) to pay for the development of business plans, before such individuals apply for assistance through the telework program.

"(D) DEFINITIONS.—In this paragraph:

"(i) PLAN TO ACHIEVE SELF-SUPPORT.—The term 'plan to achieve self-support' means a plan described in sections 416.1180 through 416.1182 of title 20, Code of Federal Regulations (or any corresponding similar regulation or ruling).

"(ii) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a center established under section 21 of the Small Business Act (15 U.S.C. 648).

"(5) FEDERAL SHARE.—The Federal share of the cost of establishing or expanding a telework program under this section shall be 90 percent of the cost.

"(6) EXISTING GRANT RECIPIENTS.—An entity that receives a grant under the Access to Telework Fund Program under subsection (b) for a fiscal year may use the funds made available through that grant for that fiscal year in accordance with this subsection rather than subsection (b).

"(7) ANNUAL REPORT.—

"(A) IN GENERAL.—A State or Indian tribe that receives a grant under this subsection shall prepare and submit an annual report to the Commissioner.

"(B) CONTENTS.—The report under subparagraph (A) shall include the following:

"(i) Information on the characteristics of each individual with a disability that receives assistance through a loan or other alternative financing mechanism under the program, including information about the individual such as the following:

"(I) Age.

"(II) Employment status at the time of application for assistance through a loan or other alternative financing mechanism under this subsection.

"(III) Whether the individual attempted to secure financial support from other sources to enable the individual to telework and, if so, a description of such sources.

"(IV) Whether the individual is working and, if so, whether the individual teleworks, the occupation in which the individual is working, the hourly salary the individual receives, and the hourly salary of the individual prior to receiving assistance through a loan or other alternative financing mechanism under the program.

"(V) Whether the individual has repaid assistance from the loan or other alternative financing mechanism received under the program, is in repayment status, is delinquent on repayments, or has defaulted on the assistance from the loan or other alternative financing mechanism.

"(ii) An analysis of the individuals with disabilities that have benefited from the program.

"(iii) Any other information that the Commissioner may require.

"(g) GRANTS FOR DISABILITY CAREER PATHWAYS PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) CENTER FOR INDEPENDENT LIVING.—The term 'center for independent living' means a center for independent living funded under subtitle C of title VII.

"(B) COVERED INSTITUTION.—The term 'covered institution' means—

"(i) a secondary school; and

"(ii) in the discretion of the eligible consortium involved, an institution of higher education.

"(C) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium described in paragraph (3)(A).

"(D) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) PURPOSE OF PROGRAM.—The Commissioner may establish a Disability Career Pathways program, through which the Commissioner may make grants, for periods of not more than 5 years, to institutions of higher education that establish eligible consortia, to enable the consortia to develop and carry out training and education related to disability studies and leadership development. The consortia shall provide the training and education for the purpose of providing career pathways for students at a covered institution, in fields pertinent to individuals with disabilities, and particularly pertinent to the employment of individuals with disabilities.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection on behalf of a consortium, an institution of higher education shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including information demonstrating—

"(A) that the institution of higher education has established a consortium of members that represent—

"(i) the institution of higher education;

"(ii) a community college;

"(iii) a secondary school;

"(iv) a center for independent living;

"(v) a designated State agency;

"(vi) a one-stop center established under section 121(e) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(e)); and

"(vii) the local business community;

"(B) the collaborative working relationships between the institution of higher education and the other members of the consortium, and describing the activities that each member shall undertake; and

"(C) the capacity and expertise of the institution of higher education—

"(i) to coordinate training and education related to disability studies and leadership development with educational institutions and disability-related organizations; and

"(ii) to conduct such training and education effectively.

"(4) DISTRIBUTION OF GRANTS.—In making grants under this subsection, the Commissioner shall ensure that the grants shall be distributed for a geographically diverse set of eligible consortia throughout all regions.

"(5) MANDATORY USES OF FUNDS.—An institution of higher education that receives a grant under this subsection on behalf of a consortium shall ensure that the consortium shall use the grant funds to—

"(A) encourage interest in, enhance awareness and understanding of, and provide educational opportunities in, disability-related fields, and encourage leadership development among students served by a covered institution, including such students who are individuals with disabilities;

"(B) enable the students at a covered institution to gain practical skills and identify work experience opportunities, including opportunities developed by the consortium in conjunction with the private sector, that benefit individuals with disabilities;

"(C) develop postsecondary school career pathways leading to gainful employment, the attainment of an associate or baccalaureate degree, or the completion of further coursework or a further degree, in a disability-related field;

"(D) offer credit-bearing, college-level coursework in a disability-related field to qualified students served by a covered institution; and

"(E) ensure faculty and staff employed by the members of the consortium are available to—

"(i) students at a covered institution for educational and career advising; and

"(ii) teachers and staff of a covered institution for disability-related training.

"(6) Permissible Uses of Funds.—An institution of higher education that receives a grant under this subsection on behalf of a consortium may permit the consortium to use the grant funds to develop or adapt disabilities studies curricula, including curricula with distance learning opportunities, for use at covered institutions, to encourage students served by such covered institutions to enter careers in disability-related fields.

"(7) Consultation.—The consortium shall consult with appropriate agencies that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, located in the jurisdiction served by the consortium, concerning the program of education and training carried out by the consortium.

"(8) Reviews.—

"(A) Advisory Committee.—For an institution of higher education to be eligible to receive a grant under this subsection on behalf of a consortium, the consortium shall have an advisory committee that consists of members that represent the interests of individuals with disabilities, including—

"(i) a professional in the field of vocational rehabilitation;

"(ii) an individual with a disability or a family member of such an individual; and

"(iii) a representative of each type of entity or community represented on the consortium.

"(B) Quarterly Reviews.—The advisory committee shall meet at least once during each calendar quarter to conduct a review of the program of education and training carried out by the consortium. The committee shall directly advise the governing board of the institution of higher education in the consortium about the views and recommendations of the advisory committee resulting from the review.

"(9) Accountability.—Every 2 years, the Commissioner shall—

"(A) using information collected from the reviews required in paragraph (8), assess the effectiveness of the Disability Career Pathways program carried out under this subsection, including assessing how many individuals were served by each eligible consortium and how many of those individuals received postsecondary education, or entered into employment, in a disability-related field; and

"(B) prepare and submit to Congress a report containing the results of the assessments described in subparagraph (A)."; and

(4) in subsection (j), as redesignated by paragraph (2)—

(A) by striking "There" and inserting the following:

"(1) In general.—There";

(B) in paragraph (1), as designated by subparagraph (A)—

(i) by striking "this section" and inserting "this section (other than subsections (c) and (d))"; and

(ii) by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011"; and

(C) by adding at the end the following:

"(2) Reservations.—Of the sums appropriated under paragraph (1) for a fiscal year, the Secretary may reserve—

"(A) not more than $500,000 to carry out subsection (e);

"(B) not more than $5,000,000 to carry out subsection (f); and

"(C) not more than $5,000,000 to carry out subsection (g).".

SEC. 443. MIGRANT AND SEASONAL FARMWORKERS.

Section 304(b) of the Rehabilitation Act of 1973 (29 U.S.C. 774(b)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 444. RECREATIONAL PROGRAMS.

Section 305 of the Rehabilitation Act of 1973 (29 U.S.C. 775) is amended—

(1) in subsection (a)(1)(B), by striking "construction of facilities for aquatic rehabilitation therapy,"; and

(2) in subsection (b), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle D—National Council on Disability

SEC. 451. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle E—Rights and Advocacy

SEC. 461. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(j) of the Rehabilitation Act of 1973 (29 U.S.C. 792(j)) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 462. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) in subsection (c)(1)(A), by inserting "a grant for" after "to provide";

(2) in subsection (g)(2), by striking "was paid" and inserting "was paid, except that program income generated from the amount paid to an eligible system shall remain available to such system until expended";

(3) in subsection (l), by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011";

(4) by redesignating subsections (l) and (m) as subsections (m) and (n), respectively; and

(5) by inserting after subsection (k) the following:

"(l) System Authority.—For purposes of serving persons eligible for services under this section, an eligible system shall have the same general authorities, including access to records, as the system is afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (29 U.S.C. 796c et seq.), as determined by the Commissioner.".

Subtitle F—Employment Opportunities for Individuals With Disabilities

SEC. 471. PROJECTS WITH INDUSTRY.

Section 611(a) of the Rehabilitation Act of 1973 (29 U.S.C. 795(a)) is amended—

(1) in paragraph (1), by inserting ", locally and nationally" before the period at the end; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "local and national" before "Projects With Industry"; and

(B) in subparagraph (A)—

(i) in clause (iii), by striking "and" after the semicolon;

(ii) in clause (iv), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(v) coordinate activities with the Job Corps center industry councils established under section 154 of the Workforce Investment Act of 1998 (29 U.S.C. 2894);".

SEC. 472. PROJECTS WITH INDUSTRY AUTHORIZATION OF APPROPRIATIONS.

Section 612 of the Rehabilitation Act of 1973 (29 U.S.C. 795a) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 473. SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES AUTHORIZATION OF APPROPRIATIONS.

Section 628 of the Rehabilitation Act of 1973 (29 U.S.C. 795n) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle G—Independent Living Services and Centers for Independent Living

SEC. 481. STATE PLAN.

Section 704 of the Rehabilitation Act of 1973 (29 U.S.C. 796c) is amended by adding at the end the following:

"(o) Promoting Full Access to Community Life.—

"(1) In General.—The plan shall describe how the State will provide independent living services that promote full access to community life for individuals with significant disabilities.

"(2) Services.—The services shall include, as appropriate—

"(A) facilitating transitions of—

"(i) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(ii) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences;

"(B) assisting individuals with significant disabilities at risk of entering institutions to remain in the community; and

"(C) promoting home ownership among individuals with significant disabilities.".

SEC. 482. STATEWIDE INDEPENDENT LIVING COUNCIL.

(a) Establishment.—Section 705(a) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(a)) is amended by striking the second sentence and inserting the following: "The Council shall not be established as an entity within a State agency, and shall not provide independent living services directly to individuals with significant disabilities or manage such services.".

(b) Composition.—Section 705(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)) is amended—

(1) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) in a State in which 1 or more projects provide services under section 121, not less than 1 representative of the directors of the projects."; and

(2) by striking paragraph (5) and inserting the following:

"(5) Chairperson.—The Council shall select a chairperson from among the voting membership of the Council.".

(c) Duties.—Section 705(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(c)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and aligning the margins of those subparagraphs with the margins of subparagraph (E) of subsection (b)(3);

(2) by striking "(c)" and all that follows through "shall—" and inserting the following:

"(c) Functions.—

"(1) Duties.—The Council shall—"; and

(3) by adding at the end the following:

"(2) Authorities.—The Council may, consistent with the State plan described in section 704, unless prohibited by State law—

"(A) provide advice and assistance to the designated State unit regarding the performance of its responsibilities under this title;

"(B) facilitate the improvement and coordination of services provided to individuals with disabilities by centers for independent living, the designated State unit, other Government agencies, and community organizations;

"(C) conduct resource development activities to obtain funding from public and private resources to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and

"(D) perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.".

SEC. 483. INDEPENDENT LIVING SERVICES AUTHORIZATION OF APPROPRIATIONS.

Section 714 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 484. PROGRAM AUTHORIZATION.

Section 721 of the Rehabilitation Act of 1973 (29 U.S.C. 796f) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) ALLOTMENTS TO STATES.—

"(1) DEFINITIONS.—In this subsection:

"(A) ADDITIONAL APPROPRIATION.—The term 'additional appropriation' means the amount (if any) by which the appropriation for a fiscal year exceeds the total of—

"(i) the amount reserved under subsection (b) for that fiscal year; and

"(ii) the appropriation for fiscal year 2005.

"(B) APPROPRIATION.—The term 'appropriation' means the amount appropriated to carry out this part.

"(C) BASE APPROPRIATION.—The term 'base appropriation' means the portion of the appropriation for a fiscal year that is equal to the lesser of—

"(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or

"(ii) the appropriation for fiscal year 2005.

"(2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION.—After the reservation required by subsection (b) has been made, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2005 bears to the total amount that all States received under this subsection for fiscal year 2005.

"(3) ALLOTMENTS TO STATES OF ADDITIONAL APPROPRIATION.—From any additional appropriation for each fiscal year, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of—

"(A) an amount that bears the same ratio to 50 percent of the additional appropriation as the population of the State bears to the population of all States; and

"(B) $\frac{1}{56}$ of 50 percent of the additional appropriation."; and

(2) by adding at the end the following:

"(e) CARRYOVER AUTHORITY.—Notwithstanding any other provision of law—

"(1) any funds appropriated for a fiscal year to carry out a grant program under section 722 or 723, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during that succeeding fiscal year and the subsequent fiscal year; and

"(2) any amounts of program income received by recipients under a grant program under section 722 or 723 in a fiscal year, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year, shall remain available for obligation and expenditure by such recipients during that succeeding fiscal year and the subsequent fiscal year.".

SEC. 485. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

Section 722(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–1(c)) is amended—

(1) by striking "grants" and inserting "grants for a fiscal year"; and

(2) by striking "by September 30, 1997" and inserting "for the preceding fiscal year".

SEC. 486. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

Section 723(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–2(c)) is amended—

(1) by striking "grants" and inserting "grants for a fiscal year"; and

(2) by striking "by September 30, 1997" and inserting "for the preceding fiscal year".

SEC. 487. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

Section 725(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–4(b)) is amended by adding at the end the following:

"(8) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—

"(A) IN GENERAL.—The center shall provide independent living services that promote full access to community life for individuals with significant disabilities.

"(B) SERVICES.—The services shall include, as appropriate—

"(i) facilitating transitions of—

"(I) youth who are individuals with significant disabilities and have completed individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) to postsecondary life, including employment; and

"(II) individuals with significant disabilities from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences;

"(ii) assisting individuals with significant disabilities at risk of entering institutions to remain in the community; and

"(iii) promoting home ownership among individuals with significant disabilities.".

SEC. 488. CENTERS FOR INDEPENDENT LIVING AUTHORIZATION OF APPROPRIATIONS.

Section 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–6) is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

SEC. 489. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.

Chapter 2 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796j et seq.) is amended—

(1) by redesignating sections 752 and 753 as sections 753 and 754, respectively; and

(2) by inserting after section 751 the following:

"SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.

"(a) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year for which the funds appropriated to carry out this chapter exceed the funds appropriated to carry out this chapter for fiscal year 2005, the Commissioner shall first reserve from such excess, to provide training and technical assistance to designated State agencies for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this chapter for the fiscal year involved.

"(b) ALLOCATION.—From the funds reserved under subsection (a), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that demonstrate expertise in the provision of services to older individuals who are blind to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating independent living programs for older individuals who are blind.

"(c) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of designated State agencies that receive grants under section 753 regarding training and technical assistance needs in order to determine funding priorities for grants, contracts, and other arrangements under this section.

"(d) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this section, an entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require.

"(e) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this section may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such reserved funds are separately identified in the agreement for such grant or payment and are used for the purposes of this chapter.".

SEC. 490. PROGRAM OF GRANTS.

Section 753 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;

(3) in subsection (b), by striking "section 753" and inserting "section 754";

(4) in subsection (c)—

(A) in paragraph (1), by striking "section 753" and inserting "section 754"; and

(B) in paragraph (2)—

(i) by striking "subsection (j)" and inserting "subsection (i)"; and

(ii) by striking "subsection (i)" and inserting "subsection (h)";

(5) in subsection (g), by inserting ", or contracts with," after "grants to";

(6) in subsection (h), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking "subsection (j)(4)" and inserting "subsection (i)(4)"; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by adding "and" after the semicolon;

(ii) in subparagraph (B)(ii)(III), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C); and

(7) in subsection (i), as redesignated by paragraph (2)—

(A) by striking paragraph (2) and inserting the following:

"(2) MINIMUM ALLOTMENT.—

"(A) STATES.—In the case of any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico, the amount referred to in paragraph (1)(A) for a fiscal year is the greater of—

"(i) $350,000;

"(ii) an amount equal to the amount the State, the District of Columbia, or the Commonwealth of Puerto Rico received to carry out this chapter for fiscal year 2005; or

"(iii) an amount equal to $\frac{1}{3}$ of 1 percent of the amount appropriated under section 754, and not reserved under section 752, for the fiscal year and available for allotments under subsection (a).

"(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the amount referred to in paragraph (1)(A) for a fiscal year is $60,000.";

(B) in paragraph (3)(A), by striking "section 753" and inserting "section 754, and not reserved under section 752,"; and

(C) in paragraph (4)(B)(i), by striking "subsection (i)" and inserting "subsection (h)".

SEC. 491. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.

Section 754 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended by striking "fiscal years 1999 through 2003" and inserting "fiscal years 2006 through 2011".

Subtitle H—Miscellaneous

SEC. 495. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of the Helen Keller National Center Act (29 U.S.C. 1907(h)) is amended by striking "1999 through 2003" and inserting "2006 through 2011".

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of titles I and III of this Act. The Secretary of Education shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of titles II and IV of this Act.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

ORDERS FOR MONDAY, JULY 10, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 440 until 2 p.m. on Monday, July 10. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for the transaction of morning business until 3 p.m., with the time equally divided between the leaders or their designees. I further ask that at 3 p.m., the Senate proceed to the immediate consideration of Calendar No. 503, H.R. 5441, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, after the Fourth of July recess, as I just indicated, the Senate will begin consideration of the Homeland Security appropriations bill. I encourage Senators to work with the bill managers to expedite the consideration of this extremely important funding bill. Senators should expect the first vote of the week to occur at around 5:30 p.m. on Monday, July 10, and should make their travel plans accordingly. We will alert Members later as to the exact timing and substance of that vote.

ADJOURNMENT UNTIL MONDAY, JULY 10, 2006, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 440.

There being no objection, the Senate, at 7 p.m., adjourned until Monday, July 10, 2006, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 29, 2006:

DEPARTMENT OF AGRICULTURE

BRUCE I. KNIGHT, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE WILLIAM T. HAWKS, RESIGNED.

BRUCE I. KNIGHT, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE WILLIAM T. HAWKS, RESIGNED.

DEPARTMENT OF DEFENSE

FRANK R. JIMENEZ, OF FLORIDA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY, VICE ALBERTO JOSE MORA, RESIGNED.

CHARLES E. MCQUEARY, OF NORTH CAROLINA, TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE, VICE THOMAS P. CHRISTIE, RESIGNED.

FEDERAL RESERVE SYSTEM

FREDERIC S. MISHKIN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF 14 YEARS FROM FEBRUARY 1, 2000, VICE ROGER WALTON FERGUSON, JR., RESIGNED.

DEPARTMENT OF THE TREASURY

EDMUND C. MOY, OF WISCONSIN, TO BE DIRECTOR OF THE MINT FOR A TERM OF 5 YEARS, VICE HENRIETTA HOLSMAN FORE, RESIGNED.

DEPARTMENT OF COMMERCE

NATHANIEL F. WIENECKE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE BRETT T. PALMER, RESIGNED.

DEPARTMENT OF STATE

DONALD C. JOHNSON, OF TEXAS, TO BE A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. STEVEN R. ABT, 2197
BRIG. GEN. JAMES A. HASBARGEN, 2340
BRIG. GEN. JOHN P. MCLAREN, JR., 4730
BRIG. GEN. WILLIAM MONK III, 7931
BRIG. GEN. JAMES W. RAFFERTY, 9483

To be brigadier general

COL. CRAIG A. BUGNO, 2647
COL. HAROLD G. BUNCH, 7816
COL. WALTER B. CHAHANOVICH, 5937
COL. CHRISTOPHER T. CLINE, 6278
COL. DAVID S. ELMO, 2363
COL. ROBERT N. HIPWELL, 3270
COL. ALEXANDER I. KOZLOV, 0109
COL. JON J. MILLER, 6312
COL. DAVID L. SMALLEY, 9481
COL. ROBERT P. STALL, 9143
COL. JONATHAN WOODSON, 1070

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RODNEY J. BARHAM, 7591

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID J. VENLET, 0404

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JONATHAN W. GREENERT, 8869

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10 U.S.C., SECTION 531(A):

To be major

JULIO OCAMPO, 2726

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C. SECTIONS 9333(B) AND 9336(A):

To be colonel

JOHN L. PUTNAM, 6662

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be colonel

MARITZA S. RYAN, 1356

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ARMANDO AGUILERA, JR., 4939
JOHN ALKIRE, 0316
ERIC T. ASHLEY, 0847
TODD B. BARSKY, 3829
BRIAN BARTLETT, 3092
CURTIS B. BEDONT, 4283
JUSTIN W. BORDLEMAY, 0855
TIMOTHY CARTER, 0427
BRENT CLARK, 7122
JAMES CORCORAN, 0362
YONGSOK DO, 0239
DARREN J. FORCIER, 2798
MATTHEW A. GHIZ, 8840
JOSEPH GIASI, 1314
KEN JO, 5361
ROBERT KEELER, 9676
NAM K. KIM, 3741
SLOAN G. LANCTOT, 0985
YOSUK J. LEE, 6733
BERNIE S. MANASAN, 6720
ROBERT NAY, 6453
DALE A. NICHOLS, 2500
MARK R. OBLAD, 5366
DAVID OLSON, 5040
CORBIN PARTRIDGE, 4253
JULIA PLEVNIA, 2856
KARL RICHARDS, 1143
MICHAEL J. RYHN, 3572
JENNIFER V. SABOL, 5011
TATE VIEHWEG, 5832
AARON WACHLAROWICZ, 1542
MICHAEL S. WALL, 9945

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

BRIAN E. ABELL, 2209
ERIC M. ACHESON, 5947
GILBERT AIDINIAN, 0546
PAUL T. ALBAN, 3375
JOSEPH F. ALDERETE, JR., 3546
ABEL ALFONSO, 3877
AARON G. AMACHER III, 1465
DONALD ANDERSON, 2860
SARA K. ANDERSON, 0833
CHRISTINE N. AUNE, 3319
LENA S. AVEDISSIAN, 6651
THOMAS J. BACKENSON, 5887
ERIC Y. BADEN, 8798
TODD F. BAKER, 7438
VINCENT L. BALL, 0461
RUSSELL L. BARFIELD, 5674
EDWARD V. BARNES, 0379
KIMBERLY R. BARRETT, 4146
MATTHEW J. BARRY, 3103
DANIEL R. BAUER, 2516
ANDREW M. BAYLES, 1066
NANCY A. BEAMAN, 8733
ALISON K. BEAUCHAMP, 7071
ERINE E. BECK, 1867
TYSON E. BECKER, 0125
RONALD D. BEESLEY, 2226
ROBERT L. BEHRMANN, 5637

AMANDA M. BELL, 1710
BRIAN D. BELNAP, 0026
WILLIAM F. BIMSON, 6171
PATRICK T. BIRCHFIELD, 3091
SCOTT D. BLACKWELL, 2041
JOHN A. BOGER, 7908
JONATHAN A. BOLLES, 2007
CHRISTINE D. BOOTH, 7741
ADAM M. BORAH, 3980
JASON D. BOTHWELL, 5635
WENDY J. BOUCHER, 6848
MICHAEL BOWERS, 8152
BASCOM K. BRADSHAW, 3927
ANTONIO L. BRANDT, 5787
ANTHONY W. BRASWELL, 9735
DAVID W. BRAY, 6597
KARL W. BREWER, 8246
GWENDOLYN M. BROPHY, 8748
ERICA M. BROUSSARD, 1748
RAYMOND A. BROVONT, 6895
FRANCIS X. BUCKMAN, 6863
KEVIN L. BUFORD, 6199
TIEN D. BUI, 4176
MATTHEW P. BURKE, 3020
BENJAMIN D. BYERS, 6572
JOHN J. BYERS, 7065
JASON B. CABOOT, 7580
MICHAEL CAMPBELL, 2762
ANDREW P. CAP, 2450
MYRNA I. CARDIEL, 1036
AARON S. CARLISLE, 4900
MATTHEW J. CARTER, 3336
DAVID L. CHANDLER, 9203
MEEDLEN CHARLES, 7015
JASON E. CHRISTENSEN, 3449
PAUL CIMINERA, 1576
CHAD J. CLARK, 8941
KEITH R. COMPTON, 9859
LISA C. COVIELLO, 3246
DANIEL R. CRONK, 5432
PHILLIP B. CUENCA, 9034
CORD W. CUNNINGHAM, 9456
KAREN C. DAILY, 8828
NEALANJON P. DAS, 2412
RICHARD DAVIS, 8926
LA G. DE, 2603
ZIA A. DEHQANZADA, 4153
ARTHUR J. DELUIGI, 6263
MARK E. DEMUTH, 2741
DAVID L. DOBSON, 7525
JOSEPH G. DOUGHERTY, 0734
ROBERT H. DURGIN, 3138
JAMES P. EATON, 7317
GARY L. EBERLY, 7820
COLIN C. EDGERTON, 1821
JEREMY V. EDWARDS, 4638
JOSEF K. EICHINGER, 2288
DAVID J. EIGNER, 2915
SHANNON B. ELLIS, 2518
RICHARD D. ERFF, 9415
AIXA D. ESPINOSAMORALES, 6508
MATTHEW N. FANDRE, 6273
MATTHEW V. FARGO, 0921
JOHN P. FERNALD, 8979
GARY FILLMORE, 4147
JOSEPH L. FLINT, 5718
RAJAT R. FOFARIA, 8016
TODD FONTAINE, 4008
RANDALL FREEMAN, 4779
CHRISTOPHER D. FUCITO, 1751
RICHARD E. GALGON, 6481
BRADLEY C. GARDINER, 4729
DALE W. GEORGE, 4769
BRENT R. GIBSON, 6587
DUNCAN A. GILLIES II, 8951
DAVID GLOYSTEIN, 4243
KATHLEEN GOINGS, 9871
DANIEL GREEN, 3645
DARYL L. GRIFFIN, 4362
MATTHEW E. GRIFFITH, 7983
ELIZABETH A. GROSSART, 6146
AIKA S. GUMBOC, 7742
THOMAS J. HAIR, 5115
BRIAN T. HALL, 6485
MICHAEL HAMMER, 6548
RONALD D. HARDIN, JR., 5156
DAVID P. HARPER, 8556
WAYNE J. HARSHA, 3781
JASON S. HAWLEY, 9959
BRYAN S. HELSEL, 6689
GARTH S. HERBERT, 7507
JOSHUA P. HERZOG, 6104
JIMMY HEWITT II, 6912
MATTHEW S. HING, 4505
HEIDI R. HODDER, 1933
AARON B. HOLLEY, 5016
CHAD K. HOLMES, 6020
STEVE S. HONG, 7111
NELSON HOWARD, 7978
MATTHEW G. HUDKINS, 9188
JAY A. HUDSON, 0801
JONATHAN S. HUITINK, 2828
FARAH A. HUSAIN, 5231
TARIK M. HUSAIN, 8827
RONALD A. HYDE, 8091
NADIM ISLAM, 7891
CHRISTOPHER G. IVANY, 4111
PAULA J. JACKSON, 6767
MARK L. JACQUES, 5355
AUDREY E. JAIN, 7422
ELIZABETH N. JAVERNICK, 6478
MATTHEW A. JAVERNICK, 2587
JEFFERSON W. JEX, 8013
LISA A. JOHNSON, 9180
KEATING D. JONES, 3389
KEVIN R. JOSEPH, 5591
TIMOTHY W. JUDGE, 1199
ELLINA KALANDAROVA, 6103
PIL S. KANG, 7751
LAURA N. KASTER, 3799
CHARMAINE F. KAULA, 9843
NAKIZITO N. KAZIGO, 9087
SEAN C. KEENAN, 5352
PATRICK R. KENNY, 3131
JEFFREY KIKI, 6293
DANIEL E. KIM, 9339
EUGENE H. KIM, 5615
WON I. KIM, 9727
LORI A. KINGSLEY, 6484
JESS KIRBY, 0945
JONATHAN KITCHIN, 0538
WILLIAM KIZER, 7563
JUDY KOVELL, 4715
MICHAEL J. KOZNARSKY, 8618
LOGAN KRATT, 4937
CHRISTOPHER M. KREBS, 3896
WILLIAM R. KRUEGER, 7073
SANDRA E. KUEHLER, 8229
HERBERT P. KWON, 9666
SMITH H. LAIDLAW, 9402
CHRISTINE A. LAKY, 9087
LOUIS J. LAND, 0555
ROBERT V. LANE, 7947
TIMOTHY E. LASETER, 0021
DAVID G. LAWTON, 0107
VASILIOS LAZOS, 7832
LLEWELLYN V. LEE, 3677
GUS J. LEOTTA III, 6381
BRIAN LEWIS, 6445
DIANE LEYBA, 6856
ARCHIBALD L. LORD, 5013
MICHAEL LORICH, 8295
KARLA R. LOWE, 8231
DOWNING LU, 0664
BRIAN S. LUETKE, 3320
TORREY LYNCH, 0337
GARRETT S. LYNCHARD, 8651
NORMA L. MACIAS, 3974
BILLY W. MAHANEY, 8723
CYNTHIA MAJERSKE, 1784
SABRI E. MALEK, 0418
KEVIN L. MARSH, 0682
SUZAN E. MARSHALL, 7079
GREGORY T. MCCAIN, 2290
THANE MCCANN, 5661
MICHAEL Y. MCCOWN, 1555
BRIAN R. MCMILLAN, 1957
SCOTT T. MCNEAR, 9831
LOUIS P. MENG, 4938
CHRISTOPHER MEYERING, 2024
AMY M. MILLIKAN, 0509
STEVE B. MIN, 5105
KEITH P. MINIHANE, 4517
JOSEPH N. MIRKOVICH, 7578
KRISTIE MITCHELL, 3517
ANGELITA MOORE, 2162
TRAVIS C. MOORE, 1952
FRANK C. MORGAN, 8376
GERARD MORGAN, 5489
MATTHEW L. MORGAN, 5033
JESSIKA T. MORIN, 8846
MICHELLE L. MOYER, 2331
SCOTT J. MURCIN, 1120
DARIUSZ G. MYDLARZ, 4771
JONATHAN J. MYERS, 4641
SUDHIR C. NAGARAJA, 7791
JACQUELINE NAYLOR, 0201
LAUREL A. NEFF, 1412
BRETT A. NELSON, 3088
CHUCK T. NGUYEN, 9884
CUONG D. NGUYEN, 6108
CHRISTOPHER M. NIEMAN, 3713
CHARLES D. NOBLE, 4092
WILLIAM OCONNELL, 2497
PETER D. OCONNOR, 0490
MICHAEL A. ODLE, 3597
STEPHEN W. OLSON, 2285
ADRIAN ORTIZ, 3788
DAVID J. OSBORN, 4045
MATTHEW PACKHAM, 5781
JEREMY C. PAMPLIN, 5271
IOANNIS B. PAPADOPOULOS, 8143
DINA S. PAREKH, 4184
PARESH R. PATEL, 9106
SEJAL B. PATEL, 6707
FRANK W. PAVLOVCIC III, 1842
RENEE M. PAZDAN, 4873
BRADLEY PEARSON, 7571
NICHOLAS PEFKAROS, 7270
LAURIE B. PEMBERTON, 4990
CHRISTOPHER L. PERDUE, 6598
DARRELL PETERS, 6904
KIMBERLY A. PETTIT, 4542
JORDAN E. PINSKER, 1278
ERIKA C. POMMETT, 7705
BENJAMIN K. POTTER, 5491
DUNFORD N. POWELL, 3416
ERIC PRYOR, 5837
ERIC B. PURDOM, 9717
KALPESH K. PUROHIT, 0618
PETER R. PURRINGTON, 5303
FLORIANO PUTIGNA, 8550
JIN C. PYUN, 9938
GORDON K. RAINEY, 8828
PATRICK A. RANEY, 8415
DAVID A. RANKIN, 0712
DANIEL A. REIDMAN, 0232
ROSEANNE A. RESSNER, 6286
VILLANUEVA A. REYES, 1812
WILLIAM V. RICE, JR., 1078
PEACHES A. RICHARDS, 2160
BRIAN F. RICHARDSON, 8217
LATONIA E. ROACH, 6635
MICHAEL J. ROACH, 3799
ERIC A. ROBERGE, 2212
JACOB A. ROBERTS, 5234
JEFFERSON R. ROBERTS, 5807
MARK J. ROSCHEWSKI, 8276
CAROLINE RYAN, 6086
NABIL SALAMA, 3370
DAVID SALOUM, 2941
TAYLOR L. SAWYER, 1419
KEVIN E. SCHLEGEL, 5294
JEFFREY N. SCHMIDT, 8199
KEITH A. SCORZA, 0002
JASON M. SEERY, 5838
DANIEL H. SELASSIE, 8916
JAKE SETTLES, 4517
TRINA M. SETTLES, 8857
JOHN B. SHEHAN, 0511
TINA W. SILVER, 6158
RYAN C. SLAUGHTER, 2390
ERIC H. SLAYTON, 4452
CHRISTOPHER D. SMELSER, 3157
JEFFREY A. SMITH, 8683
JOHN W. SONG, 3874
WON S. SONG, 1728
MARK E. STACKLE, 5283
CHRISTOPHER F. STANDLEY, 2506
BRETT R. STEINBERG, 0105
DAVID R. STEINBRUNER, 9559
JACOB STEPHEN, 9778
FREDERICK L. STEPHENS, 2314
JAMES C. STEPHENS, 4828
NATHAN R. STEVENS, 1674
NEIL R. STOCKMASTER, 8116
ERIK STORM, 9353
ABRAHAM W. SUHR, 1111
ERIN F. SWITZER, 3458
NATHAN TAGG, 2453
SUZANNE T. TEMPLE, 7814
HEATH TENNYSON, 0391
DAMIAN TERNULLO, 3061
TODD A. THEOBALD, 4984
BRENT A. TINNEL, 5918
MICHAEL TODD, 6665
DAWN M. TORRES, 9676
DANIEL T. TORZALA, 0031
DAVID A. TREBB, 7531
ADAM W. TROTTA, 5511
PAUL S. URIBE, 6113
ANGELA M. UY, 5238
DAVID A. VAN DE CAR, 1221
BILLY P. VANASUPA, 9450
PETER H. VANGEERTRUYDEN, 2656
TIMOTHY G. VEDDER, 2350
AMBER L. VEGH, 5674
VANESSA A. VENEZIA, 2303
TIMOTHY P. VILLEGAS, 0851
KRISTINA S. WALICK, 1433
KYLE WALKER, 2375
DANIEL WALLIHAN, 3477
BENJAMIN WALLISCH, 3607
CHARLES WEBER, 0534
CLINTON WELLS, 4355
GREGORY L. WHITAKER, 6520
LUTHER WIEST, 4347
JOHN W. WILLIAMS, 3210
MICHAEL B. WILLIAMS, 8882
BRANDON K. WILLS, 4825
JOHN R. WINNINGHAM, 7210
DAVID S. WOLF, 8494
KEVIN M. WOODS, 6117
CHRISTOPHER J. YAMAMOTO, 4089
BELINDA J. YAUGER, 8198
NICOLE T. YEDLINSKY, 6638
JIUN YOON, 4004
CUTTER M. ZAMBONI, 0809

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID E. BAUER, 5686

THE JUDICIARY

PETER D. KEISLER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JOHN G. ROBERTS, JR., ELEVATED.

DISCHARGED NOMINATION

The Senate Committee on Commerce, Science, and Transportation was discharged of the following nomination and the nomination was referred to the Committee on Energy and Natural Resources by unanimous consent agreement of 06/29/06:

DRUE PEARCE, OF ALASKA, TO BE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS FOR THE TERM PRESCRIBED BY LAW.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 2006:

ENVIRONMENTAL PROTECTION AGENCY

JAMES B. GULLIFORD, OF MISSOURI, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF VETERANS AFFAIRS

DANIEL L. COOPER, OF PENNSYLVANIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.

DEPARTMENT OF DEFENSE

MICHAEL L. DOMINGUEZ, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

LEGAL SERVICES CORPORATION

JONANN E. CHILES, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2008.

DEPARTMENT OF STATE

JOHN CLINT WILLIAMSON, OF LOUISIANA, TO BE AMBASSADOR AT LARGE FOR WAR CRIMES ISSUES.

GADDI H. VASQUEZ, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

MICHAEL E. RANNEBERGER, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF KENYA.

ROBERT D. MCCALLUM, JR., OF GEORGIA, TO BE AMBASSADOR TO AUSTRALIA.

ERIC M. BOST, OF TEXAS, TO BE AMBASSADOR TO THE REPUBLIC OF SOUTH AFRICA.

LESLIE V. ROWE, OF WASHINGTON, TO BE AMBASSADOR TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE SOLOMON ISLANDS AND AMBASSADOR TO THE REPUBLIC OF VANUATU.

W. STUART SYMINGTON IV, OF MISSOURI, TO BE AMBASSADOR TO THE REPUBLIC OF DJIBOUTI.

GAYLEATHA BEATRICE BROWN, OF NEW JERSEY, TO BE AMBASSADOR TO THE REPUBLIC OF BENIN.

PETER R. CONEWAY, OF TEXAS, TO BE AMBASSADOR TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE PRINCIPALITY OF LIECHTENSTEIN.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR TO THE FEDERATIVE REPUBLIC OF BRAZIL.

ROBERT O. BLAKE, JR., OF MARYLAND, TO BE AMBASSADOR TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE REPUBLIC OF MALDIVES.

THOMAS C. FOLEY, OF CONNECTICUT, TO BE AMBASSADOR TO IRELAND.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MAURICE L. MCFANN, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FRANK A. CIPOLLA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. SILVA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ROBERT B MURRETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARK J. EDWARDS

SMALL BUSINESS ADMINISTRATION

STEVEN C. PRESTON, OF ILLINOIS, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

IN THE ARMY

ARMY NOMINATION OF CON G. PHAM TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH DARYL W. FRANCIS AND ENDING WITH DWAINE M. TORGERSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH BRIAN E. BISHOP AND ENDING WITH ALAN C. SAUNDERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH JOSE R. ATENCIO III AND ENDING WITH CHRISTOPHER J. MORGAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH BRENT E. BRACEWELL AND ENDING WITH ALLEN L. MEYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH BRUCE R. DESCHERE AND ENDING WITH MICHAEL B. ROUNTREE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH MICHAEL L. ELLIS AND ENDING WITH KRISTINE KNUTSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATION OF DEBRA R. HERNANDEZ TO BE MAJOR.

ARMY NOMINATION OF ANNE M. EMSHOFF TO BE MAJOR.

ARMY NOMINATION OF ANDREW P. CAP TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MARK E. GANTS AND ENDING WITH SAMUEL L. YINGST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH CATHLEEN A. BURGESS AND ENDING WITH JEFFREY L. WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH HAZEL P. HAYNES AND ENDING WITH GIA K. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH BEN L. CLARK AND ENDING WITH JENNIFER L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

ARMY NOMINATIONS BEGINNING WITH LYNN F. ABRAMS AND ENDING WITH ROBERT T. ZABENKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER J. GALFANO AND ENDING WITH RUSSELL W. PARKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2006.

IN THE NAVY

NAVY NOMINATION OF ZINA L. RAWLINS TO BE LIEUTENANT COMMANDER.

HOUSE OF REPRESENTATIVES—*Thursday, June 29, 2006*

The House met at 10 a.m.

The Reverend W. Douglas Tanner, Jr., President, The Faith & Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, we come before You this morning conscious that 230 years ago next Tuesday, the Founders of our Nation declared certain truths to be self-evident: that You created us all equal and endowed us with the rights to life, liberty and the pursuit of happiness. For the clarity of their insight, we are profoundly grateful. For the myriad of ways even they found to disregard those truths, and the ways we continue to, we seek Your pardon.

Thomas Jefferson wrote, "Indeed I tremble for my country when I reflect that God is just." We, too, should tremble; sometimes we do. Yet we trust in Your grace and mercy to save us from both our adversaries and ourselves.

Guide us, we pray, to understand as Reinhold Niebuhr that nothing that is worth doing can be achieved in our lifetime; therefore, we must be saved by hope. Nothing which is true or beautiful or good makes complete sense in any immediate context of history; therefore, we must be saved by faith. No virtuous act is quite as virtuous from the standpoint of our friend or foe as it is from our standpoint. Therefore, we must be saved by the final form of love, which is forgiveness.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Illinois (Ms. SCHAKOWSKY) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHAKOWSKY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

> H.R. 4912. An act to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 5122. An act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

> S. 2766. An act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.
>
> S. 2767. An act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.
>
> S. 2768. An act to authorize appropriations for fiscal year 2007 for military construction, and for other purposes.
>
> S. 2769. An act to authorize appropriations for fiscal year 2007 for defense activities of the Department of Energy, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5122) "An Act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARNER, Mr. MCCAIN, Mr. INHOFE, Mr. ROBERTS, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. DOLE, Mr. CORNYN, Mr. THUNE, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON (FL), Mr. NELSON (NE), Mr. DAYTON, Mr. BAYH and Mrs. CLINTON, to be the conferees on the part of the Senate.

WELCOMING REVEREND W. DOUGLAS TANNER, JR.

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, our guest chaplain for the morning is the Reverend Doug Tanner. Doug Tanner is a Methodist minister, native of the great State of North Carolina, a man of great faith, a man of dedication, a man of commitment.

Doug Tanner was inspired by God Almighty to do what I call get in the way. Somehow and some way he was touched, not just by the spirit of history, but by the spirit of the Almighty to find a way to bring Members together, both Democrats and Republicans, both Members of the House and Members of the Senate. Doug was inspired to become the founding father of Faith and Politics. Through this organization, through this effort, he has been a blessing to many of us.

So, Reverend Doug Tanner, we want to thank you for being here today, but we want to thank you for helping all of us to become better people of faith.

Many of our colleagues may not know that many of us get together with you from time to time to put our faith in action. You have led many of us to go back to Alabama and visit the historic sites of the civil rights movement; to go to Tennessee and do likewise; to go to Farmville, Virginia; to go to South Africa. Again, we want to thank you for helping us to be reconciled to others.

When historians pick up their pen and write about this period during this part of our congressional lives, they will have to say that the Reverend Doug Tanner made a lasting contribution to the cause of justice, to the cause of freedom, and made each one of us better human beings and better legislators and better individuals of faith. I thank the Reverend.

HONORING REVEREND W. DOUGLAS TANNER, JR.

(Mr. LAHOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, I rise today also to honor Doug Tanner. Doug has done an extraordinary job of bringing House and Senate Members, both sides of the aisle, together.

I have had the privilege, as have many Members, to be a part of the

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

trips to Montgomery and to Selma; to be a part of the trip to South Africa to learn more about AIDS and more about apartheid and more about reconciliation. That really has been what Doug's life has been about here at the U.S. Capitol, bringing people together, getting people to work together, getting people to pray together; and he will be missed.

So, on behalf of those that have had the experience of knowing Doug Tanner, Mr. Speaker, and knowing the great work that he has done, I will say that he will be missed. I know that his lovely wife Kathy and he will enjoy now future opportunities to bring people together, to pray together and to work together; and we wish you well.

Mr. Speaker, I honor Doug Tanner today for helping those of us who work here to honor one another. Godspeed, Reverend Tanner.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five further 1-minute speeches on each side of the aisle.

WATER RESOURCES DEVELOPMENT ACT

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I rise today to ask the Senate to please bring the Water Resources Development Act to the floor for passage before the August recess.

We passed WRDA, as it is known, the Water Resources Development Act, here in the House on July 14, 2005, almost a year ago. It still awaits action in the Senate. I am encouraged by recent reports that the parties over in the other body have agreed to a critical debate on this bill; yet we await a schedule.

Indian River Lagoon is one of the important projects contained in WRDA, helping the Indian River Lagoon, comprehensive Everglades restoration, helping reconstruct damage caused by dikes, levees and a number of other public works projects over 70 years.

The Everglades needs our help. It needs our help now. The polluted waters of Florida are in desperate need of rehabilitation. WRDA would solve many of these problems.

I urge Senator FRIST to bring up WRDA, and hopefully it will pass so the House and the Senate can be on record of supporting the environment.

THE CONSTITUTION: DON'T LEAVE THE HOUSE WITHOUT IT

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The New York Times annual subscription, $309.40. The Treasury Department secretly looking at your financial records, very expensive. The Constitution of the United States, priceless.

Some want freedom of the press to be contingent on writing nice things about the Bush administration. For all others, there is the Constitution and the first amendment. The Constitution of the United States: Don't leave the House without it.

EMINENT DOMAIN REFORM

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the President for his recent executive order limiting the eminent domain powers of the Federal Government. This order is a significant step in the right direction.

This executive order comes 1 year after the Supreme Court's narrowly decided Kelo decision which essentially gutted the private property protection of the fifth amendment. Thankfully, across the country, State and local governments have begun to pass legislation rolling back the tide of eminent domain abuse.

In my home State of Georgia, the legislature recently passed and Governor Perdue signed significant eminent domain reform legislation to protect the rights of Georgia's citizens from the government wrecking ball.

However, we in this Congress must do more; and, therefore, I call upon the Senate to take up and pass H.R. 4128, the Private Property Protection Act of 2005, which this House passed last November by a bipartisan and overwhelming vote.

With the 4th of July approaching, let's declare that this land is the American people's land and not the government's.

OMAN FREE TRADE AGREEMENT

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today, I rise in opposition to the U.S.-Oman Free Trade Agreement.

The U.S. government, as you know, is prepared to open our market and risk our workers' jobs for a country which fails to respect workers and human rights. Oman not only bans unions, but it has been reported by our own State Department to have human trafficking and forced labor abuses.

The wage gap between men and women in Oman is one of the widest in the world, with women earning less than 22 percent of their male counterparts. Oman even bans night work and hard labor for women unless the sultan states otherwise. Yet the free trade agreement does not require Oman to protect women workers' rights and does not even require Oman to bring its domestic anti-discrimination laws into line with our international standards.

Oman will face no consequences if it chose to allow employers to violate existing maternity leave provisions or the ban on pregnancy based dismissals or continue to permit job discrimination based on sex.

We need a fair trade agreement, one that will help prevent the exporting of our workers' jobs. Let us turn down the Oman Free Trade Agreement.

WELCOMING HOME CHIEF MASTER SERGEANT GERALD MURRAY

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, I rise today to welcome home Chief Master Sergeant of the Air Force Gerald Murray, who is returning this fall to Boiling Springs, North Carolina, after 29 years of dedicated service to our Nation.

Chief Murray grew up in Boiling Springs, a town in my district, and entered the Air Force in October of 1977. He was stationed in Florida, South Carolina, Washington and Georgia, and also served overseas in Turkey and Japan, before being deployed to support Desert Storm and Southern Watch.

As the 14th chief master sergeant, the highest noncommissioned officer in the Air Force, his many years of devoted service to our Nation deserve the highest praise. Chief Murray's numerous tours and operations clearly demonstrate his drive and determination to protect our country and ensure our freedoms.

Chief Murray answered the call to protect our country and to serve with valor, class and integrity; and he represented Western North Carolina and America well. He deserves the highest phrase; and we are happy to have you home, Chief Murray.

DEEP OCEAN ENERGY RESOURCES ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, 25 years ago, this Congress enacted a protection, in a bipartisan, bicoastal way, protection for our coasts, recognizing that we have a Federal responsibility for our deep water oceans and the treasures that they hold in store for all Americans.

Today before us we will have a bill to undo these 25 years of bipartisan, bicoastal protection with a bill that is both unnecessary, environmentally damaging and fiscally irresponsible. It is a real budget buster, creating a new entitlement program for a few States and draining the resources to the rest of the States that will be left high and dry.

Don't be fooled by the bill's temptation because of a cost that is well below what eventually will end up into the tens of billions of dollars. The Bush administration says that over the next 60 years, it is a $600 billion giveaway. And this is something that happens at a time when we need to look for reducing consumption, more fuel efficiency and investing in alternatives.

Vote "no" on the Pombo bill.

□ 1015

AMERICAN VALUES AGENDA

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, earlier this week House, Republicans unveiled the American Values Agenda to defend the commonsense principles upon which our country was founded.

Unfortunately, it seems that activist judges have made it their mission to ban freedoms of religious expression, to deny the basic right to life, to strip law-abiding citizens of their second amendment rights, and to denounce the sanctity of marriage.

My Republican colleagues and I are committed to restoring these values and others by passing a positive legislative agenda which would protect the pledge from being ruled unconstitutional by activist judges, protect the right to display the American flag on residential property, protect the right of communities to make public references to God and faith, protect traditional marriage as a union between one man and one woman, require those that perform late-term abortions to inform the mother that her unborn child will feel pain, prohibit human cloning, apply gambling laws to the Internet, and make tax relief permanent for American families.

Mr. Speaker, I encourage my colleagues to support these very important initiatives.

HAMAS AND SYRIA

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, a couple of weeks ago, this House passed a bill cutting off aid to the terrorist group Hamas. Now we see Hamas, with their terrorism, once again capturing an Israeli soldier.

Hamas and Syria are in complicity. As the author of the Syria Accountability and Lebanese Sovereignty Restoration Act, I call on President Bush to implement the rest of the sanctions in the act, which was signed into law, by Syria.

Syria is harboring the head of Hamas, Khaled Meshal, who, it is reported, gave the orders for the capture of the Israeli soldier. Hamas is a terrorist group that is shunned by the rest of the world, and should be shunned by the rest of the world, and all monies cut off until it does three things: renounce terrorism, recognize Israel's right to exist, and abide by all previously signed documents and signed agreements with Israel.

Mr. Speaker, terrorism can never be allowed to rear its ugly head. This shows again the terrorist conspiracy between Hamas and Syria. We ought to take action. It ought to stop.

GOP STALL TACTICS COULD UNDERMINE BORDER SECURITY

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, it appears that the Republican majority has no interest in securing our borders before the November election. After months of debate in Congress, and several speeches by the President, including one in prime time, it now appears the Republican majority would rather talk about the issue than actually solve the problem.

President Bush has spent a lot of time recently talking about the need for a comprehensive immigration bill. If he really feels strongly about the issue, he should call congressional leaders from both the House and the Senate to the White House and hammer out a compromise. Otherwise, it seems House Republicans are willing to stall until the fall, which we all know would make it impossible to pass a bill before the November election.

Mr. Speaker, it is time the majority take border security seriously. Since September 11, the Bush administration and Republican Congress have severely underfunded border security, breaking their promises to fund new Border Patrol agents, additional detention beds, and additional immigration investigators. Because of these funding failures, our borders are not secure.

It is time that House Republicans stop their stalling and actually come to the negotiating table.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5672, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 890 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5672.

□ 1020

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 28, 2006, the amendment by the gentleman from New York (Mr. HINCHEY) had been disposed of and the bill had been read through page 110, line 8.

Pursuant to the order of the House of Tuesday, June 27, 2006, no further amendments to the bill may be offered except those specified in the previous order of the House of that day, which is at the desk.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Nevada.

Mr. PORTER. I thank the gentleman from Virginia, and I wish to engage in a colloquy with the chairman.

Mr. Chairman, there are many areas throughout the country that have extremely high tourism rates. The local law enforcement agencies of these areas have the difficult task of providing services to these tourists on the top of their responsibility to the base population that they represent.

For example, the community of southern Nevada has about 1.8 million people, although we have visitors of over 40 million tourists a year into our community. Local law enforcement is responsible with the safety of these visitors, which places a huge financial strain on the various public safety departments.

The Judiciary Committee has agreed to consider tourism as a factor for law enforcement grants that they authorize and for which your committee provides funding.

Mr. WOLF. Reclaiming my time, I understand the gentleman's concerns, and I am glad the Judiciary Committee has agreed to work with him on this matter. The subcommittee will keep his concerns in mind.

Mr. PORTER. Mr. Chairman, I appreciate this and look forward to working with you and the authorizing committee.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to take a policy that promotes the idea of fair competition and make that policy actually happen in practice.

The A–76 Circular policy ensures that in instances where a Federal Department wishes to contract out a certain function, that there is a fair competition that would ensue between the Federal employees who believe they should continue to serve that function and those who would wish to have the function contracted out. There is a process by which the various costs and benefits are reviewed, there is a process where the consequences are reviewed, and then a decision is made.

The problem with the present process is this: when the contractor wins the competition, the employees do not have a right of appeal if they wish to dispute the finding. On the other hand, if the employees win the competition, the contractor does have the right of appeal. We think that this is an unfair and unfortunate policy.

The purpose of our amendment is to suspend the A–76 process in the Departments covered by this bill until there can be reform and improvement of that process. I wanted to especially thank and commend my friend, the gentleman from North Carolina (Mr. JONES), who is the cosponsor of this amendment and who has worked very diligently and very intensely on this matter. He has a scheduling conflict at this moment, but has worked very hard on this; and I want to be sure that due credit is given for his efforts.

Mr. Chairman, I would urge adoption of the amendment.

I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, the subcommittee accepts the amendment.

Mr. ANDREWS. I thank the chairman and again thank my coauthor, Mr. JONES, and once again urge adoption of the amendment.

Ms. BORDALLO. Mr. Chairman, I rise in support of the amendment to H.R. 5672, the Science, State, Justice, and Commerce Appropriations Act for Fiscal Year 2007, offered by the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from North Carolina (Mr. JONES). This amendment would prevent expenditure of funds in Fiscal Year 2007 for the implementation of a key revision to OMB Circular A–76 that was made on May 29, 2003.

I join many of my colleagues in expressing deep concern over the A–76 process. Adoption of this amendment would encourage conferees for this bill to establish balance in the A–76 process. Federal employees subjected to the A–76 process should be afforded the ability to appeal to the Government Accountability Office a decision to contract-out their position. Private contractors are already afforded a similar-appeal right, under the current process. This is a clear cut issue of fairness.

The A–76 studies conducted and piloted on Guam by the Department of Defense during the late 1990s offer telling examples of the flaws inherent in A–76 implementation. The process on Guam was carried out in a manner which resulted in the depletion of important inherently governmental functions previously performed by federal employees. And in some instances these decisions are proving to have cost the Federal Government precious resources and human capital.

I support reforming the A–76 process to afford public and private parties comparable treatment under this process. This amendment would give federal employees working for agencies funded by this bill the same appeal right currently enjoyed by contractors for those agencies. This is just one piece of the effort to institute some more fairness in the A–76 process.

I urge my colleagues' support for this amendment.

Mr. ANDREWS. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. POE:

At the end of the bill, insert after the last section (preceding the short title), the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Secretary of State to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I offer today strengthens security at our borders. This amendment will require a universal document, a passport, to enter the United States.

Now, people from Mexico, Canada, and the Caribbean islands can enter the United States with a host of documents, including baptismal certificates or no identification at all.

The Intelligence Reform and Terrorism Prevention Act of 2004 acted on the 9/11 Commission recommendations and mandated that all travelers entering the United States present a passport or some other type of identification and citizenship documents when entering the United States beginning January 1, 2008, thus eliminating the current Western Hemisphere passport exception loophole that allows U.S. citizens and nationals of other countries in the Western Hemisphere to present little or no documentation of their identity and citizenship when they cross into our country.

Implementing this simple statutory requirement has been difficult. Over the last couple of years, the State Department has spent a lot of time and a lot of taxpayer money to come up with documents that are alternatives to passports to comply with the law under their Western Hemisphere Travel Initiative. The question is: Why are they going to other documents?

They are doing so because of pressure from outside groups who say passports cost too much, or that they will stifle commerce, which, of course, is not true. This efficient document is a universal document and will actually streamline the crossing of people from Mexico and Canada into the United States. To date, there has been no agreement between State and these groups on the type of alternative documents that will be accepted, and it is unlikely they will come up with some type of alternative document before the deadline.

Essentially, these outside groups have been successful in persuading Congress to consider delaying any changes until they get these types of documents; threatening to kill implementation of the Terrorist Prevention Act and leaving America wide open for maybe another terrorist attack. An example of this has already been found in section 135 of the recently passed Senate immigration bill, which postpones the deadline for compliance until alternative documents have been issued.

Why other types of identification? Why set up a new bureaucracy to issue them? We should use the passport.

Mr. Chairman, we already have a document that denotes citizenship and identity to comply with the law, and it can be used to meet the deadline. It is called the passport. Why do we have to reinvent the wheel of identification? The State Department should be using its resources to reduce costs and expand the issuance of passports and abandon efforts that will ultimately lead to making our borders less safe.

Let me give an example of why this amendment is necessary. The Government Accountability Office, back in 2003, did an investigation to see how vulnerable we are with this Western Hemisphere exception to passports. Here is what their lead investigator said:

"We created counterfeit identification documents in order to establish fictitious identities and entered the United States from Jamaica, Barbados, Mexico, and Canada. The Bureau of Customs and Border Protection staff never questioned the authenticity of these counterfeit documents and our agents entered with absolutely no difficulty entering the United States."

With the recent terrorist arrests in Canada this month, Mr. Chairman, we cannot afford to wait any longer to secure our borders. If we are forced to wait longer, the next group of people using fictitious documents won't be GAO investigators; they could very well be terrorists.

Mr. Chairman, I encourage the adoption of this commonsense amendment to require passports to enter the United States.

I reserve the balance of my time.

Mr. BASS. Mr. Chairman, I would like to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New Hampshire is recognized for 5 minutes.

Mr. BASS. Mr. Chairman, I certainly understand and appreciate my friend from Texas's interest in making sure that people are identified at the border. But, quite honestly, this amendment is far, far too restrictive.

I cannot imagine what the impact of this amendment would be on commerce between Canada and the United States. The 49th parallel is the longest undefended border in the world. The trade that goes on between Canada and the United States is amongst the freest in the world.

I would point out that my home State of New Hampshire trades almost $2 billion a year with Canada. The State of Texas trades over $17 billion a year, and 370,000 jobs in the State of Texas are supported by Canadian industry.

I can't imagine, Mr. Chairman, what would happen in Michigan or in the Detroit area with the auto manufacturers if all these people that go back and forth between Windsor, Ontario, and Detroit had to get passports.

Now, the government has worked, with the support of the Judiciary Committee here, on a plan to provide a pass that would be cheap, it would be counterfeit proof, and the Federal Government will issue it.

□ 1030

It will be somewhat like a driver's license. I understand my friend's concern about the fact that driver's license and other forms of ID are not universal and are easy to counterfeit, but we are working on a plan that will provide this kind of identification without having to go through the cumbersome expense and time required to get a U.S. passport.

The passage of this amendment would have serious implications for our relationship with Canada. I appreciate the gentleman's concern with Mexico to the south, but this amendment, in its restrictive nature, will really limit the economy. It would be devastating to the United States. It would be devastating to the lifestyles of people who are used to going back and forth over the border. It would be devastating to the tourism industry along the Canadian border. It would be devastating to trade. I urge that this amendment not be accepted.

Mr. Chairman, I reserve the balance of my time.

Mr. POE. I reserve the balance of my time.

Mr. BASS. Mr. Chairman, I believe I have the right to close.

The CHAIRMAN. No, the gentleman from Texas has the right to close.

Mr. BASS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. BASS. Mr. Chairman, as I said a moment ago, this amendment is far too restrictive. We have all sorts of different programs that are under development right now, the NEXUS card, the SENTRI system and the PASS card, as I mentioned a minute or two ago. If this amendment were to pass, all those programs would be for naught.

The passport is indeed as secure a document as you can get, but time has passed since passports were developed in their present form, some 40 or 50 years ago. There is modern technology that can provide American workers and tourists and citizens the proper identification at a much lower cost and make it possible for them to get back and forth across the border more quickly than they would and less expensively than they would with a passport.

I urge my colleagues to oppose this amendment, because the impact of it would be devastating for the economy of the United States. It would be devastating for the relations that we have with our neighbor to the north, which are amongst the best in the world.

I met with seven members of the Canadian Parliament yesterday, and they brought up this very issue, that they were concerned about the restrictions that might be placed upon American travel to the north. So I hope this amendment is not successful, despite the fact that I respect my friend from Texas' good intentions.

Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I also rise in opposition to the amendment.

Mr. Chairman, this is a simple solution to a complicated problem that is being worked on at a number of different levels. I know that the authorizers, which you just heard from in the authorizing committee, they are very supportive of the implementation of the Western Hemisphere Travel Initiative and they are working hard on that. Because it is a complicated problem, we have experts not only in the House of Representatives and the United States Senate in the legislative branch but also in the executive branch; and they are working to accommodate this problem to all of the real needs out there.

The U.S. military, Federal agencies, travelling, they are working on identification processes. This amendment, for example, would preclude the use of secure identification issued by the U.S. military and Federal agencies that would not be accepted under this amendment.

It would be extremely unfortunate as all this work has been done in order to ensure that we can have quick access across the border and perfectly adequate, secure identification and do it in a way that accommodates all of the needs.

Finally, I would like to say, this is an authorizing issue and really not an issue appropriately considered here on this appropriation bill. It is complicated, as the gentleman has mentioned. It is too simple a solution and not appropriately considered in this forum.

Mr. POE. How much time do I have, Mr. Chairman?

The CHAIRMAN. The gentleman from Texas has 1½ minutes remaining.

Mr. POE. Mr. Chairman, this amendment provides a universal document. Every country in the world requires passports to enter their nation. A passport is a secure document. Why are we trying to invent another type of identification, or multiple types of identification, so that we can have people from Canada and Mexico come up with those documents to enter the United States?

That is part of the problem we have now. There is no identification. There is some identification like baptismal certificates or marriage licenses to prove identity. Use the universal document like a passport. Then we can record who comes into the United States and who leaves the United States. We don't even do that now.

With a universal passport that everybody has, provided by their government, it will streamline the process. It will make it quicker and easier for Canadians to come into the United States, for Americans to travel back and forth across our common borders.

I urge adoption of this amendment, this commonsense amendment to require a passport to enter the United States.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. POE. I will.

Mr. MOLLOHAN. The gentleman really answers the question why should we even consider it here. You say, why should we not use this?

That is exactly why this ought to be considered by the authorizing committee. We ought to have testimony taken by the authorizing committee to explore the questions why we should not jump to this simple solution to a very complicated problem. The gentleman's question, I think, is proof in and of itself of why we shouldn't be considering this question here on the floor today.

Mr. MANZULLO. Mr. Chairman, I understand the frustrations with the Mexican border that drove my good friend, Representative TED POE, to offer this amendment. But this amendment is a sledgehammer to kill a gnat.

The Western Hemisphere Travel Initiative (WHTI) applies to all air, sea, and land entries into the United States by January 1, 2008. There is a vast difference between the Mexican and Canadian land borders. As Chairman of the Canadian-U.S. Interparliamentary Group, I know that requiring everyone crossing the U.S.-Canadian border to have a passport is unrealistic, would devastate our economy, and would divert precious limited resources away from prosecuting true threats to our national security. Just yesterday, I met with a group of Canadian Members of Parliament from Alberta visiting Washington, DC who once again raised this issue as the top irritant in our bilateral relations.

Only 40 percent of Canadians and 20 percent of Americans have passports. I am not a fan of WHTI. But at least it attempts to solve the conundrum of improving border crossing documents without requiring everyone to spend $97 to purchase a passport that takes six to eight weeks to get delivered. Already, the rumors that a passport is required for Canadians to drive into the United States have cost our economy over half a billion dollars. It also obviously affects the Canadian economy. One planned multi-million dollar resort complex in British Columbia was scrubbed based on the threat of a passport requirement.

Yes, it's true that the Canadians are more liberal with their immigration and asylum policies than we are. But I am satisfied that the Canadians are addressing border security in a responsible fashion. With the new Conservative government in power in Canada, I am more confident that they will continue to fix the problems in this area left undone by the previous Liberal government.

Finally, it's important to remember that no 9/11 terrorist came from Canada. In the only documented case from Canada—the Millennium bomber—the terrorist was caught by our border officials not because of documentation problems but because of human intuition. Some assert that Canada has at least 50 terror groups present and strongly infer Canada's alleged incompetence for not rounding up these individuals. Yet, they fail to recognize that if these individuals do nothing illegal, you can't arrest or deport people indiscriminately. U.S. authorities believe that there are somewhere between 50 and 100 Hamas and Hezbollah operatives in America and that al-Qaida sleeper cells are believed to be operating in 40 states, awaiting orders and funding for new attacks on U.S. soil. Yet, we haven't arrested these people. Why should Canada be held to a different standard?

When there is evidence of terrorist activity, the Canadians act. Earlier this month, the Royal Mounted Police captured the latest terrorist cell inside Canada, thanks in part to good cooperation with U.S. law enforcement officials, and have acted forcefully and effectively in intercepting these and other terrorists before they can enter into the United States. This is where our efforts should be directed, not in forcing U.S. schoolchildren to obtain a passport simply to play in a Pee-Wee hockey tournament in Thunder Bay. Mr. Chairman, I urge a "no" vote on the Poe amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. POE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The Clerk designated the amendment.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent that the amendment be read in its entirety.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), add the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for "OFFICE OF JUSTICE PROGRAMS—JUSTICE ASSISTANCE" may be used to fund State or local anti-drug task forces that do not collect, and make publicly available, data as to the racial distribution of convictions as result of their operation.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to share with Mr. MOLLOHAN and Mr. WOLF that, as we proceeded through the bill, we recognize the challenges that you face as appropriators and the difficulties of this legislative process in the appropriations process. I want it to be known that I have legislation on this Tulia example that this example or amendment tries to track.

Tulia, Texas, is a community that experienced abuse of power. We always want to celebrate good law enforcement, and they have a tough job. I meet with my local law enforcement. I try to find more resources for them to do their jobs, as I am attempting to do in Houston, Texas, as we work together to provide more funding for some of the challenges we have in the criminal justice system.

But in Tulia, Texas, more than 100 persons in that community were eventually tried and convicted in false drug charges; and it was on the testimony of one single law enforcement officer who ultimately, of course, was removed and himself indicted for perjury.

The Jackson-Lee amendment seeks to restore justice into justice systems by making the operation of federally funded State and local anti-drug task forces more transparent in order to prevent civil rights abuses such as those that occurred in Tulia, Texas, and more recently in Hearne, Texas. Grants for the local State and anti-drug task forces come from the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

I am an ardent proponent of initiatives that strengthen and support our law enforcement agencies. Furthermore, as a member of the Committee on Homeland Security and the Subcommittee on Crime, Terrorism and Homeland Security, I make it a goal whenever possible to advocate for increased funding facilities, better facilities, training and equipment, and for improved interruptible communications for first responders and law enforcement officials.

However, with this amendment, I seek a simple concept, something that is not an extra added burden. The data is already there. I seek to restore the integrity, the honesty, the even-handedness and even judiciousness of our law enforcement agencies by asking them to collect and make publicly available data as to the racial distribution of convictions they garnered as a result of their operations.

The question is whether one population over another is targeted.

By asking for the collection and publication of such data, the Jackson-Lee amendment holds State and local recipients accountable for the manner in which they conduct their anti-drug programs and deter law enforcement agencies or individual rogue cops from engaging in racial profiling if they seek to receive Federal funds under this bill.

Mr. Chairman, first of all, let me say this is not a labeling of our law enforcement on the front line. This is just simply asking for reporting that is prescribed under the amendment that is authorized in law as filed in 42 U.S.C. 3782, 42 U.S.C. 3759 and 42 U.S.C. 3789(e), the Byrne program, as well as 42 U.S.C. 3751 and 3753.

Section 3782 lays out the parameters of the establishment of rules, regulations and procedures that are necessary for exercise of agency functions in carrying out the provisions of Byrne. Specifically, it authorizes a promulgation of rules and regulations that ensure that the entire program has a high probability of improving the criminal justice system and is likely to contribute to the improvement of the criminal justice system and a reduction and prevention of crime.

More importantly, Mr. Chairman, however, the rules and regulations promulgated must help the reporting agencies determine the program's impact on communities and participants. The very negative results of the program that we saw in Tulia and Hearne, Texas, clearly and unequivocally contravene these provisions. The Jackson-Lee amendment seeks to correct this problem.

Mr. Chairman, lives were interrupted. Mothers lost sons and daughters to jail time. I would ask for those who are unfamiliar with this case to just look on the Web site. You will find this is a unique case, when more than 100 people were sent to the judicial system, incarcerated, tried, convicted, and they were innocent. There were people who were not even around that this officer, through funding, testified against.

I would simply ask that this amendment be accepted by my colleagues, because what it does is ask for justice, and it asks for the facts. If you have done the crime, you do the time. We understand that.

But what we want to say is that 15 percent of the African American population of Tulia was arrested, prosecuted, sentenced to decades in prison based on uncorroborated testimony of a federally funded undercover officer who had a record of racial impropriety in the course of enforcing the law. Let us not have this happen again.

I ask my colleagues to support the amendment.

Mr. Chairman, I rise to offer an amendment to H.R. 5672, which states that none of the funds made available in this Act under the heading "Office of Justice Programs—Justice Assistance" may be used to fund State or local anti-drug task forces that do not collect, and make publicly available, data as to the racial distribution of convictions as a result of their operation.

The Jackson-Lee amendment seeks to restore "justice" into the justice system by making the operation of federally funded state and local anti-drug task forces more transparent in order to prevent civil rights abuses such as those that occurred in Tulia, Texas, and more recently in Hearne, Texas.

Grants to fund state and local anti-drug task forces come from the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs (Byrne Program)," in Title 42 U.S.C., Subchapter V. I am an ardent proponent of initiatives that strengthen and support our law enforcement agencies. Furthermore, as a member of the Committee on Homeland Security and the Subcommittee on Crime, Terrorism, and Homeland Security, I make it a goal whenever possible to advocate for increased funding, better facilities, training, and equipment, and for improved interoperable communications for first responders and law enforcement officials.

However, with this amendment, I seek to restore the integrity, honesty, evenhandedness, and judiciousness of our law enforcement agencies by compelling them to collect and make publicly available data as to the racial distribution of convictions they garnered as a result of their operations. By compelling the collection and publication of such data, the Jackson-Lee amendment holds state and local grant recipients accountable for the manner in which they conduct their anti-drug programs and deters law enforcement agencies from engaging in racial profiling if they seek to receive federal funds under this bill.

Mr. Chairman, the type of reporting that is prescribed under my amendment is authorized in law as found in 42 U.S.C. 3782, 42 U.S.C. 3759, and 42 U.S.C. 3789e, the Byrne Program as well as 42 U.S.C. 3751 and 3753.

Section 3782 lays out the parameters of the establishment of rules, regulations, and "procedures that are necessary to the exercise" of agency functions in carrying out the provisions of Byrne. Specifically, it authorizes the promulgation of rules and regulations that ensure that the entire program has a "high probability of improving the criminal justice system" and is "likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime." More importantly, however, the rules and regulations promulgated must help the reporting agencies determine the program's "impact on communities and participants." The very negative results of the program that we saw in Tulia and Hearne, Texas, clearly and unequivocally contravene these provisions, and the Jackson Lee amendment seeks to correct this problem.

Section 3789e contains a report to the President and to Congress that relates to the nature of the activities conducted under this program. The Jackson-Lee amendment seeks to ensure that unethical and dishonest application of anti-drug task forces funded under this program do not slip through the cracks. Mr. Chairman, this amendment is vital to protecting the integrity and the evenhandedness of the activities funded under this program. Many years of Civil Rights jurisprudence and law have been ignored and thrown out the window when America permitted situations such as that in Tulia and Hearne to take place with impunity.

In recent years, it has become clear that programs funded by the Edward Byrne Memorial Justice Assistance Grant program have borne opportunities for the abuse of the penal system, racially disparate treatment, corruption and tainting of law enforcement agencies, and the commission of civil rights abuses across the country. This is especially the case when it comes to the program's funding of hundreds of regional narcotics task forces. Operation of anti-drug task forces around the country, which has lacked state or federal oversight, has been riddled with corruption and is the root of some of America's most horrific law enforcement-related scandals.

One of the better known federally-funded anti-drug task force scandals occurred in Tulia, Texas, several years ago. Fifteen percent of the African American population of Tulia was arrested, prosecuted, and sentenced to decades in prison based on the uncorroborated testimony of a federally-funded undercover officer who had a record of racial impropriety in the course of enforcing the law. The Tulia defendants have since been pardoned, but these kinds of scandals continue to plague the Byrne grant program.

More recently, on May 11, 2005, the District Attorney of Robertson County in Hearne, Texas, and the South Central Texas Narcotics Task Force, in a case filed by the American Civil Liberties Union on behalf of 28 African Americans, offered to settle their case after 5 years of litigation. This case arose from the arrest of 28 individuals—out of 4,500 other residents of Hearne in November 2000 on charges of possession or distribution of crack cocaine. During litigation, the presiding judge was asked to dismiss the charges because they were based on evidence from an unreliable informant, as reported to the Houston Chronicle.

These scandals are not the result of a few "bad apples" in law enforcement; they are the result of a fundamentally and systemically flawed bureaucracy that is prone to corruption by its very structure. Byrne-funded regional anti-drug task forces are federally funded, state managed, and locally staffed, which means they do not really have to answer to anyone. In fact, their ability to perpetuate themselves through asset forfeiture and federal funding makes them unaccountable to local taxpayers and governing bodies.

I urge my colleagues to support this amendment to ensure that state and local law enforcement agencies are held accountable and discouraged from engaging in racial profiling.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriation bill. It, therefore, violates clause 2 of rule XXI. The rule states in pertinent part, "an amendment to a general appropriation bill shall not be in order if changing existing law." The amendment requires a new determination.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes.

THE CHAIRMAN. The gentlewoman is recognized.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I know that procedurally, even though I cite a number of sections which I believe would comply with removing the point of order, might I say that, in the course of the gentleman's response, I would just simply say to him that, because this is such a repetitive incident, such as the one that occurred in Hearne, Texas, and a South Central Texas narcotics case and a case filed by the American Civil Liberties on behalf of 28 African-Americans, that the case was offered to settlement, this case arose from the arrests of 28 individuals out of 4,500 other residents of Hearne in November, 2000, on charges of possession or distribution of crack cocaine.

That, again, was an example where this individual, using Federal monies, had given misinformation to the judicial system. These scandals point out the bad apples. I think this is sufficient.

The CHAIRMAN. The gentlewoman will suspend. The gentlewoman must confine her remarks to the point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will.

I wish there were a waiver of the point of order, but on the basis of the gentleman's point that was made, I hope that we have made our point.

At this point, I will concede the point of order, looking forward for my legislation to pass, and ask to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Total appropriations made in this Act are hereby reduced by $598,390,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 27, 2006, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Colorado.

☐ 1045

Mr. HEFLEY. Mr. Chairman, I rise again today to offer an amendment to cut the level of funding in this appropriations bill by 1 percent. This amount equals more than $598 million, which is one penny off of every dollar appropriated in this bill.

As you know, I have offered these kinds of amendments for most of the appropriation bills that we have considered so far this year, and if they had all been accepted, one penny off a dollar, we would have saved $2.2 billion.

The appropriations made in this particular bill represent an increase of approximately $140 million more than the administration's request for 2007. In addition, this bill also reflects an increase of more than $2.6 billion over last year's appropriations bill, an increase that I think is just unacceptable in light of our deficit.

Mr. Chairman, I would encourage support of the amendment.

I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the gentleman's amendment to cut $598 million from the bill. As the gentleman can see from the debate, and the other amendments offered on the bill, many Members feel the funding for a whole host of programs in this bill is already inadequate. The budget resolution passed by the Congress has imposed upon us a very restrictive spending climate. This amendment constitutes attempts to reopen the decisions we have already made in the budget resolution.

The bill we are considering today stays within the budget resolution framework and represents a lot of hard work and hard decisions to match limited funds to competing national priorities. A number of accounts in the bill are funded very close to the bone. A reduction of 1 percent, many salaries and expenses would have a fairly dramatic and highly negative impact.

I would ask my colleagues to oppose this amendment.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Knowing your history, Mr. Chairman, and many of these important efforts, particularly in the State funding, I just wanted to mention that any 1 percent cut would impact child survival and health programs, global funds to fight AIDS, tuberculosis and malaria, the Development Assistance Fund, the International Disaster and Famine Assistance. These are varied programs that simply cannot afford any more of a cut.

We are obviously fighting international poverty. The U.S. Global Leadership Campaign has been on the Hill this past week. Secretary of State Powell and Secretary Albright have begged us to maintain our investment in these areas. And I can't imagine what a 1 percent cut would do to this very, very small part of the budget, which is 1.2 percent. And I would hope that our colleagues would see the necessity of having a better face or a continuing face to fight against issues dealing with children, HIV/AIDS, tuberculosis, malaria.

I hope that we can oppose this amendment for the devastation it would do to many programs that put the face of America to the world.

Mr. WOLF. Mr. Chairman, I urge a "no" vote on the amendment.

I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I would just point out to the gentlewoman from Texas that these amendments are couched in such a way that they are not 1 percent across the board in every program in any of these bills. It is 1 percent total out of the bottom line or the top line, whichever way you want to say it, in the bill. And that means that the administration, the Department, can look at it and decide what is really needed and what is not. And if you will notice from some of the amendments we have had in the last day or two, this bill is riddled with earmarks for special little projects across the country in various districts. And, frankly, I don't know why the people of Colorado should have to pay for things in other districts that are strictly for those other districts like we had in some of the Flake amendments yesterday.

So we are not talking about a 1 percent. You can always mention, in every bill there is lot of good stuff. I have great respect for the chairman and the ranking member here. They have worked hard on this. There is much that is very, very good that I too would not want cut in this bill. But if we can't find one cent out of every dollar, then I think there is something very wrong.

I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I just want to thank the Chair for presiding very, very fairly and for correcting me on mistakes that I made without people knowing that I made the mistakes. But I think it was always very good to look up there and see your fair face, and you were very, very fair, I think, on both sides. I personally want to thank you very, very much on this bill but on many others that I have watched, but seeing you all day yesterday. So thank you.

Also thank the staff on both sides of the aisle for the great job that they have done and the Members, and again, Congressman HASTINGS, I thank you very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 18 by Mr. POE of Texas.

Amendment No. 7 by Mr. HEFLEY of Colorado.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 18 OFFERED BY MR. POE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 318, not voting 24, as follows:

[Roll No. 347]

AYES—90

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Berry
Bilbray
Bilirakis
Blackburn
Bonner
Bono
Boozman
Boren
Burgess
Buyer
Campbell (CA)
Cantor
Capito
Capuano
Chandler
Chocola
Cramer
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Dent
Doolittle
Duncan
Everett
Foley
Foxx
Gibbons
Gingrey
Goode
Gordon
Graves
Hall
Harris
Hayworth
Hunter
Istook
Jenkins
Jindal
Jones (NC)
Kelly
King (IA)
Lewis (KY)
Linder
LoBiondo
Lynch
Marchant
Matheson
McCaul (TX)
McHenry
McIntyre
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Platts
Poe
Price (GA)
Radanovich
Rogers (AL)
Rohrabacher
Ross
Royce
Saxton
Sessions
Shays
Shuster
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Wamp
Westmoreland
Wilson (SC)
Wu
Young (FL)

NOES—318

Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bass
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Camp (MI)
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gohmert
Gonzalez
Goodlatte
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wynn

NOT VOTING—24

Abercrombie
Bishop (UT)
Cannon
Culberson
Diaz-Balart, L.
Evans
Fitzpatrick (PA)
Ford
Gerlach
Hayes
Holden
Holt
Johnson, Sam
Jones (OH)
Kanjorski
Manzullo
Marshall
Millender-McDonald
Moran (VA)
Olver
Rush
Sherwood
Whitfield
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1118

Ms. KILPATRICK of Michigan, Ms. CARSON and Mrs. McCARTHY and Messrs. TIERNEY, MELANCON, GUTKNECHT and MURPHY changed their vote from "aye" to "no."

Ms. BEAN, Mrs. JO ANN DAVIS of Virginia and Mrs. BONO and Messrs. GORDON, SAXTON, ISTOOK, STEARNS, BOOZMAN, NEUGEBAUER, DAVIS of Tennessee, LYNCH and BOREN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 347, I was unavoidably detained. Had I been present, I would have voted "no."

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 347, I was detained and was unable to get to the floor before the roll closed. Had I been present, I would have voted "no."

(By unanimous consent, Mr. BOEHNER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. BOEHNER. Mr. Chairman, I want to give all the Members an idea of what the schedule for the day is. After the passage of this bill, we will move to the rule on the Deep Water Recovery Act, the OCS bill, and the rule on the resolution with regard to the disclosure of the SWIFT Program. Once those two rules have been considered, there will be votes, and then we will move to the OCS bill and then finally to the resolution.

We expect to complete our week's work by 6 or 6:15 this evening. I am trying to give everyone as much notice as we can. That is the schedule as I see it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Without objection, the 5-minute vote will continue.

There was no objection.

AMENDMENT NO. 7 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 316, not voting 22, as follows:

[Roll No. 348]

AYES—94

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Bilbray
Bilirakis
Blackburn
Burton (IN)
Buyer
Campbell (CA)
Chabot
Chocola
Coble
Cooper
Davis (KY)
Davis (TN)
Deal (GA)
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Foley
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Graves
Green (WI)
Gutknecht
Harris
Hart
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Inglis (SC)
Issa
Jenkins
Jindal
Jones (NC)
Keller
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
McCotter
McHenry
McMorris
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Tiberi
Westmoreland
Wilson (SC)
Young (FL)

NOES—316

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—22

Abercrombie
Bishop (UT)
Brady (TX)
Cannon
Conyers
Culberson
Evans
Fitzpatrick (PA)
Ford
Gerlach
Hayes
Holden
Holt
Johnson, Sam
Jones (OH)
Kanjorski
Manzullo
Marshall
Moore (WI)
Rush
Sherwood
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1127

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, the Clerk will read the last lines.

The Clerk read as follows:

This Act may be cited as the "Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2007".

Mr. FARR. Mr. Chairman, I rise today in strong support of the United Nations.

The mission of the U.N. today is as relevant as it was in 1945 when this global forum was established: preserving peace through international cooperation and collective security. Cutting U.S. funding to the U.N. not only undermines the efforts of the U.N. but also reduces the United State's ability to influence reform at the U.N. Government entities by their very own definition are not perfect institutions, and the U.N. is no exception. But the U.N. is actively engaged in review and assessment of its organizations to ensure that they are effective and consistent with the core mission. The U.N. has already taken some important steps in much needed reform, like the creation of an ethics office. It has created new bodies to address the new threats of the 21st century, like the Peacebuilding Commission that will work to assist countries in the difficult transition from conflict to sustainable peace. I believe that the U.S. must be an active participant in the U.N., and push for appropriate reforms that make the U.N. more responsive to the changing challenges of the 21st century. The U.S. and Congress in particular, can support these reform efforts by robustly funding the U.N. and not undermining U.S. standing at the U.N. with amendments and rhetoric that unnecessarily criticize the U.N. without assigning any value to the important work they do.

Now more than ever, the world needs the United Nations to be successful.

Mr. LEVIN. I rise to point out a serious shortcoming in the FY07 Science, State, Justice, Commerce Appropriations bill. Manufacturing has a proud history in this country as the engine that created our middle class—a source of good jobs, steady benefits, and quality products for consumers. While I will support the overall bill, I am concerned that it does not provide adequate resources for the Manufacturing Extension Partnership, or MEP.

MEP is a small, but proven program that helps small manufacturers compete globally by giving them access to technologies and processes that improve their productivity and their products.

By proposing to cut MEP by more than 50 percent, the President has again demonstrated his upside-down priorities and refused to acknowledge the manufacturing jobs crisis in this country. Since 2001, manufacturing states like Michigan have lost a median 17 percent of their manufacturing jobs—an average of more than 75,000 jobs per state. Yet the Bush Administration has ignored the importance of preserving our manufacturing base at every turn—refusing to enforce U.S. trading rights here and overseas, failing to take advantage of opportunities to create new markets for American goods, and repeatedly proposing funding cuts for programs that spur innovation and forward progress here at home.

I understand that the Subcommittee has tried to do its best with inadequate resources, and I appreciate that the $92 million provided for MEP in the bill is a significant improvement over the President's request. But we have to do more than turn a 50 percent cut into a 15 percent cut.

I hope that as this bill moves forward, we will be able to restore funding for MEP to the current level of $106 million. The consequences of not doing so are serious: 2,100 fewer manufacturers would receive MEP's valuable services, resulting in 5,760 fewer manufacturing jobs in this country. By way of comparison, last year in Michigan alone, MEP helped create or retain almost 2,000 jobs and almost $190 million in sales.

In a word, fully restoring funding for MEP to the current level is critical. It is critical to our small manufacturers and to the workers and families that rely on them.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the Science, State Justice and Commerce Appropriations bill for Fiscal 2007 and commend the Chairmen and Ranking Members of the full committee and the subcommittee for producing a bill that is worthy of support.

While there are many laudable provisions of this bill, I would like to turn the House's attention to an amendment offered in full committee last week by the gentleman from New York, Mr. SWEENEY.

My colleagues, many American families have long stood vigil on behalf of their family members who were murdered on December 21, 1988 on Pan Am 103 over Lockerbie Scotland. We must never forget the pain and suffering of the families affected by this horrible act and Muammar Qadhafi and others must be held responsible.

It is our job today to ensure that America requires Libya to fully honor its commitment to the victims of Pan Am 103.

In recent years, the Libyan government has come forward and expressed an interest in becoming a member of the international community.

However, at the same time, I remain concerned that Libya has yet to meet its financial commitments to the families of the Americans killed in Pan Am Flight 103 and may be implying that all claims in this case are settled.

It is imperative that the Libyan government meet its commitments before diplomatic relations are restored. We must be resolute in the face of terrorism and we must hold Libya to their commitment to their victims' families.

As we are aware, Libya made a commitment in 2003 to pay compensation to these families in the amount of $2.7 billion. While part of that package has been paid, $536 million of the settlement is still outstanding.

Under the agreement reached with the families, this money was to be paid upon Libya's removal from the list of state sponsors of terror. Now that this has happened, the United States Government must stand on principle and prevent our families from being victimized again.

The Sweeney amendment has a simple purpose—to bar our Government from funding any activity related to restoring diplomatic relations with Libya until Libya honors the financial commitments it made to the families of the victims of the 1988 bombing of Pan Am flight 103.

And, even more important than the financial obligation is the need to bring those responsible for the destruction of Flight 103 to justice. Money can never compensate for the cold-blooded murders by state-sponsored acts of terror.

Mr Chairman, I urge support for the amendment and the base appropriations bill.

Mr. STARK. Mr. Chairman, I oppose the Science, State, Justice, Commerce, and Related Agencies Appropriations Act for fiscal year 2007 because I refuse to pretend that partially restoring the President's reckless cuts to important programs is the best we can do. We are administering death by a thousand cuts to the basic functions of government to finance tax breaks for millionaires and an open-ended war in Iraq. And we're going to borrow over $300 billion to do it.

In this bill, I find particularly objectionable the $563 million cut from the National Oceanic and Atmospheric Administration, including a $47 million cut from the Pacific Coast Salmon Recovery Fund; the $20 million cut from economic development projects in distressed areas; and the $117 million cut for dues to the United Nations and other international organizations. The bill robs from these and other critical programs to avoid eliminating assistance to state and local law enforcement, as requested by the President, although law enforcement still suffers a $150 million cut from last year.

I urge my colleagues to join me in rejecting this bill to force the Bush Administration and Republican Congress to start making responsible choices with the American people's money.

Mrs. MALONEY. Mr. Chairman, I rise today to express my support for H.R. 5672, the Science-State-Justice Commerce Appropriations bill.

This legislation includes approximately $176,000,000 for a DNA analysis and capacity enhancement program and other local, State, and Federal forensic activities. Of this funding, not less than $151,000,000 is directed toward the Debbie Smith DNA Backlog Grant Program which help to reduce and eliminate the backlog of DNA samples and increase State and local DNA laboratory capacity.

I met Debbie Smith five years ago when she came to Washington to testify at a hearing about the importance of DNA evidence. The evidence collected from her rape sat on a shelf for years waiting to be analyzed. After hearing her story, I resolved to do something about the hundreds of thousands of rape kits that were sitting on shelves, unanalyzed, because of a lack of funding. "The Debbie Smith Act" became law in 2004, and with the critical funding provided by Congress, DNA evidence will be analyzed and rapists put behind bars. I commend Chairman WOLF and Ranking Member MOLLOHAN for their steadfast support for this issue.

I also am pleased that this legislation contains $21,488,000 to enhance State and local efforts to combat trafficking of persons, as authorized by legislation that I sponsored with Representative DEBORAH PRYCE (R–OH), the "End Demand for Sex Trafficking Act." This funding will also go toward conducting comprehensive research and statistical review of sex trafficking and unlawful commercial sex acts in the United States.

Approximately 600,000 to 800,000 people are trafficked across international borders each year. However, trafficking is not just a problem in other countries. Each year, men, women, and children from all over the world are brought into the United States for the sole purpose of being bought and sold by American citizens for commercial sex. And the victims are often Americans.

I have worked on the trafficking issue for many years including working to stop sex tour operators like Big Apple Oriental Tours, which is based in New York City, from sexually exploiting impoverished women and girls in developing countries.

It is important that we protect the victims of the sex trade industry, and punish the predators that exploit them. This funding is an important step in preventing the many human rights abuses inflicted on men, women, and children around the world.

I urge my colleagues to support this legislation.

Mr. WOLF Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GINGREY) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 890, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 23, not voting 16, as follows:

[Roll No. 349]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot

Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—23

Cooper
Delahunt
Duncan
Eshoo
Flake
Franks (AZ)
Green (WI)
Hefley
Hensarling
Hostettler
Jones (NC)
Matheson
Miller, George
Paul
Pence
Petri
Ryan (WI)
Sensenbrenner
Shadegg
Stark
Tanner
Taylor (MS)
Thompson (CA)

NOT VOTING—16

Bishop (UT)
Cannon
Clyburn
Evans
Fitzpatrick (PA)
Ford
Gerlach
Hayes
Holden
Holt
Johnson, Sam
Kanjorski
Manzullo
Marshall
Sherwood
Woolsey

□ 1146

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4761, DEEP OCEAN ENERGY RESOURCES ACT OF 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 897 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 897

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. House Resolutions 162, 163, 181, 182, 393, 395, 400, 401, 468, and 620 are laid upon the table.

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The Rules Committee granted a fair rule for consideration of H.R. 4761 providing for 1 hour of debate equally divided and controlled between the Chair and the ranking member of the Committee on Resources.

The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered read.

The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Resources.

The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution and provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in the report and provides one motion to recommit, with or without instructions.

The rule provides that House Resolutions 162, 163, 181, 182, 393, 395, 400, 401, 468 and 620 are laid upon the table.

Mr. Speaker, this Nation faces an energy crisis that is impacting our constituents across the country. In my district of West Virginia, many lower and middle income citizens, especially our seniors on fixed incomes, are being impacted by the soaring prices at the pump and rising home heating costs. Not only does this blow a hole in the budgets of many families, it also has an impact on the Federal budget; and correctly, in my view, we sought to increase the funds for LIHEAP to help those in the lower and middle income range.

The crisis also impacts jobs. Energy prices make adding jobs more challenging for small business owners as their transportation and energy costs skyrocket. The impact has been felt by larger, community sustaining industries.

The Kanawha Valley in my district has long been one of the largest centers of the Nation's chemical industry. These chemical plants use natural gas as both an energy source and as a feedstock. The cost of energy is one factor that has led to job losses in this important industry and has decimated the large chemical industry in the Kanawha Valley. These jobs have gone overseas.

The American Chemistry Council estimates that since the price of natural gas began to spike the chemical industry has lost more than $60 billion to foreign competitors because investors are wary of expensive natural gas in the United States. This has cost over 100,000 jobs nationwide in the chemical industry, about 10 percent of that total industry workforce.

Last month, hundreds of employees from West Virginia chemical plants wrote me asking that Congress pass legislation to allow drilling in the outer Continental Shelf as a means of preserving their jobs. Mr. Speaker, we must reduce our reliance on foreign oil and make commonsense use of our domestic energy resources in order to protect these West Virginians and others like them across the country.

H.R. 4761 takes a commonsense approach in making use of our country's energy resources along the outer Continental Shelf to help meet our vast energy needs. The legislation passed the Resources Committee by an overwhelmingly bipartisan vote of 29-9, and I am proud to be one of the 112 cosponsors of this bill.

This legislation will impact the price consumers pay at the pump. I know every Member of Congress, and all of us, are feeling the pain when we go to the pump. Natural gas prices are set on a local, not a global, market. The United States pays the highest natural gas prices in the world, and it is no surprise that countries that make use of their own natural gas reserves pay the lowest prices. We can make a real difference for consumers by passing this bill.

Many of my colleagues will talk about addressing alternative fuels as a means to solving our energy crisis, and I certainly agree this must be part of the solution. The Department of Ag estimates that 20 percent of the corn grown in the United States this year will be used for ethanol production, but growing corn demands fertilizer, produced by the chemical industry, that uses natural gas as their feedstock and energy source. Passing this legislation today will make sure that ethanol producers have access to the fertilizer they need to increase our supply of this important alternative fuel.

Contrary to what some will say on the floor today, this legislation will not harm the environment. The Minerals Management Service reports that, since 1980, 4.7 billion barrels of oil have been produced offshore with a spill rate of one-thousandth of 1 percent. According to the National Academy of Science, these spills account for only 2 percent of petroleum put into North American waters, while 62 percent comes from natural seepage.

The legislation takes into account the legitimate interests of coastal States, and we are going to hear a lot of debate on this point as well. Any State will be able to stop production from occurring within 100 miles of its shores should it choose to do so. This will keep drilling further offshore than other countries. By comparison, Ireland blocks drilling within 45 miles; the United Kingdom and Norway, 40 miles; the Netherlands, 20 miles; Scotland, 10 miles. Our neighbor to the north has permitted drilling in the coastal waters for years.

If State officials decide to allow production, they will share the royalties. This revenue-sharing provision is appropriate, given the devastation many States suffered from hurricanes last year. Allowing them to share in the royalties from outer Continental Shelf drilling will benefit this devastated region, while at the same time helping to lower energy costs to consumers across the Nation.

Mr. Speaker, our Nation's policy on drilling in the outer Continental Shelf is outdated, and many of those in the press have written editorials stating that. We saw last year the result of a policy that put all of our eggs in one basket, in the western portion of the Gulf of Mexico, when hurricanes knocked out one-quarter of the total domestic oil and natural gas production.

This will be an important debate today. We can support this legislation because it is important to protect the jobs, help families with heating bills, all the while protecting the environment and preserving States rights, or we can allow vast energy supplies to go untapped while we complain and seek and find no solutions about the cost and the supply of energy.

My colleagues should join me here in taking action by passing this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend Mrs. CAPITO for the time.

I ask two questions of my colleagues here today. One, what is the emergency and can anybody that supports this measure tell me that it is going to bring down the price of gasoline at the pump? If we already own all of this, and we do, and if 80 percent of it is under lease and drilled as it is, then what is the emergency? Why can we not wait until such time as there is either a national or a military emergency?

Gas prices, you bet, but ask Jane Lunch Bucket, is this going to bring down the price of gasoline at the pump?

Sometimes, Mr. Speaker, it is better for others to speak for you; and in this case I choose to let the editorial boards representing the newspapers across my great State of Florida, which have universally, universally come out against this dangerous bill. These are papers which represent views of Floridians from the Panhandle to the Keys and in all parts in between. From Orlando to Opa Loka and from Pensacola and Panama City to Pahokee to Key West and Kissimmee, Floridians agree that this would be bad for the environment, bad for tourism, bad for business and a black eye for generations to come.

☐ 1200

The Orlando Sentinel said this week about this bill: "House Members from Florida who support this bill are portraying it as the best deal the State can hope for, given the growing pressure to drill for oil and gas at home. Never mind the fact that the United States has only a small percentage of the world's reserves of those fuels. Congress could do more to solve the Nation's energy crunch with stronger measures to conserve energy and promote the development and use of alternative fuels. It doesn't have to imperil Florida's environment and economy. Florida's two U.S. Senators, Democrat BILL NELSON and Republican MEL MARTINEZ, say they are reserving the right to filibuster the measure if it reaches the Senate. But it needn't come to that. Florida's House delegation and other Members in that Chamber who support an environmentally and economically sensible energy policy need to kill this bill."

The St. Petersburg Times had this to say: "The oil industry's," and I am paraphrasing, "minions in the U.S.

House are still scheming to open Florida's coast to offshore drilling. That is not surprising, considering their disdain for environmental protection. What is unforgivable," unforgivable, the St. Pete Times says, "is that some Florida Representatives appear to be in league with them and are more atuned to the politics of Washington than the realities of Florida. Some other Florida Republican Members seem to think defeat is inevitable, so they might as well cut a deal that would undermine the protection of our beaches. Unfortunately, saying so could make it so. If Floridians value their beautiful beaches, clean coastal waters and tourism economy, then the time to give in to the hysteria to drill is never."

The Palm Beach Post added this: "Protecting Florida's coasts under the bill wouldn't be enough. Because oil spills could be carried on ocean currents, what happens in States that opt to allow drilling closer to shore could affect other States with stricter rules. A spill in the eastern gulf, for example, could travel to Panhandle beaches, to Florida's Keys, or to east coast beaches as far north as Cape Canaveral. The cover story is that disruption from Hurricane Katrina showed why the Nation needs new sources of energy. But why put new sources in the same storm path? The majority's bill, or the bill as authored, and some of them as sponsors, has one of the worst environmental records in Congress," according to this newspaper.

"Florida's tourism industry places the State in a unique position. Opposing this bill isn't good just for the environment. It's good for business."

Mr. Speaker, I wish I had time to continue quoting from other Florida newspapers, but I think the point has been made and made and made again. While we are here now debating whether we should open up Florida and California, and maybe New York, Massachusetts, Georgia, and Maine, to oil drilling, we already have debated Alaska, and doubtless others are to come.

But it was our colleague, Mr. BOEHLERT, who has pointed out that through 18 months of this Congress we have brought up all sorts of ways to drill in this country but not one, not one bill that would look at alternatives or do anything about conservation. Pretty telling, don't you think?

I asked one of my Republican colleagues last night what his opinion on this bill would be if it meant drilling in the heart of his district, one of the most environmentally unique ecosystems that we have in this country. I give him credit for consistency. We were on the elevator leaving the Rules Committee at midnight, and he flatout told me if there was some oil or gas to get there, so be it.

Wow. This is truly frightening. I hope the American people are listening. A Member of Congress, and there are others like him, potentially thinks that we should put oil derricks on every street corner, I gather, in the country if there is even a chance we might get a teaspoon of oil out of it.

Mr. Speaker, I know there are others who want to speak on this irresponsible bill, so I am not going to use more of my time. But trust me, as a fifth-generation Floridian, as a person deeply concerned about our environment in this world as well as in Florida, and a Member of Congress that represents more small businesses than all but two other Congresspersons in this body, according to the Small Business Administration, I oppose this rule for the bill we will soon consider, which I consider to be reckless.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I would like to remind the gentleman that States will have the opportunity in this bill to opt out if they do not wish to have the drilling occur along their coastlines.

Also, I would like to remind the gentleman that I represent West Virginia. We value our mountains, but we dig coal from our mountains every single day so that people around this country can turn on their lights and use their air-conditioning.

We are talking about a Nation here in need of energy resources. And I am not sure if he has ever seen a natural gas well, but it is not like an oil derrick in the middle of a town. It can be done in a very disruptive and very clean way.

Mr. Speaker, I yield time now to my friend from Florida (Mr. KELLER), 2 minutes.

Mr. KELLER. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding.

Mr. Speaker, I rise in support of the rule and the legislation. I represent Orlando, Florida, the world's number one vacation destination. It would devastate our tourism-based economy if gas prices ever reached $4 a gallon. Similarly, it would also hurt tourism if there was an oil spill right next to our beautiful beaches.

This legislation strikes the appropriate balance of protecting Florida's beaches with a 100-mile buffer while also reducing our dependence on foreign oil. That is why it is supported by Governor Jeb Bush and The Washington Post editorial board.

The most significant aspect of this bill is that it gives Florida home court advantage on all future decisions regarding offshore drilling. For the first time in history, there will be a 100-mile buffer around the entire State of Florida, controlled by Floridians.

Here is the math: Floridians make up 100 percent of the State legislature, but only 5 percent of the U.S. Congress. Would you rather have Florida offshore drilling decisions made by a Florida State representative from Clearwater or by a drill-happy U.S. Congressman from Texas?

Mr. Speaker, it is easy to demagogue this issue by saying we should do nothing if the bill isn't perfect. Well, here is some straight talk. We don't have the luxury of doing nothing. If we don't act, drilling will be allowed only 3 miles off Florida's east coast beaches. On the other hand, if we do act, we will get 100 miles of protection for all of Florida's beaches and put future decisions about drilling in the hands of Floridians.

Mr. Speaker, opposition to this bill on environmental grounds is not justified. First, the industry's safety record for exploration is impressive. For example, oil rigs in the western half of the Gulf of Mexico endured Hurricane Katrina without any spills.

Second, according to the Washington Post editorial board, not allowing any drilling whatsoever past the 100 mile mark may increase the danger of oil spills because it means more incoming traffic from oil tankers, which are riskier than oil rigs. As you recall, the Exxon-Valdez accident was an oil tanker, not an oil rig.

Mr. Speaker, I urge my colleagues to vote "yes" on the rule and on the bill, and I commend Congressmen PUTNAM and RICHARD POMBO for getting this bill in the strike zone.

Mr. HASTINGS of Florida. Mr. Speaker, I serve on the Rules Committee with the distinguished gentlewoman, my good friend, Ms. MATSUI from California, Sacramento and that area, who understands environmental consequences. I am pleased and privileged to yield 3 minutes to the gentlewoman from California.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

The Pacific Ocean is synonymous with California. California's beaches are world renowned tourist destinations. People from my hometown of Sacramento can attest to the beauty of nearby Stinson and Dillon Beaches, of Point Reyes and Capitola near Santa Cruz. But our coasts are more than playgrounds. We Californians consider them to be national treasures, and we certainly wouldn't sell them off to oil developers.

But that is a major element of what this bill before us proposes to do. This legislation tempts States to sell off their natural heritage by presenting a false choice between Federal dollars and their coastlines. Even worse, the closer to shore a cash-strapped State allows drilling, the more money it stands to receive. In other words, the more intrusive the drilling, the larger the payoff.

The fact is, Mr. Speaker, we simply don't need to expand our drilling capacity. Eighty percent of our Nation's offshore oil and gas reserves are already open for drilling. Energy companies hold over 6,000 unused leases in these waters. There is no reason to overturn a 25-year-old bipartisan drilling moratorium when we haven't even utilized our existing capacity yet.

Providing less expensive energy to our constituents and reducing our dependence on foreign oil should be one of Congress' top priorities, but we cannot drill our way to energy independence as some claim.

Sadly, we should have expected such an idea from a Congress that continues to rely on the same tired and misguided drilling-only approach. This strategy has been the defining element of our failed energy policy for the last 6 years.

America can do better, but today's proposal takes us in the wrong direction. Instead of drilling off our coasts, we should devote resources to encouraging renewable energy use and to perform innovative research on advanced technologies.

Mr. Speaker, on the Science Committee we worked together in a bipartisan way to create a balanced and forward-looking policy. For instance, earlier this week, the committee approved legislation to authorize alternative energy development programs.

Unfortunately, it seems that today's legislation has been narrowly written to benefit oil interests at the expense of States like mine. We should follow the example of the Science Committee, Mr. Speaker, and rely on emerging research and proven scientific fact. Both of these will demonstrate that we do not, we should not, drill off our coasts.

Increasing our energy independence should be the first great policy challenge our country addresses in the 21st century. We would be well advised to consider forward-looking energy proposals. Revisiting old arguments and despoiling national treasures wastes a golden opportunity to put our Nation on a course towards energy independence and responsible environmental stewardship.

I urge my colleagues to defeat this misguided and unnecessary legislation.

Mrs. CAPITO. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today in support of the rule and of H.R. 4761, the Deep Ocean Energy Resources Act. I could stand up here and talk about some astounding facts, but the bottom line is we need to be more dependent on ourselves and not somebody else.

Our current energy supply simply does not meet our growing demand. The solution is to reduce our dependency on foreign sources of energy. That is the solution. National security and national interests begin right here at home, and we need to be more self-reliant and energy independent.

My home State of South Carolina has many great resources off its coast, and I am pleased that this legislation grants power to the States that allows them to dictate energy initiatives.

Keeping this country both safe and strong is a pledge that I made and a pledge that I will keep. I urge my colleagues to vote for the rule and the underlying legislation that keeps our Nation safe and moves us toward energy independence.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to my good friend from Maine, a gentleman who has some understanding of fisheries and coastlines, 2 minutes to Representative ALLEN.

Mr. ALLEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule and to the underlying bill, H.R. 4761, the Deep Ocean Energy Resources Act. I urge all of my colleagues to oppose this environmentally reckless and fiscally irresponsible attempt to bribe State governments to allow drilling off our coasts.

There is more to the sea than just oil and gas. For more than three centuries, Maine fishermen have made their living from the ocean. The fishing community represents the heritage and social fabric of my State, and it has been that way for more than 300 years.

□ 1215

Oil derricks and gas platforms on Georges Bank would despoil this abundant fishing ground. The pollution associated with deep sea oil and gas exploration would devastate the already suffering ground fish industry. It would undoubtedly impact other species as well, and to what end?

The United States has 3 percent of the world's population and consumes 25 percent of the world's fossil fuel. We cannot drill our way out of that equation. There has got to be a better way.

Instead of bringing back tired old ideas, we should be pushing for new technologies, for incentives for renewable energy sources and for cleaner, more abundant fuels. Drilling off our coast is not the answer. I urge my colleagues to oppose this legislation.

Mrs. CAPITO. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I rise in strong support of this rule and the underlying bill, H.R. 4761, the Deep Ocean Energy Resources Act. It is a commonsense bipartisan strategy that would reduce record high energy prices and America's dependence on foreign sources of energy.

For too long, special interests here in Washington have contributed to higher energy costs by blocking access to our domestic natural resources. We all know gasoline is expensive. Home heating costs have increased by 20 to 40 percent. The price of natural gas in the U.S. is $10 more expensive than in China and Japan and even a greater differential in places like Iran, Russia and Argentina.

This commodity is a key component to the U.S. agricultural sector, the feedstock for fertilizer. Natural gas is estimated to consume 30 percent of a farmer's production costs. Moreover, natural gas is absolutely critical in manufacturing renewable fuels, accounting for 17 percent of ethanol production costs.

Sixty percent of the energy consumed in the U.S. is imported from other countries. As a result, our economic and national security is at risk. In fact, many natural-gas-dependent production facilities are shutting down and moving their operations overseas in order to escape this rising cost squeeze.

In order to provide relief for our constituents and ensure farmers have the ability to produce the crops and process the food that feeds the world, we must utilize the energy available closest to home.

Removing an outdated prohibition on energy production 100 miles from America's coastline, while preserving the rights of States to determine production areas within that boundary, is a practical approach that will have an immediate impact. Please vote in favor of this bill. It is a strong signal of support to our U.S. consumers, farmers and agri-businesses.

I urge my colleagues to support the rule and support final passage of the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from California (Mrs. CAPPS) who knows a little bit about the coastline, being from Santa Barbara.

Mrs. CAPPS. Mr. Speaker, I rise in strong opposition to this rule.

Over the years I have served in this body, I have heard Members from both sides of the aisle talk about the benefits of democracy. Last night, for example, Mr. DIAZ-BALART spoke quite movingly about the importance of democracy during consideration of an amendment to end bilingual voting. He spoke of, and I quote, that sacred right, that is, voting.

Today, with this rule, we see that this sacred right doesn't really extend to Members of the House of Representatives. The rule before us brings up a bill being furiously rewritten in the dead of night. It is unclear what some of these amendments or what their provisions really mean, and the House is certainly not being given a fair opportunity to consider competing views, other than that put forward by the Republican leadership.

H.R. 4671 affects some very important issues, our energy future, the preservation of our ocean resources, the impact on our budget. Yet this rule stifles debate and limits our understanding of how the bill affects these important issues and more.

The underlying bill is unnecessary, environmentally damaging, fiscally irresponsible. In addition to being irresponsible, it is also deceptive. Although the legislation has been in the works for months, as of 10:30 this morning, we still don't have a CBO score.

If you read the paragraph in the bill that describes it, you can't figure out, but you do know that it is fuzzy math, that it hides the true costs. The only thing that is clear is it postpones the bill's cost until later. It is a raid, this bill, on the Treasury, jeopardizing coastal environments and economies.

Mr. Speaker, time and time again this leadership brings bills to the floor with rules that skew our choices. It is undemocratic, it is cowardly, it is wrecking America. Afraid of losing and certain that their weak arguments can't carry the day, the Republican leadership abuses its power and degrades this institution and democracy. Members who continually vote for such stifled debate aid and abet this corruption.

We can do better. Vote down this rule. Restore democracy to the House.

Mrs. CAPITO. Mr. Speaker, it is my honor to yield 2 minutes to the champion of this bill and a champion for rural America, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to support the bill and the rule.

The gentleman from Florida a few moments ago asked a fair question. He said, what is the emergency? I believe it is an emergency. We talk about gasoline prices. We don't often talk about natural gas prices.

Natural gas prices historically were $2 per thousand in this country up until 5 years ago. Last year, that average price was $9.50. You have already heard it is threatening the absolute viability of aluminum, steel, petrochemical, polymers, plastics, fertilizer, bricks, glass, who use huge amounts of natural gas not only in making them but as an ingredient.

This country cannot compete in the global marketplace without affordable natural gas. We can't drill our way out of the oil crisis, and we shouldn't try. Natural gas is a commodity this country is rich in. Our Outer Continental Shelf is loaded. It could supply us for decades and could make our seniors able to heat their homes, our companies able to be profitable and compete.

Yes, natural gas is the resource we need to focus on. It should be our bridge to the future. It will keep us competitive until the renewables become a much bigger part of our energy portfolio.

I ask the colleagues that oppose this bill, show me a natural gas well that has ever polluted a beach. Natural gas is America's cleanest, almost-perfect fuel, no NO_x, almost no SO_x, a fourth of the Co_2.

Folks, natural gas is the milk of America's future, the milk of our industry, the baby, mother's milk. We need to produce energy. We need to have affordable energy for people to heat their homes, and we need to have energy so our industries can stay alive and not be sending us goods from foreign countries.

Mr. HASTINGS of Florida. As I recall, my friend from Pleasantville and Happy Valley wanted drilling 3 miles out, he perceives it as such an emergency.

I find it strange that people that live so far away from the potential problem have all of the correct answers. If we were drilling in Happy Valley outside of Penn State, you would be down here concerned, as I am, and Ms. LEE, who comes from San Francisco Bay in Oakland, California, who understands something about drilling.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank the gentleman for yielding and for your clarity about what it really means to be energy independent. Talk about beating a dead horse. Instead of getting tough with the administration's oil and gas cronies, Republicans once again want to reward them with even more public giveaways.

First it was ANWR, now the Outer Continental Shelf. Republicans would put an oil well on the White House lawn if they could get away with it. Instead of trotting out the same tired arguments about how the government is oppressing the oil and the gas industry by restricting their right to drill, we need a real energy plan that is good for the public, good for business and good for the environment.

Democrats know we can't drill our way to energy independence. We know that providing energy efficiency incentives will help United States businesses compete long term in the global marketplace. We know that raising CAFE standards will save more energy over the next 20 years than new drilling will produce, and we know that making a profit is not really a license to gouge customers. We have a real plan. Unfortunately, Republicans only promise more of the same.

I oppose the rule; I oppose the bill.

Mrs. CAPITO. Mr. Speaker, it is my honor to yield 3 minutes to the chairman of the Science Committee, the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, the way the House is handling offshore oil drilling today pretty much defines "travesty." For the first time in more than a generation, we are going to vote on opening the entire coastline of the United States to oil and natural gas drilling. You think that would be considered a rather major matter that requires some thoughtful discussion. But that is not how we are handling it. Instead, we are going to debate legislation that is being rushed through the House.

The base bill we are discussing, and the report on it, which includes the cost estimate, were not filed until Monday. Once folks got a look at the text and the cost estimate, opposition pressure mounted, so the bill needed to be rewritten. That rewriting continued well into the night last evening.

So the rule makes in order a manager's amendment that includes massive changes in the bill that no one was able to see until after midnight.

Is this a process we can be proud of? It seems all one has to do around here is use the word "oil" for the sanctity of the democratic process to simply slip away. The process we are using today gives new meaning to the phrase "oil slick."

Now, some may say, oh, come on, people know whether they are for or against offshore drilling. We don't need a lot of time.

Well, this bill doesn't just allow offshore drilling. It changes all the rules on approving oil drilling in areas where it is allowed. It changes all the maps for State marine boundaries. Did you know that? Probably not, because the new maps aren't publicly available. It changes all the ways that royalty funds are distributed. It gives additional royalty breaks to oil companies. It is a complex bill with many unprecedented provisions that most Members know nothing about.

When we point out these troubling provisions, the sponsors of the bill don't defend them. They try to deny that they are there. The remedy is to read the bill, but we are not giving anyone time to do that.

Did you know, for example, that under the bill if the Secretary of the Interior opposes some future law because it limits drilling in any way, the Secretary can cut off all aid to States to try to get them to see the law his way?

That is an unusual idea, to say the least.

Did you know that the bill subordinates every other use of coastal waters to oil drilling, blocking any effort to use waters in a way that could ever limit drilling in any way? That is what the bill says. It blocks any actions ever that could interfere with drilling.

If the bill ever becomes law, your constituents will be up in arms about just about every provision, because the law gives oil interests the ability to trample everyone else's right.

This is a bad bill that we are considering today.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to my friend from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, this is a very memorable day, as far as I am concerned, with the hopes not only for the passage of this legislation but for the people of Louisiana and for the people of this country.

I know there are questions about the environment. Those have been around for 25 or 30 years.

If you look at the record of the offshore oil industry, it has been very good. As a matter of fact, it has been excellent in the last 25 years. There have been more oil spills from ships and tank farms on land than there has been oil in the coastal waters of Louisiana and the Gulf of Mexico.

I want to thank Chairman POMBO and Ranking Member RAHALL for their working together. Even though there may be some differences between the parties and between the ranking member and the chairman, they have worked together to bring a bill that will do good for America.

If you are happy with $3 plus a gallon of gas, if you are happy because your friends are being laid off from the petrochemical industry as those plants move to Saudi Arabia and other places where they get cheap natural gas, if you are happy to hear that our senior citizens up north, particularly, are living at 55 degrees on their thermostats, I don't think that is the way it should have been.

☐ 1230

For 25 years, observing this Congress, being a citizen of Louisiana, that has been producing gas and oil for over 50 years, it is great to see that we have finally brought something to the floor for this Congress to act on, because up until today, the policy of this Congress has been to just say no; and we can no longer do that. The independence of this country, the security of this country is premised on the fact that we can defend ourselves, that we can feed our folks, and that we can supply the fuel and the energy that is needed to drive this Nation.

This may not be a panacea that will come tomorrow. But it will be a process or a point that will bring us into the future with hope that we can be energy independent and be a safe and secure Nation and defend ourselves without having to worry about getting our oil in tankers from countries that don't necessarily like us. It will mean a safe, secure America.

Mrs. CAPITO. Mr. Speaker, it is my honor to recognize and yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the rule. During consideration of the bill, I will be offering an amendment with several of my Florida colleagues; and I want to thank the Rules Committee for making the important amendment in order.

While some use political rhetoric to say "do nothing," some of us for months have worked diligently to craft solid statutory protections for Florida and other coastal States.

Opposition to drilling on the Outer Continental Shelf is particularly strong in Florida, due to the potentially devastating consequences it could have for our economy, natural resources, and quality of life.

I want to thank Resources Committee Chairman RICHARD POMBO and his staff for their willingness to work with me, Governor Jeb Bush, Congressman PUTNAM and other members of the Florida delegation on the very sensitive issue of offshore drilling.

While I applaud the efforts of the Resources Committee to allow States to determine whether or not drilling occurs closest to their coastlines, I believe that if we truly, truly want to maximize the ability of States to protect their own coastlines, they should have to opt in to drilling, as opposed to being required to opt out of drilling.

Therefore, the amendment my colleagues and I will be offering today provides States with a true opt in, meaning that drilling could only occur if a State requests leasing.

Our amendment also expands the true opt in protection from 100 miles to 125 miles. While some States may choose to allow drilling close to their shores, those States can still do so under this amendment. They are not precluded from doing so. We believe that States that want to protect their shores from drilling should be able to do so to the maximum degree possible.

I urge my colleagues to support the Bilirakis/Wasserman Schultz/Young/Brown-Waite/ Harris/Wexler/Mario Diaz-Balart/Stearns amendment to H.R. 4761 and give States real control, real, solid, true, statutory control over whether or not drilling occurs off their coastlines.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3½ minutes to my good friend from Massachusetts (Mr. MARKEY). He is a former ranking member of the Resources Committee, and has, in my judgment, extraordinary clarity regarding the issue of the day here in Congress.

Mr. MARKEY. Mr. Speaker, I hear the Republicans saying, it is time for us to drill in the Outer Continental Shelf; it is time for us to look for the oil and the gas.

Well, it turns out that under existing law, you can already drill on 80 percent of the land on the Outer Continental Shelf, where the Minerals Management Service has found oil and gas. The leases have already been given away, or they are available for bidding.

So what's the issue really all about if 80 percent of the Outer Continental Shelf where the oil and gas is is already available? And that is what they are not telling you.

This is an issue about Alabama, Mississippi, Louisiana and Texas changing the formula. The Minerals Management Service tells us that under this formula change, $600 billion, which was going to go to the Federal Treasury for Medicaid, for education, to help people who need it in their own homes, is now going to go to four States. So if you come from these four States, you vote for this bill, you get $600 billion. But if you come from the other 46 States, you are losing money on this deal, ladies and gentlemen. The money is coming out of your pocket, and it is going to Louisiana, Texas, Alabama, and Mississippi.

By the way, I recommend to each of the Members from those delegations, vote "yes." You are going to hear them down here, vote "yes" because this doesn't change any of the rules for those States. The Federal Government already allows for drilling in that part of the country. And that is where 80 percent of the oil and gas is, by the way, and where 80 percent of the revenues are going to come from.

But if you come from these other States, you go home and you explain to your constituents the loss of $600 billion in Federal money that you are sending to four States on Federal lands. This is not State land. This is not Louisiana's land or Texas' land. This is our land. This is the Federal Government's land. And you are going to give up $600 billion here today, your last vote before we break?

This is just going to bust the Treasury again. This is just going to create bigger deficits.

But why would you do it to help four States? Why would you allow your taxpayers to have their revenues sent to four States, when all of this area can already be drilled and it is Federal land? There is no restriction. There are 8,000 leases that the oil companies already have. They are only drilling on 2,000 of them. But at $70 a barrel, they are going to go to this area, and they don't need any more permission.

So here is the trick: yes, they cannot drill off of these coastlines right now. We are going to debate that. And many Members from these States don't want drilling off these coastlines.

But that is not what the bill is about, ladies and gentlemen. This is about a raid on the Federal Treasury by four States in the area where we already permit drilling on Federal lands by oil companies. But these four States are in here dipping their straws into the Federal revenues which would go to 46 States, and they want it all to go to theirs.

Vote "no" on this terrible bill.

Mrs. CAPITO. Mr. Speaker, I would like to remind the previous speaker that the bill passed out of committee with large bipartisan support of a 29-9 vote.

I would like to yield 2 minutes to my friend and colleague from Kansas (Mr. MORAN), a leader in rural health care.

Mr. MORAN of Kansas. Mr. Speaker, I rise in support of increased exploration, drilling and production of natural gas off our intercontinental shelf. This is an important issue for all of the country, but especially true among my farmers and ranchers in Kansas.

I am one who supports renewable fuels, and ethanol and soy diesel provide a great opportunity for economic opportunity in Kansas, for Kansas farmers and for American agriculture and for our country. We must become much more independent from the energy sources abroad.

But for our farmers and ranchers to remain in business, to survive into the future, they have got to have access to natural gas and at prices that are affordable. Natural gas is the primary feed stock, the ingredient for the production of many agricultural components, but especially for nitrogen fertilizer that is so important; and if we are going to produce ethanol in this country, if we are going to produce soy diesel, we are going to have to have the fertilizer at an affordable price that will allow our farmers to raise the corn and grain sorghum to produce the ethanol to raise the soy beans to produce the soy diesel.

Our farmers are struggling across the country. Input costs are dramatically on the rise. Nearly 40 percent of the nitrogen capacity, fertilizer capacity has been shut down in this country since 1999. Six years ago, approximately 15 percent of our fertilizer needs were met in the United States from abroad. Today 50 percent is imported.

Prices have increased dramatically: $250 a ton for nitrogen fertilizer in 2002; today, $416.

One of my farmers who farms in southwest Kansas, 30 years ago when he started farming, natural gas was 19 cents. Today it is $9. We are seeing double, triple and even fourfold prices that DONNY YOUNG talks about in trying to stay in business with these increasing input costs, while the price of corn has stayed the same.

We in the United States need to become independent if we are going to produce the ethanol. And it is important that we remember that natural gas is necessary to make that nitrogen fertilizer.

I encourage the adoption of this proposal.

A vote for H.R. 4761 is a vote for agriculture.

Agriculture's ability to produce an affordable food supply will continue to face huge obstacles if our nation does not come to grips with its desire to have limitless resources, like natural gas, for production and not realize that these resources have to come from somewhere. Our natural gas crisis has two solutions—increase supply and reduce demand. H.R. 4761 addresses one aspect of this crisis as it will increase the supply of natural gas from the Outer Continental Shelf. This additional supply will do two things. It will send a strong signal to natural gas markets and could increase the elasticity in North American natural gas markets. It indicates to these futures markets that the United States is committed to lifting the moratoria in the Outer Continental Shelf to provide consumers with an additional supply of natural gas. This message should ease the volatility in natural gas prices that all of us have seen since 1999 and the additional supply should help ease the natural gas prices over time.

Why does agriculture care so much about this natural gas crisis? Simply put, agriculture is a very large consumer of natural gas. Farmers use significant amounts of natural gas for food processing, irrigation, crop drying, heating farm buildings and homes and for the production of crop protection chemicals and nitrogen fertilizers.

Natural gas is the primary feedstock in the production of virtually all commercial nitrogen fertilizers manufactured in the Untied States. Natural gas is not just an energy source it is the raw material for producing the fertilizer. Today, in the case of the nitrogen fertilizer anhydrous ammonia, natural gas accounts for over 90 percent of the total cash cost of production.

Just like Kansas wheat and Wisconsin milk, fertilizer is a commodity bought and sold worldwide and subject to basic global supply and demand economic principles. As the U.S. domestic nitrogen fertilizer manufacturing sector declines due to high natural gas prices, Kansas farmers and other U.S. food producers will be subject to global supply/demand forces on the fertilizer products they buy, even more so than today.

The climb in natural gas prices since 2000 has forced U.S. fertilizer production costs to unprecedented levels. Over this period of high prices and intense volatility, the U.S. fertilizer industry began to shut down production. Nearly 40 percent of the industry's nitrogen capacity permanently shut down between 1999 and today. This has and will, continue to make U.S. farmers dependent on offshore production from the major suppliers such as Saudi Arabia, Venezuela and Russia.

This rise in natural gas prices and the permanent closure of so much U.S. fertilizer production has dramatically impacted fertilizer prices throughout the marketing chain and, in particular, at the farm level. According to USDA, U.S. prices to farmers for ammonia climbed from $250 per ton in 2002 to $416 per ton in 2005. That is almost a doubling of the price of ammonia to farmers.

This continued loss of production from the U.S. nitrogen fertilizer industry would force farmers to rely on a highly uncertain and highly volatile world market with no assurance that they will be able to obtain enough product to meet their full demand. This is particularly important when considering the importance of nitrogen to farmers. Thirty to 50 percent of corn yields are directly attributed to nitrogen fertilizer.

Passing H.R. 4761 represents a direct, positive action to increase our nation's domestic natural gas supply to help relieve the high prices pressuring American farmers, fertilizer producers and homeowners. Allowing exploration and development of the Outer Continental Shelf is an essential commitment that our nation must make. These natural resources belong to all Americans and should be developed for the benefit of the entire nation.

A vote for H.R. 4761 is a vote for agriculture. Please support passage of H.R. 4761.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman, my classmate, Ms. WOOLSEY.

Ms. WOOLSEY. Mr. Speaker, the majority party says that we need to find a better way to end our energy crisis and a way to bring gas prices down. Well, that sounds really good because that is exactly what we need to do. But the solution they are offering today is not a solution. There is a better way, and that is for certain.

In fact, by providing tax incentives for the construction of energy-efficient buildings and heating equipment, by doing that alone, we could save more than 12 times the Interior Department's estimate of economically recoverable gas outside the central and western Gulf of Mexico.

This plan they are offering for more offshore drilling for four States makes every other use of coastal waters subordinate to drilling for oil.

Mr. Speaker, we shouldn't even be discussing it. Do they really think that the people of this country don't get it? Well, let me tell you, the people in my district, Marin and Sonoma Counties north of San Francisco, get it. They know that what makes this bill even worse than being a Band-Aid is that it is a destructive solution.

Mrs. CAPITO. Mr. Speaker, it is my honor to yield 2 minutes to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Mr. Speaker, I rise in strong support of this rule and the underlying bill. For me, the question of drilling off our coastal waters is a difficult one, and it is made even more difficult by the fact that I represent the State of Florida, where we have 1,300 miles of shoreline, and we have a tourism industry that adds up to about $60 billion, and a lot of that is due to our magnificent beaches.

But I am faced with a question today, whether I vote in favor of letting the people of Florida control their own destiny as it relates to offshore drilling within 100 miles of the shore. I can do that, or I can just vote "no" and do nothing.

It seems to me, as I look at this bill, I would urge my colleagues to support it because it gives to our precious beaches in Florida unprecedented permanent protection, something we have never had before, something we may never have again within that first 100 miles.

Would I like to see more protection? Sure I would. Most people in Florida would. But wishing it so is not going to make it so. And I am going to support this bill.

Other people will say no, I will just vote "no." And people that do that, I think, are going to find themselves hoping against hope, rolling the dice that somehow, some way drilling won't occur off the coast of Florida or any other coastal waters in America. And I think that is pretty shortsighted.

I don't want to sit back and wait, sit back and watch. I don't want to find myself watching the sun rise and the sun set through the silhouette of an oil rig. That is too big a chance to take.

So I urge my colleagues to vote in favor of this rule, in favor of the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to my good friend from Illinois (Ms. Schakowsky).

Ms. SCHAKOWSKY. Mr. Speaker, as we approach the Fourth of July holiday, Americans are still paying record prices at the pump to fuel their cars for summer road trips and vacations. And this Republican Congress is still dragging its feet and refusing to pass legislation that would actually do something to prevent these high prices, to prevent oil and gas companies from price gouging.

For the past year, Democrats have sought to pass legislation that would give the Federal Trade Commission authority to hold oil and gas companies that gouge consumers accountable. The Senate hasn't even taken up the Republicans' own weaker price-gouging bill which passed the House in May. That means more toothless investigations, more corporate bandits getting off scot free.

The FTC issued a report in May that exposed the need to pass legislation that clearly defines price-gouging offenses. Even in instances where the FTC has found that consumers have been abused at the pump, the FTC was powerless to prosecute the companies that engage in price gouging.

□ 1245

The five largest oil and gas companies reported $110 billion in profits in 2005, and ExxonMobil reported the highest profit of any American company ever.

There is a price-gouging problem. It is happening at the producer and refiner levels, not at the retail level. We should pass the Democrats' FREE Act and give consumers relief at the pump once and for all and do it now.

Mrs. CAPITO. Mr. Speaker, I yield 2½ minutes to the gentleman from Hawaii (Mr. Abercrombie), the sponsor of this legislation.

Mr. ABERCROMBIE. Mr. Speaker, I will submit into the Record documents in favor of the bill from several labor unions, a Washington Post editorial, and a letter with some figures regarding revenue from the Congressional Budget Office.

June 29, 2006.

H.R. 4761: Outer Continental Shelf Drilling

Our three building trades unions urge your support for H.R. 4761 when the House considers it later today. The bill will essentially lift the current moratorium against off-shore drilling by establishing a new set of drilling criteria which will go a long way in addressing America's energy needs—particularly in respect to natural gas supply. U.S. manufacturing needs the potential energy which a fully implemented H.R. 4761 can supply to stay competitive in the global economy. As a result, existing U.S. jobs are protected and new jobs can be created to help strengthen our economy.

From a building trades perspective, there is another critically important reason to support this bill. For years, the Outer Continental Shelf Lands Act has been interpreted to allow foreign companies to utilize foreign workers to build and service these oil and gas rigs and platforms without having to consider American workers for these jobs. Led by Resources Committee Chairman Pombo and Representative Abercrombie, there is a provision in the Manager's amendment which modifies the existing OCSLA language to require that American workers be given initial consideration on these large projects before foreign workers are hired. We in the trades have many of the skilled workers who are potentially ready, willing and able to perform these construction and service jobs to extract American resources for American industry.

It is important to modify our current law to develop additional U.S. energy supplies. It is equally important to allow American workers a realistic opportunity to perform this construction and service work. H.R. 4761 accomplishes both of these objectives.

Donald Kaniewski,
Legislative Director,
Laborers International Union.
Tim James,
Legislative Director,
International Union of Operating Engineers.
Chris Heinz,
Legislative Director, United Brotherhood of Carpenters.

June 29, 2006.

Dear Representative: On behalf of the United Association of Journeymen and Apprentices in the Plumbing and Pipe Fitting Industry, I urge you to support the Deep Ocean Energy Resources Act, H.R. 4761. The failure of the U.S. government to allow responsible energy exploration on the Outer Continental Shelf has created devastating economic conditions that are just now coming to fruition. This is an affront to every American worker, especially those in the pipe trades, who will continue to watch more jobs and industries move overseas because we refuse to develop our own resources.

Reducing our dependence on foreign energy by creating thousands of new jobs in the U.S. is a bipartisan issue. The Building Trades and affiliates, like the UA, have been working with both sides to ensure that these job opportunities go to American workers first, and that the revenue generated by energy development goes back into training the next generation of skilled pipe tradesmen and other energy-related workers.

The skills and technology have come a long way in the past 30 years due to heightened environmental awareness. Do not believe those who say we cannot develop our energy safely. Since 1980 the spill rate for offshore drilling is .001%, and accounts for less than 2% of the petroleum in the ocean, whereas natural seepages account for 63%.

We should not abandon alternative energy sources or conservation, but we will be dependent on oil and natural gas for another century. We already produce roughly as much ethanol per capita as Brazil; they have secured their energy independence through off-shore drilling, and yet their beaches are still dream destinations for most of the world.

The U.S. now faces the highest natural gas prices in the world, and sends millions of dollars a day to unstable regions of the world to bring in the oil and natural gas that sit just on the edge of our own horizon. If we continue to lose paper mills and chemical and fertilizer plants due to high natural gas prices, good paying union jobs will disappear. Instead we can take a productive step to secure our economic future by creating good paying jobs for American workers on our Outer Continental Shelf.

For the 350,000 members of the UA, who work on offshore rigs, pipelines, power stations, refineries, and in numerous facilities that are downstream consumers of oil and natural gas, this bill will create jobs, and keep money in the U.S. economy. By doing nothing, we are choosing to jeopardize our whole economy and put millions of American jobs at risk.

Sincerely yours,
William P. Hite,
General President.

June 28, 2006.

Dear Colleague: Today you will be asked to vote on H.R. 4761, the bipartisan Domestic Ocean Energy Resources (DOER) Act. We urge you to review The Washington Post editorial below that discusses why it's important to pass the DOER Act and update America's offshore energy production policy.

While The Washington Post gave an enthusiastic endorsement of this bill, it did mention some concerns over the cost estimate. The manager's amendment that will be offered today has made adjustments which reduce the cost for the federal government by $11.6 billion over ten years and now raises $600 million over the same period of time.

Sincerely,
Neil Abercrombie,
Member of Congress.
Bobby Jindal,
Member of Congress.
Charlie Melancon,
Member of Congress.
John Peterson,
Member of Congress.

[From the Washington Post, June 28, 2006]

An Outdated Ban

For the past quarter of a century, the federal government has banned oil and gas drilling in most U.S. coastal waters. Efforts to relax the ban have been repelled on environmental grounds, but it is time to revisit this policy. Canada and Norway, two countries that care about the environment, have allowed offshore drilling for years and do not regret it. Offshore oil rigs in the western Gulf of Mexico, one of the exceptions to the ban imposed by Congress, endured Hurricane Katrina without spills. The industry's safety record is impressive, and it's even possible that the drilling ban increases the danger of oil spills in coastal waters: Less local drilling means more incoming traffic from oil tankers, which by some reckonings are riskier. Although balancing energy needs with the environment is always hard, the prohibition on offshore extraction cannot be justified.

The House of Representatives is about to vote on this question, probably tomorrow. A bipartisan bill would maintain a ban on drilling within 50 miles of the shoreline and allow states to extend that to 100 miles. But it would lift the congressional restriction on drilling beyond that perimeter. This compromise would give states that are unwilling to countenance the perceived environmental risks a reasonable measure of control over their coasts. But it would also open the way to more drilling.

The economic benefit of that drilling would be especially pronounced if it were aimed at natural gas extraction. Despite all the rhetoric about energy independence, it doesn't make much difference whether the United States gets its oil from its own coastal waters or whether it buys it on world markets. There is one global price for oil; producing more from U.S. waters will bring down that global price, benefiting all consuming countries rather than just U.S. consumers. But natural gas is traded globally only in small quantities, in liquefied form; nearly all of the gas consumed in the United States is produced domestically or in Canada. So producing more natural gas in U.S. coastal waters would bring down U.S. natural gas prices rather than world prices. Because natural gas is much cleaner than its main alternative, coal, this would have environmental as well as economic benefits.

Unfortunately, the House legislation is flawed. It diverts billions of dollars' worth of oil and gas royalties from the Federal government to the states, even though the waters from which the resources will come are federal. The states nearest to the oil rigs may feel they carry most of the perceived environmental risks, and some sharing of revenue may be justified to bring them along, but the House bill leans too far in that direction. We hope the bill passes tomorrow, but we also hope this flaw is fixed before it becomes law.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4761, the Deep Ocean Energy Resources Act of 2006, as modified by Pombo amendment #224, dated June 28, 2006.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kathleen Gramp.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

ESTIMATED DIRECT SPENDING EFFECTS OF H.R. 4761, THE DEEP OCEAN ENERGY RESOURCES ACT OF 2006, AS MODIFIED BY POMBO AMENDMENT #224, DATED JUNE 28, 2006

	Outlays in billions of dollars, by fiscal year											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2007–2011	2007–2016
	CHANGES IN DIRECT SPENDING [1]											
Changes in the Terms of Oil and Gas Leases:												
Fee on deepwater OCS leases	0	−0.8	−0.8	−0.9	−1.2	−1.1	−1.2	−1.7	−1.9	−1.7	3.8	−11.4
Fee on nonproducing leases	0	−0.2	−0.2	−0.2	−0.2	−0.2	−0.2	−0.2	−0.2	−0.2	−0.8	1.6
Compensation for certain nonproducing leases	*	*	*	*	*	*	*	*	*	*	*	*
Other changes to lease terms	*	*	*	*	*	*	*	*	*	*	*	0.1
Expand Federal Areas Subject to Mineral Leasing	−0.2	*	−0.2	−0.5	−0.3	−0.3	−0.5	−0.6	−0.7	−0.8	−1.7	−4.0
Changes in Authority to Spend Federal Mineral Receipts:												
Repeal of certain OCS receipt-sharing programs	−0.3	−0.3	−0.3	−0.3	−0.1	−0.1	−0.1	−0.1	−0.1	−0.1	−1.4	−2.0
New OCS receipt-sharing with states	0.5	0.7	1.1	1.0	1.5	1.7	2.0	2.7	3.2	3.6	4.8	18.0
Other federal programs	*	*	*	*	*	*	*	*	*	*	*	*
Total Changes	−0.1	−0.6	−0.4	−0.9	−0.4	0.1	0.1	0.1	0.4	0.7	2.3	0.9
Memorandum: OCS Receipts Under Current Law [2]	−8.3	−10.5	−9.8	−10.0	−10.1	−9.4	−11.0	−10.9	−10.9	−11.2	−48.7	−107.1

[1] Implementing H.R. 4761 would also affect discretionary spending. Several provisions of the bill would authorize funding to be provided in future appropriation acts.

[2] The current law estimates are from CBO's March 2006 baseline. The receipt estimates are net of payments to states to share proceeds from leases located within specified distances of their coastlines.

Notes.—Details may not sum to totals because of rounding. OCS = Outer Continental Shelf. Budget authority is equal to outlays for most programs that involve collection and spending of OCS receipts. * = Between −$50 million and $50 million.

The U.S. is the only developed nation in the world that restricts access to its offshore energy resources, putting it at an economic and strategic disadvantage with foreign nations.

The DOER Act strikes a common sense balance between America's dire need to produce more energy at home and the interests of American coastal states. It accomplishes this by granting coastal states permanent and unprecedented power to keep off-shore energy production 100 miles away from their coastlines (if they so desire) while enabling the U.S. to produce energy for the people in the deep waters beyond.

For comparison, the following is a short list of foreign nations that produce energy safely from their deep seas and the distance from the coast that drilling occurs: Ireland, 45 miles; Norway, 40 miles; United Kingdom, 40 miles; Netherlands, 20 miles.

Mr. ABERCROMBIE. Mr. Speaker, this is an auspicious day, and I am pleased to be able to speak on the rule.

I regret in some respects that many of my friends, my dear friends, have a view different than I as to whether or not a positive vote is warranted on the bill. But with regard to the rule, I believe that when the manager's amendment comes forward during debate on the bill that some of the questions that have been raised, legitimate questions that have been raised, will be answered, I hope, to the satisfaction of those who have some doubts about the bill.

My reason for standing here today is because I do want to reach out in all sincerity to those who are expressing reservations about the bill to indicate that those of us who have been working on the bill in the Resources Committee understand and appreciate and recognize those fears and anxieties that those in opposition have expressed today, and we have tried to the best of our legislative ability to address them. We respect those who have some reservations at this stage and ask merely that we wait for the debate. The debate, as it comes forward, we think will answer those questions. We are going to try to do it sincerely.

For example, on the question of revenues, we have been listening to those who are concerned about revenues to Treasury, and we have addressed it. We believe that the Congressional Budget Office, in its analysis of the bill, has addressed that forthrightly.

As for the question about environment, we believe that that has been addressed as well. We ask really for the opportunity to make a full presentation on that, and then we will, of course, respect everybody's judgment.

But I can tell you, Mr. Speaker, and tell all of my colleagues and friends who still retain their reservations, we are doing our very best to address the issues that you have raised; and we hope we have done it adequately. In that context, then, I hope some open minds will be kept at this stage; and, most particularly, we ask our friends from California and Florida to recognize that we are doing our level best to address their concerns in a positive way.

Mr. HASTINGS of Florida. Mr. Speaker, my good friend from Hawaii, and he is my good friend, knows that I love his volcanic State that has no Outer Continental Shelf. If we were drilling in Oahu or on the road to Hana, I would hear a different perspective. But I understand that dynamic.

Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I have generally supported offshore oil and gas development in the past, but I cannot support this bill in its current form.

This bill goes beyond offshore exploration and reaches back into the energy bill to change a carefully written compromise on oil shale development. The district I represent is the largest reserve of oil shale in the Nation, and I have serious concerns that the provisions in this bill will speed along and encourage irresponsible development. Western Colorado has already experienced one boom and bust due to oil shale speculation. It ruined the lives of many families in the West, and I cannot support a policy which will lead to another.

I urge my colleagues to vote against this bill or to eliminate the oil shale provision.

Mrs. CAPITO. Mr. Speaker, it is my honor to yield 2 minutes to my good friend, Mr. TIAHRT.

Mr. TIAHRT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this legislation is critical to the future of our country and our economy.

Over the last generation, Congress has raised barriers to keeping and creating jobs, American jobs. Our inability to produce natural gas is one of the barriers, and it is driving jobs overseas. Now, why would Congress force jobs overseas? Well, you are seeing that reason today.

Some say this is bad legislation: it is ill conceived. My view of that congressional interpretation of that language is "so long American jobs."

Some say it is not in your backyard: you do not produce it. Well, in Kansas, it is in my backyard. We have been producing oil and gas for over 100 years. So my interpretation of that phrase is it means "good-bye American jobs."

Some say this will damage the coastline. Well, natural gas production has continued through today. It occurred even through Hurricane Katrina, and not one environmental spill or any coastline was damaged. So the congressional speak for "it will damage our coastline" means "adios American jobs."

This is good legislation. It has gone through a compromise process. It passed out of the subcommittee with a good, strong, bipartisan vote.

Let us remove a barrier to keeping and creating jobs here in America. Let us pass this rule. Let us pass this bill. And, in doing so, we will help keep and create jobs right here in America.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield at this time 3 minutes to my good friend and classmate from Michigan (Mr. STUPAK) who also has a district that has environmentally sensitive areas.

Mr. STUPAK. Mr. Speaker, as Congress gets ready for the Fourth of July recess, I am reminded again that we do not have a Federal price gouging law on the books. And just in time for the Fourth of July.

In Marquette, Michigan, last night, gas prices were $2.89. When my constituents woke up this morning, it is now $3.09. Just in time for the Fourth of July.

For almost a year now, we Democrats have been calling on the Republican leadership to allow a real gas price-gouging bill to be passed in the law. One hundred and thirty-five Members of this body have signed a discharge petition requesting that my legislation, the Federal Response to Energy Emergencies, the FREE Act, be brought to the floor for a vote. After continued lobbying from Democrats, Republicans finally introduced their own legislation, which was called "price gouging," and it is price gouging in theme only, and that bill was passed by this body in May.

Unlike the Republican price-gouging legislation, my legislation, the FREE Act, would specifically set guidelines for the Federal Trade Commission to use to define price gouging, including provisions that would make illegal unconscionable pricing, providing false information, and market manipulation.

The FREE Act also contains a provision that would promote price transparency, helping the consumer to understand the information to know what gas and oil prices should be that would be fair and reasonable.

The FREE Act would also apply to natural gas and propane. Neither natural gas nor propane is addressed in the Republican bill.

Despite efforts to sugar-coat the Federal Trade Commission's recently released Investigation of Gasoline Price Manipulation and Post-Katrina Gasoline Price Increases, the FTA, the Federal Trade Commission, did find that, after Hurricane Katrina refiners, wholesalers, retailers charged significantly higher gas prices that were not attributable to either increased costs or international market trends.

Mr. Speaker, the American people are fed up. They know price gouging when they see it, and they are being gouged like my constituents in Marquette, Michigan, just today. The Federal Government has a responsibility to protect consumers from price gouging. Price-gouging legislation is long overdue.

Congress needs to pass legislation to allow the FTC to prosecute price gouging. Our constituents are looking to us, to Congress, for relief. It is our duty to approve legislation that would provide that relief, to protect Americans from increased financial hardship that price gouging and high gas prices create, especially during the summer tourism months.

Whether you support the Pombo bill or not, I encourage my colleagues to vote "no" on the previous question so that we can consider the FREE Act, a real price-gouging bill that can provide relief for gas customers today.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking Members to vote "no" on the previous question. If the previous question is defeated, I will amend the rule to provide that immediately after the House adopts this rule it will take up legislation to do as Mr. STUPAK just rightly said, stop price gouging at the gas pump and provide some immediate relief for the American consumer.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, as we consider this bill today that further opens up our precious coastal resources to the oil industry, should we not also be talking about how those oil companies treat Americans at the gas pump? Should they be allowed to drill the oil that belongs to the American people and then turn around and sell it to us at unconscionable prices?

They did not drill 3 years ago because the price of a barrel of oil was $30. Now it is $70, and they are ready to go drill. By that time, it will be $80, and then turn around and sell it to us at prices that are unconscionable.

If the previous question is defeated, I will ask the House to take up H.R. 3936, Representative STUPAK's bill.

Members should be aware that a "no" vote will not prevent consideration of H.R. 4761 and it will not affect any of the amendments that are in order under this rule. But a "no" vote will allow us to vote on something to bring real relief to the American people and not degrade the environment in our Outer Continental Shelf.

Vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time.

We have certainly had a lively and spirited debate on this rule, and I am sure it will continue as we debate the legislation.

I would like to remind Members that for 6 years we did not have a comprehensive national energy policy, and the result has been higher prices for consumers and businesses. This underlying legislation is one component that will help ease the burden on consumers and manufacturers, and we all look forward to future debates on a myriad of energy solutions so we are better prepared for our future.

I see this as a jobs bill. I also see it as a helping hand to those seniors and those lower-income citizens who are having to pay the high cost of heating their homes and gasoline at the gas station.

This bipartisan legislation received the vast majority of votes in the Committee on Resources, and I encourage all Members to support an improved energy policy for the future.

I urge all Members of this fair rule and the underlying legislation.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

Previous Question for H. Res. 897—Rule on H.R. 4761 The Deep Ocean Energy Resources Act of 2006

At the end of the resolution add the following new section:

"Sec. . Immediately upon the adoption of this resolution, it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3936) to protect consumers from price-gouging of gasoline and other fuels during energy emergencies, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Energy and Commerce; and (2) one motion to recommit with or without instructions."

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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PROVIDING FOR CONSIDERATION OF H. RES. 895, SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 896 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 896

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 895) supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit which may not instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Thank you, Mr. Speaker.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York, Congresswoman LOUISE SLAUGHTER, pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

This rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. It waives all points of order against consideration of the resolution and, as always, provides the minority with one motion to recommit, which may not contain instructions.

Mr. Speaker, I rise today in strong support of this rule and its underlying simple House resolution that allows the House of Representatives to take a very clear position on our collective commitment to identifying and tracking terrorist finances and our condemnation of the disclosure of any information that puts the lives of American citizens at risk.

Today, throughout the course of the debate, we will hear a great number of accusations hurled from those Members opposed to this resolution. It is their right to dissent. That is the basis of our democracy. However, it needs to be made clear at the outset what this resolution does and what it does not do. What this resolution does is simple:

It states that the U.S. House of Representatives supports efforts to identify, track and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks and that the House finds that the Terrorist Financing Tracking Program has been conducted in accordance with all applicable laws, regulations and executive orders, and that the appropriate safeguards and reviews have been instituted to protect civil liberties and that Congress was duly informed of this fact.

It also says that the House condemns the unauthorized disclosure of classified information and expresses concern that disclosure of this information may endanger the lives of American citizens and our efforts, and that the House expects the cooperation of all news media in protecting the lives of Americans and the capacity of the government to identify, disrupt and capture terrorists by not disclosing classified intelligence programs such as the Terrorist Finance Tracking Program.

This resolution does not single out or censure any specific media outlet for its disclosure of classified information that has put American lives at risk and made our allies less likely to share classified data in the future. Nor does it chill first amendment rights or prevent the news media from performing their constitutionally protected activities. We will hear these kinds of accusations today time and time again from the other side, Mr. Speaker, and it is important to make clear from the outset that they are simply not true.

The basis for the House taking this position is just as clear. We know that after our country was attacked on September 11, President Bush launched a full-on campaign against terrorist financing and authorized the Treasury Department to track the financial supporters of terrorist groups like al Qaeda, Hamas and Hezbollah to prevent any further attacks on American citizens either here or abroad.

We know that by following these monetary transfers, the United States has been able to locate and identify terrorists and their financers, chart shadowy terrorist networks, and keep funds out of the hands of these criminals. We also know that data provided by this program helped to identify a Brooklyn man who was convicted of laundering $200,000 through a Pakistani bank on behalf of al Qaeda. This program also facilitated the capture of the mastermind of the Bali resort bombing of 2002.

This terror finance-tracking program, better known as the SWIFT program, has been invaluable in protecting American lives and choking off the sources of terror funding. It is exactly the kind of limited, legal and effective program that we need to hunt down and starve terrorists of the funding that they use to attack American interests and citizens.

As with any national security program, the administration must be protective of the sources and methods it uses to execute its mission. Disclosure of this program has degraded our national security and injured our efforts to prevent terrorist activity by allowing our enemies to understand what steps we were taking to stop them. And in a situation where it is vital to always remain one step ahead of your enemy, the consequences of showing them our techniques has potentially devastating and life-threatening consequences.

Mr. Speaker, I urge all of my colleagues to speak with one voice today in recognizing the importance of identifying, tracking and ending the financing of terror and condemning any actions that would allow the unauthorized disclosure of information that helps our government to achieve this end. I urge the adoption of this rule and the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for all those who will in future years look back on the vote we take today as a window into the soul of this Congress, for all those who will see the approval or defeat of this bill as a testament to how committed this body was to the ideals from which our Nation draws its strength, for them, let me be very clear. On this day, the Republican majority shamelessly played politics with our most cherished principles.

From the very beginning, this resolution and this so-called debate has been about one thing and one thing only: election politics. Six months before our midterm elections, Republicans are falling back on the one play that has worked for them time and time again. They are sowing fear in the hearts of the American people and labeling any individual or organization that doesn't take its marching orders from the White House as a threat to our Nation.

Think of what we have heard from leading Republicans over the past few days. They have called the disclosure of the SWIFT anti-terrorist program a "disgrace." They have accused the newspaper that first wrote about it, the New York Times, of forcing its, quote, arrogant, elitist, left-wing agenda on the rest of the country.

Mr. Speaker, if all this is true, then I have no choice but to conclude that our President, President Bush himself, is a disgraceful, arrogant, left-wing elitist, because it was Mr. Bush who leaked this story. Mr. Bush, as well as numerous top-ranking members of his administration, have proudly discussed their efforts to eliminate the finances of terrorists for 5 years. Not two weeks after September 11, 2001, President Bush told the world the United States had "launched a strike on the financial foundation of the global terror network." Such claims have been made time and time again, not just by the President but by every top Republican official in power.

What is more, no fewer than 20 current and former administration officials spoke to New York Times reporters about the SWIFT program. Where do you think the Times heard it? The article that started this all could not have been written without their active help. What the New York Times did, as well as the Wall Street Journal, the Los Angeles Times, The Washington Post, and newspapers throughout the country through news services, was to publish a story which had, in effect, already been published a thousand times over by the White House itself and had even been on the Internet.

The end result is a Republican administration intentionally leaking a story, as they did to Judith Miller of the New York Times who was then their heroine, both publicly and privately, and then punishing the newspaper for reporting on its leaks. In such a context, the notion that one of our newspapers violated our national security last week is ludicrous on its face.

Think of this degree of Republican hypocrisy and then consider this: the bill before us claims to stand against leaks. But it comes 6 years into an administration that has always been willing to leak even the most sensitive information if it thought it would benefit from it politically. It is the height of irony to think that when the Bush administration sought to silence critics of its pre-Iraq war intelligence claims, it chose to leak the classified identity of a CIA agent, as well as previously classified components of a national security estimate to, of all places, the New York Times. But it did so, and it did so willingly.

Where were the resolutions of protest from the majority during that scandal? Did we have any expression of outrage over the leaking of a covert agent who, I am told, not only jeopardized her contacts with the CIA but the entire intelligence network itself because people would not trust us anymore? Where were the resolutions of protest about that? Nowhere.

Where was the outrage when a national security asset, as well as all of her contacts in the intelligence community, were put into danger? There was none, because Republicans deemed that was a permissible leak, and it was profitable.

The Republican outrage we see today stinks to high heaven because the leak of Valerie Plame's identity last year came from high-up, the highest ranks of its own White House. And when all the contradictions inherent in this bill are laid bare, we can see what it is actually all about.

Republicans need to change the subject of the real debate everyday people are having in the country. That debate is about the wisdom of this 3-year, $400 billion war in Iraq that is still claiming American lives even today. It is about the numerous scandals of its own creation that the majority is scrambling to explain away. It is about the fact that Republicans have been entirely unwilling to exercise any form of meaningful oversight over the programs implemented by Congress and the White House with disastrous results to our Nation. It is about the very direction that America will take in the years ahead.

Democrats are eager to debate all of these issues. But Republicans, as we see today, are interested only in inventing enemies to point fingers at and turn the public against. And to do so, Mr. Speaker, they are willing to jeopardize even our most basic and fundamental principles. They are willing with this bill and with what they have and will say on the floor today to make it the province of Congress to dictate to our cherished independent media what it can and cannot report about and what it can and cannot say.

But blaming the messenger is nothing new in this country, Mr. Speaker. The first time a newspaper was punished by an elected official was in 1735 when a New York publisher wrote unflattering things about the Governor of the New York territory and was put in jail. Only a few decades later, the Alien and Sedition Acts were passed by Congress to silence those who opposed American involvement in a war with France.

But to today threaten retribution and legal action against virtually every news organization in this country simply to gain a few points in the polls? It is a debasement of this Congress and a desecration of our Nation's ideals.

Mr. Speaker, my friends on the other side of the aisle and in the White House have a right to be worried about what lies ahead for them, but what they do not have the right to do is to politicize our national security. They do not have the right to hypocritically and arbitrarily decide when the Nation has been endangered by a leak and when a leak is entirely acceptable. And they most certainly do not have the right to reshape this Congress into a body concerned with, in truth, little more than political retribution against an equally arbitrary "enemies list."

The American people expect this majority and this administration to guard information, not punish newspapers from writing about it after it has been officially revealed at the highest source of the government. Think about that for a moment. The President of the United States time after time after time has bragged on this program and yet pillories the New York Times and other papers for writing about it.

The citizens of this country understand that at the end of the day, the job of protecting our national security falls on the shoulders of our elected officials, not just on journalists whose primary duty is to objectively report on the world around us. Our citizens expect this body to do much more than it is doing here today. They expect it to follow a higher calling. And they are right.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, the President of the United States did speak about this opportunity that we had as a result of what the Congress passed the law asking and giving the legal authority to the President to track financial transactions. The Congress had already spoken about it as we were debating whether we were going to pass that law. In fact, the President did as a result of these disclosures of finding terrorists say that we found financial ends and means by which terrorists were being supported.

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But I will strongly disagree with the young woman from New York in her characterization that the President spilled the beans on all of this. Not true. It was someone going and talking to over 20 people, revealing intimate details of what the plan was. Not that it existed, but how it worked, where it was formed, where we gathered information, how things were done.

And that is a desperate attempt by someone to go and provide the enemy with information that would allow them to work around those things that we had established. What we are talking about is classified information, not the knowledge that something is happening. And classified information in detail about not just the summary of this, but in details, is what we are concerned about today.

So I disagree with the gentlewoman from New York. I believe that her characterization is not only wrong, but it is also aimed at the wrong people. We had hoped and would still hope that the minority today would see that what we are talking about is sharing of classified information and that we believe it is the wrong thing to do.

Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the Financial Services Committee.

Mr. OXLEY. Mr. Speaker, I thank the gentleman from Texas for yielding. And let me say at the outset I appreciate his good work on the Rules Committee and affording us the opportunity to testify last evening on this legislation.

I did not introduce this bill, or this resolution, for political purposes. I have a deep respect for our process and our institution here. I introduced that resolution to send a signal that a lot of people in this Congress, on both sides of the aisle, are pretty sick and tired of people leaking classified information, secret classified information, and having the media report it with no responsibility, no accountability whatsoever.

They are endangering our fighting men and women in Iraq and all over the world. They endanger the very freedoms that we enjoy. And it has been a continual frustration, whether it was the NSA revelations or the wire-tapping of al Qaeda suspects who are talking to people or emailing people in the United States.

This is the third time in a relatively short period of time that this country has been witness to essentially treasonous behavior on the part of individuals who leak classified information, clearly against the law, clearly against the law, and then brazenly reported in the front pages of major newspapers, aiding and abetting the enemy.

We are at war, ladies and gentlemen. Now, some of you folks find that an inconvenient fact, but we are at war. And when the Congress responded with the PATRIOT Act shortly after 9/11, that was supported by a broad array of Members on both sides of the aisle and with editorials in the New York Times and other newspapers telling the administration they better get on the case and set up ways that we can intercept terrorist financing.

Part of that legislation came out of my committee. We are pretty proud of what we did in that antimoney laundering, antiterrorist funding legislation that we made part of the PATRIOT Act. And guess what? It has worked. Now, that may drive some of these people crazy in certain editorial boards. But the fact is this program has worked effectively and efficiently since it was set up for the first time.

Even the New York Times in their editorial, the editorial board of the New York Times specifically called on Congress and the administration to set up programs to intercept and monitor financial reporting internationally. And this program has worked effectively well.

The President of the United States was not dumb enough to go out there and talk about methods and ways that this program worked, as the gentleman from Texas said. He talked about the program existing. But he did not say how it worked on a day-to-day basis. And now we have it spread all over the news media about how this program works. What is the average terrorist to think?

He is going to find a different way to move his money around, that is what he is going to do. He is going to change his behavior. So this resolution was set up to first of all say this is a very effective program. Let me just go over the four basic points of this resolution.

One, it supports the government's efforts to identify, track, and pursue terrorists and their financial supporters. Now, if you are against that, then vote "no."

Two, finds that the Treasury Department's Terrorist Financing Tracking Program has been conducted in accordance with law, with appropriate safeguards and reviews to protect individual civil liberties, and in consultation with and oversight by the Congress. If you don't like that, then vote against it.

Three, condemns the unauthorized disclosure of classified information. Who among us is not going to agree with that?

Four, calls on the news media organizations to stop disclosing classified intelligence programs that protect the lives of Americans and the capability of the government to identify, disrupt and capture terrorists.

That is what this resolution says. So read the resolution and then tell me what part of that resolution you don't agree with. And if you don't agree with it, then by all means vote "no."

I would like to close by quoting Mort Kondracke in a recent edition of Roll Call in his column. He says this: "Would newspapers in the midst of World War II have printed the fact that the U.S. has broken German and Japanese codes, enabling the enemy to secure its communications, or reveal how and where Nazi spies were being interrogated?"

Mr. Kondracke goes on to say: "Nowadays newspapers win Pulitzer Prizes for such disclosures." And then he goes on to say: "The situation is very serious; in fact it is dire." It is dire. Now, I don't consider Mort Kondracke to be from the far right. But he has nailed this basic question that this resolution addresses.

We all, as Members of Congress, have a responsibility to protect this Nation and its people. And one of the ways we do it is making sure that we can track terrorist financing and do it and protect civil liberties, and we are doing just that.

And this resolution confirms that. I ask all of the Members on both sides of the aisle to support this resolution because this is really at the heart of a gut-check in this country, whether we are going to allow for this kind of behavior to take place, leaking classified information and then having newspapers win a Pulitzer Prize as a result.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 2 seconds to say I am sorry this House did not care about the leaking of Valerie Plame to that extent.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, let's be honest. We are here today because there has not been enough red meat thrown at the Republican base before the Fourth of July recess. That is why we are here. So just in the nick of time, we have H. Res. 895.

The rule for this resolution is of course completely closed. Not even a substitute is made in order. The Republican leadership of this House does not even make a pretense of being fair and open and democratic any more. Under their leadership, this House makes the old politburo look like a New England town meeting. It is disgraceful.

This resolution purports to be about protecting our national security, about protecting the most sensitive secrets in the Federal Government. Mr. Speaker, no one in this House supports the disclosure of classified information that could genuinely endanger the lives of Americans.

But we all know that is not what is going on here. In reality, it is an attempt to punish and intimidate the New York Times and other newspapers for publishing a story about the administration's surveillance of international financial transactions.

The Times reported on surveillance of transactions to the Society for Worldwide Interbank Financial Telecommunication, or SWIFT.

But as the Boston Globe recently reported, the Bush administration itself has publicly and repeatedly talked about this issue since September 11.

Roger Cressey, a senior White House counterterrorism official until 2003, told the Globe: "There have been public references to SWIFT before. The White House is overreaching when they say the New York Times committed a crime against the war on terror. It has been in the public domain before."

Further, the Globe notes that a report to the U.N. Security Council in late 2001 said that SWIFT and other worldwide financial clearing houses "are critical to processing international banking transactions and are rich with payment information. The United States has begun to apply new monitoring techniques to spot and verify suspicious transactions. The group recommends the adoption of similar mechanisms by other countries."

How many times have we heard the Bush administration talking about the need to monitor and disrupt terrorist financial transactions? How many times have we heard them bragging about their success in doing so? Too many to count. So it does not even pass the laugh test when Members of Congress start using words like "treason," when they start calling for criminal prosecution against newspapers, when they circulate ludicrous Dear Colleague letters threatening to revoke the Times credentials to cover Congress.

Even worse, Mr. Speaker, is the rank hypocrisy exposed by this resolution. The Bush administration and their Republican allies in Congress say they are outraged by leaks of sensitive information. Well, as the ranking member on the Rules Committee pointed out, where was their outrage when White House officials leaked the name of an undercover CIA officer in an attempt to smear her husband?

Where was their outrage when White House officials leaked false and misleading intelligence about weapons of mass destruction in Iraq in order to bolster their case for war? Those leaks, I should note, were made to the same New York Times that has their knickers in a twist today.

Where was their outrage when General Casey's plan for potential troop reductions in Iraq suddenly appeared in the Times and in other newspapers? Now, I assume that given their outrage today, we will never again see sensitive information attributed to a "senior administration official" or "a senior House Republican."

What is really going on here, Mr. Speaker, is that the administration and their allies have no problems with leaks to the press when those leaks advance their political agenda. But if a leak contradicts their agenda, suddenly they call it treason. They suffer from a case of selective outrage.

This administration is obsessed with secrecy, with controlling the flow of information in this country, with shutting out the other branches of government, with signing statements that make clear they have no intention of following the law, with bullying their critics into silence by questioning their patriotism.

Time after time this Congress has acquiesced. For the Republican leadership, oversight is a four-letter word. Not since Richard Nixon has it been more important to have an unfettered and free press, because that is the only check left on the imperial Presidency in America today.

Mr. Speaker, I am confident that the American people will see through this. And I urge my colleagues to do the same. Reject this closed rule and reject this resolution.

[From the Boston Globe, June 28, 2006]

TERRORIST FUNDS-TRACKING NO SECRET, SOME SAY

(By Bryan Bender)

WASHINGTON.—News reports disclosing the Bush administration's use of a special bank surveillance program to track terrorist financing spurred outrage in the White House and on Capitol Hill, but some specialists pointed out yesterday that the government itself has publicly discussed its stepped-up efforts to monitor terrorist finances since the Sept. 11, 2001, attacks.

On Monday, President Bush said it was "disgraceful" that The New York Times and other media outlets reported last week that the US government was quietly monitoring international financial transactions handled by an industry-owned cooperative in Belgium called the Society for Worldwide Interbank Financial Communication, or SWIFT, which is controlled by nearly 8,000 institutions in 20 countries. The Washington Post, the Los Angeles Times, and The Wall Street Journal also reported about the program.

The controversy continued to simmer yesterday when Senator Jim Bunning, a Republican of Kentucky, accused the Times of "treason," telling reporters in a conference call that it "scares the devil out of me" that the media would reveal such sensitive information. Senator Pat Roberts, a Kansas Republican, requested US intelligence agencies to assess whether the reports have damaged anti-terrorism operations. And Representative Peter King, the chairman of the House Homeland Security Committee, has urged Attorney General Albetrto Gonzalez to pursue "possible criminal prosecution" of the Times, which has reported on other secret government surveillance programs. The New York Times Co. owns The Boston Globe.

But a search of public records—government documents posted on the Internet, congressional testimony, guidelines for bank examiners, and even an executive order President Bush signed in September 2001—describe how US authorities have openly sought new tools to track terrorist financing since 2001. That includes getting access to information about terrorist-linked wire transfers and other transactions, including those that travel through SWIFT.

"There have peen public references to SWIFT before," said Roger Cressey, a senior White House counterterrorism official until 2003. "The White House is overreaching when they say [The New York Times committed] a crime against the war on terror. It has been in the public domain before."

Victor D. Comrass, a former US diplomat who oversaw efforts at the United Nations to improve international measures to combat terror financing, said it was common knowledge that worldwide financial transactions were being closely monitored for links to terrorists. "A lot of people were aware that this was going on," said Comras, one of a half-dozen financial experts UN Secretary General Kofi Annan recruited for the task.

"Unless they were pretty dumb, they had to assume" their transactions were being monitored, Comras said of terrorist group. "We have spent the last four years bragging how effective we have been in tracking terrorist financing."

Indeed, a report that Comras co-authored in 2002 for the UN Security Council specifically mentioned SWIFT as a source of financial information that the United States had tapped into. The system, which handles trillions of dollars in worldwide transactions each day, serves as a main hub for banks and other financial institutions that move money around the world. According to The New York Times, SWIFT executives agreed to give the Treasury Department and the CIA broad access to its database.

SWIFT and other worldwide financial clearinghouses "are critical to processing international banking transactions and are rich with payment information," according to the 33-page report by the terrorist monitoring group established by the UN Security Council in late 2001. "The United States has begun to apply new monitoring techniques to spot and verify suspicious transactions. The group recommends the adoption of similar mechanisms by other countries."

Some worry that the new disclosures will nonetheless hamper US counter-terrorism efforts.

"I worked this stuff and I can guarantee that [revealing the SWIFT] information made a difference," said Dennis Lormel, a retired FBI special agent who helped establish the bureau's Terrorist Financing Operations Section before leaving government in 2003. "The disclosure will have an adverse impact on investigations. It was used in two specific instances where it helped to track terrorists. We also used it for lead value."

But the White House has also been very public about its efforts to track the overseas banking transactions of Americans and other foreign nationals.

Less than two weeks after the 9/11 attacks, Bush signed an executive order calling for greater cooperation with foreign entities to monitor money that might be headed to terrorist groups. The executive order was posted on the White House website.

The document called for "cooperation with, and sharing information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism."

Richard Newcomb, the head of the Treasury Department's Office of Foreign Asset Control at the time, later publicly credited the president for enabling US law enforcement and intelligence agencies to nab suspected terrorists, including followers of "Hambali," Al Qaeda's leader in Southeast Asia. The New York Times report said Hambali's capture in 2003 came with the aid of information gleaned from SWIFT.

Administration officials have said this week that the disclosure of such details were particularly damaging to US security.

Nevertheless, in July 2003—a month before Hambali was captured—Newcomb told the Senate Government Affairs Committee in detail about a program initiated after 9/11 between his office and the Pentagon to track Hambali's financial network in Southeast Asia. The scope of the project included Indonesia, the Philippines, Malaysia, and Singapore, focusing on the finances of Jemaa Islamiyah, the Al Qaeda group run by Hambali that was responsible for deadly bombings in Bali in 2002.

He said the operation "identified the key leaders, fund-raisers, businessmen, recruiters, companies, charities, mosques, and schools that were part of [Jamaa Islamiyah] support network. Thus far, we have imposed sanctions against two of these key nodes, and are coordinating action against several others," Newcomb told the committee.

Other public documents have also detailed post-9/11 efforts to follow terrorist money.

The Patriot Act approved by Congress after the attacks emphasized providing new authorities for the Bush administration to track and choke off terrorist funds around the world. One part of the act, dealing specifically with terrorist money, was described by the Treasury Department as the most "significant [anti-money-laundering] law" since a 1970 law requiring banks to report cash transactions over $10,000.

That section of the Patriot Act required the Bush administration to "adopt regulations to encourage further cooperation among financial institutions, their regulatory authorities, and law enforcement authorities" to track terrorist-related money laundering.

In testimony before Congress in early 2002, Juan C. Zarate, deputy assistant Treasury secretary in charge of terrorism and violent crime, discussed how the global exchange of information was a key element in choking off their source of funds.

He cited a special international meeting hosted a month after the attacks by the International Financial Crimes Enforcement Network, "to eliminate existing impediments to exchanging information" between financial institutions and to find solutions to the challenges of tracking terrorist funds.

Mr. SESSIONS. Well, we just heard it. It's okay to leak classified information. New York Times, it's okay. Democrat Party, no problem. That is what the power of the press should be all about. We need them now more than ever, Mr. Speaker.

Mr. Speaker, I disagree with that.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SESSIONS. Leaking classified information is wrong.

Mr. MCGOVERN. That is not what I said.

Mr. SESSIONS. And the——

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas controls the time.

Mr. SESSIONS. Mr. Speaker, we are asking for all Members of Congress to universally say today we believe the leaking of classified information is wrong. And that is what we are here for today. I am disappointed that we have Members of this body that say that is what a free press is all about, to leak classified information.

Mr. MCGOVERN. Will the gentleman yield?

Mr. SESSIONS. It is a real sad day in this House, Mr. Speaker.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

Mr. Speaker, this country is witnessing disgraceful and illegal leaks of classified programs and processes that have successfully protected this country from attacks since September 11, 2001.

The evidence is printed in black and white in our own newspapers. Revealing those classified programs is very damaging to our Nation and to the safety and security of our citizens. I believe those reports revealing successful classified tools to combat terrorism will also cost millions and millions of dollars as well as the loss of safety. It is simply wrong. It is illegal.

The gentleman from Ohio pointed out that this is not the first time leaks have occurred.

☐ 1330

It should be the last. It must be stopped now. In fact, Mr. Speaker, it is my hope that the Department of Justice will convene a grand jury and provide immunity to the papers, to the editors and to the reporters if, and only if, they will reveal their government sources, the real cause of the leaks. Then I hope we will prosecute them, and I hope that the judge will hold them in contempt if they fail to produce these sources.

I believe these government leakers are politically motivated. They are doing it to embarrass this administration, and this is why the minority wants to protect them. The leakers were not successful, nor were the papers. They have not embarrassed this administration, but the leakers have damaged the security and our relationship with our partners.

Mr. Speaker, Congress needs to send a strong message condemning these leaks. We must stop the leakers, the government leakers, because they jeopardize us all.

Mr. Speaker, I hope we pass this rule and we pass this bill and send a very strong message that we will not tolerate leaks coming from our government that harm our citizens.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of clarification, I yield 30 seconds to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, for the record, I just want to state that I deeply resent the gentleman from Texas deliberately mischaracterizing what I said here on the House floor; and let me repeat for him what I said: That no one in this House supports the disclosure of classified information that could endanger the lives of Americans.

I would simply say to the gentleman from Texas that the American people are sick and tired of the smears that have gone on here. We can have a debate. You don't need to smear or mischaracterize what I said.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5½ minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time and for her leadership on our committee.

Mr. Speaker, today we debate a resolution with far-reaching implications. It affirms the legal authority for the so-called Terrorist Finance Tracking program. It would also condemn the unauthorized disclosure of classified information. Finally, it sets the expectation that news outlets will yield to the government's decision whether or not to publish stories with classified information.

A vote in favor of this resolution would affirm each of these points: Assertions about a classified program that cannot be proved or disproved with the limited information available; assertions that implicitly threaten the freedom of press enshrined in our Constitution.

Because of the closed rule, Members are prevented from correcting its inaccuracies. So if the choice is simply an up-or-down vote, the resolution must be voted down.

Mr. Speaker, it is unclear how the information disclosed by the Wall Street Journal and New York Times and several other newspapers around the country differed from what was already in the public record.

As the Boston Globe documented yesterday, anyone with an Internet connection could have read the President's executive order authorizing increased efforts to track terrorist financing.

Public testimony to Congress has described how the administration is actively utilizing wire transfers and other financial transactions to track terrorists around the globe. As one former U.S. diplomat noted, "We have spent the last four years bragging how effective we have been in tracking terrorist financing."

Tracking financial transactions is a general principle of counterterrorism. The question should be the specific ways this administration uses this tool.

The administration's actions have indicated consistently that, in a time of war, it is above the law. This raises the concern over how well we as a Nation strike the balance between security and civil liberty and how we scrutinize the outcome.

This leads to a second, important point. Consultation and oversight by the full House and Senate Intelligence Committees is required to check the potential for abuse of power. It is not clear this happened as the resolution asserts.

Many Members sitting on those panels do not think the limited information given to them meets the required threshold of consultation. Without that, this body cannot judge the program's legal basis, nor ensure a balance is struck between security and civil liberties.

Notwithstanding information already in the public domain, some government officials may have disclosed classified information about this program. As a result, the Director of National Intelligence has begun a classified investigation. Anyone who leaked this information should be prosecuted to the full extent of the law.

Recent history is not encouraging, however. Three years ago next month, classified information was deliberately leaked to the press for political purposes by one or more senior White House officials. The intelligence community expressed outrage over the disclosure of Valerie Plame. A network of U.S. intelligence sources developed over the course of several decades was endangered.

At no time did the House leadership bring a resolution to the floor condemning the leak. Every effort by Democrats to investigate the incident was blocked. While the resolution before us references other past leaks of classified information by name, it remains silent about this particular incident.

Mr. Speaker, the fundamental challenge facing our Nation in the aftermath of 9/11 is how to guarantee the security of our citizens without sacrificing the fundamental principles upon which this great Nation is founded. Guaranteeing security is about the end goal. Guaranteeing those fundamental principles is about how we get there. We cannot allow either principle to erode, and the wisdom of including both in our Nation's founding document indicates that our greatest leaders did not see these ideas as contradictory.

My local newspaper, the Sacramento Bee, has an editorial of their own this morning which speaks to this subject, and I will insert the full text into the record at the end, but it reads in part, "The first amendment's durability rests not only on its text but on a longstanding unwritten bargain between government and the press that both will do their best to avoid straying over that line."

I could not agree more. I urge my colleagues to reject this rule and the underlying resolution.

EDITORIAL: WHO'S OVERREACHING?

President Bush has condemned as "disgraceful" several newspapers" reports about a government program that monitors international financial transactions. Some congressional Republicans go further: Sen. JIM BUNNING of Kentucky accused the New York Times of "treason" and Senate Intelligence Committee Chairman PAT ROBERTS of Kansas wants intelligence agencies to assess the extent of damage to national security.

What's ironic about this is, first, that the news reports, while they added much detail, merely described a program that's been no secret to anyone who has followed the administration's anti-terrorist efforts. And if there's any investigative tool that most Americans would probably agree is a proper one, it's tracking suspected terrorist finances.

A major component of that tool has been a Belgium-based database called SWIFT—Society for Worldwide Interbank Financial Telecommunication—that tracks millions of financial' transfers, many of them between this country and others. SWIFT serves as a clearinghouse for financial institutions worldwide. The president was infuriated because, he said, disclosure of the program to tap into SWIFT's database "does great harm to . . . America" by tipping off suspects.

That's debatable.

Amid the hue and cry from the White House and Capitol Hill, less fevered voices tried to put things in perspective. Roger Cressey, a former U.S. counterterrorism official, said the White House is "overreaching," that the SWIFT program "has been in the public domain before." And a former U.S. diplomat, Victor Comras, who was involved at the United Nations in efforts to combat terrorist financing, told the Boston Globe: "A lot of people were aware that this was going on," and that "unless they [terrorists] were pretty dumb, they had to assume" their transactions were being monitored.

That makes sense. And so do the frenzied calls to crack down on the news media, at least in a politically partisan sense.

Never mind that some members of Congress had been briefed on the program and that all Americans have known for years about the Government's efforts to uncover terrorist financial movements and seize assets.

This issue provides a convenient campaign weapon for supporters of the Bush administration to use against "soft-on-terrorism" officeholders, especially Democrats, and against critics in the news media. All of the frothing in Washington raises the possibility that some in Congress will seek to muzzle the press with legislation, subpoenas or other means of intimidation. The long-term effects of such actions might stifle the free flow of information in a society that treasures it, but whose current administration not only has an overdeveloped passion for secrecy but has used that secrecy to cover an array of abuses, including the abuse of people in U.S. custody, some of whom turned out to be innocent.

Such actions have tarnished America's reputation and subverted its values. They deserve to be held up to the light of day, no matter how unflattering the result may be to those now in power.

The line between what's fair to publish and what might hurt national security is a blurry one. The First Amendment's durability rests not only on its text, but on a longstanding unwritten bargain between government and the press that both will do their best to avoid straying over that line. The burden is on an administration that has gone much too far in the name of national security to show that news organizations have done the same in the name of press freedom. That's not evident.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, following the absolutely horrific attacks on our Nation of 9/11, the news media condemned our government for not connecting the dots on how we could have prevented those attacks. We have had government employees who spoke of their inability to gather necessary information or to share that information with others in government.

The 9/11 Commission stated the need to be more aggressive in gathering information on those who seek to murder our fellow citizens. To address this problem, Congress authorized the administration to take all appropriate measures to track down the terrorists; and the administration has done so, with the appropriate oversight by our Intelligence Committees.

But now some in government service who have been entrusted with Top Secret classified information have repeatedly taken it upon themselves to illegally leak those secrets; and they have leaked those secrets to a news media, some of them all too willing to give our playbook to the enemy, giving them the opportunity to adapt and to evade, the same news media that had previously condemned our government's inability to uncover terrorist plots.

By illegally leaking and irresponsibly publishing our secrets, the lives of our fellow citizens, our fellow Americans and our brave men and women in uniform who defend our freedom are endangered.

It is certainly disappointing, but not surprising, that my colleagues on the Democratic side see this issue in light of how it might be used to their political advantage, rather than wondering how it might seriously undermine our national security.

I would urge my colleagues to send a very strong message that this Congress will not stand idly by while loose lips are allowed to cost innocent lives.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank Ranking Member SLAUGHTER for your extraordinary leadership on not just this subject but countless subjects dealing with the liberties of American citizens.

Last night in the Rules Committee, Ms. SLAUGHTER said that this was an historic moment. I could not agree more with that fact.

This does not call for hyperbole or hyperventilation or fancy rhetorical flourishes. This particular measure has the weight that must have existed at the time that the Founding Fathers and Mothers of this country gave birth to the first amendment of the United States Constitution.

If there had been no reporting in the free press during the period of the colonies as to what King George and those persons were doing, there may never have been an American Revolution.

Almost exactly 35 years ago, the eminent Mr. Justice Potter Stewart in the Pentagon Papers said this: "In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry, in an informed and critical public opinion which alone can here protect the values of democratic government," he wrote.

He continued, "For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the first amendment. For without an informed and free press, there cannot be an enlightened people."

I have had the distinct privilege of being the president of an international organization, the Organization for Security and Cooperation in Europe, its parliamentary assembly that Ms. SLAUGHTER and others are members of as well; and during that period I was the lead election monitor in places where democracy is trying to find root but in places where journalists courageously went forward to offer information that should be offered against those administrations, Belarus being an example of that, where there is no free press and where the people cannot rise up, as they did in Ukraine where the press played a major role.

I believe this administration operates on the premise the best defense is a good offense. It is never any accountability with them. It is always somebody else did something. A guy lost his election to one of our distinguished colleagues from Utah last week. He said the devil was the reason that he did not have his campaign money. Maybe it is the devil that makes them do this.

We have flag burning proposals for constitutional amendment. We have gay marriage proposals for constitutional amendment. Yet when it comes to the basic freedom and liberty of this country, the press, we are presented with a resolution that condemns them. That is all it does. It does not sanction. It condemns them.

It is our opportunity to vent and say little things about The New York Times. Please add The Washington Times. Please add The Wall Street Journal. Please add other media entities that have reported along these lines.

I do not believe in what Fox News says, but I believe, and I do, for their right to say it.

You know better than to seek to amend the first amendment, and let us look at this resolution.

□ 1345

It is factually inaccurate when you say, "Whereas appropriate Members of Congress, including the members of the Committee on Intelligence of the Senate and House of Representatives." I am a member of that committee. You say that they were briefed, and I am here to tell you that every member of that committee was not briefed on this particular program.

But I want you to listen to Ben Franklin. I want all of you to listen to Ben Franklin. He said, "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

Find all of the leakers, prosecute them, put them in jail, but let a free press stand in this Nation.

Mr. SESSIONS. Mr. Speaker, last night at the Rules Committee we had an opportunity to digest a lot of information about this, not only about the program but also about, theoretically, who knew what, where, and when. It is my understanding that every single member of the Intelligence House Committee received an invitation to attend a briefing. That is not an indication that every single member attended that open invitation.

I would allow the chairman of the Intelligence Committee, the gentleman from Michigan (Mr. HOEKSTRA), 1 minute.

Mr. HOEKSTRA. I thank my colleague for yielding. I have got the list of who was briefed, when they were briefed. The first briefing of the Intelligence Committee goes back to March of 2002, where the chairman and then the former ranking member of the committee were briefed. I have the briefing dates for Members, of when members of the committee were briefed. I have the dates for when the staff was briefed on the HPSCI Committee.

Staff was briefed as early as March of 2002. Staff was briefed in 2003, 2005, 2005, 2006, 2006, and 2006.

ALCEE, these records indicate that you also had the opportunity and you were at a briefing session on this program.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Is the gentleman referring to the financial services program, as offered?

Mr. HOEKSTRA. On the financial services program, that is correct.

Mr. HASTINGS of Florida. I would like to see that exact date, and I am here to tell you that we didn't receive such a briefing. And if you can tell me that this resolution holds that every member was briefed, I am here to tell you that that is not true.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, my colleague, the chairman of the Financial Services Committee, asked us to say where we disagree with this resolution. I would be glad to tell you that.

This resolution makes factual assertions that I do not believe any Member of the House can confidently and honestly make, and certainly not more than four or five could even pretend.

It says, for example, in the resolved clause that we know, those of us who would be voting for this, as a fact "that the program has been conducted in accordance with all applicable laws, regulations, and executive orders; that appropriate safeguards have been used and been instituted to protect individuals' civil liberties."

I don't believe any Member knows that. Maybe one or two will claim that. Do Members feel free to vote for things and say they know things which they don't?

It is also true in the whereases: "Whereas the terrorist finance program consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy."

That may or may not be the case, but Members here don't know it. And let me talk about briefings, by the way. I am the senior Democrat on Financial Services, and I have been for 3½ years. I was, about a month ago, asked to a briefing. I was asked to a briefing and told that this was about to be made public and, therefore, they were going to brief me. But that if I listened to the briefing, when it was made public I couldn't talk about it.

Yes, I did not accept that briefing. It was a briefing only because it was about to be made public, and then I could not talk about it. But even if I had had the briefing, I do not believe I could in good conscience say these things.

Now, there are Members here who may have such faith in their administration that they will claim to say things which I know they don't know. Yes, faith-based programs are very useful, but I don't think faith-based resolutions do our job.

So I don't know that these things are wrong, but I disagree with making factual assertions about the program that may not be correct.

There is another factual assertion that may not be correct. And I know there has been a lot of concern about the Times. In the Republican majority's resolution there is an attack on the Times. It doesn't mention them. Quite sensitively, it doesn't mention the Times, but it talks about one of the most damaging allegations I have seen about a leak.

It says, on the bottom of page 2: "In 1998, disclosure of classified information regarding efforts to monitor the communication of Osama bin Laden eliminated a valuable source of intelligence information on al Qaeda's activities." Now, that is a serious accusation to make against the Times. It is, of course, the Washington Times. Somehow, that adjective sort of disappeared.

There has been a lot of talk about the New York Times. It is the Washington Times who is referred to in your own resolution, Mr. Speaker, as having done a far more damaging specific thing. But the Washington Post came to the defense of the Washington Times and said, no, that was already known. Well, that is in controversy.

I am not prepared to vote for the resolution which accuses and convicts the Washington Times of having foiled our efforts to find Osama bin Laden when I don't know that as a fact. The Washington Post says it is unfair to the Washington Times.

You may be prepared, Mr. Speaker, to condemn the Washington Times so clearly for undermining our efforts to find Osama bin Laden. I am not.

But we are only here partly about the specifics. This is an outrage, the procedure. I do not understand how Members can hold up their heads when they advocate this.

Well over half of the Democratic Members saw this resolution for the first time at 4:15. There was no consultation about the draft. It was drafted entirely in a partisan way. We looked at it and said, we agree with some of it and not others. Yes, I think almost all Democrats agree that we should track the financial doings.

We have a resolution which takes much of the language from the Republican resolution and says that. It says we are in favor of tracking things, and we condemn leaks. We think it is wrong for people to leak. So we would like to have that in there. But we don't want to have to say, at the same time, that the Bush administration has done everything perfectly. We don't want to make some of the criticisms of the media that you make, including this denunciation of the Washington Times.

We are asking for a chance, in a democracy, to put forward our resolution where we could make clear that we disagree with some of the leaking; where we make clear that we think you should track the financial records of the terrorists; but we do not want to have to say that we also agree with the administration. That would seem to me a reasonable choice.

Mr. Speaker, to the discredit of the Republican Party, you have denied us that choice. This is not democracy, this is plebiscitary democracy. You demand a "yes" or "no." Mubarak and Peron and Hugo Chavez would be proud of your understanding of the democratic process.

Mr. SESSIONS. Mr. Speaker, you know, we do talk about disclosure, unauthorized disclosure of information. But I fail to see where this resolution talks about any newspaper where we mention them. We intentionally chose not to do that because that is not what the resolution is about today, Mr. Speaker.

Time after time we have heard our Democrat colleagues mention newspapers by name. That is not what this was about. We are simply trying to say that we believe that information that is considered private, sensitive, and that should not be disclosed should not be done.

It would be very simple for us to understand that the President may say, you know, we have spies that work for the United States, but if he disclosed who they were, what they did, how they went about doing their business, where they were located, who they came into contact with and their MO about how they did things, that clearly would be something that would be out of order.

So I will tell you, Mr. Speaker, we intentionally have not tried to chastise anyone. We are simply saying we believe the unauthorized disclosure should not be revealed.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. McCOTTER).

Mr. McCOTTER. Mr. Speaker, once again, the Nation finds itself engaged in a world war against abject evil. And in the process, it is always wise to look back to the last world war against abject evil, one which was led by the greatest Democratic President, one of the greatest Presidents ever, Franklin Delano Roosevelt.

We must learn not only from the past how to win this struggle but we must look to the past to see that we do not repeat some of the mistakes that were made by the government at the time, most notably the internment of our fellow citizens of Japanese descent in internment camps.

In that process, I do believe that the press has an invaluable role. It has an invaluable role as a watchdog of democracy and liberty, and it has an expressed constitutional right to do so. What this resolution I believe would help to do, however, is to rectify the current mistake that is being made in a time of war, whereas classified information is being broadcast on the basis of potential abuse rather than actual abuse.

I think that we must further that debate and come back to the realization that potential abuse is a very nebulous standard and which, fortunately, was not applied in World War II to classified information, or there would have been no Manhattan Project.

Further, I think it is also wise to look back at the relationship between the government and the press at the time of World War II. President Roosevelt was fond of bringing reporters into his office, and he would engage in off-the-record conversations with them so that they were aware that he trusted them and that then he could reciprocate that trust to the reporters.

At one point, some of the off-the-record briefing appeared in a column in a paper. At the next meeting of the assembled press in the Oval Office, Franklin Roosevelt gave that reporter a gift. It was an iron cross.

Mr. Speaker, I urge that we support this rule, this resolution, and that we all continue to encourage the debate where the differentiation between potential abuse and actual abuse and the Nation's interest in the defense of our citizens' lives is ever remembered.

Ms. SLAUGHTER. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I wish to state for the record my objection to the Republicans' refusal to be indignant about the outing of a spy by the administration.

Ms. SLAUGHTER. I yield for a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the rule and this measure.

Mr. Speaker, today the House will vote on a resolution that is allegedly intended to reaffirm Congress's support for stemming the flow of money to terrorists. I support efforts by this Administration to cut the financial supply lines to terrorists.

But the resolution before us today is really just an open-faced attack on America's free press for telling the American people what its government is doing.

After 9/11, the Bush Administration announced that one of the ways it would go after terrorists was by cutting off their funding sources. A major part of this effort has been monitoring suspect international financial transactions.

I believe that, at the time, this was the correct decision. We can and must do everything we legally can to protect the country from those who wish to bring us harm.

The Administration's efforts to monitor financial transactions have been a frequent topic of public discussion: By members of the Administration; in open, on the record Congressional testimony; and in the United Nations.

However, to date, I am not aware of any harsh recriminations from the President or Republicans in Congress as a result of any of these discussions over the last few years.

But now that the program has been discussed in the New York Times and other newspapers, the radical right wing Republican enemies of a free press in America have come out swinging—again.

Congress had a choice when the NY Times reported on the SWIFT program. It could have announced hearings on the effectiveness of the SWIFT program and on the impact of public reporting on the SWIFT program. But it did not do that.

This extremist Congress instead has chosen a different, but very familiar, path—a partisan political attack for which it has become famous.

The Bush Administration and this republican-controlled Congress represent the most partisan and most anti-free press Republican party this nation has seen since the days of Richard Nixon and his infamous 'enemies list.'

The fact remains that this president and this Republican Congress wants to manipulate the press to its advantage through the use of covert propaganda and through lying about intelligence and other matters, but it wants to curb the press's role in communicating to the American people information about the actions of its government.

That sounds more like the Soviet Union before the wall came down than the America that I know and love and whose freedom, and free press, is so revered around the world.

The fact is that the party in control of this Congress is out of gas when it comes to leading, they are out of gas when it comes to big bold new ideas to re-energize America.

They have resorted, nearly every day now, to their tired old whipping posts, including the free press, in a desperate effort to hold on to their power, an awesome power that they have failed to use to help America.

As this bill's sponsor, Mr. OXLEY, so wisely stated earlier, we do need accountability in Government.

The President promised to hold those accountable in his Administration involved in leaking the identity of a covert CIA agent to the press. He has yet to do that. Instead he and his rubberstamp Congress choose to go after leaked information only when it suits their political agenda.

We have yet to hold anyone accountable for the falsified intelligence about Weapons of Mass Destruction. Instead we get the rubberstamp Congress's version of a weapon of Mass Distraction just in time for the November elections.

This Congress has not held anyone accountable for pulling military resources away from Afghanistan to prepare for the unjustified war and occupation of Iraq, which allowed Osama bin Laden to escape capture.

If only the Administration and its Republican allies in Congress were as aggressive in attacking Osama bin Laden as they are when attacking the press, we might be safer as a nation.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank my friend from Texas, and I do want to make a few points here today.

One thing you have to give my Democratic friends credit for is their consistency on the war on terror. They have been consistently mad. They were mad we didn't do more surveillance-wise before 9/11 to stop that attack; and they have been mad that we have done too much surveillance since 9/11, which has helped successfully stop another attack, including attacks in Toronto and New York most recently.

But I rise here today to talk about the resolution itself. What this resolution does basically is to tell you, if you operate a flight school and you have reason to believe that the people learning to fly planes want to fly planes into American buildings to kill Americans, you shouldn't warn your students that they may be under surveillance. You should tell the FBI.

This resolution sends a message to all the people that operate hotels that if you are having people stay with you, paying you rent, and you have reason to believe they are putting together an attack on American civilians, you shouldn't warn them that they may be under surveillance. You should tell the FBI.

If you are a chemistry professor and you have reason to believe that a student is putting together weapons of mass destruction, like biological or chemical weapons, you shouldn't warn your student that they may be subject to surveillance. You should tell the FBI.

If you are an American banker and you have reason to believe that your client is depositing money to fund terrorist activities, you shouldn't warn your client that the American Government may be watching you. You should tell the FBI.

And, yes, it does tell American newspapers that if you are loyal, you should not deliberately give sensitive and secret information to the entire world of people that want to do us harm.

Finally, it says to every employee of the United States Government that if you deliberately leak sensitive information that you have access to that you may have committed treason and you may be a traitor.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from the great State of Georgia (Mr. GINGREY).

☐ 1400

Mr. GINGREY. Mr. Speaker, I think it would be instructive for all of our colleagues to let me read briefly the synopsis of this resolution: Supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation, as we heard from Chairman HOEKSTRA a minute ago, and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances.

Mr. Speaker, we heard a little while ago from the gentleman, the very intelligent gentleman from Massachusetts, that resolved number 2 he had some concerns about. Resolved number 2 basically says, finds that the Terrorist Finance Tracking Program has been conducted in accordance with all applicable law, regulations and executive orders, that appropriate safeguards and reviews have been instituted to protect individuals' civil liberties.

He is concerned about that. I grant him that concern. I am not concerned about it. I am sure if he votes against this rule or against the resolution, he can explain this to the people of Massachusetts.

Mr. Speaker. I can explain also my support to the people in the 11th District of Georgia because, mainly, of resolved number 4. and this is it. It expects the cooperation of all news media organizations in protecting the lives of Americans and the capability of the government to identify, disrupt and capture terrorists by not disclosing classified intelligence programs leaked to them, such as the Terrorist Finance Tracking Program.

I don't care who it is, Mr. Chairman, of what political party or who they work for. If they are leaking information and putting our men and women who are doing the fighting and dying for us, putting their lives in danger, then we need to out them and prosecute them. The media. and we are not naming names with regard to whether it is The Washington Post or New York Times, needs to show some responsibility.

Support the rule and the underlying resolution.

Ms. SLAUGHTER. Mr. Speaker, may I inquire if my colleague has more requests for time?

Mr. SESSIONS. Mr. Speaker, we are through with all of our speakers that we might have. We will then wait for the gentlewoman from New York to close, and then we will do so.

Ms. SLAUGHTER. Mr. Speaker. I will be asking Members to vote "no" on the previous question so that I can amend the rule to allow the House to consider a resolution introduced by Financial Services Ranking Member Barney Frank instead of the press-bashing resolution made in order under this rule.

I ask unanimous consent to print the text of the amendment and a description immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, the Frank substitute resolution expresses Congress' support for intelligence and law enforcement programs that track terrorists and terrorist finances and are conducted consistent with Federal law and with appropriate Congressional consultation.

Vote "no" on the previous question so we can consider this resolution instead of H. Res. 896. Again, vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker. at this time, I yield all time remaining to the Chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, the day after President Bush gave his stirring address right here to a joint session of Congress on September 20, 2001, The New York Times editorialized, and I quote, what promises to be a long and painful fight against a ruthless enemy.

Mr. Speaker, this was true then, and it remains true today. So it goes without saying that any information and any intelligence exposed to the enemy directly hinders our prosecution of the war and directly threatens the safety of Americans. By relying on illegal leaks of classified information to publish the details of our government's program to track terrorist financing, some of our country's biggest newspapers, led by The New York Times, have imposed their interpretation of the, quote-unquote, public interest on a public whom I am confident to say would much rather be safe than be all-knowing.

Let us be clear, those very newspapers that spilled barrels of ink about the government not connecting the dots before September 11, 2001, are now making it much harder to collect, much less connect, the dots today.

Mr. Speaker, by all accounts, this was a legal, effective and narrow program that nabbed high-value terrorists. There were no reported abuses by the program, and there was no compelling reason to publish it, which is cause for serious concern. If officials leak information on programs such as this and newspapers print it, what won't be leaked and what won't be printed?

The case was made to newspapers by Democrats, Republicans, and people inside and outside of the administration that publication of this story would expose a critical program.

Our former colleague, Lee Hamilton, and his cochairman of the 9/11 Commission, Tom Kean, were very clear. They were among those people who made the case. Mr. Kean said in an interview with Byron York, there are a number of programs which we are using to try to disrupt terrorist activities, and you never know which one is going to be successful. We knew that this one already had been.

Mr. Speaker, it is absolutely critical that we send this very strong message that this behavior cannot continue.

The material previously referred to by Ms. SLAUGHTER is as follows:

Previous Question for H. Res. 896, Rule for H. Res. 895: Supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finance.

Strike all after the resolved clause and insert in lieu thereof the following:

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 900) supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate congressional consultation. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit which may not be instructions.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. SESSIONS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 440) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 440

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 29, 2006, or Friday, June 30, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, July 10, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, June 29, 2006, Friday, June 30, 2006, or Saturday, July 1, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 896, by the yeas and nays; adoption of H. Res. 896, if ordered; ordering the previous question on H. Res. 897, by the yeas and nays; adoption of H. Res. 897, if ordered; adoption of H. Con. Res. 440, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H. RES. 895, SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 896, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 18, as follows:

[Roll No. 350]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross

Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Bishop (UT)
Buyer
Cannon
Cardin
Carson
Culberson
Evans
Filner
Fitzpatrick (PA)
Ford
Gerlach
Hayes
Holden
Johnson, Sam
Kanjorski
Marshall
McHenry
Sherwood

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Mr. DICKS changed his vote from "yea" to "nay."

Mr. MCHUGH and Mr. HASTERT changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 195, not voting 17, as follows:

[Roll No. 351]

AYES—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Bishop (UT)
Buyer
Cannon
Cardin
Evans
Filner
Fitzpatrick (PA)
Ford
Gerlach
Hayes
Holden
Johnson, Sam
Kanjorski
Marshall
McCrery
McHenry
Sherwood

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1438

Mr. ABERCROMBIE changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, on rollcall Nos. 350 and 351, I was involved with official activities of the Veterans Affairs Committee. Had I been present, I would have voted "no" on both votes.

PROVIDING FOR CONSIDERATION OF H.R. 4761, DEEP OCEAN ENERGY RESOURCES ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 897, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 193, not voting 15, as follows:

[Roll No. 352]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)

Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Bishop (UT)
Cannon
Cardin
Evans
Fitzpatrick (PA)
Ford
Gerlach
Hayes
Holden
Johnson, Sam
Kanjorski
Kirk
Marshall
McHenry
Sherwood

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1445

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. KIRK. Mr. Speaker, on rollcall No. 352 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER pro tempore. The pending business is the vote on adoption of House Concurrent Resolution 440, on which the yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Speaker, parliamentary inquiry. Am I correct in my understanding that if the motion to adjourn carries that there will be no opportunity to address the minimum-wage issue before the Congress goes home for the July 4 break, and these men are raising their voices because they don't want to deal with the minimum wage? Is that what's going on here today?

Could you answer my parliamentary inquiry, Mr. Speaker? We need to understand what's going on here.

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 197, not voting 15, as follows:

[Roll No. 353]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)

Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Bishop (UT)
Cannon
Cardin
Evans
Fitzpatrick (PA)
Ford
Gerlach
Hayes
Holden
Johnson, Sam
Kanjorski
Lewis (KY)
Marshall
McHenry
Sherwood

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in the vote.

☐ 1454

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HAYES. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

JULY 29, 2006

Rollcall vote 353, I would have voted "yea."
Rollcall vote 352, I would have voted "yea."
Rollcall vote 351, I would have voted "yea."
Rollcall vote 350, I would have voted "yea."
Rollcall vote 349, I would have voted "yea."
Rollcall vote 348, I would have voted "nay."
Rollcall vote 347, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed four rollcall votes.

Had I been present, I would have voted "nay" on rollcall vote No. 350, "nay" on rollcall vote No. 351. "nay" on rollcall vote No. 352, and "nay" on rollcall vote No. 353.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to House Resolution 897, the resolutions listed in section 2 thereof are laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. WOLF. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5672, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ROBERT NEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Matthew Parker, District Director of the Honorable ROBERT NEY, Member of Congress:

JUNE 28, 2006.

Hon. DENNIS HASTERT,
Speaker,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents and testimony issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MATTHEW PARKER,
District Director.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 4761.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEEP OCEAN ENERGY RESOURCES ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 897 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4761.

☐ 1458

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us today an extremely important bill. Earlier in the day we had quite a bit of debate on the rule. Unfortunately, much of that debate had very little to do with this bill. Much of that debate had more to do with other issues that Congress has failed to address over the last several years; but we do have the opportunity today to move forward in terms of a national energy policy and taking a step in the right direction.

I look forward to a very active debate, a very insightful debate; and I hope that my colleagues can actually debate the bill that is in front of us today because that is what we are debating. I hope that we have the opportunity to have a full hearing on what is important to this country.

Mr. Chairman, I reserve the balance of my time.

☐ 1500

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the pending legislation on the basis that I am unwilling to vote against America's energy independence. This bill would continue to mortgage our Nation's future to a handful of multinational oil conglomerates. It demands a continued addiction to a petroleum diet. It would only further enslave us as a Nation, as a society, to the oily ways of the past, which do not bode well for our energy future.

It is telling that the so-called "energy week" proclaimed by the Republican majority consists only of this single piece of legislation that would only further shackle the Nation to the whims and caprices of the petroleum industry. It is telling that this is their idea, as it has been all along, of what energy independence means.

As Paul Revere did on that famous midnight ride, those of us opposed to this ill-conceived bill are raising an alarm. The drumbeat that we hear pounds out a call of freedom. Freedom to be done with those who profit and plunder at the gas pumps throughout this country, freedom from the price gougers, freedom from the merchants of profit and power over our American values, and the freedom to devise new and alternative fuels to our petroleum dependency. It is time to stand up and be counted, to hoist up the flag and salute it, to strike a resounding chord that will reverberate across this great land of ours.

I say to my colleagues that truly today is Independence Day here in the House of Representatives, for we are being given an opportunity to vote against this outrageous bill and vote against it on the following grounds:

First, it would improperly and perhaps unconstitutionally delegate to the coastal States virtually all decision-making powers over the disposition of a Federal resource. It says to all of the other owners of our offshore water and energy resources, whether they reside in Ohio, Idaho, Arizona or my great State of West Virginia, so it should say to the owners of our offshore waters and energy resources, all of the American taxpayers, no matter what State that they reside in, that they have no say in this matter. No say whatsoever, that we are going to vest all of the power with a few, to the detriment of the many.

Second, it would grab the second largest source of income to the Federal Government after personal income taxes, yank this revenue out of the Treasury and redistribute it to those few. Let's be clear. This bill would reallocate existing revenue from OCS oil and gas leases to willing coastal States, not just future, potential revenue streams, but also those currently being dedicated to the benefit of the Nation as a whole.

It would rob the majority of the American people and bankrupt the Land and Water Conservation Fund so cherished by communities and localities across this great land. According to the administration, this is their figures, the revenue-sharing provisions of bill alone would constitute a $74 billion hit over the first 15 years. Envision this massive rate on America's resources and what it will mean to the average American.

Third reason for opposing this bill, it would deprive most of us of jobs and economic benefits in most of the regions of our country. Those of you from the Midwest, from the corn belt, you can forget about ethanol. This bill demands petroleum. Vote for it, and you vote against your interests. You vote against the jobs in your region and against economic benefits that the production of ethanol brings to your region.

Those of you from the coalfields, like myself, where we have sought for many years to broaden our employment base and to reduce our Nation's petroleum fixation with liquid fuels made from coal, vote for this and you are voting against the future of your coal miners.

As in the past, these so-called energy bills that come before this Republican-controlled Congress are nothing but a vote for further, as the President wants to wean us away from, it is nothing but a vote for a further addiction to oil.

With the Nation hard and fast on a petroleum diet for decades to come brought forth by this pending legislation, the widespread commercialization of coal-to-liquids technology to fuel our vehicles will continue to be an elusive goal and merely lip service only.

I have never forsaken the coal miners in my congressional district, and I am not about to do so now.

Fourth, Mr. Chairman, this bill simply is not necessary. Under the Bush administration alone, the Department of Interior has offered leases covering 267 million acres of the OCS. Industry has only sought to acquire 24 million of those acres.

Now, contemplate that for a moment. There are still 243 million acres available, currently available for leasing that the oil and gas industry has not yet seen fit to bid upon. In all, in total, over 40 million acres of the OCS are under lease and less than 7 million of those acres are in production.

Is there a crisis in the OCS? Is there evidence that legislation such as that before us today, which shreds long-standing moratoria is needed? The facts tell us not.

Those who bring forth this legislation represent an era that should now be in our past, seeking to place all of our eggs in a black basket woven of petroleum. They would defend the predominance of Big Oil, those with wealth and power over our energy destiny.

Those of us opposed to this legislation bring with us the conviction that there are limits to what the American people will suffer for the sake of profit and power. This is indeed a turning point for America.

Mr. Chairman, I urge the defeat of the pending legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman I yield 2 minutes to the majority whip, Mr. BLUNT.

Mr. BLUNT. Mr. Chairman, I thank the chairman and Mr. ABERCROMBIE for their work on this bill, which will produce a bipartisan vote today.

I join my friend, Mr. RAHALL, in his interest and support in the continued expansion of the use of coal and ethanol. I just do not think this bill prevents that from happening. This bill allows us, during a transitional generation, to help meet the needs of that transition.

This bill allows us to look at domestic resources, at resources close to our shore that replace those things we are now importing. The U.S. Minerals Management Service estimates that in these deep sea areas there are 420 trillion cubic feet of natural gas, almost 20 times the annual U.S. consumption of natural gas, 86 billion barrels of oil. Twenty years of imported oil would be 86 billion barrels of oil, or almost 20 years of imported oil.

This bill is balanced, a common-sense approach that gives the coastal States unprecedented power to prevent production within 100 miles of their coastline, while enabling the United States to produce energy in the deep waters beyond.

This bill is at no cost to the Federal Government. The scoring in the bill that the sponsors have worked on comes back at no cost in 1 year, no cost in 2 years, no cost in 10 years. In fact, the Federal Government brings in additional revenues under this formula, even though it is beginning to share new revenues with the States.

The U.S. is facing high energy prices. The U.S. is in a crisis of too much imported oil and natural gas. Too many jobs and gross sales have gone to other countries as the natural gas prices have made us less competitive in fertilizer and other industries than we used to be.

This is a great piece of legislation. It is a great effort to bring so many elements together. I want to again thank the chairman for his leadership on this legislation and others, along with Mr. ABERCROMBIE, who have worked so hard to bring it to floor today.

Mr. RAHALL. Mr. Chairman, I yield 3¼ minutes to the gentlewoman from California (Mrs. CAPPS), a true leader in this area who has devoted a great deal of time on this issue and has a true concern for our environment and what this issues means for us.

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I rise in such strong opposition to this budget-busting bill that threatens our coastal communities. This bill is unnecessary, misleading and fiscally irresponsible.

The oil and gas companies, awash in profits from high energy prices, would have you believe these three things: That the offshore oil resources are off limits today. Second, that this bill will give States control over the drilling off their coasts. Third, that this bill is fiscally responsible.

All of it is hogwash.

First, here is a little secret supporters of the bill do not want you to know. The industry already has access to the vast majority of oil and gas on the OCS. According to the Bush administration, some 80 percent of the known reserves are located in areas where drilling is already allowed.

Furthermore, the oil and gas industry already owns the drilling rights to more than 4,000 untapped leases in the Gulf of Mexico alone. Why should we open the entire U.S. coast to drilling when the industry will not even drill where it already can?

Second, this bill turns Federal efforts for coastal protection and public lands protection on its head. The Federal Government sets the rules on drilling and other activities in Federal waters. The impact on the environment and the fishing and transportation industries are just too broad to be determined by a single State.

But this bill turns these important decisions over to the States. It would be like letting California decide what should go on in Yosemite, or letting Pennsylvania set the rules for air quality on the east coast.

And as for the claim that the bill gives a State control of oil drilling off its coast, that is full of holes, too. The bill ends the current moratorium on new drilling immediately. In order to continue even parts of the current ban, a State has to clear numerous hurdles. It has to petition the Feds through separate legislative votes and actions by its governor. The petitioning has to be repeated every 5 years.

The Federal Government can simply ignore a State's request for continuation of the ban anyway, and that is hardly giving a State control over its coastal protection.

Finally, this bill creates a new permanent entitlement that will add billions to the Federal deficit.

The Bush administration says the bill would cost $74 billion over the next 15 years and a whopping $600 billion over the next 60 years. For my fiscally conservative friends who spent hours trying to strike $100,000 dollars from appropriations bills, let me repeat that. This bill will add $74 billion to the deficit over the next 15 years and $600 billion over the next 60 years.

And for my fiscally conservative Blue Dog friends, this budget-busting bill will add even more zeroes to those great deficit signs outside your offices.

I know that Chairman POMBO has spent the last couple of days trying to bring that cost down. But who really knows what the effect of his proposed changes are, given the little time anyone actually has had to digest his manager's amendment?

Mr. Chairman, if Members really want to put brakes on reckless budgeting, here is the chance to lower the deficit by dollars and not pennies.

This bill is a bad deal for America. It will unnecessarily put at risk protections for our coastlines that have been in place for 25 years. It will lead to even more control of our offshore waters by the oil and gas industry. It will lead to even larger Federal budget deficits. Vote no on this budget buster.

Mr. POMBO. Mr. Chairman, I yield for a unanimous consent request to Mr. DUNCAN.

Mr. DUNCAN. Mr. Chairman, I want to thank and commend Chairman POMBO for this bill.

Mr. Chairman, I rise in support of the Deep Ocean Energy Resources Act. Simply put, the DOER Act is a matter of both out national security and our economic security. Over the last couple of years gasoline and natural gas prices have skyrocketed.

More and more people are finding it harder to pay for the gas to fill up their tanks just so they can get to work to provide for their families. Lower income citizens are having trouble paying their utility bills.

We have been blessed with relatively low inflation rates that date back to the Reagan Administration. However, now in recent months, the Federal Reserve is constantly rising interest rates due to inflation, largely caused by rising energy costs.

When businesses have to raise their prices to pay for their energy bills, those increased costs get passed on to consumers. that is just simple economics.

At one of our hearings in the Resources Committee we were told that the United States is the only country in the world that forbids safe energy production on its Outer Continental shelf. If environmentalists will not let us drill offshore or in areas within the Country, from where are we supposed to get our energy? this makes us more vulnerable to foreign energy producers.

It also drives up prices and hurts poor and lower income and working people most of all.

We are forced to seek supplies overseas in politically unstable areas of the world such as the Middle East, Nigeria and Venezuela. Now we are told that the President of Venezuela wants to work with Castro's Cuba and the Chinese and drill for energy in Cuban waters that are close to Florida, so Cuba can drill close to Florida, but we can't.

America has proven oil and gas reserves that we have locked up. We can no longer afford that luxury. the DOER Act would allow us to increase the supply of domestic oil and gas and improve the prospects for a more affordable energy future.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JINDAL), one of the chief authors of the bill.

Mr. JINDAL. Mr. Chairman, I want to thank Mr. POMBO for his very good work on this bill. I would encourage support and a yes vote on this bill for several reasons.

If you are worried about rising energy prices, I would recommend a yes vote on this bill. Thirty percent of the Nation's energy comes off the gulf coast.

If you are interested in treating the gulf coast States equally, the way that we treat on-shore drilling on Federal lands for inland States, I would recommend a yes vote on this bill.

If you are interested in our environment, if you are interested in restoring America's wetlands, I would encourage a yes vote on this bill.

Louisiana loses 30 miles a year off our coast. We lost 100 miles last year off our coast thanks to Hurricanes Katrina and Rita. We have lost a size of land equivalent to the entire state of Rhode Island. The State of Louisiana is poised to pass a constitutional amendment dedicating 100 percent of the royalties we will receive under this bill for coastal restoration, hurricane and flood protection, restoring our coastal infrastructure.

If you are worried about the hundreds of thousands of jobs we are losing in this country, if you worried about the 100,000 jobs we have lost in the wood and paper industry in the last 6 years, the 100,000 jobs we have lost in the petrochemical industry in the last 6 years, I would encourage a yes vote on this bill.

In Louisiana alone, we have lost 5,000 jobs, 5,000 jobs in the last couple of years, jobs that averaged $50,000 a year, jobs in our fertilizer industry, jobs in our wood and paper industry, in part because natural gas prices are half, in Russia are half or less overseas compared to what we are paying right here in the United States. If you are worried about keeping those jobs, I would encourage a yes vote on this bill.

If you are worried about the hurricane damage that occurred in Louisiana, one of the reasons the entire Louisiana delegation, our Democrats and Republicans, our Democratic governor, are strongly encouraging a yes vote for this bill is this is our best chance to get the recurring revenue sources we need for category 5 levees. This is the best chance we have for recurring revenue sources to restore our coasts. Every 2.4 miles of wetlands absorbs 1 foot of tidal surge. I am going to repeat that. Every 2.4 miles of wetlands absorbs 1 foot of tidal surge.

We were all shocked, outraged and hopefully sympathetic with the people of Louisiana after last year's hurricanes. The best way to help those people is with a yes vote on this bill.

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Mr. RAHALL. Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of the bill and oppose the amendments.

Mr. Chairman, the price of natural gas is unsustainable for the American manufacturing base and for American families' home heating. We are already in a crisis with natural gas around $7 per thousand cubic feet.

Average long-term contract prices for natural gas have tripled and quadrupled over the last 5 years, and spot market prices are even higher.

Normally it would be heresy for a Texan to complain about high natural gas prices. The fact that I do just that is proof of this crisis.

The American chemical industry has already lost almost 1 million high paying jobs due to high natural gas prices. But the worst is yet to come.

We are on the verge of a tragedy as the production in the open areas of the Gulf of Mexico peaks in the next 10 years, and we have nothing to replace it unless we pass this legislation.

Many of the opponents of oil and gas drilling say drilling will have no impact on prices. With oil, they have a point, because it is a global price, but domestic oil does protect us from shortages and price spikes.

However, natural gas is not easily shipped overseas because it must be frozen to negative 200 degrees, so it is not a global price.

The high prices we pay for home heating and manufacturing are a direct result of the fact that our U.S. natural gas is locked up by federal bans.

Unless we open our offshore areas, the U.S. will experience shortages of natural gas over the coming winters.

Natural gas is the most efficient, cleanest form of home heating available and many areas have no alternatives.

We face the very real possibility that one winter, natural gas on the spot market will not be available at any price—factories will close and Americans will risk death during the winter.

If that happens, Congress will be to blame, because the United States is the only developed nation in the world that forbids safe energy production offshore.

Norway, Britain, Canada, and other highly developed countries with strong environmental protection produce offshore without problems.

Because they produce their gas, their industries have a competitive advantage against ours.

Major chemical companies have told me point blank that they are adding jobs in Europe instead of America, even though they have more labor and environmental regulations, because they have cheaper natural gas.

Those are tragic decisions for us, but natural gas is as much as much as ten times more expensive in the United States than it is overseas.

I support energy alternatives, but ethanol, solar power, and wind power cannot substitute for natural gas in home heating or for making plastic.

Electric home heating is much less efficient and natural gas is needed in manufacturing not just as a fuel, but as a feedstock to produce plastics.

Much of the materials we use in our daily lives are plastics, and those materials used to be made in the U.S.

Unless we allow our industries access to domestic natural gas, more jobs will go to Europe, Russia, China and India in search of natural gas.

I urge a "yes" vote on the bill, and a "no" vote on all amendments to weaken the legislation.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in the strongest possible opposition to this bill.

First, we should not be opening our coasts, all of our coasts, to oil drilling when we have not taken the first step, not the first step, to conserve oil. Drilling today just depletes oil we may need later. Conserving now means saving more oil year after year after year. But the Rules Committee did not make in order my amendment on fuel economy standards, which at least would have allowed us to have a debate on demand and supply at the same time.

But my opposition goes beyond any general concern about oil drilling because this bill does far more than simply lift the long-standing moratoriums on drilling. This bill basically hands over our coastal waters to the oil interests and makes it hard for States or citizens to do anything about it.

And this is no exaggeration. The bill makes it difficult for States to bar drilling. Then, if a State allows drilling, the bill eliminates fundamental parts of the current process that allow States and citizens to review drilling plans to make sure they are environmentally sound and consistent with other possible uses of the waters. Then the bill blocks any use of the waters that could interfere with drilling. And, finally, to add a constitutional insult to all that coastal injury, it enables the Secretary of the Interior to threaten to withhold funding from States if the Secretary thinks Congress is interfering with oil drilling. This bill is breathtaking in its overreaching.

Whether you are for or against offshore drilling, you ought to be against this bill. Once your constituents find out what really is in it, you will have a lot of explaining to do.

Let me add that the manager's amendment does not do anything to alleviate my concerns. We studied it to the best of our ability. It was only available last night at midnight, and we have studied it. The amendment leaves in place all the unprecedented provisions I just mentioned. It leaves in place at least one new mandatory spending program. It even adds a new penalty to coerce States into opening waters to drilling.

The manager's amendment is also rife with financial gimmickry. It actually increases the revenues denied the Federal Treasury over the long haul. It just delays the phase-in of the revenue sharing to States, but it raises the maximum amount States will get with no requirement, absolutely none, to report how the money has been used.

So this is not a very good bill. As a matter of fact, it is my conclusion that it is a bad bill, even with the manager's amendment. It would make John D. Rockefeller blush.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this legislation.

I have represented a southern California coastal district for 18 years. There has never been an oil spill caused by an offshore rig, and we have had offshore oil drilling off my district for decades. The one spill we had that polluted our coast came from a tanker.

Those who vote against offshore oil development are basically making us more dependent on tankers, which are dramatically more likely to spill oil upon our shores.

As a scuba diver and one of the two active surfers in Congress, I suggest to those opposing offshore oil development, get real. What you are advocating will make us more dependent on tankers. Thus, we will are more likely to have oil spills. Cloaking your positions in environmental rhetoric does not make it so. You are making us more likely to have oil spills by making us more dependent on tankers.

Support offshore oil development and a strong, independent American energy sector.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), a valued member of our Resources Committee.

Mr. PALLONE. Mr. Chairman, I rise in strong opposition to this bill.

House Republicans have called this week their so-called "energy week," but the best they can do is offer up the same tired old refrain of drill, drill, drill. Unfortunately for them and for the American people, simply allowing more drilling is going to do virtually nothing for gasoline or natural gas prices and nothing to move us towards a sustainable energy future.

Now, proponents of this misguided legislation will accuse those of us fighting the bill of only saying "no" and not having any solution of our own, but that is a false choice. They are saying that we are either for drilling or we are for absolutely nothing.

The truth is that many of my colleagues and I have repeatedly offered solutions to our energy problems, only to have them rebuffed and not brought to the floor for a vote. Many of these solutions would not be germane to today's bill but are critical to solving our energy problems. I am talking about increasing fuel economy standards for our cars, introducing renewable portfolio standards, and strengthening energy efficiency standards for buildings and appliances.

I want to say, Mr. Chairman, I am in my district every week talking about energy efficiency, fuel economy. We just had a school opening, and we talked about how in Highland Park in my district we have a new school building that has geothermal fuels, that has new lighting that has solar power.

Just a week ago, I went to Middlesex County, one of my counties, at the Rutgers Cooperative Extension Station, and we just showcased new solar panels. We talked about all the things that can be done to create more energy efficiency in office buildings and residential buildings.

The State of New Jersey is providing grants that the Federal Government does not have for residential users to basically provide more energy efficiency.

So the fact of the matter is the Democrats and those who oppose this bill have been out there offering solutions. You just do not let us bring them up.

The choice that we are making today, whether or not to pass this bill, also comes with a serious price tag that we have already talked about. According to the Minerals Management Services' estimates, the revenue sharing in this bill, along with the giveaways to the oil and gas companies, would cost taxpayers $74 billion over 15 years, just increasing the debt. That is what the Republicans do. They increase the debt.

Now, what is worse is allowing drilling in sensitive offshore areas with endangered coastal economies in States like New Jersey.

Speakers on the other side have said that they are worried about jobs. Well, I am worried about jobs in my State. The beach season, the summer season has begun in my district. When we had problems in the late 1980s and our beaches were closed for other reasons, we had billions of dollars, hundreds of thousands of jobs that were lost, and do not tell me that you are not going to have a spill. You say, oh, we are going to drill for natural gas and we are not going to hit oil. That is garbage. You have no way of knowing that.

You also make statements about how a State can opt-out. Well, my State is a small State. How do we opt-out when New York or Virginia have a spill and it comes to our shores? This is going to devastate our coastal environment.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Chairman, I rise today to encourage my colleagues to support the Deep Ocean Energy Resources Act of 2006.

I represent over 75 percent of the coastline of South Carolina, which is some of the most beautiful beaches in the world. I have worked closely with Chairman POMBO to ensure that the interests of coastal communities are addressed in this bill.

The revenue share portion of this bill going to coastal communities will help these communities fund important projects such as beach renourishment, infrastructure construction and wetlands conservation.

I thank Chairman POMBO and my fellow Resource Committee colleagues, Congressman BOBBY JINDAL and Congressman JOHN PETERSON, for their hard work in bringing this bill to the floor today.

I believe that this bill is an important part of the solution to fix the energy crisis we are all facing today in America. It is also an important step to stop America's dependency on foreign sources of oil. Becoming more energy self-sufficient is not only an economic issue but also an issue of our national security.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member on the House Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from West Virginia for yielding.

Mr. Chairman, there are many reasons to oppose this legislation. You can begin with the fiscal reasons. Just last week, we had the Republicans on the floor pleading for line-item veto so the President could help them cut deficit spending and cut spending. The President now says he opposes the spending in this bill, but they are not going to take that into regard this week. They are going to go ahead and spend and going to go ahead and increase the deficit. So, apparently, they just cannot stop themselves from doing that.

But a more important reason is this. It is because of the threat to the coast that this bill presents and the threat to the coast that is not necessary. If the rest of the Nation would just follow California, we banned offshore oil drilling a long time ago, but we also recognized that we had an obligation as a State to meet our energy needs and not be as dependent on others as we were at that time. What you now see is California is the most efficient energy user per capita in the country.

But that is not enough. We are going to go beyond that. The Public Utilities Commission is putting in a conservation program and energy efficiency program that will end up being a positive payback for the consumers. They will save money at the end of the expenditures of about $2 billion.

We will, in fact, increase the use of biofuels dramatically. The governor has asked for 180 million gallons of biofuels I think in 2010, and we are going to meet and exceed that level.

So there are these alternatives that dramatically reduce our dependence on fossil fuels, and this is really where we ought to be going.

This is a continuation of a philosophy that has gotten this Nation into so much trouble, and that is, while we use 25 percent of the world's fossil fuel resources and we hold 3 percent of the reserve, that somehow we can drill ourselves out of that problem. It is a continuation of a policy that was in vogue and popular and maybe even rightheaded in 1950 and 1960, but everything we have learned since then tells us that we cannot continue in this direction.

So we tried to believe that we could drill our way out of our problem in Alaska, and now we are going to some of those valuable coastlines and risking that coastline on the idea that, again, we can continue to drill our way out of it.

Because the people of this Nation do not want it, this bill has a perverse set of financial incentives to States and localities to try to make money talk, as opposed to the people of that State, to try to get the political establishments to overwhelm the people who have spoken in the Carolinas and Florida and California and Oregon and Washington and elsewhere in the country against this policy. So now we are just going to see if we can bribe them into changing their mind. This is not about an energy policy. This is about an etiology.

Finally, the other reason to do this is that this legislation drains money from every other State, money that would be available to the Federal Government for deficit reduction or for whatever purpose, and throws it into a couple of States that become the winners of this great offshore oil lottery.

This House ought to reject it on budget grounds, on environmental grounds, on energy grounds and on simply a vision of the future.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this bill is not about alternative fuels or about the environment or about any of the things we are hearing about here today. It is about the price of natural gas and getting it down in our country. It is about fairness to the coastal States that are now providing so much of the resources for this country that are not getting their fair share of the resources back. It is about inclusion and including folks in this industry who are not yet included and have not had the trading to be included or the education to be included.

Right now, natural gas prices are $12.68 per million btu, $4.85 in China, $1.21 in Iran and 95 cents in Russia. We cannot compete with those prices. This high natural gas price is devastating our industries; and, therefore, we are losing jobs across the country in manufacturing and in the petrochemical industry in my State and around the country.

Eighty-five percent of the Outer Continental Shelf is off limits for natural gas production. That is wrong.

Louisiana is America's energy corridor. Approximately 34 percent of the Nation's natural gas supply and almost 30 percent of the Nation's crude oil comes through our State. We need to have the right kind of support to continue providing this help to our country.

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Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank my colleague for yielding.

Mr. Chairman, I rise in the strongest opposition possible to this legislation which will erase 25 years of critical environmental protection. Only a month ago, the House rejected an attempt to lift the ban on coastal drilling, and yet today we are being told that the solution to our addiction to oil is more oil; that the oil companies who are reaping record profits need more relief from Federal regulation, and that more of our public lands need to be sacrificed for their bottom lines.

This bill should be entitled Nothing is Sacred Any More. This is an outrage. The wheels have come off here. This bill not only hurts us in terms of the fiscal condition of the country; it gives the wrong message. It sends a terrible message to people in States that have spoken out over and over and over again. Their voices will be ignored. The vote will be ignored.

The Republican Governor of California is vehemently opposed to this. This is an insult to local governments, to State governments, and to anyone that wants to land on the side of the future for our country and not the past.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COSTA).

Mr. COSTA. Thank you very much, Mr. Chairman. I rise to support H.R. 4761. I would also like to thank Chairman POMBO and Ranking Member RAHALL for their efforts on this legislation.

This bill is an important step toward achieving the goal of further developing our domestic energy resources. We have for too long put vast oil and natural gas reserves off limits to exploration and production, as The Washington Post editorial stated this week.

Our domestic reserves are not limitless, and this is a first step. But we must take other steps, such as increasing conservation, developing an ethanol industry, and increasing CAFE standards if we are to make our country safer by cutting our reliance on foreign oil.

Despite the previous efforts of Congresses, our addiction to foreign oil, as the President stated, is greater today than ever before. That dependency is a threat to our national security, and we must address that threat.

I would also like to take this opportunity to commend the efforts of the author and my friend, Representative CHARLIE MELANCON, on this legislation. It is clear that Congressmen JINDAL and MELANCON are putting the interests of their constituents and the American public first as opposed to the interests of partisan politics.

Please vote for H.R. 4761. I think it is a step in the right direction.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. DAVIS), who year after year after year has been a true leader on this issue and on its environmental effects.

Mr. DAVIS of Florida. Mr. Chairman, today we are debating an issue that is not just important to the country but it is deeply important to my home State of Florida: offshore oil drilling.

For the last decade, and I hope and expect for decades to come, the Florida delegation has stood together to protect Florida on this critical issue. Why? Because our beaches, our coastline is critical to who we are as Floridians. It is what brings us to Florida. It is what keeps us in Florida. It is what brings many of your constituents to Florida, particularly this time of year. And we do not want to sacrifice our beaches, our coastline, our environment for oil and gas drilling that threatens our environment.

Many of the Members of Congress here today from the States that generate revenue from oil and gas have said this is a debate about jobs. It is a debate about jobs. Eighty-eight million tourists visited our State last year. The threat of spilling off the coast of Florida could be a disaster to our reputation.

Last year, during a tropical storm, not even a hurricane, a tropical storm off the coast of Louisiana, there was a spill. A spill such as that off the coast of Florida would be a disaster to our environment, to our economy. And what is at stake here? Just a few months of natural gas and oil.

This is not the price Florida should pay. We should be debating here today raising fuel-efficiency standards, investing in research and development for the next generation of alternative and renewable energy. We should not be sacrificing the environment, the economy of the State of Florida for just a little oil and gas.

This Congress missed a very important opportunity to strike the balance. I have introduced a bill here in Congress, it is the Permanent Protection For Florida Act, which would have allowed for oil and gas drilling safely off the coast of Florida, safely off the coast of the Panhandle. I went to the Rules Committee and suggested that this bill be made in order as an amendment. The majority refused.

We need to strike a balance here, a balance between minimizing our dependency on foreign oil, using the resources we have, but protecting our resources. Florida's beaches are not just a State resource; they are a national resource, and they are a national treasure. They are part of who we are. And we will stand up and protect our environment, our economy, and our beaches.

Until this Congress strikes the balance, I would urge the rejection of this bill.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Chairman, I thank the gentleman for yielding.

Much has been made about the role of Florida in this debate because Florida has been offered a tremendous opportunity to participate in this debate as a result of the leadership of Mr. POMBO and Mr. JINDAL.

There are things about this bill that give Florida protections she does not enjoy today. Currently, the entire east coast of Florida is unprotected. This bill protects it. Currently, the Keys are completely unprotected. This bill protects them.

There are those who say that 100 miles is too close, who also cosponsored a bill in 1997 that would have allowed it right at 100 miles. There are those who say that the legislature shouldn't have a say in what their State does or does not do, who proudly served in the legislature, many times in leadership positions.

This is not a perfect bill. No bill that ever leaves here and heads to conference is. But it gives Florida protections she does not now enjoy. It gives Floridians control over Florida's coasts, where the chances of Florida having Florida's future in Florida's hands are 100 percent as opposed to what they are in this Congress, where they make up 25 out of 435.

It gives Floridians concrete proof, written-in-stone protection from our Department of Defense and the military mission line, thanks to the leadership of Mr. YOUNG and Mr. MILLER working with the committee to insert into this bill, along with Mr. BOYD, the definition of that military mission line, which now further aligns this House bill with our two Florida Senators' proposal.

This is a huge step forward from where we are. And the bottom line in this debate is that if we do nothing, unlike most other issues that come before this House, if we do nothing, bad things do happen. Because the moratorium that Floridians have slept under the protection of for the last 25 years begins to expire as soon as 2007, and it continues on in the expiration into 2012 when drilling will be far closer to our coast than anyone wants in this Chamber.

So I commend the gentleman for his leadership. I urge people to support the bill, I urge them to give every consideration to the Bilirakis amendment, and let us move this thing forward.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. I thank the gentleman for yielding.

This bill is an ignorant bill. This bill is a greed bill. It ignores getting away from the oil addiction. If oil is the street drug addiction, why at a time of energy independence are we increasing the addiction? You don't give alcoholics more alcohol to get them cured.

It is a greed-producing bill. Mr. MARKEY pointed out that 80 percent of the drillable Federal land is already in the oil companies' hands.

The bill steals State and local control. Why would the author go against his own State legislature, his own Governor, who opposes this legislation? Why would the President sign a bill such as this, which has a direct conflict with our own U.S. Commission on Ocean Policy which recommended that oil-gas leasing revenues be dedicated to ocean and coastal resources? There is no dedication in this bill.

This bill is a financial and environmental disaster. A "no" vote allows improvement.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, most Americans believe that we need to increase our renewable fuels and decrease our dependency on foreign oil. And you may say, well, what does this have to do with the bill before us? The reason is that 30 to 50 percent of our corn crop is based on fertilizer. If you don't have fertilizer, it reduces dramatically the amount of corn you produce and the amount of ethanol.

Last year, we produced 4 billion gallons of ethanol in the United States, and 1.6 billion was directly attributable to fertilizer. The problem is that you can't produce fertilizer if you don't have natural gas. We have some of the most expensive fertilizer in the world and the highest natural gas prices.

We absolutely have to get this under control. We have tremendous supplies, but we can't get at them because of the regulations. So this makes sense for our economy, and it certainly makes sense for our farmers, our agriculture, and our renewable fuels.

I urge support of this bill. It is absolutely essential for our economy that we take action at this time. I support H.R. 4761.

Mr. RAHALL. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from West Virginia has 8 minutes remaining, and the gentleman from California has 18 minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN), who represents the coastlines of Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, during the State of the Union message, I thought I was having a flashback. I thought I was watching "Dallas" and J. R. Ewing was talking to us.

But, no, I was actually listening to the President of the United States, George W. Bush: and he was saying that we were hooked on oil. Funny. We are hooked on oil. Yet that was the same day that oil companies announced the largest profit in the history of the United States, $39 billion.

Yes, folks, we have got a problem, an energy problem. But let us not compound it by destroying Florida's coasts. In the past, the Florida delegation has always worked together, unified, to protect the coast of Florida. As former Governor and Senator BOB GRAHAM used to say, if you live long enough, you will be a Floridian.

Eighty percent of the Floridians do not support drilling off the coast of Florida. Vote "no" on this horrible bill.

Mr. POMBO. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Thank you, Mr. POMBO.

Mr. Chairman, as I have expressed earlier and on numerous occasions, this oil and gas exploration is not what it was 50 years ago when it started offshore. Back then, yes, they discharged off the sides of the rigs. They didn't worry about the environment.

In these days and times, not only is the technology so much better, but so is the enforcement of all the environmental laws. That includes offshore oil drilling.

It has been a boon. And I tell my friends from Florida, you are putting artificial reefs out there that will bring fish. And if you think you have got tourists now and you think you have got good fishing now, these oil rigs will not hurt that whatsoever.

I wish we had the beaches that you have. We don't. We have lost our beaches because through the years Louisiana has provided the oil and gas, approximately, these days, 30 percent of what is consumed by this Nation. And for decades we have received zero for our efforts on behalf of this country.

After Katrina, after Rita, hundreds of square miles of Louisiana disappeared. It is gone. The only way we will ever be able to revive it or bring it back is to rebuild and restore our coastal marshes. Those coastal marshes are also responsible for about 25 percent of the seafood consumed in this country.

That estuary, that marsh, that coastal land that we have lost, for years this Congress and previous administrations have put into bills "wants." Wants. We have been asking for years for help for things we need. And what we need is coastal protection. What we need is to preserve and bring back our coastal areas. What we need is barrier islands. What we need is to protect the Louisianans that produce the oil, the gas, and the fisheries for this country.

I stand here today, as I have on all of my votes, and say that this bill provides for those States that do not wish to drill, that do not want to contribute to the national effort to make us energy independent. You have an option to not do that, and that is called States' rights. That is one of the strongest parts of this bill that I think solves, or should solve, the problem or the conscience of those people who represent Americans who aren't fed up yet with $3-plus gas, who aren't fed up yet with the cost of natural gas, and who, apparently, must not be reading the paper or watching TV, if there are any like that.

□ 1545

I am so glad to see that we brought this bill to the floor. It is historic, in my mind. Louisiana, ladies and gentlemen, has been waiting decades for this help.

Mr. RAHALL. Mr. Chairman, since the time is so tilted, I would hope that my chairman from California would use more time before I yield my next amount of time.

Before I do that, I do want to commend the gentleman from Louisiana who has just spoken. Although we deliver on this issue, he has done his State and his district superbly. He has been patient, persistent and has worked with me on this issue, as has the chairman, I might add. I do want to salute Mr. MELANCON for the tremendous work and patience he has had on this legislation.

Mr. POMBO. Mr. Chairman, I yield 4 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, it is an opportunity for me to thank those who helped put this legislation together. I don't want to engage in a refutation of what in some instances can only be termed accusations with respect to the bill. I don't want to reply in a manner which sets us up in a confrontational way but rather to try to put some perspective on this issue, as I see it, as a member of the Resources Committee. I would rather talk about what the bill does do, rather than what its inadequacies might be.

I got started in this bill because of my response to the arguments made by Mr. PETERSON in committee. We pay attention in committee. Committee hearings and briefings are what gives us the opportunity to educate ourselves, and that is where I came to the table.

I didn't know enough about this issue, and I learned about it. What I discovered was, particularly where natural gas was concerned, that we needed to have it. Natural gas is the alternative energy available to us now. It is the bridge to the alternative energy future that we want.

None of us are opposing any of the alternatives that have been put forward today. We are saying we have to get there. In order to do that, we have to recognize that lifting the moratorium on the Outer Continental Shelf is the way to do it. It can be done safely. It can be done responsibly.

Issues have been made about revenue. You can't get any revenue when you don't have it coming in; 100 percent of nothing is nothing. Arguing about where the revenue is going to go, whether it is the States in some formula, whether it comes back to the Federal Government, as the Congressional Budget Office now argues the bill does, is something that we can address in time to come when this bill leaves the House and goes to the Senate and hopefully comes back for a conference.

No one is dismissing any of the legitimate concerns that have been made by those who are now in opposition to the bill. We can take all those issues up.

We have labor support now. Construction trades are for the bill, because we are going to create jobs.

When we talk about revenue, numbers have been tossed around and up to today as high as $600 billion. That money is leaving the United States. That money is not here for investment in jobs in the future of our country.

If that is in fact what is at stake, if those billions of dollars are at stake, let us put it together in a manner that keeps jobs and that money in this country. Let's seek energy independence in this Nation.

The time for natural gas exploration and extrication of energy resources in the Outer Continental Shelf has come. Simply to cite 25 years of saying no, no, no does not solve our problem.

So I ask those who have some reservations about today's bill, move this bill forward. We will take up all the considerations that you have raised. Let's move to energy independence in this Nation. Let's move to a time when we can say that we met the responsibilities of our time.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you.

I appreciate the tone of my friend, the gentleman from Hawaii, but I think it is time for us, instead of having a collection of proposals that are basically an attractive grab bag politically engineered that has some attractive provisions, there is a provision in there that is very attractive to me that deals with rural education.

I think it is important that, instead, we deal with this in a thoughtful, comprehensive fashion that doesn't entail the costs of hundreds of billions of dollars off the top, that doesn't have a lop-sided process in favor of drilling pristine areas and biased against protection, making it harder to protect.

There are technical items in here about calculation of oil shale royalties. These are provisions nobody in the House of Representatives fully understands. That bears more scrutiny.

The notion of allowing oil equipment to remain out there in the ocean and not being removed under current law is not necessarily of an environmentally benign era. Environmentalists are very concerned. I would reject this politically engineered energy grab bag and work together on a policy that is safe, economical and will happen sooner.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I rise in strong support of this bill.

Mr. Chairman, opposition to this bill on environmental grounds cannot be justified.

First, the industry safety record for exploration is impressive. For example, oil rigs in the western half of the Gulf of Mexico endured Hurricane Katrina without any spills.

Second, according to the Washington Post editorial board, not allowing any drilling whatsoever past the 100-mile mark may increase the danger of oil spills, because it means more incoming traffic from oil tankers, which are riskier than oil rigs. As you recall, the Exxon Valdez accident was an oil tanker, not an oil rig.

It is for these reasons, among others, that Governor Jeb Bush of Florida has endorsed this bill, as has the Washington Post editorial board. I urge my colleagues to vote yes on this legislation.

Mr. RAHALL. May I have the time again, please?

The CHAIRMAN. The gentleman from Virginia has 6 minutes remaining. The gentleman from California has 10½ minutes.

Mr. RAHALL. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, today oil is above $70 a barrel. The world has either peaked or will very shortly peak in oil production. We will, of necessity, have to transition to renewables.

I am not going to vote for any drilling anywhere until we have a rational plan for transitioning to renewables. We have now run out of time and run out of energy. Additional drilling will buy us a little time to give us a little energy, but I will not vote for that until we have a rational plan.

Secondly, Mr. Chairman, we are now leaving our kids the largest intergenerational debt transfer in the history of the world. In all conscience, can we also deny them the oil and the gas that they are going to need for their civilization?

There is a true moral element to this. I have 10 kids, 15 grandkids and two great grandchildren. I want to leave them a little oil, please. Vote "no."

Mr. POMBO. Mr. Chairman, I yield 5 minutes to one of the chief authors of the legislation, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I thank the gentleman. I want to thank him for all of his work, and I want to thank all involved in the staff, because this is not an easy process, but it is one that I think has brought us to this position.

Mr. Chairman, what we are talking about today is helping America compete for the first time in the history of this country. We are not the only big dog in the world. We must compete with the Chinas, the Taiwans, Indias, who have a plan to take every business that manufactures and produces away from us.

Our steel companies have the highest energy prices in the world because we have the highest gas prices. Our wood and paper product companies have the highest energy costs in the world because of our natural gas prices. Polymers and plastics not only use a lot of energy, but a lot of energy is consumed in the making of it. Petrochemicals, 55 percent of their cost is natural gas, and in America they pay the highest price in the world. Why? Because we locked it up.

We don't want to drill for it. That is the only way you produce natural gas, is to drill a hole in the ground, put a steel pipe in, and let a harmless gas out that is one of the most valuable commodities in the world.

Fifty percent of our fertilizer companies are now on foreign shores. We will soon have none, and our farmers will rely on Russian fertilizer, if they can get it and they can afford it, to grow the corn to make the ethanol.

I talked to a big glass company in Pittsburgh, PPG. He said, I want to stay here, I want to be in Pittsburgh, but I can't compete.

Last year's natural gas prices averaged $9.50. Five years ago, they were $2. That is a five-fold increase. Those are wholesale prices. This is not about oil companies. This is about America competing. This is about homeowners being able to heat their homes. It is about small businesses who consume a lot of energy to stay in business and make a profit. It is about the blue collar workers that we ought to be protecting and representing in this country, the blue collar workers that want to raise their families and have a decent vehicle and send their kids to college.

Someone said this is a budget breaker. For every $10 billion that comes in, $5.8 billion will stay in the Treasury. How is that a budget breaker? Every $10 billion, $5.8 billion, they are talking about that because the environmental argument doesn't wash. If our shores are threatened, I wouldn't support this bill.

I have enjoyed the Florida beaches and the North Carolina and South Carolina beaches as much as anyone. Folks, they have been producing on the Outer Continental Shelf in Canada forever. They have drilled in Lake Erie, gas only, since 1916. Twenty-some hundred wells they drill every summer.

Ireland has good beaches; Norway, an environmental country; UK, Netherlands, Scotland, New Zealand, Australia. Folks, we are the only society that has said we are going to lock up our resources. We are going to buy them from foreign countries. We are going to buy them from countries that don't support us. We are going to pay high prices. We are going to enrich them so that they can own us. That is the path we are on.

I am for renewables. Natural gas is the bridge to renewables. Natural gas is a forerunner to hydrogen. The hydrogen cars will have a natural gas tank. One-third of our auto fleet could be on natural gas at these prices, and we could move almost 3 million barrels a day.

Folks, this is about America competing. For the first time, we have countries who can clean our clock economically, and they are trying to. Are we going to give them an energy advantage? Are we going to give our jobs to China and Taiwan, hand it to them, because energy is a third there of what it is here, Russia a fraction, South America, 1.5? We will be buying our bricks and glass from Trinidad.

Folks, this is about workers in America who want to have a good job, and affordable energy is the best thing we can do for them.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. MEEK).

Mr. MEEK. Mr. Chairman, I guess I want to quickly say that as someone that is from Florida, that does know something about coastline and intracoastal and who does know something about the economy that we count on in Florida, we have people who travel throughout this world who come and spend their dollars in this United States because this Congress and the United States of America protected our beaches over the years.

Now we know that oil companies are very, very pushy right now, and they want all that they can get right now, in the moment. But, you know, the thing may change respectively in another 2 or 3 months. This wouldn't even be a discussion.

□ 1600

We are in Florida. We are asking for no drilling whatsoever. We are asking for alternative fuels and real investment and making sure that we have flex vehicles, making sure that we can go on ethanol, making sure that we can invest in the heartland and the Midwest versus the Middle East.

We are all for energy independence, but I can tell you, not on the backs of our environment, not on the backs of our economy, not on the backs of individuals that have fought before us in this House of making sure that we can at least keep some of our beaches oil free and not have what some would want us to have as it relates to special interests.

I respect the Members on the other side of this issue, Mr. Chairman, but I think it is important for us to realize that it is not worth going into these sensitive areas.

Mr. RAHALL. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts (Mr. MARKEY), a very valuable member of our Resources Committee, and the ranking member on the Financial Services Committee.

Mr. MARKEY. Mr. Chairman, right now in America, 80 percent of all of the Outer Continental Shelf area where the oil and gas is already open to the oil and gas industry. The only thing that has stopped the oil and gas industry from going to much of the area in the Outer Continental Shelf where 80 percent of the oil and gas is, which we all agree they should be able to go to, today, under the law, with no changes, is that the price of oil was $30 a barrel. But at $70 a barrel, Shell and ExxonMobil are going there. So what is the debate about? Well, yeah, I don't want them drilling off of Massachusetts, in Georgia's bank, and the Floridians don't want them off their shore. But that is really not what it is all about.

Right now, according to the Minerals Management Service, we can expect $600 billion to go to the Federal Government for drilling right down here in Federal land on land which is already open to the oil companies. And that $600 billion is used and will be used to pay for our troops in Iraq, to pay for the education of poor children, to ensure that we can pay for Medicare benefits for senior citizens.

But what the majority is doing, what the Republican administration is doing is they are going to take that $600 billion that would have gone to the Federal Government, and they are moving it down here where only four States are going to get the benefit of it. Only those four States are going to be the beneficiaries.

Now, if you come from one of those four States, Texas, Louisiana, Mississippi or Alabama, you vote for this bill and put out a press release tonight. You tell everyone back in your districts in those four States, we were able to convince the United States Congress to give us $600 billion today.

And by the way, Huey Long used to say, "every man a king." Well, every man and woman will be a king in Louisiana after this. And God bless them if they can pull it off today.

This is the king of all earmarks. It will take 200 amendments a day from Mr. FLAKE for the next 50 years to get back this $600 billion. And the Republicans, of course, will oppose the cuts that he will propose out here on the House floor as well. So that is what it is all about.

It is about this shifting of money from all of the red States, 46 States, down to four States. And that is the game that is going on, because the oil industry is already drilling in the Gulf on Federal lands that we all agree they should go to today. And that is why the Minerals Management Service, the Bush administration says that $600 billion will be lost to the Federal Treasury because over 80 percent of all of the revenues that are going to be generated from this proposal will go there.

And so, ladies and gentlemen, if you are out there listening, this is, without question, also, nothing that can happen in your State that will make up for the loss of this $600 billion. If this was any other bill, we would be having a huge fight over what the formula should be for who gets this money. But instead, in one fell swoop, the Republicans are moving $600 billion from 46 States into four States.

Do not vote for this bill. This is a fiscal disaster. This money should remain in the budget for the troops in Iraq. It should remain in the budget for Medicare recipients. It should remain in the budget for the poor children of our country.

Mr. POMBO. Mr. Chairman, I yield myself the balance of our time.

Well, it unfortunately hasn't been that enlightening of a debate because we have had a number of people come to the floor and debate things that either weren't in the bill or had nothing to do with the bill. Fortunately, they decided to close with Mr. MARKEY, who debated something that had nothing to do with our bill, which happens.

The truth of the matter is, when it comes to the cost of the bill, it is a net revenue increase to the Federal Government, $2.3 billion over 5 years, $900 million over 10 years. That is what the bill does. So all the numbers you heard about, 600 billion, 800 billion, how many trillion, they pulled them out of the air. The CBO score on the bill is $2.3 billion over 5 years in increased revenue to the Federal Government.

We also heard that 80 percent of the OCS is already leased. Eighty percent. That is strange because 85 percent of it is off limits. Eighty percent of it is off limits. And yet they claim 80 percent of it is already leased.

Talk about fuzzy numbers? That is about as fuzzy as it gets.

We also heard somebody come down here a little while ago, and I love this, oh, we are going to cure it with CAFE standards. We are going to raise CAFE standards. That is how we are going to cure our energy problems.

Let me let you in on a dirty little secret on CAFE standards. U.S. auto makers manufacture cars today that get 35, 40, 50 miles to the gallon. What they want to mandate is not that car companies make cars that get 50 miles to the gallon. They want to mandate that you have to buy them. They want to mandate that their constituents have to buy those cars because they are available today and they are not buying them. So they want to force them down your throat because you won't buy them.

Let's talk about energy policy. You know what our energy policy is in this country? Our energy policy is no, we are not going to develop domestic energy, period.

For 30 years, we have had the same people coming down here making the same arguments as to why we can't develop a domestic energy source. And it doesn't matter if it is natural gas or oil or hydro or solar or wind or what it is. It makes no difference. They are still a no. There is always a reason to be no.

We had the Alaskan National Wildlife Refuge, and they vote "no."

We had a bill last year on the floor that expanded wind, solar, geothermal. They voted "no." We have had the opportunity five times to vote on an energy bill that put money into alternative energy, renewable energy, conservation, and they voted "no." No, no, no. No domestic energy, nothing for our constituents, for our businesses, for our economy.

And what was the result of all of that? The result is that in the early 1970s and the mid-1970s, when we had our first energy crisis and OPEC cut us off and we had gas lines, we were dependent on foreign energy for 33 percent of our energy. In their 30 years of policy, today we depend on foreign countries for 66 percent of our energy.

You can't be no on everything. Everything that has been proposed, no matter what it was, the answer was no.

Now, you might think, well, they must have an alternative. There must be something else they want to do. Well, maybe it is, but they have failed to tell anybody, because they oppose everything.

This bill was a compromise. This bill was a compromise between the 24 different bills that have been introduced in this Congress alone on offshore gas development, oil and gas development. Twenty-four bills. The two major bills, one was introduced by Mr. PETERSON and Mr. ABERCROMBIE, and it dealt mainly with natural gas. The other one by Mr. MELANCON and Mr. JINDAL. And we sat down and we tried to work out the differences between those bills.

And, obviously, the coastal States have something to say about what happens off their coasts. I don't care how many times you come down here and rant and rave, the coastal States have something to say about what happens on their coasts. And we had to include them in this. We had to include them in the negotiations and them in the debate.

And the decision was made that for the first time in our history that we would give the States, the coastal States, the ability to protect 100 miles off their coast. It would be up to the State legislature and the Governor for whether or not they wanted any kind of development. If they chose not to, they wouldn't get it. If they chose they want it, then it would be, the opportunity would be there for them to do it. And if they chose to, they would share in the revenue, exactly the way we do on onshore public lands. Exactly the same way.

I am telling you, it is time to stop saying no. It is time to move forward with energy policy that makes sense for all of America, not just a small group of special interests who want to destroy our economy.

Mr. STARK. Mr. Chairman, even if I supported offshore drilling—which I don't—I certainly wouldn't do it through this fiscally reckless and convoluted bill.

The Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act makes it far easier for states to allow drilling than to prevent it. It bribes states into allowing offshore drilling by increasing their share of royalties from 27 percent to 50 percent, at a cost to the federal government of $600 billion over 60 years. If a state takes no action to facilitate natural gas drilling in the immediate year or oil drilling in the next three years, then this law would open its waters for drilling. In order to maintain a moratorium on drilling, a state legislature would have to vote to prohibit drilling every five years. How many states will be able to resist billions of dollars in exchange for doing nothing?

H.R. 4761 also guts the environmental review process and makes all other uses of the Outer Continental Shelf subordinate to drilling, even in states than continue to ban drilling. According to the bill, "No Federal agency may permit construction or operation of any facility, that will be incompatible with. . . oil and gas or natural gas leasing." So if your state wants to operate a marine sanctuary, it better pass the Pombo oil compatibility test.

All this, and for what? Drilling is already allowed in areas that have 80 percent of offshore oil and natural gas reserves. This bill simultaneously endangers our coasts and delays an urgently needed transformation to a clean energy economy. I vote no to yet another Republican attempt to maintain our oil addiction.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, because I firmly oppose drilling for oil off the coasts of Florida, I believe that it is critical that a permanent, state-controlled ban on drilling around the entire state becomes law as soon as possible. This is why I believe the Pombo-Putnam compromise in H.R. 4761, the Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006, is essential in order to protect Florida's beaches.

The Pombo-Putnam compromise would allow Florida to prohibit drilling for 100 miles. In negotiations with the legislation's authors and in the House Rules Committee, I worked to further protect Florida's environmental treasures. As successfully amended, the compromise would also codify the ban on drilling within the "military mission line"—approximately 234 miles from Tampa—to provide even more protection for Florida's west coast.

This plan, in many ways, is better than a bill that the Florida delegation almost unanimously cosponsored in 1997. That bipartisan legislation sought to prohibit any leasing or drilling within 100 miles of Florida's coasts, but did not include the added protection provided by the "military mission line." It also lacked the factor of state control of the drilling issue. Former Governor Lawton Chiles also supported, in writing, a 100-mile ban on drilling.

Presently, Florida's only protections against offshore oil drilling reside with an expiring presidential promise (known as the "moratoria") and a year-to-year appropriations limitation amendment—a technical legislative maneuver that prohibits Federal funds from being used to conduct offshore leasing.

The stark reality Florida faces is not only the expiring "moratoria," but also a strong push in Congress to allow drilling as close as 20 miles from our shores. On May 18 of this year, the House passed an amendment by a close 217-203 vote to prevent drilling as close as three miles from Florida's east coast and nine miles from Florida's west coast. Eight cosponsors of a bill (H.R. 4318) to allow drilling just 20 miles off Florida's coasts voted for this amendment because they felt that three miles was just too close. Had those eight cosponsors voted against that amendment, the vote would have been lost 211-209, and drilling would have been allowed as close as three miles from Florida's coast. Although they voted for this particular amendment, our colleagues assured us that they would vote in favor of legislation to allow drilling at 20 miles. Instead of relying on votes from over 400 Congressmen from outside of Florida, I support placing the fate of Florida's beaches in the hands of Floridians.

In 2005, Congressional passage of a plan was possible that would have permanently banned drilling within 125 miles of our beaches. On June 29, 2006, we learned, by a vote of 65 to 353, that a majority in Congress no longer supports a 125-mile ban. Last year's offer of 125 miles has now been reduced to 100 miles from our coastline. The next step could very well be a horrible 20 miles. As a strong opponent of drilling, I believe that our window of opportunity in Congress for a permanent ban on offshore drilling is closing. This is why I support the Pombo-Putnam compromise.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, because I firmly oppose drilling for oil off the coasts of Florida, I believe that it is critical that a permanent, State-controlled ban on drilling around the entire state becomes law a soon as possible. This is why I believe the Pombo-Putnam compromise in H.R. 4761, the Domestic Energy Production Through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006, is essential in order to protect Florida's beaches.

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This plan, in many ways, is better than a bill that the Florida delegation almost unanimously cosponsored in 1997. That bipartisan legislation sought to prohibit any leasing or drilling within 100 miles of Florida's coasts, but did not include the added protection provided by the "military mission line." It also lacked the factor of State control of the drilling issue. Former Governor Lawton Chiles also supported, in writing, a 100-mile ban on drilling.

Presently, Florida's only protections against offshore oil drilling reside with an expiring Presidential promise (known as the "moratoria") and a year-to-year appropriations limitation amendment—a technical legislative maneuver that prohibits Federal funds from being used to conduct offshore leasing.

The stark reality Florida faces is not only the expiring "moratoria," but also a strong push in Congress to allow drilling as close as 20 miles from our shores. On May 18 of this year, the House passed an amendment by a close 217–203 vote to prevent drilling as close as 3 miles from Florida's east coast and 9 miles from Florida's west coast. Eight cosponsors of a bill (H.R. 4318) to allow drilling just 20 miles off Florida's coasts voted for this amendment because they felt that 3 miles was just too close. Had those eight cosponsors voted against that amendment, the vote would have been lost 211–209, and drilling would have been allowed as close as 3 miles from Florida's coast. Although they voted for this particular amendment, our colleagues assured us that they would vote in favor of legislation to allow drilling at 20 miles. Instead of relying on votes from over 400 Congressmen from outside of Florida, I support placing the fate of Florida's beaches in the hands of Floridians.

In 2005, congressional passage of a plan was possible that would have permanently banned drilling within 125 miles of our beaches. On June 29, 2006, we learned, by a vote of 65 to 353, that a majority in Congress no longer supports a 125-mile ban. Last year's offer of 125 miles has now been reduced to 100 miles from our coastline. The next step could very well be a horrible 20 miles. As a strong opponent of drilling, I believe that our window of opportunity in Congress for a permanent ban on offshore drilling is closing. This is why I support the Pombo-Putnam compromise.

Mr. UDALL of Colorado. I agree with President Bush that an America now "addicted to oil" needs to reduce its dependency on petroleum and other fossil fuels.

And as a chair of the Renewable Energy and Energy Efficiency Caucus, I strongly support legislation aimed at achieving that goal, including greater investments in renewable energy sources (such as wind, sun, and biofuels) that also will boost our economy, create jobs, and revitalize rural communities.

Still, some additional development of the oil and gas resources of the Outer Continental Shelf (OCS) would be desirable to help meet our immediate needs, and I could support appropriate legislation to achieve that result.

Unfortunately, I do not think this bill is appropriate, and I cannot support it as it stands.

The bill's provisions dealing with the OCS are excessively complicated and costly, and the bill also includes a plethora of unrelated and unnecessary provisions, including changes in the rules for onshore leases and a section dealing with oil shale royalties that I think is particularly troublesome.

In the Resources Committee, I offered an amendment that would have made this a much simpler bill. It would have deleted all the complicated provisions dealing with State legislation, different rules for different parts of the offshore lands, and the disposition of Federal revenues—not to mention the section about oil shale. It would have replaced all that with a short and simple requirement for the Interior Department to lease within a year the lands within the so-called "181 Area" in the Gulf of Mexico.

My amendment was essentially identical to a bill—S. 2253—introduced by Senators DOMENICI and BINGAMAN with 28 cosponsors, from both sides of the aisle and already approved by the Senate's Committee on Energy and Natural Resources by a bipartisan vote of 16 to 5. Its groundwork has been laid by the Department of the Interior over a number of years, including completion of environmental reviews and consultation with coastal States and the public.

The amendment would have put only two limits on the requirement for leasing the 181 area.

First, it said that one part—the part east of a "military mission line"—could only be leased if the Defense Department had agreed in advance that development there can be done without interfering with military activities. That responded to issues raised by Secretary Rumsfeld last year in a letter to the Senate's Armed Services Committee.

And, second, the amendment said there could be no leasing within 100 miles of the Florida coastline. That, of course, responded to concerns about potential adverse effects on that State's coastal areas.

According to the Mineral Management Service, the whole 181 area has about 930 million barrels of recoverable oil and more than 6 trillion cubic feet of recoverable natural gas. And the same agency's numbers show that even if the Defense Department were to say there would be no leasing east of the military mission line, there would still be about 800 million barrels of recoverable oil and nearly 5 trillion cubic feet of recoverable natural gas in the rest of the 181 area. Thus, my amendment would have cleared the way for rapid development of significant new supplies of energy. And it would have done so without the complications that caused the Administration to testify that they have "serious concerns" about the bill as it stands.

If our goal is to get more energy from offshore areas, I think it would make more sense to start with simple and straightforward legislation that's based on sound science and that has some strong support, including from a significant number of our colleagues in the other body.

My amendment followed that approach—but, unfortunately, the committee did not adopt it.

As a result, we must vote today on this seriously flawed bill which, according to the Congressional Budget Office, will "increase net direct spending by about $900 million in 2007, $3.2 billion over the 2007–2011 period, and $11.0 billion over the 2007–2016 period."

Those are sobering numbers. And even if the bill is revised along the lines proposed by some of its supporters, I expect any change in that estimate to be marginal, and will have no significant effect on the bottom line. I am not ready to support increased mandatory spending on the scale that will result from this bill while our country is at war and we are running persistent budget deficits that must be financed by increases in the national debt our children will be required to repay with interest.

And I think if anything CBO underestimates the potential costs of this bill to the taxpayers, because their estimate does not discuss all of the provisions not directly related to offshore leasing.

For example, while the estimate does discuss section 17's requirement that the Interior Department comply with lessees' requests for the government to repurchase and cancel leases (and compensate their holders) under certain circumstances, it does not note that the chances of such required payments are increased by section 19, which would impose a series of tight deadlines which the Interior Department must meet if it is to avoid a demand for compensation.

It could be that CBO isn't able to estimate how much money that might cost—and, even if they could, that estimate would not include other costs, including the likelihood that the deadlines will lead the Interior Department to put so much emphasis on speed that they will be less careful in the way they assess potential problems and will not ensure appropriate steps to mitigate those problems. This would not be good for the owners of private surface properties underlain by Federal minerals, for affected communities, or for the environment.

Further, the estimate does not even mention section 24, which would prohibit the Department of the Interior from adjusting the fees it charges for actions related to mineral leases. This applies to both offshore and onshore leases, and could result in requiring the taxpayers to shoulder the burden of paying for things that otherwise would be the responsibility of the mineral lessees.

And, CBO says nothing about Section 29, which deals with oil shale.

Colorado has lots of oil shale, so we have a special interest in the subject. But it's important for the whole country, as an energy resource, and it's important to all taxpayers because most of it, as Federal property, belongs to them.

That means that all the taxpayers have an interest in how it is developed and what return they the taxpayers, will get for this resource. And both those interests—in oil shale as an energy source and in fair treatment for the taxpayers—are reflected in current law.

Specifically, section 369(o) of the 2005 Energy Policy Act says the Secretary of the Interior will set royalties and other payments for oil shale leases at levels that will do two things—first, "encourage development" of oil shale; and, second, "ensure a fair return to the United States," meaning to the taxpayers.

I was not a big fan of most parts of last year's energy bill, but I think that provision is good policy. So, I am troubled that part of section 29 of this bill would repeal it and replace it with what can only be described as legislative price fixing.

The relevant part of section 29 starts by telling the Secretary of the Interior to "model" tar sand and oil shale royalties on the royalty program now used in one Canadian province. But then it goes on to say that the Secretary would have to reduce the actual rates in accordance with "a sliding scale" based on a complicated formula based on the monthly average price of "NYMEX West Texas Intermediate crude oil at Cushing, Oklahoma."

I'm not an expert on oil prices, but it's easy to understand what is involved here. It's Congressional micromanagement in the form of legislating a formula for royalty rates.

It's an attempt to have Congress—not the Secretary—decide a very technical issue that could affect a lot of money. And it's the kind of thing that should raise suspicions in anybody who cares about making sure the taxpayers get a fair shake, especially because the supporters of the bill have made it clear that they put more emphasis on encouraging production than on ensuring that the Federal Government—and the local Governments with whom the revenues are to be shared—will get a fair return.

As the Interior Department proceeds to implement the current law, there will be ample opportunity for all of us to weigh in if we think the Secretary is not doing a good job in setting royalty rates. In the meantime, I think Congress should not try to set the rate through legislation.

That was why I opposed including a similar provision in the reconciliation legislation when the Resources Committee debated it earlier this year, and why I was glad when it was finally dropped from that legislation. But, like a bad penny, it turned up again in this bill—and is still the same bad idea as before.

So, in committee I offered an amendment to strike this attempt at long-term political price-fixing, and to replace it with the language of the current law that says the Secretary is to set royalties that will encourage development and ensure a fair return to the taxpayer. Unfortunately, that amendment was not adopted, either, which is another reason I cannot support the bill.

In fairness, I should note that the bill does include some worthwhile provisions. One example is the provisions aimed at closing OCS royalty-rate loopholes that have unduly reduced the return to the taxpayers. Another is section 23, which deals with support for accredited petroleum and mining schools, applied geology and geophysics programs, and individuals pursuing degrees in petroleum and mining engineering and related subjects.

Overall, though, the bill's good parts are so outweighed by its defects that I cannot support it.

Mr. VAN HOLLEN. Mr. Chairman, I rise today in opposition to H.R. 4761, the Offshore Drilling bill. I do so not because I am categorically opposed to expanding the scope of offshore drilling, but because I believe this bill does so in an irresponsible fashion. As proponents of the bill have correctly stated, Canada and Norway have both allowed offshore drilling in an environmentally sound manner. In particular, I believe we can increase our supply of clean natural gas through expanded offshore drilling. This bill, however, would create a blank check for oil and gas drilling without adequate oversight and environmental safeguards.

Moreover, this bill diverts much-needed funds from the Federal Government to the States and creates hurdles for States that would prefer to opt-out of costal drilling. In order to create incentives for states to approve offshore drilling, the bill would divert money from leases in Federal waters to States. This includes existing leases that are currently generating Federal revenue. This loss of funds would only increase our ballooning deficit. As the Bush Administration itself has reported to Congress, this bill will reduce Federal revenue from oil leases by several hundred billion dollars in the years ahead.

The bill's proponents claim that states can choose not to drill off their shores. But the hurdles it creates makes opting out difficult. In order to protect their waters from drilling within 50 to 100 miles, governors would have to get the concurrence of their State legislatures within one year to petition the Department of the Interior to prevent natural gas only leasing, and within three years to prevent oil leasing. States must re-petition every five years to maintain the protections. And the legislation entices states to drill within 50 miles of the coastline by offering between 50 and 75 percent of the revenues if they opt-in. With such an incentive, valid environmental concerns may easily lose to fiscal ones.

Mr. Speaker, we must to take action to develop a comprehensive energy strategy. That requires a policy that includes energy supply, energy efficiency, and energy conservation. We can increase our domestic production of oil and gas through responsible offshore drilling. This bill does not do that. Moreover, this bill does nothing to promote renewable sources of energy that are critical to reducing our dependence on foreign oil and fossil fuels. We must adopt a comprehensive long-term energy policy in order to achieve important national security, environmental and economic objectives. Unfortunately, this bill represents a lost opportunity to meet these goals.

Mr. SHIMKUS. Mr. Chairman, more than 80 percent of the area in the Outer Continental Shelf is off-limits to energy development, while the Department of Energy estimates that maintaining U.S. economic growth through 2025 will require a 40 percent increase in natural gas.

I rise in support of H.R. 4716, the Deep Ocean Energy Resources Act—a vote for H.R. 4761 is a vote for agriculture. Currently, natural gas makes up 90 percent of the production cost of anhydrous ammonia, a nitrogen fertilizer and the chemical building block for all other nitrogen fertilizer products.

Nitrogen fertilizer is used on all crops produced in this country, but it is a key plant nutrient to produce corn a critical crop to Illinois farmers.

Since 2002, thirty-six percent of the U.S. nitrogen fertilizer industry has been shut down or slowed. This loss of U.S. production has had a significant impact on the American farmer. The continued loss of production from the domestic nitrogen industry would force U.S. farmers to rely on a highly uncertain and highly volatile world market with no assurance that they will be able to obtain enough product to meet their full demand.

This is particularly important when considering the importance of nitrogen to farmers. For example, according to the University of Illinois, 30–50 percent of corn yields can be directly attributed to nitrogen fertilizer.

Farm input prices have not gone down but have escalated at a record pace. Nitrogen prices have climbed over 80 percent during this time period resulting in over a 50 percent increase in a typical corn farmer's fertilizer bill.

Just as disturbing, since 2003—Illinois has lost more than 56,000 manufacturing jobs. Natural gas availability and skyrocketing price increases the cost of doing business and hurt the ability of Illinois manufacturers to compete in the global economy.

New supply of natural gas from the Outer Continental Shelf is needed to give U.S. agriculture and manufacturing sectors access to affordable and reliable sources of fertilizer and energy. Please support H.R. 4761 to ease the burden on U.S. farmers. A vote for H.R. 4761 is a vote for agriculture.

Mr. SHAYS. Mr. Chairman, I rise in opposition of H.R. 4761, which would open the entire Outer Continental Shelf to drilling for both oil and gas. Before looking to open up more area for drilling, we need to develop a comprehensive energy policy that emphasizes conservation, as well as increasing our supply with renewable and nonrenewable energy resources.

We need to increase our supply of energy, but it is imperative we first take bold action to reduce our demand for oil. This legislation takes the wrong approach to our energy policy by not challenging Americans to use energy in more responsible ways.

The bottom line is we are not resolving our energy needs because we are not conserving. We'll just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. We are on a demand course that is simply unsustainable.

Drilling is the wrong answer to the right question of how do we meet our energy needs? Before we increase our supply of energy, we must first take control of our overconsumption.

Mr. PETRI. Mr. Chairman, today I am voting for the Deep Ocean Energy Resources Act; however, I do so with reservations.

I agree that we need to end our dependence on foreign oil, and I believe that this legislation will benefit our economy by increasing domestic energy supply and creating American jobs. However, I am concerned with a number of provisions in the bill. In particular, I am concerned about the overly generous revenue sharing provisions that direct money away from the federal treasury to coastal states. I know improvements have been made in the manager's amendment adopted today, but I hope we continue to discuss the proper balance between the state and federal share of revenues generated from a federal asset.

I also have reservations about the potential for this legislation to weaken federal environmental laws. Finally, I have concerns with the power we are giving states over waters as far as 200 miles off their coasts. What coordination is there with the federal government in terms of jurisdiction over these waters, such as impacts on shipping lanes and other national or international priorities?

I believe that in order to truly end our dependence on foreign oil we need to pass legislation that promotes conservation and alternative energy sources, and increases domestic production in a manner that limits the potential for damage to our invaluable coastlines.

national parks, forests, and other natural resources.

My vote today is a vote to move this process along, but I hope any conference report or final bill brought before us will address these concerns and my vote on a bill going to the President will be based on how these issues are resolved.

Mr. CONYERS. Mr. Chairman, I rise in strong opposition to H.R. 4761. Once again, Congress wants to give a handout to Big Oil and jeopardize the environment instead of working for an energy policy that would benefit all Americans. The oil companies and their Republican partners in Congress are seeking to exploit our concern over high oil prices to force through a controversial, destructive, ill-conceived measure.

This legislation will allow big oil and gas companies to profit by bribing coastal states to lift their drilling bans with the promise of quick cash in the form of royalties. H.R. 4761 would make these monies available by shifting offshore drilling royalties from the federal government to the states. The Bush Administration's own Minerals and Management Service (MMS) has estimated that this bill could cost the federal government $600 billion in lost royalty revenues over the next sixty years. The only reason we're even able to consider this bill is because the Republicans waived the rules that normally protect the taxpayers from deficit spending and new entitlements.

Of course, states that choose not to open their coasts to drilling would receive no royalties. But, Mr. Chairman, oil spills do not respect political boundaries. An offshore spill from one state could easily cripple the coastal economies of its neighbors. Those states that choose to protect their sensitive shorelines from drilling would still have to face the consequences of their neighboring state's decision to allow the oil companies in.

The sponsors of this bill claim that their proposal poses no threat to the environment. Yet, the bill drops the requirement for oil and gas companies to prepare an environmental impact statement in order to get a lease for drilling. Not only would H.R. 4761 expose more of our coastline to environmental destruction, it would free oil and gas companies from existing requirements to clean up their operations and restore the drilling site when they are finished with it. Unbelievably, it would allow the oil companies to dump their abandoned oil rigs in the ocean. Make no mistake about it: this bill is a blank check to Big Oil, and the price will be paid by ordinary Americans.

Mr. Chairman, this bill is no way to solve America's energy crisis. Congress has set and sustained a precedent for wise stewardship of our sensitive coastlines for the last 25 years, knowing that one offshore oil spill would cripple our pristine beaches, fisheries and coastal economies. Let's not permanently terminate this time-honored tradition by giving away America's coasts to the highest bidder. I urge my colleagues to vote no on this ill-conceived, destructive legislation.

Mr. CALVERT. Mr. Chairman, I rise today in support of the Deep Ocean Energy Resources Act. The legislation before us represents a balanced approach to expanding domestic energy production and, for the first time, gives states an opportunity to determine what occurs along their shores.

I represent a coastal California district that includes beautiful beaches up and down the City of San Clemente's shoreline. I take the responsibility to protect those beautiful beaches seriously and I have worked with local officials over the years to do just that. I would not be supporting the bill if I did not believe it gave local and state officials the necessary authorities they need to protect our invaluable coastlines. Our coastal states deserve the right to make energy production decisions that affect their people, environment, and economy.

I also believe we must ensure that our military needs throughout the Outer Continental Shelf (OCS) are accounted for and protected. Our military conducts significant training and operations in the OCS to protect our mainland and maintain readiness for future conflicts. As many of my colleagues from the Armed Services Committee know, military training and operations are under a seemingly constant threat of encroachment from many sources.

In fact, just this week a lawsuit was filed by an environmental group to prevent the Navy from conducting exercises in the Pacific Ocean. While people will undoubtedly disagree about the merits of the lawsuit, there should be no disagreement about the fact that the cumulative effect of encroachments upon our military restricts the ability of our servicemembers to protect our nation.

To that end, I believe we must enact OCS drilling policies that do not place another level of work-around restrictions on our military and require OCS leasing programs be developed with the consultation and concurrence of the Secretary of Defense. We did so in the Energy Policy Act as it relates to siting LNG facilities and we should do it again in the Deep Ocean Energy Resources Act as we develop OCS energy supply. I look forward to working with my colleagues on the Armed Services Committee and Resources Committee to ensure that any OCS drilling legislation sent to the President provides the proper and necessary authorities to protect our military ranges, training and operations.

With the July Fourth holiday just around the corner, Americans are reminded of the liberties and freedoms secured by our nation's military. There are many ways Americans can express their appreciation for our military. One way this Congress can express our appreciation is to enact policies that protect our military from unintended encroachments to military training, operations, and readiness.

Mr. CASTLE. Mr. Chairman, I rise today in opposition to H.R. 4761, the Deep Ocean Energy Resources Act, which would end a twenty-five year oil and natural gas drilling prohibition for most of the country's offshore waters.

The increased strain that high-energy prices are having on the pockets of many Americans, and the national security concerns over the United States' dependence on foreign oil are real problems that deserve thoughtful, multipronged policy solutions. While the severity of current energy trends cannot be ignored, we cannot rush to drill before first crafting a comprehensive energy policy with solutions for meeting both our immediate and future energy needs. We must work to increase vehicle fuel efficiency, spur investment in efficiency and renewable energy research and technology, and improve conservation methods.

I respect the attempt to increase the states' ability to participate in the planning of oil and gas development off their shores, however H.R. 4671 goes too far and undermines the strong federal protections for our coastal waters. H.R. 4671 purports to allow states to maintain control of activities in their coastal waters, but instead ties states' hands in many ways with unprecedented provisions. It subordinates every other use of coastal waters to oil drilling, blocking any effort to use waters in a way that could ever limit drilling, undermines states' authority under the Coastal Zone Management Act, changes state marine boundary maps, and it eliminates many environmental reviews and public participation requirements for issuing oil leases and for exploration and drilling activities. Clearly, this is of concern to our State and other nearby States too (see attached Governor's letter).

I am also concerned that this legislation lifts the offshore drilling ban, while we continue to ignore many conservation and alternative fuel proposals, which would have a more immediate and beneficial effect on meeting our energy needs.

H.R. 4761 does not simply deal with increased drilling, but instead has other far-reaching implications for coastal states and federal revenues. This legislation would create an open-ended fund for drilling states, with no reporting requirements, at a time when we have a huge federal deficit. The estimated cost of this transfer from federal revenues to states is estimated to be several hundred billion dollars over 60 years, according to President Bush's Statement of Administration Policy.

While a thoughtful approach to offshore drilling is worthy of consideration, this legislation is not good policy for Delaware or the United States.

Mr. HOLT. Mr. Chairman, I rise today in opposition to the Deep Ocean Energy Resources Act (H.R. 4761). I fundamentally disagree with the premise of the Deep Ocean Energy Resources Act that more drilling, regardless of where it is, is the answer to energy independence.

I have read in the papers this week that this bill will be considered on the House floor as part of an "Energy week." Republicans would like to use this bill to claim that Democrats are not committed to ending our dependence on foreign oil or as a ruse to feign lowering gas prices before the July 4th holiday weekend. This is simply not true.

Just so we have the facts straight, today we are considering a bill that will immediately lift a twenty-five year moratorium on offshore drilling on the Outer Continental Shelf. This is the same twenty-five year moratorium that the House overwhelmingly voted in favor of continuing just a couple of weeks ago when we considered the Fiscal Year 2007 Interior Appropriations. The major difference between the two votes is that the Deep Ocean Energy Resources Act will give states an "opt out" option.

The so-called "opt out" option is alarming to me, because in truth, it is anything but giving states the authority to control what happens off their own coasts. In fact, what this bill does is first cut the moratoria area by 100 miles from state boundaries (current law establishes a boundary of 200 miles). Then the bill lifts the moratoria on drilling between 50–100 miles off a state boundary. Yes, many of my colleagues will assert that states then have the ability to "opt out" of offshore drilling leases. However, the complicated procedures outlined in the bill will actually make it difficult for states to use this "opt out" option and if they miss the deadline to file a petition, drilling can start immediately. My question for my colleagues who support this bill is: What happens if New Jersey is successful in opting out of new leasing but New York and Delaware decide to allow drilling. How can New Jersey coastal cities, businesses, and other interested parties be sure that accidents in neighboring states will not affect their industries?

Many of my colleagues today have talked at length about the costs of this bill. An estimate initially done by the Minerals Management Service (MMS) concluded that the bill would add $69 billion to the federal budget deficit over the next fifteen years. CBO also estimates that the bill will cost taxpayers $11 billion over the next ten years. I would hope that many of my colleagues who care deeply about the fiscal discipline of this Congress would see the hypocrisy in passing this bill.

I am most concerned with the bill's direct contravention of the National Environmental Policy Act provisions that promote environmentally friendly practices. Section 12 of this bill says that seismic air gun surveys and other exploratory leasing plans are exempt from preparing an Environmental Impact Statement before drilling can occur. The effects on our environment of seismic air gun surveys and other exploratory plans are well documented. Large blasts and seismic airgun arrays can cause severe damage to the hearing of many of the ocean wildlife that depend on hearing for survival in addition to the damage to the reefs and other ocean landscape. In 2004, the International Whaling Commission's Scientific Committee concluded that increased sound from seismic surveys was "cause for serious concern." Allowing lease sales to be exempt from NEPA is misguided policy.

For all these reasons I have outlined above, I urge my colleagues to vote against the Deep Ocean Energy Resources Act. I have said this before on the House floor and I believe it is worth saying again: drilling is not the answer to our energy concerns and until we in Congress work to promote energy conservation and sustainable energy supplies, we will continue on the same treacherous path we are on today.

Mr. TIAHRT. Mr. Chairman, I rise again today in strong support of jobs and lower energy costs for the American people. The House is considering the Deep Ocean Energy Resources Act of 2006 that would establish a common-sense framework to help America access more of its vast energy resources in an environmentally safe manner. More access to energy sources means more energy security for the American people, more jobs for workers and less dependency on foreign sources of energy.

I strongly support H.R. 4761 and commend Representative BOBBY JINDAL for his work on this important energy bill. I also want to thank Chairman POMBO and Chairman BARTON for their work on this issue and for their leadership in helping bring this bill to the floor today.

The Deep Ocean Energy Resources Act will allow for expanded oil and gas leasing off the Outer Continental Shelf (OCS) by allowing the Secretary of the Interior to offer new OCS areas for leasing that presently are not open.

I urge my colleagues to join me in support of H.R. 4761. Support of this bill is support for helping move us away from our dependency on foreign sources of energy. The United States is currently more than 60 percent dependent on foreign sources of oil to meet our growing energy demands. If we do not take steps to access more domestic sources of oil and natural gas, we are placing ourselves at an economic disadvantage. American's pay more for natural gas than any other country in the world. The high cost of natural gas is not just an inconvenience, it is costing American jobs.

My colleague from Pennsylvania, Representative JOHN PETERSON, regularly notes that America is the only country in the world with a moratorium on off-shore drilling for natural gas. While there are vast amounts of this environmentally-clean energy source available in areas far off our shorelines, opponents of lifting the moratorium are standing in the way of lowering energy costs for our farmers, chemical workers, small businesses and manufacturers.

Because Americans pay as much as 600 percent more for natural gas than other countries, American businesses are often at a competitive disadvantage when trying to compete with foreign businesses.

We all know our farmers depend upon natural gas for everything from irrigation to food processing to nitrogen fertilizer production. When the price of natural gas is high, that translates to more economic hardship for rural America. And unlike most other businesses, farmers are not able to pass along their increased input costs to consumers. It simply means less income for them and the rural communities that depend on a strong agriculture economy.

Natural gas prices account for most of the cost of fertilizers, which means that as long as we refuse to open up more of our natural gas reserves and lower the costs, farmers and rural farming communities will continue to suffer.

In the past six years, 21 fertilizer plants in this country have closed because they were no longer able to compete. This is just one example of how high natural gas prices are closing businesses and killing jobs. The longer we wait to lift the moratorium on offshore drilling, the more jobs we lose.

Small businesses suffer when natural gas prices are high because they have to spend more money for heating and cooling bills rather than investments in new technologies or better wages for workers. Instead of being able to sell their products and services for less, many businesses are forced to raise their prices. In today's 21st century economy, small businesses are often competing with foreign competitors, not just the business down the street.

Manufacturing jobs are even more at risk for leaving if we do not address the high cost of natural gas in this country. Over 100,000 chemical jobs have been lost over the past five years because of high natural gas costs. These are jobs that we should not be forced to lose. Americans deserve better than a continuation of an out-dated moratorium on offshore drilling for natural gas and oil.

I urge my colleagues to join me in voting for H.R. 4761 and help America compete by lowering energy costs, creating jobs and becoming more energy self-sufficient.

Mr. MILLER of Florida. Mr. Chairman, right now our country is facing an energy crisis. I believe that H.R. 4761 is a great first step to freeing our country from the powerful grips of foreign energy reliance. This bill also makes a powerful statement about the value we place on our military by preventing drilling east of the Military Mission Line, thus providing our military with the tools and resources it needs for defense training.

Secretary of Defense, Donald Rumsfeld has said, areas east of the military mission line are "specially critical to DoD due to the number and diversity of military testing and training activities conducted there now, and those planned for the future."

I want to thank Chairman POMBO and Congressman YOUNG of Florida for their strong support of this legislation and the military training area that this bill will protect. Continuing to provide adequate training facilities for our military shows not only support for our troops but also sends a message to our enemies that we are serious about winning this war and that our priorities are where they should be.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in opposition to H.R. 4761, the Domestic Energy Production through Offshore Exploration Act. This shortsighted initiative would feed America's oil addiction while threatening our coasts and eliminating one of our few remaining sources of fossil fuels.

Since President Bush declared that the nation is addicted to oil in his State of the Union speech, the President and the Republican Congress have continued to advance the agenda of their big oil buddies. This legislation would ensure that the nation's increasing energy demand is fed with oil instead of investing in alternative energy sources and promoting efficiency. The United States holds only 2% of the world's remaining oil reserves, while the Persian Gulf states have 60 percent of that oil. Feeding the nation's oil addiction is a threat to the nation's security.

This legislation limits states' abilities to protect their environment and their coastal residents. The energy companies already have access to 80% of our offshore oil and gas reserves. This legislation eliminates a 25-year, bi-partisan moratorium against offshore drilling that protects beaches and sensitive coastal areas. This bill makes it more difficult for states to prevent drilling off their coasts than to allow it, and limits their power to prevent new pipeline construction. It gives the Secretary of the Interior the authority to threaten states with a loss of funding if they pass any law that restricts drilling. In order to reward the oil and gas industry, the Bush Administration and the Republican Congress will make coastal states and their residents pay the price if we pass this legislation.

This bill will not bring down gasoline prices in the near term or ever. Given the average time it takes to produce oil and gas from new wells offshore, no oil and gas would be brought to the market from these new projects until 2013. We have the renewable energy capability and the efficient technology to radically reduce our demand for oil and gas today. By increasing fuel economy standards for passenger cars and light trucks to 33 miles per gallon by 2015, we could eliminate our imports of oil from the Persian Gulf. By spreading alternative fuels and biofuels across the country, we could radically reduce the largest source of our carbon emissions. And renewable energy sources like wind farms could be brought online and produce electricity in as little time as one year.

This bill will add tens of billions of dollars to our record deficit by subsidizing the same oil and gas companies that are reporting record profits. Already, every man, woman and child in this country bares the burden of $30,000 of our current deficit. Now, this bill would allow oil and gas companies to pay billions of dollars less in royalty relief, compensates oil companies for any delays in their drilling projects with taxpayer money, and allows the Congress to divert revenue for new drilling projects. Oil companies should drill at their own expense, not taxpayer expense, and the federal government should vigilantly regulate all drilling projects.

I urge all members to oppose this budget-busting, polluting legislation and encourage Congress to fight America's oil addiction rather than feed it.

Mr. KIND. Mr. Chairman, I rise today in support of H.R. 4761 to diversify our nation's domestic energy production. In the face of volatile natural gas markets that are forcing our industries and jobs overseas, we must begin drawing on the clean reliable fuel source that lies far off our nations coasts while preserving states rights to manage their nearshore waters.

For years I, along with many of my colleagues, have been calling for a more clean alternative energy supplies for our nation and this bill heeds that call. Our nation is currently generating half its electricity by burning coal. In the midwest alone, we have an astounding five-hundred individual coal burning power plants. According to the department of energy, nearly half of these plants are burning low grade, so called, sub-bituminous coal.

This enormous dependence on coal is not environmentally responsible. In 2005, the United States produced more than 7 times more CO_2 from coal than from natural gas emits far fewer particulates and climate changing gases compared to coal and is much cleaner to produce domestically, yet our nation continues to rely on coal. This bill will begin to reverse the longstnding habit.

Developing a domestic supply of natural gas is also critical to the industries that produce the jobs and products our nation needs. The volatility in the gas market makes it difficult for our companies to compete which drives job losses, a sting we have felt in my district in western Wisconsin. We can bring stability to these markets through domestic gas production and keep those middle-class jobs at home where they belong.

Our nation still needs a comprehensive energy policy and this bill is only a small piece of what must eventually be a 21st century strategy for clean domestic energy from a variety of sources. We must replace middle east oil with midwest grain and other 'home grown' alternatives and that includes the clean natural gas that would be produced under this bill. I urge my colleagues to support H.R. 4761.

Mr. BOREN. Mr. Chairman, I rise today to join my colleagues in support of the Deep Ocean Energy Resources Act.

I support this act for a multitude of reasons; however, I want to briefly talk about how this legislation is important to non-coastal states like mine.

Mr. Chairman, many people may question why a piece of legislation that opens the Outer Continental Shelf should matter to states like Oklahoma.

Well, I am here to say that it is vitally important. It's important to the farmers of America's Heartland.

This bill will bring relief to the farmers who have seen their costs for fuel and crop inputs rise significantly over the last several years by increasing natural gas supplies.

The farmers and ranchers of America know all too well that natural gas is an important feedstock for the nitrogen fertilizers that are used on virtually every crop produced in this country.

Mr. Chairman, we can even take the farmers out of the equation and this legislation is still important to our nation.

Producing more natural gas will mean that we can reduce the cost of utilities for the nation's working families.

Finally, I want to call attention to the fact that natural gas is a clean source of energy. It is clean from its utilization as a fuel to the processes that are used produce it. In recent years, the technologies in the industry have dramatically improved leaving us with everything from cleaner diesel fuel to smaller footprints after drilling has ceased.

Mr. Chairman, this is our chance to help lower costs, create jobs, and even increase production of an environmentally-friendly domestic fuel source.

For these reasons, I urge my colleagues to support H.R 4761.

Mr. HERGER. Mr. Chairman, if gasoline prices are bad, natural gas prices are even worse. The price of this fuel has tripled over the last six years. This dramatic increase is hurting my constituents in Northern California who rely on natural gas for heating and lighting. Farmers who use natural gas for crop drying, irrigation, and fertilizer production are also getting squeezed. Yet while prices climb to record levels, Washington has essentially made it impossible for states to provide any relief.

H.R. 4761 changes that. This bipartisan compromise gives the states the power to decide how to utilize America's ocean energy resources. It's a common sense plan for affordable energy, new jobs, and environmental protection. I commend Chairman POMBO and urge my colleagues to support this bill.

Mr. DINGELL. Mr. Chairman, regrettably, I rise in opposition to this legislation. I say regrettably because I really would like to support increased domestic production of hydrocarbons. Like all my other colleagues, over this past winter, my office was inundated with pleas for help from constituents with through-the-roof home heating bills. Unfortunately, I expect the same next winter.

You see, Mr. Chairman, I just fundamentally believe that the waters we are talking about are federal waters. And that the revenue from leasing activities should go to the Federal Treasury for the betterment of the Nation. While I might agree to sharing some of the revenue with the states, I simply cannot in good conscience support giving them 50 to 75 percent—or as is in the manager's amendment 42.5 percent to 75 percent. These revenues go to funding some of our most important programs throughout the country, including in my home state of Michigan. The Minerals Management Services estimated, prior to the manager's amendment, that this revenue sharing will cost the Federal Treasury $69 billion over the next 15 years. While the new period over which this is phased in has lengthened, the net cost is still much the same. In this era of ever increasing deficits, we simply cannot afford to lose that revenue.

As the author of the National Environmental Policy Act, I am also troubled by a provision that would exempt leases sales from the analysis and public process required by NEPA.

In short, Mr. Chairman, I would like to see more energy production in the Outer Continental Shelf. However, there is a right way and a wrong way to achieve this. Unfortunately, the bill we are considering today is the wrong way.

Mr. GOODLATTE. Mr. Chairman, my friends, I rise in support of H.R. 4761, the Domestic Energy Production Through Offshore Exploration Act of 2006.

In 1981, Congress enacted a ban on energy exploration covering more than 85 percent of the U.S. outer continental shelf. At the time, U.S. natural gas prices were the lowest in the industrialized world.

Today, U.S. Natural gas prices are the highest in the industrialized world. Prices for natural gas continue to increase, while the government continues to promote new natural gas consumption.

To balance the market, we need to invest in efficient, alternative energy. Additionally, we need to increase access to new energy supply sources, like ethanol and hydrogen, to keep pace with new and growing demands.

The high cost of natural gas and oil has a major impact on both the farm and forest sectors.

Paper mills, a major employer in my district, are very energy intensive. Energy costs account for 18 percent of the cost of operating a mill, almost eclipsing costs for employee compensation. The effects of higher energy prices have been dramatic. Over 232 paper mills have closed and 182,000 jobs lost since 2000 when energy prices started their steep ascent.

For farmers, higher natural gas prices mean higher costs for fertilizers. According to the USDA, average fertilizer prices in March 2006 stood 74 percent higher than the 1990–92 levels, nearly approaching all-time records. The high cost of oil has also greatly effected farmers and ranchers. Unlike many businesses, farmers and ranchers cannot pass on the extra costs to their customers and must absorb rising costs themselves.

H.R. 4761 addresses the supply piece of the puzzle to help bring natural gas and oil prices down. We can no longer continue to ban access to large sources of supply, while we continue to encourage innovation and advancement in all areas of industry, education, and technology.

This bill allows the Federal government to begin the process of developing these important resources throughout the outer continental shelf.

The bill's provisions are essential to ensuring a more cost efficient source of natural gas and oil. The benefits of efficient and cost-effective energy are not limited to one single industry, but extend to businesses, farmers, consumers, and communities. We find ourselves for the first time in a quarter century acknowledging that we as a Congress can no longer continue to promote natural gas and oil consumption and, at the same time, prohibit more production. I urge my colleagues to vote. "yes" on H.R. 4761.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the bill and thank you for working with Members of Florida's Congressional delegation to try and address our concerns. The residents of Florida and much of the Nation are facing significant increases in energy costs—gas to electricity bills—due to the increases in global demand and our Nation's increasing reliance on foreign sources of energy. Yet for Florida, our beaches are important for tourism and it is important that we offer some protections along our coast. I believe the bill before us reaches a good balance. It offers good protections while enabling responsible exploration for natural gas and oil.

Mr. Chairman, if we in this body and as a Nation are really serious about energy independence and its related national security implications, we must allow greater drilling for natural gas and oil in our Outer Continental Shelf. To do otherwise is to deny reality and live in a dream world. This bill takes a significant step to reduce our reliance on foreign oil and natural gas.

Some have made baseless claims that allowing natural gas wells or oil wells within the Outer Continental Shelf (OCS) will do little to address the energy costs in the United States. This claim simply is not based on sound economics. Over the past decade both in the state of Florida and across the Nation, there has been a dramatic increase in the use of natural gas for electric power generation. This switch was a quick and cost-effective way for power companies to reduce greenhouse gas emissions. According to a 2005 report from the Florida Public Service Commission (FPSC), in 2003, 26 percent of Florida's electric power was generated using natural gas. By 2013, just 7 years from now, the FPSC projects that over 50 percent of Florida's electric power will be generated using natural gas. The U.S. already pays the highest price in the world for natural gas, and it will only rise further if we fail to tap our own natural gas resources along the OCS.

Yet today we are increasingly importing natural gas from not only Canada and Mexico, but Trinidad, Qatar, Nigeria, Oman, Egypt, and Algeria. This increasing reliance on natural gas from Middle Eastern or unstable countries will further threaten our Nation's economic vitality and energy independence. This is the wrong path, particularly when we have untapped natural gas along our Nation's Outer Continental Shelf.

The U.S. Department of Energy reports that the cost of natural gas for electric power generation increased 300 percent between 2000 and 2005. Absent a new, larger and reliable supply of reasonably priced natural gas, Florida residents—many of them senior citizens on fixed incomes—will face dramatic increases in monthly power bills over the next 7 years. Passage of the bill before, us will enable Florida to secure a long-term supply of natural gas and help keep power bills in check.

The bill before us allows drilling for oil and natural gas 100 miles or more offshore. Between 50 and 100 miles the state legislature is given 1 year to withdraw this area from natural gas wells and 3 years to withdraw this area from oil wells. The coastal areas between the shoreline out 50 miles are presumed to be under moratorium unless the state legislature specifically authorizes either natural gas wells or oil drilling within that area. The bill also provides for some revenue sharing with the states that permit natural gas and oil recovery, allowing billions of dollars to be shared with the states to meet participating states' needs.

I trust the state legislature and the Governor of Florida to make the right decisions about our coastlines and potential natural gas and oil exploration. That is what this bill does. It ensures that the state elected officials . . .

Finally, to those, particularly in Florida who would say we should reject this legislation, I think it is important to consider the sizable shift in recent votes the House and Senate have had on the issue of off-shore drilling. When one considers the shift of 76 votes between the vote we held on this issue last year and the vote held last month, this bill before us today is likely the best deal Florida is going to get. A year ago, Senators NELSON and MARTINEZ could muster only 44 votes in their attempt to strip off-shore drilling out of the energy bill. I'm sure that, as in the House, there is a growing consensus in the Senate to allow drilling in our Nation's Outer Continental Shelf, including Florida's coast.

It is also important to note that there are currently areas off of Florida's East coast that have less protection than what is offered in this bill. Those areas will receive greater protection under this bill that they have under current law.

Finally, I would say that Cuba and China are proposing a joint venture to drill for gas of the northern coast of Cuba—45 miles from the Florida shoreline. To stand idly by and watch the Communist Cuban government and China drill within 45 miles of Florida's coast—perhaps extracting gas that is in U.S. territorial waters—is absurd.

Given the realities of our needs, the national security concerns associated with continued reliance on Middle Eastern oil and legislative realities, I believe it is important that we move forward with this bill today.

Let's vote for the underlying bill.

Mr. POE. Mr. Chairman, I rise in strong support of the Deep Ocean Energy Resources (DOER) Act, H.R. 4761.

The United States must be more self-sufficient when it comes to energy. The United States imports 60 percent of its crude oil from foreign countries even though there are large quantities of oil and natural gas available in the Outer Continental Shelf (OCS). However, these valuable resources are wrapped up in red tape and are off-limits to energy exploration. The United States is the only developed nation that limits access to their own natural resources. Other nations are willing to drill close to their own shores. Canada drills in the Great Lakes. Ireland, Norway, United Kingdom, Australia and New Zealand all drill within 50 miles of their own coastline. The Netherlands drills 20 miles off their shoes and Scotland drills 10 miles off their coast.

One part of the OCS, the Gulf of Mexico, is responsible for one-third of the domestic oil production and 20 percent of the domestic natural gas production. However, as we saw from Hurricanes Katrina and Rita, these areas can be subject to supply disruption. It is imperative that the United States begin drilling in other parts outside of the Gulf. There is a wide range of areas where we can drill. While the United States drills off my home State of Texas and Louisiana; there is crude oil still available in the eastern parts of the Gulf of Mexico, on the east coast and, yes, even off the sacred coast of California. It is vital that we think and consider drilling in these areas.

Since the 1980s, Congress has been placing appropriations moratoriums on drilling in about 90 percent of the Outer Continental Shelf placing them off limit to any energy development. All the people in non-drilling coastal States want cheap gasoline and natural gas, but they do not drill in their neighborhood. They want Texas and Louisiana to keep drilling in our neighborhood. We cannot have it both ways; cheap gasoline and refuse to drill offshore. We must do everything in our power to expand energy exploration in the OCS.

Limiting our ability to explore for energy is hypocritical. It does not make sense. In this Outer Continental Shelf, there are about 300 trillion cubic feet of natural gas and more than 50 billion barrels of oil yet to be discovered, that is enough oil or natural gas to: replace current imports from the Persian Gulf for 60 years and produce sufficient natural gas to heat 75 million homes for 60 years; produce gasoline for 116 million cars and heating oil for 47 million homes for 15 years; produce sufficient natural gas to heat 75 million homes for 60 years.

The DOER Act is an important bill as it grants states the power to control the OCS area off their coasts and still allow energy exploration. States will now have the ability to control drilling rights up to 100 miles off their coast. Current law only gives them authority up to 3 miles. Additionally, the DOER Act will allow states to share in the leasing royalties that occur in those areas that States now control.

This will help to encourage more states to participate in energy exploration as they will now share in the benefits from leasing rights. For my State of Texas, we have long held the belief that drilling can be done in a responsible and environmentally safe way. Now, Texas will be able to share in those leasing royalties that in the past have been exclusively limited to the federal government. These funds can be used by Texas to offset the cost of Rita, fund education for Katrina refugees or other important programs for the State.

It is for these reasons that I support and am a proud cosponsor for H.R. 4761. If we want to reduce energy prices, we need to explore for energy. This is a good bill that will allow for further exploration and reward states that allow for that exploration. I encourage my colleagues to support this important piece of legislation.

Ms. KILPATRICK of Michigan. Mr. Chairman, I rise today in opposition to H.R. 4761, the Deep Ocean Energy Resources Act. I believe the measure deceptively undermines States' rights to protect their coastlines, compromises fragile coastal environments, and ultimately would cost taxpayers billions in lost revenue, adding to the already record-setting national deficit.

H.R. 4761 presents the illusion of granting States more control over drilling, when in actuality it makes it more cumbersome for States choosing to continue protecting their coastlines. States desiring to opt-out of drilling would be required to pass legislation every 5 years, subject to approval by their governor, and present it to the Federal Government. If State legislatures and their governors are unable to come to agreement on drilling policy within one year of this bill's enactment, they would lose their right to decide as the Federal Government would then have authority to begin granting leases within 50 to 100 miles off their coastlines.

This bill attempts to bait States, already suffering fiscal restraints due to the Majority's consistent practice of cutting States funding for vital services like Medicaid/Medicare and public education, with a greater share of revenue if they are willing to sacrifice their coastal protections. It would take the second largest funding source of the Federal Government, after income taxes, and redistribute those funds only to the coastal States that will allow drilling. This comes as a sacrifice to all other States as the Interior Department has estimated the alteration of current Federal-State revenue sharing provisions on royalty payments will result in a loss of approximately $70 billion in revenues over the next 15 years; adding to the public debt burden.

It is important to note that 80 percent of known oil and natural gas reserves are in areas where drilling is already permitted. The Department of the Interior has already offered leases for 267 million acres of the outer-continental shelf; however, energy companies have only taken the initiative to explore 24 million of those acres already available to them. It would be insensible to risk these coastal environments before companies have even exhausted the exploration of areas they are already permitted to drill.

America's families need real relief from high-energy costs. Even if this measure had addressed this issue in the most optimal manner, offshore exploration remains an expensive, slow, and risky way of addressing the nation's energy crisis. The Federal Government should be investing resources to advance energy efficiency, conservation, and the development of alternative fuels, which can provide immediate relief to American citizens, not reinforcing our nation's gluttonous appetite for oil.

I urge my colleagues to vote "no" on H.R. 4761.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in strong opposition to the Deep Ocean Energy Resources Act (H.R. 4761). The "DOER" Act is yet another lost opportunity to develop real solutions to our energy challenges and a reckless raid on the Federal Treasury that even the Bush Administration opposes.

The DOER Act will repeal a 25-year, bipartisan moratorium on oil and gas drilling off most of the U.S. coastline. In place of the moratorium, a weak system of protections will be established that allows individual states to sanction drilling within 100 miles of their shores. To entice states to permit drilling, the bill increases states' share of drilling royalties from the current ceiling of 27 percent to 64 percent.

Bush administration officials released a statement today strongly opposing the revenue-sharing provisions of the bill, which are expected to add several hundred billion dollars to the federal deficit over the next 60 years. The diversion of more drilling royalties to states is a transparent, irresponsible ploy that will cost the government billions. But Republican leaders are so unconcerned about runaway federal deficits they decided to waive the rules of the Congressional Budget Act that are supposed to protect taxpayers from deficit spending.

While the bill's proponents argue this revenue-sharing arrangement is a matter of states' rights, the language of H.R. 4761 actually gives the administration enormous new powers over states. The bill limits states' ability to block pipeline construction and to review oil drilling activities once drilling is allowed. H.R. 4761 also allows the Secretary of the Interior to threaten states with a loss of funding if Congress passes legislation restricting oil drilling in any way. And, by rolling back environmental reviews and mitigation responsibilities for oil companies, the bill imposes hidden costs on states and their tourism industries, which will be left with the tab for drilling-related mishaps.

The Republicans declared this week "Energy Week" in the House and then moved one bill, H.R. 4761 to the floor. This legislation, apparently the Republicans' solution to America's complex energy challenges, includes no new incentives for energy conservation, no increases in fuel efficiency, no new support for mass transit and no boost for home-grown renewable energy technologies such as biofuels or wind energy. This bill falls far short of the bold, comprehensive energy policy America so urgently needs. Only House Republican leaders could call a bill that balloons the federal deficit, undermines states' rights, rolls back environmental protections and fails to reduce demand for fossil fuels a "commonsense compromise." It's time to hold a funeral for common sense.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 4761.

Our country is facing a painful energy crisis as a result of the policies of this Administration and Congressional Leadership. The price of oil is as high as it has ever been, and the people in my district in North Carolina are suffering from these high energy prices. The American people desperately need effective new energy policies, but H.R. 4761 is simply more of the same failed solutions from the Republican majority in this body.

This legislation would override provisions in my State of North Carolina against offshore drilling, and eliminate a long-standing national moratorium on coastal drilling. I have never supported drilling off the Outer Continental Shelf that could threaten North Carolina's pristine beaches.

Instead of finding new solutions to our energy crisis, such as passing biofuels legislation that would encourage our farmers to grow our own fuel here at home, the Republican leadership chooses to put at risk the places all Americans hold dear.

Mr. Chairman, I will vote against H.R. 4761, and I urge my colleagues to vote against this bill.

The Acting CHAIRMAN (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deep Ocean Energy Resources Act of 2006".

SEC. 2. POLICY.

It is the policy of the United States that—

(1) the United States is blessed with abundant energy resources on the outer Continental Shelf and has developed a comprehensive framework of environmental laws and regulations and fostered the development of state-of-the-art technology that allows for the responsible development of these resources for the benefit of its citizenry;

(2) adjacent States are required by the circumstances to commit significant resources in support of exploration, development, and production activities for mineral resources on the outer Continental Shelf, and it is fair and proper for a portion of the receipts from such activities to be shared with Adjacent States and their local coastal governments;

(3) the existing laws governing the leasing and production of the mineral resources of the outer Continental Shelf have reduced the production of mineral resources, have preempted Adjacent States from being sufficiently involved in the decisions regarding the allowance of mineral resource development, and have been harmful to the national interest;

(4) the national interest is served by granting the Adjacent States more options related to whether or not mineral leasing should occur in the outer Continental Shelf within their Adjacent Zones;

(5) it is not reasonably foreseeable that exploration of a leased tract located more than 25 miles seaward of the coastline, development and production of a natural gas discovery located more than 25 miles seaward of the coastline, or development and production of an oil discovery located more than 50 miles seaward of the coastline will adversely affect resources near the coastline;

(6) transportation of oil from a leased tract might reasonably be foreseen, under limited circumstances, to have the potential to adversely

affect resources near the coastline if the oil is within 50 miles of the coastline, but such potential to adversely affect such resources is likely no greater, and probably less, than the potential impacts from tanker transportation because tanker spills usually involve large releases of oil over a brief period of time; and

(7) among other bodies of inland waters, the Great Lakes, Long Island Sound, Delaware Bay, Chesapeake Bay, Albemarle Sound, San Francisco Bay, and Puget Sound are not part of the outer Continental Shelf, and are not subject to leasing by the Federal Government for the exploration, development, and production of any mineral resources that might lie beneath them.

SEC. 3. DEFINITIONS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(1) by amending paragraph (f) to read as follows:

"(f) The term 'affected State' means the Adjacent State.";

(2) by striking the semicolon at the end of each of paragraphs (a) through (o) and inserting a period;

(3) by striking "; and" at the end of paragraph (p) and inserting a period;

(4) by adding at the end the following:

"(r) The term 'Adjacent State' means, with respect to any program, plan, lease sale, leased tract or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, any State the laws of which are declared, pursuant to section 4(a)(2), to be the law of the United States for the portion of the outer Continental Shelf on which such program, plan, lease sale, leased tract or activity appertains or is, or is proposed to be, conducted. For purposes of this paragraph, the term 'State' includes Puerto Rico and the other Territories of the United States.

"(s) The term 'Adjacent Zone' means, with respect to any program, plan, lease sale, leased tract, or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, the portion of the outer Continental Shelf for which the laws of a particular Adjacent State are declared, pursuant to section 4(a)(2), to be the law of the United States.

"(t) The term 'miles' means statute miles.

"(u) The term 'coastline' has the same meaning as the term 'coast line' as defined in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

"(v) The term 'Neighboring State' means a coastal State having a common boundary at the coastline with the Adjacent State."; and

(5) in paragraph (a), by inserting after "control" the following: "or lying within the United States exclusive economic zone adjacent to the Territories of the United States".

SEC. 4. DETERMINATION OF ADJACENT ZONES AND PLANNING AREAS.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended in the first sentence by striking ", and the President" and all that follows through the end of the sentence and inserting the following: ". The lines extending seaward and defining each State's Adjacent Zone, and each OCS Planning Area, are as indicated on the maps for each outer Continental Shelf region entitled 'Alaska OCS Region State Adjacent Zone and OCS Planning Areas', 'Pacific OCS Region State Adjacent Zones and OCS Planning Areas', 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas', and 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', all of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.".

SEC. 5. ADMINISTRATION OF LEASING.

Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following:

"(k) VOLUNTARY PARTIAL RELINQUISHMENT OF A LEASE.—Any lessee of a producing lease may relinquish to the Secretary any portion of a lease that the lessee has no interest in producing and that the Secretary finds is geologically prospective. In return for any such relinquishment, the Secretary shall provide to the lessee a royalty incentive for the portion of the lease retained by the lessee, in accordance with regulations promulgated by the Secretary to carry out this subsection. The Secretary shall publish final regulations implementing this subsection within 365 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2006.

"(l) NATURAL GAS LEASE REGULATIONS.—Not later than July 1, 2007, the Secretary shall publish a final regulation that shall—

"(1) establish procedures for entering into natural gas leases;

"(2) ensure that natural gas leases are only available for tracts on the outer Continental Shelf that are wholly within 100 miles of the coastline within an area withdrawn from disposition by leasing on the day after the date of enactment of the Deep Ocean Energy Resources Act of 2006;

"(3) provide that natural gas leases shall contain the same rights and obligations established for oil and gas leases, except as otherwise provided in the Deep Ocean Energy Resources Act of 2006;

"(4) provide that, in reviewing the adequacy of bids for natural gas leases, the value of any crude oil estimated to be contained within any tract shall be excluded;

"(5) provide that any crude oil produced from a well and reinjected into the leased tract shall not be subject to payment of royalty, and that the Secretary shall consider, in setting the royalty rates for a natural gas lease, the additional cost to the lessee of not producing any crude oil; and

"(6) provide that any Federal law that applies to an oil and gas lease on the outer Continental Shelf shall apply to a natural gas lease unless otherwise clearly inapplicable.".

SEC. 6. GRANT OF LEASES BY SECRETARY.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended—

(1) in subsection (a)(1) by inserting after the first sentence the following: "Further, the Secretary may grant natural gas leases in a manner similar to the granting of oil and gas leases and under the various bidding systems available for oil and gas leases.";

(2) by adding at the end of subsection (b) the following:

"The Secretary may issue more than one lease for a given tract if each lease applies to a separate and distinct range of vertical depths, horizontal surface area, or a combination of the two. The Secretary may issue regulations that the Secretary determines are necessary to manage such leases consistent with the purposes of this Act.";

(3) by amending subsection (p)(2)(B) to read as follows:

"(B) The Secretary shall provide for the payment to coastal states, and their local coastal governments, of 75 percent of Federal receipts from projects authorized under this section located partially or completely within the area extending seaward of State submerged lands out to 4 marine leagues from the coastline, and the payment to coastal states of 50 percent of the receipts from projects completely located in the area more than 4 marine leagues from the coastline. Payments shall be based on a formula established by the Secretary by rulemaking no later than 180 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2006 that provides for equitable distribution, based on proximity to the project, among coastal states that have coastline that is located within 200 miles of the geographic center of the project.".

(4) by adding at the end the following:

"(q) NATURAL GAS LEASES.—

"(1) RIGHT TO PRODUCE NATURAL GAS.—A lessee of a natural gas lease shall have the right to produce the natural gas from a field on a natural gas leased tract if the Secretary estimates that the discovered field has at least 40 percent of the economically recoverable Btu content of the field contained within natural gas and such natural gas is economical to produce.

"(2) CRUDE OIL.—A lessee of a natural gas lease may not produce crude oil from the lease.

"(3) ESTIMATES OF BTU CONTENT.—The Secretary shall make estimates of the natural gas Btu content of discovered fields on a natural gas lease only after the completion of at least one exploration well, the data from which has been tied to the results of a three-dimensional seismic survey of the field. The Secretary may not require the lessee to further delineate any discovered field prior to making such estimates.

"(4) DEFINITION OF NATURAL GAS.—For purposes of a natural gas lease, natural gas means natural gas and all substances produced in association with gas, including, but not limited to, hydrocarbon liquids (other than crude oil) that are obtained by the condensation of hydrocarbon vapors and separate out in liquid form from the produced gas stream.

"(r) REMOVAL OF RESTRICTIONS ON JOINT BIDDING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Restrictions on joint bidders shall no longer apply to tracts located in the Alaska OCS Region. Such restrictions shall not apply to tracts in other OCS regions determined to be 'frontier tracts' or otherwise 'high cost tracts' under final regulations that shall be published by the Secretary by not later than 365 days after the date of the enactment of the Deep Ocean Energy Resources Act of 2006.

"(s) ROYALTY SUSPENSION PROVISIONS.—The Secretary shall agree to a request by any lessee to amend any lease issued for Central and Western Gulf of Mexico tracts during the period of December 1, 1995, through December 31, 2000, to incorporate price thresholds applicable to royalty suspension provisions, or amend existing price thresholds, in the amount of $40.50 per barrel (2006 dollars) for oil and for natural gas of $6.75 per million Btu (2006 dollars). Any amended lease shall impose the new or revised price thresholds effective October 1, 2005. Existing lease provisions shall prevail through September 30, 2005. After the date of the enactment of the Deep Ocean Energy Resources Act of 2006, price thresholds shall apply to any royalty suspension volumes granted by the Secretary. Unless otherwise set by Secretary by regulation or for a particular lease sale, the price thresholds shall be $40.50 for oil (2006 dollars) and $6.75 for natural gas (2006 dollars).

"(t) ROYALTY RATE FOR OIL AND GAS OR NATURAL GAS LEASES ON THE OUTER CONTINENTAL SHELF.—After the date of the enactment of the Deep Ocean Energy Resources Act of 2006, the base royalty rate for new oil and gas or natural gas leases on the outer Continental Shelf shall be the same for all leased tracts.

"(u) CONSERVATION OF RESOURCES FEES.—

"(1) Not later than one year after the date of the enactment of the Deep Ocean Energy Resources Act of 2006, the Secretary by regulation shall establish a conservation of resources fee for producing leases that will apply to new and existing leases which shall be set at $9 per barrel for oil and $1.25 per million Btu for gas. This fee shall only apply to leases in production located in more than 200 meters of water for which royalties are not being paid when prices exceed $40.50 per barrel for oil and $6.75 per million Btu for natural gas in 2006, dollars. This fee shall

apply to production from and after October 1, 2005, and shall be treated as offsetting receipts.

"(2) Not later than one year after the date of the enactment of the Deep Ocean Energy Resources Act of 2006, the Secretary by regulation shall establish a conservation of resources fee for nonproducing leases that will apply to new and existing leases which shall be set at not less than $1.00 nor more than $4.00 per acre per year. This fee shall apply from and after October 1, 2005, and shall be treated as offsetting receipts.";

(5) by striking subsection (a)(3)(A) and redesignating the subsequent subparagraphs as subparagraphs (A) and (B), respectively;

(6) in subsection (a)(3)(A) (as so redesignated) by striking "In the Western" and all that follows through "the Secretary" the first place it appears and inserting "The Secretary"; and

(7) effective October 1, 2006, in subsection (g)—

(A) by striking all after "(g)", except paragraph (3);

(B) by striking the last sentence of paragraph (3); and

(C) by striking "(3)".

SEC. 7. DISPOSITION OF RECEIPTS.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended—

(1) by designating the existing text as subsection (a);

(2) in subsection (a) (as so designated) by inserting ", if not paid as otherwise provided in this title" after "receipts"; and

(3) by adding the following:

"(b) TREATMENT OF OCS RECEIPTS FROM TRACTS COMPLETELY WITHIN 100 MILES OF THE COASTLINE.—

"(1) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury the portion of OCS Receipts for each fiscal year that will be shared under paragraphs (2), (3), and (4).

"(2) PHASED-IN RECEIPTS SHARING.—

"(A) Beginning October 1, 2005, the Secretary shall share OCS Receipts derived from the following areas:

"(i) Lease tracts located on portions of the Gulf of Mexico OCS Region completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline that are available for leasing under the 2002–2007 5-Year Oil and Gas Leasing Program in effect prior to the date of the enactment of the Deep Ocean Energy Resources Act of 2006.

"(ii) Lease tracts in production prior to October 1, 2005, completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline located on portions of the OCS that were not available for leasing under the 2002-2007 5-Year OCS Oil and Gas Leasing Program in effect prior to the date of the enactment of the Deep Ocean Energy Resources Act of 2006.

"(iii) Lease tracts for which leases are issued prior to October 1, 2005, located in the Alaska OCS Region completely beyond 4 marine leagues from any coastline and completely within 100 miles of the coastline.

"(B) The Secretary shall share the following percentages of OCS Receipts from the leases described in subparagraph (A) derived during the fiscal year indicated:

"(i) For fiscal year 2006, 6.0 percent.

"(ii) For fiscal year 2007, 7.0 percent.

"(iii) For fiscal year 2008, 8.0 percent.

"(iv) For fiscal year 2009, 9.0 percent.

"(v) For fiscal year 2010, 12.0 percent.

"(vi) For fiscal year 2011, 15.0 percent.

"(vii) For fiscal year 2012, 18.0 percent.

"(viii) For fiscal year 2013, 21.0 percent.

"(ix) For fiscal year 2014, 24.0 percent.

"(x) For fiscal year 2015, 27.0 percent.

"(xi) For fiscal year 2016, 30.0 percent.

"(xii) For fiscal year 2017, 33.0 percent.

"(xiii) For fiscal year 2018, 36.0 percent.

"(xiv) For fiscal year 2019, 39.0 percent.

"(xv) For fiscal year 2020, 42.0 percent.

"(xvi) For fiscal year 2021, 45.0 percent.

"(xvii) For fiscal year 2022 and each subsequent fiscal year, 50.0 percent.

"(C) The provisions of this paragraph shall not apply to leases that could not have been issued but for section 5(k) of this Act or section 6(2) of the Deep Ocean Energy Resources Act of 2006.

"(3) IMMEDIATE RECEIPTS SHARING.—Beginning October 1, 2005, the Secretary shall share 50 percent of OCS Receipts derived from all leases located completely beyond 4 marine leagues from any coastline and completely within 100 miles of any coastline not included within the provisions of paragraph (2).

"(4) RECEIPTS SHARING FROM TRACTS WITHIN 4 MARINE LEAGUES OF ANY COASTLINE.—Beginning October 1, 2005, the Secretary shall share 75 percent of OCS Receipts derived from all leases located completely or partially within 4 marine leagues from any coastline.

"(5) ALLOCATIONS.—The Secretary shall allocate the OCS Receipts deposited into the separate account established by paragraph (1) that are shared under paragraphs (2), (3), and (4) as follows:

"(A) BONUS BIDS.—Deposits derived from bonus bids from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year as follows:

"(i) 85 percent to the Adjacent State.

"(ii) 5 percent into the Treasury, which shall be allocated to the account established by section 14 of the Deep Ocean Energy Resources Act of 2006.

"(iii) 5 percent into the account established by section 23 of the Deep Ocean Energy Resources Act of 2006.

"(iv) 5 percent into the account established by section 26 of the Deep Ocean Energy Resources Act of 2006.

"(B) ROYALTIES.—Deposits derived from royalties from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year as follows:

"(i) 85 percent to the Adjacent State and any other producing State or States with a leased tract within its Adjacent Zone within 100 miles of its coastline that generated royalties during the fiscal year, if the other producing or States have a coastline point within 300 miles of any portion of the leased tract, in which case the amount allocated for the leased tract shall be—

"(I) one-third to the Adjacent State; and

"(II) two-thirds to each producing State, including the Adjacent State, inversely proportional to the distance between the nearest point on the coastline of the producing State and the geographic center of the leased tract.

"(ii) 5 percent into the Treasury, which shall be allocated to the account established by section 14 of the Deep Ocean Energy Resources Act of 2006.

"(iii) 5 percent into the account established by section 23 of the Deep Ocean Energy Resources Act of 2006.

"(iv) 5 percent into the account established by section 26 of the Deep Ocean Energy Resources Act of 2006.

"(c) TREATMENT OF OCS RECEIPTS FROM TRACTS PARTIALLY OR COMPLETELY BEYOND 100 MILES OF THE COASTLINE.—

"(1) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury the portion of OCS Receipts for each fiscal year that will be shared under paragraphs (2) and (3).

"(2) PHASED-IN RECEIPTS SHARING.—

"(A) Beginning October 1, 2005, the Secretary shall share OCS Receipts derived from the following areas:

"(i) Lease tracts located on portions of the Gulf of Mexico OCS Region partially or completely beyond 100 miles of any coastline that were available for leasing under the 2002–2007 5-Year Oil and Gas Leasing Program in effect prior to the date of enactment of the Deep Ocean Energy Resources Act of 2006.

"(ii) Lease tracts in production prior to October 1, 2005, partially or completely beyond 100 miles of any coastline located on portions of the OCS that were not available for leasing under the 2002–2007 5-Year OCS Oil and Gas Leasing Program in effect prior to the date of enactment of the Deep Ocean Energy Resources Act of 2006.

"(iii) Lease tracts for which leases are issued prior to October 1, 2005, located in the Alaska OCS Region partially or completely beyond 100 miles of the coastline.

"(B) The Secretary shall share the following percentages of OCS Receipts from the leases described in subparagraph (A) derived during the fiscal year indicated:

"(i) For fiscal year 2006, 6.0 percent.

"(ii) For fiscal year 2007, 7.0 percent.

"(iii) For fiscal year 2008, 8.0 percent.

"(iv) For fiscal year 2009, 9.0 percent.

"(v) For fiscal year 2010, 12.0 percent.

"(vi) For fiscal year 2011, 15.0 percent.

"(vii) For fiscal year 2012, 18.0 percent.

"(viii) For fiscal year 2013, 21.0 percent.

"(ix) For fiscal year 2014, 24.0 percent.

"(x) For fiscal year 2015, 27.0 percent.

"(xi) For fiscal year 2016, 30.0 percent.

"(xii) For fiscal year 2017, 33.0 percent.

"(xiii) For fiscal year 2018, 36.0 percent.

"(xiv) For fiscal year 2019, 39.0 percent.

"(xv) For fiscal year 2020, 42.0 percent.

"(xvi) For fiscal year 2021, 45.0 percent.

"(xvii) For fiscal year 2022 and each subsequent fiscal year, 50.0 percent.

"(C) The provisions of this paragraph shall not apply to leases that could not have been issued but for section 5(k) of this Act or section 6(2) of the Deep Ocean Energy Resources Act of 2006.

"(3) IMMEDIATE RECEIPTS SHARING.—Beginning October 1, 2005, the Secretary shall share 50 percent of OCS Receipts derived on and after October 1, 2005, from all leases located partially or completely beyond 100 miles of any coastline not included within the provisions of paragraph (2).

"(4) ALLOCATIONS.—The Secretary shall allocate the OCS Receipts deposited into the separate account established by paragraph (1) that are shared under paragraphs (2) and (3) as follows:

"(A) BONUS BIDS.—Deposits derived from bonus bids from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year as follows:

"(i) 85 percent to the Adjacent State.

"(ii) 5 percent into the Treasury, which shall be allocated to the account established by section 14 of the Deep Ocean Energy Resources Act of 2006.

"(iii) 5 percent into the account established by section 23 of the Deep Ocean Energy Resources Act of 2006.

"(iv) 5 percent into the account established by section 26 of the Deep Ocean Energy Resources Act of 2006.

"(B) ROYALTIES.—Deposits derived from royalties from a leased tract, including interest thereon, shall be allocated at the end of each fiscal year as follows:

"(i) 85 percent to the Adjacent State and any other producing State or States with a leased tract within its Adjacent Zone partially or completely beyond 100 miles of its coastline that generated royalties during the fiscal year, if the other producing State or States have a coastline point within 300 miles of any portion of the *leased tract, in which case the amount allocated for the leased tract shall be—*

"(I) one-third to the Adjacent State; and

"(II) two-thirds to each producing State, including the Adjacent State, inversely proportional to the distance between the nearest point on the coastline of the producing State and the geographic center of the leased tract.

"(ii) 5 percent into the account established by section 14 of the Deep Ocean Energy Resources Act of 2006.

"(iii) 5 percent into the account established by section 23 of the Deep Ocean Energy Resources Act of 2006.

"(iv) 5 percent into the account established by section 26 of the Deep Ocean Energy Resources Act of 2006.

"(d) TRANSMISSION OF ALLOCATIONS.—

"(1) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the Secretary shall transmit—

"(A) to each State 60 percent of such State's allocations under subsections (b)(5)(A)(i), (b)(5)(B)(i), (c)(4)(A)(i), and (c)(4)(B)(i) for the immediate prior fiscal year;

"(B) to coastal county-equivalent and municipal political subdivisions of such State a total of 40 percent of such State's allocations under subsections (b)(5)(A)(i), (b)(5)(B)(i), (c)(4)(A)(i), and (c)(4)(B)(i), together with all accrued interest thereon; and

"(C) the remaining allocations under subsections (b)(5) and (c)(4), together with all accrued interest thereon.

"(2) ALLOCATIONS TO COASTAL COUNTY-EQUIVALENT POLITICAL SUBDIVISIONS.—The Secretary shall make an initial allocation of the OCS Receipts to be shared under paragraph (1)(B) as follows:

"(A) 25 percent shall be allocated to coastal county-equivalent political subdivisions that are completely more than 25 miles landward of the coastline and at least a part of which lies not more than 75 miles landward from the coastline, with the allocation among such coastal county-equivalent political subdivisions based on population.

"(B) 75 percent shall be allocated to coastal county-equivalent political subdivisions that are completely or partially less than 25 miles landward of the coastline, with the allocation among such coastal county-equivalent political subdivisions to be further allocated as follows:

"(i) 25 percent shall be allocated based on the ratio of such coastal county-equivalent political subdivision's population to the coastal population of all coastal county-equivalent political subdivisions in the State.

"(ii) 25 percent shall be allocated based on the ratio of such coastal county-equivalent political subdivision's coastline miles to the coastline miles of all coastal county-equivalent political subdivisions in the State as calculated by the Secretary. In such calculations, coastal county-equivalent political subdivisions without a coastline shall be considered to have 50 percent of the average coastline miles of the coastal county-equivalent political subdivisions that do have coastlines.

"(iii) 25 percent shall be allocated to all coastal county-equivalent political subdivisions having a coastline point within 300 miles of the leased tract for which OCS Receipts are being shared based on a formula that allocates the funds based on such coastal county-equivalent political subdivision's relative distance from the leased tract.

"(iv) 25 percent shall be allocated to all coastal county-equivalent political subdivisions having a coastline point within 300 miles of the leased tract for which OCS Receipts are being shared based on the relative level of outer Continental Shelf oil and gas activities in a coastal political subdivision compared to the level of outer Continental Shelf activities in all coastal political subdivisions in the State. The Secretary shall define the term 'outer Continental Shelf oil and gas activities' for purposes of this subparagraph to include, but not be limited to, construction of vessels, drillships, and platforms involved in exploration, production, and development on the outer Continental Shelf; support and supply bases, ports, and related activities; offices of geologists, geophysicists, engineers, and other professionals involved in support of exploration, production, and development of oil and gas on the outer Continental Shelf; pipelines and other means of transporting oil and gas production from the outer Continental Shelf; and processing and refining of oil and gas production from the outer Continental Shelf. For purposes of this subparagraph, if a coastal county-equivalent political subdivision does not have a coastline, its coastal point shall be the point on the coastline closest to it.

"(3) ALLOCATIONS TO COASTAL MUNICIPAL POLITICAL SUBDIVISIONS.—The initial allocation to each coastal county-equivalent political subdivision under paragraph (2) shall be further allocated to the coastal county-equivalent political subdivision and any coastal municipal political subdivisions located partially or wholly within the boundaries of the coastal county-equivalent political subdivision as follows:

"(A) One-third shall be allocated to the coastal county-equivalent political subdivision.

"(B) Two-thirds shall be allocated on a per capita basis to the municipal political subdivisions and the county-equivalent political subdivision, with the allocation to the latter based upon its population not included within the boundaries of a municipal political subdivision.

"(e) INVESTMENT OF DEPOSITS.—Amounts deposited under this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account in which they are deposited and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

"(f) USE OF FUNDS.—A recipient of funds under this section may use the funds for one or more of the following:

"(1) To reduce in-State college tuition at public institutions of higher learning and otherwise support public education, including career technical education.

"(2) To make transportation infrastructure improvements.

"(3) To reduce taxes.

"(4) To promote, fund, and provide for—

"(A) coastal or environmental restoration;

"(B) fish, wildlife, and marine life habitat enhancement;

"(C) waterways construction and maintenance;

"(D) levee construction and maintenance and shore protection; and

"(E) marine and oceanographic education and research.

"(5) To promote, fund, and provide for —

"(A) infrastructure associated with energy production activities conducted on the outer Continental Shelf;

"(B) energy demonstration projects;

"(C) supporting infrastructure for shore-based energy projects;

"(D) State geologic programs, including geologic mapping and data storage programs, and state geophysical data acquisition;

"(E) State seismic monitoring programs, including operation of monitoring stations;

"(F) development of oil and gas resources through enhanced recovery techniques;

"(G) alternative energy development, including bio fuels, coal-to-liquids, oil shale, tar sands, geothermal, geopressure, wind, waves, currents, hydro, and other renewable energy;

"(H) energy efficiency and conservation programs; and

"(I) front-end engineering and design for facilities that produce liquid fuels from hydrocarbons and other biological matter.

"(6) To promote, fund, and provide for—

"(A) historic preservation programs and projects;

"(B) natural disaster planning and response; and,

"(C) hurricane and natural disaster insurance programs.

"(7) For any other purpose as determined by State law.

"(g) NO ACCOUNTING REQUIRED.—No recipient of funds under this section shall be required to account to the Federal Government for the expenditure of such funds, except as otherwise may be required by law. However, States may enact legislation providing for accounting for and auditing of such expenditures. Further, funds allocated under this section to States and political subdivisions may be used as matching funds for other Federal programs.

"(h) EFFECT OF FUTURE LAWS.—Enactment of any future Federal statute that has the effect, as determined by the Secretary, of restricting any Federal agency from spending appropriated funds, or otherwise preventing it from fulfilling its pre-existing responsibilities as of the date of enactment of the statute, unless such responsibilities have been reassigned to another Federal agency by the statute with no prevention of performance, to issue any permit or other approval impacting on the OCS oil and gas leasing program, or any lease issued thereunder, or to implement any provision of this Act shall automatically prohibit any sharing of OCS Receipts under this section directly with the States, and their coastal political subdivisions, for the duration of the restriction. The Secretary shall make the determination of the existence of such restricting effects within 30 days of a petition by any outer Continental Shelf lessee or producing State.

"(i) DEFINITIONS.—In this section:

"(1) COASTAL COUNTY-EQUIVALENT POLITICAL SUBDIVISION.—The term 'coastal county-equivalent political subdivision' means a political jurisdiction immediately below the level of State government, including a county, parish, borough in Alaska, independent municipality not part of a county, parish, or borough in Alaska, or other equivalent subdivision of a coastal State, that lies within the coastal zone.

"(2) COASTAL MUNICIPAL POLITICAL SUBDIVISION.—The term 'coastal municipal political subdivision' means a municipality located within and part of a county, parish, borough in Alaska, or other equivalent subdivision of a State, all or part of which coastal municipal political subdivision lies within the coastal zone.

"(3) COASTAL POPULATION.—The term 'coastal population' means the population of all coastal county-equivalent political subdivisions, as determined by the most recent official data of the Census Bureau.

"(4) COASTAL ZONE.—The term 'coastal zone' means that portion of a coastal State, including the entire territory of any coastal county-equivalent political subdivision at least a part of which lies, within 75 miles landward from the coastline, or a greater distance as determined by State law enacted to implement this section.

"(5) BONUS BIDS.—The term 'bonus bids' means all funds received by the Secretary to issue an outer Continental Shelf minerals lease.

"(6) ROYALTIES.—The term 'royalties' means all funds received by the Secretary from production of oil or natural gas, or the sale of production taken in-kind, from an outer Continental Shelf minerals lease.

"(7) PRODUCING STATE.—The term 'producing State' means an Adjacent State having an Adjacent Zone containing leased tracts from which OCS Receipts were derived.

"(8) OCS RECEIPTS.—The term 'OCS Receipts' means bonus bids, royalties, and conservation of resources fees.".

SEC. 8. REVIEW OF OUTER CONTINENTAL SHELF EXPLORATION PLANS.

Subsections (c) and (d) of section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) are amended to read as follows:

"(c) PLAN REVIEW; PLAN PROVISIONS.—

"(1) Except as otherwise provided in this Act, prior to commencing exploration pursuant to any oil and gas lease issued or maintained under this Act, the holder thereof shall submit an exploration plan (hereinafter in this section referred to as a 'plan') to the Secretary for review which shall include all information and documentation required under paragraphs (2) and (3). The Secretary shall review the plan for completeness within 10 days of submission. If the Secretary finds that the plan is not complete, the Secretary shall notify the lessee with a detailed explanation and require such modifications of such plan as are necessary to achieve completeness. The Secretary shall have 10 days to review a modified plan for completeness. Such plan may apply to more than one lease held by a lessee in any one region of the outer Continental Shelf, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and the lessee shall certify that such plan is consistent with the terms of the lease and is consistent with all statutory and regulatory requirements in effect on the date of issuance of the lease, and any regulations promulgated under this Act to the conservation of resources after the date of the lease issuances. The Secretary shall have 30 days from the date the plan is deemed complete to conduct a review of the plan. If the Secretary finds the plan is not consistent with the lease and all such statutory and regulatory requirements, the Secretary shall notify the lessee with a detailed explanation of such modifications of such plan as are necessary to achieve compliance. The Secretary shall have 30 days to review any modified plan submitted by the lessee. The lessee shall not take any action under the exploration plan within the 30-day review period, or thereafter until the plan has been modified to achieve compliance as so notified.

"(2) An exploration plan submitted under this subsection shall include, in the degree of detail which the Secretary may by regulation require—

"(A) a schedule of anticipated exploration activities to be undertaken;

"(B) a description of equipment to be used for such activities;

"(C) the general location of each well to be drilled; and

"(D) such other information deemed pertinent by the Secretary.

"(3) The Secretary may, by regulation, require that such plan be accompanied by a general statement of development and production intentions which shall be for planning purposes only and which shall not be binding on any party.

"(d) PLAN REVISIONS; CONDUCT OF EXPLORATION ACTIVITIES.—

"(1) If a significant revision of an exploration plan under this subsection is submitted to the Secretary, the process to be used for the review of such revision shall be the same as set forth in subsection (c) of this section.

"(2) All exploration activities pursuant to any lease shall be conducted in accordance with an exploration plan or a revised plan which has been submitted to and reviewed by the Secretary.".

SEC. 9. RESERVATION OF LANDS AND RIGHTS.

Section 12 of the Outer Continental Shelf Lands Act (43 U.S.C. 1341) is amended—

(1) in subsection (a) by adding at the end the following: "The President may partially or completely revise or revoke any prior withdrawal made by the President under the authority of this section. The President may not revise or revoke a withdrawal that was initiated by a petition from a State and approved by the Secretary of the Interior under subsection (h). A withdrawal by the President may be for a term not to exceed 10 years. When considering potential uses of the outer Continental Shelf, to the maximum extent possible, the President shall accommodate competing interests and potential uses.";

(2) by adding at the end the following:

"(g) AVAILABILITY FOR LEASING WITHIN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—

"(1) PROHIBITION AGAINST LEASING.—

"(A) UNAVAILABLE FOR LEASING WITHOUT STATE REQUEST.—Except as otherwise provided in this subsection, from and after enactment of the Deep Ocean Energy Resources Act of 2006, the Secretary shall not offer for leasing for oil and gas, or natural gas, any area within 50 miles of the coastline that was withdrawn from disposition by leasing in the Atlantic OCS Region or the Pacific OCS Region, or the Gulf of Mexico OCS Region Eastern Planning Area, as depicted on the maps referred to in this subparagraph, under the 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, or any area within 50 miles of the coastline not withdrawn under that Memorandum that is included within the Gulf of Mexico OCS Region Eastern Planning Area as indicated on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' or the Florida Straits Planning Area as indicated on the map entitled 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', both of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.

"(B) AREAS BETWEEN 50 AND 100 MILES FROM THE COASTLINE.—Unless an Adjacent State petitions under subsection (h) within one year after the date of the enactment of the Deep Ocean Energy Resources Act of 2006 for natural gas leasing or by June 30, 2009, for oil and gas leasing, the Secretary shall offer for leasing any area more than 50 miles but less than 100 miles from the coastline that was withdrawn from disposition by leasing in the Atlantic OCS Region, the Pacific OCS Region, or the Gulf of Mexico OCS Region Eastern Planning Area, as depicted on the maps referred to in this subparagraph, under the 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, or any area more than 50 miles but less than 100 miles of the coastline not withdrawn under that Memorandum that is included within the Gulf of Mexico OCS Region Eastern Planning Area as indicated on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' or within the Florida Straits Planning Area as indicated on the map entitled 'Atlantic OCS Region State Adjacent Zones and OCS Planning Areas', both of which are dated September 2005 and on file in the Office of the Director, Minerals Management Service.

"(2) REVOCATION OF WITHDRAWAL.—The provisions of the 'Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition', 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998, are hereby revoked and are no longer in effect regarding any areas that are more than 100 miles from the coastline, nor for any areas that are less than 100 miles from the coastline and are included within the Gulf of Mexico OCS Region Central Planning Area as depicted on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' dated September 2005 and on file in the Office of the Director, Minerals Management Service. The 2002–2007 5-Year Outer Continental Shelf Oil and Gas Leasing Program is hereby amended to include the areas added to the Gulf of Mexico OCS Region Central Planning Area by this Act to the extent that such areas were included within the original boundaries of proposed Lease Sale 181. The amendment to such leasing program includes a sale in such additional areas, which shall be held no later than June 30, 2007. The Final Environmental Impact Statement prepared for this area for Lease Sale 181 shall be deemed sufficient for all purposes for each lease sale in which such area is offered for lease during the 2002–2007 5-Year Outer Continental Shelf Oil and Gas Leasing Program without need for supplementation. Any tract only partially added to the Gulf of Mexico OCS Region Central Planning Area by this Act shall be eligible for leasing of the part of such tract that is included within the Gulf of Mexico OCS Region Central Planning Area, and the remainder of such tract that lies outside of the Gulf of Mexico OCS Region Central Planning Area may be developed and produced by the lessee of such partial tract using extended reach or similar drilling from a location on a leased area. Further, any area in the OCS withdrawn from leasing may be leased, and thereafter developed and produced by the lessee using extended reach or similar drilling from a location on a leased area located in an area available for leasing.

"(3) PETITION FOR LEASING.—

"(A) IN GENERAL.—The Governor of the State, upon concurrence of its legislature, may submit to the Secretary a petition requesting that the Secretary make available any area that is within the State's Adjacent Zone, included within the provisions of paragraph (1), and that (i) is greater than 25 miles from any point on the coastline of a Neighboring State for the conduct of offshore leasing, pre-leasing, and related activities with respect to natural gas leasing; or (ii) is greater than 50 miles from any point on the coastline of a Neighboring State for the conduct of offshore leasing, pre-leasing, and related activities with respect to oil and gas leasing. The Adjacent State may also petition for leasing any other area within its Adjacent Zone if leasing is allowed in the similar area of the Adjacent Zone of the applicable Neighboring State, or if not allowed, if the Neighboring State, acting through its Governor, expresses its concurrence with the petition. The Secretary shall only consider such a petition upon making a finding that leasing is allowed in the similar area of the Adjacent Zone of the applicable Neighboring State or upon receipt of the concurrence of the Neighboring State. The date of receipt by the Secretary of such concurrence by the Neighboring State shall constitute the date of receipt of the petition for that area for which the concurrence applies. Except for any area described in the last sentence of paragraph (2), a petition for leasing any part of the Alabama Adjacent Zone that is a part of the Gulf of Mexico Eastern Planning Area, as indicated on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' which is dated September 2005 and on file in the Office of the Director, Minerals Management Service, shall require the concurrence of both Alabama and Florida.

"(B) LIMITATIONS ON LEASING.—In its petition, a State with an Adjacent Zone that contains leased tracts may condition new leasing for oil and gas, or natural gas for tracts within 25 miles of the coastline by—

"(i) requiring a net reduction in the number of production platforms;

"(ii) requiring a net increase in the average distance of production platforms from the coastline;

"(iii) limiting permanent surface occupancy on new leases to areas that are more than 10 miles from the coastline;

"(iv) limiting some tracts to being produced from shore or from platforms located on other tracts; or

"(v) other conditions that the Adjacent State may deem appropriate as long as the Secretary does not determine that production is made economically or technically impracticable or otherwise impossible.

"(C) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that leasing the area would probably cause serious harm or damage to the marine resources of the State's Adjacent Zone. Prior to approving the petition, the Secretary shall complete an environmental assessment that documents the anticipated environmental effects of leasing in the area included within the scope of the petition.

"(D) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (C) the petition shall be considered to be approved 90 days after receipt of the petition.

"(E) AMENDMENT OF THE 5-YEAR LEASING PROGRAM.—Notwithstanding section 18, within 180 days of the approval of a petition under subparagraph (C) or (D), after the expiration of the time limits in paragraph (1)(B), and within 180 days after the enactment of the Deep Ocean Energy Resources Act of 2006 for the areas made available for leasing under paragraph (2), the Secretary shall amend the current 5-Year Outer Continental Shelf Oil and Gas Leasing Program to include a lease sale or sales for at least 75 percent of the associated areas, unless there are, from the date of approval, expiration of such time limits, or enactment, as applicable, fewer than 12 months remaining in the current 5-Year Leasing Program in which case the Secretary shall include the associated areas within lease sales under the next 5-Year Leasing Program. For purposes of amending the 5-Year Program in accordance with this section, further consultations with States shall not be required. For purposes of this section, an environmental assessment performed under the provisions of the National Environmental Policy Act of 1969 to assess the effects of approving the petition shall be sufficient to amend the 5-Year Leasing Program.

"(h) OPTION TO PETITION FOR EXTENSION OF WITHDRAWAL FROM LEASING WITHIN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—

"(1) IN GENERAL.—The Governor of the State, upon the concurrence of its legislature, may submit to the Secretary petitions requesting that the Secretary extend for a period of time of up to 5 years for each petition the withdrawal from leasing for all or part of any area within the State's Adjacent Zone located more than 50 miles, but less than 100 miles, from the coastline that is subject to subsection (g)(1)(B). A State may petition multiple times for any particular area but not more than once per calendar year for any particular area. A State must submit separate petitions, with separate votes by its legislature, for oil and gas leasing and for natural gas leasing. A petition of a State may request some areas to be withdrawn from all leasing and some areas to be withdrawn only from one type of leasing. Petitions for extending the withdrawal from leasing of any part of the Alabama Adjacent Zone that is more than 50 miles, but less than 100 miles, from the coastline that is a part of the Gulf of Mexico OCS Region Eastern Planning Area, as indicated on the map entitled 'Gulf of Mexico OCS Region State Adjacent Zones and OCS Planning Areas' which is dated September 2005 and on file in the Office of the Director, Minerals Management Service, may be made by either Alabama or Florida.

"(2) ACTION BY SECRETARY.—The Secretary shall perform an environmental assessment under the National Environmental Policy Act of 1969 to assess the effects of approving the petition under paragraph (1). Not later than 90 days after receipt of the petition, the Secretary shall approve the petition, unless the Secretary determines that extending the withdrawal from leasing would probably cause serious harm or damage to the marine resources of the State's Adjacent Zone. The Secretary shall not approve a petition from a State that extends the remaining period of a withdrawal of an area from leasing for a total of more than 10 years. However, the Secretary may approve petitions to extend the withdrawal from leasing of any area ad infinitum, subject only to the limitations contained in this subsection.

"(3) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with paragraph (2) the petition shall be considered to be approved 90 days after receipt of the petition.

"(i) EFFECT OF OTHER LAWS.—Adoption by any Adjacent State of any constitutional provision, or enactment of any State statute, that has the effect, as determined by the Secretary, of restricting either the Governor or the Legislature, or both, from exercising full discretion related to subsection (g) or (h), or both, shall automatically (1) prohibit any sharing of OCS Receipts under this Act with the Adjacent State, and its coastal political subdivisions, and (2) prohibit the Adjacent State from exercising any authority under subsection (h), for the duration of the restriction. The Secretary shall make the determination of the existence of such restricting constitutional provision or State statute within 30 days of a petition by any outer Continental Shelf lessee or coastal State.".

SEC. 10. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a), by adding at the end of paragraph (3) the following: "The Secretary shall, in each 5-year program, include lease sales that when viewed as a whole propose to offer for oil and gas or natural gas leasing at least 75 percent of the available unleased acreage within each OCS Planning Area. Available unleased acreage is that portion of the outer Continental Shelf that is not under lease at the time of the proposed lease sale, and has not otherwise been made unavailable for leasing by law.";

(2) in subsection (c), by striking so much as precedes paragraph (3) and inserting the following:

"(c)(1) During the preparation of any proposed leasing program under this section, the Secretary shall consider and analyze leasing throughout the entire Outer Continental Shelf without regard to any other law affecting such leasing. During this preparation the Secretary shall invite and consider suggestions from any interested Federal agency, including the Attorney General, in consultation with the Federal Trade Commission, and from the Governor of any coastal State. The Secretary may also invite or consider any suggestions from the executive of any local government in a coastal State that have been previously submitted to the Governor of such State, and from any other person. Further, the Secretary shall consult with the Secretary of Defense regarding military operational needs in the outer Continental Shelf. The Secretary shall work with the Secretary of Defense to resolve any conflicts that might arise regarding offering any area of the outer Continental Shelf for oil and gas or natural gas leasing. If the Secretaries are not able to resolve all such conflicts, any unresolved issues shall be elevated to the President for resolution.

"(2) After the consideration and analysis required by paragraph (1), including the consideration of the suggestions received from any interested Federal agency, the Federal Trade Commission, the Governor of any coastal State, any local government of a coastal State, and any other person, the Secretary shall publish in the Federal Register a proposed leasing program accompanied by a draft environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. After the publishing of the proposed leasing program and during the comment period provided for on the draft environmental impact statement, the Secretary shall submit a copy of the proposed program to the Governor of each affected State for review and comment. The Governor may solicit comments from those executives of local governments in the Governor's State that the Governor, in the discretion of the Governor, determines will be affected by the proposed program. If any comment by such Governor is received by the Secretary at least 15 days prior to submission to the Congress pursuant to paragraph (3) and includes a request for any modification of such proposed program, the Secretary shall reply in writing, granting or denying such request in whole or in part, or granting such request in such modified form as the Secretary considers appropriate, and stating the Secretary's reasons therefor. All such correspondence between the Secretary and the Governor of any affected State, together with any additional information and data relating thereto, shall accompany such proposed program when it is submitted to the Congress."; and

(3) by adding at the end the following:

"(i) PROJECTION OF STATE ADJACENT ZONE RESOURCES AND STATE AND LOCAL GOVERNMENT SHARES OF OCS RECEIPTS.—Concurrent with the publication of the scoping notice at the beginning of the development of each 5-year outer Continental Shelf oil and gas leasing program, or as soon thereafter as possible, the Secretary shall—

"(1) provide to each Adjacent State a current estimate of proven and potential oil and gas resources located within the State's Adjacent Zone; and

"(2) provide to each Adjacent State, and coastal political subdivisions thereof, a best-efforts projection of the OCS Receipts that the Secretary expects will be shared with each Adjacent State, and its coastal political subdivisions, using the assumption that the unleased tracts within the State's Adjacent Zone are fully made available for leasing, including long-term projected OCS Receipts. In addition, the Secretary shall include a macroeconomic estimate of the impact of such leasing on the national economy and each State's economy, including investment, jobs, revenues, personal income, and other categories.".

SEC. 11. COORDINATION WITH ADJACENT STATES.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended—

(1) in subsection (a) in the first sentence by inserting ", for any tract located within the Adjacent State's Adjacent Zone," after "government"; and

(2) by adding the following:

"(f)(1) No Federal agency may permit or otherwise approve, without the concurrence of the Adjacent State, the construction of a crude oil or petroleum products (or both) pipeline within the part of the Adjacent State's Adjacent Zone that is withdrawn from oil and gas or natural gas leasing, except that such a pipeline may be approved, without such Adjacent State's concurrence, to pass through such Adjacent Zone if at least 50 percent of the production projected to be carried by the pipeline within its first 10 years of operation is from areas of the Adjacent State's Adjacent Zone.

"(2) No State may prohibit the construction within its Adjacent Zone or its State waters of

a natural gas pipeline that will transport natural gas produced from the outer Continental Shelf. However, an Adjacent State may prevent a proposed natural gas pipeline landing location if it proposes two alternate landing locations in the Adjacent State, acceptable to the Adjacent State, located within 50 miles on either side of the proposed landing location.".

SEC. 12. ENVIRONMENTAL STUDIES.

Section 20(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) For all programs, lease sales, leases, and actions under this Act, the following shall apply regarding the application of the National Environmental Policy Act of 1969:

"(A) Granting or directing lease suspensions and the conduct of all preliminary activities on outer Continental Shelf tracts, including seismic activities, are categorically excluded from the need to prepare either an environmental assessment or an environmental impact statement, and the Secretary shall not be required to analyze whether any exceptions to a categorical exclusion apply for activities conducted under the authority of this Act.

"(B) The environmental impact statement developed in support of each 5-year oil and gas leasing program provides the environmental analysis for all lease sales to be conducted under the program and such sales shall not be subject to further environmental analysis.

"(C) Exploration plans shall not be subject to any requirement to prepare an environmental impact statement, and the Secretary may find that exploration plans are eligible for categorical exclusion due to the impacts already being considered within an environmental impact statement or due to mitigation measures included within the plan.

"(D) Within each OCS Planning Area, after the preparation of the first development and production plan environmental impact statement for a leased tract within the Area, future development and production plans for leased tracts within the Area shall only require the preparation of an environmental assessment unless the most recent development and production plan environmental impact statement within the Area was finalized more than 10 years prior to the date of the approval of the plan, in which case an environmental impact statement shall be required.".

SEC. 13. REVIEW OF OUTER CONTINENTAL SHELF DEVELOPMENT AND PRODUCTION PLANS.

Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351(a)) is amended to read as follows:

"SEC. 25. REVIEW OF OUTER CONTINENTAL SHELF DEVELOPMENT AND PRODUCTION PLANS.

"(a) DEVELOPMENT AND PRODUCTION PLANS; SUBMISSION TO SECRETARY; STATEMENT OF FACILITIES AND OPERATION; SUBMISSION TO GOVERNORS OF AFFECTED STATES AND LOCAL GOVERNMENTS.—

"(1) Prior to development and production pursuant to an oil and gas lease issued on or after September 18, 1978, for any area of the outer Continental Shelf, or issued or maintained prior to September 18, 1978, for any area of the outer Continental Shelf, with respect to which no oil or gas has been discovered in paying quantities prior to September 18, 1978, the lessee shall submit a development and production plan (hereinafter in this section referred to as a 'plan') to the Secretary for review.

"(2) A plan shall be accompanied by a statement describing all facilities and operations, other than those on the outer Continental Shelf, proposed by the lessee and known by the lessee (whether or not owned or operated by such lessee) that will be constructed or utilized in the development and production of oil or gas from the lease area, including the location and site of such facilities and operations, the land, labor, material, and energy requirements associated with such facilities and operations, and all environmental and safety safeguards to be implemented.

"(3) Except for any privileged or proprietary information (as such term is defined in regulations issued by the Secretary), the Secretary, within 30 days after receipt of a plan and statement, shall—

"(A) submit such plan and statement to the Governor of any affected State, and upon request to the executive of any affected local government; and

"(B) make such plan and statement available to any appropriate interstate regional entity and the public.

"(b) DEVELOPMENT AND PRODUCTION ACTIVITIES IN ACCORDANCE WITH PLAN AS LEASE REQUIREMENT.—After enactment of the Deep Ocean Energy Resources Act of 2006, no oil and gas lease may be issued pursuant to this Act in any region of the outer Continental Shelf, unless such lease requires that development and production activities be carried out in accordance with a plan that complies with the requirements of this section. This section shall also apply to leases that do not have an approved development and production plan as of the date of enactment of the Deep Ocean Energy Resources Act of 2006.

"(c) SCOPE AND CONTENTS OF PLAN.—A plan may apply to more than one oil and gas lease, and shall set forth, in the degree of detail established by regulations issued by the Secretary—

"(1) the general work to be performed;

"(2) a description of all facilities and operations located on the outer Continental Shelf that are proposed by the lessee or known by the lessee (whether or not owned or operated by such lessee) to be directly related to the proposed development, including the location and size of such facilities and operations, and the land, labor, material, and energy requirements associated with such facilities and operations;

"(3) the environmental safeguards to be implemented on the outer Continental Shelf and how such safeguards are to be implemented;

"(4) all safety standards to be met and how such standards are to be met;

"(5) an expected rate of development and production and a time schedule for performance; and

"(6) such other relevant information as the Secretary may by regulation require.

"(d) COMPLETENESS REVIEW OF THE PLAN.—

"(1) Prior to commencing any activity under a development and production plan pursuant to any oil and gas lease issued or maintained under this Act, the lessee shall certify that the plan is consistent with the terms of the lease and that it is consistent with all statutory and regulatory requirements in effect on the date of issuance of the lease, and any regulations promulgated under this Act related to the conservation of resources after the date of lease issuance. The plan shall include all required information and documentation required under subsection (c).

"(2) The Secretary shall review the plan for completeness within 30 days of submission. If the Secretary finds that the plan is not complete, the Secretary shall notify the lessee with a detailed explanation of such modifications of such plan as are necessary to achieve completeness. The Secretary shall have 30 days to review a modified plan for completeness.

"(e) REVIEW FOR CONSISTENCY OF THE PLAN.—

"(1) After a determination that a plan is complete, the Secretary shall have 120 days to conduct a review of the plan, to ensure that it is consistent with the terms of the lease, and that it is consistent with all such statutory and regulatory requirements applicable to the lease. The review shall ensure that the plan is consistent with lease terms, and statutory and regulatory requirements applicable to the lease, related to national security or national defense, including any military operating stipulations or other restrictions. The Secretary shall seek the assistance of the Department of Defense in the conduct of the review of any plan prepared under this section for a lease containing military operating stipulations or other restrictions and shall accept the assistance of the Department of Defense in the conduct of the review of any plan prepared under this section for any other lease when the Secretary of Defense requests an opportunity to participate in the review. If the Secretary finds that the plan is not consistent, the Secretary shall notify the lessee with a detailed explanation of such modifications of such plan as are necessary to achieve consistency.

"(2) The Secretary shall have 120 days to review a modified plan.

"(3) The lessee shall not conduct any activities under the plan during any 120-day review period, or thereafter until the plan has been modified to achieve compliance as so notified.

"(4) After review by the Secretary provided for by this section, a lessee may operate pursuant to the plan without further review or approval by the Secretary.

"(f) REVIEW OF REVISION OF THE APPROVED PLAN.—The lessee may submit to the Secretary any revision of a plan if the lessee determines that such revision will lead to greater recovery of oil and natural gas, improve the efficiency, safety, and environmental protection of the recovery operation, is the only means available to avoid substantial economic hardship to the lessee, or is otherwise not inconsistent with the provisions of this Act, to the extent such revision is consistent with protection of the human, marine, and coastal environments. The process to be used for the review of any such revision shall be the same as that set forth in subsections (d) and (e).

"(g) CANCELLATION OF LEASE ON FAILURE TO SUBMIT PLAN OR COMPLY WITH A PLAN.—Whenever the owner of any lease fails to submit a plan in accordance with regulations issued under this section, or fails to comply with a plan, the lease may be canceled in accordance with section 5(c) and (d). Termination of a lease because of failure to comply with a plan, including required modifications or revisions, shall not entitle a lessee to any compensation.

"(h) PRODUCTION AND TRANSPORTATION OF NATURAL GAS; SUBMISSION OF PLAN TO FEDERAL ENERGY REGULATORY COMMISSION; IMPACT STATEMENT.—If any development and production plan submitted to the Secretary pursuant to this section provides for the production and transportation of natural gas, the lessee shall contemporaneously submit to the Federal Energy Regulatory Commission that portion of such plan that relates to the facilities for transportation of natural gas. The Secretary and the Federal Energy Regulatory Commission shall agree as to which of them shall prepare an environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such portion of such plan, or conduct studies as to the effect on the environment of implementing it. Thereafter, the findings and recommendations by the agency preparing such environmental impact statement or conducting such studies pursuant to such agreement shall be adopted by the other agency, and such other agency shall not independently prepare another environmental impact statement or duplicate such studies with respect to such portion of such plan, but the Federal Energy Regulatory Commission, in connection with its review of an application for a

certificate of public convenience and necessity applicable to such transportation facilities pursuant to section 7 of the Natural Gas Act (15 U.S.C. 717f), may prepare such environmental studies or statement relevant to certification of such transportation facilities as have not been covered by an environmental impact statement or studies prepared by the Secretary. The Secretary, in consultation with the Federal Energy Regulatory Commission, shall promulgate rules to implement this subsection, but the Federal Energy Regulatory Commission shall retain sole authority with respect to rules and procedures applicable to the filing of any application with the Commission and to all aspects of the Commission's review of, and action on, any such application.".

SEC. 14. FEDERAL ENERGY NATURAL RESOURCES ENHANCEMENT FUND ACT OF 2006.

(a) Findings.—The Congress finds the following:

(1) Energy and minerals exploration, development, and production on Federal onshore and offshore lands, including bio-based fuel, natural gas, minerals, oil, geothermal, and power from wind, waves, currents, and thermal energy, involves significant outlays of funds by Federal and State wildlife, fish, and natural resource management agencies for environmental studies, planning, development, monitoring, and management of wildlife, fish, air, water, and other natural resources.

(2) State wildlife, fish, and natural resource management agencies are funded primarily through permit and license fees paid to the States by the general public to hunt and fish, and through Federal excise taxes on equipment used for these activities.

(3) Funds generated from consumptive and recreational uses of wildlife, fish, and other natural resources currently are inadequate to address the natural resources related to energy and minerals development on Federal onshore and offshore lands.

(4) Funds available to Federal agencies responsible for managing Federal onshore and offshore lands and Federal-trust wildlife and fish species and their habitats are inadequate to address the natural resources related to energy and minerals development on Federal onshore and offshore lands.

(5) Receipts derived from sales, bonus bids, and royalties under the mineral leasing laws of the United States are paid to the Treasury through the Minerals Management Service of the Department of the Interior.

(6) None of the receipts derived from sales, bonus bids, and royalties under the minerals leasing laws of the United States are paid to the Federal or State agencies to examine, monitor, and manage wildlife, fish, air, water, and other natural resources related to natural gas, oil, and mineral exploration and development.

(b) Purposes.—It is the purpose of this section to—

(1) establish a fund for the monitoring and management of wildlife and fish, and their habitats, and air, water, and other natural resources related to energy and minerals development on Federal onshore and offshore lands;

(2) make available receipts derived from sales, bonus bids, royalties, and fees from onshore and offshore gas, mineral, oil, and any additional form of energy and minerals development under the laws of the United States for the purposes of such fund;

(3) distribute funds from such fund each fiscal year to the Secretary of the Interior and the States; and

(4) use the distributed funds to secure the necessary trained workforce or contractual services to conduct environmental studies, planning, development, monitoring, and post-development management of wildlife and fish and their habitats and air, water, and other natural resources that may be related to bio-based fuel, gas, mineral, oil, wind, or other energy exploration, development, transportation, transmission, and associated activities on Federal onshore and offshore lands, including, but not limited to—

(A) pertinent research, surveys, and environmental analyses conducted to identify any impacts on wildlife, fish, air, water, and other natural resources from energy and mineral exploration, development, production, and transportation or transmission;

(B) projects to maintain, improve, or enhance wildlife and fish populations and their habitats or air, water, or other natural resources, including activities under the Endangered Species Act of 1973;

(C) research, surveys, environmental analyses, and projects that assist in managing, including mitigating either onsite or offsite, or both, the impacts of energy and mineral activities on wildlife, fish, air, water, and other natural resources; and

(D) projects to teach young people to live off the land.

(c) Definitions.—In this section:

(1) Enhancement fund.—The term "Enhancement Fund" means the Federal Energy Natural Resources Enhancement Fund established by subsection (d).

(2) State.—The term "State" means the Governor of the State.

(d) Establishment and Use of Federal Energy Natural Resources Enhancement Fund.—

(1) Enhancement fund.—There is established in the Treasury a separate account to be known as the "Federal Energy Natural Resources Enhancement Fund".

(2) Funding.—The Secretary of the Treasury shall deposit in the Enhancement Fund—

(A) such sums as are provided by sections 9(b)(5)(A)(ii), 9(b)(5)(B)(ii), 9(c)(4)(A)(ii), and 9(c)(4)(B)(ii) of the Outer Continental Shelf Lands Act, as amended by this Act;

(B)(i) during the period of October 1, 2006, through September 30, 2015, one percent of all sums paid into the Treasury under section 35 of the Mineral Leasing Act (30 U.S.C. 191), and

(ii) beginning October 1, 2015, and thereafter, 2.5 percent of all sums paid into the Treasury under section 35 of the Mineral Leasing Act (30 U.S.C. 191); and

(C)(i) during the period of October 1, 2006, through September 30, 2015, one percent of all sums paid into the Treasury from receipts derived from bonus bids and royalties from other mineral leasing on public lands, and

(ii) beginning October 1, 2015, and thereafter, 2.5 percent of all sums paid into the Treasury from receipts derived from bonus bids and royalties from other mineral leasing on public lands.

(3) Investments.—The Secretary of the Treasury shall invest the amounts deposited under paragraph (2) and all accrued interest on the amounts deposited under paragraph (2) only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(4) Payment to Secretary of the Interior.—

(A) In general.—Beginning with fiscal year 2007, and in each fiscal year thereafter, one-third of amounts deposited into the Enhancement Fund, together with the interest thereon, shall be available, without fiscal year limitations, to the Secretary of the Interior for use for the purposes described in (b)(4).

(B) Withdrawals and transfer of funds.—The Secretary of the Treasury shall withdraw such amounts from the Enhancement Fund as the Secretary of the Interior may request, subject to the limitation in (A), and transfer such amounts to the Secretary of the Interior to be used, at the discretion of the Secretary of the Interior, by the Minerals Management Service, the Bureau of Land Management, and the United States Fish and Wildlife Service for use for the purposes described in subsection (b)(4).

(5) Payment to States.—

(A) In general.—Beginning with fiscal year 2007, and in each fiscal year thereafter, two-thirds of amounts deposited into the Enhancement Fund, together with the interest thereon, shall be available, without fiscal year limitations, to the States for use for the purposes described in (b)(4).

(B) Withdrawals and transfer of funds.—Within the first 90 days of each fiscal year, the Secretary of the Treasury shall withdraw amounts from the Enhancement Fund and transfer such amounts to the States based on the proportion of all receipts that were collected the previous fiscal year from Federal leases within the boundaries of each State and each State's outer Continental Shelf Adjacent Zone as determined in accordance with section 4(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)), as amended by this Act.

(C) Use of payments by State.—Each State shall use the payments made under subparagraph (B) only for carrying out projects and programs for the purposes described in (b)(4).

(D) Encourage use of private funds by State.—Each State shall use the payments made under subparagraph (B) to leverage private funds for carrying out projects for the purposes described in (b)(4).

(e) Limitation on Use.—Amounts available under this section may not be used for the purchase of any interest in land.

(f) Reports to Congress.—

(1) In general.—Beginning in fiscal year 2008 and continuing for each fiscal year thereafter, the Secretary of the Interior and each State receiving funds from the Enhancement Fund shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) Required information.—Reports submitted to the Congress by the Secretary of the Interior and States under this subsection shall include the following information regarding expenditures during the previous fiscal year:

(A) A summary of pertinent scientific research and surveys conducted to identify impacts on wildlife, fish, and other natural resources from energy and mineral developments.

(B) A summary of projects planned and completed to maintain, improve or enhance wildlife and fish populations and their habitats or other natural resources.

(C) A list of additional actions that assist, or would assist, in managing, including mitigating either onsite or offsite, or both, the impacts of energy and mineral development on wildlife, fish, and other natural resources.

(D) A summary of private (non-Federal) funds used to plan, conduct, and complete the plans and programs identified in paragraphs (2)(A) and (2)(B).

SEC. 15. TERMINATION OF EFFECT OF LAWS PROHIBITING THE SPENDING OF APPROPRIATED FUNDS FOR CERTAIN PURPOSES.

All provisions of existing Federal law prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activities, or to issue a lease to any person, for any area of the outer Continental Shelf shall have no force or effect.

SEC. 16. OUTER CONTINENTAL SHELF INCOMPATIBLE USE.

(a) In General.—No Federal agency may permit construction or operation (or both) of any facility, or designate or maintain a restricted transportation corridor or operating area on the

Federal outer Continental Shelf or in State waters, that will be incompatible with, as determined by the Secretary of the Interior, oil and gas or natural gas leasing and substantially full exploration and production of tracts that are geologically prospective for oil or natural gas (or both).

(b) EXCEPTIONS.—Subsection (a) shall not apply to any facility, transportation corridor, or operating area the construction, operation, designation, or maintenance of which is or will be—

(1) located in an area of the outer Continental Shelf that is unavailable for oil and gas or natural gas leasing by operation of law;

(2) used for a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note); or

(3) required in the national interest, as determined by the President.

SEC. 17. REPURCHASE OF CERTAIN LEASES.

(a) AUTHORITY TO REPURCHASE AND CANCEL CERTAIN LEASES.—The Secretary of the Interior shall repurchase and cancel any Federal oil and gas, geothermal, coal, oil shale, tar sands, or other mineral lease, whether onshore or offshore, if the Secretary finds that such lease qualifies for repurchase and cancellation under the regulations authorized by this section.

(b) REGULATIONS.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall publish a final regulation stating the conditions under which a lease referred to in subsection (a) would qualify for repurchase and cancellation, and the process to be followed regarding repurchase and cancellation. Such regulation shall include, but not be limited to, the following:

(1) The Secretary shall repurchase and cancel a lease after written request by the lessee upon a finding by the Secretary that—

(A) a request by the lessee for a required permit or other approval complied with applicable law, except the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), and terms of the lease and such permit or other approval was denied;

(B) a Federal agency failed to act on a request by the lessee for a required permit, other approval, or administrative appeal within a regulatory or statutory time-frame associated with the requested action, whether advisory or mandatory, or if none, within 180 days; or

(C) a Federal agency attached a condition of approval, without agreement by the lessee, to a required permit or other approval if such condition of approval was not mandated by Federal statute or regulation in effect on the date of lease issuance, or was not specifically allowed under the terms of the lease.

(2) A lessee shall not be required to exhaust administrative remedies regarding a permit request, administrative appeal, or other required request for approval for the purposes of this section.

(3) The Secretary shall make a final agency decision on a request by a lessee under this section within 180 days of request.

(4) Compensation to a lessee to repurchase and cancel a lease under this section shall be the amount that a lessee would receive in a restitution case for a material breach of contract.

(5) Compensation shall be in the form of a check or electronic transfer from the Department of the Treasury from funds deposited into miscellaneous receipts under the authority of the same Act that authorized the issuance of the lease being repurchased.

(6) Failure of the Secretary to make a final agency decision on a request by a lessee under this section within 180 days of request shall result in a 10 percent increase in the compensation due to the lessee if the lease is ultimately repurchased.

(c) NO PREJUDICE.—This section shall not be interpreted to prejudice any other rights that the lessee would have in the absence of this section.

SEC. 18. OFFSITE ENVIRONMENTAL MITIGATION.

Notwithstanding any other provision of law, any person conducting activities under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Geothermal Steam Act (30 U.S.C. 1001 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), the Weeks Act (16 U.S.C. 552 et seq.), the General Mining Act of 1872 (30 U.S.C. 22 et seq.), the Materials Act of 1947 (30 U.S.C. 601 et seq.), or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), may in satisfying any mitigation requirements associated with such activities propose mitigation measures on a site away from the area impacted and the Secretary of the Interior shall accept these proposed measures if the Secretary finds that they generally achieve the purposes for which mitigation measures appertained.

SEC. 19. AMENDMENTS TO THE MINERAL LEASING ACT.

Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended to read as follows:

"(g) REGULATION OF SURFACE-DISTURBING ACTIVITIES.—

"(1) REGULATION OF SURFACE-DISTURBING ACTIVITIES.—The Secretary of the Interior, or for National Forest lands, the Secretary of Agriculture, shall regulate all surface-disturbing activities conducted pursuant to any lease issued under this Act, and shall determine reclamation and other actions as required in the interest of conservation of surface resources.

"(2) SUBMISSION OF EXPLORATION PLAN; COMPLETION REVIEW; COMPLIANCE REVIEW.—

"(A) Prior to beginning oil and gas exploration activities, a lessee shall submit an exploration plan to the Secretary of the Interior for review.

"(B) The Secretary shall review the plan for completeness within 10 days of submission.

"(C) In the event the exploration plan is determined to be incomplete, the Secretary shall notify the lessee in writing and specify the items or information needed to complete the exploration plan.

"(D) The Secretary shall have 10 days to review any modified exploration plan submitted by the lessee.

"(E) To be deemed complete, an exploration plan shall include, in the degree of detail to be determined by the Secretary by rule or regulation—

"(i) a drilling plan containing a description of the drilling program;

"(ii) the surface and projected completion zone location;

"(iii) pertinent geologic data;

"(iv) expected hazards, and proposed mitigation measures to address such hazards;

"(v) a schedule of anticipated exploration activities to be undertaken;

"(vi) a description of equipment to be used for such activities;

"(vii) a certification from the lessee stating that the exploration plan complies with all lease, regulatory and statutory requirements in effect on the date of the issuance of the lease and any regulations promulgated after the date of lease issuance related to the conservation of resources;

"(viii) evidence that the lessee has secured an adequate bond, surety, or other financial arrangement prior to commencement of any surface disturbing activity;

"(ix) a plan that details the complete and timely reclamation of the lease tract; and

"(x) such other relevant information as the Secretary may by regulation require.

"(F) Upon a determination that the exploration plan is complete, the Secretary shall have 30 days from the date the plan is deemed complete to conduct a review of the plan.

"(G) If the Secretary finds the exploration plan is not consistent with all statutory and regulatory requirements described in subparagraph (E)(vii), the Secretary shall notify the lessee with a detailed explanation of such modifications of the exploration plan as are necessary to achieve compliance.

"(H) The lessee shall not take any action under the exploration plan within a 30 day review period, or thereafter until the plan has been modified to achieve compliance as so notified.

"(I) After review by the Secretary provided by this subsection, a lessee may operate pursuant to the plan without further review or approval by the Secretary.

"(3) PLAN REVISIONS; CONDUCT OF EXPLORATION ACTIVITIES.—

"(A) If a significant revision of an exploration plan under this subsection is submitted to the Secretary, the process to be used for the review of such revision shall be the same as set forth in paragraph (1) of this subsection.

"(B) All exploration activities pursuant to any lease shall be conducted in accordance with an exploration plan that has been submitted to and reviewed by the Secretary or a revision of such plan.

"(4) SUBMISSION OF DEVELOPMENT AND PRODUCTION PLAN; COMPLETENESS REVIEW; COMPLIANCE REVIEW.—

"(A) Prior to beginning oil and gas development and production activities, a lessee shall submit a development and exploration plan to the Secretary of the Interior. Upon submission, such plans shall be subject to a review for completeness.

"(B) The Secretary shall review the plan for completeness within 30 days of submission.

"(C) In the event a development and production plan is determined to be incomplete, the Secretary shall notify the lessee in writing and specify the items or information needed to complete the plan.

"(D) The Secretary shall have 30 days to review for completeness any modified development and production plan submitted by the lessee.

"(E) To be deemed complete, a development and production plan shall include, in the degree of detail to be determined by the Secretary by rule or regulation—

"(i) a drilling plan containing a description of the drilling program;

"(ii) the surface and projected completion zone location;

"(iii) pertinent geologic data;

"(iv) expected hazards, and proposed mitigation measures to address such hazards;

"(v) a statement describing all facilities and operations proposed by the lessee and known by the lessee (whether or not owned or operated by such lessee) that shall be constructed or utilized in the development and production of oil or gas from the leases areas, including the location and site of such facilities and operations, the land, labor, material, and energy requirements associated with such facilities and operations;

"(vi) the general work to be performed;

"(vii) the environmental safeguards to be implemented in connection with the development and production and how such safeguards are to be implemented;

"(viii) all safety standards to be met and how such standards are to be met;

"(ix) an expected rate of development and production and a time schedule for performance;

"(x) a certification from the lessee stating that the development and production plan complies with all lease, regulatory, and statutory requirements in effect on the date of issuance of the lease, and any regulations promulgated after the date of lease issuance related to the conservation of resources;

"(xi) evidence that the lessee has secured an adequate bond, surety, or other financial arrangement prior to commencement of any surface disturbing activity;

"(xii) a plan that details the complete and timely reclamation of the lease tract; and

"(xiii) such other relevant information as the Secretary may by regulation require.

"(F) Upon a determination that the development and production plan is complete, the Secretary shall have 120 days from the date the plan is deemed complete to conduct a review of the plan.

"(G) If the Secretary finds the development and production plan is not consistent with all statutory and regulatory requirements described in subparagraph (E)(x), the Secretary shall notify the lessee with a detailed explanation of such modifications of the development and production plan as are necessary to achieve compliance.

"(H) The lessee shall not take any action under the development and production plan within a 120 day review period, or thereafter until the plan has been modified to achieve compliance as so notified.

"(5) PLAN REVISIONS; CONDUCT OF DEVELOPMENT AND PRODUCTION ACTIVITIES.—

"(A) If a significant revision of a development and production plan under this subsection is submitted to the Secretary, the process to be used for the review of such revision shall be the same as set forth in paragraph (4) of this subsection.

"(B) All development and production activities pursuant to any lease shall be conducted in accordance with a development and production plan that has been submitted to and reviewed by the Secretary or a revision of such plan.

"(6) CANCELLATION OF LEASE ON FAILURE TO SUBMIT PLAN OR COMPLY WITH APPROVED PLAN.—Whenever the owner of any lease fails to submit a plan in accordance with regulations issued under this section, or fails to comply with a plan, the lease may be canceled in accordance with section 31. Termination of a lease because of failure to comply with a plan, including required modifications or revisions, shall not entitle a lessee to any compensation.".

SEC. 20. MINERALS MANAGEMENT SERVICE.

The bureau known as the "Minerals Management Service" in the Department of the Interior shall be known as the "National Ocean Resources and Royalty Service".

SEC. 21. AUTHORITY TO USE DECOMMISSIONED OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ARTIFICIAL REEF, SCIENTIFIC RESEARCH, OR OTHER USES.

(a) SHORT TITLE.—This section may be cited as the "Rigs to Reefs Act of 2006".

(b) IN GENERAL.—The Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) is amended by inserting after section 9 the following:

"SEC. 10. USE OF DECOMMISSIONED OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ARTIFICIAL REEF, SCIENTIFIC RESEARCH, OR OTHER USES.

"(a) IN GENERAL.—The Secretary shall issue regulations under which the Secretary may authorize use of an offshore oil and gas platform or other facility that is decommissioned from service for oil and gas purposes for an artificial reef, scientific research, or any other use authorized under section 8(p) or any other applicable Federal law.

"(b) TRANSFER REQUIREMENTS.—The Secretary shall not allow the transfer of a decommissioned offshore oil and gas platform or other facility to another person unless the Secretary is satisfied that the transferee is sufficiently bonded, endowed, or otherwise financially able to fulfill its obligations, including but not limited to—

"(1) ongoing maintenance of the platform or other facility;

"(2) any liability obligations that might arise;

"(3) removal of the platform or other facility if determined necessary by the Secretary; and

"(4) any other requirements and obligations that the Secretary may deem appropriate by regulation.

"(c) PLUGGING AND ABANDONMENT.—The Secretary shall ensure that plugging and abandonment of wells is accomplished at an appropriate time.

"(d) POTENTIAL TO PETITION TO OPT-OUT OF REGULATIONS.—An Adjacent State acting through a resolution of its legislature, with concurrence of its Governor, may preliminarily petition to opt-out of the application of regulations promulgated under this section to platforms and other facilities located in the area of its Adjacent Zone within 12 miles of the coastline. Upon receipt of the preliminary petition, the Secretary shall complete an environmental assessment that documents the anticipated environmental effects of approving the petition. The Secretary shall provide the environmental assessment to the State, which then has the choice of no action or confirming its petition by further action of its legislature, with the concurrence of its Governor. The Secretary is authorized to except such area from the application of such regulations, and shall approve any confirmed petition.

"(e) LIMITATION ON LIABILITY.—A person that had used an offshore oil and gas platform or other facility for oil and gas purposes and that no longer has any ownership or control of the platform or other facility shall not be liable under Federal law for any costs or damages arising from such platform or other facility after the date the platform or other facility is used for any purpose under subsection (a), unless such costs or damages arise from—

"(1) use of the platform or other facility by the person for development or production of oil or gas; or

"(2) another act or omission of the person.

"(f) OTHER LEASING AND USE NOT AFFECTED.—This section, and the use of any offshore oil and gas platform or other facility for any purpose under subsection (a), shall not affect—

"(1) the authority of the Secretary to lease any area under this Act; or

"(2) any activity otherwise authorized under this Act.".

(c) DEADLINE FOR REGULATIONS.—The Secretary of the Interior shall issue regulations under subsection (b) by not later than 180 days after the date of the enactment of this Act.

(d) STUDY AND REPORT ON EFFECTS OF REMOVAL OF PLATFORMS.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior, in consultation with other Federal agencies as the Secretary deems advisable, shall study and report to the Congress regarding how the removal of offshore oil and gas platforms and other facilities from the outer Continental Shelf would affect existing fish stocks and coral populations.

SEC. 22. REPEAL OF REQUIREMENT TO CONDUCT COMPREHENSIVE INVENTORY OF OCS OIL AND NATURAL GAS RESOURCES.

The Energy Policy Act of 2005 (Public Law 109–58) is amended—

(1) by repealing section 357 (119 Stat. 720; 42 U.S.C. 15912); and

(2) in the table of contents in section 1(b), by striking the item relating to such section 357.

SEC. 23. MINING AND PETROLEUM SCHOOLS.

(a) FEDERAL ENERGY AND MINERAL RESOURCES PROFESSIONAL DEVELOPMENT FUND.—

(1) PROFESSIONAL DEVELOPMENT FUND.—There is established in the Treasury a separate account to be known as the "Federal Energy And Mineral Resources Professional Development Fund" (in this section referred to as the "Professional Development Fund").

(2) FUNDING.—The Secretary of the Treasury shall deposit in the Professional Development Fund—

(A) such sums as are provided by sections 9(b)(5)(A)(iii), 9(b)(5)(B)(iii), 9(c)(4)(A)(iii), and 9(c)(4)(B)(iii) of the Outer Continental Shelf Lands Act, as amended by this Act;

(B)(i) during the period of October 1, 2006, through September 30, 2015, one percent of all sums paid into the Treasury under section 35 of the Mineral Leasing Act (30 U.S.C. 191), and

(ii) beginning October 1, 2015, and thereafter, 2.5 percent of all sums paid into the Treasury under section 35 of the Mineral Leasing Act (30 U.S.C. 191);

(C)(i) during the period of October 1, 2006, through September 30, 2015, one percent of all sums paid into the Treasury from receipts derived from bonus bids and royalties from other mineral leasing on public lands, and

(ii) beginning October 1, 2015, and thereafter, 2.5 percent of all sums paid into the Treasury from receipts derived from bonus bids and royalties from other mineral leasing on public lands;

(D) donations received under paragraph (4);

(E) amounts referred to in section 2325 of the Revised Statutes; and

(F) funds received under section 10 of the Energy and Mineral Schools Reinvestment Act, as amended by this Act.

(3) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under paragraph (2) and all accrued interest on the amounts deposited under paragraph (2) only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(4) DONATIONS.—The Secretary of the Interior may solicit and accept donations of funds for deposit into the Professional Development Fund.

(5) AVAILABILITY TO SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Beginning with fiscal year 2007, and in each fiscal year thereafter, the amounts deposited into the Professional Development Fund, together with the interest thereon, shall be available, without fiscal year limitations, to the Secretary of the Interior for use to carry out the Energy and Mineral Schools Reinvestment Act.

(B) WITHDRAWALS AND TRANSFER OF FUNDS.—The Secretary of the Treasury shall withdraw such amounts from the Professional Development Fund as the Secretary of the Interior may request and transfer such amounts to the Secretary of the Interior to be used, at the discretion of the Secretary to carry out the Energy and Mineral Schools Reinvestment Act.

(b) MAINTENANCE AND RESTORATION OF EXISTING AND HISTORIC PETROLEUM AND MINING ENGINEERING PROGRAMS.—Public Law 98–409 (30 U.S.C. 1221 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Energy and Mineral Schools Reinvestment Act'.

"SEC. 2. POLICY.

"It is the policy of the United States to maintain the human capital needed to preserve and foster the economic, energy, and mineral resources security of the United States. The petroleum and mining engineering programs and the applied geology and geophysics programs at State chartered schools, universities, and institutions that produce human capital are national assets and should be assisted with Federal funds to ensure their continued health and existence.

"SEC. 3. MAINTAINING AND RESTORING HISTORIC AND EXISTING PETROLEUM AND MINING ENGINEERING EDUCATION PROGRAMS.

"(a) Using the funds in the Federal Energy And Mineral Resources Professional Development Fund, the Secretary of the Interior (in this Act referred to as the 'Secretary') shall provide funds to each historic and existing State-chartered recognized petroleum or mining school to assist such schools, universities, and institutions in maintaining programs in petroleum, mining, and mineral engineering education and research. All funds shall be directed only to these programs and shall be subject to the conditions of this section. Such funds shall not be less than 33 percent of the annual outlay of funds under this Act.

"(b) In this Act the term 'historic and existing State-chartered recognized petroleum or mining school' means a school, university, or educational institution with the presence of an engineering program meeting the specific program criteria, established by the member societies of ABET, Inc., for petroleum, mining, or mineral engineering and that is accredited on the date of enactment of the Deep Ocean Energy Resources Act of 2006 by ABET, Inc.

"(c) It shall be the duty of each school, university, or institution receiving funds under this section to provide for and enhance the training of undergraduate and graduate petroleum, mining, and mineral engineers through research, investigations, demonstrations, and experiments. All such work shall be carried out in a manner that will enhance undergraduate education.

"(d) Each school, university, or institution receiving funds under this Act shall maintain the program for which the funds are provided for 10 years after the date of the first receipt of such funds and take steps agreed to by the Secretary to increase the number of undergraduate students enrolled in and completing the programs of study in petroleum, mining, and mineral engineering.

"(e) The research, investigation, demonstration, experiment, and training authorized by this section may include development and production of conventional and non-conventional fuel resources, the production of metallic and non-metallic mineral resources including industrial mineral resources, and the production of stone, sand, and gravel. In all cases the work carried out with funds made available under this Act shall include a significant opportunity for participation by undergraduate students.

"(f) Research funded by this Act related to energy and mineral resource development and production may include studies of petroleum, mining, and mineral extraction and immediately related beneficiation technology; mineral economics, reclamation technology and practices for active operations, and the development of remining systems and technologies to facilitate reclamation that fosters the ultimate recovery of resources at abandoned petroleum, mining, and aggregate production sites.

"(g) Grants for basic science and engineering studies and research shall not require additional participation by funding partners. Grants for studies to demonstrate the proof of concept for science and engineering or the demonstration of feasibility and implementation shall include participation by industry and may include funding from other Federal agencies.

"(h)(1) No funds made available under this section shall be applied to the acquisition by purchase or lease of any land or interests therein, or the rental, purchase, construction, preservation, or repair of any building.

"(2) Funding made available under this section may be used with the express approval of the Secretary for proposals that will provide for maintaining or upgrading of existing laboratories and laboratory equipment. Funding for such maintenance shall not be used for university overhead expenses.

"(3) Funding made available under this Act may be used for maintaining and upgrading mines and oil and gas drilling rigs owned by a school, university, or institution described in this section that are used for undergraduate and graduate training and worker safety training. All requests for funding such mines and oil and gas drilling rigs must demonstrate that they have been owned by the school, university, or institution for 5 years prior to the date of enactment of the Deep Ocean Energy Resources Act of 2006 and have been actively used for instructional or training purposes during that time.

"(4) Any funding made available under this section for research, investigation, demonstration, experiment, or training shall not be used for university overhead charges in excess of 10 percent of the amount authorized by the Secretary.

"SEC. 4. FORMER AND NEW PETROLEUM AND MINING ENGINEERING PROGRAMS.

"A school, university, or educational institution that formerly met the requirements of section 3(b) immediately before the date of the enactment of the Deep Ocean Energy Resources Act of 2006, or that seeks to establish a new program described in section 3(b), shall be eligible for funding under this Act only if it—

"(1) establishes a petroleum, mining, or mineral engineering program that meets the specific program criteria and is accredited as such by ABET, Inc.;

"(2) agrees to the conditions of subsections (c) through (h) of section 3 and the Secretary, as advised by the Committee established by section 11, determines that the program will strengthen and increase the number of nationally available, well- qualified faculty members in petroleum, mining, and mineral engineering; and

"(3) agrees to maintain the accredited program for 10 years after the date of the first receipt of funds under this Act.

"SEC. 5. FUNDING OF CONSORTIA OF HISTORIC AND EXISTING SCHOOLS.

"Where appropriate, the Secretary may make funds available to consortia of schools, universities, or institutions described in sections 3, 4, and 6, including those consortia that include schools, universities, or institutions that are ineligible for funds under this Act if those schools, universities, or institutions, respectively, have skills, programs, or facilities specifically identified as needed by the consortia to meet the necessary expenses for purposes of—

"(1) specific energy and mineral research projects of broad application that could not otherwise be undertaken, including the expenses of planning and coordinating regional petroleum, geothermal, mining, and mineral engineering or beneficiation projects by two or more schools; and

"(2) research into any aspects of petroleum, geothermal, mining, or mineral engineering or beneficiation problems, including but not limited to exploration, that are related to the mission of the Department of the Interior and that are considered by the Committee to be desirable.

"SEC. 6. SUPPORT FOR SCHOOLS WITH ENERGY AND MINERAL RESOURCE PROGRAMS IN PETROLEUM AND MINERAL EXPLORATION GEOLOGY, PETROLEUM GEOPHYSICS, OR MINING GEOPHYSICS.

"(a) Twenty percent of the annual outlay of funds under this Act may be granted to schools, universities, and institutions other than those described in sections 3 and 4.

"(b) The Secretary, as advised by the Committee established by section 11, shall determine the eligibility of a college or university to receive funding under this Act using criteria that include—

"(1) the presence of a substantial program of undergraduate and graduate geoscience instruction and research in one or more of the following specialties: petroleum geology, geothermal geology, mineral exploration geology, economic geology, industrial minerals geology, mining geology, petroleum geophysics, mining geophysics, geological engineering, or geophysical engineering that has a demonstrated history of achievement;

"(2) evidence of institutional commitment for the purposes of this Act that includes a significant opportunity for participation by undergraduate students in research;

"(3) evidence that such school, university, or institution has or can obtain significant industrial cooperation in activities within the scope of this Act;

"(4) agreement by the school, university, or institution to maintain the programs for which the funding is sought for the 10-year period beginning on the date the school, university, or institution first receives such funds; and

"(5) requiring that such funding shall be for the purposes set forth in subsections (c) through (h) of section 3 and subject to the conditions set forth in section 3(h).

"SEC. 7. DESIGNATION OF FUNDS FOR SCHOLARSHIPS AND FELLOWSHIPS.

"(a) The Secretary shall utilize 19 percent of the annual outlay of funds under this Act for the purpose of providing merit-based scholarships for undergraduate education, graduate fellowships, and postdoctoral fellowships.

"(b) In order to receive a scholarship or a graduate fellowship, an individual student must be a lawful permanent resident of the United States or a United States citizen and must agree in writing to complete a course of studies and receive a degree in petroleum, mining, or mineral engineering, petroleum geology, geothermal geology, mining and economic geology, petroleum and mining geophysics, or mineral economics.

"(c) The regulations required by section 9 shall require that an individual, in order to retain a scholarship or graduate fellowship, must continue in one of the course of studies listed in subsection (b) of this section, must remain in good academic standing, as determined by the school, institution, or university and must allow for reinstatement of the scholarship or graduate fellowship by the Secretary, upon the recommendation of the school or institution. Such regulations may also provide for recovery of funds from an individual who fails to complete any of the courses of study listed in subsection (b) of this section after notice that such completion is a requirement of receipt funding under this Act.

"SEC. 8. FUNDING CRITERIA FOR INSTITUTIONS.

"(a) Each application for funds under this Act shall state, among other things, the nature of the project to be undertaken; the period during which it will be pursued; the qualifications of the personnel who will direct and conduct it; the estimated costs; the importance of the project to the Nation, region, or States concerned; its relation to other known research projects theretofore pursued or being pursued; the extent to which the proposed project will maximize the opportunity for the training of undergraduate petroleum, mining, and mineral engineers; geologists and geophysicists; and the extent of participation by nongovernmental sources in the project.

"(b) No funds shall be made available under this Act except for a project approved by the Secretary. All funds shall be made available upon the basis of merit of the project, the need for the knowledge that it is expected to produce when completed, and the opportunity it provides for the undergraduate training of individuals as petroleum, mining, and mineral engineers, geologists, and geophysicists.

"(c) Funds available under this Act shall be paid at such times and in such amounts during

each fiscal year as determined by the Secretary, and upon vouchers approved by the Secretary. Each school, university, or institution that receives funds under this Act shall—

"(1) establish its plan to provide for the training of individuals as petroleum, mining, and mineral engineers, geologists, and geophysicists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields;

"(2) establish policies and procedures that assure that Federal funds made available under this Act for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this Act, and in no case supplant such funds; and

"(3) have an officer appointed by its governing authority who shall receive and account for all funds paid under this Act and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

"(d) If any of the funds received by the authorized receiving officer of a program under this Act are found by the Secretary to have been improperly diminished, lost, or misapplied, such funds shall be recovered by the Secretary.

"(e) Schools, universities, and institutions receiving funds under this Act are authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies, business enterprises and individuals.

"SEC. 9. DUTIES OF SECRETARY.

"(a) The Secretary, acting through the Assistant Secretary for Land and Minerals Management, shall administer this Act and shall prescribe such rules and regulations as may be necessary to carry out its provisions not later than 1 year after the enactment of the Deep Ocean Energy Resources Act of 2006.

"(b)(1) There is established in the Department of the Interior, under the supervision of the Assistant Secretary for Land and Minerals Management, an office to be known as the Office of Petroleum and Mining Schools (hereafter in this Act referred to as the 'Office') to administer the provisions of this Act. There shall be a Director of the Office who shall be a member of the Senior Executive Service. The position of the Director shall be allocated from among the existing Senior Executive Service positions at the Department of the Interior and shall be a career reserved position as defined in section 3132(a)(8) of title 5, United States Code.

"(2) The Director is authorized to appoint a Deputy Director and to employ such officers and employees as may be necessary to enable the Office to carry out its functions, not to exceed fifteen. Such appointments shall be made from existing positions at the Department of the Interior, and shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service. Such positions shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(3) In carrying out his or her functions, the Director shall assist and advise the Secretary and the Committee established by section 11 of this Act by

"(A) providing professional and administrative staff support for the Committee including recordkeeping and maintaining minutes of all Committee and subcommittee meetings;

"(B) coordinating the activities of the Committee with Federal agencies and departments, and the schools, universities, and institutions to which funds are provided under this Act;

"(C) maintaining accurate records of funds disbursed for all scholarships, fellowships, research grants, and grants for career technical education purposes;

"(D) preparing any regulations required to implement this Act;

"(E) conducting site visits at schools, universities, and institutions receiving funding under this Act; and

"(F) serving as a central repository for reports and clearing house for public information on research funded by this Act.

"(4) The Director or an employee of the Office shall be present at each meeting of the Committee established by section 11 or a subcommittee of such Committee.

"(5) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to section 3324(a) and (b) of title 31, United States Code, and section 5 of title 41, United States Code, in carrying out his or her functions.

"(6) As needed the Director shall ascertain whether the requirements of this Act have been met by schools, universities, institutions, and individuals, including the payment of any revenues derived from patents into the fund created by section 23(a) of this Act as required by section 10(d).

"(c) The Secretary, acting through the Office of Petroleum and Mining Schools, shall furnish such advice and assistance as will best promote the purposes of this Act, shall participate in coordinating research, investigations, demonstrations, and experiments initiated under this Act, shall indicate to schools, universities, and institutions receiving funds under this Act such lines of inquiry that seem most important, and shall encourage and assist in the establishment and maintenance of cooperation between such schools, universities, and institutions, other research organizations, the Department of the Interior, and other Federal agencies.

"(d) The Secretary shall establish procedures—

"(1) to ensure that each employee and contractor of the Office established by this section and each member of the committee established by section 11 of this Act shall disclose to the Secretary any financial interests in or financial relationships with schools, universities, institutions or individuals receiving funds, scholarships or fellowships under this Act;

"(2) to require any employee, contractor, or member of the committee with a financial relationship disclosed under paragraph (1) to recuse themselves from—

"(A) any recommendation or decision regarding the awarding of funds, scholarships or fellowships; or

"(B) any review, report, analysis or investigation regarding compliance with the provisions of this Act by a school, university, institution or any individual.

"(e) On or before the first day of July of each year beginning after the date of enactment of this sentence, schools, universities, and institutions receiving funds under this Act shall certify compliance with this Act and upon request of the Director of the office established by this section provide documentation of such compliance.

"(f) An individual granted a scholarship or fellowship with funds provided under this Act shall through their respective school, university, or institution, advise the Director of the office established by this Act of progress towards completion of the course of studies and upon the awarding of the degree within 30 days after the award.

"(g) The regulations required by this section shall include a preference for veterans and service members who have received or will receive either the Afghanistan Campaign Medal or the Iraq Campaign Medal as authorized by Public Law 108–234, and Executive Order 13363.

"SEC. 10. COORDINATION.

"(a) Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the schools, universities, and institutions under whose direction a program is established with funds provided under this Act and the government of the State in which it is located. Nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any school, university, or institution.

"(b) The programs authorized by this Act are intended to enhance the Nation's petroleum, mining, and mineral engineering education programs and to enhance educational programs in petroleum and mining exploration and to increase the number of individuals enrolled in and completing these programs. To achieve this intent, the Secretary and the Committee established by section 11 shall receive the continuing advice and cooperation of all agencies of the Federal Government concerned with the identification, exploration, and development of energy and mineral resources.

"(c) Nothing in this Act is intended to give or shall be construed as giving the Secretary any authority over mining and mineral resources research conducted by any agency of the Federal Government, or as repealing or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with regard to mining and mineral resources.

"(d) The schools, universities, and institutions receiving funding under this Act shall make detailed reports to the Office of Petroleum and Mining Schools on projects completed, in progress, or planned with funds provided under this Act. All such reports shall available to the public on not less than an annual basis through the Office of Petroleum and Mining Schools. All uses, products, processes, patents, and other developments resulting from any research, demonstration, or experiment funded in whole or in part under this Act shall be made available promptly to the general public, subject to exception or limitation, if any, as the Secretary may find necessary in the interest of national security. Schools, universities, and institutions receiving patents for inventions funded in whole or in part under this Act shall be governed by the applicable Federal law, except that one percent of gross annual revenues due to the holders of the patents that are derived from such patents shall be paid by the holders of the patents to the Federal Energy and Mineral Resources Professional Development Fund established by section 23(a) of the Deep Ocean Energy Resources Act of 2006.

"SEC. 11. COMMITTEE ON PETROLEUM, MINING, AND MINERAL ENGINEERING AND ENERGY AND MINERAL RESOURCE EDUCATION.

"(a) The Secretary shall appoint a Committee on Petroleum, Mining, and Mineral Engineering and Energy and Mineral Resource Education composed of—

"(1) the Assistant Secretary of the Interior responsible for land and minerals management and not more than 16 other persons who are knowledgeable in the fields of mining and mineral resources research, including 2 university administrators one of whom shall be from historic and existing petroleum and mining schools; a community, technical, or tribal college administrator; a career technical education educator; 6 representatives equally distributed from the petroleum, mining, and aggregate industries; a

working miner; a working oilfield worker; a representative of the Interstate Oil and Gas Compact Commission; a representative from the Interstate Mining Compact Commission; a representative from the Western Governors Association; a representative of the State geologists, and a representative of a State mining and reclamation agency. In making these 16 appointments, the Secretary shall consult with interested groups.

“(2) The Assistant Secretary for Land and Minerals Management, in the capacity of the Chairman of the Committee, may have present during meetings of the Committee representatives of Federal agencies with responsibility for energy and minerals resources management, energy and mineral resource investigations, energy and mineral commodity information, international trade in energy and mineral commodities, mining safety regulation and mine safety research, and research into the development, production, and utilization of energy and mineral commodities. These representatives shall serve as technical advisors to the committee and shall have no voting responsibilities.

“(b) The Committee shall consult with, and make recommendations to, the Secretary on all matters relating to funding energy and mineral resources research, the awarding of scholarships and fellowships and allocation of funding made under this Act. The Secretary shall consult with and carefully consider recommendations of the Committee in such matters.

“(c) Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing Committee business, paid at a rate fixed by the Secretary but not in excess of the daily equivalent of the maximum rate of pay for level IV of the Executive Schedule under section 5136 of title 5, United States Code, and shall be fully reimbursed for travel, subsistence, and related expenses.

“(d) The Committee shall be chaired by the Assistant Secretary of the Interior responsible for land and minerals management. There shall also be elected a Vice Chairman by the Committee from among the members referred to in this section. The Vice Chairman shall perform such duties as are determined to be appropriate by the committee, except that the Chairman of the Committee must personally preside at all meetings of the full Committee. The Committee may organize itself into such subcommittees as the Committee may deem appropriate.

“(e) Following completion of the report required by section 385 of the Energy Policy Act of 2005, the Committee shall consider the recommendations of the report, ongoing efforts in the schools, universities, and institutions receiving funding under this Act, the Federal and State Governments, and the private sector, and shall formulate and recommend to the Secretary a national plan for a program utilizing the fiscal resources provided under this Act. The Committee shall submit such plan to the Secretary for approval. Upon approval, the plan shall guide the Secretary and the Committee in their actions under this Act.

“(f) Section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Committee.

“SEC. 12. CAREER TECHNICAL EDUCATION.

“(a) Up to 25 percent of the annual outlay of funds under this Act may be granted to schools or institutions including, but not limited to, colleges, universities, community colleges, tribal colleges, technical institutes, and secondary schools, other than those described in sections 3, 4, 5, and 6.

“(b) The Secretary, as advised by the Committee established under section 11, shall determine the eligibility of a school or institution to receive funding under this section using criteria that include—

“(1) the presence of a State-approved program in mining engineering technology, petroleum engineering technology, industrial engineering technology, or industrial technology that—

“(A) is focused on technology and its use in energy and mineral production and related maintenance, operational safety, or energy infrastructure protection and security;

“(B) prepares students for advanced or supervisory roles in the mining industry or the petroleum industry; and

“(C) grants either an associate's degree or a baccalaureate degree in one of the subjects listed in subparagraph (A);

“(2) the presence of a program, including a secondary school vocational education program or career academy, that provides training for individuals entering the petroleum, coal mining, or mineral mining industries; or

“(3) the presence of a State-approved program of career technical education at a secondary school, offered cooperatively with a community college in one of the industrial sectors of—

“(A) agriculture, forestry, or fisheries;

“(B) utilities;

“(C) construction;

“(D) manufacturing; and

“(E) transportation and warehousing.

“(c) Schools or institutions receiving funds under this section must show evidence of an institutional commitment for the purposes of career technical education and provide evidence that the school or institution has received or will receive industry cooperation in the form of equipment, employee time, or donations of funds to support the activities that are within the scope of this section.

“(d) Schools or institutions receiving funds under this section must agree to maintain the programs for which the funding is sought for a period of 10 years beginning on the date the school or institution receives such funds, unless the Secretary finds that a shorter period of time is appropriate for the local labor market or is required by State authorities.

“(e) Schools or institutions receiving funds under this section may combine these funds with State funds, and other Federal funds where allowed by law, to carry out programs described in this section, however the use of the funds received under this section must be reported to the Secretary not less than annually.

“SEC. 13. DEPARTMENT OF THE INTERIOR WORKFORCE ENHANCEMENT.

“(a) Physical Science, Engineering and Technology Scholarship Program.—

“(1) From the funds made available to carry out this section, the Secretary shall use 30 percent of that amount to provide financial assistance for education in physical sciences, engineering, and engineering or industrial technology and disciplines that, as determined by the Secretary, are critical to the functions of the Department of the Interior and are needed in the Department of the Interior workforce.

“(2) The Secretary of the Interior may award a scholarship in accordance with this section to a person who—

“(A) is a citizen of the United States;

“(B) is pursuing an undergraduate or advanced degree in a critical skill or discipline described in paragraph (1) at an institution of higher education; and

“(C) enters into a service agreement with the Secretary of the Interior as described in subsection (e).

“(3) The amount of the financial assistance provided under a scholarship awarded to a person under this subsection shall be the amount determined by the Secretary of the Interior as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

“(b) Scholarship Program for Students Attending Minority Serving Higher Education Institutions.—

“(1) From the funds made available to carry out this section, the Secretary shall use 25 percent of that amount to award scholarships in accordance with this section to persons who—

“(A) are enrolled in a Minority Serving Higher Education Institutions.

“(B) are citizens of the United States;

“(C) are pursuing an undergraduate or advanced degree in agriculture, engineering, engineering or industrial technology, or physical sciences, or other discipline that is found by the Secretary to be critical to the functions of the Department of the Interior and are needed in the Department of the Interior workforce; and

“(D) enter into a service agreement with the Secretary of the Interior as described in subsection (e).

“(2) The amount of the financial assistance provided under a scholarship awarded to a person under this subsection shall be the amount determined by the Secretary of the Interior as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

“(c) Education Partnerships With Minority Serving Higher Education Institutions.—

“(1) The Secretary shall require the director of each Bureau and Office, to foster the participation of Minority Serving Higher Education Institutions in any regulatory activity, land management activity, science activity, engineering or industrial technology activity, or engineering activity carried out by the Department of the Interior.

“(2) From the funds made available to carry out this section, the Secretary shall use 25 percent of that amount to support activities at Minority Serving Higher Education Institutions by—

“(A) funding faculty and students in these institutions in collaborative research projects that are directly related to the Departmental or Bureau missions;

“(B) allowing equipment transfer to Minority Serving Higher Education Institutions as a part of a collaborative research program directly related to a Departmental or Bureau mission;

“(C) allowing faculty and students at these Minority Serving Higher Education Institutions to participate Departmental and Bureau training activities;

“(D) funding paid internships in Departmental and Bureau facilities for students at Minority Serving Higher Education Institutions;

“(E) assigning Departmental and Bureau personnel to positions located at Minority Serving Higher Educational Institutions to serve as mentors to students interested in a science, technology or engineering disciplines related to the mission of the Department or the Bureaus.

“(d) Kindergarten Through Grade Twelve Science Education Enhancement Program.—

“(1) From the funds made available to carry out this section, the Secretary shall use 20 percent of that amount to support activities designed to enhance the knowledge and expertise of teachers of basic sciences, mathematics, engineering and technology in Kindergarten through Grade Twelve programs.

“(2) The Secretary is authorized to—

“(A) support competitive events for students under the supervision of teachers that are designed to encourage student interest and knowledge in science, engineering, technology and mathematics;

“(B) support competitively-awarded, peer-reviewed programs to promote professional development for mathematics, science, engineering and technology teachers who teach in grades from kindergarten through grade 12;

“(C) support summer internships at Department facilities, for mathematics, science, engineering and technology teachers who teach in grades from kindergarten through grade 12; and

“(D) sponsor and assist in sponsoring educational and teacher training activities in subject areas identified as critical skills.

“(e) SERVICE AGREEMENT FOR RECIPIENTS OF ASSISTANCE.—

“(1) To receive financial assistance under subsection (a) and subsection (b) of this section—

“(A) in the case of an employee of the Department of the Interior, the employee shall enter into a written agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

“(B) in the case of a person not an employee of the Department of the Interior, the person shall enter into a written agreement to accept and continue employment in the Department of the Interior for the period of obligated service determined under paragraph (2).

“(2) For the purposes of this section, the period of obligated service for a recipient of a scholarship under this section shall be the period determined by the Secretary of the Interior as being appropriate to obtain adequate service in exchange for the financial assistance provided under the scholarship. In no event may the period of service required of a recipient be less than the total period of pursuit of a degree that is covered by the scholarship. The period of obligated service is in addition to any other period for which the recipient is obligated to serve in the civil service of the United States.

“(3) An agreement entered into under this subsection by a person pursuing an academic degree shall include any terms and conditions that the Secretary of the Interior determines necessary to protect the interests of the United States or otherwise appropriate for carrying out this section.

“(f) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—

“(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (e) shall refund to the United States an amount determined by the Secretary of the Interior as being appropriate to obtain adequate service in exchange for financial assistance.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) The Secretary of the Interior may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

“(4) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

“(g) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary of the Interior shall coordinate the provision of financial assistance under the authority of this section with the provision of financial assistance under the authorities provided in this Act in order to maximize the benefits derived by the Department of Interior from the exercise of all such authorities.

“(h) REPORT.—Not later than September 1 of each year, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the status of the assistance program carried out under this section. The report shall describe the programs within the Department designed to recruit and retain a workforce on a short-term basis and on a long-term basis.

“(i) DEFINITIONS.—As used in this section:

“(1) The term ‘Minority Serving Higher Education Institutions’ means a Hispanic-serving institution, historically Black college or university, Alaska Native-serving institution, or tribal college.

“(2) The term ‘Hispanic-serving institution’ has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

“(3) The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(4) The term ‘tribal college’ has the meaning given the term ‘tribally controlled college or university’ in section 2(a) of the Tribally Controlled College Assistance Act of 1978 (25 U.S.C. 1801(a)).

“(5) The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(6) The term ‘Alaska Native-serving institution’ has the meaning given the term in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

“(j) FUNDING.—The Secretary shall spend 3 percent of the annual outlay under this Act to implement this section not to exceed $10,000,000.”.

SEC. 24. ONSHORE AND OFFSHORE MINERAL LEASE FEES.

Except as otherwise provided in this Act, the Department of the Interior is prohibited from charging fees applicable to actions on Federal onshore and offshore oil and gas, coal, geothermal, and other mineral leases, including transportation of any production from such leases, if such fees were not established in final regulations prior to the date of issuance of the lease.

SEC. 25. OCS REGIONAL HEADQUARTERS.

The headquarters for the Gulf of Mexico Region shall permanently be located within the State of Louisiana within 25 miles of the center of Jackson Square, New Orleans, Louisiana. Further, not later than July 1, 2008, the Secretary of the Interior shall establish the headquarters for the Atlantic OCS Region and the headquarters for the Pacific OCS Region within a State bordering the Atlantic OCS Region and a State bordering the Pacific OCS Region, respectively, from among the States bordering those Regions, that petitions by no later than January 1, 2008, for leasing, for oil and gas or natural gas, covering at least 40 percent of the area of its Adjacent Zone within 100 miles of the coastline. Such Atlantic and Pacific OCS Regions headquarters shall be located within 25 miles of the coastline and each MMS OCS regional headquarters shall be the permanent duty station for all Minerals Management Service personnel that on a daily basis spend on average 60 percent or more of their time in performance of duties in support of the activities of the respective Region, except that the Minerals Management Service may house regional inspection staff in other locations. Each OCS Region shall each be led by a Regional Director who shall be an employee within the Senior Executive Service.

SEC. 26. NATIONAL GEO FUND ACT OF 2006.

(a) SHORT TITLE.—This section may be cited as the “National Geo Fund Act of 2006”.

(b) PURPOSES.—The purpose of this section is to—

(1) establish a fund to provide funding for the management of geologic programs, geologic mapping, geophysical and other seismic studies, seismic monitoring programs, and the preservation and use of geologic and geophysical data, geothermal and geopressure energy resource management, unconventional energy resources management, and renewable energy management associated with ocean wave, current, and thermal resources;

(2) make available receipts derived from sales, bonus bids, royalties, and fees from onshore and offshore gas, minerals, oil, and any additional form of energy exploration and development under the laws of the United States for the purposes of the such fund;

(3) distribute funds from such fund each fiscal year to the Secretary of the Interior and the States; and

(4) use the distributed funds to manage activities conducted under this section, and to secure the necessary trained workforce, contractual services, and other support, including maintenance and capital investments, to perform the functions and activities described in paragraph (1).

(c) DEFINITIONS.—In this section:

(1) GEO FUND.—The term “Geo Fund” means the National Geo Fund established by subsection (d).

(2) STATE.—The term “State” means the agency of a State designated by its Governor or State law to perform the functions and activities described in subsection (b)(1).

(d) ESTABLISHMENT AND USE OF THE GEO FUND.—

(1) GEO FUND.—There is established in the Treasury a separate account to be known as the “National Geo Fund”.

(2) FUNDING.—The Secretary of the Treasury shall deposit in the Geo Fund—

(A) such sums as are provided by sections 9(b)(5)(A)(iv), 9(b)(5)(B)(iv), 9(c)(4)(A)(iv), and 9(c)(4)(B)(iv) of the Outer Continental Shelf Lands Act, as amended by this Act;

(B)(i) during the period of October 1, 2006, through September 30, 2015, one percent of all sums paid into the Treasury under section 35 of the Mineral Leasing Act (30 U.S.C. 191), and

(ii) beginning October 1, 2015, and thereafter, 2.5 percent of all sums paid into the Treasury under section 35 of the Mineral Leasing Act (30 U.S.C. 191);

(C)(i) during the period of October 1, 2006, through September 30, 2015, one percent of all sums paid into the Treasury from receipts derived from bonus bids and royalties from other mineral leasing on public lands, and

(ii) beginning October 1, 2015, and thereafter, 2.5 percent of all sums paid into the Treasury from receipts derived from bonus bids and royalties from other mineral leasing on public lands; and

(D) $65,000,000 from outer Continental Shelf bonus bids, royalties, and conservation of resources fees received in fiscal year 2007, and $50,000,000 from outer Continental Shelf bonus bids, royalties, and conservation of resources fees received in each of fiscal years 2008, 2009, 2010, 2011, 2012, and 2013, 75 percent of which shall be used to implement subsection (g) and all of which shall remain available until expended.

(3) INVESTMENTS.—The Secretary of the Treasury shall invest the amounts deposited under paragraph (2) and all accrued interest on the amounts deposited under paragraph (2) only in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(4) AVAILABILITY TO SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—Beginning with fiscal year 2007, and in each fiscal year thereafter, one-third of amounts deposited into the Geo Fund, unless otherwise specified herein, together with the interest thereon, shall be available, without fiscal year limitations, to the Secretary of the Interior for use for the purposes described in subsection (b)(4).

(B) WITHDRAWALS AND TRANSFER OF FUNDS.—The Secretary of the Treasury shall withdraw such amounts from the Geo Fund as the Secretary of the Interior may request, subject to the limitation in subparagraph (A), and transfer such amounts to the Secretary of the Interior to be used, at the discretion of the Secretary of the Interior, by the Minerals Management Service, the Bureau of Land Management, and the United States Geological Survey for the purposes described in subsection (b)(4). No funds distributed from the Geo Fund may be used to purchase an interest in land.

(5) PAYMENT TO STATES.—

(A) IN GENERAL.—Beginning with fiscal year 2007, and in each fiscal year thereafter, two-thirds of amounts deposited into the Geo Fund, unless otherwise specified herein, together with the interest thereon, shall be available, without fiscal year limitations, to the States for use for the purposes described in subsection (b)(4).

(B) WITHDRAWALS AND TRANSFER OF FUNDS.—Within the first 90 days of each fiscal year, the Secretary of the Treasury shall withdraw amounts from the Geo Fund and transfer such amounts to the States based on a formula devised by the Secretary of the Interior based on the relative needs of the States and the needs of the Nation.

(C) USE OF PAYMENTS BY STATES.—Each State shall use the payments made under subparagraph (B) only for carrying out projects and programs for the purposes described in subsection (b)(4). No funds distributed from the Geo Fund may be used to purchase an interest in land.

(D) ENCOURAGEMENT OF USE OF PRIVATE FUNDS BY STATES.—Each State shall use the payments made under subparagraph (B) to leverage private funds for carrying out projects for the purposes described in subsection (b)(4).

(E) REPORT TO CONGRESS.—Beginning in fiscal year 2008 and continuing for each fiscal year thereafter, the Secretary of the Interior and each State receiving funds from the Geo Fund shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. Reports submitted to the Congress by the Secretary of the Interior and the States shall include detailed information regarding expenditures during the previous fiscal year.

(e) STRATEGIC UNCONVENTIONAL RESOURCES.—

(1) PROGRAM.—The Secretary of the Interior shall establish a program for production of fuels from strategic unconventional resources, and production of oil and gas resources using CO2 enhanced recovery. The program shall focus initially on activities and domestic resources most likely to result in significant production in the near future, and shall include work necessary to improve extraction techniques, including surface and in situ operations. The program shall include characterization and assessment of potential resources, a sampling program, appropriate laboratory and other analyses and testing, and assessment of methods for exploration and development of these strategic unconventional resources.

(2) PILOT PROJECTS.—The program created in paragraph (1) shall include, but not be limited to, pilot projects on (A) the Maverick Basin heavy oil and tar sands formations of Texas, including the San Miguel deposits, (B) the Greater Green River Basin heavy oil, oil shale, tar sands, and coal deposits of Colorado, Utah, and Wyoming, (C) the shale, tar sands, heavy oil, and coal deposits in the Alabama-Mississippi-Tennessee region, (D) the shale, tar sands, heavy oil, and coal deposits in the Ohio River valley, and (E) strategic unconventional resources in California. The Secretary shall identify and report to Congress on feasible incentives to foster recovery of unconventional fuels by private industry within the United States. Such incentives may include, but are not limited to, long-term contracts for the purchase of unconventional fuels for defense purposes, Federal grants and loan guarantees for necessary capital expenditures, and favorable terms for the leasing of Government lands containing unconventional resources.

(3) DEFINITIONS.—In this subsection:

(A) STRATEGIC UNCONVENTIONAL RESOURCES.—The term "strategic unconventional resources" means hydrocarbon resources, including heavy oil, oil shale, tar sands, and coal deposits, from which liquid fuels may be produced.

(B) IN SITU EXTRACTION METHODS.—The term "in situ extraction methods" means recovery techniques that are applied to the resources while they are still in the ground, and are in commercial use or advanced stages of development. Such techniques include, but are not limited to, steam flooding, steam-assisted gravity drainage (including combination with electric power generation where appropriate), cyclic steam stimulation, air injection, and chemical treatment.

(4) FUNDING.—The Secretary shall carry out the program for the production of strategic unconventional fuels with funds from the Geo Fund in each of fiscal years 2007 through 2011 in the amount of not less than $35,000,000 each year. Each pilot project shall be allocated not less than $4,000,000 per year in each of fiscal years 2007 through 2011.

(f) SUPPORT OF GEOTHERMAL AND GEOPRESSURE OIL AND GAS ENERGY PRODUCTION.—

(1) IN GENERAL.—The Secretary shall carry out a grant program in support of geothermal and geopressure oil and gas energy production. The program shall include grants for a total of not less than three assessments of the use of innovative geothermal techniques such as organic rankine cycle systems at marginal, unproductive, and productive oil and gas wells, and not less than one assessment of the use of innovative geopressure techniques. The Secretary shall, to the extent practicable and in the public interest, make awards that—

(A) include not less than five oil or gas well sites per project award;

(B) use a range of oil or gas well hot water source temperatures from 150 degrees Fahrenheit to 300 degrees Fahrenheit;

(C) use existing or new oil or gas wells;

(D) cover a range of sizes from 175 kilowatts to one megawatt;

(E) are located at a range of sites including tribal lands, Federal lease, State, or privately owned sites;

(F) can be replicated at a wide range of sites;

(G) facilitate identification of optimum techniques among competing alternatives;

(H) include business commercialization plans that have the potential for production of equipment at high volumes and operation and support at a large number of sites; and

(I) satisfy other criteria that the Secretary determines are necessary to carry out the program. The Secretary shall give preference to assessments that address multiple elements contained in subparagraphs (A) through (I).

(2) GRANT AWARDS.—

(A) IN GENERAL.—Each grant award for assessment of innovative geothermal or geopressure technology such as organic rankine cycle systems at oil and gas wells made by the Secretary under this section shall include—

(i) necessary and appropriate site engineering study;

(ii) detailed economic assessment of site specific conditions;

(iii) appropriate feasibility studies to determine ability for replication;

(iv) design or adaptation of existing technology for site specific circumstances or conditions;

(v) installation of equipment, service, and support; and

(vi) monitoring for a minimum of one year after commissioning date.

(3) COMPETITIVE GRANT SELECTION.—Not less than 180 days after the date of the enactment of this Act, the Secretary shall conduct a national solicitation for applications for grants under the program. Grant recipients shall be selected on a competitive basis based on criteria in subsection (b).

(4) FEDERAL SHARE.—The Federal share of costs of grants under this subsection shall be provided from funds made available to carry out this section. The Federal share of the cost of a project carried out with such a grant shall not exceed 50 percent of such cost.

(5) FUNDING.—The Secretary shall carry out the grant program under this subsection with funds from the Geo Fund in each of fiscal years 2007 through 2011 in the amount of not less than $5,000,000 each fiscal year. No funds authorized under this section may be used for the purposes of drilling new wells.

(6) AMENDMENT.—Section 4 of the Geothermal Steam Act of 1970 (30 USC 1003) is amended by adding at the end the following:

"(h) GEOTHERMAL RESOURCES CO-PRODUCED WITH THE MINERALS.—Any person who holds a lease or who operates a cooperative or unit plan under the Mineral Leasing Act, in the absence of an existing lease for geothermal resources under this Act, shall upon notice to the Secretary have the right to utilize any geothermal resources co-produced with the minerals for which the lease was issued during the operation of that lease or cooperative or unit plan, for the generating of electricity to operate the lease. Any electricity that is produced in excess of that which is required to operate the lease and that is sold for purposes outside of the boundary of the lease shall be subject to the requirements of section 5."

(g) LIQUID FUELS GRANT PROGRAM.—

(1) PROGRAM.—The Secretary of the Interior shall establish a grant program for facilities for coal-to-liquids, petroleum coke-to-liquids, oil shale, tar sands, heavy oil, and Alaska natural gas-to-liquids and to assess the production of low-rank coal water fuel (in this subsection referred to as "LRCWF").

(2) LRCWF.—The LRCWF grant project location shall use lignite coal from fields near the Tombigbee River within 60 miles of a land-grant college and shall be allocated $15,000,000 for expenditure during fiscal year 2007.

(3) DEFINITIONS.—In this subsection:

(A) COAL-TO-LIQUIDS FRONT-END ENGINEERING AND DESIGN.—The terms "coal-to-liquids front-end engineering and design" and "FEED" mean those expenditures necessary to engineer, design, and obtain permits for a facility for a particular geographic location which will utilize a process or technique to produce liquid fuels from coal resources.

(B) LOW-RANK COAL WATER FUEL.—In this subsection the term "low-rank coal water fuel" means a liquid fuel produced from hydrothermal treatment of lignite and sub-bituminous coals.

(4) GRANT PROVISIONS.—All grants shall require a 50 percent non-Federal cost share. The first 4 FEED grant recipients who receive full

project construction financing commitments, based on earliest calendar date, shall not be required to repay any of their grants. The next 4 FEED grant recipients who receive such commitments shall be required to repay 25 percent of the grant. The next 4 FEED grant recipients who receive such commitments shall be required to repay 50 percent of the grant, and the remaining FEED grant recipeints shall be required to repay 75 percent of the grant. The LRCWF recipient shall not be required to repay the grant. Any required repayment shall be paid as part of the closing process for any construction financing relating to the grant. No repayment shall require the payment of interest if repaid within 5 years of the issuance of the grant. FEED grants shall be be limited to a maximum of $1,000,000 per 1,000 barrels per day of liquid fuels production capacity, not to exceed $25 million per year.

(5) FUNDING.—The Secretary shall carry out the grant program established by this subsection with funds from the Geo Fund.

(h) RENEWABLE ENERGY FROM OCEAN WAVE, CURRENT, AND THERMAL RESOURCES.—

(1) PROGRAM.—The Secretary of the Interior shall establish a grant program for the production of renewable energy from ocean waves, currents, and thermal resources.

(2) GRANT PROVISIONS.—All grants under this subsection shall require a 50 percent non-Federal cost share.

(3) FUNDING.—The Secretary shall carry out this grant program with funds from the Geo Fund in each of fiscal years 2007 through 2011 in the amount of not less than $6,000,000 each year, and thereafter in such amounts as the Secretary may find appropriate.

(i) AMENDMENT TO THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.—Section 517 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1267) is amended by adding adding at the end the following:

"(i) Any person who provides the regulatory authority with a map under subsection (b)(1) shall not be liable to any other person in any way for the accuracy or completeness of any such map which was not prepared and certified by or on behalf of such person.".

SEC. 27. LEASES FOR AREAS LOCATED WITHIN 100 MILES OF CALIFORNIA OR FLORIDA.

(a) AUTHORIZATION TO CANCEL AND EXCHANGE CERTAIN EXISTING OIL AND GAS LEASES; PROHIBITION ON SUBMITTAL OF EXPLORATION PLANS FOR CERTAIN LEASES PRIOR TO JUNE 30, 2010.—

(1) AUTHORITY.—Within 2 years after the date of enactment of this Act, the lessee of an existing oil and gas lease for an area located completely within 100 miles of the coastline within the California or Florida Adjacent Zones shall have the option, without compensation, of exchanging such lease for a new oil and gas lease having a primary term of 5 years. For the area subject to the new lease, the lessee may select any unleased tract on the outer Continental Shelf that is in an area available for leasing. Further, with the permission of the relevant Governor, such a lessee may convert its existing oil and gas lease into a natural gas lease having a primary term of 5 years and covering the same area as the existing lease or another area within the same State's Adjacent Zone within 100 miles of the coastline.

(2) ADMINISTRATIVE PROCESS.—The Secretary of the Interior shall establish a reasonable administrative process to implement paragraph (1). Exchanges and conversions under subsection (a), including the issuance of new leases, shall not be considered to be major Federal actions for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Further, such actions conducted in accordance with this section are deemed to be in compliance all provisions of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) OPERATING RESTRICTIONS.—A new lease issued in exchange for an existing lease under this section shall be subject to such national defense operating stipulations on the OCS tract covered by the new lease as may be applicable upon issuance.

(4) PRIORITY.—The Secretary shall give priority in the lease exchange process based on the amount of the original bonus bid paid for the issuance of each lease to be exchanged. The Secretary shall allow leases covering partial tracts to be exchanged for leases covering full tracts conditioned upon payment of additional bonus bids on a per-acre basis as determined by the average per acre of the original bonus bid per acre for the partial tract being exchanged.

(5) EXPLORATION PLANS.—Any exploration plan submitted to the Secretary of the Interior after the date of the enactment of this Act and before July 1, 2010, for an oil and gas lease for an area wholly within 100 miles of the coastline within the California Adjacent Zone or Florida Adjacent Zone shall not be treated as received by the Secretary until the earlier of July 1, 2010, or the date on which a petition by the Adjacent State for oil and gas leasing covering the area within which is located the area subject to the oil and gas lease was approved.

(b) FURTHER LEASE CANCELLATION AND EXCHANGE PROVISIONS.—

(1) CANCELLATION OF LEASE.—As part of the lease exchange process under this section, the Secretary shall cancel a lease that is exchanged under this section.

(2) CONSENT OF LESSEES.—All lessees holding an interest in a lease must consent to cancellation of their leasehold interests in order for the lease to be cancelled and exchanged under this section.

(3) WAIVER OF RIGHTS.—As a prerequisite to the exchange of a lease under this section, the lessee must waive any rights to bring any litigation against the United States related to the transaction.

(4) PLUGGING AND ABANDONMENT.—The plugging and abandonment requirements for any wells located on any lease to be cancelled and exchanged under this section must be complied with by the lessees prior to the cancellation and exchange.

(c) AREA PARTIALLY WITHIN 100 MILES OF FLORIDA.—An existing oil and gas lease for an area located partially within 100 miles of the coastline within the Florida n Adjacent Zone may only be developed and produced using wells drilled from well-head locations at least 100 miles from the coastline to any bottom-hole location on the area of the lease. This subsection shall not apply if Florida has petitioned for leasing closer to the coastline than 100 miles.

(d) EXISTING OIL AND GAS LEASE DEFINED.—In this section the term "existing oil and gas lease" means an oil and gas lease in effect on the date of the enactment of this Act.

SEC. 28. COASTAL IMPACT ASSISTANCE.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is repealed.

SEC. 29. OIL SHALE AND TAR SANDS AMENDMENTS.

(a) REPEAL OF REQUIREMENT TO ESTABLISH PAYMENTS.—Section 369(o) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 728; 42 U.S.C. 15927) is repealed.

(b) TREATMENT OF REVENUES.—Section 21 of the Mineral Leasing Act (30 U.S.C. 241) is amended by adding at the end the following:

"(e) REVENUES.—

"(1) IN GENERAL.—Notwithstanding the provisions of section 35, all revenues received from and under an oil shale or tar sands lease shall be disposed of as provided in this subsection.

"(2) ROYALTY RATES FOR COMMERCIAL LEASES.—

"(A) ROYALTY RATES.—The Secretary shall model the royalty schedule for oil shale and tar sands leases based on the royalty program currently in effect for the production of synthetic crude oil from oil sands in the Province of Alberta, Canada.

"(B) REDUCTION.—The Secretary shall reduce any royalty otherwise required to be paid under subparagraph (A) under any oil shale or tar sands lease on a sliding scale based upon market price, with a 10 percent reduction if the average futures price of NYMEX Light Sweet Crude, or a similar index, drops, for the previous quarter year, below $50 (in January 1, 2006, dollars), and an 80 percent reduction if the average price drops below $30 (in January 1, 2006, dollars) for the quarter previous to the one in which the production is sold.

"(3) DISPOSITION OF REVENUES.—

"(A) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury all revenues derived from any oil shale or tar sands lease.

"(B) ALLOCATIONS TO STATES AND LOCAL POLITICAL SUBDIVISIONS.—The Secretary shall allocate 50 percent of the revenues deposited into the account established under subparagraph (A) to the State within the boundaries of which the leased lands are located, with a portion of that to be paid directly by the Secretary to the State's local political subdivisions as provided in this paragraph.

"(C) TRANSMISSION OF ALLOCATIONS.—

"(i) IN GENERAL.—Not later than the last business day of the month after the month in which the revenues were received, the Secretary shall transmit—

"(I) to each State two-thirds of such State's allocations under subparagraph (B), and in accordance with clauses (ii) and (iii) to certain county-equivalent and municipal political subdivisions of such State a total of one-third of such State's allocations under subparagraph (B), together with all accrued interest thereon; and

"(II) the remaining balance of such revenues deposited into the account that are not allocated under subparagraph (B), together with interest thereon, shall be transmitted to the miscellaneous receipts account of the Treasury, except that until a lease has been in production for 20 years 50 percent of such remaining balance derived from a lease shall be paid in accordance with subclause (I).

"(ii) ALLOCATIONS TO CERTAIN COUNTY-EQUIVALENT POLITICAL SUBDIVISIONS.—The Secretary shall under clause (i)(I) make equitable allocations of the revenues to county-equivalent political subdivisions that the Secretary determines are closely associated with the leasing and production of oil shale and tar sands, under a formula that the Secretary shall determine by regulation.

"(iii) ALLOCATIONS TO MUNICIPAL POLITICAL SUBDIVISIONS.—The initial allocation to each county-equivalent political subdivision under clause (ii) shall be further allocated to the county-equivalent political subdivision and any municipal political subdivisions located partially or wholly within the boundaries of the county-equivalent political subdivision on an equitable basis under a formula that the Secretary shall determine by regulation.

"(D) INVESTMENT OF DEPOSITS.—The deposits in the Treasury account established under this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

"(E) USE OF FUNDS.—A recipient of funds under this subsection may use the funds for any lawful purpose as determined by State law. Funds allocated under this subsection to States

and local political subdivisions may be used as matching funds for other Federal programs without limitation. Funds allocated to local political subdivisions under this subsection may not be used in calculation of payments to such local political subdivisions under programs for payments in lieu of taxes or other similar programs.

“(F) NO ACCOUNTING REQUIRED.—No recipient of funds under this subsection shall be required to account to the Federal Government for the expenditure of such funds, except as otherwise may be required by law.

“(4) DEFINITIONS.—In this subsection:

“(A) COUNTY-EQUIVALENT POLITICAL SUBDIVISION.—The term ‘county-equivalent political subdivision’ means a political jurisdiction immediately below the level of State government, including a county, parish, borough in Alaska, independent municipality not part of a county, parish, or borough in Alaska, or other equivalent subdivision of a State.

“(B) MUNICIPAL POLITICAL SUBDIVISION.—The term ‘municipal political subdivision’ means a municipality located within and part of a county, parish, borough in Alaska, or other equivalent subdivision of a State.”.

SEC. 30. AVAILABILITY OF OCS RECEIPTS TO PROVIDE PAYMENTS UNDER SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended by inserting after subsection (i), as added by section 7 of this Act, the following new subsection:

“(j) AVAILABILITY OF FUNDS FOR PAYMENTS UNDER SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—Notwithstanding any other provision of this section, $50,000,000 of OCS Receipts shall be available to the Secretary of the Treasury for each of fiscal years 2007 through 2012 to make payments under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note). The Secretary of the Treasury shall use the funds made available by this subsection to make such payments in lieu of using funds in the Treasury not otherwise appropriated, as otherwise authorized by sections 102(b)(3) and 103(b)(2) of such Act.”.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–540. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. POMBO

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–540.

Mr. POMBO. Mr. Chairman, I have an amendment made in order under House Resolution 897.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. POMBO:

Page 12, line 4, strike “December 1, 1996, through December 31, 2000,” and insert “January 1, 1998, through December 31, 1999,”.

Page 12, line 18, strike subsection (t).

Page 13, line 19, strike “not less than $1.00 nor more than $4.00” and insert “$3.75”.

Page 16, line 8, strike “6.0” and insert “4.6”.

Page 16, line 9, strike “7.0” and insert “5.95”.

Page 16, line 10, strike “8.0” and insert “6.8”.

Page 16, line 11, strike “9.0” and insert “7.65”.

Page 16, line 12, strike “12.0” and insert “10.20”.

Page 16, line 13, strike “15.0” and insert “12.75”.

Page 16, line 15, strike “18.0” and insert “15.30”.

Page 16, line 17, strike “21.0” and insert “17.85”.

Page 16, line 19, strike “24.0” and insert “20.40”.

Page 16, line 21, strike “27.0” and insert “22.95”.

Page 16, line 22, strike “30.0” and insert “25.50”.

Page 16, line 24, strike “33.0” and insert “28.05”.

Page 17, line 1, strike “36.0” and insert “30.60”.

Page 17, line 3, strike “39.0” and insert “33.15”.

Page 17, line 5, strike “42.0” and insert “35.70”.

Page 17, line 7, strike “45.0” and insert “38.25”.

Page 17, line 10, strike “50.0” and insert “42.50”.

Page 17, line 17, strike “50” and insert “42.50”.

Page 17, line 23, strike the existing paragraph (4) and insert the following:

“(4) RECEIPTS SHARING FROM TRACTS WITHIN 4 MARINE LEAGUES OF ANY COASTLINE.—

“(A) AREAS DESCRIBED IN PARAGRAPH (2).—

“(i) Beginning October 1, 2005, and continuing through September 30, 2010, the Secretary shall share 25 percent of OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2). For each fiscal year after September 30, 2010, the Secretary shall increase the percent shared in 5 percent increments each fiscal year until the sharing rate for all leases located within 4 marine leagues from any coastline within areas described in paragraph (2) becomes 42.5 percent.

“(ii) During fiscal year 2016, the Secretary shall conduct an analysis of all of the areas described in paragraph (3) and subsection (c)(3) to determine the total of OCS Receipts derived from such areas during the period of fiscal year 2007 through fiscal year 2016. The Secretary shall subtract the amount of $4 billion from the total of such OCS Receipts. If the result is a positive number, the Secretary shall divide such positive number by $4 billion. The resulting quotient, not to exceed 0.5, shall then be multiplied times 25. The product of such multiplication shall be added to 42.5 and the sum shall be the percent that the Secretary shall share for fiscal year 2017 and all future years from OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2), unless increased by the provisions of (iii).

“(iii) Beginning October 1, 2017, the Secretary shall share, in addition to the share established by (i), as modified by (ii) if any, amounts determined as follows, with the total of the amounts shared under this paragraph not to exceed in any fiscal year an amount equal to 63.75 percent of total OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2)—25 percent of the total of OCS Receipts derived from areas described in paragraph (3) and subsection (c)(3) that exceed the following amounts for the fiscal year indicated: for fiscal year 2017 the amount of $900,000,000 and for each fiscal year thereafter add $100,000,000. Amounts added under this clause to be shared, if any, for any fiscal year shall be added to the sharing base for all subsequent years and shall be allocated among State Adjacent Zones on a basis proportional to the result from the calculation in clause (i).

“(B) AREAS NOT DESCRIBED IN PARAGRAPH (2).—Beginning October 1, 2005, the Secretary shall share 63.75 percent of OCS receipts derived from all leases located completely or partially within 4 marine leagues from any coastline within areas not described paragraph (2).”.

Page 18, beginning at line 11, strike “as follows:” and all that follows through line 22 and insert “to the Adjacent State.”.

Page 19, beginning at line 2, strike “as follows:” and all that follows through line 3 and insert “to the Adjacent State”.

Page 19, lines 12 through 19, redesignate the quoted subclauses (I) and (II) as clauses (i) and (ii), and move such clauses 2 ems to the left.

Page 19, strike line 20 and all that follows through page 20, line 6.

Page 21, line 17, strike “6.0” and insert “4.6”.

Page 21, line 18, strike “7.0” and insert “5.95”.

Page 21, line 19, strike “8.0” and insert “6.80”.

Page 21, line 20, strike “9.0” and insert “7.65”.

Page 21, line 21, strike “12.0” and insert “10.20”.

Page 21, line 22, strike “15.0” and insert “12.75”.

Page 21, line 24, strike “18” and insert “15.30”.

Page 22, line 1, strike “21.0” and insert “17.85”.

Page 22, line 3, strike “24.0” and insert “20.40”.

Page 22, line 5, strike “27.0” and insert “22.95”.

Page 22, line 6, strike “30.0” and insert “25.50”.

Page 22, line 8, strike “33.0” and insert “28.05”.

Page 22, line 10, strike “36.0” and insert “30.60”.

Page 22, line 12, strike “39.0” and insert “33.15”.

Page 22, line 14, strike “42.0” and insert “35.70”.

Page 22, line 16, strike “45.0” and insert “38.25”.

Page 22, line 19, strike “50.0” and insert “42.50”.

Page 23, line 2, strike “50” and insert “42.5”.

Page 23, line 6, strike the period and insert the following: “, except that the Secretary shall only share 25 percent of such OCS Receipts derived from all such leases within a State's Adjacent Zone if no leasing is allowed within any portion of that State's Adjacent Zone located completely within 100 miles of any coastline.”.

Page 23, beginning on line 13, strike “each fiscal year” and all that follows through line 25 and insert “each fiscal year to the Adjacent State”.

Page 24, beginning at line 4, strike “as follows:” and all that follows through line 5 and insert “to the Adjacent State”.

Page 24, lines 15 through 22, redesignate the quoted subclauses (I) and (II) as clauses

(i) and (ii), and move such clauses 2 ems to the left.

Page 24, strike line 23 and all that follows through page 25, line 6.

Page 25, strike lines 11 through 20 and insert the following:

“(A) to each State 60 percent of such State's allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B) for the immediate prior fiscal year;

“(B) to each coastal county-equivalent and municipal political subdivisions of such State a total of 40 percent of such State's allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B), together with all accrued interest thereon; and

Page 34, beginning at line 15, strike section 8.

Page 37, beginning at line 18, strike “was initiated” and all that follows through the end of the sentence and insert “is extended by a State under subsection (h)”.

Page 37, line 20, strike the period and insert the following: “, nor may the President withdraw from leasing any area for which a State failed to prohibit, or petition to prohibit, leasing under subsection (g). Further, in the area of the outer Continental Shelf more than 100 miles from any coastline, not more than 25 percent of the acreage of any OCS Planning Area may be withdrawn from leasing under this section at any point in time.”.

Page 40, line 16, insert a period after the word “effect” and strike the remainder of the sentence.

Page 41, line 7, strike “June 30” and insert “April 30”.

Page 46, line 7, strike “PETITION FOR EXTENSION OF” and insert “EXTEND”.

Page 46, strike lines 10 through 12 and insert the following:

“(1) IN GENERAL.—A State, through its Governor and upon the concurrence of its legislature, may”.

Page 46, line 14, strike “petition” and insert “extension”.

Page 46, line 18, strike “petition” and insert “extend”.

Page 46, beginning at line 20, strike “submit separate petitions” and insert “prepare separate extensions”.

Page 46, beginning at line 22, strike “A petition of a State may request” and insert “An extension by a State may affect”.

Page 46, beginning at line 25, strike “Petitions for extending” and insert “Extensions of”.

Page 47, strike line 11 and all that follows through page 48, line 6.

Page 48, strike the close quotation marks and the following period at line 20, and after line 20 insert the following:

“(j) PROHIBITION ON LEASING EAST OF THE MILITARY MISSION LINE.—

“(1) Notwithstanding any other provision of law, from and after the enactment of the Deep Ocean Energy Resources Act of 2006, no area of the outer Continental Shelf located in the Gulf of Mexico east of the military mission line may be offered for leasing for oil and gas or natural gas.

“(2) In this subsection, the term ‘military mission line’ means a line located at 86 degrees, 41minutes West Longitude, and extending south from the coast of Florida to the outer boundary of United States territorial waters in the Gulf of Mexico.”.

Page 55, beginning at line 3, strike section 13.

Page 61, beginning at line 20, amend section 14 to read as follows:

SEC. 14. FEDERAL ENERGY NATURAL RESOURCES ENHANCEMENT ACT OF 2006.

(a) FINDINGS.—The Congress finds the following:

(1) Energy and minerals exploration, development, and production on Federal onshore and offshore lands, including bio-based fuel, natural gas, minerals, oil, geothermal, and power from wind, waves, currents, and thermal energy, involves significant outlays of funds by Federal and State wildlife, fish, and natural resource management agencies for environmental studies, planning, development, monitoring, and management of wildlife, fish, air, water, and other natural resources.

(2) State wildlife, fish, and natural resource management agencies are funded primarily through permit and license fees paid to the States by the general public to hunt and fish, and through Federal excise taxes on equipment used for these activities.

(3) Funds generated from consumptive and recreational uses of wildlife, fish, and other natural resources currently are inadequate to address the natural resources related to energy and minerals development on Federal onshore and offshore lands.

(4) Funds available to Federal agencies responsible for managing Federal onshore and offshore lands and Federal-trust wildlife and fish species and their habitats are inadequate to address the natural resources related to energy and minerals development on Federal onshore and offshore lands.

(5) Receipts derived from sales, bonus bids, and royalties under the mineral leasing laws of the United States are paid to the Treasury through the Minerals Management Service of the Department of the Interior.

(6) None of the receipts derived from sales, bonus bids, and royalties under the minerals leasing laws of the United States are paid to the Federal or State agencies to examine, monitor, and manage wildlife, fish, air, water, and other natural resources related to natural gas, oil, and mineral exploration and development.

(b) PURPOSES.—It is the purpose of this section to—

(1) authorize expenditures for the monitoring and management of wildlife and fish, and their habitats, and air, water, and other natural resources related to energy and minerals development on Federal onshore and offshore lands;

(2) authorize expenditures for each fiscal year to the Secretary of the Interior and the States; and

(3) use the appropriated funds to secure the necessary trained workforce or contractual services to conduct environmental studies, planning, development, monitoring, and post-development management of wildlife and fish and their habitats and air, water, and other natural resources that may be related to bio-based fuel, gas, mineral, oil, wind, or other energy exploration, development, transportation, transmission, and associated activities on Federal onshore and offshore lands, including, but not limited to—

(A) pertinent research, surveys, and environmental analyses conducted to identify any impacts on wildlife, fish, air, water, and other natural resources from energy and mineral exploration, development, production, and transportation or transmission;

(B) projects to maintain, improve, or enhance wildlife and fish populations and their habitats or air, water, or other natural resources, including activities under the Endangered Species Act of 1973;

(C) research, surveys, environmental analyses, and projects that assist in managing, including mitigating either onsite or offsite, or both, the impacts of energy and mineral activities on wildlife, fish, air, water, and other natural resources; and

(D) projects to teach young people to live off the land.

(c) DEFINITIONS.—In this section:

(1) ENHANCEMENT PROGRAM.—The term “Enhancement Program” means the Federal Energy Natural Resources Enhancement Program established by this section.

(2) STATE.—The term “State” means the Governor of the State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Enhancement Program $150,000,000 for each of fiscal years 2007 through 2017.

(e) ESTABLISHMENT OF FEDERAL ENERGY NATURAL RESOURCES ENHANCEMENT PROGRAM.—

(1) IN GENERAL.—There is established the Federal Energy Natural Resources Enhancement Program.

(2) PAYMENT TO SECRETARY OF THE INTERIOR.—Beginning with fiscal year 2007, and in each fiscal year thereafter, one-third of amounts appropriated for the Enhancement Program shall be available to the Secretary of the Interior for use for the purposes described in subsection (b)(3).

(3) PAYMENT TO STATES.—

(A) IN GENERAL.—Beginning with fiscal year 2007, and in each fiscal year thereafter, two-thirds of amounts appropriated for the Enhancement Program shall be available to the States for use for the purposes described in (b)(3).

(B) USE OF PAYMENTS BY STATE.—Each State shall use the payments made under this paragraph only for carrying out projects and programs for the purposes described in (b)(3).

(C) ENCOURAGE USE OF PRIVATE FUNDS BY STATE.—Each State shall use the payments made under this paragraph to leverage private funds for carrying out projects for the purposes described in (b)(3).

(f) LIMITATION ON USE.—Amounts made available under this section may not be used for the purchase of any interest in land.

(g) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Beginning in fiscal year 2008 and continuing for each fiscal year thereafter, the Secretary of the Interior and each State receiving funds from the Enhancement Fund shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) REQUIRED INFORMATION.—Reports submitted to the Congress by the Secretary of the Interior and States under this subsection shall include the following information regarding expenditures during the previous fiscal year:

(A) A summary of pertinent scientific research and surveys conducted to identify impacts on wildlife, fish, and other natural resources from energy and mineral developments.

(B) A summary of projects planned and completed to maintain, improve or enhance wildlife and fish populations and their habitats or other natural resources.

(C) A list of additional actions that assist, or would assist, in managing, including mitigating either onsite or offsite, or both, the impacts of energy and mineral development on wildlife, fish, and other natural resources.

(D) A summary of private (non-Federal) funds used to plan, conduct, and complete the plans and programs identified in paragraphs (2)(A) and (2)(B).

Page 72, line 14, insert after “offshore,” the following: “but not including any outer Continental Shelf oil and gas leases that are subject to litigation in the Court of Federal Claims on January 1, 2006,”.

Page 75, beginning at line 13, strike section 19.

Page 87, beginning at line 18, strike section 23 and insert the following:

SEC. 23. MINING AND PETROLEUM SCHOOLS.

(a) MAINTENANCE AND RESTORATION OF EXISTING AND HISTORIC PETROLEUM AND MINING ENGINEERING PROGRAMS.—Public Law 98-409 (30 U.S.C. 1221 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Energy and Mineral Schools Reinvestment Act'.

"SEC. 2. POLICY.

"It is the policy of the United States to maintain the human capital needed to preserve and foster the economic, energy, and mineral resources security of the United States. The petroleum and mining engineering programs and the applied geology and geophysics programs at State chartered schools, universities, and institutions that produce human capital are national assets and should be assisted with Federal funds to ensure their continued health and existence.

"SEC. 3. MAINTAINING AND RESTORING HISTORIC AND EXISTING PETROLEUM AND MINING ENGINEERING EDUCATION PROGRAMS.

"(a) The Secretary of the Interior (in this Act referred to as the 'Secretary') shall provide funds to historic and existing State-chartered recognized petroleum or mining schools to assist such schools, universities, and institutions in maintaining programs in petroleum, mining, and mineral engineering education and research. All funds shall be directed only to these programs and shall be subject to the conditions of this section. Such funds shall not be less than 25 percent of the annual outlay of funds authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006.

"(b) In this Act the term 'historic and existing State-chartered recognized petroleum or mining school' means a school, university, or educational institution with the presence of an engineering program meeting the specific program criteria, established by the member societies of ABET, Inc., for petroleum, mining, or mineral engineering and that is accredited on the date of enactment of the Deep Ocean Energy Resources Act of 2006 by ABET, Inc.

"(c) It shall be the duty of each school, university, or institution receiving funds under this section to provide for and enhance the training of undergraduate and graduate petroleum, mining, and mineral engineers through research, investigations, demonstrations, and experiments. All such work shall be carried out in a manner that will enhance undergraduate education.

"(d) Each school, university, or institution receiving funds under this Act shall maintain the program for which the funds are provided for 10 years after the date of the first receipt of such funds and take steps described in its application for funding to increase the number of undergraduate students enrolled in and completing the programs of study in petroleum, mining, and mineral engineering.

"(e) The research, investigation, demonstration, experiment, and training authorized by this section may include development and production of conventional and non-conventional fuel resources, the production of metallic and non-metallic mineral resources including industrial mineral resources, and the production of stone, sand, and gravel. In all cases the work carried out with funds made available under this Act shall include a significant opportunity for participation by undergraduate students.

"(f) Research funded by this Act related to energy and mineral resource development and production may include—

"(1) studies of petroleum, mining, and mineral extraction and immediately related beneficiation technology;

"(2) mineral economics, reclamation technology, and practices for active operations;

"(3) the development of re-mining systems and technologies to facilitate reclamation that fosters the ultimate recovery of resources at abandoned petroleum, mining, and aggregate production sites; and

"(4) research on ways to extract petroleum and mineral resources that reduce the environmental impact of those activities.

"(g) Grants for basic science and engineering studies and research shall not require additional participation by funding partners. Grants for studies to demonstrate the proof of concept for science and engineering or the demonstration of feasibility and implementation shall include participation by industry and may include funding from other Federal agencies.

"(h)(1) No funds made available under this section shall be applied to the acquisition by purchase or lease of any land or interests therein, or the rental, purchase, construction, preservation, or repair of any building.

"(2) Funding made available under this section may be used with the express approval of the Secretary for proposals that will provide for maintaining or upgrading of existing laboratories and laboratory equipment. Funding for such maintenance shall not be used for university overhead expenses.

"(3) Funding made available under this Act may be used for maintaining and upgrading mines and oil and gas drilling rigs owned by a school, university, or institution described in this section that are used for undergraduate and graduate training and worker safety training. All requests for funding such mines and oil and gas drilling rigs must demonstrate that they have been owned by the school, university, or institution for 5 years prior to the date of enactment of the Deep Ocean Energy Resources Act of 2006 and have been actively used for instructional or training purposes during that time.

"(4) Any funding made available under this section for research, investigation, demonstration, experiment, or training shall not be used for university overhead charges in excess of 10 percent of the amount authorized by the Secretary.

"SEC. 4. FORMER AND NEW PETROLEUM AND MINING ENGINEERING PROGRAMS.

"(a) A school, university, or educational institution that formerly met the requirements of section 3(b) immediately before the date of the enactment of the Deep Ocean Energy Resources Act of 2006, or that seeks to establish a new program described in section 3(b), shall be eligible for funding under this Act only if it—

"(1) establishes a petroleum, mining, or mineral engineering program that meets the specific program criteria and is accredited as such by ABET, Inc.;

"(2) agrees to the conditions of subsections (c) through (h) of section 3 and the Secretary determines that the program will strengthen and increase the number of nationally available, well-qualified faculty members in petroleum, mining, and mineral engineering; and

"(3) agrees to maintain the accredited program for 10 years after the date of the first receipt of funds under this Act.

"(b) The Secretary shall seek the advice of the Committee established pursuant to section 11 in determining the criteria used to carry out this section.

"SEC. 5. FUNDING OF CONSORTIA OF HISTORIC AND EXISTING SCHOOLS.

"Where appropriate, the Secretary may make funds available to consortia of schools, universities, or institutions described in sections 3, 4, and 6, including those consortia that include schools, universities, or institutions that are ineligible for funds under this Act if those schools, universities, or institutions, respectively, have skills, programs, or facilities specifically identified as needed by the consortia to meet the necessary expenses for purposes of—

"(1) specific energy and mineral research projects of broad application that could not otherwise be undertaken, including the expenses of planning and coordinating regional petroleum, geothermal, mining, and mineral engineering or beneficiation projects by two or more schools; and

"(2) research into any aspects of petroleum, geothermal, mining, or mineral engineering or beneficiation problems, including but not limited to exploration, that are related to the mission of the Department of the Interior.

"SEC. 6. SUPPORT FOR SCHOOLS WITH ENERGY AND MINERAL RESOURCE PROGRAMS IN PETROLEUM AND MINERAL EXPLORATION GEOLOGY, PETROLEUM GEOPHYSICS, OR MINING GEOPHYSICS.

"(a) Twelve percent of the annual outlay of funds authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006 may be granted to schools, universities, and institutions other than those described in sections 3 and 4.

"(b) The Secretary shall determine the eligibility of a college or university to receive funding under this Act using criteria that include—

"(1) the presence of a substantial program of undergraduate and graduate geoscience instruction and research in one or more of the following specialties: petroleum geology, geothermal geology, mineral exploration geology, economic geology, industrial minerals geology, mining geology, petroleum geophysics, mining geophysics, geological engineering, or geophysical engineering that has a demonstrated history of achievement;

"(2) evidence of institutional commitment for the purposes of this Act that includes a significant opportunity for participation by undergraduate students in research;

"(3) evidence that such school, university, or institution has or can obtain significant industrial cooperation in activities within the scope of this Act;

"(4) agreement by the school, university, or institution to maintain the programs for which the funding is sought for the 10-year period beginning on the date the school, university, or institution first receives such funds; and

"(5) requiring that such funding shall be for the purposes set forth in subsections (c) through (h) of section 3 and subject to the conditions set forth in section 3(h).

"(c) The Secretary shall seek the advice of the Committee established pursuant to section 11 in determining the criteria used to carry out this section.

"SEC. 7. DESIGNATION OF FUNDS FOR SCHOLARSHIPS AND FELLOWSHIPS.

"(a) The Secretary shall utilize 10 percent of the annual outlay of funds authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006 for the purpose of providing merit-based scholarships for undergraduate education, graduate fellowships, and postdoctoral fellowships.

"(b) In order to receive a scholarship or a graduate fellowship, an individual student must be a lawful permanent resident of the United States or a United States citizen and must agree in writing to complete a course of studies and receive a degree in petroleum, mining, or mineral engineering, petroleum geology, geothermal geology, mining and economic geology, petroleum and mining geophysics, or mineral economics.

“(c) The regulations required by section 9 shall require that an individual, in order to retain a scholarship or graduate fellowship, must continue in one of the course of studies listed in subsection (b) of this section, must remain in good academic standing, as determined by the school, institution, or university and must allow for reinstatement of the scholarship or graduate fellowship by the Secretary, upon the recommendation of the school or institution. Such regulations may also provide for recovery of funds from an individual who fails to complete any of the courses of study listed in subsection (b) of this section after notice that such completion is a requirement of receipt funding under this Act.

“(d) To carry out this section, the Secretary shall award grants to schools, universities, and institutions that are eligible to receive funding under section 3, 4 or 6. A school, university, or institution receiving funding under this subsection shall be responsible for enforcing the requirements of this section for scholarship or fellowship students and shall return to the Secretary any funds recovered from an individual under subsection (c). An institution seeking funds under this subsection shall describe, in its application to the Secretary for funding, the number of students that would be awarded scholarships or fellowships if the application is approved, how such students would be selected, and how the provisions of this section will be enforced.

“SEC. 8. FUNDING CRITERIA FOR INSTITUTIONS.

“(a) Each application to the Secretary for funds under this Act shall state, among other things, the nature of the project to be undertaken; the period during which it will be pursued; the qualifications of the personnel who will direct and conduct it; the estimated costs; the importance of the project to the Nation, region, or States concerned; its relation to other known research projects theretofore pursued or being pursued; the extent to which the proposed project will maximize the opportunity for the training of undergraduate petroleum, mining, and mineral engineers; geologists and geophysicists; and the extent of participation by nongovernmental sources in the project.

“(b) No funds shall be made available under this Act except for an application approved by the Secretary. All funds shall be made available upon the basis of merit of the application, the need for the knowledge that it is expected to produce when completed, and the opportunity it provides for the undergraduate training of individuals as petroleum, mining, and mineral engineers, geologists, and geophysicists. The Secretary may use competitive review by nongovernmental experts in relevant fields to determine which applications to approve, to the extent practicable.

“(c) Funds available under this Act shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by the Secretary. Each school, university, or institution that receives funds under this Act shall—

“(1) establish its plan to provide for the training of individuals as petroleum, mining, and mineral engineers, geologists, and geophysicists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields;

“(2) establish policies and procedures that assure that Federal funds made available under this Act for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this Act, and in no case supplant such funds; and

“(3) have an officer appointed by its governing authority who shall receive and account for all funds paid under this Act and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

“(d) If any of the funds received by the authorized receiving officer of a program under this Act are found by the Secretary to have been improperly diminished, lost, or misapplied, such funds shall be recovered by the Secretary.

“(e) Schools, universities, and institutions receiving funds under this Act are authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies, business enterprises and individuals.

“SEC. 9. DUTIES OF SECRETARY.

“(a) The Secretary, acting through the Assistant Secretary for Land and Minerals Management, shall administer this Act and shall prescribe such rules and regulations as may be necessary to carry out its provisions not later than 1 year after the enactment of the Deep Ocean Energy Resources Act of 2006.

“(b)(1) There is established in the Department of the Interior, under the supervision of the Assistant Secretary for Land and Minerals Management, an office to be known as the Office of Petroleum and Mining Schools (hereafter in this Act referred to as the ‘Office’) to administer the provisions of this Act. There shall be a Director of the Office who shall be a member of the Senior Executive Service. The position of the Director shall be allocated from among the existing Senior Executive Service positions at the Department of the Interior and shall be a career reserved position as defined in section 3132(a)(8) of title 5, United States Code.

“(2) The Director is authorized to appoint a Deputy Director and to employ such officers and employees as may be necessary to enable the Office to carry out its functions. Such appointments shall be made from existing positions at the Department of the Interior, and shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service. Such positions shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(3) In carrying out his or her functions, the Director shall assist and advise the Secretary and the Committee pursuant to section 11 of this Act by—

“(A) providing professional and administrative staff support for the Committee including recordkeeping and maintaining minutes of all Committee and subcommittee meetings;

“(B) coordinating the activities of the Committee with Federal agencies and departments, and the schools, universities, and institutions to which funds are provided under this Act;

“(C) maintaining accurate records of funds disbursed for all scholarship and fellowship grants, research grants, and grants for career technical education purposes;

“(D) preparing any regulations required to implement this Act;

“(E) conducting site visits at schools, universities, and institutions receiving funding under this Act; and

“(F) serving as a central repository for reports and clearing house for public information on research funded by this Act.

“(4) The Director or an employee of the Office shall be present at each meeting of the Committee pursuant to section 11 or a subcommittee of such Committee.

“(5) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to section 3324(a) and (b) of title 31, United States Code, and section 5 of title 41, United States Code, in carrying out his or her functions.

“(6) As needed the Director shall ascertain whether the requirements of this Act have been met by schools, universities, institutions, and individuals.

“(c) The Secretary, acting through the Office of Petroleum and Mining Schools, shall furnish such advice and assistance as will best promote the purposes of this Act, shall participate in coordinating research, investigations, demonstrations, and experiments initiated under this Act, shall indicate to schools, universities, and institutions receiving funds under this Act such lines of inquiry that seem most important, and shall encourage and assist in the establishment and maintenance of cooperation between such schools, universities, and institutions, other research organizations, the Department of the Interior, and other Federal agencies.

“(d) The Secretary shall establish procedures—

“(1) to ensure that each employee and contractor of the Office established by this section and each member of the Committee pursuant to section 11 of this Act shall disclose to the Secretary any financial interests in or financial relationships with schools, universities, institutions or individuals receiving funds, scholarships or fellowships under this Act;

“(2) to require any employee, contractor, or member of the Committee with a financial relationship disclosed under paragraph (1) to recuse themselves from—

“(A) any recommendation or decision regarding the awarding of funds, scholarships or fellowships; or

“(B) any review, report, analysis or investigation regarding compliance with the provisions of this Act by a school, university, institution or any individual.

“(e) On or before the first day of July of each year beginning after the date of enactment of this sentence, schools, universities, and institutions receiving funds under this Act shall certify compliance with this Act and upon request of the Director of the office established by this section provide documentation of such compliance.

“(f) An individual granted a scholarship or fellowship with funds provided under this Act shall through their respective school, university, or institution, advise the Director of the office established by this Act of progress towards completion of the course of studies and upon the awarding of the degree within 30 days after the award.

“(g) The regulations required by this section shall include a preference for veterans and service members who have received or will receive either the Afghanistan Campaign Medal or the Iraq Campaign Medal as authorized by Public Law 108–234, and Executive Order 13363.

“SEC. 10. COORDINATION.

“(a) Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the schools, universities, and institutions under whose direction a program is established with funds provided under this Act and the government of the State in which it is located. Nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any school, university, or institution.

“(b) The programs authorized by this Act are intended to enhance the Nation's petroleum, mining, and mineral engineering education programs and to enhance educational programs in petroleum and mining exploration and to increase the number of individuals enrolled in and completing these programs. To achieve this intent, the Secretary and the Committee pursuant to section 11 shall receive the continuing advice and cooperation of all agencies of the Federal Government concerned with the identification, exploration, and development of energy and mineral resources.

“(c) Nothing in this Act is intended to give or shall be construed as giving the Secretary any authority over mining and mineral resources research conducted by any agency of the Federal Government, or as repealing or diminishing existing authorities or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with regard to mining and mineral resources.

“(d) The schools, universities, and institutions receiving funding under this Act shall make detailed reports to the Office of Petroleum and Mining Schools on projects completed, in progress, or planned with funds provided under this Act. All such reports shall be available to the public on not less than an annual basis through the Office of Petroleum and Mining Schools. All uses, products, processes, and other developments resulting from any research, demonstration, or experiment funded in whole or in part under this Act shall be made available promptly to the general public, subject to exception or limitation, if any, as the Secretary may find necessary in the interest of national security, and subject to the applicable Federal law governing patents.

“SEC. 11. COMMITTEE ON PETROLEUM, MINING, AND MINERAL ENGINEERING AND ENERGY AND MINERAL RESOURCE EDUCATION.

“(a) The Secretary shall appoint a Committee on Petroleum, Mining, and Mineral Engineering and Energy and Mineral Resource Education composed of—

“(1) the Assistant Secretary of the Interior responsible for land and minerals management and not more than 16 other persons who are knowledgeable in the fields of mining and mineral resources research, including 2 university administrators one of whom shall be from historic and existing petroleum and mining schools; a community, technical, or tribal college administrator; a career technical education educator; 6 representatives equally distributed from the petroleum, mining, and aggregate industries; a working miner; a working oilfield worker; a representative of the Interstate Oil and Gas Compact Commission; a representative from the Interstate Mining Compact Commission; a representative from the Western Governors Association; a representative of the State geologists, and a representative of a State mining and reclamation agency. In making these 16 appointments, the Secretary shall consult with interested groups.

“(2) The Assistant Secretary for Land and Minerals Management, in the capacity of the Chairman of the Committee, may have present during meetings of the Committee representatives of Federal agencies with responsibility for energy and minerals resources management, energy and mineral resource investigations, energy and mineral commodity information, international trade in energy and mineral commodities, mining safety regulation and mine safety research, and research into the development, production, and utilization of energy and mineral commodities. These representatives shall serve as technical advisors to the committee and shall have no voting responsibilities.

“(b) The Committee shall consult with, and make recommendations to, the Secretary on policy matters relating to carrying out this Act. The Secretary shall consult with and carefully consider recommendations of the Committee in such matters.

“(c) Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing Committee business, paid at a rate fixed by the Secretary but not in excess of the daily equivalent of the maximum rate of pay for level IV of the Executive Schedule under section 5136 of title 5, United States Code, and shall be fully reimbursed for travel, subsistence, and related expenses.

“(d) The Committee shall be chaired by the Assistant Secretary of the Interior responsible for land and minerals management. There shall also be elected a Vice Chairman by the Committee from among the members referred to in this section. The Vice Chairman shall perform such duties as are determined to be appropriate by the committee, except that the Chairman of the Committee must personally preside at all meetings of the full Committee. The Committee may organize itself into such subcommittees as the Committee may deem appropriate.

“(e) Following completion of the report required by section 385 of the Energy Policy Act of 2005, the Committee shall consider the recommendations of the report, ongoing efforts in the schools, universities, and institutions receiving funding under this Act, the Federal and State Governments, and the private sector, and shall formulate and recommend to the Secretary a national plan for a program utilizing the fiscal resources provided under this Act. The Committee shall submit such plan to the Secretary for approval. Upon approval, the plan shall guide the Secretary and the Committee in their actions under this Act.

“(f) Section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Committee.

“SEC. 12. CAREER TECHNICAL EDUCATION.

“(a) Up to 25 percent of the annual outlay of funds authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006 may be granted to schools or institutions including, but not limited to, colleges, universities, community colleges, tribal colleges and universities, technical institutes, secondary schools, other than those described in sections 3, 4, 5, and 6, and jointly sponsored apprenticeship and training programs that are authorized by Federal law.

“(b) The Secretary shall determine the eligibility of a school or institution to receive funding under this section using criteria that include—

“(1) the presence of a State-approved program in mining engineering technology, petroleum engineering technology, industrial engineering technology, or industrial technology that—

“(A) is focused on technology and its use in energy and mineral production and related maintenance, operational safety, or energy infrastructure protection and security;

“(B) prepares students for advanced or supervisory roles in the mining industry or the petroleum industry; and

“(C) grants either an associate's degree or a baccalaureate degree in one of the subjects listed in subparagraph (A);

“(2) the presence of a program, including a secondary school vocational education program or career academy, that provides training for individuals entering the petroleum, coal mining, or mineral mining industries; or

“(3) the presence of a State-approved program of career technical education at a secondary school, offered cooperatively with a community college in one of the industrial sectors of—

“(A) agriculture, forestry, or fisheries;

“(B) utilities;

“(C) construction;

“(D) manufacturing; and

“(E) transportation and warehousing.

“(c) Schools or institutions receiving funds under this section must show evidence of an institutional commitment for the purposes of career technical education and provide evidence that the school or institution has received or will receive industry cooperation in the form of equipment, employee time, or donations of funds to support the activities that are within the scope of this section.

“(d) Schools or institutions receiving funds under this section must agree to maintain the programs for which the funding is sought for a period of 10 years beginning on the date the school or institution receives such funds, unless the Secretary finds that a shorter period of time is appropriate for the local labor market or is required by State authorities.

“(e) Schools or institutions receiving funds under this section may combine these funds with State funds, and other Federal funds where allowed by law, to carry out programs described in this section, however the use of the funds received under this section must be reported to the Secretary not less than annually.

“(f) The Secretary shall seek the advice of the Committee established pursuant to section 11 in determining the criteria used to carry out this section.

“SEC. 13. DEPARTMENT OF THE INTERIOR WORKFORCE ENHANCEMENT.

“(a) PHYSICAL SCIENCE, ENGINEERING AND TECHNOLOGY SCHOLARSHIP PROGRAM.—

“(1) From the amount of funds available to carry out this section, the Secretary shall use 30 percent of that amount to provide financial assistance for education in physical sciences, engineering, and engineering or industrial technology and disciplines that, as determined by the Secretary, are critical to the functions of the Department of the Interior and are needed in the Department of the Interior workforce.

“(2) The Secretary of the Interior may award a scholarship in accordance with this section to a person who—

“(A) is a citizen of the United States;

“(B) is pursuing an undergraduate or advanced degree in a critical skill or discipline described in paragraph (1) at an institution of higher education; and

"(C) enters into a service agreement with the Secretary of the Interior as described in subsection (e).

"(3) The amount of the financial assistance provided under a scholarship awarded to a person under this subsection shall be the amount determined by the Secretary of the Interior as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

"(b) Scholarship Program for Students Attending Minority Serving Higher Education Institutions.—

"(1) From the amount of funds available to carry out this section, the Secretary shall use 35 percent of that amount to award scholarships in accordance with this section to persons who—

"(A) are enrolled in a Minority Serving Higher Education Institutions.

"(B) are citizens or nationals of the United States;

"(C) are pursuing an undergraduate or advanced degree in agriculture, engineering, engineering or industrial technology, or physical sciences, or other discipline that is found by the Secretary to be critical to the functions of the Department of the Interior and are needed in the Department of the Interior workforce; and

"(D) enter into a service agreement with the Secretary of the Interior as described in subsection (e).

"(2) The amount of the financial assistance provided under a scholarship awarded to a person under this subsection shall be the amount determined by the Secretary of the Interior as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

"(c) Education Partnerships With Minority Serving Higher Education Institutions.—

"(1) The Secretary shall require the director of each Bureau and Office, to foster the participation of Minority Serving Higher Education Institutions in any regulatory activity, land management activity, science activity, engineering or industrial technology activity, or engineering activity carried out by the Department of the Interior.

"(2) From the amount of funds available to carry out this section, the Secretary shall use 35 percent of that amount to support activities at Minority Serving Higher Education Institutions by—

"(A) funding faculty and students in these institutions in collaborative research projects that are directly related to the Departmental or Bureau missions;

"(B) allowing equipment transfer to Minority Serving Higher Education Institutions as a part of a collaborative research program directly related to a Departmental or Bureau mission;

"(C) allowing faculty and students at these Minority Serving Higher Education Institutions to participate Departmental and Bureau training activities;

"(D) funding paid internships in Departmental and Bureau facilities for students at Minority Serving Higher Education Institutions;

"(E) assigning Departmental and Bureau personnel to positions located at Minority Serving Higher Educational Institutions to serve as mentors to students interested in a science, technology or engineering disciplines related to the mission of the Department or the Bureaus.

"(d) Service Agreement for Recipients of Assistance.—

"(1) To receive financial assistance under subsection (a) or (b) of this section—

"(A) in the case of an employee of the Department of the Interior, the employee shall enter into a written agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

"(B) in the case of a person not an employee of the Department of the Interior, the person shall enter into a written agreement to accept and continue employment in the Department of the Interior for the period of obligated service determined under paragraph (2).

"(2) For the purposes of this section, the period of obligated service for a recipient of a scholarship under this section shall be the period determined by the Secretary of the Interior as being appropriate to obtain adequate service in exchange for the financial assistance provided under the scholarship. In no event may the period of service required of a recipient be less than the total period of pursuit of a degree that is covered by the scholarship. The period of obligated service is in addition to any other period for which the recipient is obligated to serve in the civil service of the United States.

"(3) An agreement entered into under this subsection by a person pursuing an academic degree shall include any terms and conditions that the Secretary of the Interior determines necessary to protect the interests of the United States or otherwise appropriate for carrying out this section.

"(e) Refund for Period of Unserved Obligated Service.—

"(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (d) shall refund to the United States an amount determined by the Secretary of the Interior as being appropriate to obtain adequate service in exchange for financial assistance.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary of the Interior may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

"(f) Relationship to Other Programs.—The Secretary of the Interior shall coordinate the provision of financial assistance under the authority of this section with the provision of financial assistance under the authorities provided in this Act in order to maximize the benefits derived by the Department of Interior from the exercise of all such authorities.

"(g) Report.—Not later than September 1 of each year, the Secretary of the Interior shall submit to the Congress a report on the status of the assistance program carried out under this section. The report shall describe the programs within the Department designed to recruit and retain a workforce on a short-term basis and on a long-term basis.

"(h) Definitions.—As used in this section:

"(1) The term 'Minority Serving Higher Education Institutions' means a Hispanic-serving institution, historically Black college or university, Alaska Native-serving institution, tribal college or university, or insular area school.

"(2) The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(3) The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(4) The term 'tribal college or university' has the meaning given the term 'Tribal College or University' in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c).

"(5) The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(6) The term 'Alaska Native-serving institution' has the meaning given the term in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

"(7) The term 'insular area school' means an academic institution or university in American Samoa, Guam, The Northern Mariana Islands, Puerto Rico, and the Virgin Islands, or any other territory or possession of the United States.

"(i) Funding.—To implement this section, the Secretary shall use 3 percent of the annual outlay authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006."

(b) Funding for Energy Research.—

(1) Using 20 percent of the funds authorized by subsection (d), the Secretary of Energy, through the energy supply research and development programs of the Department of Energy, and in consultation with the Office of Science of the Department of Energy, shall carry out a program to award grants to institutions of higher education on the basis of competitive, merit-based review, for the purpose of conducting research on advanced energy technologies with the potential to transform the energy systems of the United States so as to—

(A) reduce dependence on foreign energy supplies;

(B) reduce or eliminate emissions of greenhouse gases;

(C) reduce negative environmental effects associated with energy production, storage, and use; and

(D) enhance the competitiveness of United States energy technology exports.

(2) Awards made under this subsection may include funding for—

(A) energy efficiency;

(B) renewable energy, including solar, wind, and biofuels; and

(C) nuclear, hydrogen, and any other energy research that could accomplish the purpose set forth in paragraph (1).

(3) The Secretary of Energy may require or authorize grantees under this subsection to partner with industry, but only to the extent that such a requirement does not prevent long-range, potentially pathbreaking research from being funded under this subsection.

(4) An institution of higher education seeking funding under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary of Energy may require.

(5) In this subsection, the term "institution of higher education" has the meaning

given that term in section 101(a) of the Higher Education Act of 1965.

(c) Funding for Energy Scholarships.—

(1) Using 5 percent of the funds authorized by subsection (d), the Secretary of Energy, through the energy supply research and development programs of the Department of Energy, and in consultation with the Office of Science of the Department of Energy, shall carry out a program to award grants to institutions of higher education on the basis of competitive, merit-based review, to grant graduate traineeships to Ph.D. students who are citizens of the United States who will carry out research on advanced energy technologies to accomplish the purpose set forth in subsection (c)(1).

(2) Awards made under this subsection may include funding for—

(A) energy efficiency;

(B) renewable energy, including solar, wind, and biofuels; and

(C) nuclear, hydrogen, and any other energy research that would accomplish the purpose set forth in subsection (c)(1) that is not eligible for funding under section 7 of the Energy and Mineral Schools Reinvestment Act.

(3) An institution of higher education seeking funding under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary of Energy may require.

(4) In this subsection, the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2007 through 2017.

Page 95, line 3, before the semicolon insert the following: ", with particular consideration awarded to establishing programs at minority serving institutions".

Page 96, line 18, before the period insert the following: ", with particular consideration awarded to minority serving institutions".

Page 123, beginning at line 22, strike "The purpose" and all that follows through "funding for" at line 23 and insert "The purpose of this section is to provide for".

Page 124, line 6, strike the semicolon and insert a period.

Page 124, strike line 7 and all that follows through page 129, line 9, and insert the following:

(c) State Defined.—In this section the term "State" means the agency of a State designated by its Governor or State law to perform the functions and activities described in subsection (b).

Page 129, line 10, strike "(e)" and insert "(c)".

Page 131, strike lines 14 through 18 and insert the following:

(4) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection for each of fiscal years 2007 through 2011 not less than $35,000,000. Each pilot project

Page 131, line 21, strike "(f)" and insert "(d)".

Page 134, strike line 15 and all that follows through "fiscal year." at line 18 and insert the following:

(5) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection for each of fiscal years 2007 through 2011 not less than $5,000,000. Each pilot project

Page 135, line 12, strike "(g)" and insert "(e)".

Page 137, strike lines 9 through 11 and insert the following:

(5) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection—

(A) $65,000,000 for fiscal year 2007; and

(B) $37,500,000 for each of fiscal years 2008 through 2013.

Page 137, line 12, strike "(h)" and insert "(f)".

Page 137, strike line 21 and 22 and insert the following:

(3) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection funds for

Page 138, line 4, strike "517" and insert "507".

Page 138, line 9, strike "(b)(1)" and insert "(b)(13) or (b)(14)".

Page 147 , line 14, strike section 30 and insert the following:

SEC. 30. AVAILABILITY OF OCS RECEIPTS TO PROVIDE PAYMENTS UNDER SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended by inserting after subsection (i), as added by section 7 of this Act, the following new subsection:

"(j) Conditional Availability of Funds for Payments Under Secure Rural Schools and Community Self-Determination Act of 2000.—

"(1) Availability of funds.—Subject to paragraph (2), but notwithstanding any other provision of this section, $50,000,000 of OCS Receipts shall be available to the Secretary of the Treasury for each of fiscal years 2007 through 2012 to make payments under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note). The Secretary of the Treasury shall use the funds made available by this subsection to make such payments in lieu of using funds in the Treasury not otherwise appropriated, as otherwise authorized by sections 102(b)(3) and 103(b)(2) of such Act.

"(2) Condition on availability.—OCS Receipts shall be available under paragraph (1) for a fiscal year only if—

"(A) title I of the Secure Rural Schools and Community Self-Determination Act of 2000 has been reauthorized through at least that fiscal year; and

"(B) the authority to initiate projects under titles II and III of such Act has been extended through at least that fiscal year.".

Add at the end the following:

SEC. 31. SENSE OF THE CONGRESS TO BUY AND BUILD AMERICAN.

(a) Buy and Build American.—It is the intention of the Congress that this Act, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America's workforce to assist in the development of affordable energy from the Outer Continental Shelf. Moreover, the Congress intends to monitor the deployment of personnel and material in the Outer Continental Shelf to encourage the development of American technology and manufacturing to enable United States workers to benefit from this Act by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.

(b) Safeguard for Extraordinary Ability.—Section 30(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)) is amended in the matter preceding paragraph (1) by striking "regulations which" and inserting "regulations that shall be supplemental and complimentary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 4(a)(1) of this Act, except insofar as such laws would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that".

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I have a modification at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. Pombo:

Page 1, line 1, strike "1996" and insert "1995".

Page 21, line 24, before the semicolon, insert the following: ", with particular consideration awarded to establishing programs and minority serving institutions".

Page 23, line 18, before the period, insert the following: ", with particular consideration awarded to minority serving institutions".

Page 52, strike the instruction relating to page 95.

Page 53, strike the instruction relating to page 96.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 897, the gentleman from California (Mr. Pombo) and the gentleman from West Virginia (Mr. Rahall) each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. POMBO. Mr. Chairman, I would like to yield 1 minute to the gentleman from Florida (Mr. Young).

Mr. YOUNG of Florida. Mr. Chairman, with adoption of the manager's amendment, this bill is going to give Floridians protection for their coast that we haven't ever had before. And I think it is important to note that some of our colleagues from Florida have misrepresented exactly what this bill is going to do.

We have fought since 1983 to maintain a moratorium off Florida's Gulf Coast against drilling of any kind. This manager's amendment, and this bill, will guarantee that off of Florida's west coast, a district that I represent, Mr. Bilirakis represents, others represent, there will be a protection zone of 235, get this, 235 miles because in the manager's amendment the so-called military mission line is put into statute. It is made permanent and anything east of that line in the Gulf of Mexico there will be no drilling. So Florida's west coast is protected far and above where we had originally requested, 235 miles. That is a lot of protection. And this manager's amendment makes this bill good for Florida.

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Mr. RAHALL. Mr. Chairman, has the chairman explained the amendment yet?

Mr. POMBO. If the gentleman will yield, I am yielding time on my time. You can yield time on yours.

Mr. RAHALL. Mr. Chairman, as I understand, if I am on the right amendment, the pending amendment drops some provisions of the underlying legislation such as new royalty relief, which should never have been part of the bill to begin with.

On balance, however, the amendment consists of budget gimmickry designed to hide the true costs to the Treasury of the bill and to pacify CBO by pushing the spending beyond the 10-year scoring window. Under the manager's amendment, State revenue sharing will cost the Federal Treasury $18 billion in the first 10 years under the CBO analysis.

According to the MMS, Minerals Management Service, which administers the offshore OCS oil and gas leasing program, this legislation's provisions for diverting Federal revenues to States will cost $74 billion over the first 15 years and a staggering $600 billion over six decades. So under the manager's amendment, the new gimmickry, as I understand it, the Federal spending is largely deferred until 10 years and then the costs escalate rapidly and continue permanently. So that is the basis for my opposition.

It is a new, permanent entitlement program with 80 percent of the diverted Federal revenue goes only to four States, as we have heard in previous debate, those States being Louisiana, Texas, Alabama, and Mississippi. This is revenue that is generated from the development of oil and gas resources owned by all the American people. All of our names are on the deed. And it currently goes to the Federal Treasury and is allocated by Congress for many, many national priorities that are getting slashed these days.

And despite assertions to the contrary, this is not new revenue to be generated by this bill, but rather it is existing revenue that is generated under current laws allowing for the development of oil and gas on Federal OCS lands, primarily in the Gulf of Mexico. The publicly-owned OCS resources are far beyond the State boundaries, and to grant the adjacent Gulf States a permanent entitlement to those revenues is to the detriment and at the cost of all the other States.

Mr. Chairman, I reserve the balance of my time in opposition to the manager's amendment.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, this is about natural gas. Natural gas not for Texas or Louisiana but natural gas for the entire country, Midwest, Southwest, east coast, for the entire country.

Energy imports now make up one-third of America's trade deficit. Through this bill America could improve the supply/demand imbalance, lower consumer prices, and increase jobs by producing more of its own energy resources.

I want to make sure that we do have an environmentally safe way of finding energy. I also want to expand the opportunities for jobs. And this manager's amendment creates petroleum and mining programs in historically black colleges and Hispanic-serving colleges. In addition, it provides consideration for programs dealing with energy and mineral resource programs to train future geologists so that we can be independent as well as look to alternative fuels. And then I would hope that this legislation, as it moves towards conference, can reinforce our commitment to giving competitive advantage to a certain extent to small minority-owned and women-owned businesses so they have equal access to oil and gas leases.

I hope we can work together as we move this legislation forward.

Mr. Chairman, I appreciate that two of my amendments to H.R. 4761, the Deep Ocean Energy Resources Act of 2006, have been incorporated into the Manager's Amendment. In addition, I have another amendment which I will be introducing on the floor.

First and foremost, I must admit that I do have reservations about certain provisions in this bill and the process with which this bill has arrived on the House floor. I think many of us would agree that the issues central to this bill, the future of energy exploration off of our Pacific, Atlantic, and Gulf coastlines, deserves more time for deliberation and debate. Also, I would have preferred if this bill would have included more careful consideration of the environmental impact offshore drilling would have on our Continental Shelf Activities. However, this bill is about helping the production of clean natural gas cheaply for all of America.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. However, the U.S. is more than 60 percent dependent on foreign sources of energy, twice as dependent today as we were just 30 years ago. Although energy is the lifeblood of America's economic security, this growing and dangerous dependence has resulted in the loss of hundreds of thousands of good American jobs, skyrocketing consumer prices, and vulnerabilities in our national security.

Energy imports now make up one third of America's trade deficit. Through this bill, America could improve the supply-demand imbalance, lower consumer prices, and increase jobs by producing more of its own energy resources. With my district of Houston being the energy capital of the world, I support the efforts that this bill makes to recognize state stakeholders and incorporate their interests in revenue sharing.

According to the U.S. Minerals Management Service (MMS), America's deep seas on the Outer Continental Shelf (OCS) contain 420 trillion cubic feet of natural gas (the U.S. consumes 23 TCF per year) and 86 billion barrels of oil (the U.S. imports 4.5 billion per year). Even with all these energy resources, the U.S. sends more than $300 billion (and countless American jobs) overseas every year for energy we can create at home.

In some cases, the U.S. is facing much-higher energy prices than other countries. Natural gas, for example, is as much at ten times more expensive in the United States than it is in foreign nations. This fact alone has led to the loss of hundreds of thousands of high-paying American jobs, as natural gas-dependent factories are forced to close their doors and move overseas in search of more affordable energy. The outsourcing of American jobs is an issue of central importance to me and my constituents, and I believe this bill is a step in the right direction of bringing jobs back to hard-working Americans.

Yet the present issue I would like to speak on addresses the fact that contracts and leases, as considered in this bill, engage fierce competition from national and multinational corporations, in addition to domestic businesses. The share of businesses owned by minorities rose from 6.8 percent of all U.S. businesses in 1982 to 15.1 percent in 1997, yet this is far below representative of the proportion of the minority population today.

Historically, minority and women-owned businesses have been disadvantaged in seeking and winning these contracts. According to a survey by the Small Business Administration, minority-owned employer establishments had lower survival rates than non-minority-owned employer establishments between 1997 and 2002.

During 1997–2001, the business expansion rates of three minority business groups were higher than that for non-minority-owned businesses. While 27.4 percent of non-minority owned establishments expanded during this period, 34.0 percent of Hispanic-owned employer establishments expanded, as did 32.1 percent of Asian and Pacific Islander owned establishments, and 27.8 percent of American Indian/Alaska Native-owned establishments.

There may be inherent disadvantages for these businesses, but it is clear their potential is tremendous. This amendment ensures that these businesses have the ability to compete fairly for these lucrative opportunities.

I am very proud that my district, Harris County and Houston ranks sixth and Texas ranked fifth in the country for the largest number of African-American owned firms, following New York, California, Florida, and Georgia. Minority and women-owned businesses across the country will appreciate the effort to preserve their opportunity to compete for these contracts.

I encourage the esteemed members of the committee to remember that there are a great many barriers to minority and women business professionals, and provisions such as these preserve equal access and open opportunities.

In addition, we must continue to safeguard equal opportunities in fields of study and professions that have far too low of a minority ratio.

According to the National Center for Educational Statistics, Americans who are African-American, Hispanic, and Native American make up only 9.7 percent of the science and engineering workforce, compared to 16.8 percent of the entire U.S. labor force.

The National Science Foundation contends that although the proportions of women, Blacks, and Hispanics in science and engineering occupations have continued to grow over time, there are still fewer numbers in science than their proportions of the population. In addition, the representation of African-Americans in science and engineering occupations increased from 2.6 percent in 1980 to 6.9 percent in 2000. The representation of Hispanics increased from 2.0 percent to 3.2 percent. However, for Hispanics, this is proportionally less than their increase in the population.

With these provisions, the door should be opened a few more inches. We want America's youth to find their way to engineering and the sciences.

I encourage the esteemed members of the committee to remember that there are a great many barriers to minorities and women pursuing degrees in the sciences and in advancing their small businesses. Accordingly, my amendments which have been incorporated into the Manager's Amendment and my amendment regarding minority serving institutions which I will introduce on the floor provide provisions which preserve fundamental American values of equal access and opportunities.

I urge my colleagues to support this amendment and final passage.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding me this time.

I find myself in the uncomfortable position of supporting legislation that my ranking member on the Resources Committee opposes, because I have all the respect and admiration for his knowledge of energy issues in this country.

And I am the first to admit, standing here today, that we do need a new energy policy for a new century, one that transitions off our dependence on the imports of foreign oil, on fossil fuel consumption generally, with major investments in alternative and renewable energy sources, biofuels, hybrid technology; the energy source of the future, which is hydrogen power.

But I also admit that this is not going to happen overnight. And the reality of the situation as it exists in the upper Midwest today is that we have well over 500 coal-burning electrical power plants today, 58 in Wisconsin, with many more in line of production. And the main reason they are moving to more coal burning in the upper Midwest is because of the spike of natural gas prices in this country. No one can convince me that that is good and healthy for our environment. No one can convince me that that is the best route to take in our battle against global warming in this country.

This, I believe, is commonsense legislation that brings the Gulf States into the decision-making as far as production off their coasts. I believe it will lead to a greater enhancement in production of natural gas capability in this country. It will enable us to buy some additional time in order to put together a long-ranging, forward-looking energy policy that makes sense for our consumers, makes sense for our economy, and perhaps more importantly, makes sense for our battle against global warming that we face on this planet.

I encourage my colleagues to support the legislation.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume, continuing to claim my time in opposition.

I understand that the administration has just come out with their position on this legislation; and, as I understand it, much to everybody's surprise, it is in opposition. It is in opposition on budget grounds, as I understand the statement that has just come out from the administration, as well as their opposition to the revenue-sharing proposals that are contained inherent in this current legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I have been saying both in debate and on the floor and talking to people that we want to reach out to those who say they are in opposition. But it is difficult to reach out when you have to listen to the kinds of things that are being said here about revenues and all the rest of it.

Let us get something straight here. One hundred percent of nothing is nothing. There are no revenues coming in. All of these figures that are being bandied about as if we are losing something, we are not losing anything except energy independence in this country.

Now we have reached out to everybody that we wanted to speak to and who has wanted to be honest with us about what we are talking about here today.

We are losing jobs by the thousands. Why do you think that American labor is on our side in this? We are losing our petrochemical industries. We are losing our manufacturing base. We are losing our ability to farm, while rich, elite people in this country that support some of these environmental Taliban organizations are out there with the propaganda that is trying to say that some of us that are trying to get to energy independence are the ones that are causing the difficulty.

Well, let me tell you something. We are not going to back off on this, and we are not going to listen to lies about revenue and distortions about revenue. We are going to bring revenue into this country and bring energy independence into this country. We are not backing down, and we are not backing off.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

So the Bush administration has now checked in, and the Bush administration is saying they are very unhappy about $600 billion being taken from the Federal Government and given to four States. They are unhappy with this rip-off of the Federal taxpayers of 46 States. This transfer of $600 billion, down here. Yes, drill down here. Yes, drill tomorrow. Yes, at $70 a barrel, drill, drill, drill. That is 80 percent. But do not ship $600 billion from the red States, the 46 States, down to only four States.

That is what the Bush administration just said to you all. It will force him to cut the budget in Iraq. It will force him to cut Medicare. Even this administration does not want this additional $600 billion loss.

The Acting CHAIRMAN. The gentleman from California has 30 seconds remaining, and the gentleman from West Virginia has the right to close.

Mr. POMBO. Mr. Chairman, I yield myself the balance of my time.

I say that, regardless of how I describe the amendment, it really does not matter, because they make it up as they go along. And in terms of the message from the President, it actually says: "The administration supports House passage of H.R. 4761 to advance the legislative process." They did not come out and oppose it.

The underlying manager's amendment was an agreement that we worked out with so many different people in order to take care of issues that they had.

I urge support of the manager's amendment.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

That hardly sounds like a ringing endorsement of the legislation. When the administration says they want to move the process forward, I hardly think that means that they will sign the current bill as written into law. And I have the administration's language here in front of me.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. Yes, I will yield. Did they say that it was signed into law?

Mr. POMBO. Did they say that they opposed it?

Mr. RAHALL. Well, it is hardly a ringing endorsement. I have been here 30 years, and I have seen administrations endorse legislation or I have seen where they wanted to move along the process.

Reclaiming my time, the way I read it, although I don't have my glasses, it is to move this process forward.

"The administration strongly opposes revenue sharing . . . " I am reading now. My eyes just focused.

"The administration strongly opposes revenue-sharing provisions that do not incentivize production and that would reduce Federal receipts relative to current law and have a long-term impact on the Federal deficit. The administration's preliminary estimate is that the revenue-sharing provisions of H.R. 4761 would reduce Federal receipts by several hundred billion dollars over 60 years."

Is that a ringing endorsement? Is that support of the legislation? Read the English language.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. POMBO), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. INSLEE

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–540.

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. INSLEE:

In section 26(h)(3) (page 137, line 24), strike "$6,000,000" and insert "$20,000,000".

The Acting CHAIRMAN. Pursuant to House Resolution 897, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment that will increase the amount of authorization for clean, renewable ocean energy projects from the current $6 million to $20 million.

We have enormous potential off of our shores not only for oil and gas but for clean, renewable sources, including wave power-generated electricity and current-generated electricity, and there are several places in the United States where we are doing that today. In fact, in Hawaii, we have a wave power system that is generating electricity for the United States Navy, a very ingenious product that is essentially an ocean bell that bobs up and down just underneath the surface of the ocean, drives a hydraulic system, and generates electricity.

Just to give you an order of magnitude of the capacity that we may have to develop off our shores, a 10 megawatt power station would only use 30 acres of ocean space. That is enough for 10,000 homes. A 10 by 10 area off our oceans has enough capacity, and this is pretty amazing when you think about it, to generate all of the electricity used in the State of California. Now, these are prototypes in the water today, but we think they have great, great potential. So we would like a modest increase to allow this technology to go forward.

It is a very modest increase, of course, and here is something we can do with our oceans that is clean and renewable. And we have heard the science coming out on global warming, the importance of not just relying on fossil fuel in our energy plan.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment to devote more resources to extracting energy from the ocean. We should be doing everything we can to develop all sustainable environmentally benign sources. Ocean sources, whether you are talking about thermal gradients, tidal power, wave power, have a lot, a lot of energy and in many cases they can be extracted in an environmentally benign way.

My colleague from Washington spoke about a kind of technology, for example, Ocean Power Technologies Company located in New Jersey has an installation in Hawaii that extracts energy from the waves and converts that to electricity. The buoys are located well offshore. They are invisible to residents from the coast line. There are, of course, still questions to be resolved, still technologies to be developed; but the basic technology to harness the ocean's power already exists. What the gentleman from Washington is proposing makes great sense.

The Acting CHAIRMAN. Does the gentleman from California claim the time in opposition?

Mr. POMBO. Yes, Mr. Chairman.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

While I do support clean renewable energy, obviously we all have questions about this particular technology. We just heard an impassioned plea on the part of Mr. RAHALL about the costs; and to go in and increase the cost does concern me, but I know this is something that Mr. INSLEE has researched. He cares a great deal about it, and I tend to accept his explanation even though I do have some concerns.

Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, in my enthusiasm for the manager's amendment, I transposed a number. I said the military mission line would protect 325 miles. It is actually 235 miles, which is still a good deal for Florida; but I just wanted to correct that I did transpose the number.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I thank the gentleman for yielding me time. I rise in opposition to the amendment and in support of the amended Deep Ocean Energy Resources Act.

In America we continue to gamble our economic future through dependence on foreign sources of energy. The time to stop this is now. The most effective and sure way to secure our energy future is to utilize the fossil fuel resources we have here at home. The underlying bill will allow Virginia to choose exploration off its coast.

Virginia's deep ocean production will help reduce America's dependence on foreign oil and provide a revenue source to fund the cleanup of the Chesapeake Bay. Energy security depends first on a reliable supply through exploration of domestic oil and gas reserves while we encourage the development of alternative sources of energy.

This bill, Mr. Chairman, and I recognize the leadership and the gentleman of California in bringing this bill forward, is a necessary part of ensuring American energy security, and I am proud to support it.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the Chair's acceptance of the amendment. I just wanted to point out I have looked at this, as the Chair believes. I just want to point out in dealing with these new energy technologies, we are going to find some that are dry holes and do not work, but I think it is incumbent on us to look for any technology that has a reasonable chance for success. I think this one does. This is a good investment for taxpayers. I appreciate the Chair accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, prior to Hurricane Katrina, the hottest topic on the Mississippi gulf coast was a proposed ban on drilling 12 miles out, and that has kind of been put on hold. But anywhere from champions of industry who actually own shipyards that repair drilling rigs are in favor of this; an ex-president of Tidewater Marine was in favor of this ban. A lot of people in the oil business wanted a ban for 12 miles off of Mississippi. My question is, how would this affect that? There really is not a synopsis of the bill available yet, and I regret that, and I am sure it is an oversight, but representing the people of south Mississippi, I would like to know how does this affect that.

Mr. POMBO. Reclaiming my time, it does not impact it at all, and your

State would be able to continue doing exactly what they are doing.

Mr. TAYLOR of Mississippi. So if the State wished to have a ban for 12 miles from the shoreline or 12 miles out from the barrier islands, that would be within their jurisdiction under this bill?

Mr. POMBO. Yes, sir. Reclaiming my time, it actually gives the State the first 50 miles that they do not have to do anything, and they could ban anything within that first 50 miles.

Mr. TAYLOR of Mississippi. I thank the gentleman for yielding.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the Inslee amendment which we have accepted and I thank you, but I wanted to ask these two questions: one, the issue of revenue sharing perspectively does not limit itself just to States that names have been called. It does expand to the potential of revenue sharing. And secondly, the commitment that we would have to give advantage or give an opportunity for small, medium, women-owned, and minority-owned businesses in the granting of leases as we move toward conference and be able to develop expanded opportunities for jobs.

Mr. POMBO. Reclaiming my time, I will tell the gentlewoman that we have talked about her amendment and her effort to expand the opportunities for smaller business, minority-owned and women-owned businesses. I fully support that and will continue to work with her to ensure that the revenue that is increased and the jobs that are increased because of this bill, we will give as much as we possibly can to small business and minority- and women-owned businesses because I support that goal.

In terms of revenue sharing, contrary to some of the rhetoric you have heard here today, every single State that has any kind of development off its shores will share in the revenue. It is not just limited to the four States. Although those four States would probably like that, it is not just limited to the four States. It is open to every single coastal State.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. Inslee).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–540.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. Tom Davis of Virginia:

Add at the end the following new section:

SEC. . AVAILABILITY OF OCS RECEIPTS TO PROVIDE FUNDS FOR TRANSPORTATION INFRASTRUCTURE OF THE NATION'S CAPITAL.

Section 9 of the Outer Continental Shelf Lands Act (43. U.S.C. 1338) is further amended by adding at the end the following new subsection:

"(k) Availability of Funds for Improvements to the Transportation Infrastructure of the Nation's Capital.—Notwithstanding any other provision of this section, $150,000,000 of OCS Receipts shall be available to the Secretary of the Treasury for each of fiscal years 2007 through 2016 to make payments, subject to appropriations, to the Washington Metropolitan Area Transit Authority (as defined in the National Capital Transportation Act of 1969) (sec. 9—1111.01 et seq., D.C. Official Code) to finance in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Washington Metropolitan Area Transit Authority.

The Acting CHAIRMAN. Pursuant to House Resolution 897, the gentleman from Virginia (Mr. Tom Davis) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. RAHALL. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend Chairman Pombo for bringing H.R. 4761, the Deep Ocean Energy Resources Act of 2006, to the floor today. This important legislation would modernize a key aspect of our Nation's energy policy by providing for energy production on the Outer Continental Shelf of the United States.

H.R. 4761 would generate a significant amount of new revenue in the form of oil and natural gas royalties for coastal States that allow offshore drilling, as well as the Federal Government. The amendment I am offering today would authorize a portion of the funds generated by the legislation to go to supporting Washington Metropolitan Area Transit Authority. Specifically, the amendment would provide $150 million per year for 10 years to fund capital and preventative maintenance projects for Metro, without which Metro could not function effectively, would have to be matched dollar for dollar from Virginia, Maryland and the District.

Congress has long recognized the unique relationship between Metro and the Federal Government. Three times we have authorized renewed Federal commitments to this system, understanding that it is a vital Federal Government asset.

The government first committed to sharing in this responsibility for Metro in 1960 when President Eisenhower signed the National Capital Transportation Act, creating a National Capital Transportation Agency to develop a regional rail system for the Nation's capital. Since that time, Congress has periodically infused the system with Federal funding to protect its original investment and accommodate ridership growth. The government continues to pay its fair share of the costs of the capital region's transit system.

Unlike other regional transit systems in the country, Metro was designed to make sure Federal workers and contractors as well as tourists have easy access to government offices and work places.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly do not begrudge the gentleman from Virginia or the gentlewoman from the District of Columbia for their efforts to obtain additional funding for the transit system in this region. I have ridden it. It is a very valuable part of our infrastructure not only in our Nation's capital but in this country.

Quite honestly, I do not see any link here between OCS, oil and gas leasing, and funding a particular transit system. I have got some roadways in my State I wish I would have thought to include in this bill as well. But nevertheless, the only specific authorized use of these funds is for the Land and Water Conservation Fund, up to a total of 900 million each and every year. That is important to my State.

There is a linkage here with conservation of our land and water resources being financed with revenues obtained from the development of these resources in this bill. So if there is a linkage but here between OCS and WMATA, I see no linkage.

Second, the Washington Metropolitan Area Transit, as all mature transit systems are, is eligible for funding and it does receive funding through the Mass Transit Account of the Highway Trust Fund. There I am happy to support it as well through my position on the Transportation and Infrastructure Committee. And I know that the authority is not really scratching for dollars these days, so that is why I claimed this time in opposition.

Again, I salute Mr. Davis for his dedication as well as the gentlewoman, Ms. Holmes Norton.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia.

Ms. NORTON. Chairman Davis has gone to wonderful creative trouble to find the funds, funds that were not being obligated to use for other purposes. This may look like a regional matter. It is a matter involving 20 million visitors who come to the District of Columbia and, frankly, have so piled on to the system that they have broken it down. Moreover, the rest of the people who use it during the weekdays are almost always Federal workers. We subsidize those Federal workers in order to get them to use this system. Watch what you wish for. They are now using it.

Now the system in which we have invested so much, we helped build it, we the Federal Government, because we knew visitors and Federal workers were chiefly involved. Because of that we have got to have a dedicated stream of funding or we do not have enough cars and we are not able to protect our investment by keeping the upkeep and that is why it is falling down.

In every respect, Members have more at stake than we do because of Federal workers and because our own constituents use this system. I thank the gentleman.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman very much, and I congratulate the gentleman from Virginia. He is amongst the most astute Members of Congress, and it is clear that there is a big gravy train moving through Congress this afternoon and he is one of the very smartest Members to figure out that he should attach his constituents' agenda to it. And rapid transit is a very important issue. Unfortunately, the majority decided that Mr. BOEHLERT's amendment on fuel economy standards for automobiles was not important today. But I understand what the gentleman from Virginia is doing, and I congratulate him on his acute understanding of what this bill really is.

By the way, when I was a boy, my father was a milkman, and you looked at television to see what you can aspire to be and my favorite show was always "Perry Mason," and I could never really figure out how Perry was going to get his client out of the mess. And then with about 5 minutes left to go in the show, every single week Della Street, his great assistant, would come into the back of the courtroom and say, I have new evidence.

Now, the case would always get solved and Perry would always win. So I have been charged all afternoon with making up numbers, that there will not be, as I say there is, a $600 billion transfer from 46 States down to 4 States. But now we have a Della Street-like letter from the President of the United States to the Republican leadership of the committee. Here is what the President says, "The administration strongly opposes the revenue-sharing provisions that do not incentivize production and that would reduce Federal receipts relative to current law and have a long-term impact on the Federal deficit. The administration's preliminary estimate is that the revenue sharing provisions would reduce Federal receipts by several hundred billion dollars."

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So it turns out that the numbers I was quoting from the Bush administration, from its own Department of Interior, that this would lead to a $600 billion loss of revenues from 46 States going down to four States is now confirmed by President Bush's letter to us this afternoon.

So if you want to vote this way, Members of Congress, you can do it. And by the way, again I say this to Louisiana, Texas, Mississippi, Alabama, delegations: if you win this vote this afternoon, put out a press release. It is the greatest achievement of your career. It will be the greatest achievement you ever, ever have here in the House floor, moving $600 billion in one vote from 46 States to your States, a great victory.

And President Bush today is asking the Members of Congress not to do it. Now, Mr. POMBO will say to you, do not fix it now, we will fix it later. But the President is saying this is a big mess. We oppose it. Clean it up. And still we have a chance to clean it up.

Thank God we got the letter before we voted to create the mess. Now Mr. POMBO is saying, let's create the mess and we will clean it up when it gets to the Senate, which is, I think, an unnaturally great deference to a body that ordinarily does not receive that kind of respect from us.

Why should we wait for them to have the responsibility to deal with what we all now understand to be a complete mess? Again, I congratulate Mr. DAVIS, because if this is going to happen, I give you credit for understanding that getting $150 million for his district makes a lot of sense.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I think Perry Mason would be very proud of Mr. DAVIS on this effort. I understand, you and I have talked about it, it is an important effort. I sympathize and am going to vote with Mr. MARKEY, but I nevertheless think that your effort is certainly some small attempt to reduce, by some little bit, the $600 billion. I thank the gentleman for his efforts.

Mr. TOM DAVIS of Virginia. I would appreciate your vote on the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–540.

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MARKEY:

Strike section 2 (page 2, beginning at line 6) and all that follows through the quoted subsection (r) in section 6(4) (through page 11, line 25), and insert the following:

SEC. 2. ROYALTY SUSPENSION AUTHORITY AND IMPOSITION OF CONSERVATION OF RESOURCES FEES.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following new subsections:

At the end of section 6(3) (page 10, line 13), strike the period after the closed quotation marks and insert "; and".

In section 6(4), strike the quoted subsections (s) and (t) (page 12, beginning at line 1).

At the end of section 6(4) (page 13, line 22) strike the semicolon and insert a period.

Strike section 6(5) (page 13, beginning at line 23) and all that follows through the end of the bill.

The Acting CHAIRMAN. Pursuant to House Resolution 897, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, what my amendment will do is to correct the problem that the President has identified, amongst other things that also need correcting in the bill, while leaving intact a wonderful provision that will ensure that we correct the problem that occurred in the 1990s during the Clinton administration, which allows for oil companies to escape paying the royalties which the American people should be receiving on leases which were given out during that period of time, 1998 and 1999.

I agree with the intent of the language which is in the bill that the majority has crafted. They did a good job on that section, although with the rest of the bill I have a problem. And my amendment will help to correct that problem.

Mr. Chairman, I reserve the balance of my time.

Mr. POMBO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. POMBO. Mr. Chairman, I do appreciate Mr. MARKEY's kind words about at least one provision in the bill.

I do appreciate that he did not want to waste that sign, since he had his staff make up the poster and they put a lot of hard work into that. And even though it is inaccurate and really has very little to do with the bill that we are discussing, I do appreciate his effort to recycle and reuse his information, even though it is inaccurate.

For 30 years, opponents of American energy have cloaked their arguments in an environmental apocalypse. They have tried to make the argument that no matter what we do, it will destroy the environment. I remember 30-plus years ago they started talking about wind energy production.

And in my district we had one of the first windmill farms built anywhere in this country. And it produces today a sizeable amount of electricity: clean, nonpolluting electricity.

Those windmills are up for renewal, to have their permits renewed. And lo and behold, the environmental groups are filing lawsuits against renewing those permits. Because they produce energy. They do not like energy production.

And what this amendment that Mr. MARKEY brings to us does is it takes out all of the energy production. It does leave in the part about trying to fix the mistake that was made during the Clinton administration on royalties, but it takes out all of the energy production.

It is a callous disregard for the jobs, the millions of jobs, that have been lost over the last 30 years of following this kind of policy. It is a callous disregard for the men and women of this country who want a good job, who want the opportunity to feed their family on a family-wage job. It takes it away. It tells them no.

You know, one of the things that I have heard over the years is that, you know, union membership has gone down and tried to explain it away in so many different ways. And I hear people talk about it, and I think, you know, it is not about people not wanting to join the union; it is about that we exported all of their jobs. The people who used to work in the timber industry, their jobs are in Canada or Germany.

The people who used to work in the mining industry, their jobs are now in South America. The people who work in oil and gas, their jobs are in the Middle East or Canada. We have exported their jobs. And if the Markey amendment passes, we not only do not get those jobs back, we are going to send the rest of them. Because we do not like people actually working producing energy. That is what he is telling us.

This amendment went down in committee. It was offered, and it was eloquently debated. But it went down big. And it went down big because the people on the committee who have spent the greatest amount of time working on this issue know how important it is to create jobs in this country, to create clean natural gas in this country, so that it can be the bridge to the future, so that things like Mr. INSLEE's wave machine may end up producing enough electricity so that we do not have to be dependent on foreign oil any more.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I rise in strong support of the Markey amendment that would preserve the longstanding moratorium so important to coastal States. The amendment would also preserve the underlying bill's one redeeming feature, the renegotiating of the cash-cow leases now pouring billions of dollars into already stuffed oil industry coffers.

Mr. Chairman, the bill before us represents what is wrong with the Republican energy strategy. We have something like 3 percent of the world oil reserves, and yet are responsible for 25 percent of the world's demand. A report out yesterday noticed that with only 5 percent of the world's population, the United States has 30 percent of the world's automobiles, and we produce 45 percent of the world's automotive carbon dioxide emissions.

This addiction harms our environment, our economy and our national security. Even oil man George Bush says we are addicted to oil and we must confront our problem. But the Republican strategy is just to drill more. Not too much concerned about energy efficiency or conservation, no real emphasis on alternative renewable energy. This is where we need to go in the 21st century with the many new jobs it would entail in the Midwest and all around the country.

Instead, what we have before us is a bill that attempts to bribe coastal States into drilling off their shores by promising them more money, a lot more money. Even the Bush administration says the bill would drive up the Federal deficit by hundreds of billions of dollars over the next few decades.

The argument that the bill gives States control over their coast is specious at best. Control is mostly given to States that want to drill; those that do not confront numerous hurdles for temporary protection that can simply be overridden by Federal authorities.

Authority over Federal waters off our coast being moved to various State capitals is a bad idea anyway. These are Federal waters. They belong to all of us. The impacts from drilling, effects on fishing or shipping are bigger than the interest of one State. Mr. MARKEY's amendment would restore some sanity to this process. We should adopt it.

Mr. POMBO. Mr. Chairman, I yield to Mr. KIRK for a unanimous consent request.

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding. I would like to compliment the manager's amendment on reducing the fiscal impact of this bill.

Mr. Chairman, I rise in opposition to this legislation—a bill the President has said "would reduce Federal receipts by several hundred billion dollars over the next 60 years." As the Statement of Administration Policy put it, the administration strongly opposed key provisions "because of their long-term consequences on the Federal deficit."

This bill establishes new entitlement programs—mandatory spending mechanisms that already drive up our deficit. It establishes costly oil shale leases and imposes other expensive charges the Federal budget cannot afford.

I am also worried that the bill sets up the oil and gas industry above all other Federal interests. Under section 16, all Federal permitting is prohibited, despite my other marine or naval concerns. Many of these rigs could be put in sensitive waters with national defense implications. Under this bill, the government can consider no other issue—even for the defense of this Nation.

Section 17 allows lessees to request the Federal Government to repurchase leases.

This is an irresponsible provision that allows a transfer of risk from an energy company to the taxpayer. This is ironic because while the Federal Government is in the red, most energy companies are earnings record profits.

Mr. Chairman, we can have an honest debate about whether we should open the Outer Continental Shelf to energy development but there should be little debate on granting new assistance at the expense of the taxpayer to energy companies who are some of the most profitable entities on earth.

This bill, as it has been written, was a great threat to the Treasury. I want to compliment the Chairman and Ranking Minority Member for the manager's amendment they crafted that dramatically reduces the cost of this bill. This amendment heeds many of the fiscal concerns of the President and reduces that budgetary impact of the proposed legislation. I would now urge the authors to further listen to the President's fiscal guidance.

Mr. MARKEY. Mr. Chairman, I yield myself the remaining minute.

What the Markey amendment will do is to remove the provision which takes $600 billion from 46 States and gives it to four States, where oil and gas companies can already drill. If my amendment is adopted, according to CBO, my amendment will then generate $13 billion in new revenues over the next 10 years.

So your choice on the Markey amendment is lose $600 billion or gain $13 billion. Ladies and gentlemen, that is what this thing is all about. It is all about the money. Because 80 percent of the oil and gas that can be drilled for off our coast is already available. They might have a lot of additional coastline in America, but the geological service and the oil companies have said 80 percent of it is right here. By the way, it is already legal to go there.

And we, ED MARKEY, liberal from Massachusetts, we want you to go there. I want you to drill there. Get the oil that is down there in the gulf. But the revenues should go to the Federal Government or else, as George Bush has just said to us in a letter this afternoon, we will lose hundreds of billions of dollars to the Federal Government and give it to only four States without any real understanding or debate here on the House floor.

Vote for the Markey amendment. Let's generate $13 billion worth of revenue for our country rather than lose $600 billion.

Mr. POMBO. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, there is a great deal of misunderstanding about what this bill is about. And there is one thing that Mr. MARKEY said that was actually accurate, and that is that it is about the money. We just saw recently in Canada, they announced they needed 100,000 new oil field workers, 100,000. And they are taking them from us. They are taking our jobs from us to produce our energy.

We also heard one of my colleagues from California, and I am just amazed by this, right now the State of California controls 3 miles off its coast. This bill gives our State 100 miles. We would control 100 miles off our coast. Not 3, 100.

If you really do oppose drilling off the coast of California or Florida or wherever your State may be, you have to support the bill and vote against the short-sighted, mean, callous Markey amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

☐ 1700

AMENDMENT NO. 5 OFFERED BY MR. BILIRAKIS

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–540.

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BILIRAKIS:

In section 9(2), in the quoted subsection (g)(1)(A), strike "50 miles" each place it appears (page 38, lines 9 and 19) and insert "125 miles".

In section 9(2), in the quoted subsection (g)(1), strike subparagraph (B) (page 39, beginning at line 6).

Page 40, lines 17 and 18, strike "100" each place it appears and insert "125".

In section 9(2), strike the quoted subsection (h) (page 46, beginning at line 7).

In section 9(2), in the quoted subsection (i) (page 48, beginning at line 7)—

(1) strike "or (h), or both,";

(2) strike "(1)"; and

(3) strike ", and (2)" and all that follows through the end of the sentence and insert a period.

The Acting CHAIRMAN. Pursuant to House Resolution 897, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

Mr. RAHALL. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I yield myself such time as I may consume.

I am offering this amendment with several of my Florida colleagues: DEBBIE WASSERMAN-SCHULTZ, BILL YOUNG, GINNY BROWN-WAITE, KATHERINE HARRIS, ROBERT WEXLER, MARIO DIAZ-BALART, and CLIFF STEARNS.

First of all, Mr. Chairman, I am told that this amendment is slated for defeat, and that is really unfortunate because it greatly improves the basic bill in that it provides solid, true statutory protections off of Florida and all coastal State shores. This amendment does not shred the existing 25-year drilling moratorium, as claimed by some vocal groups. In fact, that moratorium ends in 2007 and 2012. The moratorium is by executive order. It can be revoked at any time, even before July 1, 2007, and before 2012.

This amendment codifies in statute the protection up to 125 miles. The moratorium does not now cover the Florida Keys nor most of the Florida Atlantic. The amendment gives protection to all of the Florida coastlines and to other coastal States permanently, not subject to the whims of any executive.

This form of government is a republic, meaning that we legislators represent our constituents' interests, a government of, by and for the people. We ask ourselves, who is better equipped to better decide how close offshore drilling should come to a State's coast, the U.S. Congress or the States themselves?

I say that the people of coastal States should make that decision. If they want leasing and drilling, they can opt in. If they do not, then no action is required.

The bottom line, Mr. Chairman, of my amendment is to allow States to determine whether or not drilling occurs closest to their coastlines.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

By extending "no leasing" buffer zones to 125 miles away from the State boundaries, this amendment is I must admit an improvement in the current bill from the perspective of its Florida sponsors, and I certainly understand that and commend them for the effort here.

However, as is in the underlying bill, the amendment gives effective control over national resources to the States.

The OCS lands and oil and gas resources belong to all the people of America. The name of every West Virginian, the name of other citizens of our country are on the deed to these properties.

So these oil and gas resources belong to all the American people and not just to those who reside in the adjacent States; and, as such, Congress should retain the powers to make the decisions regarding those national resources on those grounds. It is for that reason that I object to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Chairman, I yield myself such time as I may consume.

I would suggest to the gentleman, with all due respect, that the mountains of West Virginia, those beautiful mountains, belong to all the people, too, but I would expect the people of West Virginia could make the best decision regarding those mountains.

Mr. RAHALL. If the gentleman would yield, in response to the gentleman, that was not an accurate statement. The mountains of West Virginia do not belong to all the people of this land.

Mr. BILIRAKIS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ.)

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I thank the gentleman from Florida.

There are times in life when we must make difficult choices. The Bilirakis, Wasserman Schultz and others amendment will add 125 miles of protection and require the legislature to affirmatively vote to allow drilling closer than that distance. It adds protection to the Outer Continental Shelf coastline that we do not now enjoy.

The choice in front of us on this amendment is do we squeeze our eyes shut tight, cross our fingers and pray that we will never have drilling off of our coastline or do we act now and ensure that we do not? I believe in controlling our own destiny. I want to know that there is 125 miles of protection that we do not now have off the eastern coastline.

For those Members that are opposed to this bill, as I am, you can vote in good conscience for this amendment and ensure a significant amount of protection in the event that the bill passes. If this amendment does not pass and the bill does, then we are left with the possibility of having oil rigs within 50 miles of our coastline. That is an unacceptable option.

We should act now to ensure that we have at least 125 miles of protection off the eastern coast in the Outer Continental Shelf.

I urge the adoption of the Bilirakis-Wasserman Schultz amendment.

There are times in life when we must make choices, some of them are easy and some of them are not. I firmly believe that as Members of Congress we have an obligation to protect people and the environment who have only our votes standing between them and devastating consequences.

I am an opponent of oil drilling. I have never voted for drilling in my 14 years as a public servant. But as public servants we must use both our heart and our head when deciding what is best at any given moment in time. The underlying legislation would be harmful to our environment. Drilling 50 miles off our coast, which is possible under the Pombo legislation is irresponsible. We should be investing in alternative energy resources and truly breaking ourselves of the addiction to oil referenced in President Bush's State of the Union speech. But, we won't have that chance today and sadly, unless the tide turns in this body, I fear that we won't ever have that chance.

I represent the cities of Ft. Lauderdale, Hollywood and Miami Beach, from the ocean to the Everglades. Florida's coastline must be protected. Our economy depends on our number one industry—tourism, which brings in 86 million tourists annually, supports one million jobs and generates $56 billion. There is a lot at stake for Florida.

That is why there are times in life when we must make difficult choices. The Bilirakis, Wasserman Schultz and others amendment will add 125 miles of protection and require the legislature to affirmatively vote to allow drilling closer than that distance. It adds protection to the Outer Continental Shelf coastline that we do not now enjoy. The choice in front of us on this amendment is do we squeeze our eyes shut tight, cross our fingers and pray that we'll never have drilling off of our coastline or do we act now and ensure that we don't? I believe in controlling our own destiny. I want to know that there is 125 miles of protection that we do not now have off the eastern coastline. For those Members that are opposed to this bill, as I am, you can vote in good conscience for this amendment and ensure a significant amount of protection in the event that the bill passes. If this amendment does not pass and the bill does, then we are left with the possibility of having oil rigs within 50 miles of our coastline. That is an unacceptable option. We should act now to ensure at least 125 miles of protection off the eastern coastline.

At the end of the day, we are representatives of our communities and our States, but we are ultimately United States Representatives, charged with thinking about our whole country. In that role, we have an obligation to ensure that the legislative products we send out of this institution, with or without our votes contain the best content we can develop. That requires the courage to compromise. Henry Clay said it best,

> "All legislation . . . is founded upon the principle of mutual concession—Let him who elevates himself above humanity, above its weaknesses, its infirmities, its wants, its necessities, say, if he pleases, "I never will compromise"; but let no one who is not above the frailties of our common nature disdain compromise."

The coastline of the Unites States of America must have the maximum protection we can attain for her. The Bilirakis-Wasserman Schultz amendment does that. Is it perfection? No, but if we live for perfection, we risk failure. The failure to protect our environment as much as we can is not an option. This amendment provides that protection for in this legislation. Without it, our environment faces grave danger.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would ask Members not to step in front of someone who is speaking.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding.

I rise in opposition to the Bilirakis amendment. He is a good friend of mine. I do not agree with him on this issue.

I represent about 75 miles of coastline. We had no spills from Katrina and Rita. You cannot see an oil derrick beyond about 40 miles, and I think the language in the bill the chairman has put in there is very good. You have got 50 miles of protection, and then the State, if it wants to allow drilling 50 to 100 miles, it can.

Let us face it, gas is at $3 a gallon. Renewable energy resources are not there yet. I think we need to explore that.

Jeepers. I drive a hybrid vehicle. I drove up here just now in a hybrid vehicle. But we need fuel, and I think this is a very, very good bill, and I think the Bilirakis amendment goes too far. I would encourage all my colleagues, as somebody from Florida, vote "no" on the Bilirakis amendment.

Mr. BILIRAKIS. Mr. Chairman, I yield 45 seconds to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I thank the gentleman for yielding.

There are some provisions in the underlying Pombo bill that are very onerous, and one of them in particular is the opt-in/opt-out language, particularly opt-out, which most of us that have served in the State legislature understand that there are a thousand ways to kill legislation which you would have to opt out.

The opt-in language is much better. So if you are opposed to the legislation, I would strongly request that you support the Bilirakis amendment which will fix the onerous language that is in the Pombo bill which requires an opt-out by the State legislature.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON), one of the cosponsors of the original underlying bill.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman.

This is a very important amendment that should not pass. We have worked very hard. There has been a lot of compromise in this bill. We have given a lot of shoreline protection, 50 miles locked up, total State control. They have to opt out. The next 50-miles is rich with gas up and down our coast, and this country needs natural gas to fuel the industries that employ the blue collar workers of this country.

If we wait for Houses and Senates and governors to agree, I served in one for 20 years. It takes a long time. We cannot add years to the process. We need to open up our coastlines. We need to allow the States to have to opt out.

There will be a debate in every coastline State, and I am confident that in many States the vote will be to open up for natural gas specifically because of the need and because of the volume, that it is there to preserve the jobs in this country and keep this country competitive.

Mr. BILIRAKIS. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I rise to support this vital amendment that would extend the prohibition on offshore drilling from 100 to 125 miles off the coast. The amendment would also require States to proactively opt in, as has been described, to drilling, giving States that do not want to drill the ability to do so clearly.

This amendment is vital to coastal States as it provides further protection from drilling, and I would urge everyone to support it.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman.

Again, I want to congratulate the gentleman from West Virginia for his leadership on this issue and on the bill this afternoon, and I want to congratulate the Florida delegation for their success in improving a bad bill but not changing the fundamental nature of the bill. It is a bad bill, but it is an improvement, and I give them credit for that, but it should not be in any way interpreted as a reason to vote for the bill.

Again, jobs come from energy. The energy comes from leases that have already been given over to oil companies, 80 percent of which have never been drilled on, but it has already happened. The Bush administration says that the area already open is where 80 percent of the oil and gas off our shores is.

The big issue that we are all going to have to vote on final passage is whether or not we are going to allow a transfer of $600 billion from 46 States that now receive that $600 billion as a promise over the next several decades, or we are going to allow the oil companies to give that money to four States, even though the drilling is on Federal land, even though those leases have already been obtained by the oil companies but they have been waiting for the price of oil to go to $70 a barrel, which is where it is now. We do not have to give them any additional incentives.

This bill makes no sense whatsoever. It runs totally contrary to the economics of energy, and President Bush has now sent us a letter and asked us to not allow this $600 billion to go down here but to keep it up here in the Federal budget that can be used to keep our budget balanced.

Mr. BILIRAKIS. Mr. Chairman. I yield 25 seconds to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman.

Mr. Chairman, this is a very important amendment that is going to protect the coastlines not just in Florida. This is not just a Florida issue, but it is going to protect the coastlines by another 25 miles.

The 25-miles can make a real difference to people who live near the coastline. The existing moratorium is limited in scope and can be done away with in the Florida area.

This is a bipartisan amendment. We heard from two Members of the other side who also support it, and I urge support for the amendment.

Mr. BILIRAKIS. Mr. Chairman, I yield to the gentleman from Florida (Mr. STEARNS) for the purposes of a unanimous consent request.

Mr. STEARNS. Mr. Chairman, I thank my distinguished colleague for all his leadership on this issue, going back, way back, and I rise in strong support of this amendment. I thank my friend for his leadership.

I rise today in strong support of this amendment and I thank my friend, Mr. BILIRAKIS and my other Florida colleagues for offering it. This amendment ensures that no oil or natural gas leasing occurs within 125 miles of a State's coastline unless the State requests leasing. This amendment provides the States with real authority to protect their coastlines and I urge its adoption.

We can all agree that the United States is far too reliant on imported sources of energy. Currently we import 60 percent of our oil demand, and by 2025 that number will increase to nearly 75 percent. In addition, the rising price of natural gas is causing serious problems to many different sectors of our economy.

This dependence on imported sources of energy is a threat to our economy and to our national security. In addition to expanding alternative fuels and employing clean fuel technologies, we need to produce more oil and natural gas domestically.

The United States encompass a wide diversity featuring deserts, tropical forests, and arctic tundra. The States vary, with some dependent on agriculture and others on manufacturing. States such as Alaska rely on developing its natural resources, and I support the will of the Alaskan people to open their land to oil and gas development.

However, my State of Florida has a different reliance on its natural resources, maintaining our pristine beaches and waters that could be damaged by offshore drilling. If Alabama or Louisiana wants to permit leasing off its shores, then such leasing should be allowed. But, if my State of Florida has concerns about the effect leasing would have on its fragile ecosystem and its tourism economy, then Florida should be have the authority to ban leasing off its shores.

The underlying bill opens areas to oil and gas leasing that are currently under moratorium while protecting the rights of States to control activities off their shores. As written, H.R. 4761 gives States 1 year from the date of enactment to decide whether to permit or deny natural gas leasing in the area between 50 and 100 miles of their coastlines. If a state does not act, however, leasing can occur. Thus, States have to act in order to prevent leasing between 50 and 100 miles.

This amendment seeks to increase the power States would have in deciding whether or not to allow leasing off their shores. It would prohibit oil and gas leasing within 125 miles of a State's coast unless the Governor and State legislature agree to permit leasing in this area. Instead of having the State take action to prevent leasing, as the DOER Act would require, leasing could only occur within 125 miles of the coast if the State explicitly allows it.

In closing, Mr. Chairman, in a nation as diverse and with as many competing interests as the United States, it is important to return greater authority to the States so they can control activities 125 miles offshore. This amendment does that and I urge its adoption.

Mr. BILIRAKIS. Mr. Chairman, I yield the remaining 20 seconds to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I have always opposed offshore oil drilling. This amendment extends the protection an additional 25 miles. It is a good amendment. Please support it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BILIRAKIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. POMBO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONNER) having assumed the chair, Mr. LAHOOD, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the Outer Continental Shelf, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 895 and to insert extraneous material thereon.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

Mr. OXLEY. Mr. Speaker, pursuant to House Resolution 896, I call up the resolution (H. Res. 895) supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate Congressional consultation and specifically condemning the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks by revealing a crucial method by which terrorists are traced through their finances, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 895

Whereas the United States is currently engaged in a global war on terrorism to prevent future attacks against American civilian and military interests at home and abroad;

Whereas intelligence programs are essential to gathering critical information necessary for identifying, disrupting, and capturing terrorists before they carry out further attacks;

Whereas there is a national security imperative for maintaining the secrecy of our intelligence capabilities from our potential enemies;

Whereas effective intelligence depends on cooperation with foreign governments and individuals who trust the United States to protect their confidences;

Whereas the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction found that "the scope of damage done to our collection capabilities from media disclosures of classified information is well documented. Hundreds of serious press leaks have significantly impaired U.S. capabilities against our hardest targets";

Whereas the unauthorized disclosure of sensitive intelligence information inflicts significant damage to United States activities in the global war on terrorism by assisting terrorists in developing countermeasures to evade United States intelligence capabilities, costs the United States taxpayers hundreds of millions of dollars in lost capabilities, and ultimately endangers American lives;

Whereas the 1998 disclosure of classified information regarding efforts to monitor the communications of Usama bin Laden eliminated a valuable source of intelligence information on al Qaeda's activities, an example of the significant damage caused by unauthorized disclosures;

Whereas following the September 11, 2001 terrorist attacks, Congress passed the USA PATRIOT ACT, which included anti-terrorist financing provisions that bolster Federal Government and law enforcement capabilities to find and disrupt the financiers of terrorist organizations;

Whereas following the September 11, 2001 terrorist attacks, the President, with the support of Congress, directed the Federal Government to use all appropriate measures to identify, track, and pursue not only those persons who commit terrorist acts here and abroad, but also those who provide financial or other support for terrorist activity;

Whereas consistent with this directive, the United States Government initiated a lawfully classified Terrorist Finance Tracking Program and the Secretary of the Treasury issued lawful subpoenas to gather information on suspected international terrorists through bank transaction information;

Whereas under the Terrorist Finance Tracking Program, the United States Government only reviews information as part of specific terrorism investigations and based on intelligence that leads to targeted searches, such as searches of a specific individual or entity;

Whereas the Terrorist Finance Tracking Program is firmly rooted in sound legal authority based on Executive Orders and statutory mandates, including the International Emergency Economic Powers Act of 1977 and the United Nations Participation Act;

Whereas the Terrorist Finance Tracking Program consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy;

Whereas the Terrorist Finance Tracking Program has rigorous safeguards and protocols to protect privacy in that record searches must identify a terrorism-related basis, and regular, independent audits of the program have confirmed that the United States Government has consistently observed the established safeguards and protocols;

Whereas appropriate Members of Congress, including the members of the Committees on Intelligence of the Senate and House of Representatives, have been briefed on the Terrorist Finance Tracking Program and have conducted oversight of the Program;

Whereas the Terrorist Finance Tracking Program has successfully provided vital intelligence in support of the global war on terrorism, including information leading to the capture of Hambali, the Operations Chief of Jemaah Islamiyah, an al Qaeda affiliate, who masterminded the 2002 nightclub bombing in Indonesia that killed over 200 people;

Whereas the Terrorist Finance Tracking Program has helped authorities uncover terrorist financiers worldwide and find Uzair Paracha, an al Qaeda money launderer operating in the United States;

Whereas Congress has authorized the Secretary of the Treasury to explore the implementation of systems to review all cross-border wire transactions;

Whereas the bipartisan 9/11 Commission recommended that "Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts";

Whereas persons in positions of trust and responsibility granted access to highly sensitive intelligence programs violated their solemn obligations not to disclose classified information and made unauthorized disclosures regarding the program;

Whereas at some point before June 23, 2006, classified information regarding the Terrorist Finance Tracking Program was illegally and improperly disclosed to members of the news media;

Whereas beginning on June 23, 2006, certain media organizations knowingly published details about a classified program that the United States Government had legally and with appropriate safeguards used to track the financing of terrorism, including specific intelligence gathering methods;

Whereas the Administration, Members of Congress, and the bipartisan chairmen of the 9/11 Commission requested that media organizations not disclose details of the Terrorist Finance Tracking Program so that terrorists would not shift their financing to channels in the international financial system that are less easily observed by intelligence agencies;

Whereas the disclosure of the Terrorist Finance Tracking Program has unnecessarily complicated efforts by the United States Government to prosecute the war on terror and may have placed the lives of Americans in danger both at home and in many regions of the world, including active-duty armed forces in Iraq and Afghanistan;

Whereas persons who have access to classified information, or who have classified information passed onto them, have a responsibility to the people of the United States not to endanger the populace through their exercise of the right to freedom of speech; and

Whereas Federal statutes criminalize the unauthorized disclosure and publication of sensitive intelligence information, regardless of the source: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks here and abroad, including through the use of the Terrorist Finance Tracking Program;

(2) finds that the Terrorist Finance Tracking Program has been conducted in accordance with all applicable laws, regulations, and Executive Orders, that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed and consulted for the duration of the Program and will continue its oversight of the Program;

(3) condemns the unauthorized disclosure of classified information by those persons responsible and expresses concern that the disclosure may endanger the lives of American citizens, including members of the Armed Forces, as well as individuals and organizations that support United States efforts; and

(4) expects the cooperation of all news media organizations in protecting the lives of Americans and the capability of the government to identify, disrupt, and capture terrorists by not disclosing classified intelligence programs such as the Terrorist Finance Tracking Program.

☐ 1715

The SPEAKER pro tempore. Pursuant to House Resolution 896, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, today I am proud to present to the House for our consideration H. Res. 895, a resolution that expresses the sense of the House supporting intelligence and law enforcement programs that track terrorists and terrorist financing. Additionally, the resolution finds that the Terrorist Finance Tracking Program was conducted lawfully and with all due protections of civil liberties. The resolution condemns the unauthorized disclosure of classified information and states that the House expects the cooperation of news media organizations in these matters.

Mr. Speaker, this is a resolution that every Member can and should support. We are at war. Thanks to the great job being done by our members of the U.S. military and law enforcement, Americans feel safe to go about their daily lives, but we are still in fact at war. We depend on classified programs and classified information in order to successfully prosecute that war.

While there is the physical war that is being fought, of course another critical front in this war is terrorist financing, and that is where we focus our debate today. It is critical, because where terrorists place and spend their money is one of the best indicators about where the terrorists are located, who they are, and where they may strike again.

The editors at the New York Times would do well to reread the editorial they published on September 24 about 2 weeks after September 11, 2001. In part, it reads: "The Bush administration is preparing new laws to help track terrorists through their money laundering activity and is readying an executive order freezing the assets of known terrorists. Much more is needed, including stricter regulations, the recruitment of specialized investigators, and greater cooperation with foreign banking authorities." The editorial concludes, "If America is going to wage a new kind of war against terrorism, it must act on all fronts, including the financial one."

All of that activity that was recommended by the New York Times so soon after 9/11 was taking place and was being done with an extraordinary amount of international financial cooperation by the U.S. Treasury and its Terrorist Finance Tracking Program. The program was being conducted in accordance with current U.S. and international law, with executive orders, with outside audits, and with all proper care being given to individual liberty. I need to add that it was also being conducted with significant success.

And part of that success was because this Congress passed the PATRIOT Act and our committee stepped forward with antimoney-laundering provisions that became a part of that PATRIOT Act, so important on the war against terror.

However, the recent front-page story in the aforementioned New York Times cut the legs out from under this program. Now the terrorists are well informed of the details of our methods and will find other ways to move money outside of the formal financial system. Now the terrorists will be driven further underground, and we will have to invest further years of work to uncover these new methods.

Unfortunately, a one-day story in the New York Times can ruin years of careful work by those who work to map terrorist networks and the flow of terrorist money. Obviously, the editors of the New York Times are more concerned about their sagging circulation rates and about damaging the Bush administration than they are about disrupting terrorist financing.

For those who may think we are overreacting, all you have to do is go back just a few days to the arrest of the seven terrorist suspects in Miami. That cell was looking to gain funding from al Qaeda to attack American targets. While law enforcement successfully broke that cell in plenty of time, we need to know about financial transactions like those while the attacks are in the planning stage.

In a recent column, Morton Kondracke asked the question: "Would newspapers in the midst of World War II have printed the fact that the U.S. had broken German and Japanese codes, enabling the enemy to secure its communications? Or would they have revealed how and where Nazi spies were being interrogated? Nowadays, newspapers win Pulitzer Prizes for such disclosures."

In the same column, Kondracke says: "But the fundamental problem infecting much of Congress, the media, and the political class, especially those left of center, is that they are consumed with loathing for President Bush and all his works and are prepared to do anything to undermine him, even if it makes the country less safe."

Continuing to quote Kondracke: "Everyone in Congress and the CIA should see the movie 'United 93' as a reminder of what we are up against. Muslim fanatics will not only try to destroy the Capitol, but also explode a nuclear bomb, if they can."

Kondracke goes on: "And people should heed the warning delivered by Princeton University Professor Bernard Lewis. Lewis cast the struggle with Islamic extremism in World War II terms. 'It is 1937,' he said, 'and we seem to be more in the mode of Chamberlain at Munich rather than Churchill.'"

Kondracke, again quoting Lewis: "Osama bin Laden and other would-be Hitlers," he said, "consider the United States an effete, degenerate, pampered enemy incapable of real resistance. It's part of the pattern that we fight among ourselves as much as against our enemies. This is more than serious. It's dire."

These are the words of a well-respected journalist. A profound statement from Kondracke, but right on point.

Another respected voice on the issue is Michael Barone. On USNews.com, Michael Barone recently said: "Why do they hate us? Why does the New York Times print stories that put America more at risk of attack? They say that these surveillance programs are subject to abuse, but give no reason to believe that this concern is anything but theoretical. We have a press that is at war with an administration while our country is at war against merciless enemies. The Times is acting like an adolescent kicking the shins of its parents, hoping to make them hurt, while confident of remaining safe under their roof."

Nobody could have said it better than Michael Barone and Morton Kondracke.

Mr. Speaker, this is a very serious issue. That is why the Congress is debating this resolution. I ask this resolution be supported strongly on a bipartisan basis.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, people who want things to be done in a bipartisan manner should not engage in extreme partisanship at the outset. The resolution that is before us was drafted entirely by Republicans with no input from any Democrat, from the Intelligence Committee, from the Financial Services Committee, or anywhere else, and presented to us a little over 24 hours ago. We then asked for the right to offer amendments, or at least a substitute resolution. It was denied.

I find it extraordinary that repeatedly in the interest and in the name of democracy the majority degrades democracy. How can it be justified that no alternative can be offered? How can it be justified that no amendment can be offered?

Let me say again: We are telling the Shiia majority in Iraq that in their parliament they ought to make an effort to include the Sunni; that it is not simply the majority doing everything, but you work with the minority. You then give, Mr. Speaker, through your party, the opposite example by not allowing even a resolution to be offered for us to be voted on.

We have an alternative that is supported by a very large majority of our caucus. And now let me talk about that resolution, because let us be clear about what is not at issue today.

We have agreement that the method of tracking terrorists through their financial dealings is a good thing. The Democratic resolution, which the majority refuses to allow to be considered in their abusive use of their majority, says explicitly that we support efforts to identify and track terrorists and their financial supporters. So if it isn't unanimous, it is the fault of the majority by doing it so divisively.

We also in our resolution deplore the unauthorized disclosure of classified information. But we talk not simply about people who might print it, but the people in the administration who might release it. Earlier today someone said, well, what would happen if you gave out the name of spies? Well, ask the people in this administration who gave out the name of Valerie Plame. We hope that something will be done.

Here is the difference between the two resolutions: the Republican resolution, drafted entirely by them and withheld from us until its publication, agrees that we should track terrorist financing. So does the Democratic resolution. Theirs, however, includes a number of factual statements that I do not believe we yet have a basis for making.

Now, in some cases, some of those factual statements are about things that turn out, we think, not to have been true. For example, on page 3 of their resolution they have reference to a prior incident in which the Washington Times was accused of having disclosed classified information regarding efforts to monitor the communication of Osama bin Laden.

They don't mention the Washington Times because they like the Washington Times. They mention the New York Times. Times, they are a changing. If it is the New York Times, they don't like it, and they criticize it. If it is the Washington Times, they talk about a far more serious allegation about the Washington Times, that it gave away to Osama bin Laden how we knew where he was, but they don't mention them.

But now it turns out they may very well have been inaccurate about that, and I plan to submit an article from The Washington Post that defends the Washington Times.

But here is the problem we have: we want to say in our resolution, and we hoped it could have been unanimous, that we support this kind of tracking; that we don't want things to be disclosed. But what we are not prepared to say, and, frankly, nobody here is intellectually prepared to say it, people may say it on faith, but here is what they want to say: we find that the program has been conducted in accordance with all applicable laws, regulations, and executive orders: that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed.

I think that the part about our being informed is very inaccurate, and I don't know the answer to the other. What you have done is to hijack the virtually unanimous support for tracking terrorist financing into an endorsement of the way the Bush administration has conducted itself. That is how it became partisan.

Why should this House vote now to say that the program has been conducted with all the safeguards, et cetera, et cetera? We don't know that. Members don't know that. Members on the other side are entitled to take it on faith. I know faith-based resolutions are very important to them, but I don't think as Members of the House of Representatives we ought to be asked to vote, the most solemn thing you do in a democracy as a representative, on factual statements when people cannot know whether they are true.

Again, I want to go back and say, how can you justify, in the name of democracy, denying us a chance to even present an alternative resolution supporting this program?

[From the Washington Post, Dec. 22, 2005]

File the Bin Laden Phone Leak Under 'Urban Myths'

(By Glenn Kessler)

President Bush asserted this week that the news media published a U.S. government leak in 1998 about Osama bin Laden's use of a satellite phone, alerting the al Qaeda leader to government monitoring and prompting him to abandon the device.

The story of the vicious leak that destroyed a valuable intelligence operation was first reported by a best-selling book, validated by the Sept. 11 commission and then repeated by the president.

But it appears fa be an urban myth.

The al Qaeda leader's communication to aides via satellite phone had already been reported in 1996—and the source of the information was another government, the Taliban, which ruled Afghanistan at the time.

The second time a news organization reported on the satellite phone, the source was bin Laden himself.

Causal effects are hard to prove, but other factors could have persuaded bin Laden to turn off his satellite phone in August 1998. A day earlier, the United States had fired dozens of cruise missiles at his training camps, missing him by hours.

Bush made his assertion at a news conference Monday, in which he defended his authorization of warrantless monitoring of communications between some U.S. citizens and suspected terrorists overseas. He fumed that "the fact that we were following Osama bin Laden because he was using a certain type of telephone made it into the press as the result of a leak." He berated the media for "revealing sources, methods and what we use the information for" and thus helping "the enemy" change its operations.

White House spokesman Scott McClellan said Monday that the president was referring to an article that appeared in the Washington Times on Aug. 21, 1998, the day after the cruise missile attack, which was launched in retaliation for the bombings of two U.S. embassies in Africa two weeks earlier. The Sept. 11 commission also cited the article as "a leak" that prompted bin Laden to stop using his satellite phone, though it noted that he had added more bodyguards and began moving his sleeping place "frequently and unpredictably" after the missile attack.

Two former Clinton administration officials first fingered the Times article in a 2002 book, "The Age of Sacred Terror." Daniel Benjamin and Steven Simon wrote that after the "unabashed right-wing newspaper" published the story, bin Laden "stopped using the satellite phone instantly" and "the United States lost its best chance to find him."

The article, a profile of bin Laden, buried the information about his satellite phone in the 21st paragraph. It never said that the United States was listening in on bin Laden, as the president alleged. The writer, Martin Sieff, said yesterday that the information about the phone was "already in the public domain" when he wrote the story.

A search of media databases shows that Time magazine had first reported on Dec. 16, 1996, that bin Laden "uses satellite phones to contact fellow Islamic militants in Europe, the Middle East and Africa." Taliban officials provided the information, with one official—security chief Mulla Abdul Mannan Niazi—telling Time, "He's in high spirits."

The day before the Washington Times article was published—and the day of the attacks—CNN producer Peter Bergen appeared on the network to talk about an interview he had with bin Laden in 1997.

"He communicates by satellite phone, even though Afghanistan in some levels is back in the Middle Ages and a country that barely functions," Bergen said.

Bergen noted that as early as 1997, bin Laden's men were very concerned about electronic surveillance. "They scanned us electronically," he said, because they were worried that anyone meeting with bin Laden "might have some tracking device from some intelligence agency." In 1996, the Chechen insurgent leader Dzhokhar Dudayev was killed by a Russian missile that locked in to his satellite phone signal.

That same day, CBS reported that bin Laden used a satellite phone to give a television interview. USA Today ran a profile of bin Laden on the same day as the Washington Times's article, quoting a former U.S. official about his "fondness for his cell phone."

It was not until Sept. 7, 1998—after bin Laden apparently stopped using his phone—that a newspaper reported that the United States had intercepted his phone calls and obtained his voiceprint. U.S. authorities "used their communications intercept capacity to pick up calls placed by bin Laden on his Inmarsat satellite phone, despite his apparent use of electronic 'scramblers,'" the Los Angeles Times reported.

Officials could not explain yesterday why they focused on the Washington Times story when other news organizations at the same time reported on the satellite phone—and that the information was not particularly newsworthy.

"You got me," said Benjamin, who was director for counterterrorism on the National Security Council staff at the time. "That was the understanding in the White House and the intelligence community. The story ran and the lights went out."

Lee H. Hamilton, vice chairman of the Sept. 11 commission, gave a speech in October in which he said the leak "was terribly damaging." Yesterday, he said the commission relied on the testimony of three "very responsible, very senior intelligence officers," who he said "linked the Times story to the cessation of the use of the phone." He said they described it as a very serious leak.

But Hamilton said he did not recall any discussion about other news outlets' reports. "I cannot conceive we would have singled out the Washington Times if we knew about all of the reporting," he said.

A White House official said last night the administration was confident that press reports changed bin Laden's behavior. CIA spokesman Tom Crispell declined to comment, saying the question involves intelligence sources and methods.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I am pleased to recognize the gentleman from Alabama (Mr. Bachus) for 5 minutes.

Mr. BACHUS. Mr. Speaker, I rise in strong support of House Resolution 895 by Chairman Oxley. I commend Chairman Oxley as the primary sponsor and author of the USA PATRIOT Act. He has been committed to combating terrorist financing, and I want to commend him for his tireless efforts in bringing this resolution to the floor.

We are at war against a savage and relentless enemy. While Americans have a long-established right to know about the actions of their government, when we are at war, when there is a national security concern, there is also a well-founded historical precedent for conducting covert actions out of the media spotlight.

Now, there can be alternatives, as the gentleman from Massachusetts said, but there can be no alternatives to a strong national defense. There can be no alternatives to a strong national security. And the judges of what those are and how to conduct those should not be left to the New York Times. They are for this body to determine.

Following the death of Zarqawi, an internal al Qaeda memo was recovered from his hideout. It explicitly states that al Qaeda's efforts have been hurt by tightening the resistance's financial outlets. This statement serves as concrete evidence, concrete evidence that programs such as the administration's Terrorist Finance Tracking Program are both necessary and effective.

Remember, the 9/11 Commission was critical of the government's failure to track the sources of terrorist financing prior to the September 11 attack. However, in its final report, the commission applauded the government-wide effort to combat terrorist financing after 9/11 for making significant strides in using terrorist finance as an intelligence tool.

They were talking about this program. This program was an important stride.

☐ 1730

Indeed, the program paid big dividends, including the arrest of the mastermind of the 2002 Bali bombing, a violent bombing that killed 202 innocent people. In fact, he was convicted based on information from this program, a program The New York Times made a determination to expose.

There is no doubt that America and our allies in the war on terror are safer today because of this program, which is exactly the sort of protection that Americans want and expect from their government.

Some question or debate whether al Qaeda knew about this valuable program. Do they know about it now? Do they know the details? The answer to the question is, yes, no doubt about it.

How do they know? Because they put it on the front page of the newspaper. Not just any paper, but the largest newspaper in the biggest city in the United States.

Who are they? They are the editors and publishers of The New York Times. If you are al Qaeda, the appropriate response to this publication is thank you. If you are indifferent, the answer is so what. But if you are an American citizen endangered by terrorists, the insensitivity, the arrogance, the irresponsibility of this paper and its publication, then the appropriate response is anger and outrage and this resolution.

Now, due to their irresponsible actions, this vital intelligence-gathering program is virtually defunct. No longer would terrorists conduct their financial business with the Swift cooperative. Sadly, no longer will we be able to track their actions. This clearly hampers, clearly hampers, our Nation's ability to conduct the war on terror.

Hopefully, our intelligence agencies will devise other means to effectively monitor our enemies. It won't be easy. They will have to start over. We won't be restricting their financial operations as well as we did before this publication. But at least I would hope that if we do fashion a new program that it will not be reported by the media outlets who want to get a scoop ahead of national security.

Let me close by thanking the chairman.

Mr. Speaker, I rise in strong support of House Resolution 895, which is sponsored by Chairman OXLEY, expressing our support for the Administration's efforts to track terrorist financing through the U.S. Treasury Department's Terrorist Finance Tracking Program. Chairman OXLEY—one of the primary authors and sponsors of the terrorist financing provisions in the USA PATRIOT Act—has been committed to combating terrorist financing, and I want to commend the Chairman for his tireless efforts and for bringing this resolution to the floor today.

We are at war with a savage and relentless enemy. While Americans have a long-established right to know about the actions of their government, when we are at war and when there is an overriding national security concern, there is also a well-founded historical precedent for conducting covert actions out of the media spotlight.

Following the death of Abu Musab al-Zarqawi, an internal al-Qaeda memo was recovered from the terrorist's hideout. It explicitly states that al Qaeda's efforts have been hurt "by tightening the resistance's financial outlets." This statement serves as concrete evidence that programs such as the Administration's Terrorist Finance Tracking Program are both necessary and effective.

Remember, the 9/11 Commission was critical of the government for its failure to track the sources of terrorist financing prior to the September 11th attacks. However, in its final report, the Commission's Public Discourse Project applauded the government-wide effort to combat terrorist financing after 9/11 for making "significant strides in using terrorism finance as an intelligence tool." This program was one such important stride.

Indeed, the program paid big dividends, including the arrest of the mastermind of the 2002 Bali bombing, a bombing in which 202 innocent people were killed. In fact, he was convicted based on information from this program.

There is no doubt that America and our allies in the war on terror are safer today because of this program, which is exactly the sort of protection that Americans want and expect from their government to prevent further terrorist attacks.

Some question or debate whether al-Qaeda knows about this valuable program. Do they know about it? Do they know the details? The answer to the questions is "yes." No doubt about it. How do we know that? Because they put it on the front page of the newspaper. Not just any paper, but the largest newspaper in the biggest city of the United States.

Who are they? The editor and publisher of that very paper.

If you are al-Qaeda, the appropriate response is, "thank you."

If you are indifferent, the answer is, "so what?"

If you are an American citizen endangered by the insensitivity, arrogance and irresponsibility of this newspaper, the appropriate response is anger and outrage!

Now, due to their irresponsible actions, this vital intelligence gathering program is virtually defunct. No longer will terrorists conduct their financial business with the Swift cooperative, and sadly no longer will we be able to track their actions. This result clearly hampers our nation's ability to conduct the War on Terror.

Hopefully, our intelligence agencies will devise other means of effectively monitoring our enemies and restricting their financial operations at least until that program, too, is reported by media outlets that place getting a scoop ahead of national security. Outrageous conduct such as that exhibited in the disclosure of this legal, effective program cannot be allowed to escape just condemnation. Therefore, this resolution.

Let me close by again thanking this Administration and Chairman OXLEY for their efforts in combating terrorist financing. Their dedication and vigilance with regard to these issues have made our nation and the world a safer place.

I urge my colleagues to support House Resolution 895.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, as we approach the Fourth of July, that wonderful holiday where we celebrate America's Declaration of Independence, we must recall that our Founding Fathers understood and placed in our founding documents the important balance between liberty and security.

In that spirit, at the outset, let me reiterate that we all, Democrats and Republicans alike, support two principles. First, we support effective tools to fight terrorism, including the tracking of terrorist financing here and abroad under all applicable laws. Second, no one here condones disclosure of information that harms our vital national interest and makes locating terrorists and terrorist networks and disrupting their plans more difficult.

These basic principles and their frames, liberty and security, are contained in a balanced way in the substitute resolution offered by the distinguished gentleman from Massachusetts (Mr. FRANK). Mr. FRANK's resolution should have been permitted by the rule to be considered today.

But, again, in this closed Congress that we are in, we cannot consider alternatives. We can't even have a motion to recommit. I don't know what is so good about that as we go into the Fourth of July. But let us talk about the Republican resolution.

The Republican resolution before us today is quite clearly a document for political purposes. It makes sweeping and dubious conclusions on the facts and legality of the financial transaction surveillance program, unsupported by any fact-finding or oversight, and based upon representations by the President.

In a free society, we all have our roles and responsibilities. As public officials, we must safeguard our lawful intelligence activities, many of which have been conducted in secret. We respect that.

Our media, of course, have their public responsibilities. A free press is centered on reporting on the workings of government and on being alert, aware and free. They have an obligation to be responsible about their reporting of national security and to balance any reporting with the harm of disclosure.

Mr. Speaker, the Bush administration lacks credibility when it comes to complaining about leaks. The administration's record, and that of this Republican Congress, are marked by selective disclosures of classified information and selective expressions of displeasure over leaks.

When the identity of an undercover CIA officer was disclosed by high-ranking members of the administration in the White House, as part of a smear campaign against a critic of the Iraq war, the President did not fire any of the leakers. In fact, one of them was actually promoted. As Special Prosecutor Fitzgerald has told us, this disclosure could cause severe damage and irreparable harm to our national security.

Similarly, it was recently revealed that President Bush himself was alleged to have authorized for political purposes the selective leaking of intelligence information in a National Security Estimate.

Where was the outrage and the oversight from this Republican Congress? Nowhere to be seen. Repeatedly, this Republican Congress has spurned resolutions of inquiry and neglected congressional oversight responsibility to get to the bottom of leaks by the Bush administration.

So let us take this resolution for what it is. It is a campaign document. The Republican resolution contains a number of statements that simply cannot be factually confirmed and are not the result of congressional fact-finding or rigorous congressional oversight. The Republican resolution also contains a number of statements regarding the legality of the program and the safeguards it claims protects individual rights.

Let me just read what that is. This resolution finds that the Terrorist Financed Tracking Program has been conducted in accordance with all applicable laws, regulations, and Executive Orders, that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed and consulted for the duration of the Program and will continue its oversight of the Program.

Continue its oversight of the program? There has never been any oversight of the program. The fact is, because there has never been any oversight of the program, there isn't one person in this body who will vote on this resolution who can attest to this statement. You are asking us to vote on something that we absolutely cannot attest to. Not any one of you can attest to this as a fact, because it isn't a fact.

So let us just go to where we began, to our founders, liberty and security. As I said before, when the identity of an undercover CIA officer was disclosed by high-ranking members of the administration as part of a smear tactic, nothing was done. Nothing was done by this Congress in terms of oversight. Nothing has been done.

The Frank substitute does not contain any of these unsupported conclusions. The Frank substitute is a resolution that is balanced and accurate and should command the support of all Members.

I intend to vote against this resolution. I wish that we could have the chance to vote for Mr. FRANK's resolution. I think that would have been in keeping with the intentions of our Founding Fathers.

But let us keep in mind their constant admonition that in order to have security, we must have freedom. In order to have freedom, we must have security. We must have balance. This resolution does not.

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the Chair be authorized to reduce to 5 minutes the minimum time for electronic voting, if ordered, on passage of H.R. 4761.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

Mr. FRANK of Massachusetts. Reserving the right to object.

The SPEAKER pro tempore. The gentleman is recognized on his reservation.

Mr. FRANK of Massachusetts. I reserve the right to object. We are being asked to move this very quickly, I guess, because of the baseball game.

If we could get the right to get a vote on our substitute, I wouldn't object. But as long as we aren't even being allowed to have a vote on our substitute, I don't know why we should be asked to hurry up the proceedings.

I would ask the gentleman if we could get unanimous consent now, in addition to this, to allow us to present our substitute. If we could get unanimous consent for that, then I would have no objection to this.

The SPEAKER pro tempore. Does the gentleman object?

Mr. FRANK of Massachusetts. I will object now.

The SPEAKER pro tempore. Objection is heard.

Mr. FRANK of Massachusetts. I ask unanimous consent that the House allow us to present our substitute for a vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. OXLEY. I object, and I withdraw my unanimous consent request.

Mr. Speaker, I yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, we are a Nation at war. As a member of the Intelligence Committee, I am aware of many of the Nation's most important efforts to fight and win this war. I pay close attention to our antiterrorist programs, particularly when the details are revealed without proper authorization and our best efforts are rendered ineffective.

I see a trend developing in the growing number of unauthorized disclosures of classified information. In the past few months, we have read countless articles revealing details and making allegations about a host of sensitive national security programs, from the President's Terrorist Surveillance Program to the Terrorist Finance Tracking Program.

Each time, individuals who lack the fortitude to publicly take responsibility for their actions have leaked the details about these classified programs. Each time, the news media gladly aids and abets them by publishing whatever secret that will sell another paper. I am shocked by the easy attitude of many in the media towards disclosing our Nation's secrets.

This past Sunday, June 25, the executive editor of The New York Times wrote a letter to the readers about the newspaper's decision to publish the details of the Terrorist Finance Tracking program. For me, the editor perfectly summed up the prevailing attitude of the media elite.

He wrote, "The question we start with as journalists is not 'why publish?' but 'why would we withhold information of significance?' We have sometimes done so, holding stories or editing out details that could serve those hostile to the United States. But we need a compelling reason to do so."

Frankly, Mr. Speaker, I take issue with that kind of arrogance. I can offer quite a few compelling reasons.

First, it is against the law.

Second, it puts our citizens at risk.

Third, publishing secrets in the open press cripples our capability to stop terrorists.

But don't just take my word for it. The WMD Commission reported this very fact to the President, and the Commission's precise language is quoted in the preamble to this resolution.

Fourth, publishing secrets in the open press costs us the cooperation of our allies.

I mentioned earlier that we are a Nation at war, but we are not alone in this war. The intelligence services of our allies cooperate with us and share their sense of information with us upon mutual understanding that this information won't be revealed.

When the secrets provided to us by our allies wind up on the front page, that sense of trust is deeply fractured. We appear unable to keep a secret. Our allies get hurt when they tried to help. They will be less likely to cooperate with us on sensitive intelligence matters in the future for fear of compromising their own sources and methods.

Finally, publishing secrets in the open press undermines people's confidence in the intelligence community. The American people support the extraordinary lengths which our government has gone to defend the Nation against the terrorists on September 11. Moreover, the American people rightly believe that our intelligence service, like our military, is the best in the world. The late Mr. Zarqawi could have attested to both sentiments.

However, when our secrets get published, the public's confidence in the intelligence community starts to ebb. Our intelligence community appears incompetent, unable to maintain the secrecy essential to carry out the mission. Our intelligence community also appears to be unsure of itself.

Mr. Speaker, I have no doubt about our efforts to fight the terrorists. Our House Intelligence Committee has conducted extensive oversight of sensitive anti-terror programs, including three briefings on the Terrorist Surveillance Program. We have had one briefing on the Terrorist Finance Tracking Program.

Mr. Speaker, I will like to make a note that the gentlewoman from California said there were no briefings on this information. I personally have had a briefing and also six on these various detainee issues. Unquestionably, these programs are legal, and they were very effective.

It is my hope, Mr. Speaker, that the Department of Justice convene a grand jury, provide immunity to the newspapers, the editors and reporters, if and only if they would reveal their government sources for these classified leaks.

We need to make clear to the men and women of our intelligence agencies, to our allies and to the American people that these leaks must and will stop. We need to make clear to those members of the news media that publishing leaks of sensitive national security information will not be tolerated.

□ 1745

This resolution does just that. I offer my support, and I urge my colleagues in the House to do the same.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 15 seconds to note that the substitute resolution we are being prevented from even allowing to be debated and voted on also condemns the unauthorized leak of information, and it just does it without the praise which we do not think has yet been substantiated for the Bush administration.

I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I want to begin by commending the gentleman from Massachusetts for the resolution he can't bring to the floor. I am proud to be a sponsor. And it starts off supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate congressional consultation. What's wrong with that? What makes the Republican majority not want to hear the discussion on this amendment? Well, there may be some motive political about this selective crying out about information.

The SWIFT story bears no resemblance to security breaches, disclosure of troop locations, or anything that would compromise the security of individuals. As a matter of fact, I will insert into the RECORD the New York Times editorial of June 28, 2006.

Mr. Speaker, I want to point out further, where were these screams when the Los Angeles Times gave out information on this subject matter? Other newspapers, the Wall Street Journal came out. Nothing was said there. But now we are really worked up.

But why weren't we worked up when the information was published when Judith Miller published her so-called scoops on weapons of mass destruction in Iraq? Or the leaking of the identity of an undercover CIA agent? By the way, that is already a felony, as it already exists.

I cannot support the Oxley resolution. I urge my colleagues to vote "no" also.

It is clear this resolution is rebuking the New York Times for publishing information on the Government's access to banking records. In the myriad "leaks" that have been published in the press since 9/11, why is the House acting now, on this issue?

Because it is politically convenient to do so. When Judith Miller published her so called "scoops" on Weapons of Mass Destruction in Iraq, where was the majority then? Where was the call for investigation?

How about leaking the identity of an undercover CIA agent in an attempt to discredit her husband who was critical of the administration? I believe this House refused to take a stand on that issue numerous times, despite clear evidence that the Vice President personally leaked information.

It is clear that the majority would like to pick and choose which national security information can be reported on by the press. I'd like to remind them that under the First Amendment, that is not their prerogative. That is the consequence of a free press—it will sometimes print stories that the Government disapproves of.

There are already laws on the books criminalizing the leaking of classified information. This resolution is absolutely useless in the fair and thorough application of those laws to recent leaks.

In fact, the only purpose of this resolution is to chill freedom of the press, and put reporters and their papers on notice that the Republican majority will come for anyone who doesn't clear their stories with the administration first.

We all took an oath to uphold the Constitution. Therefore I cannot support legislation that on the one hand wholesale approves of a secret surveillance program none of us know about, and takes a jab at the First Amendment on the other.

[From the New York Times, June 28, 2006]

PATRIOTISM AND THE PRESS

(By Eric M. Tamarkin, Esq.)

Over the last year, The New York Times has twice published reports about secret antiterrorism programs being run by the Bush administration. Both times, critics have claimed that the paper was being unpatriotic or even aiding the terrorists. Some have even suggested that it should be indicted under the Espionage Act. There have been a handful of times in American history when the government has indeed tried to prosecute journalists for publishing things it preferred to keep quiet. None of them turned out well—from the Sedition Act of 1798 to the time when the government tried to enjoin The Times and The Washington Post from publishing the Pentagon Papers.

As most of our readers know, there is a large wall between the news and opinion operations of this paper, and we were not part of the news side's debates about whether to publish the latest story under contention—a report about how the government tracks international financial transfers through a banking consortium known as Swift in an effort to pinpoint terrorists. Bill Keller, the executive editor, spoke for the newsroom very clearly. Our own judgments about the uproar that has ensued would be no different if the other papers that published the story, including The Los Angeles Times and The Wall Street Journal, had acted alone.

The Swift story bears no resemblance to security breaches, like disclosure of troop locations, that would clearly compromise the immediate safety of specific individuals. Terrorist groups would have had to be fairly credulous not to suspect that they would be subject to scrutiny if they moved money around through international wire transfers. In fact, a United Nations group set up to monitor Al Qaeda and the Taliban after Sept. 11 recommended in 2002 that other countries should follow the United States' lead in monitoring suspicious transactions handled by Swift. The report is public and available on the United Nations Web site.

But any argument by the government that a story is too dangerous to publish has to be taken seriously. There have been times in this paper's history when editors have decided not to print something they knew. In some cases, like the Kennedy administration's plans for the disastrous Bay of Pigs invasion, it seems in hindsight that the editors were over-cautious. (Certainly President Kennedy thought so.) Most recently, The Times held its reporting about the government's secret antiterror wiretapping program for more than a year while it weighed administration objections.

Our news colleagues work under the assumption that they should let the people know anything important that the reporters learn, unless there is some grave and overriding reason for withholding the information. They try hard not to base those decisions on political calculations, like whether a story would help or hurt the administration. It is certainly unlikely that anyone who wanted to hurt the Bush administration politically would try to do so by writing about the government's extensive efforts to make it difficult for terrorists to wire large sums of money.

From our side of the news-opinion wall, the Swift story looks like part of an alarming pattern. Ever since Sept. 11, the Bush administration has taken the necessity of heightened vigilance against terrorism and turned it into a rationale for an extraordinarily powerful executive branch, exempt from the normal checks and balances of our system of government. It has created powerful new tools of surveillance and refused, almost as a matter of principle, to use normal procedures that would acknowledge that either Congress or the courts have an oversight role.

The Swift program, like the wiretapping program, has been under way for years with no restrictions except those that the executive branch chooses to impose on itself—or, in the case of Swift, that the banks themselves are able to demand. This seems to us very much the sort of thing the other branches of government, and the public, should be nervously aware of. We would have been very happy if Congressman Peter King, the Long Island Republican who has been so vocal in citing the Espionage Act, had been as aggressive in encouraging his colleagues to do the oversight job they were elected to do.

> The United States will soon be marking the fifth anniversary of the war on terror. The country is in this for the long haul, and the fight has to be coupled with a commitment to individual liberties that define America's side in the battle. A half-century ago, the country endured a long period of amorphous, global vigilance against an enemy who was suspected of boring from within, and history suggests that under those conditions, it is easy to err on the side of security and secrecy. The free press has a central place in the Constitution because it can provide information the public needs to make things right again. Even if it runs the risk of being labeled unpatriotic in the process.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman, Mr. KING of New York, chairman of the Committee on Homeland Security.

Mr. KING of New York. Mr. Speaker, I am proud to speak in support of this resolution.

Mr. Speaker, this is a critical time in our Nation's history. Our Nation is at war, and we have seen serial leaks of very important classified top secret information. It is almost as if we are shadow boxing. We are talking about it in a moot court-type way or a theoretical way.

The fact is lives are at risk. The fact is in this particular situation, by the New York Times' own account it was a program that was working. It was a program for which the Times has raised no questions of illegality. It is a program under which the administration, the Secretary of the Treasury, the two cochairmen of the 9/11 Commission went to the New York Times and asked them, in the interest of national security, not to release the details of this program. But they went ahead and did it anyway. And that really, to me, casts a motive over why, questions the motive of the New York Times in doing this.

Back in December I strongly objected when they leaked the details of the NSA terrorist surveillance program. At least, in that instance, the Times raised what they thought were questions of legality. But that didn't even exist in this current situation which, to me, goes to the heart of an issue here, is what is the obligation of a newspaper, how absolute is the first amendment.

My belief in a democratic society, where there is always friction between freedom and responsibility, and while we give extensive rein to the first amendment, to freedom of speech, freedom of the press, no freedom can be absolute. With freedom comes responsibility. And to me the New York Times has clearly crossed that line of responsibility. Those who leaked the information, yes, they should certainly be prosecuted. To get to them is going to be very difficult to do, unless, as the gentleman from Kansas pointed out, reporters and editors are brought in before a grand jury and threatened with contempt if they do not disclose the names of their sources.

Then we will see if those who say they are so opposed to leaks will stand up and support that. Because reporters should not be sacrosanct. Newspapers should not be sacrosanct. It is fine to launch special investigations and hire special prosecutors to go after any other person in the country. But as soon as anyone focuses on the media, focuses on the New York Times, or the L.A. Times, or the Wall Street Journal, then panic sets in, as if special walls of protection must be set up around them. They are not entitled to that.

To me they have a responsibility. The New York Times has woefully failed in its responsibility. I say the jury might still be out on the L.A. Times and the Wall Street Journal as to whether or not, what their motives were. Did they only follow because the New York Times went first? I don't know. But no one should be immune from investigation here. They should be looked into very, very carefully. We should go after the leakers. And to me, the New York Times, is not just the facilitator of the leakers, they are coconspirators of the leakers because it was leaked to the Times and the Times leaked it to the American people and to the world. And because of that, our position as a Nation is weaker. Our people are at risk. Our people suffer and face the further suffering and death, and that will be on the hands of the New York Times. That blood will be on their hands.

I urge adoption of the resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the ranking member of the Intelligence Committee.

Ms. HARMAN. Mr. Speaker, I rise to oppose this resolution and to support a more responsible alternative, which, unfortunately, is not made in order for debate.

Mr. Speaker, there is not a single Member of this body who thinks tracking terrorist finances is a bad idea. As the 9/11 Commission said, "follow the money."

But any intelligence program, no matter how critical to national security, must comply with law and the Constitution. The Supreme Court ruled today in the Hamdan case that no President has unlimited powers; no President is above the law, even in matters of national security.

Although this program has been operating for over 4 years, virtually no one in this House knew about it, and there has been absolutely no oversight. Two Members were briefed in 2002 when the program began. One Member in 2003, two in 2005, that is a total of five. And now several dozen more, including me, last month, only after it became clear that the program had leaked. The only reason I and others were briefed is the administration wanted to stay ahead of the press curve.

Mr. Speaker, if you vote for the Oxley resolution, you are certifying that the program is in full compliance with all applicable law. As previous speakers have pointed out, the second finding of the resolution states the program has been conducted in accordance with all applicable laws, regulations, and executive orders; appropriate safeguards and reviews have been instituted to protect individual civil liberties, and Congress has been appropriately informed and consulted.

How can you know this? I don't know this. No Member has been briefed more than once. No hearings have been held and no reports issued.

Moreover, I feel this White House will use a "yes" vote as an authorization for further programs, scope unknown.

Mr. Speaker, I won't go there. Remember the authorization to use military force in Afghanistan? Until today, in the Hamdan decision, the White House has been using that vote to support unlimited detention as well as the NSA program.

There are some legitimate issues raised by this resolution. Leaks can get people killed. Those who leak highly sensitive intelligence information can damage our national security. The resolution many of us wanted to offer makes this clear. But if we prosecute newspapers and erode the first amendment, we will end up killing our Constitution.

In May, the House Intelligence Committee held open hearings on the role and responsibilities of the media in national security. We received over 25 submissions for the record, and the overwhelming sentiment was to tread lightly on action that could chill our first amendment freedoms.

Mr. Speaker, as I said in that hearing, if anyone wants to live in a society where journalists are thrown in prison, I encourage them to move to Cuba, China or North Korea to see if they feel safer.

This resolution asks Congress to give the administration another blank check. It is unworthy.

Mr. OXLEY. Mr. Speaker, I yield 5 minutes to the chairman of the Intelligence Committee, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I would like to thank my colleague from California, the ranking member on the Intelligence Committee, for the work that we have done together on leaks, and I think the approach that we have taken on the committee.

We, today, are on different sides. I rise in strong support of this measure.

Just a week ago, this program was one of the most highly classified and sensitive intelligence programs of our Nation. Former 9/11 Commission Chairman Tom Kean said that the idea of a U.S. having a tap into this type of information would have been, quote, impossible to believe, end of quote.

There is little dispute that the program is lawful. It is appropriate, and it has been an effective tool to identify terrorists and their financial networks. The Intelligence Committee has been briefed, has been conducting oversight.

My colleague has talked a little bit about the Members that were briefed. But also it is important to note, and as many of us know, much of the work that is done on any committee in the House or on the Senate side, there is significant work that is done by staff. Nine staff members, joint House, Senate, 9/11 inquiry staff, were briefed in May of 2002. HPSCI consistently, in 2002, 2003, twice in 2005 and three times in 2006, have been briefed on this program. The program has had extensive exposure to staff and to Members.

A week ago, this program was only about one thing, finding our enemies and keeping Americans safe. If it had been talked about in a secret setting or in a public setting, it would have violated the law, the rules of the House. Today I am not only talking about it; it seems like everyone in America may be talking about it. And the interesting thing is that perhaps the group that is most closely watching this and trying to understand exactly what this program may be capable of doing are our terrorist enemies. They are now aware of what we are doing.

Sure, we told them after 2002 we are going to track you financially, we are going to try to intercept your communications. We are going to try to find you in Afghanistan. We are going to try to find you wherever you may be. Sure, they knew that. But they never had the details of the specific tools that would be at our disposal to help us catch them, to help us stop their funding streams and enable us to go out and make sure that they could not attack us again successfully. That tool has now been compromised, along with other tools.

That is a disappointment. The newspapers bear a responsibility for that. I find it very interesting that as we go through this process, the New York Times has decided that on their part, they went through a process that indicated that now it is okay to release this information. We don't know what process that is. Some of us have had experiences with the New York Times before where they were going, quote, unquote, through their process. And it is a very, very questionable process that they go through, but we don't know and they don't talk about that process.

They don't talk about who they talk to. They don't talk about what information is provided to them, and they do not talk about what information they provide to the sources or to the people that they may be seeking information from.

I would love the New York Times to do an exposé of their program and their review process that led them to this decision to publish this program. I would also like to see the exposé of the process that they went through and the deliberative process and the information that they shared when they made the decision to go public with the terrorist surveillance program.

☐ 1800

I think it would be enlightening to the American people to understand their process as they make these very, very critical decisions that have an impact on our national security.

And, finally, we do need to focus on finding the people that leaked this information, whether they are in the intelligence community, whether they are somewhere else, in the executive branch, or whether they are in Congress. I think we have a mutual goal and objective to stop these leaks, to do effective oversight, and to make sure that the intelligence community is working within the box that we have set. That function is the responsibility of the House and the Senate. It is not a function of America's press to go through that process in a way that is unaccountable to us and to the American people.

I urge my colleagues to support this resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds.

I note that several on the other side have said, yes, it is true al Qaeda and the terrorists knew we were going to be tracking them financially. They just didn't know that would involve bank records. That seems to me wholly implausible.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I ask unanimous consent that H. Res. 900 be included in the RECORD at this point in time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

H. RES. 900

Whereas the United States is currently engaged in a global war on terrorism to prevent future attacks against American civilian and military interests at home and abroad;

Whereas intelligence programs are essential to gathering critical information necessary for identifying, disrupting, and capturing terrorists before they carry out further attacks;

Whereas there is a national security imperative for maintaining the secrecy of our legitimate intelligence capabilities;

Whereas effective intelligence depends on cooperation with foreign governments and individuals who trust the United States to protect their confidences;

Whereas the unauthorized disclosure of sensitive intelligence information, including the names of clandestine service officers of the Central Intelligence Agency, inflicts significant damage to United States activities in the global war on terrorism;

Whereas following the September 11, 2001, terrorist attacks, Congress passed the USA PATRIOT Act, which included anti-terrorist financing provisions that bolster Federal Government and law enforcement capabilities to find and disrupt the financiers of terrorist organizations;

Whereas following the September 11, 2001, terrorist attacks, the President directed the Federal Government to use all appropriate measures to identify, track, and pursue not only those persons who commit terrorist acts here and abroad, but also those who provide financial or other support for terrorist activity;

Whereas consistent with this directive, the United States Government initiated a classified Terrorist Finance Tracking Program and the Secretary of the Treasury issued subpoenas to gather information on suspected international terrorists through bank transaction information;

Whereas a few Members of Congress were notified of the existence of the Terrorist Finance Tracking Program, with most notifications taking place only after an intent to publish stories about the program was communicated;

Whereas Congress has authorized the Secretary of the Treasury to explore the implementation of systems to review all cross-border wire transactions;

Whereas the bipartisan 9/11 Commission recommended that "Vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts"; and

Whereas persons in positions of trust and responsibility granted access to highly sensitive intelligence programs should not violate their solemn obligations not to disclose classified information: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks here and abroad in accordance with existing applicable law, but notes that the expression of such support in this resolution should not be construed as providing additional authority for such efforts; and

(2) expresses concern that the unauthorized disclosure of classified information may have made efforts to locate terrorists and terrorist networks, and disrupt their plans, more difficult.

Mr. HOYER. Mr. Speaker, I rise in support of H. Res. 900.

Let me read H. Res. 900's opening resolution: "Supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate congressional consultation."

Everybody in this body supports tracking terrorists. Everybody.

The gentleman who chairs the Intelligence Committee just talked about process. Neither the New York Times nor the Los Angeles Times nor the Wall Street Journal raise their hands and swear to defend the Constitution and protect the laws of the United States of America. We do that, and we have processes to determine how best to do that.

We are at war, and we ought to be united, and I will lament the fact that the Republican leadership continually presents resolutions designed to divide rather than to bring us together. There was not one second of hearing on the resolution before this body, not one. There was no process. There was no oversight. There was no fact-finding. There was no way to determine what, in fact, the facts are.

We are not the newspapers. We have sworn an oath before God and to our constituents to do our work in a way that protects and defends the Constitution and the statutes of this land. You have not done that. You have not brought us together. You have not said let us come together on a resolution. Not only that, but we have an alternative. I have read you its preamble, which accomplishes the same objective you want but without adopting premises that none of us, not one of the 435 of us, know that those premises are accurate.

I tell my friend, the gentleman from Ohio (Mr. OXLEY), he has not had one minute of hearings in his committee on this resolution, not one.

Is that responsible? Is that the way the people of the United States want us to carry out important functions of government when we are at war? I think not. I think they expect more of us. We do not honor this institution or its processes or our Constitution by the actions we take today on this floor.

I will oppose this resolution, but I will support H.R. 900, which says very clearly and emphatically that we want to determine what terrorists are doing. We want to intercept the information from financial institutions that further a conspiracy to create terror and injury and damage to our country and to our people. But we should have done it, I tell the chairman, in a collegial way, in a cooperative way, in a partnership against terrorism, not in a partisan effort to divide and to make political points.

Mr. OXLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, when your house is on fire, do you hold a hearing? When you need emergency treatment, do you take time for a hearing?

I rise in support of this resolution because at times we need not be prisoners of process but instead champions of policy.

What is past is prologue. The year 1944, early in that year, General Dwight David Eisenhower steps before the war correspondents and says, with reference to D Day, Fellows, I want you to know it is going to be in early June.

The war correspondents to a man stopped writing. One asks, General, why did you tell us?

And Ike responds, Because you are good Americans and I know you won't endanger the lives of other Americans.

The question before this House is just that stark and just that simple. In wartime, despite partisan differences, will we stand together knowing that information is sensitive in wartime and some information should remain secret to protect the American people? That is all this resolution says, that we abhor the leaks and that they must stop and together we must win this effort. Our future depends on it.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds.

If that was all the resolution had said, we wouldn't be here. It also says that the Bush administration has carried this out in a perfect fashion. And yet you can have hearings during a war. Harry Truman showed how to do that and made for himself a great reputation and helped the war effort.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Frank amendment because I believe I can embrace security and freedom and liberty.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to the dean of the House, who is a man of great experience in how to handle these conflicting issues, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, there is no one in this Chamber or in this body that is not a loyal American and does not want to see to it that our troops, our Nation, and our security is protected. But this is not the way to do it.

This resolution is conceived in sin, and it is brought forward to us without an opportunity to consider it or discuss it properly. No hearings, no opportunity to amend, not adequate discussion, not an opportunity for a motion to recommit. All done in a closed fashion, sprung on this body with no time to consider. The end result: The opinion has to be that this is a clear, baldfaced attempt to strangle criticism of this administration. This is an attempt to silence the press.

I would quote to you what Tom Jefferson had to say some years ago: "I am for freedom of the press and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents."

Now, beyond that, Herbert Hoover: "Absolute freedom of the press to discuss public questions is a cornerstone of American liberty."

That is what we are talking about here, the first 10 amendments, the Bill of Rights of the Constitution.

This administration is perhaps the most deceitful and dishonest that I have seen in the 50 years I have served in this body. They either do not know what they are talking about or they deliberately mislead. They told us about the weapons of mass destruction in Iraq. They told us about Iraqi connection to al Qaeda. They asked us to believe that the giving of no-bid contracts to Halliburton, which wastes billions of dollars, are in the public interest. They tell us that the insurgency is in its last throes. They tell us that they are protecting our civil liberties while they are tapping our phones and spying in our libraries and looking into our bank accounts. They tell us to trust them on everything because they are protecting our civil liberties.

Well, I don't think I can trust this administration to protect my civil liberties or those of the people that I serve. And I certainly don't believe that the majority has shown that we can trust them because they are not having a fair or decent debate on this. They are bringing to the floor a bill under a gag rule to gag the press, to intimidate the press, and to see to it that the one agency in this country that is telling the people the truth about what is going on over in Iraq and elsewhere and the functions of this administration is denied the opportunity to come forward and to tell the truth so that the people may know of the follies and abuses of this administration.

Mr. Speaker, I rise to denounce this resolution that we have before us today. I denounce it because, it is not only inaccurate—and inaccuracies have no place in carefully considered legislation—but also because I believe that it is a pernicious attack on the very foundation of a free society.

It is impossible to have a democracy without a free vibrant press, the claims of this Administration not withstanding.

It is the press that keeps our government transparent, and policy makers honest.

It is the press that informs the public, and we should have nothing to fear from an enlightened population.

In fact, what we should fear is a public that takes its cues from politicians rather than newspapers.

Over two-hundred years ago Thomas Jefferson said, "I am for freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents."

Almost a century ago Walter Lipman wrote, "A free press is not a privilege, but an organic necessity in a great society" and the epitome of Republican presidents, Herbert Hoover, said. "Absolute freedom of the press to discuss public questions is a foundation stone of American liberty;"

But this Congress and this President are cut from a whole different cloth. The press, and by extension the people, are things to be feared. They believe the press should be dismissed, and the public should be ignored.

This Administration seems to think that any oversight is bad oversight, and the Congress willingly agrees. In fact, the only thing that has kept the public as woefully informed as they are has been the press.

For the past five and a half years, the President and his deputies have told the American people "Trust us."

Trust us on the existence of weapons of mass destruction in Iraq.

Trust us on an Iraqi connection to Al Qeda.

Trust us on gigantic no bid contracts to Haliburton which wastes billions of dollars of the taxpayers money.

Trust us on mission accomplished.

Trust us on the insurgency being in its last throes.

Trust us that civil liberties are being protected as we pursue terrorists.

Trust us that we had no idea New Orleans levies could be breached.

Trust us that everything is legal and your civil liberties are protected.

Well, Mr. Speaker, I do not want to trust anymore. I cannot trust the claims of this Administration anymore, and the only people that have even attempted to keep them honest, and to inform the American people, is the press.

An uncomfortable truth was revealed in the New York Times, and a needless detail was included in a Washington Times story in 1998 that enabled Osama bin Laden to escape capture. Yet these are the prices we pay for a free press.

No one ever said that freedom was easy, or neat, or simple to manage. Rather it is hard, it complicates policy, and makes governing messy.

But it also works and it has made us a model to be emulated and to be envied throughout the world—and I would have it no other way.

I urge my colleagues to voted on the resolution.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. DAVIS), a member of the Committee on Financial Services, one of those kept in the dark on this.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of your resolution that the House will not get to vote on; and I have to begin by pointing out some of the absurdities put before the House tonight, Mr. FRANK.

On one hand, we hear that the terrorists are cunning and brilliant and threaten every liberty that we have. On the other hand, on the next hand, they are too dense to know we are monitoring their bank transactions.

On one hand, we decry, with every piece of passion and indignation we have, the New York Times. We dust off the reputation of the deputy chief of staff who tried to leak classified information to them and put him in charge of the fall campaign strategy.

So I begin with the absurdities, but I end with a more profound point. If you vote for this resolution, you are voting for two simple statements: The first statement is to one newspaper and to one executive branch. This is an admonition by the Congress to prosecute an American newspaper. I do not know that we have done that in all the years that we have been here.

And then there is the second statement to every newspaper in the United States of America and every magazine, to everyone who carries a journalist's pen that the next time you think about piercing the veil of secrecy, be afraid, be very afraid, because the hammer may fall on you.

And I do not trust that, Mr. FRANK, for a very simple reason. These checks and balances have swung far too widely in favor of the Executive. The President, I respect all of his power and all of his authority, but he is not the sole arbiter of what is right and what is wrong. And because we haven't performed our oversight role, we have left him with this role of being the arbiter of what is classified, of what is wise, and what is necessary to protect this country.

So I end with this trade-off: We would be very happy to give up some of the freedom of the fourth estate if this branch of government, the legislative, would do its task of oversight. But because we are not doing our task and we see instances of it time after time, yes, we need a fourth estate that is free. We need a fourth estate that is not chilled.

Mr. OXLEY. Mr. Speaker, I will take a second to correct the gentleman from Alabama. There is not one word in this resolution that calls for prosecution of anything other than leakers. Not the media.

Mr. DAVIS of Alabama. That is the effect, Mr. OXLEY. It is the effect of it.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds.

There is a very clear notice in the Republican resolution, and I call it that simply because that is how they decided it should be. They drafted it and didn't even show it to us until it was printed. They asked for no input. But it very clearly references the current criminal statute that is there, and I do not think that was for no reason.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, there is no American, Democrat or Republican, who does not want to pursue, capture and, if necessary, kill any al Qaeda who threatens our country. And what is happening here tonight is an attempt to shoot the messenger, which is the New York Times and the Wall Street Journal and the L.A. Times, that there may be a program that is being conducted by this administration which may not be constitutional. It may not be proper oversight.

☐ 1815

Now, we are told that Booz-Allen, an accounting firm, is checking for us. But we did not subcontract constitutional protections to an accounting firm. Enron hired Arthur Andersen; we know what happened to their investors. We are supposed to be the checks along with the Federal courts.

Now, they say that you don't have to worry, we already know what's going on. Well, the resolution says that the program only reviews information as part of specific terrorism investigations and based on intelligence that leads to targeted searches. How do we know that?

The resolution says that the program is rooted in sound legal authority based on executive orders and statutory mandates. How do we know that?

The resolution says that the program consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy. How do we know that?

This resolution says that the program has rigorous safeguards and protocols to protect privacy. How do we know that?

There have been no hearings. There has been no oversight. There have been no congressional investigations into this bank record surveillance program. Booz-Allen knows more about this program than the Members of the United States Congress and Federal judiciary. How do we know?

Instead, they shoot the messenger, the press of our country, for revealing that they trust an auditing firm more than the Federal judiciary.

Vote "no."

There is no question that our country must work acitvely and aggressively to put Al Qaeda out of business.

There is no debate abut this point—terrorists are planning to strike our country again, and we must not waiver in our efforts to prevent another attack.

But while we work to destroy Al Qaeda, we must not debase our Constitution.

While we track terrorists around the globe, we must not trample on the very principles that are the foundation of our democracy.

The Bill of Rights did not come with an expiration date.

Taking the fight to the terrorists and abiding by our constitutional requirements are not mutually exclusive responsibilities.

Mr. Speaker, I agree with many of the provisions in this resolution:

We must choke off funds used by terrorists to fund their activities; We must use our intelligence capabilities to detect and disrupt terrorist plots before they occur; We must work with our allies in the global war on terror.

But I cannot support a resolution that falsely claims that the Congress was appropriately consulted on this program, and appropriate oversight of the program was conducted. That is simply not true.

This Resolution is a perfect example of why the American people are getting fed up with the Republican Rubber Stamp Congress.

Just last Friday, the New York Times, the Wall Street Journal, and the Los Angeles Times reported on the existence of a secret Bush administration program to monitor banking transactions. These reports come just six months after earlier revelations about the existence of a program to monitor telephone call records. The reports themselves indicate that some of the Government officials familiar with the program had concerns with the scope and breadth of the bank record surveillance program. Congress was not fully notified about the program. No federal court approved the subpoenas that were sent to the international consortium called "SWIFT" that had these bank records.

So, what is the reaction of this Congress to these revelations?

Are we going to conduct hearings to evaluate this program?

Is there going to be any oversight to determine whether or not it fully complies with all Constitutional and legal requirements?

No, what we're going to do is take up this resolution and retroactively bless a program that we weren't told about.

What we're going to do is shoot the messenger—the news media—for informing this House and the American people that such a surveillance program existed.

The Bush administration has claimed that tapping bank records without a court order is legal. Perhaps it is—but shouldn't we conduct some oversight to find out?

But, the Bush administration also argued that waterboarding and other cruel interrogation techniques were fully legal. Once Congress found out about those techniques, it passed the McCain amendment to make it clear that such techniques were not legal.

The administration argued that trying prisoners at Guantamo Bay before military tribunals and denying them the protections of the Geneva Convention was also legal, but the Supreme Court just ruled earlier today that it was not.

Now the Bush administration argues that the secret bank records program is entirely legal. Perhaps it is. But, perhaps it is not based on the Bush administration record of expansive legal interpretations of executive authority, I don't think that this Congress should just take the administration's word for it. At minimum, we should be asking questions. We should be conducting some real oversight into this program to find out. We should be holding hearings to examine this program and to determine whether it fully complies with the laws—if necessary, in closed executive session.

The resolution before us today makes findings and reaches conclusions for which there is not yet evidence.

This resolution finds that the program "only reviews information as part of specific terrorism investigations and based on intelligence that leads to targeted searches." How do we know that?

This resolution finds that the program "is rooted in sound legal authority based on executive orders and statutory mandates." How do we know that?

This resolution says that the program "consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy." How do we know that?

This resolution says the program "has rigorous safeguards and protocols to protect privacy." How do we know that?

This resolution says that this secret bank record program "has been conducted in accordance with all applicable laws, regulations, and executive orders, that appropriate safeguards and reviews have been instituted to protect individual civil liberties." How do we know that?

There have been no hearings. There has been no oversight. There has been no Congressional investigation into this bank record surveillance program.

Instead of Congressional oversight, or approval by a Federal Judge, this program has relied on a consulting firm hired by the administration—Booz-Allen—as the only oversight mechanism to evaluate the legality of the financial surveillance program. The Bush administration should have subjected it to proper oversight by Congress and the courts. But it chose not to do so.

There is no factual or evidentiary basis for the findings and conclusions reached in this resolution, other than the claims issued by the Bush administration. Before this body goes on record in support of those claims, we have an obligation and a duty to actually hold the hearings and conduct the oversight needed to assure ourselves that the Constitutional rights and the privacy rights of the American people have been appropriately respected.

We should not be passing this resolution today, before we have those answers. That is the gentleman of Massachusetts (Mr. FRANK) sought to offer a substitute amendment that would have represented a more appropriate response. The Frank substitute would have deleted the findings and conclusions in the resolution for which there is as yet not sufficient evidence. It would have supported efforts to identify, track and pursue suspected terrorist and to track their money flows in accordance with existing law, and it would have refrained from inappropriately charging the news media with harming our national security. But the rubber stamp Republican majority that controls this Congress refused to make this amendment in order. They're afraid of a real debate on real alternatives.

I urge rejection of this resolution. This body should be able to vote and debate on real alternatives to rubber-stamping whatever position the Bush administration takes.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I find it interesting that when the 9/11 Commission gave this Congress 12 Ds, five Fs, and three incompletes for protecting America. nobody thought it was dangerous to America's national security or for protecting our citizens. Nobody wanted to get the 9/11 Commission recommendations down here for a vote.

The chairman of the Intelligence Committee said it is the Congress who will conduct oversight. When we were told this was a quick war, not a long one and it turned into a long war, where was the oversight?

When we were told that the war in Iraq was going to be conventional and became a guerrilla war, where was the oversight?

When we were told we were going to be greeted as liberators and we became occupiers, where was the oversight?

When we were told that we had enough troops and it has been clear that we needed more, twice as many, where was the oversight?

At every chance there was for the Congress to exercise its oversight, this Congress walked away from it.

On the war on terror, Democrats have given the President everything he wanted. The Republican Congress has denied the President the one thing he needed, oversight. It is in this area that oversight is most important. Every Democrat, every Republican, every Independent, every American wants to protect the country. There is a role for the United States Congress in oversight. The one institution that is providing some accountability is a free press, and one element of it is singled out for isolation in an attempt to intimidate it.

The Congress, as my Congressman said from Alabama, if the Congress was acting in its role of oversight, you would not have to come up with a gimmick to attack the one entity, the free press, that is also doing its function. I find it almost ironic at this point that we have a political strategy being designed by somebody and we all know what is happening here. It is a political strategy to divert people's attention from the real problems facing this country, one of which is the role of the Congress to protect the American people. Its job is oversight and accountability, and it has abdicated that for 2 years.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 2 minutes to a senior member of the Financial Services Committee and one of the leaders on the whole question of how we should be dealing with our current problem, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of the Frank resolution, 900, which was not made in order by the Rules Committee.

As many of you know, the Financial Services chairman, Mr. OXLEY, introduced House Resolution 895. The Oxley resolution is well-intended, but I cannot support it. It condemns the media for disclosing information related to the Terrorist Finance Tracking Program. The resolution is misleading. It contains whereas clauses characterizing Congress' role in overseeing the program. There is no oversight to this terrorist tracking program.

Mr. Speaker and Members, this is America and Americans ought to be concerned about what is going on in this government at this time. As a matter of fact, I think this government is spinning out of control. The government is violating the United States Constitution and Federal law in the name of fighting terrorism. Your President truly believes he can disregard the Constitution, create new laws and executive orders and whatever he does, he says, is constitutional because he is the President.

Keeping with this imperial Presidency attitude, the Republicans have the audacity to try and intimidate the press, using the same tired old Karl Rove tactics that have become common to this administration: intimidation, threats. They have accused us of cutting and running on the Iraqi war, questioning Members' patriotism, accusing Democrats of being soft on terrorism, and now the press. If the New York Times, The Washington Post and the Washington Times or any other newspaper back off its responsibility to report the news, no matter how unpopular, they may as well close up shop and quit the news business.

This resolution as introduced by Mr. Oxley, that again is misleading, condemning the media, must be rejected. This is not China, Vietnam, Cuba, Sudan, Zimbabwe or Saudi Arabia. The free press is central to a democracy. We are seeing the PATRIOT Act, the NSA spying, the telecommunications companies giving up our private information. Enough is enough. We must stop with this resolution.

Mr. OXLEY. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from Arizona (Mr. Renzi), the only member of the Financial Services Committee and the Intelligence Committee.

Mr. RENZI. I thank the gentleman for his leadership.

The law is a little bit of a sticky wicket. There are a lot of claims being made on the other side of no oversight and that the President hasn't properly informed the Congress. Nancy Pelosi was properly informed: the ranking member of the Intelligence Committee, properly informed. Harry Reid, properly informed.

What does the law say? The law says the President shall keep the intelligence committees informed. The implementation clause, and I would recommend it to the gentleman from Massachusetts, the President and the congressional intelligence committees together shall establish these procedures. Who established them? Harry Truman, 1947. Who established the Gang of Eight and used it more than any other President? Jimmy Carter prior to September 11.

The law and history is a sticky wicket.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. RENZI. No, I won't yield. I was only given a few seconds.

Mr. FRANK of Massachusetts. The gentleman made it a point to mention me and will not let me respond.

Mr. RENZI. It's my time. I only get a few seconds.

The New York Times and the business of leaking is beginning to have a cumulative effect. By their own account, they have leaked the government's most closely regarded secrets. They said that it has only led to a few potential terrorists.

Let me close with this: a few potential terrorists did damage to this country on September 11. A few terrorists can help to take down and destroy this Nation and wound this Nation. They are not the ultimate arbitrators of how you declassify information. We all agree on that. They can't hold themselves above the law. They have got to allow and work with us.

This is the second time we have passed a resolution asking the media to work with us. I feel, my opinion, that those in the administration, this administration, those in government agencies, those in the media and those in both the Democratic and Republican Party who leak information should be prosecuted. We have got to put an end to this charade. We have got to do it together.

Mr. FRANK of Massachusetts. I yield myself 10 seconds to point out that, yes, it's true, Ms. Pelosi was briefed. In 2002, at the beginning of the program. She is not a fortune teller.

Mr. RENZI. Whoa.

Mr. FRANK of Massachusetts. Regular order. I ask the gentleman to be seated. I asked the gentleman when he mentioned me to yield. He declined to do so. For him now to interrupt me without even asking for a yield is wholly outside the rules of the House, and I ask he be instructed in them.

Mr. RENZI. Will the gentleman yield to correct a fact?

Mr. FRANK of Massachusetts. I will yield to the gentleman exactly as he yielded to me. No.

The SPEAKER pro tempore. The gentleman from Arizona will suspend. The gentleman from Arizona, please suspend. Please take a seat.

Mr. RENZI. I will be happy to suspend, sir.

The SPEAKER pro tempore. The gentleman from Massachusetts may proceed.

Mr. FRANK of Massachusetts. The gentlewoman from California (Ms. Pelosi) was briefed at the outset. The other gentlewoman from California, the ranking member of the committee, was briefed, as I was offered a briefing, after it was about to be made public.

I now yield 1 minute to the gentlewoman from New York, a member of our committee.

Mrs. MALONEY. Mr. Speaker, I rise in support of the Frank resolution that we are not permitted to vote on. All of us support legal efforts to track terrorist financing. But what we have before us is a nonbinding resolution that is more about stirring the Republican political base and silencing the press than protecting our country.

The resolution makes declarations about actions that have yet to be confirmed without conducting any oversight and without all the facts. The Republican Party has become masters of cut and run, cutting from the issues so that they can run for reelection in November.

This resolution is a diversion. If it was really about condemning leaks of classified information, it would also mention Valerie Plame, Karl Rove and Scooter Libby. And as the Member of Congress representing the district that suffered the greatest loss of life on 9/11, I believe that combating terrorism is a serious, bipartisan issue, not a one-sided, last-minute, take-it-or-leave-it, Republican-only, political campaign stunt.

Mr. OXLEY. Mr. Speaker, I believe I have the right to close, and I reserve the balance of my time.

Mr. FRANK of Massachusetts. May I ask, the gentleman has only one more speaker?

Mr. OXLEY. Me.

Mr. FRANK of Massachusetts. Me, too.

How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. 3½ minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 3½ minutes.

I reiterate, the resolution that we have, very unfortunately, not been allowed to offer even as a recommit, because democracy abroad has a much greater appeal to my colleagues than democracy at home. Indeed, apparently, to the Republican Party in the House, democracy is a great spectator sport. They would like to see it in Afghanistan, they would like to see it in Iraq, but they don't want to practice it at home. It's too hard. Members might be able to make a fair choice.

Here is what our resolution says: we are for tracking the terrorists financially. We do not think there should be leaks. The biggest single difference is that we do not subscribe to their automatic praise that says that the White House, the administration, has done everything right. That is the biggest difference.

Now, no one really can say that. The chairman of the Intelligence Committee said the staff was briefed, some of the staff. Well, let's have a mock Congress, bring the staff in here, and let them vote on it. But those of you who weren't in the briefing and haven't talked to the staff, almost everybody, are not entitled to vote to say things that aren't true.

Let me talk about one of the things that I am unsure about. I don't want the terrorists tipped off and if they are being tipped off, we need to know about it. But we don't know that yet. The gentleman from Alabama earlier, Mr. Bachus; the chairman of the intelligence committee and others have said, well, yes, it's true that the terrorists learned from Bush administration statements that we were tracking their financial activities. But apparently they didn't know that that involved banks. Did they think we were going through their pockets? How can you acknowledge that people knew that they were being tracked financially but, oh, no, it didn't involve bank records.

Now, I don't know what the answer is. But neither do those who are ready to vote to say this caused that problem. I remind the Members, there is a factual statement here that says, it doesn't mention the Washington Times because you want to be nice to them, but it says that the Washington Times in 1998 made a disclosure that made it hard to find Osama bin Laden. That may well not be true. You are going to vote them this. There is this automaticity to your behavior. You are being asked to vote for things that I know most Members over there and over here can't say.

We are not asking you to vote the opposite. We are not saying the program had legal problems. We are not saying it was conducted badly. We are saying, look, and we could have this, we could have 430 votes to say, yes, it's a good thing to track the terrorists and it's a bad thing to leak. Those statements of policy could be made, but they wouldn't give any political advantage. To go beyond that and to turn this into a Bush commercial, to say without any basis that we know that they haven't violated their civil liberty, they haven't done privacy, let me say this. If that is in fact the case, if they have run this program as competently, as efficiently, and with as much respect for individual liberties as you say, then this resolution deserves more attention. Because that is a first. If they really have managed to break the record they have had before, wonderful. But you are taking it as they said on faith.

So let me close by saying once again what I have said in previous situations. We have told the Shiia in Iraq, please show some willingness to work with the minority.

☐ 1830

We have asked in Afghanistan that people work together. We have said, do not be abusive of your majority power. Try to work together. And then the majority here engages in the most outrageous abuse of power you can think of.

I hope that all those watching will remember one important thing, do not try this at home.

Mr. OXLEY. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, this has been a lively debate. I just want to state some facts. We are at war. All of the decisions, virtually all of the decisions that have been made since 9/11 have been made in this Congress, the administration, with the express purpose of protecting the American people.

The PATRIOT Act, actions that were urged by the New York Times and other media, were undertaken expressly to protect the American people. And the fact that we have not had a major attack in this country is I think fairly good news and indicates to everybody that the system and what we have done is working.

We all served with Lee Hamilton. He was a great Member, well respected on both sides of the aisle. Lee Hamilton was the co-chairman, along with Governor Kean, of the 9/11 Commission. They testified before numerous committees. They wrote an excellent report.

And that report was critical looking backward on things that we had not done to better protect ourselves. We did not connect the dots. We had a wall between the CIA and the FBI. There were things that could have been done better.

And this was all constructive criticism. And then those gentlemen went out, not only did they testify, but they spoke in public. And they are still very active in that operation.

Why do you think, why do you think that Lee Hamilton asked the New York Times to resist publishing that information? Do you not think that he thought that our Nation was at risk and that that kind of information out in the public would notify al Qaeda and our enemies that we were in grave danger?

Why would somebody with the reputation of a Lee Hamilton or a Governor Kean make that extraordinary effort to try to keep a news organization from publishing that information? That is what this argument is all about. That is what this resolution is all about. This is serious business. This is not politics. This is about the safety of our children and our country.

And we talk about politics all of the time. I am frankly disappointed. Vote for this resolution and let us get on with the business at hand.

The SPEAKER pro tempore. Pursuant to House Resolution 896, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker. Is a motion to recommit in order at this time?

The SPEAKER pro tempore. The gentleman is correct.

Mr. FRANK of Massachusetts. Further parliamentary inquiry. Since we are in the whole House, would it be in order, by unanimous consent, to modify the rule so that the motion to recommit could become a motion with instructions, including the resolution we have alluded to today? Would that be in order to ask for a unanimous consent request?

The SPEAKER pro tempore. By unanimous consent, the House could amend its previous order to admit a motion to recommit with instructions.

Mr. FRANK of Massachusetts. Mr. Speaker, I then ask unanimous consent that our motion to recommit be made a recommit with instructions so our resolution, supported by the overwhelming majority of the Democratic Caucus, could receive a vote on the floor of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. OXLEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The gentleman from Massachusetts?

Mr. FRANK of Massachusetts. Mr. Speaker, I mourn democracy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 895, the Oxley resolution. I support efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks. But it does not serve the nation well to condemn the media for performing its watchdog function even in a time of war. Indeed, it is especially important during wartime that the media be even more vigilant and aggressive in informing the public. I do not support the resolution because it encourages the media to become lapdogs who see their role as cheerleaders for the Administration rather than as watchdogs who exist to safeguard the public interest.

During the 1790s under the Alien and Sedition Acts, and then again during the Civil War and World War I, the government prosecuted journalists. Today, we are again hearing government officials calling for prosecution of journalists who report on the conduct of the global war on terrorism and the war in Iraq and disclose to the American public information which the Administration would rather the American people not know. Some even accuse journalists who do so of treason.

But what these self-styled media critics fail to understand is that the American people have a need for a free press to check the excesses of government, and never more so than today.

Mr. Speaker, the resolution declares, without any proof or evidence, that the House of Representatives "finds that the Program has been conducted in accordance with all applicable laws, that appropriate safeguards and reviews have been instituted to protect civil liberties, and that Congress has been appropriately informed and consulted and will continue Program oversight."

This is a major flaw in the resolution. Affirming as fact claims that are not nothing more than unsupported assertions is not persuasive or in the best interest of the Congress and the country. Rather, it is merely argument by ipse dixit. Today the Supreme Court ruled that the Administration overstepped its bounds regarding Guantanamo Bay detainees. Who's to say that the Administration has not overstepped boundaries in the area of domestic spying as well? The fact is we simply do not know. We do not know because this Republican-led Congress has been derelict in its Constitutional duty of oversight.

Mr. Speaker, as a senior member of the Homeland Security Committee, I support efforts to identify and track down terrorists and oppose the leaking of classified information.

But I will not play politics with this Nation's security. Nor will I support the majority's trampling on liberty and freedom of the press.

Most disconcerting is the chilling effect this ill-conceived resolution will have on the press. In the words of one of our distinguished founding fathers, George Mason, 'The freedom of the press is one of the greatest bulwarks of liberty, and can never be restrained but by despotic governments.'

I oppose the resolution and urge its defeat.

Mr. STARK. Mr. Speaker, I reject all the ridiculous premises of the resolution: The premise that terrorists would have had no clue that international wire transfers would be subject to monitoring until they read about it in the New York Times; the premise that the media should conceal information leaked by responsible officials who are concerned about the runaway police-state tactics of the Bush Administration; and, the premise that by telling a select few Congressional leaders, the Bush Administration can do whatever it wants, regardless of the lack of constitutional or statutory authority.

When concerns were expressed about the far-reaching powers of the Patriot Act, President Bush said any wiretap would require a court order. He lied. When the National Security Agency's (NSA) warrantless wiretapping program was revealed, he said we should trust him to use the program judiciously. When we learned that the NSA also collects millions of domestic telephone records, the President said it wasn't what it seemed. Now, we add financial records to the list, and his only response is to criticize the messenger. What will it take for the do-nothing Republican Congress to start standing up for the Constitution, or at least the prerogatives of the Legislative Branch?

If this Congress spent half as much time doing oversight as it did criticizing those who dare question their government, we wouldn't have to find out what our government is doing on the front page of the New York Times. But given that no lie, no unlawful program, no petulant signing statement is too much for the Bush toadies, I salute the Times and other media outlets for their occasional bravery and for maintaining some semblance of accountability in government.

Mr. SHERMAN. Mr. Speaker, I am proud to cosponsor H. Res. 900, offered by Ranking Member BARNEY FRANK, which provides that the House of Representatives supports efforts to track terrorist financing and their financial supporters by tracking terrorist money flows and by uncovering terrorist networks, both here and abroad, in accordance with existing applicable law.

The Frank resolution also expresses concerns that unauthorized disclosure of classified information may have made efforts to locate terrorists and terrorist networks and to disrupt their plans more difficult. It does not include controversial whereas clauses or findings that cannot be verified. The Rules Committee should have allowed this resolution to come before the House for a vote.

I am unable to sponsor H. Res. 895, which Financial Services Committee Chairman MICHAEL G. OXLEY introduced yesterday afternoon, because his resolution contains a number of statements that simply cannot be factually confirmed at this time. There has been no fact finding, no oversight, no hearings whatsoever by any Committee of the House to even try to establish whether or not the partisan findings contained in H. Res. 895 are accurate.

The only way that these issues can be developed properly is through hearings, classified hearings where required, before the committees of jurisdiction, the House Financial Services Committee and/or the House Intelligence Committee. Matters that are highly classified can be dealt with by the Intelligence Committee.

Mr. SPRATT. Mr. Speaker, had it been my decision, I would not have released a report on the Terrorist Finance Tracking Program, and I co-sponsored H. Res. 900 to register my disapproval. For no good reason, H. Res. 900 was not made in order as a substitute amendment.

I have reluctantly decided not to vote for H. Res. 895 for the following reasons. H.R. 895 was written exclusively by Republicans, with no Democratic input, no committee hearings, and no committee mark-up. The resolution was rushed to the floor shortly after being filed under a rule that prohibits amendments of any kind, for one hour's debate, and then a vote up or down. I agree with much of the resolution. I wholeheartedly support "efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking money flows and by uncovering terrorists networks here and abroad."

I have not been briefed on the program, however, and I am no position to find "that the Terrorist Finance Tracking Program has been conducted in accordance with applicable laws, regulations and Executive Orders, and that appropriate safeguards and reviews have been instituted to protect individual civil liberties, and that Congress has been appropriately informed and consulted for the duration of the Program and will continue its oversight of the Program." I hope that is the case, but I have no basis on which to make such a judgment, and I do not think that Members of Congress should hold out such a conclusion if we cannot support it.

Mr. HOLT. Mr. Speaker, I rise today in opposition to this partisan and ill-considered resolution. This resolution will do absolutely nothing to stop leaks. It's just another cheap, hypocritical political stunt.

My colleagues should know that only last month, the House Permanent Select Committee on Intelligence held an open hearing on the very issue of the media's role in leaks. What many of us observed at that hearing is that there are at least two contributing factors to leaks to the media. One of those is the use of the classification system to conceal improper, even potentially criminal, conduct by executive branch officials.

One example of this was the original report by General Taguba on the Abu Ghraib abuse investigation. It was originally classified SECRET/NOFORN but ultimately declassified in its entirety when the images of prisoner abuse appeared in the media. To the best of my knowledge, the House Intelligence Committee has never investigated why that report—which detailed criminal behavior by American military personnel—was classified in the first place. What I do know is that we in the Congress must never allow the classification system to be used to conceal criminal conduct—which brings me to the second factor contributing to leaks of classified information to the media: the refusal of this Congress to take its oversight responsibilities seriously.

As I've said before, this Congress doesn't exactly put out a welcome mat for those executive branch employees who seek to report misconduct or illegal activity by their agencies. If you don't believe me, just look at the status of the only bill before Congress right now that would actually offer some modest protections for national security whistleblowers.

H.R. 1317, Federal Employee Protection of Disclosures Act, was offered by my colleague, the gentleman from Pennsylvania (Mr. PLATT), last year. This bill would clarify which disclosures of information are protected from prohibited personnel practices, and require that nondisclosure policies, forms, and agreements conform to certain disclosure protections. Last September, this bipartisan bill was reported favorably by the House Government Reform committee on a vote of 34–1, yet the Rules committee has refused to allow this bill to come to the floor for a vote on at least three occasions.

This resolution shoots the messenger. A more useful approach would address the problems of overclassification, the lack of oversight, and whistleblower protections. If you want to stop leaks, if you want to ensure that classified information doesn't appear in the press, then give executive branch employees who have concerns about their agency's conduct a place to go with their concerns without fear of retaliation so that we can do our job: oversight of the executive branch. I urge my colleagues to vote no on this resolution.

Mr. PAUL. Mr. Speaker, I am not sure that the federal government's program examine records of international financial transactions collected by the Society for Worldwide Interbank Financial Telecommunications (SWIFT) is worth all the sound and fury that has surrounded the program since its existence was revealed last week. For one thing, this program appears to threaten civil liberties less than the already widely known "Know Your Customer" program or the requirement that American financial institutions file suspicious activity reports whenever a transaction's value exceeds $10,000. However, the program's defenders should consider the likelihood that having federal bureaucrats wade through mountains of SWIFT-generated data will prove as ineffective in protecting the American people as other government programs that rely on sifting through mountains of financial data in hopes of identifying "suspicious transactions."

According to investigative journalist James Bovard, writing in the Baltimore Sun on June 28, "[a] U.N. report on terrorist financing released in May 2002 noted that a 'suspicious transaction report' had been filed with the U.S. government over a $69,985 wire transfer that Mohamed Atta, leader of the hijackers, received from the United Arab Emirates. The report noted that 'this particular transaction was not noticed quickly enough because the report was just one of a very large number and was not distinguishable from those related to other financial crimes.'" Congress should be skeptical, to say the least, that giving federal bureaucrats even more data to sift through will make the American people safer.

Congress should examine all government programs that monitor the financial transactions of American citizens to ensure they are effective and they do not violate the rights of Americans. Unfortunately, many of my colleagues are attacking newspapers that inform the American people about government surveillance on the grounds that revealing that the federal government is monitoring financial transactions somehow damages national security. It is odd to claim that, until last Friday, neither the American people nor America's enemies had any idea that the government is engaging in massive surveillance of financial transactions, since the government has been openly operating major financial surveillance programs since the 1970s and both the administration and Congress have repeatedly discussed increasing the government's power to monitor financial transactions. In fact, such an expansion of the government's ability to spy on Americans' banking activites was a major part of the PATRIOT Act.

Congress should be leery of criticizing media reporting on government activity. Attacking the media for revealing information about government surveillance of American citizens may make reporters reluctant to aggressively pursue stories that may embarrass the government. A reluctance by the media to "embarrass the state" will make it easier for the federal government to get away with violating the people's rights. Media reports on government surveillance and other security programs can help Congress and the Americans people ensure the government's actions effectively protect Americans' security without infringing on basic constitutional liberties. I therefore urge my colleagues to reject this resolution.

Mr. UDALL of Colorado. Mr. Speaker, I object to—and voted against—the restrictions the Republican leadership has imposed on our consideration of this resolution.

Those restrictions made it impossible for the House to even consider changes to this resolution, including parts to which I must take strong exception.

I do agree with some parts of the resolution.

For example, I agree that "the United States is currently engaged in a global war on terrorism to prevent future attacks against American civilian and military interests at home and abroad."

Furthermore, I agree that the House of Representatives "supports efforts to identify, track, and pursue suspected foreign terrorists and their financial supporters by tracking terrorist money flows and uncovering terrorist networks here and abroad, including through the use of the Terrorist Finance Tracking Program."

And, I do support making clear that the House "condemns the unauthorized disclosure of classified information by those persons responsible and expresses concern that the disclosure may endanger the lives of American citizens, including members of the Armed Forces, as well as individuals and organizations that support United States efforts."

But, like most Members of Congress, I cannot of my own knowledge say it is true that, as the resolution states, the tracking program that is the subject of the resolution "only reviews information as part of specific terrorism investigations and based on intelligence that leads to targeted searches," or that the program "is firmly rooted in sound legal authority" or that it "consists of the appropriate and limited use of transaction information while maintaining respect for individual privacy," or that it "has rigorous safeguards and protocols to protect privacy."

In fact, to paraphrase Will Rogers, most of us—Members of Congress as well as members of the public at large—know about this only what we have read in the newspapers or heard over the airwaves.

So, it is ironic, to say the least, that so many are so ready to describe and praise the program's details and at the same time condemn those who told us about those details.

In short, I think the resolution should not be adopted at this time because its conclusions are based too much merely on the assertion of claims for which no solid evidence has been presented. For that reason, I will vote against it.

Mr. NADLER. Mr. Speaker, today we see how a great Nation loses its freedom.

This resolution seeks to chill free speech by punishing the New York Times and other publications for doing their job. That is unacceptable and, frankly, beneath the dignity of the United States Congress. All of us here took an oath to support and defend the Constitution. Yet those pushing this resolution seek to do just the opposite: to batter the Constitution's most hallowed pillar, the right of free speech and a free press.

Rampant lawbreaking by the Government, secrecy and selective leaks of classified information to cover up that illegality, and threats of retaliation and prosecution against anyone who dares to tell the truth.

How has the Republican Congress responded? Have they lived up to their responsibility to get to the truth? To subpoena administration officials or records? To hold anyone accountable?

No. The lapdog Republican Congress has worked hand and glove with the Karl Rove White House to cover up the administration's lies and crimes. The Republican Congress, with the chorus of cooperating media, has helped the administration retaliate against anyone who challenges them or tries to tell the American people the truth.

Does Osama bin Laden know that we had tapped into his phone lines? Of course. The administration leaked it to the Washington Times which published it. Any outrage here? No.

Did the White House leak the name of a CIA agent to friendly reporters to retaliate against a critic? Yes. Did the President promise to fire anyone who leaked? Yes. Now that we know it was the Vice President and Karl Rove, did the President make good on his promise? Of course not.

Does anyone here really think that Osama bin Laden didn't assume we were tracking bank transactions? Administration officials have testified before Congress that they did, and, for those members who read bills before they vote, we required the administration to do just this in the PATRIOT Act. Not a big secret.

Do you really think the terrorists didn't know we would be tapping their phones? The only people who were kept in the dark were the American people who were never told that their privacy was illegally being invaded by the government. Bin Laden doesn't care if the government gets a warrant, but law abiding citizens should and they have a right to know that, even if the President tries to cover it up.

If the President breaks the law and covers it up, if the Congress refuses to get the truth and joins the cover-up, then the free press is the only guardian of truth and democracy. That is why Thomas Jefferson said he would prefer a free press without a government to a government without a free press.

Free speech and a free press are what keep a Nation free.

Is it espionage to tell the American people that the President is breaking the law? Is it treason to report the truth? Of course not. It is the duty of a free press to tell the truth especially when people in power would prefer that the American people be kept in the dark.

Think of the thousands of young people who might still be alive if the press had more carefully scrutinized the lies and distortions used to lead this Nation to war in Iraq. Would we know about the illegal use of torture if the press hadn't uncovered it? Would we know that the government was spying on innocent citizens without a warrant?

No President should be able to cover up his wrongdoing just by declaring it "secret." That is what some here are suggesting. We are a great and free Nation because the Government can't put you in jail simply for telling the truth, and the Government can't use its prisons to cover up its crimes.

A lawless President cannot hide behind the law. A cover-up Congress cannot complain if the truth gets out.

What sort of countries prosecute journalists? What sort of country hates free speech? Countries whose governments fear the truth. Stalin locked up journalists. So does China. Free nations do not. As Justice Brandeis wrote, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants."

Once again, the administration and its apologists tell us that this activity was legal and the leak helps the terrorists. How do we know this? Because they say so and tell us to trust them.

After six years of lies and cover-ups, of law breaking and leaking, this administration and the Republican Congress cannot be trusted.

Let's get the facts. I haven't seen them, and I don't think the members who will be voting today have either. We only know what we read in the papers.

The American people deserve better from their representatives. They deserve and demand the truth. Thank G-d we have a free press. Thank G-d we are still a free people. If the Republican Congress is afraid to get to the truth, someone else will have to do it for them. For now, we have a free press. Perhaps next year we will have a Congress willing to assume its constitutional duties now abandoned by the lap-dog Republican Congress.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to House Resolution 895 and in support of a better alternative, H. Res. 900 introduced by Congressman FRANK.

H. Res. 895 intends to express the sense of Congress that we are in support of intelligence and law enforcement programs used to track terrorists and terrorist finances when these programs are consistent with Federal law and with appropriate Congressional consultation. H. Res. 895 also specifically condemns the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks. Although I agree with these basic tenants, H. Res. 895 includes several statements that cannot be factually confirmed as of yet by the vast majority of Members of Congress.

No Congressional Committee has formally looked into the terrorist finance tracking program. The Financial Services Committee will not hold its first oversight hearing on this topic until July 11, 2006. Although H. Res. 895 includes a clause stating that Congress has been fully informed on the terrorist finance tracking program, we cannot ask Members of Congress to affirm specific statements about the legality and constitutionality of a program that have yet to be independently confirmed. I simply cannot state something to be a fact that I do not know to be a fact. To do so would be a disservice to the people of North Carolina's Second District I have sworn to serve.

In contrast, H. Res. 900 expresses the same sense of Congress in support of lawful programs used to track terrorists and terrorist finances, as well as the condemnation of the disclosure of classified information, while remaining free of any of these unverified statements of fact. H. Res, 900 is a balanced, thoughtful and appropriate statement of Congressional support for vigorous prosecution of the war against the terrorists.

Ms. KILPATRICK of Michigan. Mr. Speaker, last week when we voted on H. Res. 895, a resolution condemning the disclosure of classified information, and more specifically, the information about our government's monitoring of international financial transactions, I voted in opposition to the measure, and I would like to take this opportunity to explain my position.

I join my colleague from Massachusetts, Mr. FRANK, and others in supporting an alternative resolution, H. Res. 900, which also condemns the unauthorized disclosure of classified information, but does so in a way that is less partisan and more ingenuous. H. Res. 895 contains a number of statements that are passed off as fact but whose veracity is dubious and not substantiated through congressional inquiry.

I regret that the majority saw fit to bring a resolution to the floor which deprived Democrats from providing any input into the framing of the measure. I do think that it was possible to produce a bin behind which both parties could unite, if the majority were interested in reaching a consensus. Obviously, it was not interested in forging a consensus statement, so we debated a political document instead of substantive initiative.

H. Res. 895, as written, states facts, which frankly, are either in substantial dispute or subject to question. For example, did the news media inappropriately and illegally disclose information regarding the SWIFT financial monitoring program, or was this information in the public domain? There are credible people "in the know" who claim the information was publicly available if anyone cared to conduct a little research.

According to one former State Department diplomat and U.N. monitor, the information on the SWIFT financial transaction monitoring program was incorporated in a report to the U.N. Security Council in 2002 and is available on the U.N. website. The SWIFT program has been in the public domain for quite some time.

Additionally, the resolution contains a clause that the appropriate committees in Congress were notified of the program. As we heard during the debate on the bill, that is another fact in dispute by Democrats who serve on the Select Committee on Intelligence.

I, therefore, voted against H. Res. 895 and announce my support for the alternative introduced by Mr. FRANK, which the majority has seen fit to deny us the opportunity to consider.

Mr. EVERETT. Mr. Speaker. I was unable to vote on Rollcall Vote No. 357 H. Res. 895, a resolution that expresses, support for intelligence programs and condemns the unauthorized leaking of classified information. However, had I been present, I would have voted aye.

Mr. Speaker, leaking classified information is a serious matter. It can expose both our intelligence gathering capabilities and operations. Moreover, divulging sensitive information, regardless of intent, can have grave implications for not only our national security but also our men and women in uniform currently serving in harms way. It is not up to the New York Times or any other media outlet to decide when a highly classified program tied to our national security should be made public.

Mr. Speaker, we are at war. Unauthorized public disclosure of classified programs being used to win this global war on terror jeopardizes our national security. It is my hope that in the future, those in government with knowledge of classified programs and news media organizations treat sensitive information appropriately.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to H.R. 895. I strongly support efforts to track and pursue suspected foreign terrorists by monitoring their financial transactions. This Republican resolution, however, shamefully distorts the facts and turns the critical issue of national security into a venue for Republican political gain.

There is no doubt that our country must effectively and responsibly monitor the financial transactions of terrorists. It is for that reason I have cosponsored H.R. 900, the Democratic alternative resolution. This resolution reaffirms Democrats' commitment to protecting our national security by tracking suspected terrorists. It also reaffirms that, when confidential information is leaked, bipartisan Congressional review and oversight are critical—regardless of who may be responsible for that leak. Unfortunately, the Republican leadership has denied the Members of this House the opportunity to debate and vote on this Democratic alternative.

As a result, we are forced only to consider this flawed and misleading Republican resolution.

This resolution claims that the Terrorist Financial Tracking Program is legal, that it protects individual civil liberties, and that Congress has been appropriately informed about its activities.

The fact is that we do not know if the Terrorist Financial Tracking Program is legal or if it protects our civil liberties because no court has ruled on these critical issues. In essence, this resolution asks Members of Congress and the American people to simply accept their word on the legality and civil protections of this program.

The resolution's claim that Congress has been appropriately informed about the Terrorist Financial Tracking Program is simply not true. In fact, few Members knew about this program. Only after its existence was exposed to the public by the press did the Bush Administration offer to brief the appropriate members of Congress. As a result, this questionable program failed to receive critical Congressional oversight.

The Republican philosophy of selective oversight is also exemplified by the fact that this resolution fails to even mention one of the most egregious leaks in recent history—the 2003 identity leak of a CIA agent by a member of the Bush Administration.

This Republican resolution instead attempts to shield the administration and Republican leadership from public scrutiny by shifting the blame for the leaks to the press and diverting attention from the fact that the majority party has had no hearings, no briefings, and certainly no resolutions highlighting this serious issue.

The lack of Congressional oversight on cases of leaked confidential information is another example of the Republican pattern of negligence.

If the Republican leadership were truly sincere about addressing national security issues through this resolution, they would not have brought it to the floor without review by the appropriate Congressional Committees and with a rule that blocks any consideration of a Democratic alternative.

Mr. Speaker, this Republican resolution is deceitful, politically motivated, and an insult to the very American democracy that Republicans claim they want to protect.

I urge my colleagues to vote against H.R. 895 and to cosponsor the Democratic alternative, H.R. 900.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DEEP OCEAN ENERGY RESOURCES ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 897 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4761.

☐ 1835

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes, with Mr. GINGREY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 5 printed in House Report 109–540 offered by the gentleman from Florida (Mr. BILIRAKIS) had been postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. BILIRAKIS of Florida.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 4 OFFERED BY MARKEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 249, not voting 13, as follows:

[Roll No. 354]

AYES—170

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bradley (NH)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foley
Frank (MA)
Frelinghuysen
Gilchrest
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Petri
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—249

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson, E. B.
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bishop (UT)
Cannon
Dicks
Evans
Fitzpatrick (PA)
Ford
Gerlach
Johnson, Sam
Kanjorski
Marshall
McHenry
Pelosi
Sherwood

☐ 1857

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from "aye" to "no."

Messrs. CLEAVER, RAHALL, FATTAH, Ms. MOORE of Wisconsin and Ms. DEGETTE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. BILIRAKIS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 65, noes 353, not voting 14, as follows:

[Roll No. 355]

AYES—65

Barrow
Bartlett (MD)
Bass
Berkley
Berman
Berry
Bilirakis
Bono
Boyd
Bradley (NH)
Brown-Waite, Ginny
Butterfield
Campbell (CA)
Cardoza
Conyers
Crenshaw
Crowley
Davis (FL)
DeFazio
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Ehlers
Feeney
Foley
Fossella
Gilchrest
Grijalva
Gutierrez
Harris
Higgins
Inglis (SC)
Issa
Jones (NC)
Kaptur
Keller
LaHood
LaTourette
Mack
McIntyre
McKinney
Miller (FL)
Obey

Pastor
Petri
Putnam
Ros-Lehtinen
Shaw
Smith (WA)
Snyder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tanner
Visclosky
Wasserman Schultz
Watt
Waxman
Wexler
Wu
Young (AK)
Young (FL)

NOES—353

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barton (TX)
Bean
Beauprez
Becerra
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Stark
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NOT VOTING—14

Bishop (UT)
Cannon
Carson
Dicks
Evans
Fitzpatrick (PA)
Ford
Gerlach
Johnson, Sam
Kanjorski
Marshall
McHenry
Rush
Sherwood

☐ 1904

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GENE GREEN of Texas. Mr. Chairman, on rollcall No. 355, had I been present, I would have voted "no."

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GINGREY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes, pursuant to House Resolution 897, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4761 will be followed by a 5-minute vote on adoption of House Resolution 895.

The vote was taken by electronic device, and there were—ayes 232, noes 187, not voting 13, as follows:

[Roll No. 356]

AYES—232

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson, E. B.
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes

Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—187

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bono
Bradley (NH)
Brown (OH)
Brown, Corrine
Butterfield
Campbell (CA)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeGette
Delahunt
DeLauro
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foley
Frank (MA)
Frelinghuysen
Gilchrest
Gordon
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Bishop (UT)
Cannon
Dicks
Evans
Fitzpatrick (PA)
Ford
Gerlach
Green, Gene
Johnson, Sam
Kanjorski
McHenry
Rush
Sherwood

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1921

Mr. MEEKS of New York changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Chairman, on rollcall No. 356, had I been present, I would have voted "yes."

SUPPORTING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 895, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 183, not voting 22, as follows:

[Roll No. 357]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Garrett (NJ)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

Bishop (UT)
Blumenauer
Bonner
Boyd
Cannon
Davis (TN)
Dicks
Evans
Everett
Fitzpatrick (PA)
Ford
Gerlach
Green, Gene
Johnson, Sam
Jones (OH)

Kanjorski
McHenry
Moran (KS)
Osborne
Rogers (AL)
Rush
Sherwood

☐ 1927

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 357, had I been present, I would have voted "no."

APPOINTMENT OF HON. FRANK R. WOLF AND HON. TOM DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 10, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2006.

I hereby appoint the Honorable FRANK R. WOLF and the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 10, 2006.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This letter is to advise you that, effective today, I am resigning my seat on the House Committee on Armed Services.

Thank you for your attention to this matter.

Sincerely,
HOWARD P. "BUCK" MCKEON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

☐ 1930

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, I offer a resolution (H. Res. 902) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 902

Resolved, that the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Committee on Armed Services: Mr. Bilbray.

Committee on Government Reform: Mr. Bilbray.

Committee on Veterans' Affairs: Mr. Bilbray.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, last night and earlier today I was in New Jersey, where thousands of my constituents have been affected by serious flooding, and I was absent on some rollcall votes. I missed rollcall vote 340. Had I been present, I would have voted "no."

On rollcall 341, had I been present, I would have voted "yes."

On 342, had I been present, I would have voted "no."

On 343, had I been present, I would have voted "no."

On roll call vote 344, had I been present, I would have voted "yes."

On roll call vote 345, had I been present, I would have voted "no."

On roll call vote 346, had I been present, I would have voted "yes."

On 347, I would have voted "no."

On 348, I would have voted "no."

And had I been present on rollcall 349, I would have voted "yes."

CONDITIONAL ADJOURNMENT TO MONDAY, JULY 3, 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today pursuant to this order, it adjourn to meet at noon on Monday, July 3, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 440, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 12, 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 12, 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL NOON, JULY 7, 2006, TO FILE REPORT ON H.R. 2990, CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2005

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services have until noon on Friday, July 7, 2006, to file a report on H.R. 2990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4761, DEEP OCEAN ENERGY RESOURCES ACT OF 2006

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 4761, including corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

RECOGNIZING MRS. FRANCIS MARY MCHIE RAINS

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to recognize the life and distinguished career of Francis Mary McHie Rains for her important contributions to society, especially women and African Americans. Ms. McHie Rains, the eldest of three children, was born to John and Hermina McHie in Minneapolis, Minnesota on January 29, 1911. After high school she attempted to enroll at the University of Minnesota School of Nursing, but she was denied admission because of her color. Ms. McHie Rains successfully petitioned the legislature to become one of the first African-American women to be accepted to the school and she graduated in 1932.

Ms. McHie Rains was a pioneer. She became the first African American employed at two major Midwestern hospitals before serving as assistant to the director of the School of Nursing at Meharry Medical College in Nashville where she met her future husband, Dr. Horace Rains. The couple married and had two children before moving to California, where they established a family medical practice in my district of Long Beach.

In 1953 Mrs. Rains became the first African American woman to teach at the School of Nursing for the University of Southern California's general hospital.

Mrs. Rains also served as a board member of the Long Beach Children's Psychiatric Clinic, the National Council of Negro Women, and the NAACP.

She was an involved member of Grant AME Church for nearly 50 years, as well as a Sunday school teacher.

During her retirement, she served as the Chair of the Long Beach Community Improvement League.

Mrs. Francis Mary McHie Rains passed away on May 21, 2006 at the age of 95 in Long Beach, California. I proudly recognize Francis Mary McHie Rains, a woman whose faith, wisdom and courage became her legacy.

I rise today to recognize the long and distinguished career of Francis Mary McHie Rains for her important contributions to society, especially women and African Americans. Mrs. McHie Rains, the eldest of 3 children was born to John and Hermina McHie in Minneapolis, Minnesota, on January 29, 1911. After high school, she attempted to enroll at the University of Minnesota's School of Nursing, but she was denied admission because of her color. With the help of a State Senator and a local African-American activist and businesswoman, Mrs. McHie Rains successfully petitioned the legislature to become one of the first African-American women to be accepted to the University of Minnesota's School of Nursing and the first African American to graduate from the university in 1932.

Mrs. McHie Rains was a pioneer, as a young professional she became the first African American employed at the Minneapolis General Hospital where she served as a superior, and at the Herman Keifer Hospital in Detroit, Michigan where she was one of the 12 women who broke the color barrier at the hospital. While serving as Associate Professor and assistant to the Director of the School of Nursing at Meharry Medical College, Nashville, Tennessee, she met her future husband, Dr. Horace Rains. The couple married and had 2 children. They later moved to southern California where together they established a family medical practice in Long Beach.

In 1953, Mrs. Rains became the first African American woman to teach at the School of Nursing for the University of Southern California General Hospital in Los Angeles, and later became a real estate broker in 1972 and was the owner of a Century 21 franchise. Mrs. Rains served diligently as board member of the Long Beach Children's Psychiatric Clinic, the National Council of Negro Women, and the National Association for the Advancement of Colored People, NAACP. She was an involved and long time member of Grant AME Church for nearly 50 years, as well as a Sunday school teacher. During her retirement she served as a Chair of the Board of the Long Beach Community Improvement League.

Mrs. Francis Mary McHie Rains passed away on May 21, 2006 at the age of 95 at Windsor Gardens Convalescent Center of Long Beach, California. She leaves to cherish her memory one son, Anthony J. Rains, M.D. of Renton, Washington; a daughter, Kimberly Kerns of Houston, Texas; and 2 grandchildren; one great-grandson; and a host of relatives and friends.

Mrs. Rains was a woman of many firsts; she was a trailblazer and loyal servant. Those who knew and loved her will always remember her dedication to excellence and progress in her community, and as loyal and dedicated constituent of my district, I am very proud to be able to remember and celebrate her life as a part of my community.

I join with her children, family and friends in tribute to this good and faithful servant who has gone home, leaving us to humbly acknowledge the living legacy of a great educator, mentor and abundant love evident in the lives of all those she has touched. I proudly recognize Francis Mary McHie Rains, a woman of faith, courage, dedication, persistence, understanding and wisdom, for her career accomplishments over a span of 70 years as a pioneer and her contributions of service in caring for the people of our community, our Nation and the world.

HONORING THE LIFE OF J.E. DUNLAP

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the life the J.E. Dunlap who passed away yesterday morning. J.E. was an icon in the community of Harrison, Arkansas. As a young ambitious teenager, he was hired as a stringer for the statewide newspaper. After seeing action in World War II, J.E. returned to Harrison where he spent 50 years running the city's daily newspaper. J.E. was an accomplished newsman who won numerous accolades during his career, including two nominations for the Pulitzer Prize. A man of character and integrity, J.E. was always a fair newsman, but also one who was not afraid to tell you what was really on his mind. His energy level, enthusiasm and commitment to his community remained with him throughout his life. After retiring from the day-to-day management of the paper, J.E. continued to write three columns a week. That dedication earned him Arkansas' Older Worker of the Year Award in 2002.

Mr. Speaker, the people of Harrison will greatly miss J.E. His work ethic and devotion to community truly is representative of the Greatest Generation. The weekday coffee klatch at Coffee and More won't be the same without him.

LONE STAR VOICE—DOB CUNNINGHAM, ROUND II

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Americans who live on the border are victimized by criminal invaders every day and they are fed up with it. They are tired of a weak immigration policy, but even more sick and tired of the Mexican Government trying to control American soil.

C.E. Dob Cunningham of Eagle Pass, Texas, has every right to be fed up, especially after receiving this letter from the Mexican Consulate in Mexico. It says: As an owner or occupant of property susceptible of crossings and break-ins by Mexican migrant workers, the consulate of Mexico is deeply concerned about this issue and the security of lives of migrant workers. We strongly recommend you do not take any measures into your own hands. Please be aware that it may have legal implications for yourself and the owners of these properties which may end up in expensive lawsuits and cumbersome court hearings.

Mr. Cunningham wrote back a few words and then wrote them back a second time and said, if your letter was intended to scare or intimidate us, it didn't work. Until the illegal alien problem is solved, we will continue to patrol our ranch to protect our property, our family and our freedom. C.E. Cunningham, proud American.

Let's send a message to Generalissimo Fox: we will not be scared or intimidated. In fact, Americans should sue Mexico and make Fox pay reparations for the damage his illegals do to American property by invading our country.

And that's just the way it is.

FAIR TAX—A FAIR SOLUTION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, I rise today to remind my colleagues what most Americans know all too well and that is that our tax system is broken. Many would say it is broken beyond repair. Our Tax Code contains over 50,000 pages of confusing, contradictory, inconsistent, and intimidating regulations. Filing a tax return often takes months of preparation and Americans spend billions of dollars getting expert assistance just filling out the forms.

But there is a solution, the FairTax. A national retail sales tax would provide common sense to the current mess. The FairTax would simplify the process and allow individuals to keep all of their hard-earned pay check and determine for themselves when they save or they spend or they invest their money. It would encourage investments, spur economic growth, and be less regressive than our current system. For far too often we have chosen to try and fix problems with our Tax Code by adding to it. It is time to start over. It is time to remove the redundancy of the Tax Code. Tear out those unneeded pages and adopt a fair plan. I urge my colleagues to support H.R. 25 and deliver smart and fair tax policy for the American people.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore (Mr. PRICE of Georgia) laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC., June 29, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JAMES M. EAGAN, III,
Chief Administrative Officer.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TRIBUTE TO PHILIP MERRILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today with a heavy heart to pay tribute to my good friend, the late Philip Merrill, who passed away earlier this month. And I rise as well to celebrate the life of a colorful and accomplished man and to say to his grieving family, his wife Eleanor, known to all of us as Ellie, his son Doug, his daughters Cathy and Nancy, his sister Suzanne and his four grandchildren, and to his other loved ones as well as his countless friends, that he will never be forgotten by Marylanders and by all those whose lives he touched.

He was a man of immense and innumerable talents. Phil worked literally all over the world. He served as counselor to the Under Secretary of Defense as a member of the Defense Policy Board at the Defense Department from 1983 to 1990, as Assistant Secretary General to NATO from 1990 to 1992, and most recently, as president and chairman of the Export-Import Bank of the United States from 2002 until last year.

In all, Phil served in six administrations. That impressive resume alone would be enough for most people to hang their hat on. Yet for Phil Merrill it is only half of his story. It was in his beloved home State of Maryland, particularly in southern Maryland, where he left his greatest mark and improved and enriched the lives of all of us who live in the region. Indeed, he was a presence in the Washington metropolitan area and in Washington itself.

Mr. Speaker, I trust that you are familiar with the Washingtonian magazine, a publication owned by the Merrills. The Washingtonian was only a part of his vast publication business. Yet, I think that in this magazine we can truly see an imprint of Phil's spirit and the way that he approached life.

Washington is a diverse city, a place where many, maybe even most, of those who live here come from other parts of the country. And because of that, the Washington area is extraordinarily diverse in background and experience and taste and opinion and in world views. Yet, those of us who spend so much time in this city, Mr. Speaker, usually end up too often becoming too consumed by the work that we are doing and the issues that we care about to fully appreciate and to truly enjoy the unique culture that exists here.

That is where the Washingtonian magazine steps in. It was designed to encourage people to step back for just a moment and to take in the immense natural beauty and cultural offerings of this historic city. That is just what Phil Merrill did for the people around him. He inspired others to see that there actually is time in a busy life to do things like enjoy the outdoors. In his case, it was sailing and skiing and spending time with his beloved family that he so dearly loved for so long.

The other facet of Phil's publishing business was Capitol Gazette Communications, comprised of five local papers and the Capitol, Annapolis' hometown paper. As the New York Times recently reported, Mr. Merrill bought the paper as a moribund afternoon daily in 1968 and built its circulation from 13,000 to 47,000. It goes without saying, Mr. Speaker, that the Capitol and the other newspapers in the Capitol Gazette Communications chain are a vital part of the daily lives of many of us and of my own constituents. They help unite our community.

☐ 1945

Finally, Mr. Speaker, let me say that Phil Merrill, publisher, successful businessman, diplomat, also will long be remembered as one of the most generous philanthropists of the Washington metropolitan area. During his life, Phil contributed tens of millions of dollars to his favorite causes, including the Chesapeake Bay Foundation, designed to restore and keep clean his beloved Chesapeake Bay, and the University of Maryland, for whom we shared a great love and commitment. He committed many dollars to the College of Journalism, one of the best now in the Nation. In addition, he contributed generously to the Johns Hopkins University's Paul H. Nitze School of Advanced International Studies.

Mr. Speaker, Phil Merrill was a giant. I attended his memorial service, and there were clearly well over 1,000 people in attendance. He was a man who thrived on living each hour of each day to the fullest. His pioneering spirit, his dedication to this country, and, above all, his unwavering love of family and loyalty to friends serve as a model for all of us to live by.

Phil Merrill will be missed, but he will not be forgotten.

STAFF SERGEANT BEN WILLIAMS, TEXAS MARINE

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, as we are approaching the 4th of July, it was 230 years ago, this signing of the Declaration of Independence.

But it wasn't until after the War of 1812 this holiday became more meaningful to Americans. It was after our young Nation had to whip the British a second time and yet again fight for our Nation's freedom. That is when Americans recognized why we should remain and remember our Nation, our struggle, and all we stand for.

On the 50th anniversary of the signing of the Declaration of Independence, Thomas Jefferson, the author of the document, was asked to speak at a celebration about it. He was lying on his deathbed, so he answered the call with this note:

> May it, the Declaration of Independence, be to the world, what I believe it will be. The signal of arousing men to burst the chains and assume the blessings and security of self-government.
>
> For ourselves, let the annual return of this day forever refresh our recollections of these basic rights, and an undiminished devotion to all of them.

Mr. Speaker, today I present to you a portrait of the devotion of a person to that Declaration of Independence. His name was Staff Sergeant Benjamin DeWayne Williams, United States Marine. I have here a photograph of him in his combat attire in Iraq. This was the way he looked shortly before he was killed. He was a true patriot.

He was from Orange, Texas, and on his third and last deployment. He was set to return home on August 15. He had plans to surprise his mother. But before that could happen, he was killed on June 20 fighting the enemy forces in Al Anbar, Iraq.

Ben Williams was 30 years of age. His friends said he loved being a Marine. He went to Little Cypress Mauriceville High School and played football, and as soon as he graduated from high school, he joined the United States Marine Corps.

He was a staff sergeant in the Marines and an infantry unit leader assigned to the First Battalion, First Marine Regiment, First Marine Division of the First Marine Expeditionary Force at Camp Pendleton, California. Ben's grandmother Carson Williams called him "Bubba" and said, "Bubba died doing what he loved to do, and that was being a soldier."

His sacrifice gives true meaning to the Vietnam era phrase "All gave some . . . Some gave all."

Mr. Speaker, President Ronald Reagan was correct when he said that "Men cry 'peace, peace,' but there can be no peace as long as there is some American somewhere dying for the rest of us."

Sergeant Williams was one of those Americans. He gave all, dying for the rest of us. It was his devotion that thrust him into battle with his eyes wide open. He knew that there was a chance he wouldn't come home. He told his sister that he was fighting for her so that she could enjoy freedom. His level of devotion meant giving himself after giving his all. His life is the cost of freedom, a freedom and an expense that he embraced proudly.

Every member of the military we remember here on the House floor is described in those remarks as someone who loved his country, a soldier to the bone who believed in what they were doing. And that is tracking terrorists and ripping those terrorists from their roots so people around the world would know the blessings of liberty and the security of self-government that Thomas Jefferson wrote about in the Declaration of Independence.

We call ourselves patriots, but few of us have the scars to prove it. Few have the courage to face and embrace the darkest unknown, the possibility of not going home.

These few, these volunteers, are a rich testament to the courage they have in their hearts. Now and always we must remember their sacrifice, our men and women who fight, so we can look in the blue skies of liberty and remember them with the flying of every star and every stripe.

So this 4th of July, we remember all of those who served, all of them that gave some and those that gave all.

So Semper Fi, Ben Williams. Semper Fi.

And that's just the way it is.

* * *

VOTING RIGHTS ACT REAUTHORIZATION

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. SCHIFF. Mr. Speaker, last week, the Republican leadership decided to pull the Voting Rights Act Reauthorization legislation from the floor. Debate on this historic civil rights statute had been scheduled for last Wednesday afternoon, and just hours before it was to start, the bill was withdrawn from consideration.

As a cosponsor of this important bill, I am deeply troubled by the majority leadership's willingness to allow extreme members of their party to hijack reauthorization of the Voting Rights Act, a law that has protected minority voters from intimidation and discrimination for 40 years. It was an act unbefitting a party that calls itself the "Party of Lincoln."

The original Voting Rights Act reinforced the Constitution's 15th amendment guarantee that race cannot be a bar to any citizen's right to vote. Although the 15th amendment was ratified in 1870, it took nearly 100 years for Congress to give it teeth with the Voting Rights Act. Until then, the rights of millions of Americans to vote was nullified by poll taxes, literacy tests, voter intimidation, and outright violence. Only in 1965, with the passage of the Voting Rights Act, were African Americans finally able to exercise the right to vote. But the path to this legislation was by no means easy.

On March 7, 1965, what has become known as Bloody Sunday, 600 civil rights marchers peacefully protested for the right to vote. Upon reaching the Edmund Pettus Bridge in Selma, Alabama, the marchers were attacked by State and local police, who teargassed them and beat them with batons.

Three years ago, in commemoration of the struggle for civil rights, I joined a pilgrimage led by my colleague Congressman JOHN LEWIS through many of the sites that were part of the fight for true equality here in America. We visited the Edmund Pettus Bridge, and on the wall of my office is a picture of the delegation, black, white, Asian and Latino, standing together in celebration of the sacrifices of those who marched there.

Standing there then and reflecting on the experience now, it is impossible to miss the transcendent importance of the unfettered right to vote. It was powerful enough then to garner the hatred of a mob of segregationists, and it inspires us now to continue to fight for reauthorization of the legislation and the full protections of our sacred franchise. I welcome a debate over the continuing vitality of the Voting Rights Act, but I deplore the delay which the Republican leadership's decision to pull the bill has occasioned.

In the decades since President Lyndon Johnson signed the Voting Rights Act into law, racial discrimination is still far too prevalent a feature of elections across the Nation from California to Florida. It is very true that significant progress has been made in the past 41 years since the VRA was first passed, and minority voters have a much greater voice in the political process today because of the Voting Rights Act. Despite that, after every election, we still hear stories of voter discrimination and intimidation, and we are reminded that this legislation remains important today, and we cannot let the provisions of the VRA expire.

These expiring provisions, preclearance of election law changes for jurisdictions with a history of discrimination, Federal observers at polls, and language assistance for limited English speakers, are still needed to ensure minority voting rights. It is evident to those from my State of California just how critical, for example, language assistance is for those with limited English skills.

We do not make our elections easy on voters. In a State where 135 candidates ran for Governor 3 years ago, it should be no surprise that during the 2004 general election, the California voter guidebook was nearly 200 pages. This guide included information on candidates and ballot measures that helped voters prepare for the election. Even native English speakers struggled to digest the ballot arguments in preparation for voting. For citizens with limited English proficiency, the task was all the more daunting.

I believe all U.S. citizens should learn the English language. It is the key to upward mobility in our society and a powerful common bond. Yet new citizens still learning the English language have the right to vote. Thankfully, due to the VRA, our polling sites provide language assistance so that all citizens can meaningfully participate in the election process, including new citizens still struggling to master the English language.

The right to vote for every American citizen is the foundation of our democracy. Unfortunately, there are still barriers to overcome, and we as a Nation must not give up on the protections that give content to that right. I am proud to support the Voting Rights Act Reauthorization and will continue to do my part to ensure that the VRA remains effective and enforced. For this reason, Mr. Speaker, I call upon the leadership to take immediate action to bring this legislation to the floor for a vote.

* * *

PLAN FOR IRAQ

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, last week, Army General George Casey, the top American military commander in Iraq, presented civilians leaders here at home with a plan for sharply reducing the number of U.S. troops in Iraq for September of this year.

According to reports, General Casey shared his plan with Secretary of Defense Donald Rumsfeld; Chairman of the Joint Chiefs of Staff, Peter Pace; and even President Bush himself.

The idea of an actual plan for how to end the war in Iraq is something that many of us in Congress have been calling for over the last several months and years. General Casey's plan reportedly suggests reducing our troop presence by as much as 60 percent. But, unfortunately, without a plan about how best to accomplish bringing our troops home, a plan to protect the safety and ensure the safety of 135,000 American soldiers, this could haphazardly actually endanger the remaining 40,000 to 50,000 soldiers and leave them behind as sitting ducks.

Mr. Speaker, I have been calling for the President to present a plan for bringing our troops home since December of 2005; and in May of last year, when we held the first debate on Iraq on the House floor after the beginning of the war itself, 128 Members of the House, more than one-third of the Members of the House of Representatives, agreed that the President needed to come up with a plan for bringing our troops home and share it with the appropriate congressional committees.

Today, more than a year later and with the majority of the American people agreeing that this senseless war needs to end as soon as possible, that number would be surely higher.

The idea that the President invaded a country in the very first place without a strategic goal in mind and without a plan for how to win and how to leave is absolutely incomprehensible. And no one should confuse the Bush administration's tired old line about staying the course for an actual plan or a strategy. Lines like "we will stay in Iraq until the job gets done" are nothing more than trite slogans.

What most Americans and nearly all Iraqis understand is that open-ended U.S. military presence in Iraq does not serve either Americans or Iraqis. The very perception that we plan to stay in Iraq permanently at any level is one of the greatest catalysts spurring the Iraqi insurgency. Just yesterday, 11 Sunni insurgent groups publicly stated that they would immediately halt all terrorist attacks in Iraq, including those against American troops, if the United States would publicly commit to leaving within the next 2 years.

It is clear that the time is long overdue to bring our troops home. For goodness sakes, the American people are for this. The Iraqis are for this. Why can't Congress be for this? Is it not time we caught up with the people we are supposed to be working for?

Every week, every day, every hour we stay in Iraq is costing us dozens of American and Iraqi lives, hundreds of physical and psychological wounds, and billions of dollars. Let us send a message to our troops, let us send a message to the rest of the world that the values of diplomacy, multilateral cooperation, and respect for others' freedoms are the paramount American values, the qualities we stand for as a Nation, not endless war and certainly not the occupation of a sovereign people.

☐ 2000

Since the beginning of the war, President Bush has said we would leave Iraq as soon as the military commanders on the ground told him it was time to do so. Well, now the highest-ranking military leader in Iraq has presented a plan for bringing our troops home. For the sake of our soldiers, their families and the people of the United States and Iraq, it is time for the President to keep his end of the bargain, but, Mr. Speaker, not without a plan, one presented to the Congress. He didn't have a plan going into the war, he didn't have a plan to win the war, but he must have a plan leaving the war. Otherwise, our troops will once again be under great danger.

REUNITING MISSING CHILDREN WITH THEIR FAMILIES

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am pleased to stand tonight and thank my colleagues on both sides of the aisle for passing H.R. 4416, a bill I introduced to help missing children be reunited with their families. Let me first begin by thanking Chairman TOM DAVIS and Ranking Member WAXMAN for reporting this measure out of the House Committee on Government Reform. I would also like to thank Chairman Ehlers for the role that he and the Committee on House Administration have played in moving this legislation forward.

Mr. Speaker, my bill will permanently authorize the use of official franked and penalty mail to assist in the location of missing and exploited children. Hurricane Katrina and Hurricane Rita opened many eyes to the undeniable reality that faces so many of America's most vulnerable. In the aftermath of those disasters, TV screens across the country aired photographs and other information about missing children throughout the gulf region. Fortunately, in the days and months since, the children missing as a result of these hurricanes have been reunited with their families, and that is very good news.

However, one thing remains clear. This Congress should take every reasonable step available to help families, not only those from the gulf coast but all across America be reunited with their loved ones that have been missing. My bill represents one step in that effort.

I have reviewed this matter at great length in the course of my work as ranking member of the Committee on House Administration and as a member of the Commission on Congressional Mailing Standards. In my judgment, the congressional frank presents an ideal opportunity to distribute information about missing and exploited children in addition to being an effective way for Members to communicate with their constituents about our important work.

Beginning in 1985 and for a period of 3 years, section 3220 of title 39 of the U.S. Code authorized the use of Federal penalty mail to assist in U.S. Department of Justice efforts to locate and recover missing children. Congress subsequently reauthorized this law three times for various lengths of time, but the last reauthorization expired 4 years ago, and unfortunately it has not been renewed or extended.

This program, which is entirely voluntary, has been a joint effort between the Department of Justice and the National Center for Missing and Exploited Children. By permanently authorizing this legislation, we are providing Federal agencies and the United States Congress with the opportunity to help in the recovery of missing and exploited children throughout this country.

Under the provisions of my bill, biographical data and pictures of children featured in the National Center for Missing and Exploited Children's photo distribution program can be included in various categories of official Federal Government mail.

According to the center, one in six of these featured children is recovered as a direct result of someone in the general public recognizing the child in the picture and notifying authorities. The U.S. Postal Service reports that in fiscal year 2005, U.S. Government agencies mailed over 1.3 billion pieces of penalty mail. If only 50 percent of this mail had included a picture and biographical sketch of one of the more than 797,000 children currently reported as missing, there would have been over 708 million chances of a missing child being identified and reunited with his or her family.

Mr. Speaker, I would like to include in the RECORD a letter that I received from the president of the National Center for Missing and Exploited Children, Mr. Ernie Allen, urging reauthorization of this program and emphasizing its value and importance.

Mr. Speaker, this is a very important piece of legislation that Congress has supported for almost 20 years. I am grateful that this body will continue that support by the passing of my bill on Monday so that we can do our part to help bring these children home safely.

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN,
Alexandria, VA, March 24, 2006.

Hon. JUANITA MILLENDER-MCDONALD,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MILLENDER-MCDONALD: On behalf of the National Center for Missing & Exploited Children ("NCMEC"), I am writing to commend you for introducing H.R. 4416, a bill to reauthorize the use of official and franked mail to assist in the location and recovery of missing children.

NCMEC can attest to the fact that distributing photos of missing children is extremely successful. We began our photo distribution program in 1984 and now have 345 public and private partners. We are pleased to report that one out of every six missing children in our program has been recovered as a direct result of the photo being recognized by a member of the public. We are grateful to the members of Congress and executive branch offices that have chosen to join us in our efforts over the years.

Thank you for your initiative in continuing this program that has proven to be a valuable tool in the search for missing children.

Sincerely,

ERNIE ALLEN,
President.

CALLING FOR INCREASE IN MINIMUM WAGE

Ms. KAPTUR. Mr. Speaker, I rise to address the house for 5 minutes and to claim the gentleman from Illinois' time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Thank you.

Mr. Speaker, people who work full time should not live in poverty. Yet America's minimum wage has been set at $5.15 for the last decade, while the costs of housing, health care, education and gasoline have skyrocketed. This stagnant wage represents a decline in purchasing power for the working class, so great that it is at its lowest value in a half a century when adjusted for inflation.

The Democrats have a proposal to raise the minimum wage to $7.25 over the next 2 years. The Republican leadership of this Chamber, however, saw fit to block this legislation from reaching the House floor for a vote. Ironically, that Republican majority then voted to raise their own pay.

Last week, I voted once again to block the automatic pay raises for Congress, called cost-of-living adjustments. Don't those at the low end of the pay scale deserve more than those at the very top? Don't they deserve more attention? My office has been flooded with letters and emails urging the increase in the minimum wage. Some of my constituents write because they are struggling to pay their bills with minimum-wage salaries. Others are earning more than the minimum wage, but promote the increase, anyway, as they realize this is also a moral issue. Yes, people who work should not live in poverty.

One of my constituents wrote me a series of questions that I believe my Republican colleagues who are opposed to increasing the minimum wage could benefit from hearing. One constituent asked: "How do you distinguish between the working poor and their need for a raise and Congress' need for a raise?"

Another: "Do you ever decide not to go to an event because you have to make your auto's gas last until the end of the week?"

Or: "When your child is sick, do you look at your budget to see where the $20 copay for the prescription is going to come from?"

Or: "When I get an extra $50, I put it towards my running bill at the VA for my prescriptions. Basic needs. What are Members of Congress going to do with their raise?"

The American people are asking.

Frankly, they should turn them down and let them be given to those who need the help. Unfortunately, millions of Americans are faced with vital decisions daily, things too many Members of Congress take for granted. These Americans are among the working poor with full-time jobs earning $5.15 an hour. Millions fall into this boat, even more when you consider that the poverty line has not been adequately adjusted to reflect the true level of poverty in this country.

My Republican colleagues who are against the minimum wage cannot identify with that struggle. Opponents argue the market should dictate wages. Well, Mr. Speaker, we know the market works very imperfectly. They favor those with capital and those who inherit it, even with no work of their own. A market where chief executive officers make 262 times that of the average worker and 821 times that of the minimum-wage worker is not a market that is working well. And it is surely not working well enough to build a solid middle class.

This same erroneous argument of letting the market dictate has been used to tout the value of flawed trade agreements like CAFTA and NAFTA. These lopsided agreements have been structured in a way to favor capital over workers across borders, outsourcing more of our jobs and putting a crushing downward squeeze on the middle class and on keeping the minimum wage at rock bottom.

Trade agreements that do not have protections for workers are fueling the influx of immigrants into our country. These workers do not necessarily prefer America to their home country. It is just that these poor trade agreements have really wiped out their livelihoods, and they are fleeing to the United States. These workers are willing, due to dire circumstances, to work for sub-minimum wages which in turn depresses all wages in on our country.

People who go to work every day and perform the services essential to keeping our economy functioning deserve to live above the poverty level. America is the richest nation in the world. It should be able to pay a living wage and build a middle class for those who hold the least in society. We need to reward work itself, or it will lose its value. The definition of opportunity in this country will lose its value. We should follow our conscience and raise the minimum wage.

I ask those who are listening in this Chamber and elsewhere to write their Member of Congress and urge an increase in the minimum wage in our country from $5.15 an hour to $7.25 an hour over the next 2 years. It is the right thing to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

THE ACQUISITION OF THE PAPERS OF DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. I rise to inform the House of the happy news that the "Dr. Martin Luther King, Jr. Collection," will be archived at Morehouse College, Dr. King's alma mater. The good news is that this collection, widely regarded by leading historians to be among the most important of the 20th century, will remain in Atlanta, Georgia, the city in which Dr. King was born and laid to his final rest.

Valued at over $30 million, the King collection consists of more than 20,000 square feet of notes, speech drafts, notebooks, canceled cheques, index cards, sermons, and other items obtained by local Atlanta businesses and philanthropists during a last-minute fundraiser. These items, rather than disappearing into private collections, will instead be housed at Morehouse College, an African American liberal arts college and Dr. King's alma mater.

From a blue spiral notebook used in a prison cell to a very early draft of the "I have a Dream" speech, these papers reveal the voice, character, and spiritual tenacity that changed America and continues to inspire freedom-loving people around the world.

Although many, many people worked to make this possible, special thanks are due Atlanta Mayor Shirley Franklin; Andrew Young, former U.N. Ambassador, Atlanta Mayor, and

Member of Congress; and Mr. and Mrs. Kase and Eileen Lawal of Houston, Texas. Each of them gave generously of their time and talent and resources to secure the benefits of the Dr. King Collection for the public benefit. I hope they realize the beneficial impact their actions, in preserving for generations to come, access to the thought and ideas of one of the world's most consequential human beings. This is only the most recent example of their commitment to the causes for which Dr. King lived and died.

I also wish to thank the children of Dr. King and Coretta Scott King: Martin III, Yolanda, Dexter, and Bemeice. They shared their father and mother with the American people. They lost their father early. They have given the nation a lot. And now they have given the nation more: a treasure trove of history, consisting of more than 7,000 items that include theological writings, index cards with sketched sermon ideas, drafts of an address on being awarded the Nobel prize, and the draft of a eulogy Dr. King began upon learning of the assassination of John Kennedy. Additionally, this collection includes Dr. King's private library of books, most of which are annotated with extensive writing in the margins. The papers also include an early four-page draft of the most famous speech Dr. King delivered at the Lincoln Memorial in 1963.

Dr. King, one of the giants of the last century, will be remembered for his tireless and ceaseless efforts to advance race relations, civil rights, social justice and human rights. We will always look to his words, and our memories, to renew our resolve to find justice and equality for all. Dr. King brought his vision and warmth into every room, and left it imprinted on our souls. His legacy requires us to continue in his stead, and pursue nothing less than true justice.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con Res. 426. Concurrent resolution recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides the Nation.

H. Con. Res. 440. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed bills and a joint resolution of the following titles in which concurrence of the House is requested:

S. 811. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 2321. An act to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S.J. Res. 40. Joint resolution authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Thank you, Mr. Speaker.

This evening I rise on behalf of the 37-member strong, fiscally conservative Democratic Blue Dog Coalition to discuss a grave concern of ours and that is the Nation's debt. As you walk the Halls of Congress, there is never a doubt whether you are walking past one of the 37 of us that make up the Democratic Blue Dog Coalition because you will see this poster as a welcome mat by each of our doors. As you can see from this poster, today the United States national debt is $8,346,401,298,731 and some change. For every man, woman and child living in America today, including the children born this hour, their share of the national debt is $27,905. I might add, a staggering $27,905. It is what we call the debt tax, D-E-B-T. Mr. Speaker, that is one tax that cannot be cut or eliminated until this Republican Congress and this Republican administration gets its fiscal house in order.

As members of the fiscally conservative Democratic Blue Dog Coalition, we are here tonight, Mr. Speaker, to talk about trying to restore some common sense and fiscal discipline to our Nation's government. It is hard now to believe, but from 1998 through 2001, this Nation had a balanced budget and the economy was much better. People were saving more. They had good jobs. Today, for those fortunate enough to have a job, many of them have had to leave the good-paying jobs with the good benefits for low-paying jobs with little or no benefits.

It is time to get our fiscal house back in order so we can jump-start this economy, invest in alternative and renewable fuels and bring down the high cost of gasoline, ensure that our children are getting the very best education possible, ensure that health care is affordable and accessible, and ensure that we are doing right by our men and women in uniform and our veterans.

☐ 2015

In order to meet what I believe should be America's priorities, we must first get our Nation's fiscal house in order. And we are not doing that. We had deficit spending, record deficits in 2002, 2003, 2004, 2005, 2006, and, yes, the projected deficit for fiscal year 2007, you will hear a lot of people refer to it as $350 billion. The deficit for fiscal year 2007, a lot of people will tell you it is $350 billion, but it is not. It is not, Mr. Speaker. The real deficit for fiscal year 2007 is $545 billion.

Why the difference between the $350 billion and the $545 billion? It is quite simple. Our Government is borrowing from the Social Security Trust Fund to fund this deficit, to fund tax cuts for those earning over $400.000 a year.

I am now beginning to understand why when I came to Congress in 2001 the first bill I filed was a bill to tell the politicians in Washington to keep their hands off the Social Security Trust Fund. This Republican Congress refused to give me a hearing or a vote on that bill. And now we know why. Because for fiscal year 2007 the real deficit is not $350 billion as they want you to believe, it is $540 billion, because the difference is money they are taking from the Social Security Trust Fund with no provision on when or how it gets paid back and no idea where the revenue is going to come from to pay it back.

The national debt. Listen to this. The total national debt in 1789 to 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion if we continue down this path. That is a doubling. That is a doubling of a 211-year debt in just 10 years.

Interest payments on this debt are one of the fastest-growing parts of the Federal budget. And the debt tax, as I refer to it, is one tax that cannot be repealed or cut until we get our Nation's fiscal house in order.

Again the D-E-B-T tax, the debt tax, $27,905 for every living man, woman and child in this country today. That is what it would take to pay off this massive debt of $8,346,401,298,731 and, of course, some change.

Why do deficits matter? Deficits reduce economic growth. They burden our children and grandchildren with liabilities. They increase our reliance on foreign lenders who now own 40 percent of our debt.

Mr. Speaker, the U.S. is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of more than $2 trillion of our public debt. Compare this to only $23 billion foreign holdings back in 1993.

The top 10 current lenders, now get a load of this, think about this. We are passing law after law providing tax cuts to those earning over $400.000 a year, while cutting Medicaid, while cutting student loans. And where is the revenue coming from? We are borrowing $1 billion a day. We are spending half a billion dollars a day paying interest on the debt that we have already got, and we are borrowing another billion dollars a day on top of that.

Where is it coming from?

Japan. We owe Japan $640.1 billion.

China. Our Nation has borrowed $321.4 billion from China to provide tax cuts in this Nation to those earning over $400,000 a year.

United Kingdom. $179.5 billion.

OPEC. Imagine that. Our Nation has borrowed $98 billion from OPEC.

Korea, $72.4 billion.

Taiwan. $68.9 billion.

The Caribbean banking centers, $61.7 billion.

Hong Kong, $46.6 billion.

Germany, $46.5 billion.

Mexico. Our Nation has borrowed $40.1 billion from Mexico to give tax cuts in this country to those earning over $400,000 a year.

Mr. Speaker, I submit to you it is time for us to get our Nation's fiscal house in order, to stop the deficit spending, to pay down this debt and get back to addressing the real needs and the real priorities of America's working families, America's farm families, and America's seniors.

Mr. Speaker, if you have any comments or questions about what we are discussing tonight dealing with the fiscally conservative Blue Dog Coalition and our concern about the debt and the deficit, and as we talk more about accountability this evening, restoring accountability to our Nation's Government, Mr. Speaker, if you have any questions, comments or concerns, I encourage you to e-mail us, sir, at bluedog@mail.house.gov. That is bluedog@mail.house.gov.

Now, I have laid out the problem that this Nation faces. We are not here as members of the 37-member-strong, fiscally conservative Democratic Blue Dog Coalition to simply criticize the Republican leadership for their failures since they took over this House and became the majority, became the ones in charge of this place.

We are here to also offer up solutions, something that I believe too many politicians fail to do. They are quick to criticize, but they are not quick to offer up solutions.

Mr. Speaker, we have a 12-point plan that will cure our Nation's addiction to deficit spending that has been laid out by the Blue Dog Coalition. We will be talking about these 12 points tonight, including a constitutional amendment calling for a balanced budget, among others; and we will also be talking about restoring accountability to our Government.

But at this time I will yield to my friend, a fellow Blue Dog, who comes to us from the State of California. That is the gentleman from California, Congressman JIM COSTA.

Mr. COSTA. Mr. Speaker, I am honored to join tonight with my fellow Blue Dog, Congressman MIKE ROSS, the gentleman from Arkansas, who does an excellent job on behalf of representing his constituents from the great State of Arkansas.

Tonight, as a fellow Blue Dog member, I want to echo a number of the comments that Congressman ROSS has made, because in that 12-point program that Congressman ROSS will talk more about I believe lies solutions to the problems facing our Nation today, solutions that come to the heart of criteria and qualities that all Americans I think share. Those are accountability, competence and what kind of representation they want to see in their House of Representatives.

It does not matter what party you are a member of in this great Nation of ours. Accountability and competence are characteristics that Americans value throughout our great land.

In coming to the Congress as a new Member and becoming a fellow Blue Dog, we have had an opportunity to share and really spend a great deal of time in examining the challenges that our Nation finds itself in in getting its fiscal house in order.

Recently, the Blue Dogs, in consultation with a lot of research, uncovered an unpublicized Department of Treasury document that made a report that I think most Americans, unfortunately, are unaware of. This Department of Treasury, run by this administration, using the same tried and true accounting methods that every business in America uses, cast new light on the fiscal severity that our Nation is facing, what some would call a mess.

This Treasury report, filed by the Bush administration, reinforces what the Blue Dogs have been saying for years. One of the startling revelations of this 158-page report indicates by the admission of Secretary Snow that the U.S. deficit, as Congressman ROSS said, under current accounting methods in 2005 was more than twice the amount that is being reported.

As a matter of fact, if you do not take into account, as Congressman ROSS just stated, the Social Security surplus, our fiscal deficit, ladies and gentlemen, is over $700 billion today. And, yes, we pay the interest on that debt every day. But do not take my word for it. Look at the financial report of the United States Government, 2005.

Because it goes on to say that, in fact, in conjunction with the U.S. Comptroller, that there is no way we can get a clean audit from the books of most of our Federal agencies. Why? Because no one is being held accountable. Congressional leaders are not conducting the oversight hearings that we should do as a part of our responsibility as Members of Congress. And so, frankly, we do not know what the true state of our budget is, because so many of these agencies have not been able to provide the proper audits.

In a letter contained within this report, in this report, David Walker, the Comptroller General of the United States, explains that the model currently used by Government provides a potentially unrealistic and misleading picture of the Federal deficit, its overall performance, the financial conditions and what the future outlook will be for future generations of Americans to come.

The financial report makes it very clear that if we got into honest budgeting today, that in fact we would find ourselves with a much larger deficit than we have today. It goes beyond that to say that, in fact, if you looked at all 26 agencies in the Federal Government, that is on page 23 here, and you asked them for a clean fiscal audit, that over two-thirds of them would not be able to provide that clean fiscal audit.

That obviously is not the kind of condition that Americans want their Federal Government to be in. That is not the kind of operation and management that provides for the true fiscal accountability and the competency. Competency. Remember, I said accountability and competency are characteristics that American taxpayers care about. They are values and characteristics that really make a difference.

So what we have today is not just a problem with accountability, but it is competence. It is not just the problems in the aftermath of Katrina and Rita with FEMA, but it deals with a budget deficit. It deals with a budget deficit that has been compounded by a trade deficit that has grown by 1,400 percent in the last 4 years.

In 1992, our trade deficit was over $36 billion. 2005, our trade deficit has grown to over $670 billion. Along with it, I might add, a lot of American jobs that have been exported overseas.

Let me close my comments, Mr. Speaker, by telling you that, as a new Member of Congress, I had served previously for 24 years in the California legislature. I think I did not come back here to Washington with any Pollyanna view of the world. But I also believe very passionately in representative democracy, when it works well and when it does not work.

I have just recently finished reading a book that I want to recommend to Americans back home. It is called Flight Club Politics. It is an accountability of what has occurred in the House of Representatives over the last 15, 20 years.

It did not begin with the Republicans. It involved the Democrats in the late 1980s and 1990s. And notwithstanding the Republican's efforts to pledge to reform the House in 1994 when they took over, the fact of the matter is, as the evolution of this, Flight Club Politics: How Partisanship is Poisoning the House of Representatives, has unfortunately, in my opinion, only multiplied the problems that we now have exist today.

We no longer have a system of checks and balances. Under the Republican leadership during the Clinton administration, there were over 1,000 subpoenas of the administration.

□ 2030

Now, one could argue that the Congress was doing its part to provide checks and balances. Unfortunately, by comparison, under the last 5 years, with the Republican administration. there has been less than 10 subpoenas requested of this administration to hold them accountable, regardless of what Department or agency you are talking about.

When you have a view of the world that the only legislation that we can bring to the floor of the House must first pass with a majority of the majority, you are taking away the opportunity to have true bipartisan solutions. And it is one of the reasons, I believe, why today in America one of the fastest growing views of voters in America is "decline to state or independent." So regardless of what party one must be registered under, people more and more view themselves as independents.

What we have to do today and in the future is to restore bipartisanship to this Congress. The Blue Dogs believe in that. We have to reinforce the opportunities that we don't need a de facto parliamentary system, where there is less focus on checks and balances and one party basically runs the entire government. Those are among the many challenges that we face today.

My colleagues, I am proud to be a member of a group of moderate to conservative Democrats who frankly believe that we must first get our fiscal house in order. How do we do so? We do so with true accountability, we do so with competence in terms of how our Federal Government is run, and we do so by ensuring that our House restores the civility and bipartisan workmanship that is what our founding fathers had in mind.

Mr. Speaker, I yield back to my colleague and good friend, Mr. ROSS.

Mr. ROSS. I want to thank the gentleman from California, a member of the Blue Dog Coalition, JIM COSTA, for joining us this evening.

The gentleman mentioned the financial report of the United States Government for 2005. You pointed out that in that the debt is really not, for 2005, it really wasn't $319 billion; it was really $760 billion. And I just want to make sure, Mr. Speaker, that you understand we are not trying to make things sound worse than they really are, or make up some numbers or anything. The $760 billion deficit for 2005 is contained here in the financial report of the United States of America, which was published by John Snow, President Bush's Secretary of the Treasury.

Now, how does this financial report say that the deficit is $760 billion in 2005 when everyone else has been saying it is $319 billion? And, again, there is no reason to make it any worse than it already is. It was already one of the largest deficits ever in our Nation's history. There is no reason to try to make it worse. But here is a little known fact that very few Members of Congress are even aware of: it is not well published on Capitol Hill.

When the budget rolls out, you will see them bringing it to Capitol Hill with a lot of fanfare. It is about that thick and several volumes. This is quietly brought to Capitol Hill, and not even provided to every Member of Congress. Why is that? Because this is true accounting.

The difference is that the budget uses cash-base accounting, which only the tiniest businesses in America use because it hides future obligations, thus painting, potentially, an unrealistic and misleading picture of the Federal Government's overall performance. That is according to David Walker, the Comptroller General of the Government Accountability Office.

So when you do cash-base accounting, the deficit for 2005 was $319 billion. But in this financial report of the United States of America, as required by law, the Treasury Secretary has to report what the real debt is, the real deficit is, based on accrual accounting. And, Mr. Speaker, accrual accounting is something that most businesses in America are very aware of because it is the method required by law. It is the method required by this Congress to be used by every business in America with revenues over $5 million.

This financial report takes into account future obligations of the Federal Government, presenting a clearer, more understandable picture of Federal finances. So the real deficit for 2005 was not the $319 billion contained in the budget using cash-base accounting, but rather it was $760 billion as contained in the financial report of the United States Government for 2005 issued by the Secretary of the Treasury, John Snow, as required by law, using accrual accounting.

This is the same accounting method required by this Congress for businesses with revenues over $5 million to use; and if they don't use the accrual method of accounting, they are slapped with all kinds of fines by the IRS and in all kinds of trouble with the Justice Department.

So I thank the gentleman from California for bringing that to our attention this evening.

Now, as I said earlier, the Blue Dog Coalition has a plan on how to fix all of this. We have a 12-point plan for meaningful budget reform. I mentioned one of them, which is requiring a constitutional amendment for a balanced budget.

Forty-nine States require a balanced budget. Most businesses require a balanced budget. And I can assure you, in the Ross family my wife requires a balanced budget.

A second idea we have in our 12-point plan for curing our Nation's addiction to deficit spending is don't let Congress buy on credit.

Back when President Clinton gave us the first balanced budget in 40 years, we had something implemented on this House floor called PAYGO rules. Pay as you go. If you want to fund a new project, you have to show us which project you are going to cut. If you want to pass tax cuts, you have to show us which program you want to cut. In other words, pay as you go. Don't continue down this track that we are on today of running up the deficit, running up the debt, and borrowing money from China and Japan and Korea and OPEC to pay for this reckless spending.

Another thing that we are doing, as members of the Blue Dog Coalition, is we have a plan to restore accountability.

The author of this plan is a founding member of the fiscally conservative Democratic Blue Dog Coalition, JOHN TANNER, of Tennessee.

Let me just say that under the United States Constitution, Congress has an obligation to provide congressional oversight of the executive branch. Congressional oversight prevents waste and fraud, ensures executive compliance with the law, and evaluates executive performance. However, under this Republican leadership, Congress has abandoned this responsibility by failing to conduct meaningful investigations of allegations of serious waste, fraud, abuse, and mismanagement of taxpayer dollars.

By failing to serve as a check and balance for overspending, waist, fraud, and financial abuse within the executive branch, this Republican-led Congress has failed the American taxpayer. Every 24 hours, $279 million of your tax money is being spent in Iraq. But don't ask the President to be accountable for it. He will tell you you are unpatriotic.

That is where I disagree with this President. I believe we have a duty and an obligation to be accountable for taxpayer money. The current Federal debt, as you know, is $8.346 trillion, much of which, as we talked about earlier, is borrowed from foreign countries. This President, this administration, and this Republican Congress must be held accountable for our massive Federal debt and for the $279 million of tax money that is being spent in Iraq every day. Now, as long as we have troops in Iraq, I want to support them, and I want to send money there. But I want to make sure that money is accounted for and being spent on our men and women in uniform.

American taxpayers simply deserve to know how their money is spent. They deserve answers as to why their children and grandchildren will have to foot the bill for this administration's fiscal mismanagement of the Federal budget. And, Mr. Speaker, this includes answers as to why the Federal Emergency Management Agency continues to pay $250,000 a month to store almost 10,000 mobile homes, to be exact, as of tonight 9,957 of them, at the Hope Airport in Hope, Arkansas, in my congressional district, here is an aerial view of it, while many victims of Hurricane Katrina and other storms remain homeless.

It is past time for FEMA to be held accountable and provide these new fully furnished mobile homes to the victims of Hurricane Katrina. FEMA's response so far has been, oh, my goodness, they are liable to sink in this pasture. As you can see here from a better view, and you have to see this to believe it, here are the 9,957 mobile homes just sitting in a hay meadow. Here is the barbed wire fence at the Hope Airport in Hope, Arkansas.

Instead of moving them to storm victims that have been left homeless from various natural disasters, FEMA's response has been, oh, my goodness, the Inspector General is right, they are liable to start sinking in the hay meadow, so now they are spending $6 million putting gravel in this hay meadow at the Hope Airport in Hope, Arkansas.

It is time, it is time for FEMA to be held accountable for this mismanagement. No business in our country could succeed financially if it failed to fully report back to its shareholders on how it is spending its money. But that is exactly how our Federal Government is operating. The administration is not telling its shareholders, the American taxpayers, how it spends the money coming into Washington.

We have a plan to fix this. It is House Resolution 841, introduced by Representative JOHN TANNER, a founding member of the fiscally conservative Democratic Blue Dog Coalition, and at this time I want to call on Mr. TANNER to use as much time as he so desires to explain this bill, our solution, to try to address this lack of accountability in our government.

I am real proud that we are not just here to criticize this administration, this Republican Congress, but also to offer up a solution. At this time I yield to the gentleman from Tennessee.

Mr. TANNER. Thank you, Mr. ROSS, and I am delighted to be here and delighted that this hour is being devoted basically to common sense.

You know, when I was growing up in Tennessee, my parents basically taught me three things about financial responsibility: one was live within your means; two was to pay your debts; and three was to invest in the future, whether it was for your retirement or your kids' college or whatever. But those were three pretty good financial guidelines, I thought. Live within your means, pay your debts, pay who you owe, and save enough to invest in the future.

Unfortunately, this government of ours, all of us, we are not doing any of those things. We are not living within our means, not paying our debts, and we are certainly not investing in the future.

I have been so frustrated because, for the last 3 years, anyway, along with Congressman ROSS from Arkansas, some of us have been talking about the consequences of what is going on here. Unless one can figure out how to repeal the laws of arithmetic, folks, I am telling you, this country is getting in deeper and deeper financial trouble.

To give you some idea, in the summer of 2002, on the same tax base we have in the summer of 2006, there is now $60 billion less of the money that Congress takes away from the American taxpayer involuntarily in the form of taxation and appropriates to any administration. There is $60 billion a year less because we have borrowed, just since the summer of 2002, this Congress and this political leadership in Washington have borrowed, in your name and mine, over $1.5 trillion. And what is worse is that 75 percent of those borrowings have come from foreign sources.

I wish I was making this up. It is no fun to talk about. And as Khruschchev said, the former dictator in the old U.S.S.R., he said, an American politician will promise to build a bridge where there is no river. And part of our problem is the political leadership here in Washington is not leveling with the American people about the consequences of what we are doing in terms of hitting the Nation's credit card for not only that $1.5-plus trillion but all of the surplus money that is going into the Social Security trust fund. So we are borrowing that too. We just don't have to write interest checks to the Social Security trust funds every year.

Anyway, I was thinking about this, as a father and grandfather now, what kind of country are we going to leave our children? There are two things that come from reading of history. One is, there is no nation that is strong and free that has no infrastructure.

Our infrastructure in this country is in bad shape. Everybody knows that. Whether it is water, sewer, dykes, levees, and you can go down the list, we have serious infrastructure problems. In my home State of Tennessee, most of the county courthouses were built during the Depression, during the WPA days.

□ 2045

I am sure that is the same way in Arkansas and probably in Arkansas, Georgia, Alabama, Kentucky, all over. The courthouses were built back in those days, a lot of courthouse, I betcha. But that is not the real crux of the matter.

The real crux of the matter is we have to, and only the government can, invest in infrastructure. Because, after all, that is where private enterprise can go to create the jobs, to create prosperity, so that people have water, sewers, bridges, highways, airports, whatever it may. That is how private enterprise grows, around infrastructure investment by the government.

We are not able to do that because we have, just in the last 60 months, transferred out of the tax base, not raising taxes, not lowering taxes, we have transferred out of the tax base over $60 billion a year every year that goes not for veterans, not for education, not for infrastructure, but for interest. Seventy-five percent of that $60 billion that we are writing every year in checks for interest is going overseas, not even staying in this country.

The consequences of that are twofold. One is, we cannot invest in infrastructure to keep our country in as good of shape as it needs to be for private enterprise to prosper and create jobs in a good economy. The second thing we are doing is we are depriving ourselves and the government of the ability to invest in human capital.

What is human capital? Basically, it is the ability of the citizens of this country to compete in an increasingly globalized world.

Now, the government loses its ability because of this transfer of the tax base to interest, loses its ability to make the necessary investments in public education. Public education is not important in a dictatorship. Public education is not important in a Communist country. But public education is critically important in a democracy, because we are called on.

As President Jimmy Carter said, the highest office in this land of ours is not the office we hold, it is that of citizen. Because the citizen holds the card, the voting card, if you will, to determine what happens. They hire guys like us every couple of years or so, but the citizen is the highest office that one can hold in our country. If we deprive the citizens because we do not have the ability to invest in public education, then we are on a downward spiral, I would say.

So you have two human capital factors. You have public education, because we are called on as citizens, the highest office in our land, to not only make a decision affecting us and our immediate families but also make a decision affecting our States and our country. In order to do that, we have to be educated; and in order to maximize that participation and that ability to understand what is going on, the masses of free people in a republic like ours have to be educated so they can read, write, think and rationalize their decisions. Public education is part of this investment in human capital.

The second thing is health care. Our country is no longer able to make the necessary investment in health care.

If one reads history, as I do, one will readily understand and discern that no nation, since the dawn of civilization, has ever been strong and free with an unhealthy, uneducated population. It is simply not possible. So the consequences of what you have been talking about on the national debt are very real to the citizens of this country.

They may not realize or think so in terms of the national debt, $8.3 trillion, but don't try to make it off of me. I am trying to make a house payment, car payment, and all the other things that I have to do with my kids and everything else. So that is a big number, but that is not a number people really relate to.

What people relate to, I believe, if we adequately articulate it, is the consequences to them, every day to us, of what is going on in this town, which leads me to this House Bill 841.

It is hard to imagine this, and when I tell civic clubs that I speak to in Tennessee from time to time, they look at me aghast. They can't believe it. In the year, fiscal year 2005, the Government Accountability Office reports that 19 of 24 Federal agencies cannot produce an acceptable audit. What that means is, if you go and ask them what did you do with the money that Congress involuntarily extracted from the taxpayers of this country in the form of taxation and appropriated to any administration, what did you do with it, 19 of 24 Federal agencies can't tell you.

Now I am in business in Tennessee. Well, my brothers and I are in a family business. Can you imagine going to your comptroller or your treasurer or whoever you look to handle your money in your business and saying, here is an expenditure of $5,000, $10,000. What is that for? The answer would be, you know, I can't tell you. I don't know.

No private enterprise in America would tolerate that. Because if they did, they wouldn't be in business. They would be broke. Yet that is what the American people are tolerating in this one-party government town where Congress not only takes money away from people in the form of taxation and then doesn't even ask the administration they appropriate to what they did with it. If they asked them, they couldn't tell them.

If there is one thing that the American citizen, highest officeholder in this land ought to expect from this Congress and any other Congress, in my view, is, what did you do with the money? If you can't tell us, any administration, if you can't tell us what you did, well, you don't get it next year.

So House bill 841 that we have introduced, the Blue Dogs have introduced is basically under three circumstances, when the inspector generals in every department, and every department has one that identifies waste, fraud, abuse, so forth, right now, the inspector general reports are just laying around gathering dust, because Congress is not going to ask, what did you do with the money?

There is no oversight here. Everybody knows that. All you have to do is read the paper about the money that is flowing out of here through a fire hose. Congress isn't asking the administration, where is it going? All we hear is, well, there is a no-bid contract here, a no-bid contract there.

I am going to bring a list of things that we have identified, $10 million to rehab an old Army base to house six people, no-bid contract. It cost $10 million to some contractor to rehab a house that holds six people.

That is what is going on under these no-bid contracts, and this Congress has totally, in my judgement, completely abdicated its constitutional responsibility to say what is going on over here.

I am going to read something in a minute that is going to even more shock people. One, any inspector general, I don't care whether it is a Democratic administration, Republican administration, Democratic Congress, Republican Congress, we have got one economy. We have got $1. We don't have a Democratic or Republican dollar bill. We have got a dollar bill that is an American dollar bill.

So we don't care. The Blue Dogs don't care whether it is a Democratic administration, Republican. This is what ought to be done on behalf of the American taxpayers who are Americans, first. They may be Democrat or Republicans. They are Americans. We are all Americans first.

What this bill would do is say when there is an adverse finding by the inspector general in any, any agency, Congress must hold a hearing within 60 days of that adverse finding so that at least we can bring it to light and the general public will know that, one, they can't find the money we appropriated to them.

Or, two, the inspector general has what they call a high-risk program. That is government talk for it means it probably is not working like we intended it to and like the people want it to. But they can't find the money for the high-risk program.

Or three, the auditor issues a disclaimer. Here is what I want to read about the department.

Four, that, basically, when they tried to audit these departments, the auditors said, look, we don't know whether this is true or not.

On the front page of the audit, they say everything you are about to read here about what these people are doing with taxpayer money, we don't know. We can't vouch for it. We make no, absolutely no assertion that any of this, what you are about to see, is true, because we can't find out from the people that Congress appropriated the money to.

I wish I was making this up, but I am not.

This is what the Office of the Inspector General says about the Department of Energy, for example. This is one. Audit work performed by the auditor identified significant deficiencies in financial management and reporting controls related to the Department's FY05 consolidated financial statements. Specifically, the Department was unable to correct previously described weaknesses and could not provide a number of supporting documents required for audit. Not only can it not produce an audit, they can't even provide a document so the auditors can produce an audit.

Listen to what they say about the Department of Homeland Security. Quote, unfortunately, the Department made little or no progress to improve its overall financial reporting during fiscal year 2005. The auditors were unable to provide an opinion on the Department's balance sheet.

Now we sit here in Congress and pass all these laws, Sarbanes-Oxley and all of this, about what private companies ought to do in terms of audit.

Here is the Homeland Security. You were just talking about 12,000 or 10,000 or 9,000 trailers at Hope Airport in Hope, Arkansas. They say, we are unable to provide an opinion. They can't even tell you. We don't even have an opinion because the books are so screwed up. This is quotes.

So House Bill 841, the Blue Dog bill, just says, when an IG report comes back like this, Congress must take action. What you have here, unfortunately, and this, again, is not partisan. I am a taxpayer. All of us pay taxes. We ought to be able to tell the American people what we did with the money we extract from them involuntarily in the form of taxes.

Here is an IG report. There hasn't been oversight on this, because Congress is not going to ask. You have a compliant Congress, a friendly administration. Nobody wants to embarrass anybody else. So we have stuff like this that we tolerate in this town because we are all playing the political game.

I tell you, I don't know why we can't get some of our friends on the other side to join with me. What are they going to tell their constituents? We don't want to know where the money you sent us goes to? What are they going to say?

What could possibly be wrong with this Blue Dog bill for simple accountability? We took money from taxpayers. We gave it to the administration. What did you do with it? You can't tell us. You are not getting it. That is what the Blue Dog position is. I think that is where it is. I mean, I don't want to give them any more money when I don't know what happened to it.

Mr. ROSS. You are so right on target with what we need to be doing as a Nation.

In 2003, the Government Accountability Office identified 26 high-risk areas for the Federal Government.

Mr. TANNER. High risk means it doesn't work.

Mr. ROSS. Twenty-six. Since then, only three programs have been removed from the list, and four more have been added. Clearly, it is necessary that Congress become involved to curb mismanagement in Federal agencies.

You raised a good point. In fact, to go into that a little more, in 2004, $25 million of Federal Government spending went absolutely unaccounted for, according to the President's Treasury Department. The Bush administration was unable to determine where the money had gone, how it was spent or what the American people got for their tax money. $25 billion in 2004.

Even worse, this Republican-controlled Congress failed to hold the executive branch accountable, failed to hold the executive branch accountable for this submission.

□ 2100

And with your bill, sir, it would require this Congress, it would require this government, to hold this administration accountable for this kind of reckless and irresponsible spending. Furthermore, in 2005 the Government Accountability Office reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated to them by Congress.

And yet the Republican leadership in this Congress did not force these agencies to fully account for how the money was being spent before doling out billions more of taxpayer dollars to the same programs. Clearly, Congress has failed to ask serious questions about the Bush administration's fiscal irresponsibility, record-high deficits 4 years in a row, and have now pushed the Federal debt to $8.3 trillion.

Mr. Speaker, if you have any comments or concerns about what we are discussing this evening, and I hope you do, I hope you will email us at bluedog@house.mail.gov. I yield to the gentleman from Tennessee.

Mr. TANNER. Let me tell you about another bill that our Blue Dog friend, DENNIS CARDOZA, has. And we passed the Sarbanes Oxley Act about holding the CEOs of all of these major corporations accountable. DENNIS has a bill that says, basically, if a Department of the Federal Government cannot produce an adequate or passable or acceptable audit within 2 years, then that Cabinet Secretary must go back to the Senate for reconfirmation as to why you can't tell us what is going on in your Department with the money that is being appropriated to your Department.

This is what would happen in private enterprise. And people tell me all the time, and I am sure they tell you, we would like the government to operate a little bit more like a business. Well, both of these bills, particularly 841, that is all we are asking is for this Congress to pass a bill that will require basically Congress to do its job and ask them what happened to the money, because Congress is the agency, is the separate but equal branch of government that levies taxes. The President doesn't tax people. The Supreme Court doesn't tax people. The Congress does. And it is the Congress's responsibility to see where it is going.

And this Congress has completely, totally failed to ask or even inquire about what is happening to the money that we are appropriating. And, really, the American people shouldn't put up with that. The more we can talk about it, I think, the more people will realize that there has got to be some changes made around here on accountability. And, again, this is not partisan. I don't care what administration is over there at the White House. Any of them ought to be able to tell us what did you do with the money, so we can either determine that it needs to be cut or added to.

When people get up and say we have got baseline funding, I say, you don't understand something. I want to cut some of this stuff that is not working. The IG reports identify government talk for high-risk programs. That means they don't work. But do you think this Congress has asked? Well, you just said it. They added four more since they cut them. And it keeps right on rolling along, money flowing out of here through a fire hose. It keeps rolling right on along.

There is one other thing I would like to mention tonight if I could. We have a bill that the Blue Dogs have endorsed that sets up an independent commission in every State to redistrict for Congress. The Supreme Court, yesterday in the Texas case, left the door open for mid-decade redistricting, which means that any State that gets all the levels of power, the Governor's office and the House and State Senate, can redistrict anytime they want to. I think that is one of the biggest threats to our process, to our Republic that I have ever heard of because I think where we are going here is a tit for tat. The Republicans did it to the Democrats in Texas, so the Democrats are going to do it to the Republicans in Illinois. Democrats did it to us in Illinois, so we are going to do it to them in Ohio, wherever, all over the country.

And you are going to see nothing but political turmoil where the "ins," whoever the "ins" are, Democrats or Republicans, they are both "ins," are playing this political game, and the people of this country are left in the dust. They are pawns on a chess board to be played with by the "ins," whoever the "ins" are, Democrat or Republican. I think that this is one of the most misguided opinions I have ever read.

The other thing about that is this: there was a case that came from Tennessee in 1962, Baker v. Carr, and that was a case that said in the case of the State House, State Senate and U.S. House, everybody had to represent approximately the same number of people.

Now, how in the world any State legislature could reapportion Congress in 2008 based on 2000 census data and say we are complying with Baker v. Carr, in that everybody represents an equal amount of people, is beyond me. And I will tell you what you do. If you don't believe me, go pick up an 8-year-old phone book and see how many people you can call in that 8-year-old phone book or how many businesses you can call that are still there. There is no way that any legislature can comply with one person, one vote 8 years after the data was compiled.

Yet that is what the Supreme Court left open. You talk about activist judges. I just think that what they are doing is setting this country up for nothing but a political food fight while the country's needs go unattended. And this is the "ins." And what we have seen over the last 40-something years, since the Baker v. Carr decision is the "ins" have manipulated the system for themselves. It suits all the Republicans to make Republican districts more Republican. It suits the Democrats to make the Democratic districts more Democratic. So what you have here is the wings coming here to Congress and being unable ideologically to figure out how to get along. And this is why I think we have one of the problems here, and that is the middle is disappearing where everything gets done in a free society where nobody can order anybody else to do anything.

So I wanted to mention that because we have that bill, the Blue Dog endorsed bill, that would set up independent commissions. And one of the criteria is they can't take into account where the incumbent lives. And we are asking people to give up a lot of power. I understand that. But I hope the American people realize that they are the victims of this with the "ins," Democrats and Republicans, who are in, manipulating the system for each other's benefit.

And what do we have? We have a food fight here on the floor of the House every day. And it is not a parliamentary system. It is a representative system and one, I think, as Ben Franklin said after they got through with all the Constitution, everything, said, what have we wrought? And Ben Franklin said, a Republic, if you can keep it.

We are in, I think, grave danger with what we have done to gerrymander the country. And it is the "ins," Democrats and Republican, who are in that are doing it. And we are trying to change that, and the Blue Dog bill will do that. And I hope we can get some action. It will have to come from outside of this building, unfortunately. Thank you.

Mr. ROSS. I want to thank the gentleman from Tennessee (Mr. TANNER) for his leadership as a founding member of the fiscally conservative Democratic Blue Dog Coalition. I want to thank him for his leadership on House Resolution 841.

We have talked tonight about House Resolution 841 to require congressional hearings when there is fraud, waste and abuse and mismanagement of Federal agencies with your tax dollars.

We have also talked tonight about another commonsense solution, and that is H.R. 5315, by one of the Blue Dog cochairs, Mr. CARDOZA of California, who has a real commonsense idea, and that is if you are a Cabinet head and your Federal agency that you oversee cannot fully account for its spending, you should have to go back to the Senate for reconfirmation.

So these are commonsense solutions that we are offering up. We are not here just to be critical of the Republican administration. We are here to say here is what is wrong and here are the things that we think we can do to fix it. Clearly, the time has come to hold this administration accountable for its reckless behavior. I believe Congress must act now to renew its constitutional responsibility to serve as a check and balance for overspending, waste, fraud and financial abuse within the executive branch of government.

Wasteful government spending has forced the national debt to its current record level of $8,346,401,298,731, and future generations, our children and grandchildren, will be forced to pay that bill. Future generations will have to pay back with interest the money the Federal Government is borrowing from other countries due to this administration and this Republican Congress's fiscal recklessness.

The time has come, Mr. Speaker. The time has come to restore common sense and fiscal discipline to our Nation's government. The legislation that I have described to you this evening, these are two different legislative proposals put forth by the fiscally conservative Democratic Blue Dog Coalition that will put our Nation back on the track toward balancing the budget and restoring accountability.

Again, Mr. Speaker, the U.S. national debt, when we started this evening it was $8,346,401,298,731. And just in the past hour, as we have been discussing this financial crisis facing America, this number, this national debt has risen $41,666,000.

Mr. Speaker, our Nation is borrowing $1 billion a day. We are spending a half a billion a day paying interest on the debt we have already got.

Mr. Speaker, it is time to restore some common sense and fiscal discipline to our Nation's government, and once we do that, once we do that we can meet America's priorities. A half a billion dollars a day simply going to pay interest on the national debt. In my district alone, I have got $4 billion in road needs. I need $1.5 billion to finish I-69, Interstate 69. I need another $1.5 billion to finish Interstate 49. I need $200 million to finish Interstate I-530; $300 million to four-lane 167 from Little Rock to El Dorado and beyond; about 80 to $100 million to finish the Hot Springs Expressway; and $200 million to four-lane U.S. Highway 82 from the east to the west side of Arkansas. These kinds of road projects can create jobs and economic opportunities for one of the poorest regions in the country, the Delta region, which I am proud to represent.

But before we can meet America's priorities and lift these folks up out of poverty and give them a helping hand by building the roads they need, we must first restore common sense and fiscal discipline to our Nation's government and pay down this national debt and stop this deficit spending.

WHY ARE THE AMERICAN PEOPLE SO ANGRY?

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, I am going to make an attempt to answer a question: Why are the American people so angry? I have been involved in politics for over 30 years and have never seen the American people so angry. It is not unusual to sense a modest amount of outrage, but it seems the anger today is unusually intense and quite possibly worse than ever. It is not easily explained, but I have some thoughts on this matter.

Generally, anger and frustration among people are related to economic conditions, bread and butter issues. Yet, today, according to government statistics, things are going well. We have low unemployment, low inflation, more homeowners than ever before, and abundant leisure and abundant luxuries. Even the poor have cell phones, televisions, and computers. Public school is free and anyone can get free medical care at any emergency room in the country. Almost all taxes are paid for by the top 50 percent of income earners.

☐ 2115

The lower 50 percent pay essentially no income tax. Yet general dissatisfaction and anger are commonplace. The old slogan "It's the economy, stupid" just does not seem to explain things.

Some say it is the war. Yet we have lived with war throughout the 20th century. The bigger they were, the more we pulled together. And the current war, by comparison, has fewer American casualties than the rest, so it can't be just the war itself.

People complain about corruption, but what is new about government corruption? In the 19th century, we had railroad scandals. In the 20th century, we endured the Teapot Dome scandal, Watergate, Koreagate, and many others without too much anger and resentment. Yet today, it seems, anger is pervasive and worse than we have experienced in the past.

Could it be that war, vague yet persistent economic uncertainty, corruption, and the immigration problem all contribute to the anger we feel in America? Perhaps. But it is almost as though people are not exactly sure why they are so uneasy. They only know that they have had it and are not going to put up with it anymore.

High gasoline prices make a lot of people angry, though there is little understanding of how deficits, inflation, and the war in the Middle East all contribute to these higher prices.

Generally speaking, there are two controlling forces that determine the nature of government: the people's concern for their economic self-interest and the philosophy of those who hold positions of power and influence in any particular government.

Under Soviet communism, the workers believed their economic best interests would be served while a few dedicated theoreticians placed themselves in positions of power. Likewise, the intellectual leaders of the American Revolution were few but rallied the colonists who risked all to overthrow a tyrannical king.

Since there is never a perfect understanding between these two forces, the people and the philosophical leaders, and because the motivations of the intellectual leaders vary greatly, any transition from one system of government to another is unpredictable. The Communist takeover by Lenin was violent and costly. The demise of communism and the acceptance of a relatively open system in the former Soviet Union occurred in a miraculous manner. Both systems had intellectual underpinnings.

In the United States over the last century, we have witnessed the coming and going of various intellectual influences by proponents of the free market, Keynesian welfarism, varieties of socialism, and supply-side economics. In foreign policy, we have seen a transition from the Founders' vision of nonintervention in the affairs of others to internationalism, unilateral nation building, and policing the world. We now have in place a policy driven by determined neoconservatives to promote American goodness and democracy throughout the world by military force, with particular emphasis on remaking the entire Middle East.

We all know that ideas do have consequences. Bad ideas, even when supported naively by the people, will have bad results. Could it be that the people sense in a profound way that the policies of recent decades are unworkable and thus they have instinctively lost confidence in their government leaders? This certainly happened in the final years of the Soviet system. Though not fully understood, this sense of frustration may well be the source of anger we hear expressed on a daily basis by so many. No matter how noble the motivations of political leaders are, when they achieve positions of power, the power itself inevitably becomes their driving force. Government officials too often yield to the temptations and corrupting influences of power.

But there are many others who are not bashful about using government power to do good. They truly believe they can make the economy fair through a redistributive tax and spending system, make the people moral by regulating personal behavior and choices, and remake the world in our image using armies. They argue that the use of force to achieve good is legitimate and a proper function of government, always speaking of the noble goals while ignoring the inevitable failures and evils caused by coercion. Not only do they justify government force, they believe they have a moral obligation to do so.

Once we concede government has this legitimate function and can be manipulated by a majority vote, the various special interests move in quickly. They gain control to direct government largesse for their own benefit. Too often, it is corporate interests who learn how to manipulate every contract, regulation, and tax policy. Likewise, promoters of the progressive agenda, always hostile to property rights, compete for government power through safety, health, and environmental initiatives. Both groups resort to using government power and abuse this power in an effort to serve their narrow interests. In the meantime, constitutional limits on power and its mandate to protect liberty are totally forgotten.

Since the use of power to achieve political ends is accepted, pervasive, and ever expanding, popular support for various programs is achieved by creating fear. Sometimes the fear is concocted out of thin air, but usually it is created by wildly exaggerating a problem or incident that does not warrant the proposed government so-called "solution." Often government caused the problem in the first place.

The irony, of course, is that government action rarely solves any problem but rather worsens existing problems or creates altogether new ones. Fear is generated to garner popular support for the proposed government action even when some liberty has to be sacrificed. This leads to a society that is systematically driven toward fear, fear that gives the monstrous government more and more authority and control over our lives and property.

Fear is constantly generated by politicians to rally the support of the people. Environmentalists go back and forth from warning about a coming ice age to arguing the grave dangers of global warming. It is said that without an economic safety net for everyone from cradle to grave people would starve and many would become homeless. It is said that without government health care, the poor would not receive treatment, and medical care would be available only to the rich. Without government insuring pensions, all private pension funds would be threatened. Without Federal assistance, there would be no funds for public education, and the quality of our public schools would be diminished, ignoring, of course, recent history to the contrary.

It is argued that without government surveillance of every American even without search warrants, security cannot be achieved. The sacrifice of some liberty is required for security of our citizens, they claim. We are constantly told that the next terrorist attack could come at any moment. Rather than questioning why we might be attacked, this atmosphere of fear, instead, prompts giving up liberty and privacy. 9/11 has been conveniently used to generate the fear necessary to expand both our foreign intervention and domestic surveillance.

Fear of nuclear power is used to assure shortages and highly expensive energy.

In all instances where fear is generated and used to expand government control, it is safe to say the problems behind the fears were not caused by the free market economy or too much privacy or excessive liberty. It is easy to generate fear, fear that too often becomes excessive, unrealistic, and difficult to curb. This is important. It leads to even more demands for government action than the perpetrators of the fear actually anticipated. Once people look to government to alleviate their fears and make them safe, expectations exceed reality.

FEMA originally had a small role, but its current mission is to centrally manage every natural disaster that befalls us. This mission was exposed as a fraud during last year's hurricanes. Incompetence and corruption are now FEMA's legacy. This generates anger among those who have to pay the bills and among those who did not receive the handouts promised to them quickly enough.

Generating exaggerated fear to justify and promote attacks on private property is commonplace. It serves to inflame resentment between the producers in society and the so-called victims, whose demands grow exponentially.

The economic impossibility of this system guarantees that the harder government tries to satisfy the unlimited demands, the worse the problems become. We will not be able to pay the bills forever, and eventually our ability to borrow and print new money must end. This dependency on government will guarantee anger when the money runs out. Today, we are still able to borrow and inflate, but budgets are getting tighter and people sense serious problems lurking in the future. This fear is legitimate. No easy solution to our fiscal problems is readily apparent, and this ignites anger and apprehension. Disenchantment is directed at the politicians and their false promises made in order to secure reelection and exert power that so many of them enjoy.

It is, however, in foreign affairs that governments have most abused fear to generate support for an agenda that, under normal circumstances, would have been rejected. For decades, our administrations have targeted one supposed Hitler after another to gain support for military action against a particular country. Today, we have three choices termed the axis of evil: Iran, Iraq, or North Korea.

We recently witnessed how unfounded fear was generated concerning Saddam Hussein's weapons of mass destruction to justify our first-ever preemptive war. It is now universally known the fear was based on falsehoods, and yet the war goes on and the death and destruction continues.

This is not a new phenomenon. General Douglas MacArthur understood the political use of fear when he made this famous statement: "Always there has been some terrible evil at home or some monstrous foreign power that was going to gobble us up if we did not blindly rally behind it."

We should be ever vigilant when we hear the fear mongers preparing us for the next military conflict our young men and women will be expected to fight. We are being told of the great danger posed by Ahmadinejad in Iran and Kim Jong-il in North Korea. Even Russia and China bashing is in vogue again, and we are still not able to trade with or travel to Cuba. A constant enemy is required to expand the state. We are hearing more and more news stories blaming Iran for the bad results in Iraq. Does this mean Iran is next on the hit list?

The world is much too dangerous, we are told, and therefore we must be prepared to fight at a moment's notice, regardless of the cost. If the public could not be manipulated by the politicians' efforts to instill needless fear, fewer wars would be fought and far fewer lives would be lost.

Though the American people are fed up for a lot of legitimate reasons, almost all polls show the mess in Iraq leads the list of why the anger is so intense. Short wars with well-defined victories are tolerated by the American people even when they are misled as to the reasons for the war. Wars entered into without a proper declaration tend to be politically motivated and not for national security reasons. These wars by their very nature are prolonged, costly, and usually require a new administration to finally end them. This certainly was true with the Korean and the Vietnam Wars. The lack of a quick military victory, the loss of life and limb, and the huge economic costs of lengthy wars precipitate anger. This is overwhelmingly true when the war propaganda that stirred up the illegitimate fears is exposed as a fraud. Most soon come to realize the promise of guns and butter is an illusion. They come to understand that inflation, a weak economy, and a prolonged war without real success are the reality.

The anger over the Iraq War is multifaceted. Some are angry believing they were lied to in order to gain their support at the beginning. Others are angry that the $40 billion we spend every year on intelligence gathering fail to provide good information. Proponents of the war too often are unable to admit the truth. They become frustrated with the progress of the war and then turn on those wanting to change course, angrily denouncing them as unpatriotic and unAmerican.

□ 2130

Those accused are quick to respond to the insulting charges made by those who want to fight on forever without regard to casualties. Proponents of the war do not hesitate to challenge the manhood of war critics, accusing them of wanting to cut and run. Some war supporters duck military service themselves while others fought and died, only adding to the anger of those who have seen battle up close and now question our campaign in Iraq.

When people see a $600 million embassy being built in Baghdad while funding for services here in the United States is hard to obtain, they become angry. They can't understand why the money is being spent, especially when they are told by our government that we have no intention of remaining permanently in Iraq.

The bickering and anger will not soon subside since victory in Iraq is not on the horizon and a change in policy is not likely to occur.

The neoconservative instigators of war are angry at everyone, at the people who want to get out of Iraq and especially at those prosecuting the war for not bombing more aggressively, sending in more troops and expanding the war into Iran. As our country becomes poorer due to the cost of the war, anger surely will escalate. Much of it will be justified.

It seems bizarre that it is so unthinkable to change course if the current policy is failing. Our leaders are like a physician who makes a wrong diagnosis and prescribes the wrong medicine, but because of his ego can't tell the patient he has made a mistake. Instead, he hopes the patient will get better on his own. But instead of improving, the patient gets worse from the medication wrongly prescribed. This would be abhorrent behavior in medicine, but tragically it is commonplace in politics.

If the truth is admitted, it would appear that the lives lost and the money spent have been in vain. Instead, more casualties must be sustained to prove a false premise. What a tragedy. If the truth is admitted, imagine the anger of all the families that already have suffered such a burden. That burden is softened when the families and the wounded are told their great sacrifice was worthy and required to preserve our freedoms and our Constitution.

But no one is allowed to ask the obvious: How have the 2,500 plus deaths and the 18,500 wounded made us more free? What in the world does Iraq have to do with protecting our civil liberties here at home? What national security threat prompted America's first preemptive war? How does our unilateral enforcement of U.N. resolutions enhance our freedoms?

These questions aren't permitted. They are not politically correct. I agree that the truth hurts and these questions are terribly hurtful to the families that have suffered so much. What a horrible thought it would be to find out the cause for which we fight is not quite so noble. I don't believe those who hide from the truth and refuse to face the reality of the war do so deliberately. The pain is too great. Deep down psychologically many are incapable of admitting such a costly and emotionally damaging error. They instead become even greater and more determined supporters of the failed policy.

I would concede that there are some, though, especially the diehard neoconservatives who believe it is our moral duty to spread American goodness through force and remake the Middle East who neither suffer regrets nor are bothered by the casualties. They continue to argue for more war without remorse as long as they themselves do not have to fight. Criticism is reserved for the wimps who want to "cut and run."

Due to the psychological need to persist with the failed policy, the war proponents must remain in denial of many facts staring them in the face. They refuse to accept that the real reason for our invasion and occupation of Iraq was not related to terrorism. They deny that our military is weaker as a consequence of this war. They won't admit that our invasion has served the interests of Osama bin Laden.

They continue to blame our image problems around the world on a few bad apples. They won't admit that our invasion has served the interests of Iran's radical regime. The cost in lives lost and dollars spent is glossed over and the deficit spirals up without concern. They ridicule those who point out that our relationship with our allies have been significantly damaged.

We have provided a tremendous incentive for Russia and China and others like Iran to organize through the Shanghai Cooperation Organization. They entertain future challenges to our plans to dominate Southeast Asia and the Middle East and all its oil. Radicalizing the Middle East will in the long term jeopardize Israel's security and increase the odds of this war spreading.

War supporters cannot see that for every Iraqi killed, another family turns on us, regardless of who did the killing. We are and will continue to be blamed for every wrong done in Iraq, all deaths, illness, water problems, food shortages and electricity outages. As long as our political leaders persist in these denials, the war won't end. The problem is that this is the source of the anger, because the American people are not in denial and want a change in policy.

Policy changes in wartime are difficult, for it is almost impossible for the administration to change course since so much emotional energy has been invested in the effort. That is why Eisenhower ended the Korean War, not Truman. That is why Nixon ended the Vietnam War, not LBJ. Even in the case of Vietnam, the end was too slow and costly as more than 30.000 military deaths came after Nixon's election in 1968.

It makes a lot more sense to avoid unnecessary wars than to overcome the politics involved in stopping them once they have started. I personally am convinced that many of our wars could be prevented by paying stricter attention to the method whereby our troops are committed to battle. I also am convinced that when Congress does not declare war, victory is unlikely. The most important thing Congress can do to prevent needless and foolish wars is for every Member to take seriously his or her oath to obey the Constitution. Wars should be entered into only after great deliberation and caution. Wars that are declared by Congress should reflect the support of the people and the goal should be a quick and successful resolution.

Our undeclared wars of the past 65 years have dragged on without precise victories. We fight to spread American values, to enforce U.N. resolutions, and to slay supposed Hitlers. We forget that once we spread American values by persuasion and setting an example, not by bombs and preemptive invasions. Nowhere in the Constitution are we permitted to go to war on behalf of the United Nations at the sacrifice of our national sovereignty. We repeatedly use military force against former allies, thugs we helped empower, like

Saddam Hussein and Osama bin Laden, even when they pose no danger to us.

The 2002 resolution allowing the President to decide when and if to invade Iraq is an embarrassment. The Constitution authorizes only Congress to declare war. Our refusal to declare war transferred power to the President illegally, without a constitutional amendment. Congress did this with a simple resolution, passed by majority vote. This means Congress reneged on its responsibility as a separate branch of government and should be held accountable for the bad policy in Iraq that the majority of Americans are now upset about. Congress is every bit as much at fault as the President.

Constitutional questions aside, the American people should have demanded more answers from their government before they supported the invasion and occupation of a foreign country. Some of the strongest supporters of the war declare that we are a Christian Nation, yet use their religious beliefs to justify the war. They claim it is our Christian duty to remake the Middle East and attack the Muslim infidels. Evidently I have been reading from a different Bible. I remember something about "blessed are the peacemakers."

My beliefs aside, Christian teaching of nearly a thousand years reinforces the concept of the "Just War Theory." This Christian theory emphasizes six criteria needed to justify Christian participation in war. Briefly, the six points are as follows:

War should be fought only in self-defense.

War should be undertaken only as a last resort.

A decision to enter war should be made only by a legitimate authority.

All military responses must be proportional to the threat.

There must be a reasonable chance of success.

And a public declaration notifying all parties concerned is required.

The war in Iraq fails to meet almost all of these requirements. This discrepancy has generated anger and division within the Christian community. Some are angry because the war is being fought out of Christian duty, yet does not have uniform support from all Christians. Others are angry because they see Christianity as a religion of peace and forgiveness, not war and annihilation of enemies. Constitutional and moral restraints on wars should be strictly followed. It is understandable when kings, dictators and tyrants take their people into war since it serves their selfish interest and those sent to fight have no say in the matter. It is more difficult to understand why democracies and democratic legislative bodies, which have a say over the issue of war, so readily submit to the executive branch of government. The determined effort of the authors of our Constitution to firmly place the power to declare war in the legislative branch has been ignored in the decades following World War II.

Many Members have confided in me that they are quite comfortable with this arrangement. They flatly do not expect in this modern age to formally declare war ever again. Yet no one predicts there will be fewer wars fought. It is instead assumed that they will be ordered by the executive branch or the United Nations, a rather sad commentary.

What about the practical arguments against war, since no one seems interested in exerting constitutional or moral restraints? Why do we continue to fight prolonged, political wars when the practical results are so bad? Our undeclared wars since 1945 have been very costly, to put it mildly. We have suffered over 100,000 military deaths and even more serious casualties. Tens of thousands have suffered from serious war-related illnesses. Sadly, we as a nation express essentially no concern for the millions of civilian casualties in the countries where we fought.

The cost of war since 1945 and our military presence in over 100 countries since exceeds $2 trillion in today's dollars. The cost in higher taxes, debt and persistent inflation is immeasurable. Likewise, the economic opportunities lost by diverting trillions of dollars into war is impossible to measure, but it is huge. Yet our Presidents persist in picking fights with countries that pose no threat to us, refusing to participate in true diplomacy to resolve differences. Congress over the decades has never resisted the political pressures to send our troops abroad on missions that defy imagination.

When the people object to a new adventure, the propaganda machine goes into action to make sure critics are seen as unpatriotic Americans or even traitors. The military-industrial complex we were warned about has been transformed into a military-media-industrial-government complex that is capable of silencing the dissenters and cheerleading for the war. It is only after years of failure that people are able to overcome the propaganda for war and pressure their representatives in Congress to stop the needless killing. Many times the economic costs of war stir people to demand an end.

This time around, the war might be brought to a halt by our actual inability to pay the bills due to a dollar crisis. A dollar crisis will make borrowing $2.5 billion per day from foreign powers like China and Japan virtually impossible, at least at affordable interest rates. That is when we will be forced to reassess the spending spree, both at home and abroad.

The solution to this mess is not complicated, but the changes needed are nearly impossible for political reasons. Sound free market economics, sound money and a sensible foreign policy would all result from a strict adherence to the Constitution. If the people desired it, and the Congress was filled with responsible Members, a smooth although challenging transition could be achieved. Since this is unlikely, we can only hope that the rule of law and the goal of liberty can be reestablished without chaos. We must move quickly toward a more traditional American foreign policy of peace, friendship and trade with all nations, entangling alliances with none. We must reject the notion that we can or should make the world safe for democracy.

We must forget about being the world's policeman. We should disengage from the unworkable and unforgiving task of nation building. We must reject the notion that our military should be used to protect natural resources, private investments, or serve the interests of any foreign government or the United Nations. Our military should be designed for one purpose, defending our national security. It is time to come home now, before financial conditions or military weakness dictates it.

The major obstacle to a sensible foreign policy is the fiction about what patriotism means. Today, patriotism has come to mean blind support for the government and its policies. In earlier times, patriotism meant having the willingness and courage to challenge government policies regardless of popular perceptions. Today, we constantly hear innuendoes and direct insults aimed at those who dare to challenge current foreign policy, no matter how flawed that policy may be. I would suggest it takes more courage to admit the truth, to admit mistakes, than to attack others as unpatriotic for disagreeing with the war in Iraq.

□ 2145

Remember the original American patriots challenged the abuses of King George and wrote and carried out the Declaration of Independence. Yes, Mr. Speaker, there is a lot of anger in this country. Much of it is justified, some of it is totally unnecessary and misdirected. The only thing that can lessen this anger is an informed public.

A better understanding of economic principles, a rejection of foreign intervention, and a strict adherence to the Constitutional rule of law. This will be difficult to achieve. But it is not impossible and well worth the effort.

Mr. Speaker, I now would like to defer to one of our colleagues who has arrived on the floor and is going to participate in this special order, that is the gentleman from North Carolina. I alluded to the fact that looking for the truth was very important. And there is nobody in the Congress that surpasses this gentleman's effort to pursue the truth, and his willingness to take personal responsibility for what he has said, voted for in the past.

And this to me is so important, because his pursuit of truth I think is key. And the efforts that he has made here in the last couple of years I think is just critical, because he has been concerned specifically about information that we in the Congress were given in order to make our decision to deliver this authority to the President.

It is this pursuit of truth that I think is so critical, and I have such high regards for gentleman for doing this. At this time I would like to yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I want to thank you and the gentleman from Texas. I would like to say about the gentleman from Texas that he has been on the floor so many times talking about the economic future of this country and also taking about unjust wars.

I would like to tonight, in the few minutes I have, I would like to quote from Rudyard Kipling. It is called the Epitaphs of the War, 1914 to 1918.

Mr. Kipling at one time was a proponent of aggressive actions, but once his son was killed he seemed to change his thought, which is understandable. And I quote very quickly before I make my brief comments. "If any question why we died, tell them because our fathers lied".

I will leave it at that, Mr. Speaker. I think that speaks for itself. And that again was Rudyard Kipling, not me, Congressman WALTER JONES from North Carolina.

Along with my friend from Texas, I can tell you that I seek the truth. I came to this floor 3½ years ago, I cast my votes to give the President the authority to commit troops to Iraq.

I came to this floor. I was not sure that I was doing the right thing, but I hoped and prayed that I was. But since that time, because I do seek the truth, as my friend from Texas said, that I want to mention to you tonight just a few facts that I have uncovered.

Let me base some of this comment tonight on people I have met with in my office person to person, such as – Carl Ford, former CIA, Paul Pillar, former CIA for 31 years, Larry Wilkerson, Chief of Staff to Colin Powell, General Anthony Zinni, CENTCOM Commander for 3 years, General Gregory Newbold, General John Batiste, former Colonel Karen Kwiatowski, Ray McGovern, CIA, and former Colonel Sam Gardiner, Jim Bamford, author of Pretext for War, and John Landay and Warren Strobel, writers for Knight Ridder.

Tonight I want to start my brief comments with an article written by Gregory Newbold. General Newbold is a Marine General. He was part of J–3 at the Department of Defense prior to our going into war in Iraq. General Newbold is a very impressive man. He was a 2-star Marine General on the way to being a 3-star.

But I would like, with unanimous consent, to submit the whole article, it is a 3-page article in Time Magazine written by General Newbold, not by a writer at Time.

This is what he said in this article. "I was a witness and therefore a party to the actions that led to the invasion of Iraq, an unnecessary war. Inside the military family I made no secret of my view that the zealots rationale for war made no sense. I think I was outspoken enough to make those senior to me uncomfortable.

But I now regret that I did not do more, openly challenge those who were determined to invade a country whose actions were peripheral to the real threat, al-Qaeda. I retired from the military 4 months before the invasion, in part because of my opposition to those who had used 9/11's tragedy to hijack our security policy. Until now I have resisted speaking out in public. I have been silent long enough".

Mr. Speaker, I could quote more from General Newbold's article, but the RECORD will show this. I do not need to read more.

It is so sad to me that so many in our military and also our CIA saw what was happening in those who wanted to go to war in Iraq, but truthfully did not have the credibility or could prove what they were saying was a fact.

Just today, as a matter of fact, my good friend and Mr. PAUL's good friend from Missouri, IKE SKELTON is on the floor. I assume he will speak when we finish. We held hearings today on the Armed Services Committee. He is the ranking member.

This was to, if you will, to rally about the fact that we found 500 weapons known as munitions that Senator SANTORUM and Representative HOEKSTRA were saying, oh, this shows us that there was weapons of mass destruction. It just was not true. I do not mean to discredit them, but it was not true.

These weapons, according to the experts were probably in existence from 1984 to 1991. And as a matter of fact, today at our hearing, we had a former UN inspector, David Kay, Dr. David Kay. And I quoted this during the hearing today. Mr. Kay has said, when this announcement was made 2 weeks ago, and nobody at the administration was excited about it, and said, oh, this is the secret. This is what happened. This is why we went to war.

None of that was said. And certainly I have not heard a peep, if you will from Secretary Rumsfeld. But Dr. Kay said, well, I questioned this as far as being the weapons of mass destruction. And this is what he said, and I brought this out today, later on this afternoon.

I will quote this. He said, "They probably would have been intended for chemical attacks during the Iran-Iraq war", said Dr. Kay who headed the U.S. weapons hunting team in Iraq from 2003 until 2004.

He said, "experts on Iraq's chemical weapons are in almost 100 percent agreement that Sarin nerve agents produced from the 1980s would no longer be dangerous".

And I quote, and a quote Dr. David Kay, and I asked him about this today. And he said, yes, sir, this is what I said. "It is less toxic than most things that Americans have under their kitchen sink at this point". That is what he said.

And yet we have got those in the Congress who are just beating the drums of, this is what we are saying, this is the reason we went to war. We should never, under any circumstances, send American boys to die for this country unless we know the intelligence has been verified, verified, verified.

And I regret, and I said this Monday, I was invited by Senator DORGAN to sit on the Democratic Policy Committee's investigation of the Iraq war where they had three or four CIA agents there to testify.

And the Senator very kindly allowed me to sit at the dais. And I apologized that I did not ask the questions before we went into Iraq. I know knew better, but I did not at the time. I am not smarter, Mr. Speaker, but I am wiser, much wiser.

But I said today, as Frank Gaffney who was on the panel with Dr. Taylor, former UN inspector, and also Dr. David Kay. And Mr. Gaffney was saying, well, you know what we need to do is we need to get the President to speak more about the potential threat and this and that.

And I said, well, the problem is trust. The American people have to trust the Congress. They have to trust the administration, be it Democrat or Republican. I said to Mr. Gaffney, I said, I assume that an article in the London Times and the New York Times must be accurate, because I have heard no one dispute it, because if it is true, I would want to demand that I get 8 o'clock national TV to say this is not right. I will not accept it.

But this is what was said, just two quick points. This is by David Manning, who was Mr. Blair's chief foreign policy advisor at the time. Mr. Blair and Mr. Bush were meeting. This is about 6 months before we went into Iraq. And this is what Mr. Manning says, "our diplomatic strategy had to be arranged around the military planning".

He further stated, "that at one point during this discussion between Mr. Blair and Mr. Bush, that it was said that Mr. Bush suggested that the U.S. might be able to have a U–2 reconnaissance aircraft, colored in the UN colors, followed by American fighters and fly it over Iraq and maybe Saddam Hussein would shoot it down. And if Saddam Hussein fired on them it would be a breach".

He further stated that, "maybe it would be possible to get someone to come in and testify that, yes, he has got weapons of mass destruction".

Mr. Speaker, I bring this forward, I do not delight in challenging the administration. But I will tell you that when I go to Walter Reed, like many of my colleagues, both sides, and I never will forget a soldier 4 weeks ago, I was there with WAYNE GILCHREST, Mr. GILCHREST, a Member of Congress, was a Vietnam veteran. And he was wounded in Vietnam and spent 4 months at Walter Reed.

And we went to Walter Reed, and it was kind of nice to me, I am not a veteran, and for me to be able to say to the wounded, this is a Member of Congress, who like yourself spent 4 months in Walter Reed. He was wounded in Vietnam fighting for his country. He is a Marine.

But I never will forget the fellow, Luke, and then I will yield back to the gentleman from Texas before we close. We were standing there and Luke's mom. Luke is from Florida. I do not have permission to use his last name so I will not use it.

Luke's mom and dad were there. We met them and shook hands. And Luke's mom never stopped crying. And she would not—it was just tears. It was not boo-hoo. But tears. So we talked to Luke. And Luke said, when we got ready to finish, and his girlfriend by the way, he is engaged now with a ring on her hand, he introduced us.

We got ready to leave. He said, Congressman, can I ask you a question? And we said certainly. He said, who is responsible for the stop loss program, where our men and women in uniform who have served their time in Iraq and Afghanistan are extended because of the fact that we are really short on replacements, to be honest about it.

And we said, the Department of Defense. They have the authority. He said, will you do me a favor when you go back to Congress? He said, I am just a sergeant. He said, tell them two or three things for me. We said, certainly. He said, first of all, my very best friend was killed 3 months after he was extended.

He said I was on my third tour of duty. He pulled the sheets down. His legs are gone, both legs are gone. He said, Congressman, my humble opinion is whether you are there 10 days or 10 years, you are not going to change the people of Iraq. It is a different culture. It is a different country.

Whether Luke will be right on that or wrong, I do not know. But why I am here tonight with my friend from Texas is that I have always regretted, since I voted for the resolution, because I should have asked more questions. I should have been more inquisitive. But I was not.

And I do have a pain. I have signed over 8,000 pieces of paper to families in this country. There have been over 2,500 killed. And when you factor in their extended families, we have signed over 8,000 pages. It requires, it is a two-page letter. It requires my signature on one page and the second page also.

I have done that because my heart aches, the fact that I did not question. And yet, I want this Congress, both Democrat and Republican, as my friend from Texas said just a few minutes ago, we have an oversight responsibility to say how and why were we given information that was not credible?

Why were we given intelligence that had not been verified three times before we sent American kids to give their life and their limbs for this country.

So with that, Mr. Speaker, I want to yield back to the gentleman from Texas and thank him for giving me a few minutes to share my thoughts with the American people, and to say that I will continue, Congressman PAUL, to seek the truth. Because this democracy will not survive unless the American people know the truth. Whether it is good or bad, we must know the truth. Thank you, sir.

[From Time Magazine, Apr. 9, 2006]

WHY IRAQ WAS A MISTAKE

(By Lieut. General Greg Newbold (Ret.))

Two senior military officers are known to have challenged Defense Secretary Donald Rumsfeld on the planning of the Iraq war. Army General Eric Shinseki publicly dissented and found himself marginalized. Marine Lieut. General Greg Newbold, the Pentagon's top operations officer, voiced his objections internally and then retired, in part out of opposition to the war. Here, for the first time, Newbold goes public with a full-throated critique:

In 1971, the rock group The Who released the antiwar anthem "Won't Get Fooled Again." To most in my generation, the song conveyed a sense of betrayal by the nation's leaders, who had led our country into a costly and unnecessary war in Vietnam. To those of us who were truly counterculture—who became career members of the military during those rough times—the song conveyed a very different message. To us, its lyrics evoked a feeling that we must never again stand by quietly while those ignorant of and casual about war lead us into another one and then mismanage the conduct of it. Never again, we thought, would our military's senior leaders remain silent as American troops were marched off to an ill-considered engagement. It's 35 years later, and the judgment is in: the Who had it wrong. We have been fooled again.

From 2000 until October 2002, I was a Marine Corps lieutenant general and director of operations for the Joint Chiefs of Staff. After 9/11, I was a witness and therefore a party to the actions that led us to the invasion of Iraq—an unnecessary war. Inside the military family, I made no secret of my view that the zealots' rationale for war made no sense. And I think I was outspoken enough to make those senior to me uncomfortable. But I now regret that I did not more openly challenge those who were determined to invade a country whose actions were peripheral to the real threat—al-Qaeda. I retired from the military four months before the invasion, in part because of my opposition to those who had used 9/11's tragedy to hijack our security policy. Until now, I have resisted speaking out in public. I've been silent long enough.

I am driven to action now by the missteps and misjudgments of the White House and the Pentagon, and by my many painful visits to our military hospitals. In those places, I have been both inspired and shaken by the broken bodies but unbroken spirits of soldiers, Marines and corpsmen returning from this war. The cost of flawed leadership continues to be paid in blood. The willingness of our forces to shoulder such a load should make it a sacred obligation for civilian and military leaders to get our defense policy right. They must be absolutely sure that the commitment is for a cause as honorable as the sacrifice.

With the encouragement of some still in positions of military leadership, I offer a challenge to those still in uniform: a leader's responsibility is to give voice to those who can't—or don't—have the opportunity to speak. Enlisted members of the armed forces swear their oath to those appointed over them; an officer swears an oath not to a person but to the Constitution. The distinction is important.

Before the antiwar banners start to unfurl, however, let me make clear—I am not opposed to war. I would gladly have traded my general's stars for a captain's bars to lead our troops into Afghanistan to destroy the Taliban and al-Qaeda. And while I don't accept the stated rationale for invading Iraq, my view—at the moment—is that a precipitous withdrawal would be a mistake. It would send a signal, heard around the world, that would reinforce the jihadists' message that America can be defeated, and thus increase the chances of future conflicts. If, however, the Iraqis prove unable to govern, and there is open civil war, then I am prepared to change my position.

I will admit my own prejudice: my deep affection and respect are for those who volunteer to serve our nation and therefore shoulder, in those thin ranks, the nation's most sacred obligation of citizenship. To those of you who don't know, our country has never been served by a more competent and professional military. For that reason, Secretary of State Condoleezza Rice's recent statement that "we" made the "right strategic decisions" but made thousands of "tactical errors" is an outrage. It reflects an effort to obscure gross errors in strategy by shifting the blame for failure to those who have been resolute in fighting. The truth is, our forces are successful in spite of the strategic guidance they receive, not because of it.

What we are living with now is the consequences of successive policy failures. Some of the missteps include: the distortion of intelligence in the buidup to the war, McNamara-like micromanagement that kept our forces from having enough resources to do the job, the failure to retain and reconstitute the Iraqi military in time to help quell civil disorder, the initial denial that an insurgency was the heart of the opposition to occupation, alienation of allies who could have helped in a more robust way to rebuild Iraq, and the continuing failure of the other agencies of our government to commit assets to the same degree as the Defense Department. My sincere view is that the commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who have never had to execute these missions—or bury the results.

Flaws in our civilians are one thing; the failure of the Pentagon's military leaders is quite another. Those are men who know the hard consequences of war but, with few exceptions, acted timidly when their voices urgently needed to be heard. When they knew the plan was flawed, saw intelligence distorted to justify a rationale for war, or witnessed arrogant micromanagement that at times crippled the military's effectiveness, many leaders who wore the uniform chose inaction. A few of the most senior officers actually supported the logic for war. Others were simply intimidated, while still others must have believed that the principle of obedience does not allow for respectful dissent. The consequence of the military's quiescence was that a fundamentally flawed plan was executed for an invented war, while pursuing the real enemy, al-Qaeda, became a secondary effort.

There have been exceptions, albeit uncommon, to the rule of silence among military leaders. Former Army Chief of Staff General Shinseki, when challenged to offer his professional opinion during prewar congressional testimony, suggested that more troops might be needed for the invasion's aftermath. The Secretary and Deputy Secretary of Defense castigated him in public and marginalized him in his remaining months in his post. Army GEN John Abizaid, head of Central Command, has been forceful in his views with appointed officials on strategy and micromanagement of the fight in Iraq—often with success. Marine Commandant GEN Mike Hagee steadfastly challenged plans to underfund, understaff and underequip his service as the Corps has struggled to sustain its fighting capability.

To be sure, the Bush Administration and senior military officials are not alone in their culpability. Members of Congress—from both parties—defaulted in fulfilling their constitutional responsibility for oversight. Many in the media saw the warning signs and heard cautionary tales before the invasion from wise observers like former Central Command chiefs Joe Hoar and Tony Zinni but gave insufficient weight to their views. These are the same news organizations that now downplay both the heroic and the constructive in Iraq.

So what is to be done? We need fresh ideas and fresh faces. That means, as a first step, replacing Rumsfeld and many others unwilling to fundamentally change their approach. The troops in the Middle East have performed their duty. Now we need people in Washington who can construct a unified strategy worthy of them. It is time to send a signal to our Nation, our forces and the world that we are uncompromising on our security but are prepared to rethink how we achieve it. It is time for senior military leaders to discard caution in expressing their views and ensure that the President hears them clearly. And that we won't be fooled again.

☐ 2200

Mr. PAUL. I thank the gentleman, and I certainly appreciate your contribution. And I certainly appreciate your character, because you have been willing to admit something and change your position, which is sometimes very, very difficult for most people.

I have, of course, great concern, as I expressed earlier, about the war that is going on. But war in general is so dangerous to the cause of liberty, because it is in time of war that people are more willing to sacrifice their liberties. Today, we are told constantly that we have to do such-and-such here in this country because we are at war. Yet, we haven't declared a war. The war has not been declared.

We went to war without a declaration. And instead of being precise on just who the enemy is, we have a war against terrorism, yet terrorism is nothing more than a technique. There are all kinds of terror, terrorist acts, and all kinds of different people. So you really can't have a war against terrorism. So we should be much more precise.

But why I have, for as long as I can remember, been preaching the doctrine of the Founding Fathers on foreign policy is because I think it would be so much better for us. We would fight fewer wars, we would be a lot wealthier, there would be a lot less killing, and it would be so much better for us, and that is simply a policy of nonintervention. And as I stated in my prepared remarks, this is a good moral position, it is a good constitutional position, and it is a good practical position.

Wars that are fought indiscriminately and without declaration and without everybody being together and fighting for a quick victory, they linger and they just never have good resolve. And that is essentially what has happened since World War II. So I will continue to talk about nonintervention. I believe my allies, the Founding Fathers of this country, and the Constitution, should be enough reason for everybody to at least give consideration to nonintervention.

And I am convinced that our liberties would be better protected, our financial circumstances would be so much better off, and certainly we wouldn't have the burden and the heavy heart that Mr. JONES certainly bears about seeing so many young people needlessly losing their legs and dying in a battle that is so difficult to understand and has not come to resolve.

MORTGAGING THE FUTURE OF THE MILITARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Missouri (Mr. SKELTON) is recognized for 60 minutes.

Mr. SKELTON. I thank the Speaker for recognizing me this evening.

I wish to speak tonight about the United States military. I have the privilege of serving as the ranking member on the Armed Services Committee here in the House of Representatives. I wish to speak about mortgaging the future of our military.

In particular, I want to talk about the Army, the United States Army. That wonderful institution that has contributed so much to American freedom, has meant so much to us historically, and yet I feel that I must discuss and tell my colleagues this evening about the future of our military and how it is being strained in so many respects.

I want to talk about two of the elements of military. In particular, I want to talk about the Army. This is true also of the Marine Corps, but I will discuss mostly the Army.

The continuous deployment in Iraq hurts our military personnel and their families by straining the recruiting and retention; it damages our readiness for our mission skills outside those required for Iraq. As we all know, we have lost some 2,529 servicemembers killed in Iraq. We have over 18,000 wounded, with near 8,500 of those unable to return to duty.

Regarding the active duty of the United States Army, over 14 percent of the Army active duty force is currently deployed in Iraq. The quality of recruits has fallen in the United States Army, as greater numbers of high school dropouts and other category IV recruits, the lowest level of recruit, have been increasing. Additionally, the number of soldiers who score below the 50th percentile in the Armed Forces Qualification Test has been increasing.

For the past several years, the Army has reduced the minimum time-in-grade requirements for promotion to captain from 24 months to 18 months. It takes 38 months for a lieutenant to become a captain compared to 42 months just 2 years ago.

One hundred percent of the Army's available active duty combat brigades have served at least a 12-month tour in Iraq or Afghanistan. At least 50 percent of those combat brigades have completed their second tour in Iraq or Afghanistan.

Regarding the Selected Reserves, more than 20 percent of those currently deployed in Iraq are members of the Selected Reserves. That is the Guard and the Reserves. Over 39 percent of the Selected Reserves have been mobilized since September 11. Nearly 20 percent of those mobilized have been deployed two or more times. In fact, 13,800 members of the Selected Reserves have had three deployments, and 10,400 have been deployed more than three times.

Currently, 45 percent of the Selected Reserves mobilized are deployed. Ninety-seven percent of the National Guard's combat and special operation battalions have been mobilized since September 11. The average tour of duty for National Guard members is 342 days.

Regarding recruiting and retention, by 2007, the Army projects that it will be short 3,500 active duty officers, primarily captains and majors. The percentage of officers leaving the Army has been increasing since 2004. Approximately 3,500 airmen are currently performing Army missions, and the Navy is also being asked to assume greater responsibilities in the Iraq theatre.

While the majority of the service components are currently meeting their recruitment goals, last year five components failed to meet their enlistment accession goals. The Army began the fiscal year 2006 with a delayed entry program of 12 percent, which is a 5 percent reduction from fiscal year 2005, and it is significantly below the 46 percent that was at the beginning of fiscal year 2003.

The cost of recruiting has increased tremendously in fiscal year 2005. Active and Reserve components spent $3 billion on recruiting programs. The cost of retention has increased as well in fiscal year 2005. Active and Reserve components spent $1.5 billion on retention bonuses, this compared to $885 million spent in fiscal year 2004.

Next, let us discuss the equipment issues. Equipment readiness is falling, and Iraq seems to be a black hole for all available equipment. Forty percent of the Army and Marine Corps ground equipment is deployed to Iraq. Equipment in Iraq is wearing out two to nine times the peacetime rate. Some equipment has added as much as 27 years' worth of wear and tear in the last 3 years.

A Humvee designed for 14 years of operation needs overhaul or replacement in just 3 years. Additional armor added to protect troops is causing accelerated aging and has increased the number of rollover accidents. The Army has lost over 100 helicopters since 9/11. Many of those lost helicopters have not been replaced. It took 4 years to replace the first helicopter that was lost in 2001. The Army has lost over 100 tanks and armored vehicles and over 1,000 vehicles since the start of the war.

Readiness trends for active units are falling, and nondeployed units are severely degraded.

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Nearly all of the nondeployed Army units are suffering degraded readiness, with unprecedented numbers of units reporting at the lowest levels of mission capability. Units preparing to deploy for Iraq are being issued equipment. In many cases this equipment arrives right before deployment. This limits the training opportunities for units returning to combat.

Regarding their pre-positioned equipment, let us speak about that. Much of it is no longer pre-positioned. Pre-positioned equipment stocks have been seriously depleted to support the war in Iraq.

Nearly 40 percent of the Marine Corps positioned to afloat ships have been downloaded. The Army plans to download one of the two afloat brigades to supply more equipment to Iraq. These afloat brigades are used to rapidly provide heavy combat equipment to contingency missions. Afloat brigades reduce deployment time from months to days. This plan is accepting significant strategic risk that will affect force protection capability.

Let us speak about the National Guard equipment. The National Guard only has about 34 percent of its equipment on hand, down from 75 percent of its requirement in 2001. The missing equipment that has been left in Iraq is transferred to units deploying to Iraq. According to the National Guard, reserve equipment for fiscal year 2007, the Army National Guard has been directed to transfer more than 75,000 pieces of equipment valued at $1.7 billion to the Army to support Operation Iraqi Freedom.

There is no plan to replace these items. This lack of equipment at home hinders the Guard's ability to train and adversely affects their ability to be comparable with active component units. Examples of shortages, the North Carolina 30th Brigade Combat Team returned from Iraq in 2005. The unit had left 229 HUMVEES or 73 percent of its predeployment inventory of those vehicles in Iraq.

Regarding repairing all of this damage, it is costly. The Army has at least a $36 billion bill to repair and replace equipment. In fiscal year 2006, the Army will spend $13.5 billion this year to repair and replace battle damage and losses from Iraq.

This isn't a full accounting of all losses, because some items such as helicopters, cannot be replaced because they are no longer in production.

The Army estimates that $17 billion will be required for 2007. If the war in Iraq ended today, the Army would require 2 years of supplemental appropriations for somewhere between $24 and $36 billion. Unfortunately, it will take much more than 2 years to repair or replace that equipment. The Army will not be made whole again for many years.

General Hagee of the Marine Corps reported that it has taken 2 years to produce replacement light armored vehicles from placement of the order until delivery. Army modernization and transformation has slowed due to funding pressures of the war in Iraq. Depots are not operating at full capacity. They are capable of producing 57 million hours of direct labor but are currently estimated at providing about 19 million hours of labor.

According to the Army's Tank and Automotive Command, the Army cannot afford to do full overhauls on its ground equipment and has made a decision to perform reduced scope repairs.

By the way, the Marine Corps has incurred a bill of some $12 billion to date to reset its equipment.

In 2006, 19 brigade combat teams will return from Iraq. Their equipment is some 600 combat vehicles, 30,000 wheeled vehicles and 615 aircraft, and they will require 24 million hours of direct labor or repair. This will be quite a challenge for the Army, considering that the Army has still not repaired all of the vehicles deployed to Operation Iraqi Freedom, which returned home in 2004.

By the way, the Marine Corps has determined that equipment deployed to air has suffered such significant damage and wear and tear and that 80 percent of it will need to be replaced.

Regarding the budget pressures affecting everything in the Department of Defense, it goes to make up for budget shortfalls.

The Army reduced its base operation support budget. Some of the cuts, such as cuts to childcare facilities, directly affect military quality of life and make it more difficult for already stressed military families to get by.

The Navy only partially funded its deployed steaming days in the President's budget. The budget included a request for only 36 of the 51 required steaming days for Navy ships, a shortfall of $120 billion.

The Navy ship program was underfunded. The shipping program was underfunded by the President's budget request by $119 million this year, bringing the total deferred maintenance bill for Navy ships to $240 million.

Army modernization is being slowed. The Air Force's fleet of aircraft is aging, and we are not replacing them fast enough. The average age for Air Force aircraft is over 23 years. Some aircraft are over 50 years old. Would one feel safe to be in a 50-year-old commercial airplane? Do we feel we want to have a 50-year-old plane defending our Nation?

Regarding readiness ratings, they continued to fall. Very few nondeployed units here in the continental United States are rated fully mission capable. Readiness in Iraq remains high, but it is coming on the back of the reset of the Army and Marine Corps. Units in the continental United States are short of equipment having to get additional parts and are sending additional equipment into the fight.

Units are training for Iraq without all of their required equipment. They are getting well only upon arrival in Iraq.

Readiness within the force services is poor across the board, and it continues to trend down. Mostly, this is due to the equipment as well as personnel issues.

When asked if he was comfortable with the readiness of the Army outside of Iraq and Afghanistan, General Schoomaker, the Chief of Staff of the Army, replied no.

Why do I make these comments? Because, under the Constitution of the United States, it is up to us to raise and maintain the military, the wonderful military of the United States. I spoke mostly, of course, this evening about the Army, the United States Army, that magnificent institution whose history is that of protecting freedom; and so much glory is due to those that wore the uniform from the days of our Revolution down to today, and I am so proud of them.

But we in Congress need to take heed of the personnel challenges. We need to take heed of the equipment challenges. We need to do so, and I bring this to the attention of this body, because it is the right thing to do for our country and for the wonderful military and those who wear the uniform of our country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of inspecting flood damage in his district.

Mr. MANZULLO (at the request of Mr. BOEHNER) for today until noon on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONYERS, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,642.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 40. Joint resolution authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 889. An act to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

H.R. 4912. An act to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals.

ADJOURNMENT

Mr. SKELTON. Mr. Speaker, pursuant to House Concurrent Resolution 440, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Concurrent Resolution 440, 109th Congress, the House stands adjourned until 2 p.m. on Monday, July 10, 2006.

Thereupon (at 10 o'clock and 19 minutes p.m.), pursuant to House Concurrent Resolution 440, the House adjourned until Monday, July 10, 2006, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8333. A letter from the Senior Program Specialist, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program; Employment and Training Program Provisions of the Farm Security and Rural Investment Act of 2002 (RIN: 0584-AD32) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8334. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Appeal Procedures (RIN: 0560-AG88) received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8335. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—2005 Section 32 Hurricane Disaster Programs (RIN: 0560-AH45) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8336. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Grains and Similarly Handled Commodities-Marketing Assistance Loans and Loan Deficiency Payments for the 2006 Through 2007 Crop Years; Cotton (RIN: 0560-AH38) received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8337. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Emergency Conservation Program (RIN: 0560-AH43) received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8338. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Conservation Reserve Program Emergency Forestry Conservation Reserve Program (RIN: 0560-AH44) received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8339. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Additions to Quarantined Areas; Wisconsin [Docket No. APHIS-2006-0039] received June 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8340. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—States Approved to Receive Stallions and Mares from CEM-Affected Regions; Indiana [Docket No. APHIS-2006-0020] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8341. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Importation of Fruits and Vegtables; Untreated Citrus from Mexico [Docket No. 03-048-3] received June 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8342. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Compensation for Certified Citrus Nursery Stock [Docket No. APHIS-2006-0033] (RIN: 0579-ACC5) received June 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8343. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—National Organic Program—Revisions to Livestock Standards Based on Court Order (Harvey v. Johanns) and 2005 Amendment to the Organic Foods Production Act of 1990 (OFPA) [Docket Number: TM-06-06-FR] (RIN: 0581-AC60) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8344. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule Melons Grown in South Texas; Termination of Marketing Order 979 [Docket No. FV06-979-1 FR] received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8345. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Watermelon Research and Promotion Plan: Redistricting [Doc. No. FV-05-704-IFR] received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8346. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Revision of Reporting and Assessment Requirements [Docket No. FV06-955-1 IFR] received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8347. A communication from the President of the United States, transmitting a request for a FY 2006 fully offset proposal to provide additional funds for the Information Technology Systems account within the Department of Veterans Affairs; (H. Doc. No. 109-120); to the Committee on Appropriations and ordered to be printed.

8348. A letter from the Chief, Policy & Program Development Branch, CND, Department of Agriculture, transmitting the Department's final rule—Disregard of Overpayments in the Child and Adult Care Food Program, National School Lunch Program and School Breakfast Program (RIN: 0584-AD68) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8349. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRRPs); Funding Priorities—received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8350. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans: Lakeview PM10 Maintenance Plan and Redesignation Request [EPA-R10-OAR-2006-0010; FRL-8179-5] received June 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8351. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; La Grande PM10 Maintenance Plan and Redesignation Request [EPA-R10-OAR-2006-0050; FRL-8179-6] received June 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8352. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Medford-Ashland PM10 Attainment Plan, Maintenance Plan and Redesignation Request [EPA-R10-OAR-2006-0316; FRL-8175-7] received June 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8353. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-8052-3] received June 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8354. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2006-0281; FRL-8182-2] received June 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8355. A letter from the Director, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program for fiscal year 2006, pursuant to 5 U.S.C. 5948(j); to the Committee on Government Reform.

8356. A letter from the Secretary, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8357. A letter from the Assistant Secretary for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8358. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8359. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8360. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8361. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8362. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8363. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8364. A letter from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting the Administration's Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2005; to the Committee on Government Reform.

8365. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8366. A letter from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8367. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 to March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8368. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's thirty-fourth report on audit final action, as well as the semiannual report on the Office of Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8369. A letter from the Chairman, National Credit Union Administration, transmitting the 2005 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1256; to the Committee on Government Reform.

8370. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8371. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8372. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Government Performance and Results Act Strategic Plan for 2004-2009, pursuant to the Government Performance and Results Act of 1993; to the Committee on Government Reform.

8373. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5417. A bill to amend the Clayton Act with respect to competitive and nondiscriminatory access to the Internet; with an amendment (Rept. 109–541). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4019. A bill to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; with an amendment (Rept. 109–542). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 2730. A bill to establish a grant program to fund eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes (Rept. 109–543). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PORTER (for himself and Mr. CHABOT):

H.R. 5710. A bill to reauthorize the Office of Government Ethics, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself and Mr. Tom Davis of Virginia):

H.R. 5711. A bill to permit the Joint Committee on Judicial Administration in the District of Columbia to establish a program of voluntary separation incentive payments for nonjudicial employees of the District of Columbia courts; to the Committee on Government Reform.

By Mr. FRANK of Massachusetts (for himself, Mr. Kanjorski, and Mr. Capuano):

H.R. 5712. A bill to amend the Investment Advisers Act of 1940 to authorize the Commission to require the registration of hedge fund advisers under that Act; to the Committee on Financial Services.

By Mr. HYDE:

H.R. 5713. A bill to pursue a policy of weighted voting with respect to the budgets of the United Nations; to the Committee on International Relations.

By Mr. THOMPSON of Mississippi (for himself, Ms. Corrine Brown of Florida, Ms. Jackson-Lee of Texas, Ms. Norton, Mr. Langevin, and Mrs. Christensen):

H.R. 5714. A bill to improve the security of rail and public transportation systems in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself and Mr. Hunter):

H.R. 5715. A bill to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; to the Committee on Resources.

By Mr. LYNCH:

H.R. 5716. A bill to establish the Commission on Iraqi Transition; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself and Mr. Rothman):

H.R. 5717. A bill to amend the Elementary and Secondary Education Act of 1965 to clarify Federal requirements under that Act; to the Committee on Education and the Workforce.

By Mr. HAYES:

H.R. 5718. A bill to amend the Trade Act of 1974 with respect to the trade adjustment assistance program, and for other purpose; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself and Mr. Deal of Georgia):

H.R. 5719. A bill to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BROWN of South Carolina (for himself, Mr. Spratt, Mr. Ruppersberger, Mr. Barrett of South Carolina, and Mr. Wilson of South Carolina):

H.R. 5720. A bill to improve maritime and cargo security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. Gallegly, and Mr. Cardoza):

H.R. 5721. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to expand the county organized health insuring organizations authorized to enroll Medicaid beneficiaries; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself and Mr. Kennedy of Minnesota):

H.R. 5722. A bill to prevent the abuse and exploitation of older individuals; to the Committee on the Judiciary.

By Mr. CHANDLER:

H.R. 5723. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the site of Camp Nelson War Heritage Park in Jessamine County, Kentucky, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. COSTELLO (for himself, Mr. Shimkus, Mr. Lipinski, Mr. Gutierrez, Mr. Kirk, Mr. Evans, Mr. LaHood, Mr. Emanuel, Mr. Jackson of Illinois, Mr. Weller, Ms. Bean, Mr. Rush, Ms. Schakowsky, Mr. Johnson of Illinois, Mr. Davis of Illinois, Mrs. Biggert, and Mr. Manzullo):

H.R. 5724. A bill to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Resources.

By Mr. CRENSHAW (for himself and Mr. Boyd):

H.R. 5725. A bill to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes; to the Committee on Agriculture.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Wexler, Mr. Paul, and Mr. Pitts):

H.R. 5726. A bill to reform Federal procedures relating to intercountry adoption; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 5727. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products by enhancing the ability of the Secretary of Agriculture to retrieve the history, use, and location of a meat or poultry product through a recordkeeping and audit system or registered identification, and for other purposes; to the Committee on Agriculture.

By Ms. DEGETTE (for herself and Mr. Walden of Oregon):

H.R. 5728. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the Medicaid and State children's health insurance programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DEGETTE:

H.R. 5729. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. McCotter, Mr. Lincoln Diaz-Balart of Florida, Mr. Wexler, Ms. Bordallo, and Mrs. Jo Ann Davis of Virginia):

H.R. 5730. A bill to designate Poland, Hungary, the Czech Republic, Estonia, Latvia, and Lithuania as program countries under the visa waiver program established under section 217 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. Watt, Mr. Honda, Mrs. Napolitano, Mr. George Miller of California, Mr. Pastor, Ms. Eddie Bernice Johnson of Texas, Mr. Baca, Mr. Reyes, Mr. Becerra, Mr. Ortiz, Mr. Scott of Georgia, Mr. Wynn, Ms. Roybal-Allard, Ms. Lee, Mr. Hastings of Florida, Ms. Millender-McDonald, Mr. Bishop of Georgia, Mr. Butterfield, Mr. Davis of Illinois, Mr. Meeks of New York, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Lewis of Georgia, Mr. Clay, Mr. Towns, Ms. Corrine Brown of Florida, Ms. Kilpatrick of Michigan, Mr. Owens, Ms. Loretta Sanchez of California, Mr. Cleaver, Ms. Linda T. Sánchez of California, Ms. Solis, Mr. Hinojosa, Mr. Gonzalez, Ms. Watson, Mr. Cardoza, Mr. Grijalva, Mr. Gutierrez, Mr. Serrano, Mr. Thompson of Mississippi, Mrs. Jones of Ohio, Ms. McKinney, Mr. Davis of Alabama, Mr. Rangel, Mr. Conyers, and Mr. Clyburn):

H.R. 5731. A bill to amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty guidelines published by the Department of Health and Human Services; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Washington (for himself, Mr. Larsen of Washington, Mr. Dicks, and Miss McMorris):

H.R. 5732. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Young of Alaska, Mr. Wynn, Mrs. McCarthy, Ms. Solis, Mr. Schwarz of Michigan, Mr. Brown of Ohio, and Mrs. Christensen):

H.R. 5733. A bill to ensure Pell Grant eligibility for any student whose parent or guardian died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; to the Committee on Education and the Workforce.

By Mr. KIRK (for himself and Mr. Lipinski):

H.R. 5734. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY (for herself and Mr. Van Hollen):

H.R. 5735. A bill to require the implementation of the Defense Incident-Based Reporting

System; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. FOLEY, Ms. HARRIS, Mr. DAVIS of Florida, Mr. KELLER, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, Mr. MACK, Mr. MEEK of Florida, Mr. FEENEY, Mr. PUTNAM, Mr. BILIRAKIS, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. BOYD, Ms. WASSERMAN SCHULTZ, Ms. CORRINE BROWN of Florida, Mr. WELDON of Florida, Mr. WEXLER, Mr. YOUNG of Florida, and Mr. MICA):

H.R. 5736. A bill to designate the facility of the United States Postal Service located at 101 Palafox Place in Pensacola, Florida, as the "Vincent J. Whibbs, Sr. Post Office Building"; to the Committee on Government Reform.

By Ms. NORTON:

H.R. 5737. A bill to restore the authority of the Federal Trade Commission to issue regulations on marketing and advertising to children; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. PLATTS, Mr. ANDREWS, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Mr. BRADY of Pennsylvania, Mr. BROWN of South Carolina, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CLEAVER, Mr. TOM DAVIS of Virginia, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mrs. DRAKE, Mr. EMANUEL, Mr. ETHERIDGE, Mr. FARR, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. HAYES, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. INGLIS of South Carolina, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUHL of New York, Mr. LOBIONDO, Mr. MARKEY, Mrs. MCCARTHY, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. SAXTON, Ms. SCHWARTZ of Pennsylvania, Mr. STRICKLAND, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. WYNN, and Mr. GRIJALVA):

H.R. 5738. A bill to amend the Public Health Service Act to provide for the expansion and improvement of traumatic brain injury programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. SULLIVAN, and Mr. DUNCAN):

H.R. 5739. A bill to limit the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Ms. PRYCE of Ohio (for herself, Mr. KIRK, Mrs. JOHNSON of Connecticut, Mr. MCCAUL of Texas, Mr. COLE of Oklahoma, Mr. DUNCAN, Mrs. DRAKE, and Mr. MARCHANT):

H.R. 5740. A bill to remove the 18 or 36 month limitation on the period of COBRA continuation coverage; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 5741. A bill to amend section 245(i) of the Immigration and Nationality Act to eliminate the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. REYES:

H.R. 5742. A bill to establish the Southwest Regional Border Authority; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself, Mr. CANTOR, and Ms. HART):

H.R. 5743. A bill to amend the Internal Revenue Code of 1986 to improve and expand the availability of health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. SHADEGG (for himself, Mr. HOEKSTRA, Mr. TIAHRT, Mr. MCCAUL of Texas, Mr. SHIMKUS, Mr. PENCE, Mr. DOOLITTLE, Mr. FLAKE, Mr. CAMPBELL of California, and Mr. CONAWAY):

H.R. 5744. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SESSIONS:

H. Con. Res. 440. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. DEFAZIO (for himself, Mr. RAHALL, and Mr. GILCHREST):

H. Con. Res. 441. Concurrent resolution expressing the sense of Congress regarding the regrettable votes cast by certain Caribbean countries for a resumption of commercial whaling at the 58th annual International Whaling Commission meeting in St. Kitts in June 2006; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. WYNN, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. HINOJOSA, Mr. ORTIZ, and Mr. REYES):

H. Con. Res. 442. Concurrent resolution expressing the sense of Congress that the Government of Iraq should not grant blanket amnesty to persons known to have attacked, killed, or wounded members of the United States Armed Forces in Iraq; to the Committee on International Relations.

By Mr. WALDEN of Oregon (for himself, Mr. WHITFIELD, Mr. ORTIZ, Mr. NEUGEBAUER, Mr. NEAL of Massachusetts, Mrs. SCHMIDT, Mr. CHABOT, Mrs. BLACKBURN, Ms. JACKSON-LEE of Texas, and Mr. REYES):

H. Con. Res. 443. Concurrent resolution honoring Private First Class Kristian Menchaca, Private First Class Thomas L. Tucker, and Specialist David J. Babineau, United States Army, for their sacrifice in June 2006 while serving the United States in Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. SIMMONS (for himself, Mr. EVANS, Ms. BORDALLO, Ms. MILLENDER-MCDONALD, and Mr. RUPPERSBERGER):

H. Con. Res. 444. Concurrent resolution extending the thanks of Congress and the Nation to the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command of the Department of Defense, the Armed Forces DNA Identification Laboratory, the Air Force Life Sciences Equipment Laboratory, and the military departments and to the Socialist Republic of Vietnam for their efforts to achieve the fullest possible accounting of all Americans unaccounted for as a result of the Vietnam War; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Ms. PELOSI, Mr. HOYER, Ms. HARMAN, Mr. CONYERS, Mr. OBEY, Mr. KILDEE, Mr. CLAY, Ms. HOOLEY, Mr. GUTIERREZ, Mrs. MALONEY, Ms. BERKLEY, Ms. KILPATRICK of Michigan, Ms. WASSERMAN SCHULTZ, Mr. SPRATT, Mr. BACA, Mrs. CAPPS, Mr. BUTTERFIELD, Mr. BROWN of Ohio, Mr. ISRAEL, Mr. CROWLEY, Ms. CARSON, Mr. JEFFERSON, Ms. ROYBAL-ALLARD, Mr. KIND, Mr. EVANS, Mr. BISHOP of New York, Mr. MORAN of Virginia, Mr. MCGOVERN, Ms. LEE, Mr. REYES, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Ms. DEGETTE, Ms. DELAURO, Mr. WATT, Mr. ROSS, Mr. HIGGINS, Ms. MCCOLLUM of Minnesota, Mrs. MCCARTHY, Mr. BLUMENAUER, Mr. TIERNEY, Mr. HONDA, Mr. CLEAVER, Mr. SKELTON, Ms. ESHOO, Mr. MICHAUD, Mr. CAPUANO, Mr. GONZALEZ, Mr. CARDIN, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. BALDWIN, Mr. LEVIN, Ms. MILLENDER-MCDONALD, Mr. MEEHAN, Ms. JACKSON-LEE of Texas, Mr. MELANCON, Mrs. TAUSCHER, Mr. MEEKS of New York, Mr. LANTOS, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. MCNULTY, Ms. SCHWARTZ of Pennsylvania, Mr. NADLER, Mr. UDALL of New Mexico, Mr. INSLEE, Mr. BOSWELL, Mr. GENE GREEN of Texas, Mrs. DAVIS of California, Mr. BERMAN, Ms. WATERS, Mr. LYNCH, Ms. SOLIS, Mr. BERRY, Mr. BAIRD, Mr. ACKERMAN, Mr. GORDON, Mr. KENNEDY of Rhode Island, Ms. WATSON, Mr. FARR, Mr. ETHERIDGE, Mr. OLVER, Mr. POMEROY, Mr. MCDERMOTT, Mr. SABO, Mr. WEXLER, Mr. DINGELL, Mr. WAXMAN, Mr. SCHIFF, Mr. PRICE of North Carolina, Ms. LINDA T. SÁNCHEZ of California, Mr. ANDREWS, Mr. BECERRA, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. LANGEVIN, Ms. HERSETH, Mr. JACKSON of Illinois, Ms. MCKINNEY, Mr. GEORGE MILLER of California, Mr. PASCRELL, Mr. HOLT, Ms. SLAUGHTER, Mr. DAVIS of Florida, Mr. UDALL of Colorado, Mr. ROTHMAN, Ms. MATSUI, Mr. MILLER of North Carolina, Ms. BORDALLO, Mr. WEINER, Mr. MOORE of Kansas, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. CRAMER, Mr. RUPPERSBERGER, Ms. CORRINE BROWN of Florida, Mr.

LARSON of Connecticut, Mrs. CHRISTENSEN, Mr. MEEK of Florida, Mrs. LOWEY, Mr. OBERSTAR, Ms. ZOE LOFGREN of California, Mr. SNYDER, Mr. LIPINSKI, Mr. STUPAK, Mr. SHERMAN, Mr. SALAZAR, Mr. TANNER, Ms. WOOLSEY, and Mr. CHANDLER):

H. Res. 900. A resolution supporting intelligence and law enforcement programs to track terrorists and terrorist finances conducted consistent with Federal law and with appropriate congressional consultation; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mrs. LOWEY, Mr. BROWN of Ohio, Ms. CARSON, Mr. CONYERS, Mr. CROWLEY, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. HOLT, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. MCDERMOTT, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. SERRANO, and Ms. WASSERMAN SCHULTZ):

H. Res. 901. A resolution honoring former President William Jefferson Clinton on the occasion of his 60th birthday; to the Committee on Government Reform.

By Mr. PRICE of Georgia:

H. Res. 902. A resolution electing a certain Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. CHOCOLA (for himself, Mr. CUELLAR, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. CARTER, Mr. CASE, Mr. CHABOT, Mr. CHANDLER, Mr. CONAWAY, Mr. COOPER, Mr. CULBERSON, Mr. DAVIS of Tennessee, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. GUTKNECHT, Ms. HART, Mr. HAYWORTH, Mr. HEFLEY, Mr. HENSARLING, Mr. HERGER, Mr. JONES of North Carolina, Mr. KLINE, Mr. KUHL of New York, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NORWOOD, Mr. PENCE, Mr. SCOTT of Georgia, Mr. SHADEGG, Mr. TANCREDO, Mr. WAMP, and Mr. WESTMORELAND):

H. Res. 903. A resolution repealing rule XXVII of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

By Mr. DINGELL:

H. Res. 904. A resolution commending the American press for its long history of keeping the American public informed of its government's actions both at home and abroad; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Ms. BORDALLO, Ms. BERKLEY, Mr. BERMAN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. HINCHEY, Mr. ISSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KING of Iowa, Mr. MCKEON, Mr. MEEKS of New York, Mr. MELANCON, Mr. PITTS, Mr. SAXTON, Mr. SHERMAN, Mr. TOWNS, Mr. WELDON of Pennsylvania, and Mr. WEXLER):

H. Res. 905. A resolution congratulating Kazakhstan on the 15th anniversary of the closure of the world's second largest nuclear test site in the Semipalatinsk region of Kazakhstan and for its efforts on the nonproliferation of weapons of mass destruction; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WU introduced A bill (H.R. 5745) for the relief of Irma Diaz, Luis Diaz, Jr., and Monica Diaz; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. GINNY BROWN-WAITE of Florida.

H.R. 97: Ms. JACKSON-LEE of Texas.

H.R. 147: Mr. TERRY.

H.R. 278: Mrs. JO ANN DAVIS of Virginia.

H.R. 500: Mr. TAYLOR of North Carolina.

H.R. 547: Mr. KILDEE.

H.R. 583: Mrs. DRAKE.

H.R. 686: Ms. NORTON.

H.R. 687: Mr. SWEENEY.

H.R. 699: Mrs. WILSON of New Mexico, Mr. SCOTT of Georgia, Mr. CLAY, Mr. RUSH, Ms. BORDALLO, Mr. JEFFERSON, and Mr. HIGGINS.

H.R. 817: Mr. GARY G. MILLER of California.

H.R. 818: Ms. SCHWARTZ of Pennsylvania.

H.R. 830: Mr. OWENS and Mr. CONYERS.

H.R. 998: Ms. FOXX.

H.R. 1019: Mr. CARDIN.

H.R. 1050: Mr. FATTAH.

H.R. 1131: Mr. MCHENRY.

H.R. 1147: Mrs. MALONEY.

H.R. 1227: Mr. YOUNG of Florida, Mr. CROWLEY, Mr. MCINTYRE, Mr. HOBSON, Mr. POE, and Mr. HIGGINS.

H.R. 1249: Mr. SCHWARZ of Michigan.

H.R. 1264: Mr. HOLDEN, Mr. MEEHAN, Mr. STARK, and Mr. LEWIS of Kentucky.

H.R. 1351: Ms. MCCOLLUM of Minnesota.

H.R. 1369: Mr. BOUCHER.

H.R. 1384: Mr. PICKERING, Mr. MELANCON, Mr. BONNER, and Mrs. MILLER of Michigan.

H.R. 1402: Mr. ALEXANDER.

H.R. 1413: Mr. FRANK of Massachusetts.

H.R. 1424: Mr. SALAZAR.

H.R. 1451: Mr. BLUMENAUER.

H.R. 1545: Mr. RUSH.

H.R. 1632: Mr. SANDERS.

H.R. 1634: Mr. SMITH of Washington and Mr. EDWARDS.

H.R. 1671: Mr. CASE.

H.R. 1898: Mr. JINDAL, Mr. MORAN of Kansas, Mrs. NORTHUP, Mr. HAYES, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1975: Mrs. JO ANN DAVIS of Virginia.

H.R. 1996: Mr. GRIJALVA, Mr. MORAN of Virginia, and Mr. ISRAEL.

H.R. 2014: Ms. MCCOLLUM of Minnesota.

H.R. 2037: Mr. TOWNS.

H.R. 2088: Mr. PAUL, Mrs. CUBIN, Mr. MCCRERY, and Mrs. MILLER of Michigan.

H.R. 2103: Mr. HEFLEY, Mr. POE, and Mr. GONZALEZ.

H.R. 2177: Mr. SCHWARZ of Michigan.

H.R. 2178: Mr. CASE.

H.R. 2206: Mr. HOLDEN, Mr. EDWARDS, and Mr. PETERSON of Minnesota.

H.R. 2231: Ms. BERKLEY.

H.R. 2348: Mr. SMITH of Texas.

H.R. 2378: Mr. JONES of North Carolina.

H.R. 2567: Mr. ENGEL.

H.R. 2666: Mr. MATHESON.

H.R. 2808: Mr. AKIN, Mr. JEFFERSON, Mr. WYNN, Mr. PICKERING, Mr. DELAHUNT, Miss MCMORRIS, Mr. FOLEY, Mr. LYNCH, Mr. JONES of North Carolina, Mr. CULBERSON, Mr. MORAN of Virginia, Mr. WATT, Mr. ADERHOLT, Ms. WATSON, Ms. KAPTUR, Mr. SESSIONS, Mr. THORNBERRY, Mrs. BONO, Mr. CAMP of Michigan, Mr. COBLE, Mr. CASTLE, Mr. FOSSELLA, Mr. BILBRAY, Ms. CORRINE BROWN of Florida, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. FATTAH, Mr. FORD, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. MCKINNEY, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mrs. JO ANN DAVIS of Virginia, Mr. RENZI, Mr. BONNER, Mr. HASTINGS of Washington, Mr. EVERETT, and Mr. BAIRD.

H.R. 2869: Mr. SANDERS, Mr. BERMAN, Mr. COSTA, and Ms. WOOLSEY.

H.R. 3006: Ms. ROYBAL-ALLARD, Ms. MCKINNEY, Mr. ISRAEL, and Ms. JACKSON-LEE of Texas.

H.R. 3019: Mr. SHAW.

H.R. 3044: Mr. CONYERS.

H.R. 3159: Mr. DAVIS of Illinois and Mr. GUTIERREZ.

H.R. 3282: Mr. CUELLAR, Mr. WAMP, Mr. PETERSON of Pennsylvania, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BEAUPREZ, Mr. KINGSTON, Mr. RYUN of Kansas, Mr. GINGREY, Mr. Westmoreland, Mr. GUTKNECHT, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. AKIN, Mr. PRICE of Georgia, Mr. DOOLITTLE, Mr. KLINE, Mr. LUCAS, Mr. CHABOT, Mr. MILLER of Florida, Mr. FOLEY, Mr. CAMP of Michigan, Mrs. CAPITO, Ms. PRYCE of Ohio, Mr. CARDOZA, Mr. WELLER, Mr. KING of Iowa, Mr. REICHERT, Mr. PETERSON of Minnesota, Mr. CASE, Mr. CALVERT, Mrs. BONO, Mr. GILCHREST, and Mr. BACHUS.

H.R. 3413: Mr. FOLEY, Mr. SIMMONS, Mr. MCHUGH, and Mr. WELLER.

H.R. 3435: Mr. SHADEGG, Mr. MARCHANT, Mr. AKIN, Mr. PRICE of Georgia, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. HENSARLING, and Mr. NEUGEBAUER.

H.R. 3616: Mr. DAVIS of Illinois, Mr. GRIJALVA, and Mr. CONYERS.

H.R. 3762: Mrs. BONO.

H.R. 3795: Mr. DOGGETT.

H.R. 3852: Mr. OBEY.

H.R. 3883: Mr. LINDER.

H.R. 3910: Mr. HERGER.

H.R. 3960: Mr. GOHMERT.

H.R. 4030: Mr. MCDERMOTT.

H.R. 4033: Mrs. LOWEY, Mr. YOUNG of Florida, and Mr. ROSS.

H.R. 4140: Mr. WAXMAN.

H.R. 4188: Ms. MCKINNEY and Ms. DEGETTE.

H.R. 4217: Mr. SHIMKUS and Mr. HULSHOF.

H.R. 4239: Mr. HERGER.

H.R. 4264: Mr. PEARCE.

H.R. 4282: Mr. SHAYS.

H.R. 4303: Ms. BALDWIN.

H.R. 4359: Mr. CASE.

H.R. 4403: Mr. GENE GREEN of Texas.

H.R. 4464: Ms. KILPATRICK of Michigan.

H.R. 4517: Mr. BISHOP of New York.

H.R. 4562: Mr. COSTA, Mr. HIGGINS, Mr. HOLDEN, Mr. MOLLOHAN, Mrs. KELLY, Mr. WU, Ms. LORETTA SANCHEZ of California, Mr. MEEK of Florida, Mr. LEVIN, Mr. BOEHLERT, Mr. MARIO DIAZ-BALART of Florida, Ms. DEGETTE, Mr. DUNCAN, and Ms. PRYCE of Ohio.

H.R. 4597: Mr. FATTAH, Ms. HOOLEY, Mrs. MCCARTHY, and Ms. ZOE LOFGREN of California.

H.R. 4650: Mr. CARNAHAN.

H.R. 4668: Mrs. KELLY.

H.R. 4751: Mr. GONZALEZ, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. KENNEDY of Minnesota, Mr. HINOJOSA, Mrs. MYRICK, and Mr. CONYERS.

H.R. 4772: Mr. KLINE, Mr. ETHERIDGE, and Mrs. CAPITO.

H.R. 4838: Mr. BILIRAKIS.

H.R. 4844: Mr. DOOLITTLE.

H.R. 4873: Mr. SIMPSON.

H.R. 4924: Ms. DELAURO.

H.R. 4927: Mr. FORD, Mr. WAMP, Mr. SIMMONS, Mr. HAYWORTH, Mr. BARROW, and Mrs. JO ANN DAVIS of Virginia.

H.R. 4942: Mr. MCNULTY.

H.R. 4960: Mr. LAHOOD.

H.R. 4976: Mr. MACK and Mr. CONYERS.

H.R. 5005: Mr. MELANCON and Mr. PICKERING.

H.R. 5013: Mr. MELANCON, Mr. BONILLA, Mrs. CUBIN, Mr. MURPHY, Mr. SMITH of Texas, Mr. PUTNAM, and Mr. SIMPSON.

H.R. 5052: Mr. JACKSON of Illinois and Mr. GUTIERREZ.

H.R. 5056: Mr. MARIO DIAZ-BALART of Florida.

H.R. 5072: Mrs. CUBIN.

H.R. 5092: Mr. MELANCON, Mr. PICKERING, Mr. BONNER, and Mr. BONILLA.

H.R. 5100: Mr. GREEN of Wisconsin and Mr. NADLER.

H.R. 5106: Mr. MCINTYRE.

H.R. 5120: Mrs. BLACKBURN.

H.R. 5121: Mr. BOEHLERT, Mr. KLINE, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. FITZPATRICK of Pennsylvania, Mr. OWENS, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. DOOLITTLE, Mr. TOWNS, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. RUSH, Mr. MEEK of Florida, Mr. CONYERS, Mr. REYNOLDS, Mr. RANGEL, Ms. NORTON, Mr. DAVIS of Illinois, Mr. PICKERING, and Mr. BROWN of Ohio.

H.R. 5134: Mr. LEWIS of Georgia and Ms. NORTON.

H.R. 5171: Mr. RADANOVICH.

H.R. 5173: Mr. DENT, Mr. YOUNG of Florida, Mr. JONES of North Carolina, and Mr. PLATTS.

H.R. 5185: Mr. FRANK of Massachusetts.

H.R. 5206: Mr. BOUCHER.

H.R. 5211: Mr. JONES of North Carolina.

H.R. 5225: Ms. BORDALLO, Mr. GONZALEZ, Mr. HASTINGS of Florida, Mrs. MCCARTHY, Mr. CLYBURN, and Ms. WOOLSEY.

H.R. 5242: Mr. BISHOP of Utah, Ms. FOXX, Mr. KINGSTON, Mr. RYUN of Kansas, Mrs. BLACKBURN, Mrs. MUSGRAVE, Mr. GINGREY, Mr. CULBERSON, Mr. WELDON of Florida, Mr. GOODE, Mr. WAMP, Mr. GUTKNECHT, Mr. ROHRABACHER, Mr. BARRETT of South Carolina, Mr. AKIN, Mr. NORWOOD, Mr. HOSTETTLER, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. BARTLETT of Maryland, Mr. MARCHANT, Mr. POE, Mr. BRADY of Texas, Mr. MCCAUL of Texas, Mr. HENSARLING, and Mr. GOHMERT.

H.R. 5246: Mr. SWEENEY, Mr. CLYBURN, Mr. SANDERS, and Mr. FERGUSON.

H.R. 5262: Mr. SMITH of Texas.

H.R. 5288: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM of Minnesota, Mr. SCHIFF, and Mr. JEFFERSON.

H.R. 5289: Mr. HYDE.

H.R. 5291: Mrs. MUSGRAVE.

H.R. 5314: Mr. CAMPBELL of California, Mr. MARCHANT, Mrs. DRAKE, and Mr. DUNCAN.

H.R. 5316: Mr. ENGEL, Mrs. JONES of Ohio, Mr. KIND, Mr. KUCINICH, Ms. MCCOLLUM of Minnesota, Mr. NEAL of Massachusetts, Mr. REYES, Mr. RUSH, and Mr. SABO.

H.R. 5319: Mr. DUNCAN.

H.R. 5346: Mr. GREEN of Wisconsin.

H.R. 5371: Mr. GRIJALVA.

H.R. 5372: Mr. RYAN of Ohio, Mr. STUPAK, Mr. DAVIS of Tennessee, Mr. CARDOZA, Mr. SCOTT of Georgia, Mr. HOLT, and Mrs. MALONEY.

H.R. 5390: Mr. SANDERS and Mr. ETHERIDGE.

H.R. 5444: Mr. PASTOR and Mr. GONZALEZ.

H.R. 5453: Mr. GILLMOR.

H.R. 5468: Mr. MCNULTY and Mr. HIGGINS.

H.R. 5478: Mrs. EMERSON and Mr. MARCHANT.

H.R. 5483: Mr. SABO.

H.R. 5496: Mr. SMITH of New Jersey.

H.R. 5500: Mr. KLINE and Mr. SHIMKUS.

H.R. 5513: Mr. PRICE of North Carolina, Mr. FORTUÑO, MRS. SCHMIDT, Mr. ISRAEL, Mr. SCOTT of Georgia, and Mr. KILDEE.

H.R. 5523: Mr. JONES of North Carolina.

H.R. 5539: Mr. RYAN of Wisconsin, Mr. KIND, and Mr. PUTNAM.

H.R. 5554: Mr. HEFLEY.

H.R. 5562: Mr. SCHWARZ of Michigan.

H.R. 5586: Mr. SESSIONS and Miss MCMORRIS.

H.R. 5588: Ms. ESHOO, Ms. SCHWARTZ of Pennsylvania, Mr. FARR, Mr. MARSHALL, Mr. CARNAHAN, Mr. BECERRA, Mr. PRICE of North Carolina, and Mr. MOLLOHAN.

H.R. 5598: Ms. WATERS.

H.R. 5642: Mr. LANTOS, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Ms. MCCOLLUM of Minnesota, and Mr. SCHIFF.

H.R. 5650: Mrs. EMERSON, Mr. SKELTON, Mr. SIMPSON, and Mr. FORD.

H.R. 5670: Mr. MCGOVERN.

H.R. 5671: Mr. FILNER.

H.R. 5673: Mr. DANIEL E. LUNGREN of California.

H.R. 5674: Mr. RANGEL, Mr. MEEK of Florida, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. SCHIFF, and Mr. FATTAH.

H.R. 5675: Mr. SALAZAR and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5677: Mr. GREEN of Wisconsin.

H.R. 5682: Mr. KING of New York.

H.R. 5694: Mr. BISHOP of Georgia.

H.R. 5696: Mr. PETERSON of Minnesota.

H.R. 5704: Miss MCMORRIS.

H.R. 5708: Mr. KING of New York, Mr. HINCHEY, and Mr. WALSH.

H.J. Res. 46: Mr. BILIRAKIS.

H.J. Res. 88: Mr. BAKER, Mr. BUYER, Ms. HART, Mr. HENSARLING, Mr. ROHRABACHER, and Mr. TAYLOR of North Carolina.

H.J. Res. 90: Mr. MORAN of Virginia, Mr. UDALL of Colorado, Mr. GRIJALVA, and Ms. SCHWARTZ of Pennsylvania.

H. Con. Res. 57: Ms. WATERS.

H. Con. Res. 282: Mr. JEFFERSON.

H. Con. Res. 306: Mr. SIMMONS, Mr. SHAYS, Mr. MCGOVERN, and Mr. PAYNE.

H. Con. Res. 346: Mrs. KELLY and Mr. WAXMAN.

H. Con. Res. 363: Mr. SWEENEY.

H. Con. Res. 415: Mr. SMITH of New Jersey.

H. Con. Res. 424: Mr. WAMP, Mr. SALAZAR, Mr. DELAHUNT, Mr. SCOTT of Georgia, Mr. KENNEDY of Minnesota, Mr. CASE, Miss MCMORRIS, Mr. HOLDEN, and Mr. COSTA.

H. Con. Res. 432: Mr. CASE, Mr. FALEOMAVAEGA, and Mr. KUHL of New York.

H. Con. Res. 437: Mr. PEARCE, Mrs. JO ANN DAVIS of Virginia, and Mr. MILLER of Florida.

H. Res. 79: Mr. MOORE of Kansas and Mr. ALLEN.

H. Res. 189: Mr. KING of New York, Mr. BAIRD, Mr. CARDOZA, Mr. SERRANO, Mr. MCHUGH, Mr. BOUSTANY, Mr. DANIEL E. LUNGREN of California, Mr. REYNOLDS, Mr. NEAL of Massachusetts, Mr. MCKEON, Mr. FOLEY, Mr. CONAWAY, Mr. SMITH of New Jersey, Mr. OLVER, Mr. MCCOTTER, Mrs. MUSGRAVE, Mrs. KELLY, Mr. ENGLISH of Pennsylvania, Mr. RADANOVICH, and Mr. SHAW.

H. Res. 415: Mrs. JO ANN DAVIS of Virginia.

H. Res. 449: Mr. MORAN of Virginia.

H. Res. 490: Mrs. MCCARTHY.

H. Res. 533: Mr. LANGEVIN, Mr. COBLE, and Mr. MEEHAN.

H. Res. 690: Mr. CAMPBELL OF CALIFORNIA.

H. Res. 760: Mr. SCOTT of Georgia and Mr. KILDEE.

H. Res. 765: Mr. BURTON of Indiana.

H. Res. 787: Ms. LORETTA SANCHEZ of California, Mr. SERRANO, and Ms. VELÁZQUEZ.

H. Res. 800: Mr. CALVERT.

H. Res. 874: Mr. HINCHEY and Mrs. LOWEY.

H. Res. 888: Mr. LANTOS, Mr. WEXLER, Mr. CROWLEY, Mr. FATTAH, Mr. TOWNS, Mr. DOYLE, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. OWENS, Mr. MEEKS of New York, Mr. BROWN of Ohio, Mr. GRIJALVA, Mr. MCGOVERN, and Ms. SCHAKOWSKY.

H. Res. 893: Mr. PAYNE, Ms. VELÁZQUEZ, Mr. HIGGINS, Mr. CROWLEY, Mrs. MALONEY, Mr. OWENS, Mr. MEEK of Florida, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY, Mr. MEEKS of New York, Mr. ORTIZ, Mr. NADLER, Mr. MCNULTY, Mr. HINCHEY, and Ms. CORRINE BROWN of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

124. The SPEAKER presented a petition of the City Commission of Pembroke Pines, Florida, relative to Resolution No. 3092 supporting no less than $4.3 Billion in Congressional funding for the fiscal year 2007 for the Community Development Block Grant Program; to the Committee on Financial Services.

125. Also, a petition of the City Coucil of Atlanta, Georgia, relative to Resolution 06-R-0950 urging the Congress of the United States to support the principles put forward by Senators Conrad Burns (R-Montana) and Daniel Inouye (D-Hawaii) that place local authority at the center of Franchising reform; to the Committee on Energy and Commerce.

126. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution 06-R-0951 urging the Congress of the United States to support a United States Department of Peace and Nonviolence; jointly to the Committees on Government Reform, International Relations, and the Judiciary.

EXTENSIONS OF REMARKS

RECOGNIZING JOSEPH WILLIAM WEST BERRIGAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joseph William West Berrigan, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 9, and in earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many Scout activities. Over the many years Joseph has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Joseph William West Berrigan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING JACK MICHAELS, EXECUTIVE DIRECTOR, PARALYZED VETERANS OF AMERICA, NORTHWEST CHAPTER

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SMITH of Washington. Mr. Speaker, I would like to take a moment to honor an extraordinary individual from my district who is a true American hero, Jack Michaels. He is an ordinary man with an extraordinary story. Unless you are a friend or a family member you may not recognize his face, or have ever heard his name. Indeed, there are millions of Americans like him—Americans who have sacrificed so much for our country and do not receive nearly enough recognition in return for their service. Let me introduce you to one of many forgotten warriors.

Jack Michaels flew an assault helicopter in Vietnam that was shot down in 1970. His copilot was killed and Jack was left in a wheelchair for life. For his sacrifice he received a Distinguished Flying Cross, Bronze Star, and a Purple Heart.

From that point on, he became determined to advocate for the rights of disabled veterans. His own experiences inspired him to help launch the Northwest Chapter of the Paralyzed Vets of America. Though it began with only 10 members, it has grown into a strong organization with over 400 members. The national PVA director calls him the backbone and guiding light of the chapter. Through his support, the Northwest Chapter has evolved into a strong advocate for veterans.

To illustrate his commitment, before the Northwest Chapter was even a part of the national PVA, he was instrumental in lobbying with the Washington Coalition of Citizens with Disabilities to get the King County Metro bus system to buy buses that would allow people in wheelchairs to ride. Before his work on this issue, no bus in King County was equipped to take a person in a wheelchair. This change has dramatically improved the lives of many by giving them the power of mobility. Impressively, Washington State's version of the Americans with Disabilities Act is actually stronger than the Federal version as a result of Jack's efforts. Jack has also worked tirelessly on a range of other issues affecting disabled veterans.

Now, 30 years after Jack Michaels helped launch the Northwest Chapter of the PVA, Jack is retiring as the chapter's executive director. Despite his upcoming retirement, he still plans to continue his battle for disabled veterans and will continue his work as a volunteer for the chapter he has served for so many years. Jack Michaels made a sacrifice for his country, and in the following years has continued to give still more. Over the years he has made his local and national community a better place by fighting for the rights of his fellow veterans. He deserves our utmost respect, admiration, and commendation for his achievements. I thank him for continuing to fight for liberty at home, and for volunteering to improve daily life for his fellow veterans, knowing all too well the sacrifices they have made.

TRIBUTE TO DON ORGAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Don Organ, my old friend and advisor, of Marin County, California, who died June 21, 2006, at the age of 77. Don advised me on my first congressional campaign in 1992 and continued to be a valued supporter through the ensuing years.

Don's career in politics evolved after he retired from a 27-year career managing nonprofit organizations, mostly in the public health field. After my 1992 campaign, he went on to develop a political consulting business with his wife Doris that focused primarily on Democrats and women candidates. He ran BARBARA BOXER's "Be a Boxer" campaign as well as efforts for local candidates such as Marin Assessor Joan Thayer, Judge Vernon Smith, Community College Trustees Eva Long and Greg Brockbank, and City Council Members Paul Cohen, Barbara Heller, and Carole Dillon-Knutson.

Born in Minneapolis, Don was raised in Los Angeles and graduated from Pomona College. After serving in the Korean war, he studied education at UC Berkeley and taught high school for a short time before entering the nonprofit world. With his wife Doris and his two sons, he moved around the country to pursue this work, and the family lived in Wyoming, Chicago, Washington, DC, Birmingham, and Kansas City, before settling in Fairfax in Marin County in 1987.

Don soon joined the Marin Democratic Central Committee, ran unsuccessfully for the Marin Community College Board, and rapidly became a political fixture in the county. He was an active member of the National Women's Political Caucus in Marin where his support was so valued that he was the only male included in their 2006 Movers and Doers Calendar.

That first unsuccessful campaign for College Board is fondly recalled by Don's son Kris: He recruited my brother Larry and me to walk precincts with him, which I thought was pretty bold of him, as he and Mom had just moved to Marin County the year before. Larry and I were the established names in Contra Costa County.

We handed out a piece of literature Dad had put together stating his goals for the College, giving his background and including a photograph. We walked a Novato precinct, and a voter said to him, "Oh, I'm glad I met you in person. You look fat in this picture, but you're not fat. Fat people should never get elected, because they're lazy. But, I'll vote for you." Dad replied with his broad smile, "Well, I'm glad we met too. All this precinct walking has been good for me." Then, he told his boys, "That's how important a good picture is!" He came in last for the College Board, but I think those lessons made a difference in handling other candidates whose pictures were always the best.

Don is survived by Doris, his wife of almost 52 years, and two sons, Kris Organ, Executive Director of Service Employees International Union Local 949 and his daughter Serena; and Larry Organ, civil rights attorney, his wife Susan and 3 daughters, Robyn, Meg, and Jane, all of whom live in Marin County.

Mr. Speaker, Dan Organ enriched Marin with his work and his support of many candidates, both men and women, who are leaders in the community. His family has asked that we "keep his memory" in our hearts. I will certainly do that as I mourn the loss of this friend and colleague whom I valued as an ally in my endeavors on behalf of California's Sixth District.

SILVER STAR MEDAL PRESENTED TO DONALD F. FULTON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing Major Donald F. Fulton, USAF Ret., a resident of Vacaville, California, who has been awarded the Silver Star Medal for extraordinary gallantry in action while on a combat mission. The incident took place on August 14, 1969 when Maj. Fulton was serving in the United States Air Force as a Forward Air Controller, FAC, while supporting classified combat operations in Laos during the Vietnam War. Approval was announced by the Department of the Air Force for the award of the Silver Star Medal, the nation's third highest award for valor, to Donald F. Fulton.

Don Fulton is a native of New York City, NY, and has lived in the Vacaville, CA, area since 1975. He graduated from Point Loma Nazarene University in 1965.

As a captain in the U.S. Air Force, he served as a FAC while assigned to Pleiku Air Base, Republic of Vietnam, with the 20th Tactical Air Support Squadron, TASS. On August 14, 1969, Captain Fulton was the pilot of a lightly armed observation aircraft (0–2) and was participating in aerial flight deep inside Laos in support of Military Assistance Command—Vietnam, Studies and Observation Group, MAC–V SOG, Command and Control Central (CCC). Operating under call sign Covey 538, Captain Fulton coordinated Tactical Air Support for an eight-man Special Operations Strategic Reconnaissance Team while it conducted Operation Sad Sam, a raid on a major North Vietnamese Army unit headquarters. Recon Team New York was subsequently heavily engaged by a North Vietnamese Infantry Regiment and was immobilized with casualties and surrounded at dusk in mountainous rain forest. With a low ceiling and heavy rain approaching, and no tactical air support immediately available, Captain Fulton, firing marking rockets and an M–16 rifle, made numerous aerobatic, treetop level attacks on the enemy forces. During these passes, he was subjected to heavy fire from small arms, 12.7mm heavy machine guns, rocket propelled grenades and 23mm and 37mm antiaircraft weapons, inflicting substantial battle damage to his aircraft. His actions forestalled enemy attacks on the besieged Recon Team, until tactical air support could arrive. Subsequently, Captain Fulton directed the air assets in attacking the enemy and in conducting a night extraction of the Reconnaissance Team during a heavy rainstorm, while his fuel level dropped to near empty.

In his recommendation for the award of the Silver Star to Major Fulton, Lieutenant Colonel Edward Wolcoff, U.S. Army, Ret., stated that the "operation resulted in the discovery of a major enemy headquarters and nearby main force bivouacs and fortifications, which were subjected to aerial attack and subsequently ground attack by an exploitation force from CCC, whereby the enemy sustained heavy losses and was forced to abandon the complex. The Sad Sam operation and subsequent ground operation caused the enemy to reinforce security in its sanctuary area at the expense of main force units, and its order of battle in South Vietnam was decremented."

Major Donald Fulton is also the recipient of the Distinguished Flying Cross, the Meritorious Service Medal and the Air Medal with eight Oak Leaf Clusters.

RECOGNIZING ALEXANDER LEWIS RICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to celebrate the birth of Alexander Lewis Rice. Alex was born on Flag Day, Wednesday, June 14, 2006, to his proud parents, Robert and Sarah Rice, of Chillicothe, Missouri. Alex entered the world at 9:33 p.m. at Liberty Hospital in Liberty, Missouri, weighing a healthy 6 lbs. 11 oz. and 19 inches long.

Alex also has proud grandparents, Lewis and Kathy Rice, of Maryville, Missouri, and Kevin and Sandy Coan, of Omaha, Nebraska, to spoil him. Alex is also the nephew of Sarah and Travis Woodward, of Bowie, Maryland, Nathaniel Rice, of Maryville, Missouri, Brian and Carie Costanzo of Lincoln, Nebraska, and Thomas and Elle Coan of Abilene, Texas.

I find it quite appropriate that Alex was born on such a patriotic holiday as Flag Day considering that his father was one of my first interns while I served in the Missouri State Senate. I see great things in Alex's future considering his parents' and grandparents' great emphasis on family values, public service and patriotism.

Mr. Speaker, I proudly ask you to join me in celebrating the birth of Alexander Lewis Rice. I wish Alex the best life has to offer, and I am proud to now serve him in the United States Congress.

A TIME OF HOPE FOR NAGORNO-KARABAGH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SCHIFF. Mr. Speaker, this week I had the pleasure of meeting with Nagorno-Karabagh's Foreign Minister George Petrosian and National Assembly Speaker Ashot Ghulian. I have long supported the right of self-determination for the people of Nagorno-Karabagh and greatly admire the efforts of the people of this historically Armenian region to build democracy and a market economy in the face of hostility from Azerbaijan.

It is a time of hope for a resolution of the Nagorno-Karabagh conflict that has plagued the South Caucus for 15 years.

The Armenian and Azeri leadership have, for several years, been negotiating to turn a ceasefire into a more durable peace. It is a process that has been long, tiring and frustrating. I applaud the persistence and commitment of the Nagorno-Karabagh authorities and the government of Armenia and I hope that all of their efforts are slowly, but surely, paying off.

In the last week, the new U.S. Co-Chairman of the OSCE Minsk Group Matthew Bryza announced the framework of an agreement that Armenian and Azeri political leaders will soon discuss in an effort to settle the conflict once and for all. In a statement that was issued by the U.S. embassy in Yerevan yesterday, the Minsk Group's American, French and Russian co-chairs said the proposal envisages a self-determination referendum to be held in Karabagh after the redeployment of Armenian troops from Azerbaijani territories surrounding Karabagh.

I hope that this announcement will clear the way for a brighter future for the Karabagh people and for the people of Armenia and Azerbaijan. It is a sad consequence of the war that Armenia and Nagorno-Karabagh have been subjected to a cruel and illegal blockade by Turkey and Azerbaijan, a blockade that continues to undermine the prospects for peace.

Armenia and the government of Nagorno-Karabagh have persisted in looking for ways to ease regional tensions, but the Azeris have too often responded by walking away. It is also not helpful that Azerbaijan has persistently talked of a military build-up even as it ostensibly negotiates with the Karabagh and Armenia. Last December's desecration of Armenian khatchars in Azerbaij an also poisoned the atmosphere surrounding the talks.

I am pleased that the Azeri hostility has not gone unnoticed by our government. Last Thursday, Deputy Assistant Secretary Bryza spoke to Radio Free Europe/Radio Liberty. In response to a question about whether the conflict could resume, he said that it is from the Azeri side "where you most often hear those sorts of threats." And in light of the oil revenues, he went on to say that "It's really quite unhelpful make statements that imply that this increased wealth is going to lead to purchases of arms and military threats."

In my meeting with them, I told Foreign Minister Petrosian and Speaker Ghulian how much I admire their commitment to peace and their leadership. Too many families have lost loved ones as a result of this conflict. It has been far too long that displaced refugees have been homeless.

We seem to be at a real turning point in the history of the Caucus region and I am proud that the United States is playing a significant role in the peace process.

INTRODUCTION OF THE GREAT LAKES WATER PROTECTION ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. KIRK. Mr. Speaker, today I am pleased to join with Congressman LIPINSKI to introduce the Great Lakes Water Protection Act. This bipartisan legislation would set a date certain to end sewage dumping in America's largest supply of fresh water, the Great Lakes. More than 27 million Americans depend on the Great Lakes for their drinking water. We need to put a stop to the poisoning of our water supply. Cities along the Great Lakes must become environmental stewards of our country's most precious freshwater ecosystem.

The Great Lakes Water Protection Act gives cities until 2026 to build the full infrastructure needed to prevent sewage dumping into the Great Lakes. Those who violate EPA sewage dumping regulations after that federal deadline will be subject to fines up to $100,000 for every day they are in violation. These fines will go back into State clean water funds. From there, the funds will be spent on wastewater treatment options, with a special focus on greener solutions such as habitat protection and wetland restoration.

This legislation is sorely needed. Many major cities along the Great Lakes do not have the infrastructure needed to divert sewage overflows during times of heavy rainfall. In 2004, the city of Milwaukee dumped 1.6 billion gallons of sewage into Lake Michigan. Sewage pollutes our waters and poses grave health risks to people exposed to it. It also results in beach closings.

Although there was no direct correlation between Milwaukee's sewage dumping and the closing of Chicago-area beaches in 2004, Cook County beach closings nearly tripled from 213 in 2003 to 613 in 2004. I am particularly concerned over the 150 beach day closings in my congressional district in 2004, the latest year tracked. This trend is echoed throughout the Great Lakes region and is one we need to reverse.

Protecting our Great Lakes is one of my top priorities in the Congress. As an original cosponsor of both the Great Lakes Restoration Act and the Save Our Water from Sewage Act, I favor a broad approach to addressing needs in the region. However, we must also move forward with tailored approaches to fix specific problems as we continue to push for more comprehensive reform. I am proud to introduce this important legislation that addresses a key problem facing our Great Lakes, and hope my colleagues will support me in ensuring that these important resources become free from the threat of sewage pollution.

TRIBUTE TO AIR FORCE COLONEL GARRETT HARENCAK

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. NEUGEBAUER. Mr. Speaker, I rise today in special recognition of U.S. Air Force Colonel Garrett Harencak and I wish him good luck as he makes a permanent change of station to Air Combat Command.

Colonel Harencak commanded the 7th Bomb Wing at Dyess Air Force Base in Abilene, Texas from August 2003 to July 2006. Throughout his service at Dyess, he has worked diligently to improve the quality of life for base personnel while providing combat-ready B–1 aircraft, crews and combat support for the United States military.

His tenure in the Big Country is markedly impressive. Team Dyess has won over 40 organizational and individual awards since 2003. Earlier this year, Dyess became the first bomb wing in 13 years to receive an overall outstanding rating following an Air Combat Command Operational Readiness Inspection. In addition, Dyess has received more energy awards than any other military base in the Nation.

Furthermore, Colonel Harencak and his wife, Tanya, were the privileged recipients of the ACC level of the General and Mrs. Jerome F. O'Malley Award for 2006. This distinguished award recognizes the wing commander and spouse whose contributions to the Nation, the Air Force and the local community best exemplify the highest ideals and positive leadership of a military couple in a key Air Force position.

Colonel Harencak truly demonstrates what it means to be a great principal of our country. He has served the Air Force, the men and women of Team Dyess, and the local Abilene community proudly. There is no doubt in my mind that Colonel Harencak has contributed significantly to defending freedom and saving lives. I also know that, as a result of his leadership Dyess will flourish. And it will remain one our Nation's most important bases for years to come.

With that, Mr. Speaker, I would like to thank my good friend Colonel Harencak for his dedicated service to our country. I wish him the best of luck in his next assignment at Air Combat Command.

RECOGNIZING THE CITY OF KEARNEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the city of Kearney, Missouri. The city of Kearney has long played a vital role as one of the most outstanding communities in Missouri and this year marks the 150th anniversary of the founding of Kearney in 1856.

Kearney was originally settled under the name of Centerville and was first laid out by David T. Duncan and W.A. Cave in the spring of 1856. Eleven years later in 1867, the city of Kearney was again laid out by John Lawrence and was incorporated as a town or village by the Clay County Court April 5, 1869. Kearney was vital to the growth and development of Clay County in those early days as a major thoroughfare for the railroads and that growth and development continues to this day.

As the original birthplace of the infamous outlaw Jesse James, today Kearney has embraced its heritage as a fixture of the Old West and holds the wildly popular Jesse James Festival each year. The festival is just one event among the numerous activities that makes Kearney a wonderful place to work and raise a family. Kearney remains an economic and social focal point of Clay County, bringing in families throughout the country to this historic area and welcoming businesses that are seeking a friendly and vibrant community.

Mr. Speaker, I proudly ask you to join me in recognizing the achievements of Kearney, Missouri, over the past 150 years. Kearney is a wonderful community and its future will surely be as bright as the past 150 years. It is an honor and a privilege to represent such a fine community in the United States Congress.

INTRODUCTION OF THE TRAUMATIC BRAIN INJURY ACT OF 2006

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. PASCRELL. Mr. Speaker, today, my colleague TODD PLATTS of Pennsylvania and I are introducing the Traumatic Brain Injury Act of 2006. We are joined by a bipartisan group of original cosponsors, a complete list of which follows this statement.

Originally passed in 1996 and reauthorized in 2000, the TBI Act is designed to promote sound and coordinated public policy in brain injury prevention, research, education, treatment and community-bases services and supports for individuals living with a TBI and their families. The Act also encourages basic and translational scientific research.

It is the only Federal law that specifically addresses the issues faced by persons with brain injury.

As a founding co-chairman of the Congressional Brain Injury Task Force, I have witnessed first hand how these programs make a difference in people's lives and have worked to educate your colleagues on the enormous impact traumatic brain injury has on our society.

Traumatic Brain Injury (TBI) is a leading cause of death and disability in young Americans. Approximately 1.4 million Americans experience TBI each year. Every 21 seconds, one person in the United States sustains a traumatic brain injury. About half of these cases result in at least short-term disability, and 50,000 people die as a result of their injuries. Every year about 80,000 people sustain severe brain injuries leading to long term disability.

An estimated 5.3 million Americans are living with long term, severe disability as a result of brain injury. The national cost is estimated at more than $60 billion annually.

Individuals with TBI account for 2 percent of the total US population and represent nearly 10 percent of our Nation's disability population.

The statistics involving brain injury are increasing even more now that reports show that traumatic brain injuries account for 14 percent to 20 percent of casualties for those who survive combat in Iraq. Despite the staggering statistics, TBI remains the "silent epidemic" in this country.

In fact, the annual incidence and prevalence of TBI is higher than breast cancer, multiple sclerosis, spinal cord injury and HIV/AIDS combined. Despite these staggering statistics, TBI remains a silent epidemic plaguing our Nation.

Traumatic Brain Injury is a unique issue. An epidemic so vast it is almost overwhelming and so personal its effects defy definition. It is a global health problem and there is no cure.

For 10 years, the Traumatic Brain Injury Act has successfully provided direction and legal authority for the vast traumatic brain injury community. The Act was not designed to provide direct care to persons with TBI, but rather, to inform. Before the TBI Act, the State governments were left basically on their own. The Health Resources and Services Administration (HRSA) grants have helped states to improve access to health and other services for persons with TBI. Prior to the 1996 law, they did not have the tools to even assess their own needs.

Thanks to the Centers for Disease Control and Prevention (CDC), we now have a record of incidents including details and prevalence, plans for prevention, and finally, access to treatment. We have also begun to educate the public and provide much needed scientific data for our scientists, healthcare providers and policy makers.

In 1998, the National Institutes of Health (NIH) issued a report on the rehabilitation of persons with brain injury. The consensus was that more research was needed so the NIH established brain injury centers all over the country.

The Traumatic Brain Injury Act of 2006 builds on the law's successes.

It directs the Health Resources and Services Administration (HRSA) to make grants to States to coordinate, expand, and enhance service delivery systems and charges the Centers for Disease Control and Prevention (CDC) with identifying strategies to prevent TBI, as well as increasing awareness and understanding of TBI by implementing public education programs. Finally, the legislation directs the National Institutes of Health (NIH) to conduct much needed basic and applied research on brain injury rehabilitation and development of a cure.

With such a vast and diverse community, it is often difficult for the TBI community to speak with a unified voice. This bill represents a consensus among the national stakeholders who strongly support swift action on the bill this year.

The Congressional Brain Injury Task Force is dedicated to the health of these programs as part of a larger goal of improving the quality of life for those who have sustained brain injuries.

Mr. Speaker, only a strong commitment will allow us to continue the incredible advances we have made in the area of basic brain research; prevention, detection and early treatment; physical and mental rehabilitation; long-term care and patient advocacy issues.

I invite my colleagues to join me in cosponsoring this critically important bill, and I urge the committee of jurisdiction to consider it without delay.

Original Cosponsors, The Traumatic Brain Injury Act of 2006: Platts, Andrews, Boswell, Boucher, Boyd, Brady (PA), Brown (SC), Brown (OH), Capuano, Cleaver, Davis (VA), Davis (CA), Davis (IL), DeFazio, Drake, Emanuel, Etheridge, Farr, Goode, G. Green (TX), Hayes, Herseth, Higgins, Hinchey, Hinojosa, Holden, Holt, Inglis, Jackson Lee, Jefferson, Kennedy (RI), Kildee, Kuhl, LoBiondo, Markey, McCarthy, McCotter, McDermott, McGovern, McNulty, Meeks, Miller (FL), Moran (VA), Nadler, Neal, Owens, Pallone, Payne, Ruppersberger, Sanders, Saxton, Schwartz (PA), Strickland, Towns, Van Hollen, Waxman, Wexler, Woolsey, Wynn.

REMEMBERING STAN TORGERSON

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. PICKERING. Mr. Speaker, today, Mississippi pays her respect to a man whose career in journalism and media spanned seven decades: he was "The Voice" of the Ole Miss Rebels for 17 years, he counted sports legends and musical stars as his friends, and any elected official in Mississippi whom he called was certain to respond in person. Today, Meridian buries a great citizen of our State: Stan Torgerson.

Stan passed away at Rush Hospital in Meridian on Monday night at the age of 82, still active in his lifelong media career. He told the Meridian Star last year, "I will continue to work as long as I think I can be productive. I believe in work ethic. I work for three reasons: (1) It's fun; (2) I think I am reasonably good at it; and, (3) It gives me something to do that I enjoy doing. For me, it's not just a way of adding to my income. It's fun."

Stan began his fun work after returning from service in the Navy during World War II. He became a sports broadcaster and disc jockey and moved into radio management. He worked markets in Memphis, Miami, and San Diego and purchased WQIC in Meridian in 1968. While in Memphis, Stan developed a friendship with Sam Phillips and pumped the Sun Records sound over the airwaves as he got to know personally the likes of Elvis Presley and Jerry Lee Lewis. During his sports broadcasting he interviewed Babe Ruth, called games with Hank Aaron playing, and jointly called a game with Harry Caray. Stan used to say "I like to watch the game on the radio. The pictures are better."

For 17 years Stan called play-by-play for Ole Miss basketball; and did the same for 15 years for Ole Miss football. He called about 450 basketball games and 185 football games. As noted during WTOK's tributes to Stan, he was inducted into the National Football Foundation Hall of Fame and was recognized by the Jackson Touchdown Club as one of the Four Most Famous Voices in Mississippi Sports. He also received an Award of Merit from the Ole Miss Alumni Association. He served as an elector on the Heisman Trophy Committee and was appointed chairman of the Mississippi Heisman Trophy Committee in 1993 and served in that capacity for 12 years. In 2005, Stan was appointed by Governor Haley Barbour to a 6-year term on the Mississippi Athletic Commission.

After retiring from his radio station, Stan went to work first as a sports stringer and later as a reporter for the Meridian Star. After several years in print, he moved to WTOK television in Meridian where he worked until his retirement last month. As a journalist Stan was known for hard and insightful questions, but delivered in a fair and honest manner. As a friend, I knew Stan as a man of wit and wisdom. Even in retirement, he continued writing his syndicated sports and culture columns and hosted a monthly wine tasting.

Mr. Speaker, I hope this Congress joins me in remembering Stan Torgerson and expressing our sympathy to his wife of 59 years, Dorothy, and the families of his children Barbara and Larry Stan. For over half a century the airwaves of our country carried the sound of Stan's voice. It is silent now, but the memories will continue to be as vivid as those pictures he painted on the radio.

CRUISE LINES OVERTIME ABUSES

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. OBERSTAR. Mr. Speaker, yesterday at the markup session of the Committee on Transportation and Infrastructure, there was a great debate over whether the seaman's wage penalty law should be changed. These changes have been sought by the foreign-flag cruise industry which has had to payout millions of dollars in damages for not paying thousands of their workers the overtime they had accrued for working more than 70 hours per week.

The Members of this body may be unaware of the types of worker abuses that have occurred in the cruise industry. I am submitting for the record the testimony of Luis Bolanos in support of his claim in U.S. District Court that shows the type of fear and intimidation that cruise ship workers live under if they ask for the overtime pay they have earned.

DECLARATION OF LUIS BOLANOS

Pursuant to 28 USC §1746, Luis Bolanos, hereby declares, under penalty of perjury under the laws of the United States of America that the following is true and correct.

1. I am a class representative in this litigation seeking unpaid overtime wages for me and my co-workers who worked in the catering departments of Norwegian Cruise Lines vessels. We were required by NCL to regularly work more than 70 hours per week but NCL never were paid wages for this overtime work.

2. I was born in Penon Kundinamarca, Colombia on March 2, 1943. I currently am 61 years old. I have a fifth grade education from schools in Colombia. I read and write Spanish. I understand very little English, and I can only read a little English. I have a wife, a son and a daughter. I presently live at 14323 S.W. 180th Terrace, Miami, FL 33177. My son is a veterinary doctor and my daughter works for the United States government.

3. I worked for NCL for over 20 years. The following is my service history, since 1998, with the Norwegian Cruise Line company, as best as I can recall:

Vessel, Dates of Employment, Job Position:

Norway, 10/97—mid August 1998, 2d Pastryman.

Norway, 11/7/98–8/28/99, 2d Pastryman.

Norway, 11/99–8/12/00, 2d Pastryman and 1st Pastryman.

Norway, Approx. 11/00–2/17/01, 1st Pastryman.

4. While employed for NCL as a Pastryman, I was responsible for making cakes, cookies,

pastries and other baked goods. I worked in the galley of the ship. The jobs of a Pastryman include serving on the main food lines in the galley, cleaning; working at outdoor restaurant buffet once a week at midnight, making pastries and serving the pastries to the waiters who then served it to passengers in the dining room; making breads and cakes and pies and cookies. This work is done in a designated area of the main galley. Approximately twice per week, our department had to do what the company calls "Deep Cleaning" before the ship would come into a U.S. Port. Deep cleaning made the works especially hard because the cleaning we had to do had to make our department absolutely spotless. We had to clean every little space and clean up every speck of dirt. This would sometimes make our work days a little longer. In addition, all of the workers in the Pastry Department had to attend Department Meetings that lasted from 20–30 minutes every morning, and we had to attend another meeting at night once a week or once every two weeks. As a member of the crew, I also had to attend and participate in Fire and Life Boat Drills approximately once per week which would take approximately 1–1½ hours.

5. The itinerary of the *Norway* was almost always from Miami to various islands in the Caribbean and back to Miami. When I signed on and off the ship, I always signed on and off in Miami, which is where my voyages ended and I was paid my salary. I do recall the ship sailing some of the time in Europe, but mostly we sailed to and from Miami. When we sailed out of Miami, the voyages were normally 7 day voyages from Miami to the Caribbean and back.

6. During the period from October 1997 through February 17, 2001, in every week I worked I always worked about 100 hours per week. My standard work hours were as follows:

Sunday thru Friday: 1:00 a.m.–10:00 a.m.; 1:00 p.m.– 3:00 p.m.; 4:30 p.m.–8:00 p.m. Thus, I worked approximately 14½ hours per day Sunday through Friday.

Saturday: 4:00 a.m.–8:00 a.m.; 11:00 a.m.–8:00 p.m. plus 2 additional hours during which I was required to work at the midnight buffet. Thus, on Saturday, I worked a 15 hour day.

7. I observed the hours worked by the other pastry chefs on the ship. They worked usually from 9:00 a.m.–3:00 p.m. and 5:00 p.m.–11:00 p.m. every day. Thus, they worked approximately a 12 hour work day.

8. In the course of a 10 month tour of duty, I would work with approximately 14–15 different workers. These would include the workers who were on the ship when I started my contract, and the individuals who replaced these workers as their contract periods finished.

9. During the twenty years that I worked for NCL, on the S/S *Norway*, I had daily opportunities to observe the hours of work of other people in the food preparation and handling departments, as well as the pantry and utility workers. There are close to 150 people who worked at any one time in the ship's galley. In the Pastry Department, I observed that the other workers all would work more than 70 hours per week. As I recall, the following is the number of Pastrymen I worked with: between 1998 and 2001, we had four (4) 2d Pastrymen, one (1) 1st Pastryman, and two (2) Assistant Pastrymen, except that there were some periods of time that we would carry only three (3) 2d Pastrymen. Based on my personal observation, these NCL employees, on the vessel on which I was employed, all worked 12 or more hours a day, at least six and sometimes seven days a week. All worked in excess of 70 hours a week. The workers, when we had some free time, would talk about our long hours.

10. I learned what my schedule was by what I was told by the Chef, by observing the other workers, and knowing all of the work I had to accomplish each day. The volume of the work I had to do required me to work the long hours I described. There was no written schedule of my hours. It did not matter who my supervisor was. My supervisors, the Executive Chefs on the ship, often changed. When a new Executive Chef came aboard the ship, my hours would remain the same, and so did the other Pastry Chef's hours remain the same.

11. During the entire time that I worked from October 1997 through February 17, 2001, I was never paid extra overtime pay for the hours that I worked in excess of 70 hours per week, as was called for by the contract between Norwegian Cruise Lines and the Norwegian Seaman's Union.

12. Sometime during my service with NCL I became aware that there was a union that had a contract which affected my employment with NCL. This union is known as the Norwegian Seafarer's Union. I learned about it by seeing a copy of the agreement between the company and the union which was in a little red booklet. In 1998, I was given a copy of the contract. In the booklet it states that the pay scale is attached as "Annex 1". However, the pay scale was not attached to the contract, and while I worked for the company, I never saw the pay scale which supposedly set my base pay and monthly total guaranteed wage, and overtime rates. Trial exhibit "8" is a copy of the little red book I was given on the ship.

13. I never saw any union employees or workers come aboard the *Norway* to discuss the contract it had with NCL. I never met a union representative, and none ever came on the ship while I worked on it. I know of no officers or other employees of the union.

14. Workers on the ship are very much afraid of losing their jobs. Many of them, like me, come from poor families in poor countries. The union cannot prevent people from being fired for trivial things, and there is no guaranty that you will be rehired at the end of your contract. For these reasons, people on the ship do not complain about conditions or the lack of payment of overtime because they are afraid they will be called a troublemaker by supervisors and soon be fired. For people from poor countries, such as from where I came, working on a cruise ship is a good paying job even though the working conditions are terrible. I did not complain about not being paid overtime because I could not afford to lose my job. I had a family to support and they depended on the money I earned.

15. I heard from about 2 people I knew on the ship that said that they complained to an Executive Chef or one of the Sous Chefs about not being paid for overtime hours worked and they were told that the company did not have the money to pay overtime, that is why we were not paid overtime.

16. I worked 7 days a week for as many as 10 months consecutively during my contract periods. I would not see my family for long periods of time which was very sad, however, I had to work, otherwise, my family would have suffered.

17. As a Pastryman, I was given $15 per week for my special skills in preparing items for what is known as the Chocaholic buffet, which was a midnight buffet with many deserts and pastries. The money I was paid was not for overtime, even though at times on my monthly pay check the weekly $15 payment was listed in a category called "Overtime". This was paid to me and the other Pastrymen as bonus pay for doing the work for the special function, a side job, and it was not for the time we spent preparing it. In late 1997 and early 1998, I was being paid around $180 per month in bonus money for preparing the Chocaholic Buffet. In mid-1998, this bonus was reduced to around $60 per month.

18. I was very diligent about how I did my job, and I tried to make sure that everything I and my co-workers made was of good quality. In January 2001, I was reprimanded for throwing out a sponge cake that did not come out well. It was baked with frozen eggs because the galley had run out of fresh eggs. The frozen eggs did not work well in the batter, so the cake did not rise well. I knew that this cake could not be served to the passengers. I was reprimanded for throwing it out. Then, in February 2001, I was again reprimanded for having taken some tin bake pans that had been washed to my station. I did not know it, but some of the pans were not washed well and were still somewhat dirty. During an inspection, the pans were seen by a supervisor and he blamed me for having dirty pans in my station. I had not used the pans yet, and did not know that they were not perfectly clean. I would not have used them when it came time to bake with them. Still, I was blamed and was told to sign the warning they tried to give me or be fired. As I felt I was not at fault, I told them I would not sign the warning, so I was fired.

19. I never was told that a supervisor had to give me a special order or I had to ask for approval to work the hours necessary to get the work done. There were no time clocks or time sheets or other methods, of which I am aware, by which NCL recorded the working hours of the crew members in my department. However, my supervisors knew the long hours I was working, and those of the other workers in my department, because it was the supervisors who directed me to get the work done. They would come and observe the work, and required it to be completed to their satisfaction.

20. On my pay envelope and the payroll register there never was a listing of the number of hours I worked multiplied by an hourly rate showing extra overtime pay.

21. After I was fired by NCL, I took a job in a "Publix" supermarket, bagging groceries.

RECOGNIZING AUSTIN MICHAEL MARTENS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Austin Michael Martens, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 9, and in earning the most prestigious award of Eagle Scout.

Austin has been very active with his troop, participating in many Scout activities. Over the many years Austin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Austin Michael Martens for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO LISA NOWAK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend one of my constituents, Lisa Nowak, a member of the National Aeronautics and Space Administration's (NASA) space shuttle Discovery crew set to perform the STS–121 mission to the International Space Station on July 1, 2006. Ms. Nowak was selected as one of seven members of the Discovery crew, where she will serve as a mission specialist.

With her experience in the U.S. Navy and at NASA, Ms. Nowak's participation in the STS–121 mission represents the culmination of a career filled with numerous accomplishments. Ms. Nowak graduated from C.W. Woodward High School in Rockville, Maryland and went on to obtain a Bachelor of Science degree in Aerospace Engineering from the U.S. Naval Academy in 1985 and Masters of Science degree in Aeronautical Engineering from the U.S. Naval Postgraduate School. After receiving her commission from the U.S. Naval Academy in 1985, Ms. Nowak became a Naval Flight Officer in 1987. While serving as a Naval test pilot, Ms. Nowak received several prestigious awards, including the Navy Commendation Medal and Navy Achievement Medal. In 1996, Ms. Nowak was selected by NASA, becoming a mission specialist after completing two years of training and evaluation. The STS–121 mission in July will be Ms. Nowak's first mission into space.

During the STS–121 mission to the International Space Station, the crew of the space shuttle Discovery will test new equipment and procedures that increase the safety of the space shuttle. Its mission will be to complete an analysis of safety improvements that debuted on the Return to Flight mission, STS 114, and build upon those tests.

Mr. Speaker, I offer my warmest congratulations to Ms. Nowak. Her work plays a vital role in continued advances and improvements to our space program. Her courage, hard work, and accomplishments serve as an inspiration to us all.

TRIBUTE TO FIRE DEPARTMENTS FROM WASHINGTON, CLINTON, MARION AND JEFFERSON COUNTIES IN ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the twenty fire departments from Washington, Clinton, Marion and Jefferson Counties in Illinois that, through strength and courage, worked together to put out a massive fire at a warehouse in Nashville, IL. The paint, aerosol cans and paint solvent in the building made the fire especially dangerous. 190 firefighters, of whom 180 were volunteers, worked to put out flames in 800 degree heat to stop the fire from spreading past the 18,000-square-foot section of the warehouse where it initially started.

Under the leadership of Nashville Fire Chief Alan Holt and Assistant Chief Ric James, these men spent 12 hours fighting the fire and accomplished their goal of keeping it contained. Most of the 104,000-square-foot building was saved, and the room next to the fire suffered only smoke and water damage.

I am pleased to thank the fire departments of Nashville, Centralia, Mount Vernon, Hoyleton, Addieville, Okawville, Ashely, Bartelso, Breese, Aviston, Carlyle, Beckemeyer, Germantown, Wheatfield Township, Hoffman, St. Rose, Trenton, Albers, New Baden, and Huey/Ferrin/Boulder for their tremendous effort. I commend them on their display of bravery and dedication.

FISH STOCKING IN THE NORTH CASCADES NATIONAL PARK COMPLEX

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. HASTINGS of Washington. Mr. Speaker, today, I am introducing legislation that will enable the continued stocking of fish in certain alpine lakes in the North Cascades National Park Complex, which includes the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

For many decades, volunteer groups—working with the State of Washington have stocked trout in a number of lakes in this area. This provides enhanced recreation and tourism opportunities in the North Cascades.

As you may know, the National Park Service as a general policy is moving away from artificially stocking fish. In this case, however, a 12-year university review indicates that the fish stocking program can be carried out in such a way as to not adversely affect the environment.

In order to protect this longstanding practice in the North Cascades, I am introducing legislation today that affirms that fish stocking can continue under certain conditions. While I believe the National Park Service already has the authority to do this under the act that established the park in 1968, the agency requires further clarification from Congress in order to proceed with a proposed management plan revision that would allow this practice to continue under the auspices of the Washington Department of Fish and Wildlife.

I am pleased to be joined today upon introduction of this bill by RICK LARSEN, NORM DICKS, and CATHY MCMORRIS. I look forward to working with my colleagues from Washington to make sure that our constituents can continue to enjoy the recreation opportunities created by fish stocking in the North Cascades.

RECOGNIZING JOSHUA WEST

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joshua West a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Joshua West for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO SAM RACADIO FOR 18 YEARS AS CITY MANAGER OF HIGHLAND, CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to a longtime public servant, Sam Racadio, who as city manager has been a guiding force in the growth of Highland, California from an unformed new city into a municipality known for a dedication to a high standard of living.

For the past 35 years, Sam Racadio has been a hard-working and energetic public servant in city government. He went to work as an intern in the City of Riverside just after graduating from the University of Redlands, and even spent several years in the Peace Corps as a municipal advisor in Maracay, Venezuela.

After some years in city government in Tulare, California, Sam Racadio returned to the Inland Empire as city manager for three years in Banning, California—a fast-growing city in my district.

The late 1980s were a boom time for new cities in San Bernardino County, and one of the most promising, but least organized, of those new municipalities decided to hire Mr. Racadio as its first city manager. When he joined Highland in 1987, he was just the second employee of the city of 28,000, and the city government worked out of a small trailer.

Highland had a small commercial tax base and few businesses of any size when it gained cityhood, and some analysts warned that the new city would have a shaky budget and could fail. To save money for the future, Mr. Racadio vacuumed floors, cleaned bathrooms and gathered up trash.

By continuing that dedication to saving taxpayer dollars, Sam Racadio has helped build Highland into a thriving city that now has a population of more than 50,000. There are three new parks, a City Hall, and a community center. Coming soon are a municipal pool, a library and athletic center.

Mr. Speaker, I was delighted to work with Mr. Racadio on the development of a city environmental learning center, which will provide access to hands-on, state-of-the-art science facilities for school children and city residents. When it is completed, it will be a model for cooperation between city officials, schools and federal agencies.

As my colleagues can imagine, Mr. Racadio's visionary work as a city manager has been widely recognized among his peers. He has served on the League of California Cities Board of Directors, and was president of the City Manager's Department of the League in 1999. He was president of the San Bernardino County City Managers Association from 1990 to 1998. He was the inaugural recipient of the James A. Thalman Memorial Public Service Award from the Inland Division of the league of cities and received numerous other awards.

Mr. Speaker, after 35 years of public service and 18 years of dedication to the City of Highland, Sam Racadio is retiring to travel with his wife of 36 years, Len. Please join me in thanking him for all he has done to make his community a better place, and wish him well in his future endeavors.

TRIBUTE TO MIKE VADALA

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. WALSH. Mr. Speaker, it is with great pleasure that I rise today to recognize the retirement of Mike Vadala as the Chairman of the National Association of Federal Credit Unions (NAFCU). Elected to the NAFCU Board in 1997, Mike has been a leader in the credit union community both nationally and within my great State of New York.

For the past 9 years, Mr. Vadala has been balancing his time as a NAFCU Board Member including this past year as the Chairman of the NAFCU Board, along with his responsibilities as President/CEO of The Summit Federal Credit Union. With over 67,000 members in northern New York, The Summit FCU has fostered many savings programs targeted to today's youth by teaching the importance of saving through targeted programs ranging from kindergarten through college. Mr. Vadala has worked hard to promote financial education programs and has armed his members with protecting themselves against identity theft.

Throughout his tenure as Chairman of the NAFCU Board of Directors, Mr. Vadala worked tirelessly to enhance the federal credit union charter by working with Congress for regulatory relief legislation for credit unions. As Chairman, he has also helped maintain NAFCU's status as a leading credit union trade association.

Mr. Vadala has proven himself to be a true gentleman. I have seen him walking the halls of Congress many times carrying the torch for the credit union industry and he has testified before this Congress on multiple occasions on issues important to credit unions. Although there might have been occasion where we may have not agreed, this did not deter Mr. Vadala from continuing his loyal service to NAFCU.

Many would think that the work he does for credit unions would be enough to fill a day, but that is not the case. He is also a dedicated family man, as well. Mr. Vadala and his family have played a huge role in fundraising for the United Way in upstate New York. He was also the former Chairperson of the March of Dimes Walk America. His work with these organizations has made a huge impact on thousands of lives in New York and beyond. Also, Mr. Speaker I could refer to Mr. Vadala without mentioning that he is one of the biggest Syracuse Orange fan that I have ever had the privilege to meet. And I would like to share one more "Go Orange" with Mr. Vadala as he concludes his time on the NAFCU Board.

I rise today to congratulate Mr. Mike Vadala on his fine work throughout his illustrious tenure as Chair of NAFCU. I have worked with him on issues that are important to the credit union community in the past and I am committed to continuing this relationship. With more than 20 years experience in the credit union community, there is no doubt in my mind that our good friends at NAFCU will feel a great void once he steps down. Congratulations on your retirement from the NAFCU Board Mr. Vadala.

RAISE THE MINIMUM WAGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. KUCINICH. Mr. Speaker, it is imperative that Congress act now to raise the minimum wage. In 2004, 37 million Americans lived below the poverty line, a 1.1 million increase from the year before. In 2004, 13 million children in America lived below the poverty line and more than one in six children was poor.

Yet in the richest country on earth, there is no guarantee that a full time job will lift a family out of a situation of dire poverty and need. That's because full-time year round minimum wage earnings of $5.15 an hour equal leaves a family of three 31 percent below the poverty line. A minimum wage worker, working 40 hours a week, 52 weeks a year earns $10,700 a year, $5,000 below the poverty line for a family of three.

The current minimum wage fails to provide enough income to enable minimum wage workers to afford adequate housing. According to the National Low Income Housing Coalition, an employed full time worker would need to earn an hourly wage of at least $15.78 to afford a two-bedroom rental nationally. At the current minimum wage, a family with two full time year round minimum wage earners would fall short of this standard by $5.48 collectively. It's no wonder that so many families struggle to put a roof over their heads and food on the table. A 2005 study found that 40 percent of adults seeking emergency food aid were employed.

We can directly help these families and children by increasing the federal minimum wage. It is estimated that over 7 million workers would receive an increase in their hourly wage if the minimum wage were raised to just $7.25 an hour, as proposed in Congressman MILLER's legislation, the Fair Minimum Wage Act. An additional 8.2 million workers earning up to a dollar above the new minimum wage would also benefit.

What kind of Nation have we become when work ceases to be a bridge out of poverty? A nation in which a basic full time job doesn't protect against hunger, homelessness, or poverty. It is a travesty that in the face of these realities, the realities that working Americans confront daily, Congress has not raised the minimum wage since 1997. We can and must change this by increasing the minimum wage now.

RECOGNIZING CHAD THOMAS STEPHENS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Chad Thomas Stephens, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Chad has been very active with his troop, participating in many scout activities. He has camped at the H. Roe Bartle Scout Reservation for 6 years and attended the National Jamboree in 2005 while serving as the Senior Patrol Leader for Heart America Troop 1211. Over the many years Chad has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Chad Thomas Stephens for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO BRITTANY GILBERT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize Brittany Gilbert, who had the great honor of presenting her exhibit, "John James Audubon: The American Woodsman Taking a Stand," at the Smithsonian American Art Museum's Renwick Gallery before the National History Day contest. Brittany, a student at North Kingstown High School, and 18 other students were chosen out of more than 2,000 participating finalists.

The National History Day program allows students to create exhibits, documentaries and performances, by using their critical thinking and research skills in the subject of history. A basic knowledge of history is essential for our Nation's children to become informed participants in our democracy, and National History Day is promoting history education in Rhode Island and throughout the Nation. National History Day empowers teachers to improve history education so that every student will have historical knowledge and skills to contribute to the public good of our Nation.

Mr. Speaker, I ask my colleagues to join me in congratulating Brittany, and may she have continued success in all her future endeavors.

TRIBUTE TO THE MACOMB COUNTY CLERK'S OFFICE AND THE MT. CLEMENS REGIONAL SOCIAL SECURITY OFFICE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. LEVIN. Mr. Speaker, I rise to commend the Macomb County Clerk's office and the Mt. Clemens Regional Social Security office for an innovative new partnership which is expected to improve customer service, reduce unnecessary administrative work, and save Social Security over $257,000 over the next 5 years alone.

As you know, the Immigration Reform and Terrorist Prevention Act required the Social Security Administration to verify all birth records before issuing Social Security cards. In most offices, that means Social Security staff have to go in person to the county clerk's office with stacks of birth records, which the clerk's staff then manually verify. The process is time-consuming and labor-intensive for both offices, and sometimes results in unnecessary delays for people waiting for new or replacement Social Security cards.

Macomb County Clerk Carmela Sabaugh, in cooperation with Social Security Administration District Manager William Seaman, has implemented a very different system. Under Macomb County's system, Social Security employees are able to instantly verify birth record authenticity using a secure Internet page available only to Social Security employees with federal security clearance. The first-in-the nation Macomb County process builds on the digital imaging for vital records that Sabaugh implemented last year. It's faster and easier, but no less effective and secure than the old way.

I'm proud that our local offices took the initiative and came up with a better way to implement this new requirement. Thanks to their innovation, staff will spend more time serving the public and less time processing paperwork. That's better for Social Security, better for the Clerk's office, and best of all, better for all the Macomb County residents they serve.

INTRODUCTION OF THE WE THE PEOPLE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. PAUL. Mr. Speaker, I rise to introduce the We the People Act. The We the People Act forbids federal courts, including the Supreme Court, from adjudicating cases concerning state laws and polices relating to religious liberties or "privacy," including cases involving sexual practices, sexual orientation or reproduction. The We the People Act also protects the traditional definition of marriage from judicial activism by ensuring the Supreme Court cannot abuse the equal protection clause to redefine marriage. In order to hold federal judges accountable for abusing their powers, the act also provides that a judge who violates the act's limitations on judicial power shall either be impeached by Congress or removed by the president, according to rules established by the Congress.

The United States Constitution gives Congress the authority to establish and limit the jurisdiction of the lower federal courts and limit the jurisdiction of the Supreme Court. The Founders intended Congress to use this authority to correct abuses of power by the federal judiciary.

Some may claim that an activist judiciary that strikes down state laws at will expands individual liberty. Proponents of this claim overlook the fact that the best guarantor of true liberty is decentralized political institutions, while the greatest threat to liberty is concentrated power. This is why the Constitution carefully limits the power of the federal government over the states.

In recent years, we have seen numerous abuses of power by federal courts. Federal judges regularly strike down state and local laws on subjects such as religious liberty, sexual orientation, family relations, education, and abortion. This government by federal judiciary causes a virtual nullification of the Tenth Amendment's limitations on federal power. Furthermore, when federal judges impose their preferred polices on state and local governments, instead of respecting the polices adopted by those elected by, and thus accountable to, the people, republican government is threatened. Article IV, section 4 of the United States Constitution guarantees each state a republican form of government. Thus, Congress must act when the executive or judicial branch threatens the republican governments of the individual states. Therefore, Congress has a responsibility to stop federal judges from running roughshod over state and local laws. The Founders would certainly have supported congressional action to reign in federal judges who tell citizens where they can and can't place manger scenes at Christmas.

Mr. Speaker, even some supporters of liberalized abortion laws have admitted that the Supreme Court's Roe v. Wade decision, which overturned the abortion laws of all fifty states, is flawed. The Supreme Court's Establishment Clause jurisdiction has also drawn criticism from across the political spectrum. Perhaps more importantly, attempts to resolve, by judicial fiat, important issues like abortion and the expression of religious belief in the public square increase social strife and conflict. The only way to resolve controversial social issues like abortion and school prayer is to restore respect for the right of state and local governments to adopt polices that reflect the beliefs of the citizens of those jurisdictions. I would remind my colleagues and the federal judiciary that, under our Constitutional system, there is no reason why the people of New York and the people of Texas should have the same polices regarding issues such as marriage and school prayer.

Unless Congress acts, a state's authority to define and regulate marriage may be the next victim of activist judges. After all, such a decision would simply take the Supreme Court's decision in the Lawrence case, which overturned all state sodomy laws, to its logical conclusion. Congress must launch a preemptive strike against any further federal usurpation of the states' authority to regulate marriage by removing issues concerning the definition of marriage from the jurisdiction of federal courts.

Although marriage is licensed and otherwise regulated by the states, government did not create the institution of marriage. Government regulation of marriage is based on state recognition of the practices and customs formulated by private individuals interacting in civil institutions, such as churches and synagogues. Having federal officials, whether judges, bureaucrats, or congressmen, impose a new definition of marriage on the people is an act of social engineering profoundly hostile to liberty.

It is long past time that Congress exercises its authority to protect the republican government of the states from out-of-control federal judges. Therefore, I urge my colleagues to cosponsor the We the People Act.

RECOGNIZING JACOB LEE WIER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jacob Lee Wier, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. He has camped at the H. Roe Bartle Scout Reservation for six years and earned the rank of Firebuilder in the Tribe of Mic-O-Say. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Jacob Lee Wier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE CHILDREN'S HEALTH FEDERAL TRADE COMMISSION AUTHORITY RESTORATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Ms. NORTON. Mr. Speaker, I am pleased today to introduce legislation to restore the Federal Trade Commission's (FTC) authority to regulate marketing to children under the age of 18 in order to help eliminate an epidemic of overweight and obesity that studies link to pervasive advertising of junk food to the Nation's youth. A similar provision has been introduced as part of a larger bill in the Senate, and former President Clinton is taking a leading role in efforts to control the rapid increase in overweight and obesity in children. Yet Congress has failed to take decisive action, despite definitive studies that show that childhood obesity has become one of the Nation's most serious health issues, creating a surge in debilitating diseases we are seeing for the first time in kids.

The Centers for Disease Control reports that 12.5 million children and adolescents, ages 2–19, are overweight, a rate that has tripled in the last 40 years. As a result, the incidence of Type 2 diabetes in children, a disease that is mainly associated with adults, has become widespread in recent years. Overweight children have a more than 70 percent chance of being overweight adults, putting them at risk for many serious health conditions, such as high blood pressure, asthma and heart disease. Many of these children are obese in part because they watch so much television, on the average, over 2 hours a day. However, a study by the congressionally chartered Institute of Medicine (IOM) found extraordinary growth in new food products targeted to children, from just 52 new product introductions in 1994 to close to 500 just last year. Significantly, the IOM report finds that advertisements during children's programming feature foods high in fat, with little to no nutritional value.

The problem is even greater in programming geared toward African American television consumers, adults and children alike. A summer 2005 survey of programming on Black Entertainment Television (BET) found that 66 percent of the ads were for fast food commercials. The study monitored commercials during the afternoon hours, when children watch cartoons and "tween" shows. The WB Network and Disney Channel were also monitored in the study. During that time slot, over 1,000 ads were shown on all three channels. Only 34 percent of ads on the WB promoted fast foods, and none at all on the Disney channel. McDonald's was the leading fast food advertiser on BET. Further, 82 percent of advertisements on BET were for soda, with the WB at 11 percent. The Disney Channel accounted for only 6 percent of soda advertisements. Advertisements for snacks accounted for 60 percent of BET programming, 40 percent on the Disney Channel and none on the WB. As a result of increased fast food advertising, children are more likely to consume an additional 167 calories a day, a caloric intake that further exacerbates already high obesity rates. Currently, obesity affects nearly 18 percent of black children compared to 14 percent of white children.

These studies are evidence that the estimated $15 billion spent on junk food marketing in the last year is adversely affecting the eating habits, and consequently, the health of our nation's youth. This marketing is especially problematic in poor, predominately African American neighborhoods, many of which have no access to fresh and healthy food products due to a dearth in neighborhood grocery stores. This problem is highlighted here in the District where the lowest income wards attract corner convenience stores that feature unhealthy, fatty foods in abundance, but do not provide foods of significant nutritional value that assist both in the intellectual and physical growth and development of children.

The FTC and Federal Communications Commission (FCC) have historically shared joint jurisdiction over advertising to children. The FCC first implemented regulations on children's advertising in 1974, setting limits on the amount of advertising per hour during children's programs, but these limits do not address the content of the ads. Under current law, the Children's Television Act of 1990, advertising during children's programming is restricted to no more than 10½ minutes per hour on the weekends, and 12 minutes per hour on the weekdays. However, these "restrictions" are simply an adoption of what is already the established industry norm.

In 1978, the Federal Trade Commission recommended banning television advertising to children under the age of eight after research at the time indicated that marketing to young children was unfair because young children do not understand the persuasive intent of advertising, thereby establishing an unfair and deceptive act or practice. However, industry lobbyists filed a lawsuit against the FTC, and lobbied Congress instead to pass the FTC Improvement Act of 1980, which stripped the FTC of its authority to issue industry-wide regulations to stop unfair advertising practices.

The debate still continues, however, as the IOM's recent report recommends banning television advertising to children even up to the age of twelve, and the American Psychological Association (APA) says that children under the age of nine cannot understand persuasive intent. Nevertheless, the methods for advertising products to children have become more sophisticated. Marketing strategies now include Internet games, specialized product placement in stores, as well as cartoon character endorsements like those that featured Sponge Bob Square Pants endorsing Burger King products, and promoting unhealthy eating habits.

Ironically, funding will lapse this year for a successful program I cosponsored that turned television on its head, and according to studies, has effectively used TV to get children active. The Youth Media Campaign—VERB™ program, the brainchild of the former chair of the Labor/HHS subcommittee, Jon Porter, with whom I collaborated when I had a similar bill, received no funding in the President's Fiscal Year 2007 budget, and the program, despite its demonstrated effectiveness, has received less and less funding since its inception, from an initial appropriation of $125 million. The VERB™ program focuses children on physical activity at a time when physical education is often no longer a required component of school curricula. Through print, radio, internet and television advertising targeted at the nation's 21 million children aged 9–13 years, VERB™ programming emphasized free-time, outside of the classroom where children traditionally are at play. The program also featured a multicultural message, giving extra focus to African American and Hispanic youth who have the highest incidence of childhood obesity. Most important, two recent evaluations of VERB™ have found the program to be remarkably effective. VERB™ offered the first concrete hope of progress against the alarming surge in debilitating diseases we are now seeing for the first time in children, and I sincerely hope that the Congress will again fund this program to ensure its continued success.

However, I am pleased to join with Senator TOM HARKIN, who has introduced this language in the Senate as part of a more comprehensive bill promoting healthy lifestyles and disease prevention. I am also pleased to join with others, such as former President Clinton, who has joined with the Nickelodeon Channel to promote responsible, healthy food choices and lifestyles. I urge my colleagues to support this legislation.

HONORING THE RIDE FOR LORRAINE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the accomplishments of the Ride for Lorraine, a charity bike ride to benefit the National Transplant Assistance Fund (NTAF) and raise awareness for stem cell research.

The Ride for Lorraine, a five-day bike ride beginning in Hartsdale, New York, honors Lorraine Valentini, a former High School English Literature teacher, volunteer firefighter, and U.S. Masters Gold Medal Cyclist. Lorraine's life was tragically altered in May 2005 when the spinal cord injuries she suffered in a bike accident left her paralyzed below the neck.

During the five-day trip, Lorraine's family, friends and supporters will stop at the Dana and Christopher Reeve Paralysis Foundation in New Jersey, the Kennedy Krieger Institute in Maryland, and finally here at the Capitol Building. I encourage all of my colleagues to listen to their message that stem cell research can bring cures and therapies for many devastating and debilitating conditions.

These dedicated, passionate participants are working hard to not only raise awareness for stem cell research, but to raise money for Lorraine's daily care and rehabilitation while directing donations to the NTAF to aid other transplant and catastrophic injury patients.

Mr. Speaker, I urge my colleagues to join me in honoring the efforts of teamLorraine.org and wishing the Ride for Lorraine participants luck.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. HYDE. Mr. Speaker, on June 27 and 28, 2006, I was absent for several votes for personal reasons. Had I been present, I would have voted: Vote Nos. 319, "yes"; 320, "yes"; 321, "yes"; 326, "no"; 327, "no"; 328, "no"; 329, "yes"; 330, "no"; 331, "no"; 332, "no"; 333, "no"; 334, "no"; 335, "no"; 336, "no"; 337, "no"; 338, "no"; 339, "no"; 340, "no"; 341, "no"; 342, "no"; 343, "no"; 344, "no"; 345, "no"; 346, "no."

RECOGNIZING BRENT TRAUGOT SAVIGNE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brent Traugot Savigne, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Brent has been very active with his troop, participating in many scout activities. He has camped at the H. Roe Bartle Scout Reservation for 6 years and earned the rank of Tom-Tom Beater in the Tribe of Mic-O-Say. Over the many years Brent has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brent Traugot Savigne for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE STAR COMMUNITY NEWSPAPERS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Little Elm Journal, the McKinney Courier Gazette, and the Frisco Enterprise as they and their staffers took home numerous awards in the Texas Press Association's 2006 Better Newspapers Contest. These Star Community newspapers, which are read throughout my district, were among 194 papers and 1740 total entries in the contest.

The Little Elm Journal was named the best paper for news photography in a small weekly as well as receiving the winner's plaque for feature stories written by former staff writer Corina Miller. The Journal also took second place in news writing by community editor Devin Monk, third place in sports coverage, and fourth place in sweepstakes.

The McKinney Courier-Gazette took second-place honors in the small daily division for page design and third-place recognition for feature stories. The Frisco Enterprise won a second-place prize for editorials; third place in general excellence; third places in feature story and feature photo; fourth places in sports photo and in headline writing. It was also fourth in the overall sweepstakes contest.

I extend my sincere congratulations to these newspapers on their outstanding achievements in journalism. Their hard work, dedication, and success in delivering the news and informing the community deserve the highest recognition and congratulations. Accurate and informative news is a cornerstone of democracy, and the Star Community papers are a credit to the journalism trade.

PERSONAL EXPLANATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. CALVERT. Mr. Speaker, last night, during a series of two-minute votes, I inadvertently voted "no" on rollcall No. 340. I had intended to vote "aye." I would like to make it clear for the record, that I do not support the multilingual ballot provision in the Voting Rights Act, and that I oppose such provisions that mandate financial burdens on the states and further divide this great Nation.

IN TRIBUTE TO JUNE PERRY, OUTGOING EXECUTIVE DIRECTOR OF NEW CONCEPT SELF DEVELOPMENT CENTER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise to pay tribute to a woman in my district who has dedicated her career to improving the quality of life for African American children and their families. June Perry, co-founder and Executive Director of New Concept Self Development Center, retires this month after 31 years at the helm of this multifaceted human services agency.

Equipped with a master's degree in social work and experience working in Milwaukee County's child protective services, June Perry started New Concept Self Development Center in 1975. Understanding that intervening in the cycle of poverty requires prevention as well as treatment, she built an institution to provide appropriate and high quality mental health and social services to residents of Milwaukee's central city. Over the last three decades, New Concept tackled a wide range of issues, ranging from teen pregnancy and high school drop-out prevention to crisis counseling for survivors of Hurricane Katrina. Always on the lookout for new ways to approach old problems, June Perry's leadership has been characterized by a passion for innovation, a strong commitment to collaboration, and the determination to do what it takes to serve the community.

Not only has Ms. Perry developed innovative social service programs, she is also a noted leader and expert in the field of non-profit management. She has participated in management programs at the Denali Institute, the Annie E. Casey Foundation, and the prestigious Stanford University School of Business. She has received numerous national and local awards for her work, including the Women of Influence award from the Business Journal, the Trailblazer award from the Black Women's Network, and the President's Points of Light Award.

Mr. Speaker, I think it is safe to say that June Perry's efforts have touched the lives of tens of thousands of Milwaukee residents, over the course of several generations. Rather than wait for someone else to address the problems that plague our community, she has never hesitated to step up and marshal resources to implement solutions. I am honored to have this opportunity to thank her for her tireless advocacy and unwavering commitment to the children and families of our community, and to wish her a long and rewarding retirement.

SALUTING THE CALIFORNIA STATE UNIVERSITY, FULLERTON TITANS IN COLLEGE WORLD SERIES

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I would like to take a moment and congratulate the Cal State Fullerton Titans' baseball team for their remarkable season and outstanding run at the College World Series title.

Cal State Fullerton made the journey to Omaha for the 14th time in the program's 32-year Division I history. The Titans hold four past College World Series Championships (1979, 1984, 1995, and 2004) and for the first time since 1995, they entered the College World Series undefeated in NCAA Tournament play by sweeping regional and super-regional play.

Although the Titans did not win the College World Series, their sweat and hard work paid off, as they had three players, Justin Turner, Danny Dorn and David Cooper represented on the 60th NCAA College World Series All-Tournament Team.

The Titans finished their remarkable season with a winning record of 50–15 and had nine players drafted in this year's Major League Baseball First-Year Player Draft, which is an incredible accomplishment.

I admire the hard work and efforts of these young men after a long and competitive season. It is not an easy task to make it to the College World Series. The city of Fullerton and the State of California are very proud of your efforts.

Congratulations to head coach George Horton, assistant coaches Rick Vanderhook, Jason Gill, Ted Silva, the Titan baseball players, and all the Titan fans on a great season.

Remember the Titans! Next year will be our year!

THE U.S.-OMAN FREE TRADE AGREEMENT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. KILDEE. Mr. Speaker, I have voted against every harmful and unbalanced trade agreement that has come before this house. I would welcome the opportunity to vote for an agreement with strong and enforcable labor and environmental protections. Unfortunately the U.S.-Oman FTA has neither of these and I will be voting against this bad trade deal. The FTA falls way short of the labor protections that must be included to make it an acceptable agreement.

This FTA is just like CAFTA. It looks the same . . . feels the same . . . and has the same problems. We need a "time-out" on trade and stop this "race to the bottom." Our trade policy has not been in the best interest of U.S. workers, small businesses, farmers or the economy and environment. Our trade agreements have not significantly raised the living standards in foreign nations. And U.S. trade policy has forced American workers to compete on an uneven playing field.

We must defeat this harmful and unbalanced U.S.-Oman FTA.

IN HONOR OF MICHAEL OWEN O'MALLEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Michael Owen O'Malley, devoted family man, dear friend, United States Veteran and decorated Lieutenant with the Cleveland Police Department. Mr. O'Malley's courageous and compassionate heart framed his 45-year tenure with the Cleveland Police Department as Patrolman, Sergeant and Lieutenant.

Mr. O'Malley was born on June 30, 1930, to Michael and Mary O'Malley of County Mayo, Ireland. He was raised on the West side of Cleveland, where he was taught by his parents the significant lessons of family, faith and giving back to others. He graduated from Wes High School, enlisted in the U.S. Army and honorably served in the Korean War. In 1954, he married Mary Ginley O'Malley. Then, as today, family is the center and foundation of their lives. Together, Michael and Mary raised their six children: Patricia, Margaret, Michael, Patrick, James and Mary K., and remain a foundation of love and support for their children and nine grandchildren.

He was awarded several citations for bravery, one of which reflected his courage and selflessness as he placed his own life in danger when he entered a burning building and carried a resident out to safety.

Beyond time spent with family, Mr. O'Malley is an active member of the community. He is a longtime member of St. Angela's Parish, and has volunteered his time and talents with the West Side Irish American Club, American Legion, and the Mayo Society. Mr. and Mrs. O'Malley love and appreciate the simple treasures in life, including visiting relatives and friends in Ireland, spending time at their condo in Catawba, and Mr. O'Malley's natural knack for making wonderful pancakes for his nine grandchildren.

Mr. Speaker and Colleagues, please join me in honor, gratitude and recognition of Michael Owen O'Malley, whose joyous life is an ongoing source of love, devotion, and inspiration to his family and friends as they gather to celebrate his 76th birthday and to recognize his continuous commitment to his family, friends and community. His work in securing the welfare and safety of the residents of the City of Cleveland is framed by exceptional courage, heart, dignity and integrity, and has forever raised the spirits and lives of countless individuals and families throughout our community. I wish Mr. O'Malley and his family an abundance of peace, health and happiness, today and for all days to come.

A TRIBUTE TO THE LIFE OF GEORGE McKEAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. COSTA. Mr. Speaker, I rise today to remember and pay tribute to the life of George McKean. Mr. McKean was devoted to his family and to his hometown, Riverdale, where he was a prominent figure in agriculture, business and civic life. He passed away on May 18, 2006.

At a very young age, Mr. McKean became involved with their family's business, McKean's Grocery Store which they have owned for over 65 years. Aside from working at the grocery store, he was constantly involved in his community and has helped obtain services that were needed such as water, sewer, waste disposal and fire protection.

George played a significant role in his hometown's farming industry and its surrounding communities. He has had a longtime involvement in a farming operation in the Riverdale, Kings River and North Fork areas. Together with his brother, he owned and leased 970 acres of farmland of which one-third is in cotton and the rest with wheat, barley and alfalfa. He served as the Director of Ranchers Cotton Oil and spearheaded the formation of West Valley Cotton Growers Gin where he also served as President.

In addition to farming, Mr. McKean dedicated his attention to the water industry in his community. He served as the Division IV Director for the Kings River Conservation District from 1972–1995. Mr. McKean's term in the KRCD comprises many accomplishments including the formation of the Mid-Valley Water Authority, which he has chaired since 1982. George has given a significant consideration to water as he recognizes the need for a supplemental water supply for deficit areas such as his community. Mr. McKean was a strong advocate for the alleviation of chronic groundwater overdraft conditions in his region. He was a past chairman of the Kings River Conservation District and was a member of the Fresno County Water Advisory Committee.

Mr. McKean was an active proponent for water and farming but he has also served his country and his hometown of Riverdale in other significant ways. During World War II, he joined the U.S. Coast Guard where he served his country from 1942 to 1945. He served local organizations such as Rodeo Association, American Legion, Veterans of Foreign Wars, Lions Club, Chamber of Commerce, Volunteer Fire Department, Public Utility District, and Elementary School Board of Trustees. For his outstanding efforts, the Riverdale Chamber of Commerce chose him as the Man of the Year in 1979. Furthermore, he served as the Director of Caruthers' Bank and as a Financial Chairman for Congressman Bernice Sisk.

Mr. McKean was preceded in death by Myrtle, his wife of 65 years; and his brother Archie. He is survived by his brother, Charles; his daughter Carol Copley and her husband Ron; his son George D. McKean II and his wife Linda; his daughter Debbie Ella and her husband Craig; his son Mark McKean and his wife Megan. He is also survived by eight grandchildren and six great-grandchildren.

George McKean devoted his life to his country, community and family where his dedication and love was unwavering. His zeal and commitment to advance his community will be missed, as well as an inspiration for us all. His life and his accomplishments will always be remembered.

INTRODUCTION OF THE RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2006

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, next month marks the first anniversary of the London mass transit bombings. On July 7 and, subsequently, July 21, Americans watched in shock as terrorists struck at the heart of our ally's mass transit and bus systems, killing 56 people and injuring more than 700 others. The July 7 attack started at the heart of rush hour, with three bombs exploding at 8:50 a.m. on London's Underground subway system. Less than an hour later at 9:47 a.m., as London's subway system was completely shut down, an explosion tore through the back of the number 30 Hackney to Marble Arch bus. The victims of these attacks were ordinary people, not that different from many Americans, who were going about their usual routine of commuting to work, school, or tourist sites.

After the bombings, Congress called on the Administration to move quickly to reinforce our Nation's rail and mass transit systems to prevent such an attack from happening on American soil. Yet, nearly a year later, the Department of Homeland Security and the Transportation Security Administration (TSA) have failed to produce a comprehensive strategy to secure America's rail and mass transit systems. In addition, the Department and TSA continue to focus almost exclusively on aviation security, spending $9 per air passenger, as compared to only one penny per rail/mass transit security passenger.

The Department has made excuses for this failure by stating that mass transit security is a shared responsibility between Federal, State, and local partners, and that the Federal Government has provided significant support for the past three years. This "partnership," however, has long left state and local governments paying the check without really knowing what they are paying for and why.

The Department's failures extend beyond its ability to get along with state and local Governments. The Department has not actively engaged the private sector and frontline employees of the rail and mass transit systems. These men and women are the eyes and ears of these systems, yet the Administration has not adequately consulted with them on its initiatives. Nor has the Administration ensured that they are trained to respond to a terrorist event.

Finally, the Federal Government has not moved forward with critical plans to secure our Nation's rail and mass transits. Instead, the Administration continues to approach the problem with piecemeal solutions instead of developing an overarching strategy that could be used to guide initiatives. Similarly, the Administration also has failed to devote significant resources and manpower to rail and mass transit research and development (R&D). Technology will play an important role in deterring and preventing future chemical, biological, or chemical attacks.

The Rail and Public Transportation Security Act of 2006 will make our Country more secure by mandating that the Department of Homeland Security take concrete and decisive steps to secure our Nation's rail and public transportation systems. This bill requires a National Rail and Public Transportation Security Plan which will supplement the existing National Strategy for Transportation Security. This plan will (1) clarify roles and responsibilities of Federal, State, and local agencies in securing rail and public transportation systems; (2) strengthen intelligence sharing, (3) lay out plans for public outreach and education initiatives; (4) create a framework for resuming operations in the event of an attack; (5) include a strategy and timeline for research and development of new security technologies; and (6) describe lessons learned from past attacks.

The bill also requires the creation of Area Rail and Public Transportation Security Plans. Modeled after the Area Maritime Transportation Security Plans required under current law for regions with several ports, these area plans will strengthen security planning in regions where there are more than one rail or public transportation entity, such as in the New York-New Jersey area.

Furthermore, the bill requires Rail and Public Transportation Systems to submit vulnerability assessments and security plans to the Department for approval. Modeled after the vulnerability assessments and security plans that ports already have to submit under current law, these provisions will ensure that rail and public transportation systems adequately evaluate their risks and vulnerabilities and are taking steps to address any security weaknesses. The Secretary must approve or disapprove each vulnerability assessment and security plan. Vulnerability assessments and security plans must be reviewed and updated at least every five years.

These plans will be useless unless enforced. For that reason, this bill gives the Secretary the authority to issue administrative and civil penalties for violations and to seek criminal penalties for knowing and intentional violations.

Information and intelligence sharing must also be improved. This bill will fix the current problems by requiring the Department of Homeland Security, in consultation with the Department of Transportation, to issue a Rail and Public Transportation Strategic Information Sharing Plan to strengthen the intelligence updates provided to rail and public transportation systems.

Another critical component to this bill is its provisions improving training and exercises. If an attack does occur in the United States, proper training and exercises could make the difference between life and death for front-line workers, first responders, and passengers. This bill requires rail and public transportation systems to train their employees on how to prevent, prepare for, and respond to a terrorist attack. It also establishes a Rail and Public Transportation Security Exercise Program to test the preparedness of rail and public transportation systems for a terrorist attack.

It will cost substantial sums to implement the security measures needed to prevent a possible attack on U.S. rail and public transportation systems. This bill authorizes $400 million per year over the next 6 years for a grant program dedicated to rail and public transportation security. In addition, this bill authorizes $150 million over the next 3 years for advanced research and development that will find solutions to the security threats faced by rail and public transportation systems. Finally, the bill authorizes $26.4 million per year over the next 6 years to hire 200 new rail security inspectors per year. There are only 100 rail security inspectors at the present time.

The security gap remaining in rail and public transportation is still a major threat to our Nation. The Rail and Public Transportation Security Act of 2006 will take substantial steps to close that security gap. I hope this Congress moves quickly to pass this bill.

TRIBUTE TO DOUG TANNER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to honor a man and a moment in history. The U.S. Congress has been blessed by the vision and the faith of the Reverend Douglas Tanner, and we have been deeply moved by his invocation today.

Mr. Speaker, it takes wisdom to lead the leaders of men. It takes faith to hear the voice of the spirit through the rush and tumble of the U.S. Congress. But the Bible says that "many are called, but few are chosen."

God knew that the humility and the faith of Rev. Doug Tanner would serve as a powerful witness among us. As the founder and leader of the Faith and Politics Institute, he has led us on a moral mission. He has led us on a journey of the soul through meditation and prayer. He has led us through the pilgrimages through Alabama, Tennessee, and Virginia. He has helped to remind us that our faith is the key to all that we can accomplish here.

Mr. Speaker, when historians pick up their pens and write the story of this Congress in the latter part of the 20th century and the first part of the 21st century, they will have to say that one man, who was not chosen by men, but was chosen by God, led Democrats and Republicans, Members of the House and the Senate to understand that the way of peace, the way of love, the way of non-violence is the more excellent way.

Doug, we are deeply indebted to you for all that you have done to help build Beloved Community. We are deeply grateful for your vision, for your courage and your faith.

TRIBUTE TO SPECIALIST KEVIN DOWNS

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. COOPER. Mr. Speaker, what does it mean to be a hero today? We each have our own ideas about what act of bravery earns a man or woman that very special privilege—the honor to be called a hero, to be saluted by friends and neighbors and strangers alike for doing something extraordinary that, at that moment in time, just seemed like the right thing to do.

Today, I am honored to stand before you here, on the floor of the House of the Representatives, to tell you and all of America about someone I consider a true hero. This young man has inspired me and so many others around the world who have heard his story of courage and patriotism.

On August 13th, 2005, Specialist Kevin Downs of Kingston Springs, Tennessee was traveling in a Humvee near the city of Tuz in northeastern Iraq with three other members of the 278th Armored Calvary Regiment. The Humvee was struck by four explosive devices. Kevin was blown 60 feet. He lost both legs, his arm was broken, he was severely burned over 60 percent of his body, including bums to his eyes, throat and lungs. He was 20 years old and had been in Iraq eight months.

Specialist Downs was the only survivor of the IED attack that day. His three friends, crewmates and fellow Tennesseans were killed that day: 22-year-old Gary Lee Reese of Ashland City, 35-year-old Staff Sgt. Asbury "Fred" Hawn, Jr of Lebanon and 30-year-old Shannon D. Taylor of Smithville.

Specialist Downs was first evacuated to a hospital in Germany where his injuries were stabilized. As his father Joe told friends and reporters at the time: "The young man is fighting and battling, and he's going to make it."

Joe and Catherine Downs remained at his bedside during his time in the ICU in Germany.

As soon as possible, Kevin was transferred to a burn unit at the Brooke Army Medical Center in Fort Sam Houston in San Antonio, Texas. But the challenges were far from over. Since his injuries almost one year ago, Kevin has endured more surgeries than his family can even count—two in the last ten days. He is able to get around using a wheelchair today, his father reports. And he is learning to maneuver using his prosthesis. His father adds that any time he and Catherine fall into the habit of saying they'll do something for him, Kevin politely but firmly refuses saying, no, he wants to do it for himself.

Kevin's determination and positive outlook have touched the hearts of so many. Thanks to local news coverage of his challenges, Kevin has received thousands of letters of support from folks around the world. His resolve and bravery as he faces the latest surgeries and treatment have made him a true hero to all of us in Tennessee.

We had all hoped Kevin would be able to join us this July 4th for the annual Independence Day Parade in Pegram. He's doing great, his family reports, but it looks like his treatment is going to keep him in Texas just a little longer. But Kevin is going to be the Grand Marshall of the parade anyway. His parents will be there in his place on the 4th—and we all look forward to the day when we get to welcome Kevin back home to Tennessee and have the chance to thank him personally for his service to our country and congratulate him on his recent promotion to sergeant.

IN RECOGNITION OF JERRY AND VIRGINIA GREENWOOD

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I would like to pay tribute to a very special occasion today—the 50th wedding anniversary of Jerry and Virginia Greenwood.

In April of 1954, Jerry Greenwood of Blue Mountain, and Virginia Hicks of Oxford met while working together at the Anniston Playland Skating Rink. Mr. and Mrs. Greenwood married 2 years later, on June 30, 1956. They lived and worked in Oxford, and moved to Blue Mountain where Jerry worked for the City of Anniston Parks and Recreation Department.

The couple relocated to Saks and raised their two sons, Rodney and Ryan. Mr. Greenwood was involved in the Saks Youth baseball program and coached and sponsored several of his sons' teams. Mr. Greenwood retired from the City of Anniston and opened Greenwood Auto Sales, while Mrs. Greenwood retired from Blue Mountain Industries.

Today, the couple attends Saks Baptist Church, where Mr. Greenwood once served as the bi-vocational music director. They are proud grandparents of Chase, Cameron, Caylor, Carmyn and Cassady Greenwood.

I salute this lovely couple on the 50th year of their life together and join their family in honoring them on this special occasion.

TRIBUTE TO MIKE VADALA

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise today to recognize the retirement of Mike Vadala as the Chairman of the National Association of Federal Credit Unions (NAFCU). Elected to the NAFCU Board in 1997, Mike has been a leader in the credit union community both nationally and within my great state of New York.

For the past 9 years, Mr. Vadala has been balancing his time as a NAFCU Board Member including this past year as the Chairman of the NAFCU Board, along with his responsibilities as President/CEO of The Summit Federal Credit Union. With over 67,000 members in northern New York, The Summit FCU has fostered many savings programs targeted to today's youth by teaching the importance of saving through targeted programs ranging from kindergarten through college. Mr. Vadala has worked hard to promote financial education programs and has armed his members with protecting themselves against identity theft.

Throughout his tenure as Chairman of the NAFCU Board of Directors, Mr. Vadala worked tirelessly to enhance the federal credit union charter by working with Congress for regulatory relief legislation for credit unions. As Chairman, he has also helped maintain NAFCU's status as a leading credit union trade association.

Mr. Vadala has proven himself to be a true gentleman. I have seen him walking the Halls of Congress many times carrying the torch for the credit union industry, and he has testified before this Congress on multiple occasions on issues important to credit unions.

Many would think that the work he does for credit unions would be enough to fill a day, but Mr. Vadala does much more. He is a dedicated family man as well. Mr. Vadala and his family have played a huge role in fundraising for the United Way in upstate New York. He was also the former Chairperson of the March of Dimes Walk America. His work with these organizations has made a huge impact on thousands of lives in New York and beyond. Also Mr. Speaker, I could not fail to mention that Mr. Vadala is one of the biggest Syracuse Orange fans I have ever had the privilege to meet; I would like to share one more "Go Orange" with Mr. Vadala as he concludes his time on the NAFCU Board.

I rise today to congratulate Mr. Mike Vadala on his fine work throughout his illustrious tenure as Chair of NAFCU. I have worked with him on issues that are important to the credit union community in the past and I am committed to continuing this relationship.

With more than 20 years experience in the credit union community, there is no doubt in my mind that our good friends at NAFCU will feel a great void once he steps down. Congratulations on your retirement from the NAFCU Board Mr. Vadala.

CONGRATULATING CURTIS SILER ON HIS LIFE SAVING ACTION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Curtis Siler of Flower Mound, Texas, who rescued a drowning girl during a day trip to a local water park.

Twelve-year-old Curtis Siler and his mother, Tanya Siler, were spending the day at Hurricane Harbor, an Arlington, Texas water-based park. While swimming in the deeper end of the wave pool, Siler noticed a young girl resting on the bottom of the pool. He realized that her eyes had rolled back in her head and she was not moving. Without hesitation, Siler dove to the bottom, grabbed the girl, and brought her to the surface. He then called for the help of a lifeguard.

Thanks to the actions of Curtis Siler, lifeguards were able to get the girl to safety and begin first aid, ultimately saving her life.

I extend my sincere congratulations to young Curtis Siler for his heroic actions and true concern for the welfare of others. I admire his bravery during such a grave situation. He is truly an inspiration to us all. I am honored to represent Curtis and his family in Washington.

ARTICLE ON IMMIGRATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. VAN HOLLEN. Mr. Speaker, I would like bring to the attention of our colleagues in this House an opinion editorial (Baltimore Sun, May 11, 2006), written by my constituent Stephen Nordlinger, which I submit for the RECORD. Mr. Nordlinger is a former Washington correspondent for the Baltimore Sun.

Mr. Nordlinger's article highlights an issue that has received scant attention in the debate over immigration reform, namely the need to improve and streamline the process for legal immigrants to obtain a green card and eventually qualify for citizenship. Congress has never provided the funds to satisfactorily implement legislation passed in 2000 to ease the immigration process for those who entered the country legally. As a result, those who played by the rules find themselves waiting for years in a bureaucratic maze for their applications to be processed. This creates the perception that those who play by the rules get penalized. As we work to fix our broken system, we must provide the resources that are necessary to ensure that individuals like Mr. Veng Preap, who is the subject of this article, are treated with the dignity and respect they deserve.

[From the Baltimore Sun, May 11, 2006]

AN IMMIGRANT'S STORY

(By Stephen Nordlinger)

My wife and I first met Veng Preap on a sultry fall day when we walked into the offices of the U.N. Educational, Scientific and Cultural Organization on a busy street in the center of Siem Reap, near the Angkor Wat complex in Cambodia. We carried a letter from a friend of his in Washington and a pile of World Bank books on international development that Mr. Preap's friend suggested for him.

Veng Preap, not his real name to protect his privacy, took us everywhere to see the Angkor monuments and spent evenings speaking with us about his life and such subjects as civil engineering and Buddhism and his views toward organized religion. He showed us the large computer maps he had made as part of the effort by UNESCO to preserve the Angkor complex.

On our final day in Siem Reap, I spoke with Mr. Preap about coming to the United States. My wife and I were bowled over by his abilities, especially his rich English vocabulary, for someone who had never left Cambodia. We discussed sponsoring Mr. Preap for a year of study in his specialty, geographic information systems, a highly valued skill for producing computer-based maps. Less than a year later, he arrived at Towson University, its first Cambodian student.

He is still in this country nearly 10 years later, and his contribution to the United States has been substantial. He has seized opportunity after opportunity for public service.

His life here shows what a talented immigrant can contribute. But at the same time, his American experience is sending another clear message: how easily our government can overlook such a gifted person. It is a message that Congress should heed as it considers new immigration legislation.

Mr. Preap has been waiting on line five years and counting on government approval of the first step toward getting a green card to realize his dream of becoming a permanent resident and citizen. It is not the fault of government immigration workers. Congress never provided the funds to carry out legislation passed in 2000 that was intended to ease the immigration process for those like Mr. Preap who had entered the country legally, and there was a flood of applications.

Mr. Preap did not have to stay in this country beyond the original year we planned together. But how could such a hugely able person return to impoverished Cambodia, especially when a long-standing dispute between UNESCO and the corrupt authoritarian government had idled him for a year? The Khmer Rouge killed his mother and sister when he was 7. The current government allowed his wife's property to be stolen.

Mr. Preap considers himself an American even without the necessary documents. He relishes speaking English. While growing up in Cambodia, he pursued his desire to learn English often by studying alone and by candlelight for fear of being arrested or worse because such studies were banned. At Towson, he insisted on living in a dormitory with American students rather than in an international enclave.

Over the past few years, he has earned a second bachelor's degree in geography at Towson and a master's in computer science at Strayer University. He has volunteered for more than 6 years to teach computers to poor Americans and foreigners. He worked for the Voice of America broadcasting to Cambodia. He helped film a documentary on the tsunami disaster. And he helped prepare a giant map for the rotunda at the National Museum of American History showing the various kinds of voting machinery in the nation's election districts.

All the while, he has paid taxes on his limited income.

Mr. Preap is a skilled computer teacher. The community center where he volunteers has asked him to come two nights a week because it cannot find teachers with his ability. The Internet runs job offers for his skill in geographic information systems.

People speak in the abstract about immigration, and much of the discussion is about the need for more farm and restaurant workers. But here is an example of a hugely talented, hard-working immigrant being needlessly thwarted by our government. Mr. Preap cannot take a job and settle down because our immigration system won't let him.

Not only are we not taking full advantage of skilled talent among the immigrants, but we may be on the verge of causing more disappointments, by the millions. The huge number of immigrants who have come out of the shadows to demonstrate for the right to become citizens may find a long, long waiting line. The system is just too cumbersome and underfunded.

Unless the Bush administration and Congress provide new resources, it is all too likely that broken borders will be replaced by broken promises.

COMMENDING AMBASSADOR RICHARD HOLBROOKE'S ARTICLE, "TURNING TO THE U.N., AGAIN"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. LANTOS. Mr. Speaker, I commend to my colleagues a very important op-ed by a very distinguished American diplomat, the former U.S Permanent Representative to the United Nations, Ambassador Richard Holbrooke. His article, "Tuming to the U.N., Again," which appeared in the Washington Post on June 28th, provides us with a critical reminder that the UN, though a flawed institution, remains "indispensable to the United States."

Ambassador Holbrooke points out that, earlier this month, President Bush once again turned to America's great ally in New York, United Nations Secretary General Kofi Annan, to help the Administration secure its most pressing foreign policy goal, cementing a political compact for Iraq. Kofi Annan is a great friend of the United States and a great personal friend of mine. I share Ambassador Holbrooke's confidence that the distinguished Secretary General, will use his good offices to convene a series of international meetings with the purpose of hammering out a new "Iraq Compact."

Mr. Speaker, after noting this latest instance of the United States turning again to the UN for help, Ambassador Holbrooke argues that it is critical to America's core interests to strengthen the United Nations. As he so eloquently states, it is time for the Administration to move past its internal debate about the UN, "whether to support it or abandon it, to use it or bypass it." Ambassador Holbrooke is absolutely correct that this ambivalence toward the UN has undermined our Nation's ability to lead the effort to reform the UN.

Mr. Speaker, I ask that the full text of Ambassador Holbrooke's important article be placed in the RECORD and I urge my colleagues to read it carefully and thoughtfully.

[From the Washington Post, June 28, 2006]

TURNING TO THE U.N., AGAIN

(By Richard Holbrooke)

In a little-noticed announcement in President Bush's news conference on June 14, the day he returned from Iraq, he said that he would send two personal emissaries to New York to consult with U.N. Secretary General Kofi Annan on the political and economic future of Iraq. The next day, still with remarkably little public attention, Philip Zelikow, the counselor of the State Department, and Deputy Treasury Secretary Robert Kimmitt met with Annan and his deputy, Mark Malloch Brown, at the secretary general's Sutton Place residence. There was no one else present.

The two presidential envoys asked Annan to use his unique "convening powers" to help organize international meetings that would lead (by this fall, the Americans hope) to the unveiling of a new "Iraq Compact"—an agreement between the Iraqi government and major international donors that would commit Baghdad to a series of political and economic reforms in return for substantially more international aid. (Iraqi Prime Minister Nouri al-Maliki called Annan the same day to make an identical request.)

This is a good idea—and quite similar to suggestions from many administration critics. With the battle for Baghdad raging, it remains to be seen whether an Iraq Compact will work—or even get off the ground—but it is certainly an important step in the right direction for Iraq and for American policy.

For Annan and the United Nations, Bush's request poses an ironic and difficult challenge. On the one hand, the administration is asking for help on the worst problem it faces, acknowledging, however belatedly and reluctantly, that once again, the United Nations is not only relevant but at times indispensable to the United States. On the other hand, the resentment among the majority of U.N. member states over the way the institution has been treated recently, especially by Washington's current U.N. ambassador, makes any effort to get the United Nations to help the United States far more difficult.

How to treat the United Nations has been a particular dilemma for President Bush, since opponents of the organization form an important part of the administration's core constituency. Internal disagreements over the past five years about whether to support it or abandon it, to use it or bypass it, have both weakened the organization and led to reduced U.S. influence even as more and more intractable issues are thrown into its hands.

The United Nations is facing major budgetary problems caused primarily by American insistence on a six-month budget cycle instead of the normal two-year cycle. It must deal with growing shortfalls in the U.S. contribution to peacekeeping funding, despite Washington's calls for more peacekeepers in Darfur and elsewhere. And it is confronted by a deadlock over rebuilding the headquarters complex in New York—a deadlock whose main cause is the administration's failure to push Congress for proper funding. (This is particularly difficult to understand, since the U.N. signature building, its 38-story East River office tower—built in 1950 and never subject to modern safety codes—is widely acknowledged to be the major building in New York most vulnerable to a terrorist attack. For example, when the president visits it, the Secret Service closes down FDR Drive beneath it—but what about the rest of the time?)

Still, even though Annan and the world body have been diminished by Washington, he and his colleagues simply cannot refuse to help on the Iraq matter; it is their responsibility as international civil servants to go where the problems are worst and then to do their best. And, on the basis of private talks with Annan, Malloch Brown and administration officials, I have no doubt that they intend to do just that. In fact, Malloch Brown has already agreed to travel to Baghdad very soon for preliminary meetings that the United Nations and the United States hope will culminate later this year in a high-level conference in the region. As Annan moves into his last six months as secretary general, this would be the right way to end a turbulent decade in that office—with a genuine contribution to the cause of peace in Iraq.

It is, however, impossible not to note the irony and the implications of what has happened in the past two weeks between Washington and the United Nations. Once again, an administration that has underfunded, undersupported and undermined the United Nations has turned to it, almost in desperation, for help.

The lesson should be clear: Despite the enormously self-destructive actions of many other member states, especially the group of developing nations called the G–77, the United Nations still serves U.S. foreign policy interests in many important ways. Not only Iraq but also Iran, Darfur, Afghanistan and the difficult negotiations just started over Kosovo's final status—all issues of vital importance to the United States—have now ended up in the United Nations. To weaken this institution further, as has happened in recent years, serves no clear American national security interest. To strengthen it would make it more valuable to the United States and to every nation that seeks conflict resolution, stability and economic progress. With the maneuvering over the selection of Annan's successor underway, it is time for Washington—and this must include Congress—to put behind it a sorry period of confusion and offer the United Nations more support, both financial and political, in return for the things it needs in Iraq and elsewhere.

RECOGNIZING THE SERVICE OF COLONEL LARRY D. RUGGLEY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. TANNER. Mr. Speaker, I rise today to recognize a very distinguished military leader who is retiring after 34 years of service to this country. I rise today to congratulate Colonel Larry D. Ruggley on his retirement, thank him for his dedication to our country and acknowledge the important leadership role he has played in the United States Army.

A little more than 3 years ago, Colonel Ruggley assumed command of the United States Army Garrison at Fort Campbell, a portion of which I am proud to represent in the Congress. Colonel Ruggley and I have worked closely together on numerous occasions during his service at Fort Campbell, and I am very appreciative of his understanding of the mission of the Army, its role in protecting our country and the needs of each man and woman who wears the uniform of the United States Army. Colonel Ruggley's contributions have been immensely valuable.

Colonel Ruggley's long and impressive career began in 1971 when he was an enlisted soldier in the Army Security Agency. He graduated as the Distinguished Military Graduate from Ohio University and was commissioned in 1978 as an Infantry Officer, then served his first assignment at Berlin Brigade, Germany. He went on to complete numerous other leadership assignments: 2nd Battalion, 7th Special Forces Group (Airborne); 7th Infantry Division (Light); 1st Special Warfare Training Group and D Company, 1st Battalion, Fort Bragg, North Carolina; Special Operations Command Europe, Bosnia, and 3rd Battalion, 3rd Special Forces Group (Airborne).

His unit participated in the African Crisis Response Initiative in Malawi and Uganda and other missions in Africa. After command, he became the Deputy Director of Training and Doctrine and then Chief of Staff of the John F. Kennedy Special Warfare Center and School until 2000. After completing the Army War College, Colonel Ruggley was assigned to the Army Special Operations Command as the Deputy Chief of Staff for Personnel from 2001–2003, after which he became Garrison Commander at Fort Campbell, home of the 101st Airborne Division. During his 3-year tenure he oversaw superb support during a tumultuous time for the 101st Airborne Division as they redeployed from war, transformed and redeployed to Iraq last year.

Colonel Ruggley's many awards and decorations include the Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal w/4OLC, Joint Service Commendation Medal w/1OLC, Army Commendation Medal w/1OLC, Joint Service Achievement Medal, Army Achievement Medal 3/OLC, Joint Meritorious Unit Award, Army Superior Unit Award, Army Good Conduct Medal, Army Occupation Medal, National Defense Service Medal 1/OLC, Army Service Ribbon, Overseas Service Ribbon, and NATO Medal. He also has been awarded the Ranger Tab and Special Forces Tab, is a Master Parachutist, HALO Parachutist, and holds the Expert Infantryman Badge. He completed a Masters Degree in Administration from Central Michigan University and received a Masters Degree in Military Studies while attending the War College.

Mr. Speaker, Colonel Ruggley will now retire from his service in the United States Army, and Colonel Frederick W. Swope will assume the responsibility of Garrison Commander. I hope you and our colleagues will join me in welcoming Colonel Swope to his new post and recognizing the accomplished and distinguished service of Colonel Larry Ruggley, an outstanding military hero, a proven American patriot and my friend. We thank him for all he has done for his country and wish him, his wife Marie and their four children, all the best as Colonel Ruggley enters this new phase of his life.

PAYING TRIBUTE TO COLONEL WILLIAM M. "GOLDIE" AND MARY GOLDFEIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor William "Goldie" and Mary Goldfein, who will be celebrating their 50th wedding anniversary on July 22, 2006.

Goldie and Mary met in Japan in 1955. Goldie was assigned as a new officer and fighter pilot, and Mary worked as a school teacher for the Department of Defense. After their marriage in 1956, the Goldfiens had three boys, all of whom currently serve in the United States Air Force: Steve, a Major General, Dave, a selectee for Brigadier General, and Mike, a Lieutenant Colonel. They also enjoy six grandchildren, Alex, a Lieutenant in the Air Force, Travis, a senior in college, Dani, who is entering college in the fall, Diana, who is 16, Scott, who is 12, and Hannah, who is 10. All of Goldie and Mary's sons and one of their grandsons have graduated from the United States Air Force Academy.

Goldie, his sons, and grandson have accumulated over 100 years of military service and that number continues to grow. Mary has dedicated thousands of hours of service on numerous Air Force Bases. The most notable in their 20 years of service was serving as the Nanoscience and Technology and the Combined Federal campaign director.

The Goldfiens retired from the United States Air Force at Nellis Air Force Base in Las Vegas, Nevada.

Mr. Speaker, I am honored to recognize William and Mary Goldfein on the floor of the House. I commend them for their contributions to the United States Air Force, Southern Nevada community, and especially the airmen stationed at Nellis Air Force Base.

HONORING THE MEMORY OF MASSEY PALMER BEDSOLE, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. BONNER. Mr. Speaker, the city of Mobile and, indeed, the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Born in Mobile on July 21, 1928, Massey Palmer Bedsole, Jr., graduated from University Military School and then Virginia Military Institute. Upon graduation from V.M.I., Palmer served 2 years as an infantry officer, 1 year as an intelligence officer and later, in Korea, during the Korean War.

As a native of Mobile, Palmer was known by many as a champion of the arts, civic leader and philanthropist.

For many years, he was the chairman of the J.L. Bedsole Foundation, which focuses primarily on civic projects. Among other things, the foundation funds a scholarship program that provides assistance for area students from southwest Alabama to go to college, and also runs the MLK Avenue Redevelopment Corporation, which assists housing construction in lower income neighborhoods in and around Mobile.

In addition to these programs, the foundation also supports the Centre for the Living Arts, which was founded by Palmer and his lovely wife, Ann.

Palmer Bedsole was awarded the 2004 Outstanding Citizen Award of Mobile because of his creation and involvement with the Centre for the Living Arts. This center operates Space 301, an art gallery in the former Mobile Press-Register building, as well as the historic Saenger Theater. Palmer was a driving force behind the renovations of this Mobile landmark.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a successful businessman, a respected farmer and true friend to many throughout Alabama and around the country.

At 6 feet 6 inches, Palmer Bedsole was not only a tall man, but he was big in heart and generous in spirit. Naturally, he will be missed by his family—his wife of 48 years, Ann Smith Bedsole; his children, Raine Bedsole, George Demmas, Mary Martin Riser and John Henry Martin; and his grandchildren—as well as the countless friends he leaves behind.

Our thoughts and prayers are with them all at this difficult time.

HONORING HARRISON WADSWORTH ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GORDON. Mr. Speaker, I rise today to thank Harrison Wadsworth for his service this summer during his internship in our Nation's Capital. Harrison has been a tremendous help to my constituents in Tennessee's Sixth Congressional District.

As he finishes his internship, Harrison is preparing for his junior year at Johns Hopkins University, where he is majoring in political science. He is a member of Sigma Chi, and his dedication to his studies has earned him a spot on the Dean's List.

I know firsthand that Harrison comes from good stock. His father worked in my Washington, DC office for many years, and his sister has also interned here. Given the fine character of his family, I expected good things from Harrison and I was not disappointed.

Harrison's remarkable attitude and eagerness have been great assets during his time here. He has been very helpful in answering constituent concerns, guiding visitors from Middle Tennessee through the U.S. Capitol and assisting me and my staff with countless projects. His creative approach to problem solving has served him well.

I hope Harrison has enjoyed this learning experience as much as we have enjoyed having him in the office. I wish him all the best in his future endeavors.

PAYING TRIBUTE TO MARK JAGET

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mark Jaget, who recently competed in the Gobi March, a 7-day, 150-mile footrace across China's Gobi Desert.

Mark is a 39-year-old chiropractor, who, with his brother David, owns three Spinal Rehabilitation Centers in Las Vegas, Nevada.

On June 3, 2006, after completing the six-stage, 7-day footrace across one of the harshest landscapes and climates on Earth, Mark crossed the finish line in a small, remote village in the Xinjiang Province of China. Mark finished the race an impressive 9th overall, with a time of 32 hours and 56 minutes.

This was Mark's first race, and he trained for 9 months in order to prepare for his amazing performance in this self-sustaining test, where the competitors have to carry their own food and supplies. Although participants were provided with a tent, water, and dehydrated meals, this served as little consolation in the extreme heat and rugged terrain.

Mark's motivation to finish the race came by focusing on thoughts of his wife, Clare, and their children, Sebastian, who is 7, and Tristan, who is 5, with whom he had imaginary conversations during the contest to keep his spirits high.

Mr. Speaker, I am honored to recognize Mark Jaget on the floor of the House. I commend him for his overwhelming determination and appreciate his representation of our country and the State of Nevada in the Gobi March.

COMMENDING LIEUTENANT COLONEL SAMUEL I. PARKER, RECIPIENT OF THE MEDAL OF HONOR, ON HIS DISTINGUISHED SERVICE TO OUR NATION THROUGH HIS VALIANT HEROISM DURING THE FIRST WORLD WAR

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. HAYES. Mr. Speaker, I rise today to honor the outstanding service of Lieutenant Colonel Samuel I. Parker of North Carolina's 8th district. Lieutenant Colonel Parker was one of only two soldiers from North Carolina to receive the Medal of Honor for his "valiant heroism" during the First World War.

Born on October 17, 1891 in Monroe, North Carolina, Samuel Parker entered the United States Army at a young age. When the United States entered World War I, Samuel Parker, like so many of his generation, chose to put his own interests aside and lay his life on the line to serve his country.

As his citation dutifully notes, on July 18, 1918, then-Second Lieutenant Parker found himself near Soissons, France. During the attack on Soissons, two infantry battalions were merged and established a frontline position. In so doing, a gap was left between the right flank of the French 153D Division and the left flank of the 28th Infantry, exposing the left flank to enemy machine-gunfire in a rock quarry on high ground. Second Lieutenant Parker ordered his depleted platoon to follow him in an attack upon the strong point. Meeting a disorganized group of French Colonials, he persuaded them to join his platoon. They followed him through enemy fire to the crest of the hill, and rushing forward, took the quarry, capturing six machineguns and 40 prisoners. The next day when the assault continued, Second Lieutenant Parker was in command of the merged battalions. Although wounded in the foot, he refused to evacuate and continued to lead his command until the objective was reached. Seeing that the assault battalion was subjected to heavy enfilade fire due to a gap between it and the French on its left, he led his battalion through heavy fire and closed the gap, remaining in command until the newly established lines were thoroughly consolidated. In supervising this, Lieutenant Parker had to crawl on his hands and knees on account of his painful wound.

As the British statesman and philosopher Edmund Burke once said, "The only thing necessary for the triumph of evil is for good men to do nothing." That day good men like Lieutenant Parker did something, and evil did not triumph, but rather our freedom was ensured.

Unlike many of his comrades, Second Lieutenant Parker survived to receive his Medal of Honor and the Distinguished Service Cross and went on to achieve the rank of Lieutenant Colonel. He passed away on December 1, 1975 at the age of 84. It is our duty to remember the service and sacrifice of Lieutenant Colonel Samuel L. Parker and that of all our veterans.

Our veterans are the heroes who helped define our American heritage, and are living proof that freedom is never free. The memory of those we lost and the sacrifice of those who lived to tell the tale must be held in high esteem by Congress and a nation that extends our veterans its utmost respect and gratitude. As we approach the fourth of July, the anniversary of our independence, we must never forget the service of our veterans and pay tribute to those who have gone before us. Now more than ever, we must come together as a nation to unite and rally around those who continue to fight for our freedom.

PAYING TRIBUTE TO BRIAN CHRISTENSEN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. TANCREDO. Mr. Speaker, today I rise to congratulate Mr. Brian Christensen of Littleton, CO, on his victory in the NCAA Archery Recurve finals.

Mr. Christensen is a one-man team from Colorado State University, he is self-coached and his achievements are noteworthy. He has further ambitions to compete in the 2008 Summer Olympics. He has also been named Colorado Archer of the Year. Previously he has won the World Archery Festival in 2002 and 2003. Archery requires intense concentration and therefore he has used his discipline in the academic realm as well; currently he is using this in his goal of graduating with a degree in Sports Medicine.

Mr. Speaker, it is my distinct pleasure to honor Mr. Christensen and his achievements here today, and wish him all the best in his future endeavors.

THE CASE OF VALERIU PASAT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SMITH of New Jersey. Mr. Speaker, following the collapse of the Soviet Union when there were virtual open-air arms bazaars taking place across the territory of the former USSR, the United States Government purchased twenty-one fighter aircraft from the newly independent Republic of Moldova. The Moldovan official who negotiated this sale was then Defense Minister, Valeriu Pasat. This purchase was intended to keep these aircraft out of the hands of potentially hostile regimes.

Just last year, Mr. Pasat was charged with malfeasance in connection with this transaction that occurred nearly a decade ago. Allegedly, the planes were worth more than the Moldovan Government received for them in the deal approved by Chisinau. In January of this year, Mr. Pasat was convicted by a secret tribunal and received a 10-year labor camp sentence. His sentence is now awaiting appeal. Mr. Pasat maintains that the charges against him are political and linked to his work with those who oppose Moldova's current communist government. To further complicate matters, he is reportedly in poor health and is rumored to be suffering from hepatitis—a potentially life-threatening condition. Last month, a team of Ukrainian doctors was reportedly denied permission to examine him.

In response to the Pasat verdict, the U.S. Embassy in Chisinau issued a statement expressing disappointment and regret over the non-transparent manner in which his trial was conducted, as well as the judge's refusal to admit sworn statements from former U.S. officials directly involved in the matter. Additionally, Mr. Speaker, the European Union recently passed a resolution calling upon the Moldovan authorities to "ensure that the appeals process [in the Pasat case] will be allowed to proceed in a transparent fashion in accordance with international legal norms." While I make no presumption of Mr. Pasat's innocence or guilt, I share the concerns voiced by our Embassy and by the EU.

As Vice Chairman of the House Committee on International Relations and Co-Chairman of the U.S. Helsinki Commission, I am well aware of the difficulties Moldova has experienced on its path to democracy. I would also like to note the positive progress Moldova has made toward shedding its Soviet legacy and integration into the Euro-Atlantic community. This is why I am so troubled by the retrograde manner in which the Pasat trial has been conducted. It is critical that the Moldovan judicial system afford its citizens the basic legal protections common throughout the civilized world, such as due process, procedural transparency, and hearing the testimony of relevant witnesses. Moreover, Mr. Speaker, it is especial and urgent that the Moldovan authorities take all the necessary steps to protect the life and health of Mr. Pasat or any other prisoner of the state.

"POWER GRAB," BY ELIZABETH DREW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. CONYERS. Mr. Speaker, as Benjamin Franklin left the Constitutional Convention, which had been closed to the public, a citizen asked: "What kind of Government have you given us, Mr. Franklin?" Franklin replied, "A Republic, Madam, if you can keep it."

In last week's New York Review of Books, Elizabeth Drew, one of our most distinguished political analysts, discusses President Bush's "Power Grab." She forcefully reminds us that, to paraphrase Franklin, the Constitution gives Congress power co-equal with the President, but only if Congress can keep it.

Drew illustrates in painful but accurate detail how Congress repreatedly has stood by and allowed Bush to erode our constitutional powers, one bit at a time.

Drew's particular focus is on President Bush's drastically expanded use of so-called "signing statements," in which he asserts a statute's version he plans to follow, his own version. President Bush tries to claim the power to "make all laws," as well as his constitutionally assigned role to ensure the "laws be faithfully executed." He did not originate the practice, but his use of it is unprecedented in frequency, scope, and defiance of clear legislative intent. This is not a partisan issue. When President Bush reluctantly signed the recent statute banning torture, but then insisted that he would authorize non-existent exceptions, members of both parties disputed the practice.

As Drew explains, Bush's claim of "inherent authority" to ignore the law knows no bounds, no time frame or limiting principle. The genius of our system of government is its separation of powers and its structure of checks and balances. That structure is at risk today.

I urge my colleagues to ponder Elizabeth Drew's timely warning.

[From the New York Review of Books, June 22, 2006]

POWER GRAB

(By Elizabeth Drew)

During the presidency of George W. Bush, the White House has made an unprecedented reach for power. It has systematically attempted to defy, control, or threaten the institutions that could challenge it: Congress, the courts, and the press. It has attempted to upset the balance of power among the three branches of government provided for in the Constitution; but its most aggressive and consistent assaults have been against the legislative branch: Bush has time and again said that he feels free to carry out a law as he sees fit, not as Congress wrote it. Through secrecy and contemptuous treatment of Congress, the Bush White House has made the executive branch less accountable than at any time in modern American history. And because of the complaisance of Congress, it has largely succeeded in its efforts.

This power grab has received little attention because it has been carried out largely in obscurity. The press took little notice until Bush, on January 5 of this year, after signing a bill containing the McCain amendment, which placed prohibitions on torture, quietly filed a separate pronouncement, a "signing statement," that he would interpret the bill as he wished. In fact Bush had been issuing such signing statements since the outset of his administration. The Constitution distinguishes between the power of the Congress and that of the president by stating that Congress shall "make all laws" and the president shall "take care that the laws be faithfully executed." Bush claims the power to execute the laws as he interprets them, ignoring congressional intent.

Grover Norquist, a principal organizer of the conservative movement who is close to the Bush White House and usually supports its policies, says, "If you interpret the Constitution's saying that the president is commander in chief to mean that the president can do anything he wants and can ignore the laws you don't have a constitution: you have a king." He adds, "They're not trying to change the law; they're saying that they're above the law and in the case of the NSA wiretaps they break it." A few members of Congress recognize the implications of what Bush is doing and are willing to speak openly about it. Dianne Feinstein, Democratic senator from California, talks of a "very broad effort" being made "to increase the power of the executive." Chuck Hagel, Republican senator from Nebraska, says: "There's a very clear pattern of aggressively asserting executive power, and the Congress has essentially been complicit in letting him do it. The key is that Bush has a Republican Congress; of course if it was a Clinton presidency we'd be holding hearings."

The public scenes of the President surrounded by smiling legislators whom he praises for their wonderful work as he hands out the pens he has used to sign the bill are often utterly misleading. The elected officials aren't informed at that time of the President's real intentions concerning the law. After they leave, the President's signing statements—which he does not issue verbally at the time of signing—are placed in the Federal Register, a compendium of U.S. laws, which members of Congress rarely read. And they are often so technical, referring as they do to this subsection and that statute, that they are difficult to understand.

For five years, Bush has been issuing a series of signing statements which amount to a systematic attempt to take power from the legislative branch. Though Ronald Reagan started issuing signing statements to set forth his own position on a piece of legislation, he did it essentially to guide possible court rulings, and he only occasionally objected to a particular provision of a bill. Though subsequent presidents also issued such statements, they came nowhere near to making the extraordinary claims that Bush has; nor did they make such statements nearly so often.

According to an article in The Boston Globe, Bush has claimed the right to ignore more than 750 laws enacted since he became president. He has unilaterally overruled Congress on a broad range of matters, refusing, for example, to accept a requirement for more diversity in awarding government science scholarships. He has overruled numerous provisions of congressional appropriations bills that he felt impinged on his executive power. He has also overruled Congress's requirement that he report back to it on how he has implemented a number of laws. Moreover, he has refused to enforce laws protecting whistle-blowers and providing safeguards against political interference in federally funded research. Bush has also used signing statements to place severe limits on the inspectors general created by Congress to oversee federal activities, including two officials who were supposed to inspect and report to Congress on the US occupation of Iraq.

The President could of course veto a bill he doesn't like and publicly argue his objections to it. He would then run the risk that Congress would override his veto. Instead, Bush has chosen a method that is largely hidden and is difficult to challenge. As of this writing, Bush has never vetoed a bill (though he has threatened to do so in the case of a spending bill now pending in Congress). Some of the bills Bush has decided to sign and then ignore or subvert were passed over his objections; others were the result of compromises between Congress and the White House. Arlen Specter, the Republican senator from Pennsylvania and chairman of the Senate Judiciary Committee, told me, "Under the Constitution if the president doesn't like a bill he vetoes it. You don't cherry-pick the legislation."

Bush has cited two grounds for flouting the will of Congress, or of unilaterally expanding presidential powers. One is the claim of the "inherent" power of the commander in chief.

Second is a heretofore obscure doctrine called the unitary executive, which gives the president power over Congress and the courts. The concept of a unitary executive holds that the executive branch can overrule the courts and Congress on the basis of the president's own interpretations of the Constitution, in effect overturning Marbury v. Madison (1803), which established the principle of judicial review, and the constitutional concept of checks and balances.

The term "unitary government" has two different meanings: one simply refers to the president's control of the executive branch, including the supposedly independent regulatory agencies such as the SEC and the FDA. The other, much broader concept, which is used by Bush, gives the executive power superior to that of Congress and the courts. Previous presidents have asserted the right not to carry out parts of a bill, arguing that it impinged on their constitutional authority; but they were specific both in their objections and in the ways they proposed to execute the law. Clinton, for example, objected to provisions in a bill establishing a semi-autonomous National Nuclear Security Administration, which set out the reasons for removing the director. Clinton objected that that impinged on his presidential prerogatives. Bush asserts broad powers without being specific in his objections or saying how he plans to implement the law. His interpretations of the law, as in his "signing statement" on the McCain amendment, often construe the bill to mean something different from—and at times almost the opposite of—what everyone knows it means.

The concept of the unitary executive, which has been put forward in conservative circles for several years, has been advocated mainly by the Federalist Society, a group of conservative lawyers who also campaign for the nomination of conservative judges. The idea was seriously considered in the Reagan administration's Justice Department. One of its major supporters was Samuel Alito, then a lawyer in the Justice Department. In his confirmation hearing, Alito said that the memorandum he wrote saying that the president's interpretation of a bill "should be just as important as that of Congress" was "theoretical." But no president until Bush explicitly claimed that the concept of a unitary executive was a basis for overruling a bill.

The theory was formulated by John Yoo, a mid-level but highly influential attorney in the Justice Department between 2001 and 2003, who took the view that the president had the power to do pretty much whatever he wanted to do. (He also wrote the infamous memorandum defending what amounted to torture.) As White House counsel, Alberto Gonzales, now attorney general, also publicly supported the theory of the unitary executive.

The theory rests on the Oath of Office, in which, according to the Constitution, the newly elected president promises to "faithfully execute the office of President," and also on the section of Article II that states that the president "shall take care that the laws be faithfully executed." The administration has put forward unprecedented interpretations of both clauses, claiming that they give the president independent authority, unchecked by the other branches of government, to decide what the law means. This theory overlooks the fact that the framers were particularly wary of executive power. A number of constitutional scholars I have spoken with describe the administration's theory of the unitary executive as no more than a convenient fig leaf for enlarging presidential power.

Bush's claims of extraordinary power as commander in chief have been mainly invoked since September 11, 2001. He was able to exploit the anxieties the attacks had stirred, causing people to look to the President to defend them. Senator Jack Reed, Democrat of Rhode Island, recalled that everyone "looked to the presidency, not to the 535 senators and congressmen, to protect them from a further crippling attack and suspended their mistrust of government. So they [the administration] took great power, which has to be handled wisely, but they didn't."

It is under the authority of his powers as commander in chief that Bush asserted the right to keep nearly five hundred "enemy combatants" in detention in Guantanamo, of whom only ten were charged with a crime. Most were handed over by Afghan bounty hunters who were paid by the U.S. to turn in Arabs. Bush has also asserted the same authority in dealing with numerous bills passed by Congress, most spectacularly in his treatment of the McCain amendment banning "cruel, inhuman or degraded treatment" of POWs. In his signing statement, Bush said: "The executive branch shall construe [the torture provision] in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judiciary * * *"

This general formula had by then become a standard part of Bush's signing statements, though few noticed. What Bush said about the torture bill was particularly egregious since Vice President Cheney, Bush's liaison with Congress, had tried to negotiate with the Senate a provision watering down McCain's amendment, and failed. The Senate passed it by a vote of 90 to 9, and the House endorsed it by a vote of 308 to 122. It had been an open, well-publicized fight and the President lost.

In late February, shortly after Bush's signing statement on the McCain amendment, the Constitution Project, a bipartisan, nonprofit organization in Washington, issued a protest signed by former government officials of both parties, prominent conservatives, and scholars, saying that they "are deeply concerned about the risk of permanent and unchecked presidential power, and the accompanying failure of Congress to exercise its responsibility as a separate and independent branch of government." They objected to Bush's assertions that he "may not be bound" by statutes enacted by Congress, such as the McCain amendment, and that he can ignore "long-standing treaty commitments and statutes that prohibit the torture of prisoners." It concluded that "we agree that we face a constitutional crisis."

Another egregious use of the signing statements occurred when Bush said in March that, in interpreting the bill reauthorizing the Patriot Act, he would ignore the requirement that the president report to Congress on the steps taken to implement the law, thus denying that the executive should be accountable to Congress. Patrick Leahy, the ranking Democrat on the Senate Judiciary Committee, issued an angry protest calling Bush's use of signing statements "nothing short of a radical effort to re-shape the constitutional separation of powers and evade accountability and responsibility for following the law." Leahy added, "The President's signing statements are not the law, and we [the Congress] should not allow them to become the last word."

Bush went still further in his extraordinary claim of supreme power on December 17, 2005, when he acknowledged that, as revealed in The New York Times the day before, the government was conducting warrantless wiretapping of domestic calls. He claimed that he had the power to order such taps "to save lives," regardless of what the existing law said.

His claim rested on two contradictory arguments. First, he said that warrantless wiretaps were authorized in the resolution enacted three days after September 11, which said that the president could "use all necessary and appropriate force" to combat al-Qaeda. But the administration also argued that it didn't need authorization because of the inherent powers of the commander in chief. Former Senate Majority Leader Tom Daschle wrote that the administration had asked for a much broader resolution on the use of force than the one Congress approved. At the last minute the White House sought to have the resolution also include actions "in the United States" but was turned down.

One problem with the President's claims of extraordinary powers as commander in chief is that the "war on terror" is by definition an open-ended one, with no time limit on the president's powers, as Bush interprets them, to do virtually whatever he wants in order to conduct that war. There are undefined limits on how far the legislature can go in instructing the president on how to conduct a war; clearly it cannot tell him how to deploy combat troops. But during the Vietnam War, Congress used the power of the purse, voting to cut off funds. The Nixon administration didn't argue that Congress had no power to do so.

There is no way of knowing how many other laws already on the books are being reinterpreted by Bush, as he's done in the case of the NSA wiretapping program. The Foreign Intelligence Surveillance Act, or FISA, passed in 1978 after the Supreme Court had unanimously rejected as illegal Richard Nixon's domestic wiretapping, set forth what it said were the "exclusive means" by which an administration could conduct surveillance on Americans. The FISA law set up a special, secret court that could grant the government permission to wiretap American citizens after a showing of probable cause. One of the administration's justifications for initiating a wiretapping program outside the FISA law is that taps on potential terrorists must be initiated speedily; but the FISA law gives the executive three days to conduct a warrantless tap in an emergency and fifteen days if there's been a declaration of war. Gonzales complains that the law is too burdensome, since the attorney general still has to sign off on emergency taps and that they have to meet FISA standards. (A Republican senator, upon being told these complaints, said, "So what's the problem?") But the FISA law has been amended twice since it was enacted and the administration has never specifically and clearly asked Congress to revise the law to take account of changed circumstances.

The administration's wiretapping program appears to violate the Fourth Amendment's guarantee that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause. . . ." The original impetus for the Bush program reportedly came from General Michael V. Hayden, then head of the National Security Agency, which collects information in the name of national security, and Bush's nominee to head the CIA. Hayden told a receptive White House that the NSA counsel had said the program was legal. The government claims that if a member of al-Qaeda, or of a group "supportive of" al-Qaeda, calls or e-mails someone in the United States, or if someone in the U.S. initiates the conversation, the government, which could already tap the suspected terrorist, can now tap the U.S. resident as well. This raised the question whether that U.S. citizen's other calls would be tapped.

In a press briefing given at the White House by Gonzales and Hayden on January 19 this year, Gonzales emphasized that "one party to the communication has to be outside the United States" and insisted there has to be "a reasonable basis" for concluding that one party to the communication is affiliated with or "supportive of" al-Qaeda, an extremely vague standard. And the administration is now making that decision, not the FISA court. Gonzales, moreover, has told congressional committees that he couldn't rule out that the President has the authority to wiretap purely domestic calls. Asked why the administration didn't go to Congress for authorization to wiretap domestic calls in terrorism cases without seeking a warrant, Gonzales replied: "We have had discussions with Congress in the past—certain members of Congress—as to whether or not FISA could be amended to allow us to adequately deal with this kind of threat, and we were advised that that would be difficult, if not impossible." In other words, having been told that Congress was unlikely to authorize the warrantless wiretaps of domestic calls, the administration went ahead and did the tapping.

The Bush administration's reaction to the revelations about the wiretapping program has been to attack the leaks. In his statement acknowledging the wiretapping program, Bush said, "The fact that we're discussing this program is helping the enemy." In an attempt to limit congressional oversight, the administration tried to restrict the number of members of Congress it would brief on such matters.According to a presidential directive issued quietly after September 11, officials were to discuss highly classified information with only the Republican chairman and the ranking Democrat on the Senate and House Intelligence Committees—committees that were established to conduct oversight on intelligence activities following the CIA scandals in the mid-Seventies—as well as the Republican and Democratic leaders of each chamber (a total of eight people) and not with the full intelligence committees.

Under the new rules, the members of this small group of people weren't permitted to discuss the program with other members of the intelligence committees, or with their own staffs. It was for the administration to decide which intelligence matters were too sensitive to discuss with the entire intelligence committees. One problem with this White House-imposed arrangement was that just as members of other congressional committees become cozy with the government agencies they are supposed to oversee, the intelligence committee heads—with the notable exception of Democratic Senator Jay Rockefeller, of West Virginia—are known to be close to the intelligence agencies. In July 2003, Rockefeller sent Cheney a handwritten letter saying that the restrictions on briefings "raise profound oversight issues."

Rockefeller also wrote that the wiretapping program recalled the highly intrusive Pentagon Total Information Awareness program headed by John Poindexter, which Congress voted to abolish. The resemblance, he wrote, "exacerbat[ed] my concern regarding the direction the administration is moving with regard to security, technology, and surveillance." (Rockefeller released the statement following the Times's disclosure.) Earlier this year, Chuck Hagel and Olympia Snowe, Republican of Maine, threatened to vote with the Democrats for an investigation of the wiretapping program unless the full committee was briefed on it. In early March, on the eve of a scheduled vote on the matter, Cheney was called to a meeting with some committee Republicans in S207, the committee's highly secured room in the Capitol. The Republicans, including Snowe, sharply criticized Cheney for the administration's attempts to prevent other committee members from being briefed about the program.

Cheney had to report to the White House that its plan to shut out all but the top committee members was no longer feasible. But, working with Pat Roberts, chairman of the Senate Intelligence Committee, and Senate Majority Leader Bill Frist, the administration was able to limit the additional committee members to be briefed to four Republicans and three Democrats, still leaving most of the intelligence committee members, not to mention other elected officials, in the dark. On the eve of Hayden's confirmation hearings, Roberts, facing a public revolt by committee members of both parties, agreed that all of the committee members should be briefed on the surveillance programs. This was also a way of preventing committee members who hadn't been briefed from asking awkward questions in public. (This led to the tepid questioning of Hayden in his public confirmation hearings.) Despite the briefing, in the public hearing Snowe said, "the Congress was really never really consulted or informed in the manner that we could truly perform our oversight role as co-equal branches of government, not to mention—I happen to believe—required by law."

In March, after the Senate Intelligence Committee declined to hold hearings on the matter, Arlen Specter, Republican of Pennsylvania, convened four days of hearings before the Judiciary Committee. But Specter concluded that Gonzales's testimony was too vague to be informative. In late April he threatened to cut off NSA funds for the wiretapping program if the administration didn't reveal more about it. Asked by a reporter why he didn't call Gonzales back to appear before his committee, Specter replied, "Because he won't tell us anything." The administration, apparently on the orders of the White House, shut down a Justice Department investigation into the wiretapping program.

Bush's nomination of Hayden to be the next CIA director set off an undoubtedly greater clamor than the White House expected over his role in the wiretapping program and his strenuous public defense of it, but the White House claimed it welcomed the fight. And then another clamor was set off by the revelation by USA Today that the NSA was collecting the phone records of tens of millions of Americans from major telephone companies. In a statement to the press, Bush said the NSA wasn't listening to the calls but was only tracing the pattern of contacts they revealed. But it would be easy for the NSA or another agency to correlate the numbers with the names of the callers. In any event, the program is quite possibly illegal. (Specter is to hold hearings.) These disclosures led some lawmakers to wonder what else they hadn't been told that the administration was doing in the name of national security.

A big congressional fight over the wiretapping program would fit neatly into Karl Rove's strategy, declared earlier this year to a meeting of the Republican National Committee, of cynically making the issue of national security central to the 2006 election, as he did in 2002. "Republicans," he said, "have a post-9/11 worldview and many Democrats have a pre-9/11 worldview." With its penchant for propagandistic titles (the "Patriot Act"), the administration calls the warrantless wiretapping program the "terrorist surveillance" program, and it imputes to its opponents the view that terrorists should not be wiretapped. But of course that is not the issue: most of the critics on Capitol Hill are simply arguing that wiretapping programs should be subject to the law. Hagel says, "You cannot have one branch of government make the decision on whose rights would be violated. That's the very basis of having three co-equal branches of government."

As for the judicial branch, the Bush administration, like previous administrations, has tried to appoint judges compatible with the President's views. But Bush has been strikingly successful at putting extreme conservatives on the bench, and probably now has four votes on the Supreme Court for his "unitary executive" rationale for executive authority over what the other branches do. His administration has several times told the Supreme Court that it should not hear the cases of detainees. Also by his appointments and by exerting pressure Bush has bent the supposedly independent regulatory agencies (the EPA, SEC, FDA, etc.) closer to his political views—in his case, pro-deregulation—than any president before him. The explicit rationale for these agencies is that they were to be independent of both the executive and Congress. There have already been two federal court rulings charging the EPA with defying federal environmental law.

As for the press, Justice Department officials have threatened to prosecute not only officials who leak classified information, but also anyone else who simply receives classified information, whether they disclose it or not. Gonzales has suggested that journalists might be prosecuted for disclosing classified information (for example, The New York Times reporters for revealing the warrantless wiretapping program). On May 16, ABC News reported on its Web site that the FBI had stepped up government efforts to seek reporters' phone records in investigations of leaks. Many reporters and editors find it ominous that the administration prosecuted two lobbyists for AIPAC, the American Israel Public Affairs Committee, for receiving such information (as well as passing it on to Israel), and that, in early March, the FBI demanded the papers of the late investigative reporter Jack Anderson.

Cheney and his chief of staff, David Addington, formerly his counsel, are understood by most informed observers to be mainly responsible for the expansive interpretations of the president's powers, as well as the unprecedented secrecy with which the administration conducts public affairs. According to The New York Times, after September 11 Cheney and Addington pushed for the wiretapping of domestic calls. A Republican lobbyist I talked to told me that the administration's attitude on various issues is simple: "It's we just want it our way and we don't want to be bothered by talking to other people about it."

Some Republican observers suggest that Cheney is living in a time warp, reacting to what he saw as congressional encroachment (including FISA) on the president's powers during the time that he served in the Ford White House and as a minority member of a Democratic Congress. Despite rumors of a decline in his standing with Bush, Cheney remains the most powerful vice-president in American history, with an octopus-like reach into many parts of the government. He has placed his own people in each of the national security agencies—the Departments of Defense and State as well as the CIA and the National Security Council. (Until she recently took a maternity leave, his daughter Elizabeth was principal deputy assistant secretary of state for the Near East, a position that does not require Senate confirmation and from which people on Capitol Hill saw her as effectively in charge of the State Department's Middle East bureau.) Cheney installed Porter Goss in the CIA, with orders to root out people who leaked information inconvenient to the administration. It's difficult, however, to know much about what Cheney is doing because his office operates in such secrecy that a reporter friend of mine refers to it as a "black hole."

In Bush, Cheney has had a very receptive listener. Bush's own overweening attitude toward the presidency is clear from his behavior. He bristles at being challenged. He told Bob Woodward, "I do not need to explain why I say things. That's the interesting thing about being the president. Maybe somebody needs to explain to me why they say something, but I don't feel I owe anybody an explanation." His comment, "I'm the decider," about not firing Rumsfeld, is in fact a phrase he has used often.

Why have the members of Congress been so timorous in the face of the steady encroachment on their constitutional power by the executive branch? Conversations with many people in or close to Congress produced several reasons. Most members of Congress don't think in broad constitutional terms; their chief preoccupations are raising money and getting reelected. Their conversations with their constituents are about the more practical issues on voters' minds: the prices of gasoline, prescription drugs, and college tuition. Or about voters' increasing discontent with the Iraq war.

Republicans know that the President's deepening unpopularity might hurt them in the autumn elections; but, they point out, he's still a good fund-raiser and they need his help. Moreover, the Republicans are more hierarchical than the Democrats, more reverential toward their own party's president; it's unimaginable that Republicans would be as openly critical of Bush as the Democrats were of Jimmy Carter and Bill Clinton. Republicans are more disciplined about delivering their party's "talking points" to the public. Republican fund-raising is done more from the top than is the case with Democrats, and there's always the implicit threat that if a Republican isn't loyal to the president, the flow of money to their campaigns might be cut off. A Republican opponent can challenge an incumbent in a primary, in which not many people vote. Here Arlen Specter has shown unusual courage. He barely survived a conservative challenge in the primary election in 2004 (though Bush supported him), and then had to beat back a conservative attempt to remove him as chairman of the Senate Judiciary Committee because of his views in favor of abortion rights. He survived by promising not to let his pro-choice views hold up the judicial nominations before the committee. Specter told me, "What I worry about most is the restrictions of Congress's constitutional authority, which the Congress doesn't resist."

Bush's declining popularity can occasionally impel Republicans to try to seem independent of him—as, say, on the issue of Dubai being awarded a contract to administer U.S. ports; after all the administration's talk about security, this arrangement sounded outrageous in the American heartland, and members of Congress rushed to kill it. But the Republican legislators have also become convinced, in the words of one Republican senator, "We've got to hang with the president because if you start splitting with him or say the president has been abusing power we'll all go down." Karl Rove has recently been arguing along these lines to congressional Republicans. In the end, a Republican lobbyist told me, Republican politicians feel that Bush is "still their guy." The fierce partisanship on Capitol Hill also blocks serious discussion of the issue of unlimited executive power: many Republicans have concluded that the Democrats are exploiting such issues for partisan purposes and have dug in against them. On May 11, at a regular weekly luncheon of about twenty conservative senators, Senator Roberts denounced criticism of Bush's surveillance and data-collecting programs as "dangerous" and "insulting" to the President and charged the Democrats with treating national security as a political issue. Members of Congress who are protective of their institution and capable of looking beyond their parochial concerns—and who might have objected to Bush's encroachments on the legislative branch—are largely gone.

From the time of the vote on the Iraq war, many Democrats have been reluctant to be caught on the "wrong side" of "national security" issues, even those blatantly cooked up by the White House. It usually requires a strong public reaction, as there was on the subject of torture, for Congress to make a move against the President's actions. A Republican senator told me, "There's a feeling on the Hill that the public doesn't care about it, that it's willing to give up liberties in order to defeat the terrorists." Some of the proposals offered on Capitol Hill for regulating the NSA wiretaps amount to little regulation at all.

At the center of the current conflict over the Constitution is a president who surrounds himself with proven loyalists, who is not interested in complexities, and who is averse to debate and intolerant of dissenters within his administration and elsewhere. (A prominent Washington Republican who had raised a lot of money for Bush was dropped from the Christmas party list after he said something mildly critical of the President.) A Republican lobbyist close to the White House described to me what he called the Cult of Bush: "This group is all about loyalty and the definition of loyalty extends to policy-making, politics, and to the execution of policy—and to the regulatory agencies." The result, this man said, is that the people in the agencies, including the regulatory agencies, "become robotrons and just do what they're told. There's no dialogue."

The President's recent political weakness hasn't caused the White House to back away from its claims of extraordinary presidential power. The Republican lobbyist Vin Weber says, "I think they're keenly aware of the fact that they're politically weakened, but that's not the same thing as the institution of the presidency being damaged." People with very disparate political views, such as Grover Norquist and Dianne Feinstein, worry about the long-term implications of Bush's power grab. Norquist said, "These are all the powers that you don't want Hillary Clinton to have." Feinstein says, "I think it's very dangerous because other presidents will come along and this sets a precedent for them." Therefore, she says, "it's very important that Congress grapple with and make decisions about what our policies should be on torture, rendition, detainees, and wiretapping lest Bush's claimed right to set the policies, or his policies themselves, become a precedent for future presidents."

James Madison wrote in Federalist Paper No. 47: "The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many . . . may justly be pronounced the very definition of tyranny."

That extraordinary powers have, under Bush, been accumulated in the "same hands" is now undeniable. For the first time in more than thirty years, and to a greater extent than even then, our constitutional form of government is in jeopardy.

TRIBUTE TO LIZ COVENTRY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, it is with a great sense of pride and with an overwhelming sense of sadness that I rise today to pay tribute to the lifelong career of public service of Liz Coventry.

Liz has been a loyal supporter, advisor, friend, and confidante for nearly a decade.

Throughout my years in the New Jersey State Legislature and my tenure in Congress, Liz has been an integral part of the team that I depend upon and my constituents look to for assistance and guidance. There is no job too big for Liz's breadth of expertise and knowledge—she can accomplish any task before her. And, there is no job too small for Liz—she is a true team player, pitching in whenever she can and wherever she is needed.

In her capacity on my Congressional staff, Liz has been a great help to countless constituents. She truly takes each individual case to heart. No one who sits with Liz at her desk ever feels like a case number; she gives each person a real personal touch.

Liz has also been organizing a number of special projects for Fifth District residents, such as the art competition and a veterans history project. Her dedication to the art competition is worthy of the art patronage of the Medici Family during the Renaissance. She makes everyone of these young artists feel like Michelangelo or DaVinci. And, her commitment to the veterans history project is unparalleled. She is a one-woman USO, making every veteran she speaks with feel like the marines at Iwo Jima.

Liz has recently decided to take a well-deserved retirement after years in selfless public service. I know that my whole staff, my constituents, and I will miss her dearly, but we wish her the very best as she takes this grand step.

PAYING TRIBUTE TO RUEDY EDGINGTON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mr. Ruedy Edgington as he leaves the Nevada Department of Transportation (NDOT).

Ruedy has been at the NDOT for 26 years. He has accepted a position as Parson Transportation Group's Area Manager. In his new role as Area Manager, Ruedy will manage over 50 Parson's employees in Northern and Southern Nevada and will oversee the road and highway projects in Nevada, Utah, and Idaho.

Upon graduation from the University of Nevada, Reno in 1981, Ruedy began work for NDOT's Bridge Section where he worked for nine years. He then moved on to a position as the Assistant Materials Engineer to gain more experience in the field. In 1998, Ruedy was promoted to the position of chief construction engineer. He was again promoted in 1999 to become the assistant director for operations, and in 2004, Ruedy became the Assistant Director for Engineering. After serving NDOT for over 25 years, Ruedy is apprehensive about his career change, but he is looking forward to the new challenges and opportunities that await him at the Parson Transportation Group.

Over the years Ruedy has led a number of special projects including: streamlining NDOT's in-house National Environmental Policy Act process, scheduling and tracking system for NDOT's in-house projects, developing Disputer Resolution Boards, and developing the initial bridge seismic retrofit program for NDOT.

Ruedy and his family have raised funds for the Juvenile Diabetes Research Foundation, and have visited my office during their efforts. Ruedy loves to run and bike, but his favorite activity is spending time with his wife, Allyson, and their sons, Eric, who is 13, and Matthew, who is 10.

Mr. Speaker, I am honored to recognize Ruedy Edgington on the floor of the House. I commend him for his tremendous efforts for the state of Nevada, as well as his efforts to fight against Juvenile Diabetes.

PLAYING POLITICS WITH IRAQ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. RANGEL. Mr. Speaker, I rise today to submit to the record an opinion editorial from the June 26, New York Times entitled "Playing Politics with Iraq" by Bob Herbert in which the columnist alleges by giving the public what it wants, an orderly withdrawal from Iraq, the Bush administration is seeking political advantage from the conflict in Iraq, making the war part of a campaign strategy.

The post-war occupation of Iraq has not gone smoothly. This has had considerable influence on the approval rating of President Bush and the popularity of his policies. As such, the Bush Administration and Republican Congressional leadership seeks to turn the debate over the Iraq War in their favor. Their plan is to possibly reduce the number of troops in Iraq before this fall's Congressional elections, with possibly even bigger cuts before the 2008 elections. Yet even while the Bush Administration appears to be executing a withdrawal of a significant number of U.S. troops in the coming month its Republican allies in the Congress are relentlessly claiming that anyone who proposes a withdrawal of troops to be proponents of a "cut and run" appeasement. Is the President and his administration to be accused of "cut and run"?

The Bush White House and Republican Congressional leadership are playing politics with Iraq. More than 2,500 American troops who answered the call to wage war in Iraq have already perished and thousands more are struggling with coming to terms with the emotional trauma and anguish as a result of their sacrifice. They deserve better, and we owe it to them to do better. We need to move beyond partisan politics because they only serve to deviate us from our main goal—the establishment of a safe and democratic Iraq state.

As a War veteran, I know from experience how sound policy can lessen the damaging effect a war like Iraq can have on the individual. I do not think the Iraq War should be part of any party's campaign strategy. Mr. Speaker I call upon the Republican Congressional Leadership to end this divisive practice of using the Iraq war for political gain or advantage.

[From the New York Times, June 26, 2006]

PLAYING POLITICS WITH IRAQ

(By Bob Herbert)

If hell didn't exist, we'd have to invent it. We'd need a place to send the public officials who are playing politics with the lives of the men and women sent off to fight George W. Bush's calamitous war in Iraq.

The administration and its allies have been mercilessly bashing Democrats who argued that the U.S. should begin developing a timetable for the withdrawal of American forces. Republicans stood up on the Senate floor last week, one after another, to chant like cultists from the Karl Rove playbook: We're tough. You're not. Cut-and-run. Nyah-nyah-nyah!

"Withdrawal is not an option," declared the Senate majority leader, Bill Frist, who sounded like an actor trying on personas that ranged from Barry Goldwater to General Patton. "Surrender," said the bellicose Mr. Frist, "is not a solution."

Any talk about bringing home the troops, in the Senate majority leader's view, was "dangerous, reckless and shameless."

But then on Sunday we learned that the president's own point man in Iraq, Gen. George Casey, had fashioned the very thing that ol' blood-and-guts Frist and his C-Span brigade had ranted against: a withdrawal plan.

Are Karl Rove and his liege lord, the bait-and-switch king, trying to have it both ways? You bet. And that ought to be a crime, because there are real lives at stake.

The first significant cut under General Casey's plan, according to an article by Michael Gordon in yesterday's Times, would occur in September. That, of course, would be perfect timing for Republicans campaigning for reelection in November. How's that for a coincidence?

As Mr. Gordon wrote: "If executed, the plan could have considerable political significance. The first reductions would take place before this fall's Congressional elections, while even bigger cuts might come before the 2008 presidential election."

The general's proposal does not call for a complete withdrawal of American troops, and it makes clear that any withdrawals are contingent on progress in the war (which is going horribly at the moment) and improvements in the quality of the fledgling Iraqi government and its security forces.

The one thing you can be sure of is that the administration will milk as much political advantage as it can from this vague and open-ended proposal. If the election is looking ugly for the G.O.P., a certain number of troops will find themselves waking up stateside instead of in the desert in September and October.

I wonder whether Americans will ever become fed up with the loathsome politicking, the fear-mongering, the dissembling and the gruesome incompetence of this crowd. From the Bush-Rove perspective, General Casey's plan is not a serious strategic proposal. It's a straw in the political wind.

How many casualties will be enough? More than 2,500 American troops who dutifully answered President Bush's call to wage war in Iraq have already perished, and thousands more are struggling in agony with bodies that have been torn or blown apart and psyches that have been permanently wounded.

Has the war been worth their sacrifice?

How many still have to die before we reach a consensus that we've overpaid for Mr. Bush's mad adventure? Will 5,000 American deaths be enough? Ten thousand?

The killing continued unabated last week. Iraq is a sinkhole of destruction, and if

Americans could see it close up, the way we saw New Orleans in the immediate aftermath of Katrina, they would be stupefied.

Americans need to understand that Mr. Bush's invasion of Iraq was a strategic blunder of the highest magnitude. It has resulted in mind-boggling levels of bloodshed, chaos and misery in Iraq, and it certainly hasn't made the U.S. any safer.

We've had enough clownish debates on the Senate floor and elsewhere. We've had enough muscle-flexing in the White House and on Capitol Hill by guys who ran and hid when they were young and their country was at war. And it's time to stop using generals and their forces under fire in the field for cheap partisan political purposes.

The question that needs to be answered, honestly and urgently (and without regard to partisan politics), is how best to extricate overstretched American troops—some of them serving their third or fourth tours—from the flaming quicksand of an unwinnable war.

PAYING TRIBUTE TO JOSHUA MARC DAVIDSON

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. TANCREDO. Mr. Speaker, I would like to congratulate a young man from Greenwood Village, Colorado, Mr. Joshua Marc Jacobson, for earning a Congressional Award Gold Medal.

The Congressional Award program challenges talented young men and women to be active in their communities, develop leadership skills, and challenge themselves physically and to go on expeditions domestically or internationally.

Josh completed over 400 hours of community service with the most rewarding project being a food drive that he organized as the chapter president of Future Business Leaders of America. His personal development goals were achieved through part-time work with local businesses. Here he was able to develop skills in leadership that he will be taking with him as an intern for a Congressional Campaign this summer. Josh completed his physical fitness requirements by playing varsity tennis in high school, after years of hard work to achieve his goal.

Josh's commitment to his community and his desire to become a future leader is significant as he continues to grow this summer and in the years ahead.

HONORING THE ALABAMA NATIONAL GUARD 1165TH MILITARY POLICE COMPANY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to the men and women of the Alabama Army National Guard 1165th Military Police Company.

The 1165th Military Police Company, based in Fairhope, AL, is the first unit of the Alabama National Guard to be awarded the Presidential Unit Citation. This is the highest award given to any army unit and is the capstone of this highly decorated unit.

The award was given to the 1165th for their service during Operation Iraqi Freedom. For 13 months, the men and women of the 1165th conducted high profile patrols on the streets of Baghdad and trained Iraqi policemen. During their tour, the 1165th suffered many wounded soldiers and lost one fellow soldier, Specialist Christopher Taylor.

Even in times of difficulty, the morale of the 1165th remained high. On Easter Sunday 2004, after packing for the trip home, the 1165th received notice that their time in Iraq had been extended. Their dedication and commitment to the cause of freedom carried them through this time and is just one example—out of many—that speaks to why the 1165th is worthy of the Presidential Unit Citation.

The Presidential Unit Citation is given to a unit of the army forces of the United States for extraordinary heroism in action against an armed enemy. The unit must display such gallantry, determination and esprit de corps in accomplishing its mission under extremely difficult and hazardous conditions so as to set it apart from—and, in fact, above—other units participating in the same campaign.

It is an honor for me to rise today and recognize all of the brave men and women of America's armed forces and, in particular, the brave men and women of the 1165th Military Police Company.

May their dedication to the cause of freedom be an example to their families, friends, neighbors and citizens throughout Alabama and across the United States of America.

FREEDOM FOR RAFAEL CORRALES ALONSO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Rafael Corrales Alonso, political prisoner in totalitarian Cuba.

Mr. Corrales Alonso is a pro-democracy activist and a member of the 30 November Democratic Party, an island wide movement dedicated to the establishment of a democratic society, in opposition to the Castro tyranny. Unfortunately, those who believe that freedom, and human rights are the birthright of all men and women, are targeted by the tyrant's machinery of repression.

According to Amnesty International, on February 28, 2002, Mr. Corrales Alonso was arrested by the dictatorship. More than 2 years later he was tried on the supposed "crime" of "contempt" and, in a sham trial, Mr. Corrales Alonso was sentenced to 5 years in the totalitarian gulag.

Let me be very clear, Mr. Corrales Alonso is currently languishing in the depraved conditions of the totalitarian gulag for his belief in freedom. The U.S. State Department describes the conditions in the gulag as, "harsh and life threatening." The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners. It is a crime of the highest order that people are imprisoned in these nightmarish conditions simply for their belief in democracy and freedom.

Mr. Corrales Alonso is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba. President Bush addressed those brave men and women who spread the light of freedom in the darkest corners of the world when he said, in his second inaugural address, "Democratic reformers facing repression, prison, or exile can know: America sees you for who you are: the future leaders of your free country."

Mr. Corrales Alonso represents the very best of the Cuban people: No matter how intense the beatings, no matter how remorseless the repression, no matter how inhumane the conditions, he will never relent in his belief that the people of Cuba should be and will be free.

Mr. Speaker, it is as inconceivable as it is unacceptable that, in the 21st century and only 90 miles from our shore, brave men and women are locked in grotesque dungeons because they believe that all people have basic human rights. It is a profound embarrassment for mankind that the world stands by in silence and acquiescence while political prisoners are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My colleagues, we must demand the immediate and unconditional release of Rafael Corrales Alonso and every political prisoner in totalitarian Cuba.

TRIBUTE TO COUNCILMAN DR. TURNER M. SPENCER

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to pay tribute to a great citizen of the Commonwealth of Virginia and a true public servant. On June 30, 2006, Councilman Turner M. Spencer will step down from the Hampton, Virginia City Council after 20 years of dedicated service. I would like to take a few moments to highlight just some of Councilman Spencer's achievements.

Dr. Spencer holds bachelor's and master's degrees in Biology from Virginia State University, a master's degree in education from Hampton University, and a Doctorate in Higher Education Administration from the College of William and Mary.

In 1958, Dr. Spencer served his country on active duty for 2 years in the United States Army, rising to the rank of captain, and he continued his military career with the United States Army Reserves, retiring as a major. Our grateful Nation is indebted to his service.

Dr. Spencer's career in public service began in the classroom. He joined the faculty of Thomas Nelson Community College in 1968, eventually serving as Chairman of the Thomas Nelson Biology Department until his retirement in 2000. Dr. Spencer played an integral part in the education and training of thousands of students in Hampton and surrounding cities.

In addition to his distinguished personal career, Councilman Spencer has had a long and prosperous political career. In 1986, he was first appointed to the Hampton City Council. He has served continuously on the council for the last 20 years, including a term as Vice-Mayor. He has also served his city as Chairman of the Hampton Redevelopment and Housing Authority, and as Chairman of the Hampton Roads Transportation District Commission.

His expertise in transportation, an area of great importance in our State, was recognized when he was elected President of the Virginia Transit Association in 1995. In that same year, leaders from other Virginia localities selected Councilman Spencer to be a member of the Executive Committee of the Virginia Municipal League and President of the League's Transportation Policy Committee.

Councilman Spencer's service to his State has not caused him to neglect his community. He is a member of the Board of Directors for the Boys & Girls Clubs of Greater Hampton Roads, and he has served on the Board of Trustees of both Messiah Baptist Church and First Baptist Church, Hampton.

As he prepares to step down from the City Council, I have no doubt that Councilman Spencer will remain active in the community.

Whether it's through his membership in Kiwanis International or the Alpha Alpha Chapter of Omega Psi Phi Fraternity, Inc., I expect to see Councilman Spencer continuing to play a role in local and State civic affairs. I once again congratulate Councilman Spencer on his 20 years of service to the citizens of Hampton, the Commonwealth of Virginia and the United States of America.

COMMENDING OREGON STATE UNIVERSITY ON THEIR COLLEGE WORLD SERIES

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. DEFAZIO. Mr. Speaker, I rise today to congratulate Oregon State University's 2006 baseball team on their College World Series Championship June 26, 2006. This title is a fitting ending to a truly remarkable season for the Beavers. The team has made Oregon proud; this is a victory for fans throughout the state.

I'd like to recognize the individual coaches and players not only for their victory, but also for their teamwork and sportsmanship which undoubtedly contributed to this accomplishment for the team and the university. Head Coach Pat Casey, Coaches Marty Lees and Dan Spencer, Assistant Coach David Wong and Strength and Conditioning Coach Andy Dendas.

Players: Erik Ammon, Sophomore; Darwin Barney, Sophomore; Bret Bochsler, Freshman; Reed Brown, Sophomore; Dallas Buck, Junior; Brian Budrow, Freshman; Mitch Canham, Sophomore; Bryn Card, Freshman; Brett Casey, Freshman; Cory Ellis, Freshman; Derek Engelke, Sophomore; Josh Forgue, Freshman; Cole Gillespie, Junior; Ryan Gipson, Senior; Tyler Graham, Junior; Mark Grbavac, Freshman; Kevin Gunderson, Junior; Koa Kahalehoe, Freshman; Greg Keim, Junior; Jon Koller, Senior; Chris Kunda, Senior; Eddie Kunz, Sophomore; Joey Lakowske, Freshman; Greg Laybourn, Freshman; Lonnie Lechelt, Sophomore; Mike Lissman, Junior; Anton Maxwell, Junior; Jake McCormick, Junior; Shea McFeely, Senior; Jonah Nickerson, Junior; Joe Paterson, Sophomore; Casey Priceman, Sophomore; Sean Rockey, Freshman; Bill Rowe, Senior; Scott Santschi, Junior; Alex Sogard, Freshman; Dale Solomon, Freshman; Michael Stutes, Sophomore; Rob Summers, Freshman; Daniel Turpen, Sophomore; Geoff Wagner, Senior; John Wallace, Freshman.

As the underdog team throughout much of the tournament Oregon State truly impressed us with their resilience. Oregon State is the first team in 16 years to win their first College World Series game and national title in the same season. The support of the community and fans contributed much to the spirit that followed this team through their victory. Of notable credit, Jonathan Casey, son of Coach Pat Casey inspired us all with his unbreakable belief in Oregon State Baseball.

Oregon State is the first Northern-based school to win the College World Series in 40 years, I hope that this is a new trend in athletics throughout Oregon and the Pacific Northwest. Congratulations Beavers on a hard-fought and well-earned championship.

PAYING TRIBUTE TO THOM REILLY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend Mr. Thom Reilly as he prepares to resign as the Clark County Manager, which is one of the fastest growing counties in the country with more than 1.5 million residents, and is accepting the position as Vice Chancellor of the University of Nevada Health Science Services Center for the Nevada System of Higher Education.

Thom began his service to Nevada in 1987, when he took a policy analyst position in Carson City's Department of Human Resources. While working in Carson City, he had the opportunity to serve as Chief of Social Services, and was subsequently promoted to Deputy Administrator.

In 1991, Thom moved to Las Vegas and joined the Division of Child and Family Services, where he oversaw the Child Welfare System in Nevada. Thom left his state position to work for Clark County in 1997. As Director of Clark County Administrative Services, he served as Chief Administrator, and was responsible for administering and planning Clark County's legislative initiatives, franchise agreements, emergency management, policy and program development, and strategic planning efforts.

In August of 1999, Thom left Clark County to accept a position as Associate Professor at the University of Nevada, Las Vegas, UNLV. He has taught a number of graduate level courses in public administration and social work, and continues to teach on a part-time basis. Thom returned to work for Clark County in 2001, as County Manager and Chief Executive Officer.

Thom holds both a Doctorate and Master of Public Administration degrees from the University of Southern California, USC, a Master of Social Work from Arizona State University, and a B.A. from Memphis State University. He is the author of numerous articles in the areas of health and human services, environmental planning and citizen participation. Thom is also active in numerous community organizations and serves on the editorial boards for the journals Public Administration Review, PAR, and Administration in Social Work.

Recently Thom has been quoted saying, "It's been a distinct pleasure to serve the citizens of Clark County and the members of the County Commission, and I've had some wonderful years here and have worked with a lot of very talented people who take their roles as public servants very seriously. Now I look forward to continuing to serve the people of this state in my new role."

Mr. Speaker, I am honored to recognize Mr. Thom Reilly on the floor of the House. From the needs of a foster child to the needs of a vibrant and expanding community, Thom has a true gift of serving his fellow man. I am honored to have him as a friend. I commend him for his continued contributions to the state of Nevada and especially the residents of Clark County.

HONORING LANE JOHNSON ON THE COMPLETION OF HER INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GORDON. Mr. Speaker, I rise today to recognize the many contributions Lane Johnson has made while interning in my Washington, DC, office. A resident of Gallatin, Tennessee, Lane has been a wonderful addition to the office and a great servant to the constituents of Tennessee's Sixth Congressional District.

This fall, Lane will begin her final semester at the University of Tennessee, where she is majoring in agricultural economics and business. She is a member of Chi Omega, and I understand she is a member of the school's equestrian team. I hope those horses in Knoxville treat her better than the ones in Virginia did.

During her internship, Lane won over the entire staff with her ever-present eagerness and genuine interest in public affairs. She has attended briefings, addressed constituent concerns and served as a friendly and informative tour guide of the U.S. Capitol, providing visitors from Middle Tennessee with a personalized look at a national treasure.

I hope Lane has enjoyed her internship as much as my staff and I have enjoyed her presence in the office. I wish her all the best in the future.

RECOGNITION OF CORPORAL RYAN J. BUCKLEY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Cpl Ryan J. Buckley who was recently killed in action fighting for freedom in Baghdad, Iraq.

Corporal Buckley was a 21-year-old from Nokomis, Illinois and was assigned to B Company, 2nd Battalion, 506th Infantry Regiment, 101st Airborne Division, Fort Campbell, Kentucky. He graduated high school in Hillsboro, IL.

Buckley paid the ultimate sacrifice for his country. He is survived by his wife, Tina of Oak Grove, KY; mother and stepfather, Sally and Russell Nation of Hillsoro, IL; his father, Dennis Buckley of Hannibal, MO; a brother, Cody Buckley; a stepbrother, Aaron Nation; a stepsister, Danielle Nation; and many other family, friends and loved ones. I am proud of the service this young man gave to his country and the service his fellow troops perform everyday. Not enough can be said about Corporal Buckley. It is soldiers like him that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy. God bless them and may God continue to bless America.

IN MEMORY OF LOUIS JOSEPH

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. ETHERIDGE. Mr. Speaker, today I rise to honor the life of Fire Chief Louis Joseph of Erwin, North Carolina, who died March 15, 2006. In his passing, Erwin lost one of its most outstanding citizens and a man who was instrumental in his community, county, and State.

One of the area's most beloved men, my friend Louis Joseph, died Wednesday afternoon at Rex Hospital following a battle with cancer he developed from a rare respiratory disease. He was 63. Louis was the longtime Erwin fire chief and coproprietor of Joseph's Department Store in Erwin. He was diagnosed with Wegener's Granulomatosis in October 2004. After 45 years as a firefighter and 30 years as chief, Louis's health forced him to retire from the department last June.

Chief Joseph and his brother George Joseph, Jr. were sons of an immigrant father from Beirut, Lebanon. George Joseph, Sr. came to North Carolina in 1933 to work in his brother's department store in Benson. After a try in the ice cream business, Mr. Joseph, Sr. opened a men's clothing store in 1948, which led to Joseph's Department Store and the first men's clothing store in Dunn, NC. Finally in 1951 Mr. Joseph, Sr. moved his department store east to Erwin where Joseph's Department Store still stands today. Louis and his brother George Jr. both worked at the store after school and eventually took over their father's business. Both sons demonstrated a life long commitment to the business and to Erwin. Both George Sr. and George Jr. served as Erwin past mayors and George Joseph, Jr. continues to manage the department store. He continues to be among Erwin's most effective and giving community leaders.

Mr. Speaker, Chief Louis Joseph used every minute of his long and productive life to make the world a better place. He was a respected and successful businessman, a dedicated public servant, and a great North Carolinian. It is fitting that we honor him and his family today.

LEGAL AID

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God with liberty and justice for all. Justice for all—yet every year when this appropriation comes up we have to debate funding for Legal Services.

Mr. Speaker, I rise to remind this chamber about the vital and indispensable role Legal Services plays in providing access to our civil justice system for all people who would otherwise be financially incapable of seeking justice in our courts of law.

Mr. Speaker, we need to make a decision right now about what kind of government we want to be. We can either decide to ensure justice for all Americans or we can have justice for all Americans with thick wallets. We can honor all of the men and women who have sacrificed corner offices and 6-digit paychecks to work at Legal Services offices, like the one down the hall from my Chicago office, or we can turn our back on them.

I know funding is tight. I know there is a war to pay for and hundreds of other worthy causes to fund. The money pot is only so big. But this is where we need to make our decision. We promise liberty and justice to all, not liberty and justice to all who have the resources to pay for it. We are talking about the most basic representation to those Americans who have nowhere else to turn to seek justice.

When we are serious about improving race relations, relationships between law enforcement and communities, when we are serious about reducing racial profiling on our streets and roadways, in our airports and in our courtrooms, when we are serious about the real pursuit of justice for all of America, we will secure the resources necessary so that everybody will have an opportunity to bridge the gap between those who have and those who have not.

We must provide access to the judicial system for every single person who seeks it.

TRIBUTE TO ROBERT ALLEN MUIR, JR.

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. FOSSELLA. Mr. Speaker, it is with great sadness that I remember a very dear friend of mine, Robert Allen Muir, Jr. of Staten Island, New York, who recently passed away. Bob was one of the kindest, most sincere and genuine people I have ever met—and I long considered him a member of my family.

Bob was a widely respected election lawyer who worked with candidates from both sides of the aisle, including Governor George Pataki, Mayor Michael Bloomberg, Steve Forbes and myself. Bob also was an aide to Mayor Lindsay and Congressman Freddy Richmond. He had a great legal mind and he put his expertise to use helping those leaders he felt could make a positive impact on New York City, State, and the nation. In addition, Bob was filled with common sense. He understood the concerns of average Americans, and he was able to express them in simple language that always made the point.

Bob was born in New York City and moved to Staten Island in his early 20s. He later lived in Brooklyn and New Jersey until finally returning to Staten Island and the New Brighton community in 2003.

A graduate of Peddie School in Hightstown, New Jersey, Bob earned his bachelor's degree from Villanova University and his law degree from Fordham University School of Law in Manhattan.

Besides a great friendship, Bob and I also shared another passion, the New York Yankees. Bob reserved his Friday nights during baseball season for trips to the Bronx to watch his beloved Bronx Bombers. He also enjoyed outings on his boat, cooking, and gardening. He and his wife, Ilsa, were set to begin their new life in their new home. Bob designed this beautiful home himself to resemble a traditional Colonial residence. Everything was looking great until the Almighty called him home.

Along with Ilsa, Bob leaves behind two daughters Karen and Heather. All who knew Bob were grateful for his kindness and compassion. He was always fighting for the most vulnerable among us. New York State and City are a better place because of Bob Muir. We miss him dearly.

INTRODUCTION OF THE EDUCATION ASSESSMENT TECHNICAL CORRECTIONS ACT (H.R. 5717)

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. KIRK. Mr. Speaker, today I am introducing a bill that will improve No Child Left

Behind (NCLB) implementation while maintaining its important accountability provisions.

NCLB provides a crucial level of accountability for the results of study in the classroom. While this change was welcome on both sides of the aisle, this law did present some technical problems in its ground-breaking measurement and assessment of education achievement. I have worked closely with education specialists at the North Central Education Lab as well as local education professionals as part of my Education Advisory Board to gather data on NCLB implementation. This work resulted in a White paper detailing areas of concern to my local schools, coupled with practical solutions to these problems.

Specifically, this Education Assessment Technical Corrections Act focuses on highly-qualified teacher requirements, determinations of Annual Yearly Progress (AYP), and NCLB sanctions. My legislation maintains NCLB's important accountability provisions while improving implementation of the law in these key areas.

Every child deserves an excellent teacher. Unfortunately, several schools are experiencing difficulty meeting the highly-qualified teacher requirements in certain hard-to-staff areas. Much like rural teachers were given relief through rules, teachers in "hard to staff" areas should be granted relief for the highly qualified teacher provision in the form of a two year extension. However, schools must demonstrate that they are working towards full compliance in order to qualify for the extension.

Secondly, I strongly support measuring AYP for students. However, current law does not measure individual student improvement, counts students under multiple sub-groups, and creates discrepancies between NCLB and the Individuals with Disabilities Education Act. My legislation ensures that students are compared for consecutive years rather than two different classes for the same school year, places equal weight on each student, and clarifies Individualized Education Program status under NCLB. All these changes still maintain accountability measures under NCLB but provide more accurate assessments.

Now that this landmark legislation has been in effect for a few years, it is important we revisit its effects. My bill takes into consideration important practical concerns of my local school boards while staying true to the goals of NCLB. I am proud that this bill reflects the advice and counsel of the North Central Education Lab, my Education Advisory Board and the National Education Association. I want to pay special thanks to Dr. Paul Kimmelman, the chairman of our 10th Congressional district Education Advisory Board, who led much of this work.

Mr. Speaker, the Education Assessment Technical Corrections Act represents a strong bipartisan consensus, backed by school management and unions, to make the job of defining success and education achievement more accurate and useful.

HONORING REVEREND HOWARD JOHNSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to Reverend Howard Johnson for his dedication to the Truevine Missionary Baptist Church of Mobile, Alabama, where he has spent the last 24 years as pastor.

Reverend Johnson was born on June 26, 1940, in Jackson, Alabama. He was reared and educated in Clarke County. He became a member of the Bethlehem Baptist Church in Citronelle, Alabama, and served there for 12 years. He received both an associate arts degree and bachelor of arts degree from S.D. Bishop State Junior College and Mobile College between 1975 and 1976. He received his master of divinity degree in 1979 when he graduated from New Orleans Baptist Theological Seminary and his doctor of divinity degree from the Virginia Seminary. Since 1984, Reverend Johnson has served as the pastor at the Truevine Missionary Baptist Church.

Reverend Johnson has held various positions in the Mt. Olive Baptist Church and the Sweet Pilgrim Baptist Church. He has also led and been a member of many civic and religious organizations. Currently, he is the chaplain for the University of South Alabama Medical Center. He is truly a leader in our community and deserves recognition for all of his many achievements.

On Sunday, July 13, 2006, Reverend Johnson will be recognized for his 24 years of service to the Truevine Missionary Baptist Church. He and his wife, Gloria, are the proud parents of three wonderful children—a son, Private First Class Howard Johnson II; and two daughters, Zsaquez RaShaunn and Geiselle LaVonne. Private Johnson was America's first casualty in the war in Iraq. Tragically, Private Johnson's supply convoy was ambushed in the early days of the campaign in the Iraqi city of Nasiriyah. Private Johnson remains a hero not only to his family and friends but to a grateful nation.

Mr. Speaker, I ask my colleagues to join with me in congratulating Reverend Johnson on this special day and this remarkable achievement. Unfortunately, a prior engagement out of town will prevent me from joining Reverend Johnson and his family and friends as they celebrate this milestone. I know his lovely wife, Gloria, his family and his many friends join with me in praising his accomplishments and extending thanks to the Good Lord for Reverend Johnson's exemplary service over the years to the congregation of Truevine Missionary Baptist Church.

WELCOMING THE INTERNATIONAL SHIPHOLDING CORPORATION TO SOUTHWEST ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. BONNER. Mr. Speaker, today I rise to recognize and welcome the International Shipholding Corporation to the port city of Mobile, Alabama.

For six decades, the International Shipholding Corporation has been an institution in the port of New Orleans.

Unfortunately, following Hurricane Katrina, restrictions regarding the Mississippi River Gulf Outlet were placed on the shipping industry, creating a financial burden on the corporation and similar companies. After much deliberation, International Shipholding Corporation decided to move its corporate headquarters and operations of its subsidiary CG Railway Incorporated, to the port of Mobile.

When the corporation takes up residence in Mobile in early 2007, it will bring 150 jobs to the area and more than 80 related jobs in the local maritime community. The move is also expected to increase ship traffic at the Alabama State Docks by about 9 percent. Moreover, we will be proud to have International Shipholding as the only corporation in Mobile to be publicly traded on the New York Stock Exchange.

While I know the men and women of the International Shipholding Corporation are saddened to leave their roots in southern Louisiana, I sincerely hope they find that the hospitality of the people of Mobile and southwest Alabama will help to make their transition easier.

I rise today on behalf of the people of Mobile and the First District of Alabama to welcome the newest member of our corporate family, the International Shipholding Corporation.

TRIBUTE TO COLONEL BENJAMIN STEPHENSON

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the Colonel Benjamin Stephenson House in Edwardsville. This Sunday, July 2nd marks the dedication of Stephenson House and the completion of a successful community effort to reopen her doors to the public. The House is 186 years old.

The Stephenson House is on the National Register of Historic Places and is considered to be the oldest brick home in the county. The House was also a gathering place for many of Illinois' early political leaders. Benjamin Stephenson came to the Illinois Territory in 1809 where he was appointed the first sheriff of Randolph County. During the War of 1812 he attained the rank of Colonel. Stephenson also served in Congress as a representative from the Illinois Territory from 1814–1816.

Edwardsville's Historic Preservation Committee learned in 1998 that they succeeded in receiving a grant to restore the historic House. Since that time, it has been a community effort to complete the restoration. The House is now restored and furnished as it would have been in 1820, allowing visitors to learn about Illinois in its earliest days. Visitors to the House are given a tour by volunteers who dress in period costumes, giving a glimpse into 19th century life in Edwardsville.

It is my pleasure to congratulate the Stephenson House on her dedication. I wish the volunteers and staff at the Stephenson House all the best in the years to come.

PATRICK DURANTE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. HYDE. Mr. Speaker, one of the best known and admired political figures in suburban Chicago is Patrick Durante of Addison, Illinois. One of the most influential local newspapers FRA NOI recently published a commentary by Leonard Amara about Pat that is worth reading and portions of it follow:

POLITICAL UPDATE

For many years, folks from our ethnic community have demonstrated leadership in many Illinois counties. This month, we highlight the career of the highly regarded Patrick Durante. Serving as Chairman of the Addison Township Republican Organization since 1974, this is the longest term to date for a Republican township chairman from DuPage County's Republican Party.

Born in 1940, Pat's political life started in 1964 at the age of 24, as a member of the Young Republicans. He went on to serve as Addison Township YR president, DuPage County YR vice chairman, and Illinois state YR executive director. During the course of his township chairmanship, he also served as the Illinois 6th District State Central Committeeman for 9 years. This early success demonstrated Pat Durante's interest in improving his community by suggesting its agenda and taking a leadership role.

Franco Caladipiertro, a candidate for the Illinois House in the 45th District, says of his mentor: "I'm involved in the political process because of people like Pat Durante. Pat, along with Hank Gianvecchio, Ed Levato and others of Bloomingdale Township, are my role models as to what politicians should stand for, what we should aspire to be."

For Pat, as an Italian American in the early 1960s, breaking into the German/Irish/English Republican establishment in DuPage County was no easy task. There were only about a half dozen Italian Americans in the DuPage County Republican Party back then, and arguably our president wasn't well received. Having to endure the "usual Mafia, Dago barbs that were constantly spoken behind our backs," according to Pat, he takes great pride in knowing that he helped open doors, because today there are hundreds of Italian Americans in various positions throughout the DuPage County Republican Party.

Although Durante has been part of dozens of campaign staffs, and has personally run dozens of campaigns, his fondest memories include being a deputy state chairman for President Ronald Reagan; coordinator for Jim (Stringini) Ryan, Illinois attorney general and candidate for governor; and, most of all, serving as executive assistant to Congressman Henry Hyde.

In 1963, now-deceased Elmwood Park Village President Elmer Conti urged Durante to get involved in politics. Conti was also instrumental in getting Henry Hyde to run for Congress in 1974. Pat has always held that, if ever there is a non-Italian to whom Italian Americans owe a large debt, it is Hyde.

Pat's family lived on Peoria Street in the Taylor Street neighborhood. Angelo Durante, his paternal grandfather, came to America in 1901 from Laurino, Avellini, Italy, and opened up newspaper stands to make a living for his son James (Patrick's father), and his six daughters. His wife, who was a Gregorio, was also from Laurino.

His maternal grandfather, John Bertellotti came here from Stazzema, Italy, in 1911, along with his wife and two daughters, Josephine (Patrick's mother) and Corrinne. He opened John's Grocery Store at Flournoy and Loomis and became prominent in the Chicago Italian-American Chamber of Commerce.

Early in his professional life, Pat scraped up enough money to buy a house in Itasca, where he raised two wonderful children, Lori Ann and Vincent. Pat and his present wife, Kathie Cermak-Durante, currently reside in Addison. Vince and his lovely wife Katie live in Bartlett and recently presented Pat with life's greatest reward, a grandson, Nicholas.

Though Pat's parents passed away, they left him with many inspirational traits, the most compelling of which are his pride in being an Italian American and a passion for politics.

His future plans are to stay with Congressman Hyde until he concludes his term at the end of 2006. He will stay on as Addison Township chairman for a few more terms if his fellow Republicans allow him, and he will be involved in campaigns for governor, congressman and a few others. He will continue to look for young people to train in the art of politics, like his protégés, Franco Coladipietro, and Dennis Reboletti, another candidate for state representative. He will help rebuild the Republican Party, while reminding himself whence he came so he can continue to be thankful for where he is today.

COMMENDING BRIGADIER GENERAL JOSEPH J. McMENAMIN ON HIS DISTINGUISHED SERVICE TO OUR NATION UPON HIS RETIREMENT FROM THE UNITED STATES MARINE CORPS

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. HAYES. Mr. Speaker, I rise today to recognize and to pay tribute to Brigadier General Joseph J. McMenamin, United States Marine Corps, on the occasion of his retirement from active duty. General McMenamin has served our great Nation for more than 32 years. The departure of General McMenamin marks not only the end of an illustrious career filled with many honors, but also the commencement of several initiatives which, by virtue of his dynamic leadership, forward thinking approach, and accomplished diplomatic skills, will ensure that U.S. national strategy is prepared to meet and defeat the challenges of the 21st century.

A native of historical Philadelphia, Pennsylvania, General McMenamin graduated from Villanova University with a degree in political science in May, 1974 and later completed his Master of Arts degree in Strategic Studies and National Security Affairs graduating with distinction in May 1995 from the Naval War College in Newport, Rhode Island. Upon his commission as a Second Lieutenant in the Marine Corps via the Naval Reserve Officer Training Corps program, General McMenamin was assigned to 2d Battalion, 9th Marines, 3d Marine Division, Okinawa, Japan where he served as the 81mm Mortar Platoon Commander and Headquarters & Service Company Executive Officer. For heroism during a mission on the Koh Tang Island in the Gulf of Siam, General McMenamin earned a Bronze Star Medal with Combat "Y". Upon returning from Okinawa in February 1976, General McMenamin was assigned to Marine Corps Recruit Depot, San Diego, where he served as a Series Officer, Battalion Adjutant and Regimental Adjutant.

In October 1979, he transferred to the 1st Marine Division, Camp Pendleton, California where he served as the Weapons Company Commander and the Battalion Fire Support Coordinator with the 2d Battalion, 7th Marines for three years. Following this tour, he attended and graduated from Amphibious Warfare School with honors at Quantico, Virginia. Whereupon, General McMenamin reported to The Basic School to serve as a Tactics Instructor, Tactics Section Chief, Student Company Commander and Assistant Tactics Group Chief guiding the integration of tactics and weapons utilizing classroom instruction, field applications and live fire in order to produce a better trained basic Marine Officer. Selected for recruiting duty, he served as the Commanding Officer of Recruiting Station, Cincinnati, Ohio from June 1986 to June 1989. In Cincinnati, he focused on quality recruiting while reducing entry-level attrition. After recruiting duty, General McMenamin attended Marine Corps Command and Staff College graduating with honors. Completing school in June 1990, General McMenamin served an air-ground exchange tour with the 1st Marine Aircraft Wing in Okinawa, Japan participating in Operation Sea Angel in Bangladesh.

Returning to the United States in July 1991, General McMenamin was initially assigned as the G–3 Training Officer of the 2d Marine Division, Camp Lejeune, North Carolina. He later assumed command of the 2d Light Armored Infantry Battalion in July 1992 applying the post Desert Storm lessons learned into manuals for Command and Control and Combat Operations. He developed a comprehensive training program that laid the foundation for increased combat readiness and the professional development of his Marines and Sailors. Completing this assignment in February, 1994, General McMenamin completed his tour with the 2d Marine Division as the Assistant Chief of Staff, Readiness.

In 1995, General McMenamin reported for joint duty with the United States Central Command serving as the Strategy Branch Chief and Division Chief, Policy and Strategy Division in the J–5 Plans and Policy Directorate where he guided the development of the initial CENTCOM Theater Engagement Plan and the significant expansion of the Humanitarian Demining Program. In June, 1999, he reported for duty as the Commanding Officer of the Sixth Marine Corps District where he re-energized the District into a cohesive team increasing quantity and quality, reducing attrition, and focusing leadership development on long term success.

General McMenamin then served as the Commanding General, Marine Corps Recruit Depot/Eastern Region, Parris Island, South Carolina from June, 2001 until May, 2004. Under his leadership, Parris Island provided reception, processing and recruit training for 17,500 enlisted male and 2,200 enlisted females annually to accomplish entry-level skills. In addition, Parris Island achieved a historically low 10 percent male attrition over the course of three years.

In June, 2004, General McMenamin was assigned as the Director, Iraq Survey Group (ISG), Baghdad, Iraq leading the presidential directed joint coalition intelligence operations group in Baghdad, Iraq. The ISG was charged with the missions of assessing Iraq's weapons of mass destruction programs, supporting counter-terrorism and the POW/MIA search under combat conditions in support of Operation IRAQI FREEDOM.

General McMenamin assumed duties as the Assistant Division Commander of 2d Marine Division during December of 2004, returning to Iraq in February, 2005. Most significantly was his personal effort in the engagement of the newly elected Iraqi Leadership of Al Anbar Province. Through his tireless efforts and leadership, he laid the foundation for the Division's governance, economics, security and influence Lines of Operation that enabled the Iraqi citizens to continue regional development and participate in Iraq's Constitutional Referendum and the National Elections. Upon returning to the Camp Lejeune, he served as the Commanding General (Rear) for over 17,000 Marines and Sailors. He oversaw the Division's Pre-deployment Training Plan and execution of evolving training requirements at Mojave Viper in preparation for deployments to Iraq and Afghanistan.

General McMenamin's personal military decorations also include the Defense Superior Service Medal with Oak Leaf Cluster in lieu of Second Award, Legion of Merit Medal, Meritorious Service Medal, Joint Service Commendation Medal, Joint Service Achievement Medal, Navy Achievement Medal and the Combat Action Ribbon.

Throughout his career, General McMenamin demonstrated resolute character, discerning wisdom, and a sincere, selfless sense of duty to his Marines. General McMenamin's decisive decisions have and continue to contribute to the present day Marine Corps, as well as lay the foundation for the future of the Corps. We are grateful for General McMenamin's dedication, patriotism, advice and counsel. While the Marines will certainly miss him, General McMenamin's actions have already inspired the future leadership of the Corps. One needs to look no further than the Marines under his command for evidence of his mentorship and encouragement.

On behalf of my colleagues on both sides of the aisle, I would like to recognize General McMenamin's extraordinary accomplishments and his devoted service to the Nation. Congratulations to him, and to his sons Joe and Jim, on a long and distinguished career.

HONORING THE WOMEN IN AMERICAN AVIATION

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SMITH of Texas. Mr. Speaker, the Ninety-Nines, Inc. the International Organization of Women Pilots, which was founded by Amelia Earhart in 1929, is holding their International Conference in Washington, DC, July 5 through July 9, 2006.

Many of their members served as WASPS during World War II, ferrying airplanes throughout the United States and Europe. Today, their members are commercial airline pilots for major airlines, general aviation pilots and pilots in the Armed Forces serving all over the world.

The Ninety-Nines mission in the fields of aviation and aerospace is primarily educational and charitable. They have sponsored aerospace workshops for teachers, airport tours for school children, fear-of-flying clinics for airline passengers and flight revalidation seminars.

More than 75 percent of the Federal Aviation Administration pilot safety programs in the United States are sponsored by the Ninety-Nines.

Their visit to Washington during the Fourth of July is a special celebration and will allow them to honor women in aviation in this very special city that speaks to the heart of each of their members.

TRIBUTE TO FREDERICK MURPHY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. WALSH. Mr. Speaker, I rise today to rcognize 36 years of unstinting public service by Syracuse Housing Authority Director Frederick Murphy. I have known Fred for many years and I speak for many when I say he is one public servant who will be truly missed when he retires this week.

During his tenure, the Syracuse Housing Authority has become a national leader in developing tenant organizations and encouraging resident involvement. When Mayor Lee Alexander asked Fred to take this job in 1970, the authority was facing a number of serious problems. Working with HUD, Fred was able to reorganize the housing authority into the high performer it is today. In only a short time, the housing authority had achieved full occupancy and satisfied the residents.

Today Syracuse administers 2,500 public housing apartments, 1,300 for the elderly and 1,200 for families. Syracuse also manages more than 3,200 Section 8 vouchers, which bring more than $15 million each year to the annual economy.

During his tenure, SHA has added 325 units of housing for elderly and people with disabilities, along with another 225 units of family housing. The success of its Family Self Sufficiency (FSS) program—500 enrolled households and $1 million in escrow—led to its selection by HUD as a prototype home ownership program.

Since 1972, Syracuse has also put $180 million in capital funds to work modernizing aspects of every one of the city's public housing developments. Another example of Fred's leadership was the SHA decision to convert two schools to housing for the elderly, addressing an issue facing communities across the Nation.

Fred did not confine his leadership to Syracuse. He has been a strong national voice for public housing, serving on the board of the Council of Large Public Housing Authorities and testifying frequently before Congress.

I am pleased to have had the opportunity to work with him on behalf of the residents of Syracuse. And while his leadership and guidance will be missed, thousands of people will continue to benefit from his work for decades to come.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. POE. Mr. Speaker, due to other personal business, I unfortunately missed the following votes on the House floor on Wednesday, June 28, 2006.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "no" on rollcall Number 333, "yes" on rollcall Number 334, 335, 336, 337, and 338, and "no" on rollcall Number 339.

RECOGNIZING SERGEANT JASON JAMES BUZZARD, UNITED STATES ARMY, WHO WAS KILLED IN ACTION IN IRAQ ON JUNE 21, 2006

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. THOMPSON of California. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to Sergeant Jason James Buzzard, United States Army, who was killed in action in Iraq on June 21, 2006, when a bomb exploded near his cargo truck while he was engaged in combat south of Baghdad. Sergeant Buzzard, 31, a resident of Mendocino County, California, answered his country's call and paid the ultimate price.

Sergeant Buzzard was born in the town of Willits, California. He graduated from Ukiah High School in Ukiah, California, where he worked for a time before fulfilling a lifelong dream to join the military.

According to his wife Michele, Sergeant Buzzard "always wanted to defend his country." He joined the U.S. Army on February 18, 1998. He was stationed in Colorado and Korea before being stationed at Fort Hood, Texas, with the Second Battalion, Eighth Infantry Regiment, Second Brigade Combat Team, Fourth Infantry Division.

Sergeant Buzzard was deployed to Iraq in November 2005. He excelled at his job, was highly regarded by his unit and twice received the Good Conduct Medal. He was awarded the Bronze Star, Purple Heart, Army Achievement Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, Combat Action Badge and Explosive Ordinance Disposal (EOD) patch, for which he was most proud.

In addition to his wife Michele, his high school sweetheart and closest companion for 13 years, Sergeant Buzzard is survived by daughter Michala Rae, son Tristan James, parents Marilyn and Jerry Buzzard, sister Kelly Lyn MacMillan, and an extended loving family.

Mr. Speaker, Sergeant Jason James Buzzard died serving the country he loved, with comrades he loved and with the love of his family in his heart. Our Nation is humbled and grateful for his sacrifice. It is, therefore, appropriate at this time that we honor and recognize Sergeant Jason James Buzzard, U.S. Army, who gave his life in service to his country.

TRIBUTE TO RABBI STEVEN B. JACOBS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to my constituent Rabbi Steven B. Jacobs for his invaluable service to the residents of the San Fernando Valley and to people throughout the world. For the past 36 years, Rabbi Jacobs has provided an unwavering commitment to civil rights and religious pluralism. This year, Rabbi Jacobs will be retiring from his position as Senior Rabbi of Temple Kol Tikvah in Woodland Hills, California. He leaves behind a legacy that exemplifies tikkun olam, the repair and healing of the world.

For many years, Rabbi Jacobs has worked to promote social justice and inter-faith and interracial relations. In 1999, he accompanied Reverend Jesse Jackson on an interfaith delegation to Yugoslavia. That delegation sought the release of captured American soldiers. When asked whether it was difficult to balance his spiritual beliefs with his personal feelings and political opinions, the Rabbi commented: "It is in our life as religious leaders to hold hands, even with people who are our enemies."

Rabbi Jacobs demonstrates the powerful impact that people of faith can have on our society through an unrelenting commitment to the protection of religious and civil rights for all people. He was honored in 2001 with the Walter Cronkite Faith and Freedom Award, presented for his efforts to promote and preserve religious liberty.

Rabbi Jacobs has served as an influential member of the Progressive Jewish Alliance, the Southern California Board of Rabbis, the Central Conference of American Rabbis, the UNICEF National Board, and the Muslim American Homeland Security Congress of the Los Angeles County Sheriffs Department. He chaired the Governor of California's Task Force on Refugees and was a delegate to the United Nations' Conference on Refugees.

As part of his exemplary international work, Rabbi Jacobs participated in an interfaith delegation to El Salvador. He also served on a mission to Prague, Czech Republic, working in conjunction with the North American Board of Rabbis to improve Jewish-Catholic relations.

Rabbi Jacobs continues to fight racism against Muslims and to foster improved Muslim-Jewish relations in Los Angeles. In 2004, he collaborated with the Muslim Public Affairs Council and the Anti-Defamation League to condemn terrorism. His efforts to denounce hate speech have allied him with the Los Angeles County Human Relations Commission, the Southern Christian Leadership Conference, the Los Angeles Gay and Lesbian Center, and many other similar organizations. I am pleased that he will continue his work through his most recent endeavor, the Rabbi Steven B. Jacobs Progressive Faith Foundation, whose vision is to promote the values of interfaith acceptance in the public and private sectors.

The Rabbi has also fought for wage reform to help ensure a living wage for all workers. He has also worked to mobilize the traditional coalition of African Americans and Jews to ensure fair and honest elections.

It is my honor to congratulate Rabbi Steven B. Jacobs for his noble career as Kol Tikvah's senior rabbi. His work has strengthened communities of faith, increased positive social action, and added to international understanding and cooperation. He has touched and improved the lives of people of all faiths not just in the San Fernando Valley but throughout the world.

DISCRIMINATE AGAINST LANGUAGE MINORITY CITIZENS?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. RANGEL. Mr. Speaker, I rise today in opposition to the Stearns Amendment (#21). The amendment prohibits the Department expending any funds to fulfill Section 203—the Bilingual Election Assistance Provisions of the Voting Rights Act of 1965.

As a representative of one of the many multiethnic districts in New York, I am fully conscious of the need to provide bilingual assistance to our language minorities and allow all our citizens the chance to participate in the democratic process. Thus far, bilingual election assistance has facilitated voting for over 200,000 Asian Americans nationwide, and caused a 50 percent increase in the Hispanic electorate in the first decade of the adoption of this provision.

The right to vote is a fundamental characteristic of a healthy democracy. Section 203 of the Voting Rights Act gives opportunities to enable every American citizen to exercise their right to vote. Unfortunately, despite our laws, many minority voters face impediments to voting. The Stearns Amendment makes Section 203 ineffectual, removing oversight from states and localities who would be free to discriminate against tax-paying American citizens and impeding their right to vote. We can spend billions of dollars to spread democracy in Iraq but we are refusing funding to give our citizens the right to vote.

The gentleman from Florida (Mr. STEARNS) objects to the cost incurred to provide bilingual election assistance. The Oversight Hearing of the Voting Rights Act: Section 203—Bilingual Election Assistance, Part II, before the Subcommittee on Constitution, under the House Judiciary committee, revealed that 90 percent of the jurisdictions reported (in a national survey) that bilingual election assistance made up only an average of 3 percent of total election costs. Forty percent of the jurisdictions reported no extra cost for bilingual election assistance, rendering any cost-related objection to implementation of Section 203 groundless.

Eliminating Section 203 is the same as discriminating against our citizens based on their language capability. I urge my colleagues to oppose this attempt to disenfranchise American citizens. Let us not return to the era of the Jim Crow laws. As Mr. JOHN LEWIS said, "The arguments of the opponents of Section 203 are suspiciously similar to the arguments once employed for literacy tests to disenfranchise African American voters." We cannot allow a repeat of such history.

The VRA, considered by many as the most successful civil rights legislation in the country, has played a vital role in integrating all our citizens in the democratic process. Instead to proposing amendments that weaken this legislation, we must work together to immediately ensure the renewal of its expiring provisions. H.R. 9, Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendment Act of 2006, has come out of the House Judiciary Committee with a favorable voting margin of 33–1, in a rare show of bipartisanship. Let us not delay the efforts to pass this bill that has had such an important and successful effect in safeguarding the right to vote for all our citizens.

TRIBUTE TO CORPORAL BRANDON M. HARDY, U.S. MARINE CORPS, OF COCHRANVILLE, PA

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. PITTS. Mr. Speaker, I rise today to remember and honor Corporal Brandon M. Hardy of Cochranville, Pennsylvania, who laid down his life for his country.

At the age of 10, Brandon watched on television as the U.S. military liberated the people of Kuwait in Operation Desert Storm. This was his inspiration to dedicate his own life to serving his country. And that's what he did.

In July of 1999, directly after graduating from Octorara Area High School, Brandon enlisted in the United States Air Force. After serving for 5 years in the Air Force, Brandon joined the Marines and was sent to Iraq. On April 28 of this year, Brandon lost his life while conducting combat operations in Iraq.

Brandon Hardy understood what it means to live a life with purpose. He served a cause greater than himself. He served the cause of liberty. He gave his life so that we might be safer, and so 26 million Iraqis might have the chance to live in freedom.

In May, I had the opportunity to travel to Iraq, and each Iraqi official I met with—from the Prime Minister down to a local police chief—thanked America for sacrificing so much on Iraq's behalf. They deeply understand the difference that men and women like Brandon Hardy have made for Iraq and for the world. And we at home know that the Global War on Terror is being waged to keep us safe, as well. Marine Corporal Brandon Hardy served others and gave back to his country, and his life made a tremendous difference in the world because of it.

As an airman, Brandon served in supply management, and he completed his service with the Air Force as a staff sergeant on July 6, 2004. Brandon further demonstrated his dedication to defending our Nation when he re-enlisted in the military—but, this time, with the Marine Corps on January 19, 2005. On June 3, 2005, Brandon graduated from Delta Company, 1st Recruit Training Battalion, Parris Island, South Carolina. He was assigned to the Hawaii-based 3rd Assault Amphibian Battalion, 3rd Marine Regiment as an amphibious assault vehicle crewman and was promoted to corporal on April 1, 2006.

The 3rd Assault Amphibian Battalion's mission is "to transport the surface assault elements of the landing force from amphibious shipping to inland objectives during the amphibious assault and to provide support to mechanized operations ashore. The amphibious assault vehicles are primarily utilized to transport personnel in tactical operations." The battalion is part of the 1st Marine Division, a multi-role, expeditionary ground combat force, that provides fully trained units and personnel to support Operation Iraqi Freedom and Operation Enduring Freedom and other objectives in the Global War on Terrorism.

On April 28, 2006, Brandon made the supreme sacrifice for his country. He was killed while conducting combat operations against enemy forces in Al Anbar Province in Iraq when his vehicle struck an improvised explosive device.

Brandon earned a number of awards throughout his career in both the Air Force and Marine Corps, which demonstrates his professionalism and outstanding ability as an airman and a Marine. His awards include an Air Force Achievement Medal, Air Force Good Conduct Medal, Air Force Outstanding Unit Medal with Valor, Iraqi Campaign Medal, Global War on Terrorism Service Medal, National Defense Service Medal, a Purple Heart (death), and an Armed Forces Expeditionary Medal.

May God grant to Brandon's family and his fiancee the peace that passes all understanding. My prayers and most heartfelt gratitude go out to them, and I offer them my deepest condolences. I am humbled by the dedicated service and sacrifice of their loved one, Corporal Brandon Hardy. Brandon joins the revered ranks of the many thousands of men and women throughout American history who have gone before him in battle to secure the liberty of the United States of America. He is an inspiration to us all.

PAYING TRIBUTE TO AMANDA TRUMPETER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. TANCREDO. Mr. Speaker, hundreds of students compete in the Congressional Art Competition in my district. I would like to take this time to honor Amanda Trumpeter of Chatfield High School. Her winning artwork will be on display with hundreds of her peers' artwork from around the country.

Ms. Trumpeter is outstanding student in both arts and academics. She has been accepted into the Advanced Placement teacher cadet program as well as being on Honor Roll. Ms. Trumpeter has also served as the President of the National Art Honor Society.

Ms. Trumpeter has is a proud recipient of the Minneapolis College of Art and Design summer expressions pre-college scholarship for her artistic abilities.

Mr. Speaker, it is my distinct pleasure to honor Ms. Trumpeter and her achievements here today, and wish her all the best in her future endeavors.

TRIBUTE TO NEW CITIZENS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and sincerity that I take this time to congratulate the individuals who will take their oath of citizenship on July 4, 2006. In true patriotic fashion, on the day of our great Nation's celebration of independence, a naturalization ceremony will take place, welcoming new citizens of the United States of America. This memorable occasion, coordinated by the Hammond Public Library and presided over by Magistrate Judge Andrew Rodovich, will be held at Harrison Park in Hammond, Indiana.

America is a country founded by immigrants. From its beginning, settlers have come from countries around the globe to the United States in search of better lives for their families. The upcoming oath ceremony will be a shining example of what is so great about the United States of America—that people from all over the world can come together and unite as members of a free, democratic nation. These individuals realize the great things America has to offer. They realize that nowhere else in the world offers a better opportunity for success and a good life than here in America.

On July 4, 2006, the following people, representing many nations throughout the world, will take their oath of citizenship in Hammond, Indiana: Ledwin Jose Polanco Abreu, Ruchi Prabhakar Parikh, Fiona Bage, Lyubov Ezerska, Victor Rene De Leon Lopez, Simon Gomez Zuniga, Inese Steinbahs, Edgar Leonel Lopez Juarez, Kyung Ho Yum, Mila Plavsic, Elvira Tirado, Branko Prpa, Miyoko Kawanoue, Doaa Fayez El Malh, Fabian Navarro Patino, Ghali Abdul Waheb Alsaymari, Hiraben Bhogilal Devgania, Dons Monika Cox, Bertha Romero, Grace Haesuk Lee, Vasilj Plavsa, Mary Theckenath, Ilir Aliu, Young Jean Choi, Ilce Angelkoski, Elizabeth Murphy, Ernesto Berong Chan, Ivonne Golfis, Prajwal Rajappa, Georgios Mihail Krinis, Alejandro Vega, Mohammed Riaz, Eva Lazaroski, Fady Eissa El Malh, Josue Daniel Bojorquez Nunez, Barbara Ivette Quezada, Danilo Djuric, Enero Manguerra Salunga, Jose Peregrino, Maureen Alexis Stevens, Chun Gao Fred Li, John Raymond Tanner, Martha Gutierrez De Rangel, Sayyada Mushthari Begum, Aline Cortes, Sandra Elaine Fraley, Vicente Gil Baltazar, Maria Isabel Maldonado, and Aladean Naji Shalabi.

Though each individual has sought to become a citizen of the United States for his or her own reasons, be it for education, occupation, or to offer their loved ones better lives, each is inspired by the fact that the United States of America is, as Abraham Lincoln described it, a country ..."of the people, by the people, and for the people." They realize that the United States is truly a free nation. By seeking American citizenship, they have made the decision that they want to live in a place where, as guaranteed by the First Amendment of the Bill of Rights, they can practice religion as they choose, speak their minds without fear of punishment, and assemble in peaceful protest should they choose to do so.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating these individuals, who will become citizens of the United States of America on July 4, 2006, the day of our Nation's independence. They, too, will be American citizens, and they, too, will be guaranteed the inalienable rights to life, liberty, and the pursuit of happiness. We, as a free and democratic nation, congratulate them and welcome them.

KAZAKHSTAN'S CANDIDACY FOR OSCE CHAIRMANSHIP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. SMITH of New Jersey. Mr. Speaker, next week, Kassymzhomart Tokaev, the Foreign Minister of Kazakhstan, will be visiting Washington. Given Kazakhstan's growing strategic and economic significance, his agenda with U.S. Government officials and Congress is likely to be broad-ranging. But a key focus of Minister Tokaev's discussions will certainly be Kazakhstan's bid to serve in 2009 as Chair-in-Office of the 56-nation Organization for Security and Cooperation in Europe. Kazakhstan has been avidly pursuing this prestigious leadership post since 2003. The consensus decision must be made by this fall, in time for the December OSCE Ministerial Meeting.

While I support the idea of Central Asian leadership of the OSCE, my purpose today is to point out the very serious problems with Kazakhstan's candidacy. As many of my colleagues on the Helsinki Commission have concluded, awarding Kazakhstan the political leadership of OSCE in 2009 would be unwarranted and potentially dangerous for the Organization. President Nursultan Nazarbaev, in his opening statement at a recent OSCE meeting in Almaty, even admitted: "We do not . . . have established democratic principles." Therefore, allowing Kazakhstan to assume the chairmanship by default is not acceptable. Kazakhstan's chairmanship bid must be deferred until the country substantially implements its OSCE commitments, especially those on human rights and democratization.

Defenders of Kazakhstan's candidacy have pointed to the country's economic reforms and relative freedom, compared to the rest of Central Asia. I concur that Kazakhstan is far ahead of the police states of Turkmenistan or Uzbekistan. But that is no great achievement. Surpassing the worst of the worst does not confer an automatic right to hold the chairmanship of the OSCE which is dedicated to upholding human rights and promoting democracy.

It has long been the State Department's position "that any Chair of the OSCE must be in substantial compliance with all OSCE commitments." Over several years now, high-level U.S. Government officials have provided Nazarbaev and other Kazakh officials clear, concrete indicators of the progress necessary before serious consideration could be given to U.S. support for Kazakhstan's Chair-in-Office bid.

Yet long-promised political reforms in Kazakhstan have not materialized and the human rights climate remains poor, as documented in the State Department's annual reports. Kazakhstan's oil riches, strategic location and cooperation with the United States in antiterrorism programs cannot conceal the fact that the country remains an authoritarian state. President Nazarbaev has manipulated constitutional referendums and falsified elections to stay in power, while his relatives and friends have gained monopoly positions in the most profitable sectors of the economy. Independent and opposition media have been consistently harassed and pressured, and opposition politicians have been excluded from elections, or worse.

Such was the state of affairs before last December's presidential election, which was widely seen as a "make-or-break" moment for Kazakhstan. Unfortunately, the government failed to uphold its international commitments before, during and following the election. Despite repeated pledges from Nazarbaev to hold a free and fair contest, the OSCE observation mission stated the election "did not meet a number of OSCE commitments" due to "restrictions on campaigning, harassment of campaign staff and persistent and numerous cases of intimidation by the authorities" which "limited the possibility for a meaningful competition."

The election was a serious blow to Kazakhstan's chances to chair the OSCE. The recent establishment of the State Commission on the Development and Realization of the Programme of Political Reforms comes after the major elections, too late to have any definitive liberalizing effects. In addition, a string of events has accentuated the disturbing gap between OSCE commitments and Kazakhstan's implementation.

Last November, opposition politician and former Mayor of Almaty Zamanbek Nurkadilov was found dead in his home. According to Kazakh authorities, he shot himself three times—twice in the chest and once in the head. The official version of his death is, kindly put, implausible in the extreme.

In February, opposition politician Altynbek Sarsenbaev, along with his driver and unarmed bodyguard, was shot in an apple orchard outside Almaty. The official investigation has placed the blame for this brazen crime on Erzhan Utembaev, head of the administration of the Senate, who allegedly engaged the services of some security officers.

It is fair to say that this explanation for Sarsenbaev's death has failed to satisfy many observers. What is indisputable, however, is that anyone involved in opposition politics in Kazakhstan risks, in the worst case scenario, not merely electoral defeat but murder.

Furthermore, Kazakh officials have backed Russian plans to eviscerate the OSCE's Office for Democratic Institutions and Human Rights, which, among other important democracy promoting activities, undertakes the OSCE's election observation missions. This would pose a grave threat to the OSCE as an institution and as the most credible election monitoring organization in the world.

Recent statements and actions by local Kazakh authorities against a Hare Krishna community outside of Almaty and actions to penalize minority religious communities for unregistered religious practice run counter to OSCE norms and Kazakhstan's stated commitment to inter-religious tolerance.

On March 20, President Nazarbaev praised Uzbek President Islam Karimov's handling of unrest in Andijon in May 2005. Praise for the Andijon massacre that left hundreds dead in Uzbekistan—and which moved the OSCE, the U.S. Government and international organizations to call for an independent, impartial investigation—are hardly the "reforms" one expects of a country that hopes to chair the OSCE. The forced repatriation of Uzbek refugees to Uzbekistan was equally alarming.

Just today, Kazakhstan's upper house passed a highly restrictive media law that has been criticized by the OSCE's Representative on the Media and the U.S. Ambassador to Kazakhstan. It is hoped that President Nazarbaev will not sign this problematic bill into law.

Mr. Speaker, in light of these circumstances, Kazakhstan's bid to chair the OSCE in 2009 cannot be supported. I strongly believe that backing Kazakhstan's candidacy would cause more difficulties than will result from Astana's disappointment over not winning this prize.

None of this means that we should not strive to develop the best possible relations with Kazakhstan, on a mutually beneficial basis. There are many areas of current and potential cooperation between our countries, including Kazakhstan's entry into the WTO, energy, military security and anti-terrorism. Nor does my inability to support Kazakhstan's candidacy for the OSCE Chairmanship in 2009 mean that I do not hope to be able to back a future bid. Nothing would please me more than to report to this Chamber that Kazakhstan has met its commitments on democratization and human rights and richly deserves to lead the OSCE. A Kazakh chairmanship would also move the Organization eastward in the symbolic sense, bridging what has become an uncomfortable gap between the former Soviet republics and Europe.

But that moment has not yet come, Mr. Speaker. I would encourage the Kazakh leaders to avail themselves of the opportunity of additional time to constructively engage the OSCE. Working to ensure that the Organization succeeds would aid Kazakhstan's bid for a future chairmanship, while expressing sour grapes over a denial can only add to the impression that Kazakhstan is not ready for a leadership role.

The OSCE Chairmanship represents acknowledgement of progress already made, not a stimulus to future, unproven progress. Urging the Kazakhs to defer their bid would leave the door open for Astana, should demonstrable reforms on human rights and democratization be forthcoming. That progress was promised by President Nazarbaev, when he signed the Helsinki Accords as his country joined the OSCE in 1992.

INTRODUCTION OF BIRTHDAY RESOLUTION FOR WILLIAM JEFFERSON CLINTON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mrs. MALONEY. Mr. Speaker, today, along with my friend and colleague from New York, Representative NITA LOWEY, I am introducing a resolution to recognize President Clinton's 60th birthday which will occur this August 19th. President Clinton has had a long and distinguished career in public service including serving as Governor of Arkansas and President of the United States. During Clinton's two terms in the White House, this country experienced unprecedented economic expansion including the creation of 22 million jobs. He worked with our NATO allies to end the ethnic cleansing in the Balkans, and he played a major role in bringing peace to Northern Ireland. Since leaving office in 2001, President Clinton has continued to devote himself to helping people around the world through the Clinton Foundation. It is because of his commitment to not only the American people, but to the people of the world that I am honored today to recognize President Clinton's birthday and I urge my colleagues to support this resolution.

IN HONOR OF THE ASILOMAR CONFERENCE CENTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. FARR. Mr. Speaker, I rise today to celebrate the 50th anniversary of the California State Parks Asilomar Conference Center in Pacific Grove, CA. Ordinarily, one would not expect a Member to rise on the floor to acknowledge the birthday of a conference grounds, but Asilomar is no ordinary place. For starters, Asilomar is nestled in the coastal dunes of the Monterey Peninsula. The name itself is Spanish for refuge by the sea.

Asilomar also boasts an extraordinary history. It began life in 1912 as the western regional conference grounds for the YWCA on 30 acres of beach front property donated by the precursor of the Pebble Beach Company. Within a year, the YWCA hired the pioneering San Francisco architect Julia Morgan. By 1921, additional land had been donated and many buildings were completed, including the centerpiece Phoebe Hearst grand meeting hall. The center could by then accommodate up to 500 people at a time. Over the course of the 20s, Asilomar grew not only as a site for YWCA activities but also as a center for religious retreats, Scouting events, and very popular summer camps. All of that ended with the Depression. Unable to pay its bills, the YWCA decided in 1934 to cease operating Asilomar. For almost 20 years Asilomar floundered along under various concession or cooperative agreements until the YWCA finally decided to sell the property in 1951.

Finally, Mr. Speaker, Asilomar is part of my own family's story. In 1955, my father Fred Farr entered the California State Senate. And while it is true that my father cared deeply about the future of Asilomar, it is also true that my mother Janet would have never let him ignore the question of its future. That year my father authored legislation along with his Assembly counterpart, Alan Patee, directing the State Parks Department to purchase Asilomar for the now unbelievably low amount of $350,000. The bill, SB 2007, passed both houses of the legislature without opposition. Unfortunately, Governor Knight then vetoed every park bill before him that summer. Needless to say, that act did not make the Governor a very popular man on the Monterey Peninsula. The uproar over the veto forced the administration to rethink its position. In December 1955, the Governor reversed his opposition to Asilomar's purchase. In the ensuing months, my father helped to broker a purchase and operating agreement between the YWCA, Pacific Grove, and the State. Those efforts culminated in the July 1, 1956 transfer of Asilomar to the State of California.

Asilomar has since grown into one of the most unique public interest conference grounds in the world. It hosts conference groups as diverse as the annual Eco Farm conference, the Nation's largest annual organic farming gathering and an annual national gathering of electronic intelligence specialists. Last year, Asilomar saw over 175,000 guests from 1,000 different groups who netted the State over $3 million in fee revenues.

It is a legacy that my father remained supremely proud of throughout the remainder of his life. When he passed away in 1997, he had spent over 20 years on the park's official advisory commission and had spent countless hours offering formal and informal advice on the management and future of Asilomar. So while this anniversary is a celebration of a unique public park, it is also the celebration of one of my father's most cherished personal achievements.

HONORING JO MERRILL ON HER RETIREMENT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate Jo Merrill, a tireless public health advocate for healthy babies, on the occasion of her retirement from the March of Dimes after 22 years.

Today is a bittersweet day for all of us in Congress who have been involved in the effort to improve the health of babies in this country. For many Members, Jo Merrill has become the face of the March of Dimes. She educated us with the facts, challenged us to take action, and supported our efforts to improve the lives of infants through public health policy. The legacy that she leaves behind is one of healthier babies across this country, and we here in Washington will miss her wisdom and her dedication.

Jo joined the March of Dimes National Office of Government Affairs in 1984, after 10 years working for several members of Congress. The first twelve years of her tenure with the March of Dimes she focused on state based advocacy, working closely with their Chapters and Regional offices. In 1996 she moved to her current position as Director of Public Policy and Government Affairs.

Jo has played a key role in gaining enactment of a number of bills important to the March of Dimes and the health of babies. Jo made an important contribution to the creation of the State Children's Health Insurance Program (SCHIP), an effort that has resulted in the expansion of health insurance for countless uninsured children across our country. She also gave guidance for the Birth Defects Prevention Act of 1998, which authorized a comprehensive birth defects surveillance, research and prevention program at the Centers for Disease Control (CDC). She was instrumental in the development and implementation of the Children's Health Act of 2000, which established the National Center on Birth Defects and Developmental Disabilities at CDC, expanded the National Folic Acid Education Campaign, and authorized a Federal newborn screening program. And finally, Jo was a strong advocate for the reauthorization of the National Center on Birth Defects and Developmental Disabilities in 2003.

It has been my privilege to have worked with Jo to improve the health of infants through two of these major public health efforts. The first was policy aimed at increasing folic acid consumption by women in order to reduce the incidence of neural tube defects in babies. Jo was instrumental in helping my staff and I draft the Folic Acid Promotion and Birth Defects Prevention Act of 1999, which was successfully passed into law as part of the Children's Health Act of 2000. Since that time, Jo has been an effective advocate in pushing for increased funding for the Centers of Disease Control and Prevention to carry out a national folic acid education campaign, and we have been successful in making incremental progress each year in preventing these unnecessary birth defects.

My staff and I have also worked closely with Jo on the Newborn Screening Saves Lives Act. My bill will educate parents and health care providers about newborn screening, improve follow-up care for infants with an illness detected through newborn screening, and help states expand and improve their newborn screening programs, in order to help save thousands of babies each year from unnecessary disability and death. It is our hope that this legislation will pass the House and Senate in the very near future, and when it does, it will become yet another piece of the legacy that Jo leaves here in Washington.

Mr. Speaker, I want to take this opportunity to personally congratulate Jo Merrill on her retirement from the March of Dimes. I wish her the very best in her new life on the South Carolina coast. Charleston is inheriting a woman of great wisdom, charm and commitment, and I am sure that she will continue to make significant contributions in her efforts as a Public Affairs volunteer.

It is my hope that this accomplished and deserving woman will find much happiness and fulfillment in this new phase of her life. Godspeed, Jo.

COMMENDING ALFREDO GONZALEZ KAME

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to commend Alfredo Gonzales Kame.

Mr. Kame was a great father, grandfather, and soldier. He served this country with honor, even though his family was the victim of discrimination. His father and brother were interned at the Poston Internment Camp in Poston, Arizona. He fought for his country and against the prejudice impacting his family and was courageous in both fights.

Mr. Kame, of Japanese and Hispanic heritage, was always proud of his heritage and his service to his country. A World War II veteran from Hayden, Arizona, he proudly served with Company C of the 100th Infantry Battalion.

Alfredo enlisted in June 1942 and eventually wound up in Camp Shelby with the 100th. He was deployed to North Africa and was involved in a number of campaigns including Monte Cassino, Anzio-Rome, Belvedere, Rome-Arno, Bruyeres-Biffotaine, German Gothic Line, Po Valley, and Rhineland. He was wounded in battle in Vosges Mountains at Bruyeres, France on October 15, 1944.

He was awarded a Bronze Star, Purple Heart, Presidential Unit Citation with an Oak Leaf Cluster, Combat Infantryman Badge, American Campaign Medal, Eurpean African Middle Eastern Campaign Medal, Victory Medal, and Good Conduct Medal.

After his service in the Army, he returned to Hayden in 1948, where he lived until his death. He worked for 30 years as a mill foreman for Kennecott Copper Corporation and retired in 1983.

Mr. Kame leaves a great legacy for his family and his community. He lived his entire life with honor and courage. He fought valiantly in

World War II while overcoming prejudice within his country. I rise today to thank Mr. Kame and his family for their sacrifice and to ask that this Congress recognize his selflessness and service to our country.

CELEBRATION OF INDEPENDENCE DAY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. LIPINSKI. Mr. Speaker, 230 years ago today, a small and rebellious colony did an extraordinary, but simple thing. It stood up to its powerful and mighty oppressors, exploded the shackles of their tyranny and declared itself an independent nation. I rise on this Fourth of July to remember the people who gave us our present freedom, and honor them for their ability to recognize that there will always be more to unite us than divide us.

It seems obvious today that our country would be united, but in 1776, the thirteen colonies had less in common with each other than they did with their arch enemy. It is a tribute to the phenomenal leadership of our Founding Fathers that they had the vision to see past these differences, and to forge a common bond, founded on the principles that "all men are created equal," and that no government has the authority to restrict the rights of the people to life, liberty and the pursuit of happiness.

These shared values are the essence of our Union. If the signers of the Declaration of Independence were the architects of the nation, the foundations they built for us were made of the strongest stone. Even during our darkest hours, we look back on the document that launched the ship of this Republic into the rough seas of the nations of the world, and we take solace in its good words.

Mr. Speaker, the celebration of our independence is a celebration of the beliefs we hold together as a nation; it is a celebration of why we are a nation; and it is, above all, a reminder to us all that our country was founded in hope, and in the desire by the good people of the thirteen colonies to build a new nation where freedom would reign forever.

CELEBRATION OF CARIBBEAN HERITAGE MONTH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise today in celebration of Caribbean Heritage Month.

It is appropriate for our country to recognize the numerous contributions of Caribbean-Americans and our Caribbean neighbors to United States history and culture, particularly since our friendships and economic partnerships in the region continue to expand.

Caribbean immigrants are found throughout the United States, and aspects of Caribbean cultures are becoming increasingly commonplace, often touching our lives in subtle ways through art, music, literature, and science.

People from the Caribbean nations have a long and proud history here. In fact, one of our most prominent founding fathers, Alexander Hamilton, was born on the Caribbean island of Nevis and then raised in St. Croix, another island of the Caribbean.

However, meaningful contributions by Caribbean immigrants began long before the American Revolution. Beginning as early as 1619, indentured workers were brought to the Jamestown colony in what is now modern-day Virginia.

Over the next four centuries, our histories and cultures became inextricably linked, so much so that many of our communities have now become an indistinguishable mixture of Caribbean and American culture and language.

My own district in South Florida is home to Bahamians, Haitians, and Jamaicans, and people from St. Kitts, Grenada, Barbados, and several other Caribbean nations.

Many of these Caribbean immigrants, as legal residents in the U.S. have enlisted in our Armed Forces and have meritoriously served in combat, putting their lives on the line to protect the people and ideals of this Nation.

During the American Revolution, these shared ideals were evidenced by freemen from the French colony of Saint Domingue, now the Republic of Haiti, who came to the United States and fought alongside our Continental Army.

Later, in 1822, it is of note that Denmark Vessey came from St. Thomas to lead an unsuccessful slave rebellion, which was the largest ever planned in our country.

Ashley Totten and Frank Crosswaith, who were born on St. Croix, helped to establish key labor unions, some still in operation today. J. Raymond Jones from St. Thomas, who is also known as the Silver Fox, ran New York City politics in the 1900s.

John James Audubon, the acclaimed naturalist and wildlife artist, was born in the former-French territory of Saint Domingue, what is now Haiti, and inspired the American conservation society that bears his namesake. W.E.B. DuBois, the Haitian-American author and political activist, became one of the most prominent, intellectual leaders of African-American society during the 20th century.

Major Joseph Savary, a Haitian, was the first black major in the United States Army, and led the Second Battalion of Freemen of Color at the Battle of New Orleans, January 8, 1815, under then-General Andrew Jackson.

Other famous Caribbean Americans include former U.S. Representative, and first female presidential candidate, Shirley Chisholm; former Head of the Ford Foundation, Franklin Thomas; Federal Judge Constance Baker Motley, the first black woman appointed to the Federal judiciary; activists such as Stokely Carmichael, Kwame Toure, Roy Innis, Malcolm X, and Lois Farrakhan; as well as world renowned actor Sidney Poitier; civil rights activist and singer Harry Belafonte; Earl Graves, philanthropist, businessman, and publisher of Black Enterprise; and now Colin Powell, the first black U.S. Secretary of State, just to name a few.

It is indeed fitting to establish a Caribbean Heritage Month as a suitable way for our country to recognize these great Caribbean-Americans and the contributions they have made to our history and society. I am proud that these contributions have finally been recognized, and I am pleased to be joined by my colleagues to pay tribute to those who have made our nation great.

INTRODUCTION OF DIBRS LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mrs. MALONEY. Mr. Speaker, today, along with Representative CHRIS VAN HOLLEN (D–MD), I introduce legislation to force the Department of Defense (DoD) to implement fully the Defense Incident-Based Reporting System (DIBRS). I firmly believe that the best way to effectively tackle a problem such as sexual assault in the military is to have accurate data. The DoD has made several promises that DIBRS, which collects statistics about crimes committed within the military services, would be up and running by now. Congress first mandated that the Pentagon collect crime statistics in 1988. I repeat—Congress told the DoD to do this in 1988. Yet eighteen years later, DIBRS is not slated for completion until June 2007, if we can believe the DoD. This legislation will direct the Secretary of Defense to ensure that DIBRS is fully implemented by January 1, 2007. If DIBRS is not fully implemented by that date, the Secretary's salary will be deducted by $1,000 each day starting January 1, 2007. I believe that if the DoD will not take it upon itself to make this a priority, we in Congress have a responsibility to see that our mandates are met.

SENATE—*Monday, July 10, 2006*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of creation, lead us through this day. Control our thoughts, words, and deeds as we serve as Your ambassadors. Show us the tasks that deserve our attention. Keep us from the wrong focus.

Continue to sustain the Members of this body. Answer their prayers; protect them from dangers; keep them faithful.

Help us all to remember that those who take refuge in You will never be put to shame.

Bless our military men and women. Be their light in darkness. In Your great mercy defend them from perils and dangers. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will begin with a 1-hour period for morning business. At 3 o'clock this afternoon, we will start debate on H.R. 5411, the Department of Homeland Security Appropriations Act. Chairman GREGG will be here to manage the bill, and we hope that Members will come forward to offer amendments today. We will not have any rollcall votes during today's session, although I encourage Members to come forward with their opening remarks. We need to finish this bill this week and, therefore, Senators should be ready as soon as possible if they intend to offer amendments. I again encourage Senators to contact the bill managers if they would like to offer amendments so these amendments can be scheduled for the appropriate time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

SENATE AGENDA

Mr. REID. Mr. President, in Roll Call today, we learned that the Republican majority is going to attempt to finish earlier than we anticipated. In fact, the quote is that the majority leader and the majority whip have "scrapped plans to keep the Senate in session through the beginning of October, and will instead look to wrap up work on as many appropriations bills and other must pass measures before September 27."

This new adjournment date means the Senate has only 8 more weeks in which it will be in session, 40 business days. If we subtract Labor Day, that makes 39 days. If we subtract Mondays and Fridays—which seem to be what we subtract on a weekly basis—there are 23 legislative days left in the 109th Congress—23 days and so much to do.

For months, this what others have deemed the do-nothing Republican Congress has wasted time on issues such as the nuclear option, the marriage amendment, drilling in the Arctic Wildlife Refuge, flag burning, bankruptcy class action, and, of course, time and again, the estate tax repeal.

As a result, here we are with only a handful of weeks remaining—in fact, a handful of days, 23—to do so much and to address the priorities of the American people.

I had a wonderful week last week in Las Vegas, in Searchlight. I traveled the State. I spent it all in southern Nevada. The concerns I heard from my constituents are the same concerns this Republican Congress has been ignoring for the last 18 months.

For example, I traveled a few miles out of Las Vegas. Years ago it seemed as though it was a long way out of Las Vegas. From downtown Las Vegas, it is less than an hour to a place called Coyote Springs. It is partially in Lincoln County and partially in Clark County. We were there talking about a new development. At that place in the desert, they are going to build 159,000 new homes—159,000 new homes—creating half a million jobs. Those people who are going to be living in those homes and building those homes are concerned about the price of gasoline, as well they should be.

The price of gas this past week has gone up 11 cents a gallon. The average price now in Nevada is over $3 a gallon, more than 50 cents a gallon than it was just a year ago. Families are pouring their savings into their gas tanks, but this Republican Congress has done nothing to help them—and I mean nothing.

While they have been quick to address nonissues that the far right wants—and these issues have no hope of passing—they spend valuable time on the Senate floor sending a message to their base, is what we are told.

For example, have we done anything about alternative energy? Nothing—nothing to harness the sun, the wind, geothermal.

Have we done anything to look at global warming? No, nothing.

Today in Nevada and across the West and, in fact, across the world, really, people are talking about how the weather has changed. In the West, in Nevada, we are concerned about early wildfires burning hundreds of thousands of acres already. New research seems to link these to the change in climate patterns. But has the administration or this Republican Congress taken steps to reduce the risk of global climate change? No. This administration doesn't even acknowledge it exists.

When the documentary "Inconvenient Truth" came out, which is a tremendous movie showing the problems we have with global warming—ice caps dropping into the ocean, weather patterns that have changed significantly, and they are documented—when the President was asked if he was going to watch the movie, he said: Doubt it. In a cavalier fashion: I doubt it. No, not "I doubt it," "Doubt it."

As I have indicated, they are more than willing to debate pet issues of the far right, such as the definition of marriage—afraid, I guess, of angering their White House or political base by investigating and taking action on global warming.

These are tough issues relating to global warming. We have to do something. It is not going to be easy.

Health care is the same story. Today in Nevada there are almost 450,000 individuals without health insurance; more than 100,000 of them are children. Has this Republican Congress done anything in the last 18 months to help? No. We had Health Week that really wasn't a health week.

We have 23 legislative days remaining and a list of items we need to accomplish that is a mile long. To say we need to get to work is an understatement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It is my hope that the majority will make time for these important issues before we adjourn. But this afternoon, I want to focus on just two issues that must come to the floor this month: the Voting Rights Act and stem cell legislation.

There is no reason we have not dealt with these issues already. The House passed H.R. 810, the stem cell research bill, more than a year ago. The original timetable for extending the Voting Rights Act was May, the majority leader telling us he would bring the stem cell bill before the Senate came more than a year ago. But here we are with 23 days left, and there is still no specific date set for debate on either issue.

I understand we left for the recess with a stem cell agreement saying we would debate three stem cell measures, but when is not clear. We want to do it this month. That is July, finish the stem cell legislation in July. We can do it. There is 12 hours for each piece of legislation. We can do it in a few days, certainly in a week. We need to do this.

I am told that the Judiciary Committee is going to schedule markup on the voting rights legislation on Thursday. That is good. That is progress. But we need more. We need the majority leader to schedule a specific date in July for each of these issues to come to the floor. Each day these bills are delayed, the majority is withholding hope from the American people.

As to the Voting Rights Act, President Johnson came just a few feet off the Senate floor to the President's Room to sign the Voting Rights Act. People gave their lives, Mr. President, so the Voting Rights Act would pass; they literally gave their lives. I just finished reading a wonderful book called "At Canaan's Edge" by Taylor Branch. It is 800 pages all about the last year or two of Dr. King's life and what these people went through to have civil rights legislation passed and the Voting Rights Act passed. Literally, they let their blood. They were beaten, stomped, kicked, shot, stabbed, and killed.

We need to pass this Voting Rights Act. We need to move it on. It is going to expire. We need to pass it now. Reauthorizing it will help ensure that every American citizen has the ability to cast their ballot regardless of the language they speak or the color of their skin or where they live.

This legislation should be above politics and partisanship. It is about living up to our founding creed of equality and justice for all. The Voting Rights Act needs to be extended, and there is no reason for us to wait.

There is no reason for us to wait on stem cell research. Stem cell research holds promise for medical breakthroughs.

I was in church a week ago Sunday. I am not going to mention his name, but he is there every Sunday I go. When we are home in Searchlight, we go to Boulder City to church. He is in a wheelchair. He tapped me on the shoulder. I turned around, and he said: H.R. 810.

It took me a while to think what it was, and then I remembered. He has Parkinson's disease. He has hope that this will help him, as do people who are inflicted with diabetes, Lou Gehrig's disease, and Alzheimer's.

In 23 days we need to do this. This has to be part of our program this month, July: the Voting Rights Act and stem cell legislation.

So I hope my friend, the distinguished majority leader, in scheduling legislation for this month, when we get past the Homeland Security appropriations bill, will go to one of these two bills and then go to the other one and finish them. It will be a good day for the Senate and a really good day for our country.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3 p.m., with the time equally divided between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDENT pro tempore. The Senate is in morning business until the hour of 3 p.m.

Mr. WYDEN. I ask unanimous consent to be recognized.

The PRESIDENT pro tempore. Without objection, it is so ordered.

OIL COMPANY FINANCIAL DATA

Mr. WYDEN. Mr. President, I think we all know that during this part of the session the Senate is going to spend considerable time focusing on energy issues. That is certainly warranted because, if there is one thing that can be agreed on, getting a fresh energy policy is just about the most red, white, and blue step our country can take at this critical time.

During the course of this debate, one issue that is sure to come up is the issue of oil company profits. The oil companies have consistently said that they need these very large profits in order to have the funds to drill and explore for new energy sources. I certainly feel strongly about developing new energy sources and increasing production, but I have been concerned about the role of government. At a time when the oil companies are making record profits and charging record prices, Congress has still been making available record subsidies. To get some clarity on this issue, I believed it was important to get the Congressional Research Service, the independent authority, to look at these issues, to analyze the question of exactly where the oil companies are putting this gusher of revenue they have accumulated recently. The findings in the new report the Congressional Research Service has given to me are striking.

What the Congressional Research Service has found is that the return on equity of the major oil companies has gone up in the last few years six times; the amount of cash reserves of the major oil companies have has gone up, over the same time, about six times; but the amount of money the companies have devoted to exploration and capital investment has only doubled. So what that means, the bottom line, is that the major oil companies are only putting back in the ground a modest fraction of what they have been siphoning away from consumers at the pump across our country.

What I would like to do is break down this report and talk about where I believe Congress ought to go on a bipartisan basis in the years ahead.

On the issue of return on equity, I asked the Congressional Research Service to examine the years of 1999 to present. They found that, with respect to return on equity for the oil companies, it was about 4.5 percent in 1999 and it is nearly 30 percent as of last year. That is an increase of more than six times over the last 6 years. The Congressional Research Service also looked at the cash reserves of the largest oil companies over the last 6 years. They have found that this, as well, has gone up sixfold. So the companies are clearly sitting on gushers of cash from higher oil prices and higher gas prices that consumers are now paying across the country.

I believe it was then appropriate to have the Congressional Research Service analyze what the oil companies are doing with all of this money. Certainly the companies have made the argument that they are investing these profits in exploring for oil and developing new energy technology. That certainly is part of the story, but it is far from the whole picture.

According to the Congressional Research Service, the major oil companies have approximately doubled their exploration costs and their overall capital investment over the past 6 years, but that rate of increase is just a fraction of how much their cash reserves and their return on equity have grown over that period. In addition, Congressional Research Service experts indicate that much of the oil companies' capital investment has been for operating expenses, not for increasing production, and much of what they seem to have invested in exploration has gone for overseas exploration.

Again, you come back to what I think is the clear conclusion of this particular analysis: The American people are seeing the oil companies put back in the ground just a modest part of what the consumer is coughing up at gas pumps across the land.

One of the questions I hope we will ask over this next period of the Senate being in session is, Why are the oil companies not putting some of their burgeoning cash reserves into investment in other technologies, particularly new renewable energy technologies which could help the oil industry diversify and help reduce our Nation's dependence on foreign energy? We ought to examine that issue, and certainly what the Congressional Research Service has done for my office makes a different contribution with respect to this debate and one that I think warrants thorough examination.

The Congressional Research Service looked, for me, at the 10–K reports the oil companies file with the Securities and Exchange Commission. That is the information which Exxon and BP and Shell and Chevron and ConocoPhillips, Valero and Sunoco and Total report to their investors and to Wall Street. But what is in those 10–Ks that are given over to the Securities and Exchange Commission is not the story the oil companies seem to be telling the American people. The oil companies have been running ads in newspapers, claiming that their profits are in line with those of other industries. For example, the American Petroleum Institute has been running a newspaper ad showing the oil and natural gas industry's earnings of 5.9 cents on a dollar of sales, which is just above the 5.6-percent average for all industries. But suffice it to say, how many of the industries listed in these oil company ads are getting the 30-percent rate of return on equity that the Congressional Research Service has found in the report that I make public today?

The oil industry wants the public to believe that the record profits they are making are in line with other businesses, but it seems to me the Congressional Research Service analysis of the oil companies' own reports to the Government tells a very different story. This is particularly important right now because I believe the American people deserve a true accounting of what has been going on behind the numbers at the gas pump and where their hard-earned money has been going for the past several years. The report I release today on oil company financial data shows the oil industry's profits are not only greater than the profits of other businesses, but they also show how the oil companies have not been straight with the American people.

I also think it is timely to have this information about oil company profits because of the debate in both the Senate and in the other body about oil royalty giveaways to the oil industry. At a time of record prices, when oil companies are making record profits that are above what other industries are earning, the question is, Should the oil companies continue to get record subsidies from the taxpayers?

In May, the House of Representatives held a historic vote to put an end to taxpayer-funded royalty giveaways to profitable oil companies. The House of Representatives voted overwhelmingly on a bipartisan basis to put a stop to this waste of taxpayer funds. Just a few weeks before that House vote, I spent nearly 5 hours trying to get a vote here in the Senate on exactly this issue. But despite that extended discussion, I was unable to get an up-or-down vote on my proposal to stop ladling out tens of billions of dollars of unnecessary subsidies to the oil sector.

I believe the Senate ought to have an opportunity to debate and vote on the oil royalty issue, and it seems especially timely after the new report the Congressional Research Service has supplied to me. With the Government Accountability Office estimating that tens of billions of taxpayer dollars could be lost as a result of the oil royalty program, this issue is too important to duck.

Over the next few weeks, as the Senate debates energy, I am hopeful that the Senate will think carefully about the findings of the independent Congressional Research Service. The Congressional Research Service analysis indicates to me that the oil industry in their advertisements and other promotions is not being straight with the American people. The Congressional Research Service has given us a good sense of where the oil sector is actually putting their money, and at a time when their rate of return on equity—30 percent—is certainly very strong and we look at where their cash reserves are—and they are sitting on piles of money—we are not seeing those dollars put back into exploration and development here in our country so we can have a new red, white, and blue energy policy that makes us independent from sources of foreign oil.

Let's work to have a debate in the Senate based on the facts. The Congressional Research Service has now given us illuminating information about what the facts are. Let's make better use of taxpayer dollars than to give away tens of billions of dollars in royalties in a program that began when oil was $19 a barrel and now frequently is well over $70 a barrel. This is a time for the Senate to come together on a bipartisan basis to look at these issues carefully. The Congressional Research Service report provides an opportunity to get the facts out—the real facts—about what is going on in this critical sector of our economy.

I ask unanimous consent that the report of the Congressional Research Service be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 5, 2006.

MEMORANDUM

To: Hon. RON WYDEN.
Subject: Oil Company Financial Data.
From: Robert Pirog, Specialist in Energy Economics and Policy, Resources, Science, and Industry Division.

This memorandum is written in response to your request for financial data for selected oil companies for the period 1999 to 2005. The companies for which you requested data are ExxonMobil, BP, Shell, Valero, Chevron, ConocoPhillips, Sunoco, and Total SA. The analysis is complicated by reason of mergers and acquisitions among the selected firms, differences in U.S. and international accounting standards, currency exchange rates, differences in the size of the selected companies, and differences in the extent to which the selected companies participate in all aspects of the oil business. The likely effects of these factors will be noted in the appropriate sections of this memorandum.

Profit rates

Profit rates are usually expressed as net income as a percentage of a relevant base: usually revenue, shareholder equity, or assets. Each profit rate provides a different measure of the success of the firm. Profit relative to revenue shows how well the firm translates revenue into net income. Profit relative to shareholder equity shows how effective the firm is in utilizing the capital invested in the firm by its owners, the shareholders. Profit relative to assets shows how effective the firm is in utilizing its total asset base to generate net income.

Table 1 shows the average return on revenue and the return on equity for the eight selected oil companies. The averages are simple averages; they do not assign weights to account for the different sizes of the firms in the group. ExxonMobil, the largest company in the group, has total revenues over ten times as large as Sunoco, the smallest company in the group. However, a weighted average would still not account for the fact that the sample of eight companies is only a fraction of the industry. For example, the Oil and Gas Journal includes over 130 companies in its oil and gas firms' earning report.

TABLE 1. RATES OF RETURN FOR SELECTED OIL COMPANIES

[Percentages]

Year	% Return on revenue	% Return on equity
1999	2.88	4.64
2000	5.79	24.85
2001	5.36	16.67
2002	3.89	8.11
2003	5.23	18.47
2004	6.45	26.18
2005	7.10	29.38

Source: Security and Exchange Commission Forms 10–K and 20–F, Company Financial Reports.

Over the seven year period, the average return on revenue was 5.24 percent, while the average return on equity was 18.32 percent. Both profit measures increased when the recent increases in the price of oil began in

2003. Two of the companies in the data set, Valero and Sunoco, are refiners and marketers with no crude oil production. These two firms were not, therefore, positioned to benefit directly from increases in the price of crude oil.

Cash reserves

Companies might accumulate cash reserves in anticipation of a major merger or acquisition, before a share re-purchase, or before a capital investment expenditure. In the case of the selected oil companies, these reasons might be augmented by the rapid expansion of sales revenues associated with the increases in the prices of crude oil and products from 2003 through 2005. Large investment projects take time to plan and execute, and it may be that the rapidly increasing revenues these firms realized could not be efficiently allocated in the available time.

Both upstream (exploration and production) and downstream (refining and marketing) investments in the oil industry tend to cost billions of dollars and take years to plan, complete, and realize returns from. Investment decisions are based on company estimates of the long-term, expected, price of oil. It may not be that the current market price of oil is equivalent to the companies' long-term expected price of oil. If the long-term planning price of oil is significantly lower than the current market price, it might appear that the companies have not increased investment in capacity to a degree commensurate with increased market prices.

TABLE 2. CASH RESERVES OF SELECTED OIL COMPANIES

[In millions of dollars]

Year	Cash reserves
1999	9,495
2000	27,185
2001	23,875
2002	20,908
2003	24,764
2004	41,323
2005	57,828

Source: Security and Exchange Commission Forms 10–K and 20–F, Company Financial Reports. Note: Shell, Valero, and ConocoPhillips data could not be obtained for 1999. Shell data could not be obtained for 2000.

Table 2 shows that the cash reserves of the selected oil companies have more than doubled from 2001 to 2005, the period of complete data. In 2005, three companies, ExxonMobil, Shell, and Chevron accounted for over 87 percent of the total cash reserves.

Exploration and capital investment

Exploration expenses are undertaken to locate and develop new commercially viable deposits of crude oil and natural gas. Two of the eight companies in the data set, Valero and Sunoco, have no exploration expenses since they operate only in the downstream portion of the industry. Since oil fields deplete over time and production tends to decline, oil producers must carry out a successful exploration program to keep their reserve and production positions constant. However, it cannot be determined from financial data which exploration expenses are "net" in the sense of increasing production and reserves, and which are "gross", including depletion replacement. As a result, increasing exploration expenses are not necessarily tied to increased production capability or reserves. Most of the firms also report dry hole expenses in exploration. Dry holes do not add to either production capacity or reserves.

Capital investment expenditures were drawn from the companies cash flow statements. These values represent actual outlays made during the year. As a result, the values for capital investment reported in Table 3 represent gross investment, rather than investment net of depreciation. In the current economic environment, it is likely that all investments, new, as, well as those that replace depreciated assets, must pass a profitability test to be undertaken. As a result, gross investment is likely to represent well the companies investment decisions.

TABLE 3. EXPLORATION AND CAPITAL INVESTMENT EXPENDITURES OF SELECTED OIL COMPANIES

[In millions of dollars]

Year	Exploration expense	Capital investment
1999	1,794	32,835
2000	3,114	36,417
2001	3,843	52,798
2002	4,231	55,577
2003	5,018	56,558
2004	5,318	58,304
2005	4,704	68,884

Source: Security and Exchange Commission Forms 10–K and 20–F, Company Financial Reports. Note: Shell and ConocoPhillips exploration data was not available for 1999. ConocoPhillips capital investment data was not available for 1999.

Conclusion

The oil industry operates in a volatile, short run market in which many decisions have long term implications. The upstream portion of the market is increasingly controlled by national oil companies, not private firms. The market is also affected by political forces.

The private oil companies have the responsibility of making decisions in the best interests of their shareholders. However, because their products are important to the functioning of national economies, their decisions are also of interest to the public. This dual responsibility must be balanced by the companies.

Mr. WYDEN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to the immediate consideration of H.R. 5441, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30th, 2007, for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $90,122,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $166,456,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, $8,206,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $26,018,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $306,765,000; of which $79,521,000 shall be available for salaries and expenses; and of which $227,244,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $298,663,000, to remain available until September 30, 2008, of which not to exceed $5,000 shall be for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $87,185,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $399,494,000, to remain available until expended: Provided, That of the total amount made available under this heading, $200,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (3,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $5,285,874,000; of which $3,026,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee under section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $172,676,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2007, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $461,207,000, to remain available until expended, of which not less than $318,490,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds made available under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

TECHNOLOGY MODERNIZATION

For expenses for customs and border protection technology systems, $131,559,000, to remain available until expended: Provided, That of the funds made available under this heading, $100,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial vehicles, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $472,499,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2007 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

In addition, of the funds appropriated under this heading in title II of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2068) for a covert manned surveillance aircraft, $14,000,000 are rescinded.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $288,084,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,740 (2,000 for replacement only) police-type vehicles; $3,740,357,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That none of the funds in this Act or any other appropriations

Act may be used to fund any activity other than those activities funded in fiscal year 2005 to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)): Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2007, of which not to exceed $6,000,000 shall remain available until expended.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $516,011,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $20,000,000, to remain available until expended: Provided, That of the funds made available under this heading, $16,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $101,281,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services under the Aviation and Transportation Security Act (49 U.S.C. 40101 note; Public Law 107–71; 115 Stat. 597), $4,751,580,000, to remain available until September 30, 2008, of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $3,790,132,000 shall be for screening operations, of which $141,400,000 shall be available only for procurement of checked baggage explosive detection systems and $171,500,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $961,448,000 shall be for aviation security direction and enforcement presence: Provided further, That of the funds appropriated under this heading, $25,000,000 shall not be obligated until after the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a detailed report in response to findings in the Department of Homeland Security Office of Inspector General report (OIG–04–44) concerning contractor fees: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,331,580,000 Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2008: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport and not more than 90 percent for any other airport, and all funding provided by section 44923(h) of title 49 United States Code, or from appropriations authorized under section 44923(i)(1) of title 49, United States Code, may be distributed in any manner determined necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; and the heads of Federal agencies and commissions, including the Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening: Provided further, That beginning in fiscal year 2007 and thereafter, reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for these purposes.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $37,200,000, to remain available until September 30, 2008.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $29,700,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence under the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $618,865,000, to remain available until September 30, 2008.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $699,294,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments under section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $5,534,349,000, of which $340,000,000 shall be for defense-related activities; of which $24,255,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $10,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $10,880,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $123,948,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,145,329,000, of which $19,800,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $24,750,000 shall be available until September 30, 2011, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $14,000,000 shall be available until September 30, 2011, to increase aviation capability; of which $92,268,000 shall be available until September 30, 2009, for other equipment; of which $20,680,000 shall be available until September 30, 2009, for shore facilities and aids to navigation facilities; and of which $993,631,000 shall be available until September 30, 2011, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2009: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2008 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Deepwater program; an explanation of why many assets that are elements of the Integrated Deepwater System are not accounted for within the Deepwater appropriation under this heading; a description of the competitive process conducted in all contracts and subcontracts exceeding $5,000,000 within the Deepwater program; a description of how the Coast Guard is planning for the human resource needs of Deepwater assets; and the earned value management system gold card data for each Deepwater asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of

Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

In addition, of the funds appropriated under this heading in title II of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2087), $79,200,000 are rescinded from the unexpended balances specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying that Act for the Fast Response Cutter, the service life extension program of the current 110-foot Island Class patrol boat fleet, and accelerated design and production of the Fast Response Cutter.

In addition, of the funds appropriated under this heading in title II of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2087), $1,933,000 are rescinded from the unexpended balances specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying that Act for the covert surveillance aircraft.

In addition, of the funds appropriated under this heading in title II of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2087), $1,835,000 are rescinded from the unexpended balances specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying that Act for the automatic identification system.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $15,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $17,573,000, to remain available until expended, of which $495,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,063,323,000.

UNITED STATES SECRET SERVICE

PROTECTION, ADMINISTRATION, AND TRAINING

For necessary expenses of the United States Secret Service, including purchase of not to exceed 755 vehicles for police-type use, of which 624 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $918,028,000, of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2008: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

INVESTIGATIONS AND FIELD OPERATIONS

For necessary expenses for investigations and field operations of the United States Secret Service, not otherwise provided for, including costs related to office space and services of expert witnesses at such rate as may be determined by the Director of the Secret Service, $304,205,000; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended.

TITLE III

PREPAREDNESS AND RECOVERY

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, $30,572,000, of which $8,000,000 shall be for the National Preparedness Integration Program: Provided, That none of the funds made available under this heading may be obligated for the National Preparedness Integration Program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security: Provided further, That not to exceed $7,000 shall be for official reception and representation expenses.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,393,500,000, which shall be allocated as follows:

(1) $500,000,000 for formula-based grants and $350,000,000 for law enforcement terrorism prevention grants under section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): Provided, That the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 90 days after the grant announcement: Provided further, That not less than 80 percent of any grant under this paragraph to a State (other than Puerto Rico) shall be made available by the State to local governments within 60 days after the receipt of the funds.

(2) $1,172,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $745,000,000 shall be for use in high-threat, high-density urban areas;

(B) $210,000,000 shall be for port security grants for the purposes of section 70107(a) through (h) of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2), (3), and (4);

(C) $5,000,000 shall be for trucking industry security grants;

(D) $12,000,000 shall be for intercity bus security grants;

(E) $150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(F) $50,000,000 shall be for buffer zone protection grants:

Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office for Domestic Preparedness shall act within 90 days after receipt of an application: Provided further, That not less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(3) $40,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) $331,500,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: Provided further, That the proceeding proviso shall not apply to grants under subparagraphs (B), (E), and (F) of paragraph (2) of this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: Provided further, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office for Domestic Preparedness certified training, as needed: Provided further, That the Government Accountability Office shall report on the validity, relevance, reliability, timeliness, and availability of the risk factors (including threat, vulnerability, and consequence) used by the Secretary for the purpose of allocating discretionary grants funded under this heading, and the application of those factors in the allocation of funds to the Committees on Appropriations of the Senate and the House of Representatives on its findings not later than 45 days after the date of enactment of this Act: Provided further, That within 7 days after the date of enactment of this Act, the Secretary shall provide the Government Accountability Office with the threat and risk methodology and factors that will be used to allocate discretionary grants funded under this heading.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $655,000,000, of which $540,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $115,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of that Act, to remain available until September 30, 2008: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $205,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2007, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2007, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,887,000.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $525,056,000, of which $442,547,000 shall remain available until September 30, 2008: Provided, That of the amount made available under this heading, $20,000,000 may not be obligated until the Secretary submits to the Committees on Appropriations of the Senate and House of Representatives the report required in House Report 109–241 accompanying the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90) on resources necessary to implement mandatory security requirements for the Nation's chemical sector and to create a system for auditing and ensuring compliance with the security standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations, $249,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

READINESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for readiness, mitigation, response, and recovery activities, $240,000,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, $30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs.

PUBLIC HEALTH PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $33,885,000: Provided, That the total amount appropriated and, notwithstanding any other provision of law, the functions, personnel, assets, and liabilities of the National Disaster Medical System established under section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)), including any functions of the Secretary of Homeland Security relating to such System, shall be permanently transferred to the Secretary of the Department of Health and Human Services effective January 1, 2007.

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,640,000,000, to remain available until expended: Provided, That of the total amount provided, not to exceed $15,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to natural disasters subject to section 503 of this Act.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $569,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $198,980,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $128,588,000, which is available as follows: (1) not to exceed $38,230,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed $90,358,000 for flood hazard mitigation which shall be derived from offsetting collections assessed and collected under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain available until September 30, 2008, including up to $31,000,000 for flood mitigation expenses under section 1366 of that Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2008: Provided, That in fiscal year 2007, no funds in excess of: (1) $70,000,000 for operating expenses; (2) $692,999,000 for commissions and taxes of agents; (3) such sums as necessary for interest on Treasury borrowings shall be available from the National Flood Insurance Fund; and (4) not to exceed $50,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of that Act and repetitive insurance claims properties under section 1323 of that Act, which shall remain available until expended: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $31,000,000, to remain available until September 30, 2008, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $31,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program under title II of the Robert T. Stafford Disaster

Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $149,978,000, to remain available until expended: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program under title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $151,470,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $134,990,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $207,634,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2008; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $63,246,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $106,414,000: Provided, That of the amount provided under this heading, $60,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan by program, project, and activity; with a detailed breakdown and justification of the management and administrative costs for each; prepared by the Secretary of Homeland Security that has been reviewed by the Government Accountability Office: Provided further, That the expenditure plan shall include the method utilized to derive administration costs in fiscal year 2006 and fiscal year 2007: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $712,041,000, to remain available until expended: Provided, That no university participating in the University-based Centers of Excellence Program shall receive a grant for a period in excess of 3 years: Provided further, That none of the funds provided under this heading shall be made available for management and administrative costs.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office and for management and administration of programs and activities, $30,468,000: Provided, That no funds will be made available for the reimbursement of individuals from other Federal agencies or organizations in fiscal year 2008: Provided further, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation and operations, $234,024,000, to remain available until expended; and of which not to exceed $65,000,000 shall be made available for transformation research and development; and of which no less than $40,000,000 shall be made available for radiation portal monitor research and development: Provided, That of the amount provided, $80,000,000 shall not be obligated until the Secretary of Homeland Security provides notification to the Committees on Appropriations of the Senate and the House of Representatives that the Domestic Nuclear Detection Office has entered into a Memorandum of Understanding with each Federal entity and organization: Provided further, That each Memorandum of Understanding shall include a description of the role, responsibilities, and resource commitment of each Federal entity or organization for the domestic nuclear global architecture.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $178,000,000, to remain available until September 30, 2009; and of which no less than $143,000,000 shall be for radiation portal monitors; and of which not to exceed $5,000,000 shall be for the Surge program: Provided, That none of the funds provided for the Sodium Iodine Manufacturing program shall be made available until a cost-benefit analysis on the Advance Spectroscopic Portal monitors is submitted to the Committees on Appropriations of the Senate and the House of Representatives by the Secretary of Homeland Security and reviewed by the Government Accountability Office.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established under this Act: Provided, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any function or activity for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary

circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in the President's fiscal year 2007 budget, excluding sedan service, shuttle service, transit subsidy, mail operations, parking, and competitive sourcing: Provided, That any additional activities and amounts shall be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2007 from appropriations for salaries and expenses for fiscal year 2007 in this Act shall remain available through September 30, 2008, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.

SEC. 507. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 508. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 509. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 510. The Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training (including both types of training) at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 511. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 512. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 513. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: Provided, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: Provided further, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations under section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 435b) and the entity selected under section 3001(b) of such Act has reported to Congress that the agency selected under such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations under section 3001 of such Act.

SEC. 514. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all 10 of the conditions contained in paragraphs (1) through (10) of section 522(a) of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334; 118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all 10 conditions have been successfully met.

(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(d) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(e) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 516. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 517. (a) None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of a person, other than persons granted protection under 3056(a) of title 18, United States Code, and the Secretary of the Department of Homeland Security.

(b) Notwithstanding (a) of this section, the Director of the United States Secret Service may enter into a fully reimbursable agreement to perform such service for protectees not designated under 3056(a) of title 18, United States Code.

SEC. 518. The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

SEC. 519. (a) The Secretary of Homeland Security is directed to research, develop, and procure new technologies to inspect and screen air cargo carried on passenger aircraft at the earliest date possible.

(b) Existing checked baggage explosive detection equipment and screeners shall be utilized to screen air cargo carried on passenger aircraft to the greatest extent practicable at each airport until technologies developed under subsection (a) are available.

(c) The Transportation Security Administration shall report air cargo inspection statistics within 15 days of the close of each quarter of the fiscal year to the Committees on Appropriations of the Senate and the House of Representatives, by airport and air carrier, including any reasons for non-compliance with the second proviso of section 513 of the Department of Homeland Security Appropriations Act, 2005 (Public Law 108–334; 118 Stat. 1317), within 45 days after the end of the quarter.

SEC. 520. (a) None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is executed without fair and open competition for both the implementation and production of the program and identification cards.

(b) The Transportation Security Administration shall certify to the Committees on Appropriations of the Senate and the House of Representatives not later than December 1, 2006, that the competition required under subsection (a) has been achieved.

SEC. 521. None of the funds made available in this Act may be used by any person other than the privacy officer appointed under section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (5) of such section.

SEC. 522. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR) or anyone acting in a similar or like capacity who has not received COTR training.

SEC. 523. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security

Support" in fiscal years 2004, 2005, and 2006 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems, subject to section 503 of this Act.

SEC. 524. Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the requirements of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088), including information on the current procedures regarding access to sensitive security information (SSI) by civil litigants and the security risks and benefits of any proposed changes to these procedures: Provided, That the Secretary shall revise DHS MD 11056 to provide that when a lawful request is made to publicly release a document containing information designated as SSI, the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code.

SEC. 525. RESCISSION. From the unobligated balances from prior year appropriations made available for Transportation Security Administration "Aviation Security" and "Headquarters Administration", $4,776,000 are rescinded.

SEC. 526. The Department of Homeland Security Working Capital Fund, established under section 403 of the Government Management Reform Act of 1994 (31 U.S.C. 501 note; Public Law 103–356), shall continue operations during fiscal year 2007.

SEC. 527. RESCISSION. Of the unobligated balances from prior year appropriations made available for the "Counterterrorism Fund", $16,000,000 are rescinded.

SEC. 528. RESCISSION. From the unobligated balances from prior year appropriations made available for Transportation Security Administration "Aviation Security", $61,936,000 are rescinded.

SEC. 529. None of the funds made available in this Act may be used to enforce section 4025(1) of Public Law 108–458 if the Assistant Secretary (Transportation Security Administration) determines that butane lighters are not a significant threat to civil aviation security: Provided, That the Assistant Secretary (Transportation Security Administration) shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days in advance of such determination including a report on whether the effectiveness of screening operations is enhanced by suspending enforcement of the prohibition.

SEC. 530. RESCISSIONS. Of the unobligated balances from prior year appropriations made available for Science and Technology, $55,000,000 for "Management and Administration" and $145,000,000 from "Research, Development, Acquisition, and Operations" are rescinded: Provided, That of the total amount rescinded from "Management and Administration", $30,000,000 shall be from the contingency fund and $25,000,000 shall be from the Homeland Security Institute.

SEC. 531. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider the Hancock County Port and Harbor Commission in Mississippi eligible under the Federal Emergency Management Agency Public Assistance Program for all costs incurred for dredging from navigation channel in Little Lake, Louisiana, sediment deposited as a result of Hurricane George in 1998: Provided, That the appropriate Federal share shall apply to approval of this project.

SEC. 532. The Department of Homeland Security shall, in approving standards for State and local emergency preparedness operational plans under section 613(b)(3) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5196b(b)(3)), account for the needs of individuals with household pets and service animals before, during, and following a major disaster or emergency: Provided, That Federal agencies may provide assistance as described in section 403(a) of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5170b(a)) to carry out the plans described in the previous proviso.

SEC. 533. RESCISSION. From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying the Department of Homeland Security Act, 2006 (Public Law 109–90) for the development of the Offshore Patrol Cutter, $20,000,000 are rescinded.

SEC. 534. TRANSFER. All obligated and unobligated balances of funds, totaling not less than $98,552,000, for the Transportation Security Laboratory shall be transferred from the Science and Technology "Research, Development, Acquisition, and Operations" account to the Transportation Security Administration "Transportation Security Support" account effective October 1, 2006.

SEC. 535. (a)(1) Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget execution report that sets forth the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date costs, and year-end unexpended obligations, of the Department of Homeland Security.

(2) The information required under paragraph (1) shall be provided for each Departmental component and the Working Capital Fund at the level of detail shown in the table of detailed funding recommendations displayed at the end of the Statement of Managers accompanying the conference report on this Act.

(3) Each report submitted under paragraph (1) shall include for each Department of Homeland Security component the total full-time equivalent for the prior fiscal year, the on-board total full-time equivalent on September 30 of the prior fiscal year, the estimated total full-time equivalent for the current fiscal year, and the on-board total full-time equivalent on the last day of the month for the applicable report.

(b) Obligation authority and transfer authority provided under section 503 and 504 of this Act shall not be available unless on the date of a notification under section 503 and 504, the Committees on Appropriations of the Senate and House of Representatives have received the most recent report required by subsection (a) of this section.

SEC. 536. None of the funds provided by this or previous appropriations Acts or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for the Office of the Federal Coordinator for Gulf Coast Rebuilding effective October 1, 2006, unless the Committees on Appropriations of the Senate and the House of Representatives receive a reprogramming notification for fiscal year 2006 pursuant to section 503 of Public Law 109-90 and a budget request and expenditure plan for fiscal year 2007 for this office.

SEC. 537. The Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 538. Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking from "(1) DEVELOPMENT OF PLAN.—The Secretary" through "7208(k))." and inserting the following:

"(1) DEVELOPMENT OF PLAN AND IMPLEMENTATION.—

"(A) The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)). This plan shall be implemented not later than 3 months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subsection (B), or June 1, 2009, whichever is earlier. The plan shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).

"(B) The Secretary of Homeland Security and the Secretary of State shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the following criteria have been met prior to implementation of Section 7209(b)(1)(A)—

"(i) the National Institutes of Standards and Technology has certified that the card architecture meets the International Organization for Standardization ISO 14443 security standards, or justifies a deviation from such standard;

"(ii) the technology to be used by the United States for the passport card, and any subsequent change to that technology, has been shared with the governments of Canada and Mexico;

"(iii) an agreement has been reached with the United States Postal Service on the fee to be charged individuals for the passport card, and a detailed justification has been submitted to the Committees on Appropriations of the Senate and the House of Representatives;

"(iv) an alternative procedure has been developed for groups of children traveling across an international border under adult supervision with parental consent;

"(v) the necessary technological infrastructure to process the passport cards has been installed, and all employees at ports of entry have been properly trained in the use of the new technology;

"(vi) the passport card has been made available for the purpose of international travel by United States citizens through land and sea ports of entry between the United States and Canada, Mexico, the Caribbean and Bermuda; and

"(vii) a single implementation date for sea and land borders has been established.".

SEC. 539. Notwithstanding any time limitation established for a grant awarded under title I, chapter 6, Public Law 106–31, in the item relating to Federal Emergency Management Agency—Disaster Assistance for Unmet Needs, the

City of Cuero, Texas, may use funds received under such grant program until September 30, 2007.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2007".

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, today we begin consideration of the Homeland Security appropriations bill. I begin by thanking the members of the Committee on Appropriations for helping bring the bill out of committee. It was brought out unanimously.

I especially thank the ranking member of the committee and the senior Senator from the State of West Virginia, but also the senior Senator in the Senate. Senator BYRD, for his support and efforts as ranking member not only of this subcommittee but of the full committee, of course, and his role in authoring and designing this bill. It has been very constructive. Obviously, he does not agree with everything in it. That is inevitable, especially with the allocation we were equipped with, but his help has been significant in moving the bill forward.

I also thank Senator COCHRAN who, once again, has been extremely tolerant of this subcommittee—not only tolerant but supportive. He was put in a very difficult position by the administration in the manner in which they sent up their budget in this area, in that they put in a plug number of about $1.4 billion, a number that everyone knew was not going anywhere. They knew it wasn't going anywhere when they sent it up here. It didn't go anywhere last year when they sent the same number up here, a number they claimed they could support by increasing the fees on airline travel, and then taking those moneys and putting them to the border. It was a concept which has been rejected by the Congress before. They knew it would be rejected this time.

They used it basically as a stalking horse to claim expenditures which were not then supported by funding. The reason it is not supported is that it makes no sense to raise the fee on airline passengers for security purposes on airlines and then take that money and put it into the border activity. We have significant fees on airline passengers today. That money is used primarily for TSA and FAA in order to assist in making sure our air traffic is secure. It is an appropriate fee. An increase at this time, which is not related to airline traffic, makes little sense.

Senator COCHRAN was confronted with a situation with this bill where he basically had to find about $1.4 billion in order to reach the President's level of funding, that the President asked for Homeland Security without any real way to do that except to take it from other accounts. He was very generous with this committee. He was not able to do the full amount, but he did a significant amount, and we very much appreciate his support. He used to be chairman of the subcommittee when it first started and he understands the needs.

The issue of the Homeland Security Department is almost a Dickins story because it takes a lot of twists and turns. Some of it is not very pretty. Some of it is good. Some of it is not. The problem we have is that the Department was put together in haste. A lot of different agencies that had a lot of different cultures, some of which were doing their tasks very well—such as the Coast Guard and the Secret Service—were put into the Department, and others which had always had a problem, a structural problem such as immigration, were put into the Department. Then new responsibility was put on the Department with a new focus.

Every agency theoretically within the Department is primarily focused on the issue of national security and protecting us from an attack such as September 11, but within the agency, in order to have continuity of activity, there were departments put into it which did not have as their primary purpose Homeland Security.

The most significant example of that, of course, is FEMA, which basically deals with disasters. Most of the disasters it deals with involve natural disasters, which obviously are not a function of terrorist activity, although it is, obviously, also a lead agency should we have a terrorist event such as occurred on September 11. FEMA played a major role there and did a very good job, by the way. FEMA's management of post-September 11 issues was handled with excellence.

The Department has a lot of different functions within it. It has now been going for about 3½ years. I have had the good fortune to chair this committee for about 2 years. It is pretty obvious the Department has not yet shaken out all the problems it has. In fact, the problems keep coming at us relative to management.

I asked my staff to take a look at the Department and all the reviews that have been done by outside groups which we basically sanction, such as the Inspector General and the GAO and other accounting agencies which go in and take a look at functions of the Federal Government and conclude whether those functions are being done well.

Homeland Security probably leads the Government in the number of reviews that have been done because it is a new agency and because there are problems obviously. I asked my staff to put together a list of all the different reviews and tie those lists to the management chart of the Department so that we could see just how much the Department has and has not accomplished in the area of reviews. It became an overwhelming task. They put together the chart, but there were so many reviews that had occurred that essentially they had to just summarize by numbers the different reviews.

This is the management chart of the Department of Homeland Security. For example, there have been seven reviews of the chief financial officer. All of them have concluded system failures. The Under Secretary for Management has had eight reviews that have concluded a lack of plan; six reviews, systems management failures; and one review that said there was a mismanagement of funds.

Regarding the Chief Information Officer, the conclusion is that IT management has been lacking in 18 different reviews.

On and on it goes. Of course, the grand prize winner, regrettably, is FEMA, which has had 180 major reviews by GAO or the inspector general or other sources of significant credibility—180 reviews have concluded the process has failed, and 7 reviews have concluded that management controls have failed. In fact, there is such a current problem of mismanagement and ineptness that this chart cannot be kept up to date, regrettably.

Just today we have gotten our most recent review, again, by the Government Accounting Office. They conclude with the US VISIT Program: Contract management and oversight for the Visitor and Immigration Status Program needs to be strengthened. This is US VISIT, an absolutely critical program we have. We have had six reviews of US VISIT of this depth, and all of them have concluded there are significant concerns.

To take an example of the depth of the problem with this Department, agency by agency, there was a review of Federal Protective Services which basically said they lacked strategic planning, that they had no structure for strategic planning in July of 2004, that they needed to enter into an immediate understanding with GSA as to what they should be doing relative to planning and how they should be resolving billing issues within that Department. On and on the report went, with very specific ideas as to how to improve the Department.

As of today, virtually nothing has happened in the Federal Protective Services Agency to try to correct the problems enumerated in the 2004 GAO report.

What is the result of that? The result is that the Federal Protective Services Agency has a $42 million structural deficit, which they do not have any idea how they will correct.

That is just one slice of this overall pie which, regrettably, is the Department of Homeland Security. This is not to say that the Department does not have very conscientious, hard-working, dedicated public servants. It does. It has a panoply of them—those folks who are on the front lines on the border, whether they are immigration officers or border agents, the people in TSA who are working very hard to try to straighten out the lines in the airport and still provide security, the Secret Service, the Coast Guard, FEMA people trying to answer the problems of a small flood or issues with what happened in New Orleans. These people are all working very hard, but there is a systematic failure within this Department which is massive. It is, unfortunately, permeating the entire Department. It has to be of significant concern to us as a Congress.

Just a recent report estimated that maybe as much as $18 billion—that is a staggering number—$18 billion of the money we spent on Katrina has been misallocated, they believe fraudulently handled, but, clearly, it did not get the results they were supposed to get. Whether it was a trailer sitting in a field somewhere that never got used or whether it was debit cards used to buy bedding, the fact is that is potentially $18 billion.

I cannot believe the number is that big. I think that has to be an overestimate. There is no way that size number could have been mismanaged. But say it is half: say it is $9 billion. Do you know what we could do with $9 billion in this country today? We could do a lot of good things. Just in this Department alone, if we had $9 billion focused on the Coast Guard and on Border Patrol and immigration, an infusion of that type of money—I had to pull teeth to get an extra $1.9 billion in the last supplemental. If we got $9 billion, we could make sure our borders were secure and no one could come into the country illegally. The number of people coming into the country illegally would dry up if we had those resources for the borders. It is a real issue with real implications.

All the reports are not just paper documents. They all mean taxpayers' dollars are not being used effectively. Even though the people on the front lines are trying their hardest, there are issues that have to be addressed. The main thing we are saying to this agency, this Department—and I know they are trying hard, I know the Secretary is trying hard, everyone down there is trying hard—somehow we have to get ahold of this. We have to get some management structure so we do not get this constant flow of failure, of review.

The way this committee has tried to do it is essentially to try to prioritize. We essentially said: There are some things we have to do right. Even in the context of all these problems we have, we have to do some things right. The first thing we have to do right is to address the threat. The threat, obviously, is weapons of mass destruction. The potential of a weapon of mass destruction being used in America is the single biggest threat we have as a nation today. It is real.

It is regrettable that there are a number of people in the country, especially the press, who do not take it seriously, but it is a serious problem which we have as a nation because there are, unfortunately, people out there who are fundamentally evil who genuinely believe their way to a fuller life and a great existence is to essentially kill hundreds, potentially thousands, of Americans and try to destroy Western culture. That is their purpose. These people are sophisticated. They have the capacity, if given the wherewithal, to use a weapon that could do massive damage to our Nation. We cannot underestimate this threat simply because we have gotten through 4 years.

Let me congratulate those who work on the front line. As I said, there are some hard-working, committed people. Four years of hard work have kept us free from an attack, and that, I guess, is the bottom line. So maybe my statement before was a bit harsh because you have to congratulate the success in the fact that we have not been attacked in the last 4 years. But the documentation is also real that we have real issues with this Department. But if we are to continue to be successful in thwarting a weapon of mass destruction attack, we must put resources in those areas. But they must be used effectively.

We have the Science and Technology Directorate of this group. They have no plan, as far as we can tell. They want more money, and I would be happy to give them more money. I would be enthusiastic about putting more money into their operations if I felt there was some sort of coherent plan as to what they were going to do with those funds. In fact, it is just the opposite. You get just the opposite feeling from the Science and Technology Directorate.

You have the NMDS, the nuclear detection group, which is working hard. They are up and running in Nevada. They are trying to develop systems. Well, they started from nothing. Basically, they wanted a lot of money to get started. We asked that they give us some directions as to how they were going to do that, and they have started to do that. So they are moving on the right path. But what we basically said is: We will give you the money as you produce the plan that produces the results.

We have to be ready for a domestic nuclear event, and we have to try to stop it before it happens. But it also has to be done in a coherent and comprehensive way rather than an illogical way or in a way that appears to be haphazard. There is progress being made there. That is where we want to focus our dollars, quite honestly. We want to focus our dollars in this effort. I have been joined by Senator BYRD in trying to address the weapons of mass destruction threat. That is the No. 1 thing.

The second thing we want to focus on and we have tried to focus on is the issue of border security because you really have to know who is coming into the country if you are going to be able to claim you have addressed the issue of threat. Because, sure, there are homegrown terrorists in America, unfortunately. There is no question about it. But we also know there are an awful lot of people out there—and we saw it again just this week—primarily coming out of the Mideast but also out of Southeast Asia, who want to do us harm and whose purpose is to do us harm—and they are open about it—who have put out epistles to their followers that their cause should be to attack America and Americans within and outside of our country.

So we really need to know who is coming across our borders. And then, of course, we have the secondary issue, which is we have a large number of people coming into our country illegally who wish us no harm. In fact, it is just the opposite. They wish to take advantage of the American dream, to get a job and support their families. They come here to get work—and especially across the southern border—but they are coming here illegally, and that is not appropriate. So we need to get control over our borders.

So about 2 years ago, when I took over this job, of being in charge of this committee, we started to ramp up significantly our commitment to border security. With this bill, should this bill be successful and be passed, we will have increased the number of border agents by 40 percent; we will have increased the number of detention beds by about 30 percent; we will have dramatically increased our commitment to the Coast Guard; we will have dramatically increased our commitment to ICE; and we will have put in place and started up the US-VISIT Program, which I still have reservations about as to how effective it is going to be, but it seems to be moving in the right direction and people are working hard on it. Our purpose has been to retool the borders so we can be sure within a few years we can control the borders.

Now, I happen to be of the belief that we should put this on the fast track. It should not be 5 years from now, it should be next year. But that has not happened, primarily because of resources. However, we have made dramatic strides in this area.

Now, there has been a disagreement here between ourselves and the administration on this point. In fact, when we brought our first budget forward, which significantly increased the number of border agents by about 1,000—actually 1,500 when you coupled the supplemental with the bill—we were strongly resisted by the administration because we took money out of other accounts—primarily State and local first responder funds—and moved it over to Border Patrol. We did the same thing to add the detention beds. That was done with the support of the Senate and, in the end, with the support of the House. That was a success. It was such a success, in fact, that now the administration claims it was their idea, even though at the time they opposed it.

Now, we have tried to move forward. This year, we put $1.9 billion into the supplemental to try to address the capital needs of the border issue, such as the aircraft, the fact that our aircraft we are flying down there are 40 years over their useful life, the helicopters are 20 years over their useful life; the fact that the Coast Guard is on a program of building coastal security capability, but it is on a program that won't build out until 2023, and we think that should be accelerated to 2015; the fact that we only had one unmanned vehicle on the southern border—or anywhere on the borders, for that matter—and that one unmanned vehicle crashed, and we need to replace it and add more. And we have a lot of technology needs and also just plain old-fashioned cars and desks and training capability, things we felt we needed on the capital side.

Well, as to that idea, although the Congress thought it made sense, the administration did not. They took the number and converted it. We are happy to have the money. Initially, the Department was not even happy to have the money, but they took the money, and they converted it to operational needs, adding another 1,000 agents, adding another 4,000 beds, adding operational costs, and also some capital needs. I think the helicopters were covered. The planes were not upgraded. There were unmanned vehicles that would be purchased. So that was a point of disagreement, but at least we were on the right track.

But the practical effect of that bill was we created what is known as a fiscal tail, which meant that as you added operational costs in the supplemental, you had to add additional money in the main bill in order to pay for the operational needs which would be ongoing, which meant that the basic bill was stressed, first because it did not have full funding because of the $1.4 billion hold that was put in it by the setting up of a fee system, which everybody knew was not going to work, and secondly because of the tail that came out of this supplemental, which meant we had to pick up about $600 million of cost we had not planned to pick up in this bill in order to maintain the costs which had been put in the supplemental, which we felt should have, instead, been capital costs rather than operational costs.

So the practical effect of that gets us to this bill we have today, which is a bill which continues the movement toward securing the borders but does not do it in as robust a way as I would like. I am not going to be disingenuous about it. I am not going to come to the floor and say this is the greatest thing since sliced bread. It is not. It is a step in the right direction. And because of Senator COCHRAN's and Senator BYRD's support in getting a bigger allocation in this bill than it might have appropriately gotten in light of what was sent up by the administration, it is a fairly significant step. It adds an additional 1,000 agents. It adds an additional 1,000 detention beds. But that means we are still short of where we need to be. Even though we have increased agents by 40 percent and detention beds by 30 percent, we are still way short of where we need to be to be able to say, with confidence, we are going to be able to stop the people who are coming across our borders, especially our southern border, in the near term, detain them, and make sure the bad ones are sent back and the other folks are put through some system that works.

That brings us to another issue involving border security, which is this whole question of immigration reform. There is no question in my mind that you cannot get substantive long-term border control unless you have immigration reform, which means some sort of guest worker program for people who want to come here and work. People who are getting paid $5 a day in Mexico and can make $50 a day in the United States, who have a family to feed, are going to come to the United States. That is just human nature. That is what they are going to do. That is what they have to do in order to survive and take care of their families. We have to come up with a way where those people can come across our borders and we will know who they are, why they are here, where they are going, and where they are working.

Now, the Senate has passed an immigration bill, which I voted for, and the House has passed an immigration bill. But the conference process does not seem to be going forward very well. Well, the bill here, ironically, sets out some parameters which might help move this whole thing along, if we want to do a comprehensive immigration bill.

I think there is general consensus developing around here to a concept which was put forward by Senator ISAKSON of Georgia during the immigration debate that we should have a trigger mechanism, basically, which would essentially say: When you accomplish these goals in the area of border security, then you can move to the next step in the area of bringing along a guest worker program.

What this bill does is basically give us some pretty specific ideas as to what those goals should be. What should be the ascertainable standards which we should set that need to be accomplished and, if and when accomplished, should kick in a guest worker program? And there are a couple of ideas of how you approach the guest worker program, but the ascertainable standards are really pretty obvious. They first should be definite. They cannot be vague. They cannot be standards which are gameable. But if you look at what we need on the border, you do not need vagueness. You can be pretty precise. In fact, you can get right down to the numbers.

If we had 20,000 border agents, we know we would have the necessary border agents. If we had about 40,000 detention beds—that doesn't mean firm beds. There are lots of ways to do detention beds. You could use old military bases. You could use present military bases. But if you had the capacity to hold up to 40,000 people who come across our borders illegally, that would give you the necessary numbers to do the process. If you had about five to nine UAVs, depending on whether you were going to use UAVs on the northern border, that would be a number that was ascertainable. If you had a Coast Guard build-out which said it would be completed by the year 2015, that would be a number that would be ascertainable. Those are numbers you could put in. If you had a US-VISIT Program that met certain standards, so that when a person comes across the border they get fingerprinted in a way that would allow the FBI database to be actually activated in real time, that would be an ascertainable standard. And if you had a readable employment card that had biometrics as its base, that would be an ascertainable standard.

If you just did those items as your ascertainable standards, you would have in place what is necessary to put forward an effective border security commitment. And you could follow that, when those had been reached—and they could be reached in a very short time if you wanted to put the resources in it; this is not years, this could be reached very quickly—you could put forward a guest worker program which could follow on rather quickly. I have ideas as to how the guest worker program should work, and other people do, but there certainly is a way to do it that makes sense and is fair to people who want to come into this country and work for a living, even those who are already here illegally, without creating amnesty. So this bill sets out, basically, parameters for accomplishing that. It gives a path that could be followed to accomplish that goal, and I hope it will be supported for that reason.

As I have said, the bill is not everything we need, and the Department is not clearly where we need to have it. But in the context of the resources which were available to us, this bill is very much a step in the right direction. It will add significantly to the number of border agents.

It will add significantly to the number of detention beds. When you combine it with the supplemental, there will be 2,000 new border agents and 5,000 new beds. It puts in place some of the mechanisms to try to make sure the technology is appropriately addressed.

The place where it is most lacking, to be fair in disclosure, is with the Coast Guard because the Coast Guard buildout remains a 2023 exercise under this bill versus what should have been a 2015 buildout exercise. That is unfortunate. Had we gotten what we needed in the supplemental, we could have changed that. We didn't. So we will come back to that issue. I wouldn't be surprised if there are other supplementals floating through here and the Coast Guard has a fair and legitimate claim on funds for national defense in those supplementals; if not, in the next appropriations rounds.

So that is where we stand today. It is a bill on the right track. It doesn't solve all the problems. It deals with an agency which is trying hard, with good people, committed to the purpose of protecting us but an agency which has very significant issues of management and systems controls.

I appreciate the courtesy of the Senate in listening to me for this length of time. I especially appreciate the courtesy of the Senator from West Virginia for his constructive efforts and his help in bringing the legislation this far.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the Senate has before it the fiscal year 2007 Homeland Security appropriations bill. I commend our chairman. I am debating whether I should say "who has no peer." I think I will stick with that. He has no peer when it comes to knowledge of the subject matter and as one who cares deeply about his country, his committee, its work, and about the needs that exist for appropriating adequate funds. I commend him. I commend his staff. They have done excellent work on this legislation.

This chairman makes it his business to know what are the facts concerning the needs out there; who makes it his business, once he knows the facts, to go after the weaknesses, the soft spots, and, with a great determination, to do the task ahead.

I commend the thousands of men and women who are on the front lines defending America's homeland. They do serve the Nation every hour of every day. Senator GREGG has tried to allocate limited—and I say limited, I stress the word "limited"—resources to respond to those threats that present the greatest risk. He does not have the funds to deal with all the threats, but he has sought to respond to those threats that present the greatest risk. In doing so, Senator GREGG has included a number of improvements to the President's budget, particularly with regard to border security, baggage explosives detention, fire grants, and emergency management. However, there is a limitation to the ability of this chairman, or any chairman—a limitation to the ability of the Appropriations Committee—to address the problems in the President's budget.

The bill is $515 million below the President's request, and only 4 percent higher than last year. There are funding shortfalls for port security, border security, rail security, and first responder grants. These shortcomings are largely a result of the administration's ill-considered proposal for the Appropriations Committees to enact an increase in the aviation passenger tax. While the President claims credit for a robust budget for securing our borders, his actual budget is hollow, hollow, hollow. The White House knew when it sent the budget to the Congress that the funding relied on a tax hike on air travelers—a tax hike that the Congress had already rejected. How about that.

The Appropriations Committees lack jurisdiction to increase the aviation passenger tax and, of course, we could not do so in this bill. As a result of the President's proposal, the funding for homeland security in this bill is not only lean, it is also very lean. So I again commend Chairman GREGG for his masterful work in putting together this bill, but serious security problems remain.

The Department of Homeland Security is now in its fourth year of existence, as Senator GREGG has explained. While many of its legacy agencies, such as the Coast Guard, Customs and Border Protection, and the Secret Service, continue to operate effectively, the Department itself certainly has become the gang that can't shoot straight. Nearly 5 years after 9/11, key issues, such as fixing FEMA, such as establishing chemical security standards, such as inspecting cargo on commercial aircraft and inspecting air passengers for explosives, such as securing our ports and making sure that State and local governments have effective mass evacuation plans, are all languishing at the Department. The list of issues that are festering at the Department goes on and on, and these problems are not merely bureaucratic hassles. These are issues that imperil the safety of Americans—Americans—as they go about their daily lives. That is you and you and you and you out there in the plains, the prairies, the Rockies, the Alleghenies, you citizens, the safety of you citizens as you go about your daily lives.

Only 5 percent of the 11 million cargo containers coming into this country are opened for inspection. We know that terrorists desire to bring a dirty bomb into this country. Over 6 billion pounds of cargo is placed on commercial airlines each year, and virtually none of that cargo is inspected. How about that. Do you feel any safer? How do you feel about that, now that I have said that?

The Environmental Protection Agency reports that 123 chemical plants located throughout the Nation—and in particular in the Kanawha Valley in southern West Virginia—could each potentially expose more than a million people if a chemical release occurred. How does that make you feel? Yet according to the Government Accountability Office, only 1,100 of the 15,000 chemical facilities in this country are known to comply with voluntary security standards. Yet the administration has done virtually nothing to either require compliance or create incentives for the chemical industry to secure its facilities. Only 37 of the 448 airports in this country have acquired new technology to inspect airline passengers for explosives as they board airplanes. Does that make you nervous when you go up to the ticket counter to buy a plane ticket?

There are in this country, in prisons, more than 550,000 criminal aliens in prisons in this country who have not been identified by the Department for removal from the country. Does that make you feel any safer? How about that. When they get out of prison, they may be walking the streets in your neighborhood. Where? In your neighborhood. They need to be removed from this country as soon as they finish their prison terms.

The so-called millennium bomber crossed the U.S.-Canadian border in Washington State intending to blow up the control tower at Los Angeles International Airport. Just last month, 17 homegrown—get that, 17 homegrown—alleged terrorists were arrested in Toronto. Yet there are only 1,000 Border Patrol agents stationed along the northern border. That means that one lonely Border Patrol agent is responsible for patrolling 5.5 miles of the border.

Nearly 5 years after 9/11, most of our first responders still do not have interoperable communications equipment.

Can you believe that? Nearly 5 years after 9/11, most of our first responders still do not have interoperable communications equipment. Can you believe that? I have pressed for that most basic need for our first responders for nearly 5 years. This subcommittee is on top of its work, but it needs more resources.

We all learned after Hurricane Katrina that FEMA is no longer up to the task of responding to a catastrophic disaster, whether the disaster is a terrorist attack or a natural disaster. According to the administration's own statistics, only 27 percent of State and 10 percent of urban area plans were rated as adequate to cope with a catastrophic event.

In addition to failing to address known vulnerabilities, the Department of Homeland Security is turning into a case study for failed management. The GAO and the DHS inspector general have documented numerous financial management and procurement failures at the Department. The Department of Homeland Security information systems are not secure. The GAO alone has completed 494 evaluations of DHS programs. The DHS Office of the Inspector General is spread so thinly that it was unable to follow through on 616 different allegations of wrongdoing last year.

The Department continues to allow valuable homeland security dollars to gather dust in the Treasury rather than getting the money out to State and local governments where the money can actually be used to secure our ports and mass-transit systems or to purchase interoperable communications equipment.

In the fiscal year 2006 Homeland Security appropriations report, we directed the Department to send Congress a report by February 10 providing an expedited schedule for awarding homeland security grants. Last week, 5 months late, we got the report. The report detailed the Department's plan to award 20 different grant programs in the last month of the fiscal year. Congress approved funds last October, yet the funds will sit here in Washington for almost a year. Last week was the 1-year anniversary of the London train bombing. Yet under the Department's plan rail and transit security funding that was appropriated by Congress last October will not be awarded until this September. The same malaise applies to grants to secure our ports, our buses, for securing buffer zones around nuclear and electrical plants, and grants to hire more firefighters. What is the administration waiting for? Does there have to be another horrendous attack with thousands of deaths before this Department will shake out of its nearly comatose state?

The Department's record should cause every citizen—that is you and you and you and you—alarm. The Department's record should cause every citizen alarm. It is a record that was entirely predictable. While I supported the creation of a Department of Homeland Security, I voted against the legislation that created this unwieldy behemoth. In consolidating 22 agencies into 1 department, the Congress created an organization that was destined from the beginning to have failures. This was a department that was created out of political expediency in the basement of the White House, not through careful analysis.

In the months following 9/11, the President feared that the Congress was taking the initiative on securing the homeland. So the President directed a small White House team, cloaked in secrecy in the bowels of the White House, to draft a reorganization of homeland security agencies. No security experts were present. The political wizards conjured up this witch's brew. The result was a massive governmental reorganization rushed through the Congress in a matter of months. Do you remember that? I remember it. I expressed my concerns about it.

As I said in the fall of 2002—did you get that—in the fall of 2002, 4 years ago:

> If we take this giant step, our homeland defense system will likely be in a state of chaos for the next few years.
>
> People may begin to read in the newspapers about startup problems in this vast new Department. These kinds of high-profile debacles could carry over to the Transportation Security Administration, the Customs Service, FEMA, the Coast Guard, or any of the agencies.

That is what I said.

For this administration, the illusion of security—like seeing a waterfall in the desert, an illusion—created by this Department and spawned in the White House cellar was more important than a careful plan for actually making Americans safer. Perhaps I should say that again. For this administration, the illusion of security created by this Department and spawned in the White House cellar was more important than a careful plan for actually making Americans safer. For this administration, it is OK to do homeland security on the cheap. For years, I have come to this floor, and others have come to this floor, and documented examples of the ways in which the administration relegates homeland security to a low priority—border security, rail and transit security, port security, chemical security, funds for firefighters, and the list goes on and on.

This year, the administration proposed to cut the firefighter grant program by 45 percent. It was proposed to eliminate the SAFER Program, a congressional initiative that helps local governments hire more firefighters. The Department failed to transmit to the Congress the statutorily mandated needs assessment of our firefighters. I wonder whether the report is locked in someone's desk because it concluded that our fire departments still lack the resources necessary to purchase equipment capable of responding to a terrorist attack.

Nearly 5 years after 9/11 and nearly 1 year after Hurricane Katrina proved that our first responders are not ready to deal with a catastrophic disaster, the President proposes to cut first responder grants by 13 percent below fiscal year 2006 and 33 percent below fiscal year 2005.

There is another example of the rob-Peter-to-pay-Paul approach the administration takes to securing our homeland. Last week, the administration notified the Congress of a serious shortfall within the Federal Protective Service, the agency that secures over 1 million Federal employees and visitors to our Federal buildings. Rather than request additional funding for the shortfall or increase the fees charged to Federal agencies to cover the shortfall, the administration is proposing that we cut funding for explosives countermeasures and for detaining and removing illegal aliens to pay for the shortfall. Can you imagine that? The President tells the Nation that border security is a critical priority for our national security—and he is right, that is what it is. The President pushes the Congress to get tough on illegal immigration, and then his administration proposes to cut funding for detaining and removing illegal aliens. And in a world where we see explosions of improvised explosive devices killing American soldiers every day and with the Madrid and London train bombings, the administration wants to cut funds for developing explosives countermeasures here in the United States. What kind of confusion reigns at the other end of the avenue, at the White House? Does Presidential rhetoric now excuse rolling the dice with the safety of millions of Americans?

Today, the Senate has before it the fourth Homeland Security appropriations bill that the Senate has considered since the Department was created. Under the leadership of the first chairman of the subcommittee, THAD COCHRAN, and under the leadership of the current chairman, Senator JUDD GREGG, the Senate has striven to provide the Department with the resources it needs to do its job and to give clear direction for improving its efforts to secure the homeland. And it has been an uphill fight.

I am pleased that, in this bill, Chairman JUDD GREGG included a number of provisions that will improve the operations of the Department of Homeland Security. I hope that the administration downtown will listen to his lead and that the administration will follow his lead.

Hardly a week goes by that the administration does not remind Americans of the continuing threat of terrorist attacks. As we debate the bill this week, I will offer two amendments to fill some of the gaps in border security and port security that were created as a result of the administration's unworkable proposal to finance $1.2 billion of the Department's budget through increased aviation passenger taxes. I will also support amendments that will be offered to increase funding for first responders and for rail and transit security. I encourage Congress to demand more of the Department of Homeland Security and more than rhetoric from the President.

Again, I applaud Chairman GREGG for the expertise he brings to the bill, for the labor he expends, for his determination, his concern, and for the foresightedness he brings to the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I appreciate the kind comments of the Senator from West Virginia. I especially appreciate his very insightful review of the issues here, most of which I agree with, some of which I may have some disagreement with, but mostly I am in total agreement. He used the analogy of a hill. I sometimes feel that he and I are like Sisyphus on this hill. I am not sure we are going to make it to the top, because they keep pushing the stone back down on us.

In any event, the effort is being made. We are trying to secure our borders and make sure that we are safer from weapons of mass destruction. And the Department, as he said—and I think it is important to stress this—is filled with people conscientious and committed to protecting America, and the issues which are raised are ones of resources and systems and support. Those can be resolved when you have good people working, and I think we can resolve them.

I look forward to hearing more from the Senator as he brings forward his amendments.

I ask unanimous consent that the committee substitute to H.R. 5441 be considered and agreed to; provided that no points of order are waived thereon and that the measure, as amended, be considered original text for purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened to my colleague from West Virginia in his description of amendments he intends to offer. It is a description of the legislation. This Appropriations subcommittee is a very important subcommittee and raises a good many issues dealing with the security of our country. I want to talk about them briefly, and then I want to talk about something that occurred last week.

First, with respect to homeland security, a book was written a while back about October 11, 2001. We talk about September 11, 2001. On 9/11/2001, a tragedy was visited on this country when airplanes loaded with fuel crashed into the Trade Centers, the Pentagon, and a field in Pennsylvania, and thousands died. It was a devastating terrorist attack against our country. That was on 9/11/2001.

According to information in a book printed some while ago, on October 11 of that same year, a CIA agent with a code name Dragonfire reported, and apparently through the Presidential daily briefings, the head of the CIA, Mr. Tenet, reported to the President, that they had picked up a rumor or intelligence had gathered information that a 10-kiloton nuclear weapon had been stolen from the Soviet arsenal, or the Russian arsenal, and had been taken to New York City and was to be detonated in a major American city by a terrorist organization.

Graham Allison, who wrote the book "Nuclear Terrorism," described the plot that was told to the CIA by an agent called Dragonfire. As a result of that description 1 month after 9/11 that there might be a 10-kiloton Russian nuclear weapon in this country already set to be detonated in an American major city, there was great concern, obviously. Many people were apoplectic about what was happening. This did not become the product of news stories, for obvious reasons. But the administration and others responded to it with some concern.

About a month later, it was apparently discerned that this was not a credible threat, or at least the circumstances that brought that threat were not credible. But as they postmortemed that period, they discovered it was probably perfectly credible: We know the Russians had 10-kiloton nuclear weapons; they had built them. They don't have the best command and control of their nuclear weapons. It is perfectly plausible that someone might have stolen or purchased a 10-kiloton nuclear weapon and it was not outside the scope of probability that someone might have brought a nuclear weapon into this country and a terrorist organization could well have detonated a nuclear weapon, all of which caused great concern.

We have roughly 30,000 strategic and tactical nuclear weapons in this world. The disappearance of one to a terrorist organization, in the hands of a terrorist organization will cause a terrorist act in a major city unlike any we have ever seen.

It is interesting that when the Defense authorization bill comes to the floor of the Senate, we spend billions and billions of dollars defending against a rogue nation or a terrorist acquiring a nuclear weapon, putting it on the tip of an intercontinental ballistic missile and shooting it at our country at 18,000 miles an hour. So we are spending billions on an antiballistic missile system to try to hit a bullet with a bullet. It is my judgment—and I think the judgment of most people who evaluate what is the most likely threat against our country—that the most likely threat is a container ship pulling up to a dock at a seaport in this country at about 3 miles with a container on board, with a weapon of mass destruction inside that container that has not been inspected. That is a far more likely threat to this country than a nuclear-tipped intercontinental ballistic missile acquired by a rogue nation or a terrorist organization. Yet we are spending thousands of times more money on the antiballistic missile program than we are on port security.

It is why port security is of such great importance to this country. We have a large border, and we had some discussion with respect to the immigration bill about border security—border security with respect to immigration, yes, but also with respect to keeping terrorists out. But our borders not only include the landmass between Mexico and the U.S. and Canada and the U.S, our borders include port facilities and a substantial number—I believe the number is close to 6 million containers on ships each year come into this country, with a very small percentage of them actually investigated or inspected. That is why port security is so very important.

It is also the case, as my colleague from West Virginia has described, that first responders in this country will almost inevitably be first to respond to not only a terrorist act should one occur in the future, but first responders will likely be first in contact with the terrorists. It is a fact that one of the terrorists who flew an airplane into a building in this country on 9/11/2001 was apprehended for speeding in the State of Maryland but apparently was not on a watchlist and so was given a speeding ticket and then drove off.

It is likely that the first acquaintance with a terrorist or a terrorist act will be someone in local government—local police, county sheriff, a local emergency crew, an ambulance. That is the first responder.

We have just had testimony from sheriffs and local police officers about the issue of critical interoperability of communications. Is the local police organization able to communicate with the highway patrol? Can the highway patrol communicate with the fire department? Can the police communicate with the fire department? All of that is very important. Yet at the same time we ask these questions, the President is recommending very substantial cuts in these programs—Byrne grants, law enforcement block grants, COPS Program, and others. It is exactly the wrong time, in my judgment, to retreat. At the same time violent crime is increasing, by the way, the President is recommending those same cuts.

With respect to this issue of the Department of Homeland Security, it is very important we get it right. My colleague, Senator JUDD GREGG, I know works hard on these issues, as does my colleague from West Virginia, Senator BYRD. I hope this week, as we work our way through this legislation, we can thoughtfully consider amendments and evaluate those that will strengthen this bill and perhaps discard those that will not we will come out of it with legislation that will give us the feeling that we have improved substantially homeland security in our country.

Homeland security is also about hometown security because that is where homeland security starts—with first responders.

Mr. President, I ask unanimous consent to speak as in morning business. I would like to speak for a few minutes about a drought tour I took last week.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE DISASTER RELIEF

Mr. DORGAN. Mr. President, we have a portion of North Dakota, and it extends down into South Dakota, parts of Missouri, Illinois, all the way down to Texas, where a very severe drought is occurring. I want to talk about meetings in Flasher, ND, Moffit, ND, and Zeeland, ND. Zeeland is a town of 118 people. I drove up to Zeeland the other day and 170 farmers and ranchers were there, in a town of 118 people. As we drove into that town and looked off to the left, we saw what looks like the gravel infield or sand infield of a baseball diamond, a field that is supposed to have grass where cows can graze. There is no grass. It looks like a bowling ball. That is because there is a devastating drought occurring in that region.

We have a lot of folks who have cattle, and you either feed cattle or you have to sell them. It is just that simple. People are very concerned.

No. 1, we need hay and grazing opened on CRP land so farmers can get at forage to feed these cows. I had people stand up at meetings and say: I have 200 to 300 cows, and I have nothing to feed them. The pasture is bare.

Those cows are either going to be fed or put on a truck and sent to market immediately.

There was a man, Wes Mastel, a 24-year-old rancher who just started 2 years ago. He had to sell his herd of 114 cows. He had nothing to feed them. The stories are pretty devastating.

The thermometer on the MacIntosh County Bank the other day read 100, 101 degrees with wind just drying out the soil, sucking out the moisture—what little moisture that does exist in the soil.

We have this developing, abiding drought that is devastating to ranchers. I raise the question because I have offered three times now disaster relief for 2006 when we had torrential rains and 2 million acres couldn't be planted or were planted and washed away completely.

We had a disaster in the gulf region. That was called Katrina. The torrential rains in North Dakota didn't have a name, but they were torrential rains. They destroyed crops. The drought doesn't have a name. It destroys crops.

The question is: What can we do about it? We have always, prior to this, reached out to family farmers and said: We want to help you; in times of trouble, we want to help.

Last December, the Senate passed a disaster relief bill. The House would not accept it. The President, in fact, very frontally said: If it comes to me, I will veto it. Usually it is a Presidential adviser who recommends a veto. That wasn't the case. The President said: I will veto it, so it didn't go anywhere.

A couple of months ago on the emergency supplemental, I attached, once again, a disaster relief bill. It got to conference with the House, and it was again jettisoned. The President again said he opposed it.

So I attached a disaster relief bill to the Agriculture appropriations bill that was marked up in the full committee just recently. We are going to see again. Times change, things change. My hope is the President will understand this is a very serious problem and will relent and decide he wants to help.

I am informing the chairman and ranking member of the full Appropriations Committee today that it is my intention to modify the amendment I added to the Agriculture appropriations bill to include the 2006 drought because we must, it seems to me, respond to this disaster. The failure to respond to it means that fewer and fewer people will be living out on the land in this country, and that takes something significant away from the character of this country. This is not new. We have always reached out in times of trouble.

I would ask anybody who thinks there is not trouble out there to just take a drive—take a drive in the drought area and then ask yourself, if you had 300 cows that were your responsibility on your ranch, what on Earth would you feed them? And if there is nothing to feed them, you are going to market and you are out of business. It is that simple.

So, first and foremost, my colleague, Senator CONRAD, and I, and others, have asked the Secretary of Agriculture to release haying and grazing opportunities on CRP lands. That is very important. It is important that it be done now, not later. The Department of Agriculture always drags its feet and always opens CRP land for haying and grazing too late, after the major 4–H opportunities are gone or after the 4–H capability is dramatically diminished. So my hope is that the Secretary of Agriculture will heed the call this time and open that land for haying and grazing immediately to give some relief to those ranchers.

As I said, this is not just about North Dakota. My colleague, Senator BOND from Missouri, and our colleagues from Illinois and others—Illinois, last year, had the third driest year since 1895. There are other areas of this country that are suffering the ravages of drought. Again, my hope is that this Congress will understand the urgency.

I was at this meeting in Zealand, ND, of 170 ranchers. They talked about the drought. Even without the drought, what is happening to them, the average farmer and rancher in North Dakota is spending $18,000 a year in additional energy costs. The big, major integrated oil companies are walking to the bank with bundles of money sucked right out of the pocketbooks of working Americans, ranchers, and farmers, especially because they are heavy users of energy. It is unbelievable the toll it is imposing all across this country. But when you add a drought, which has destroyed pastures and destroyed the ability to feed your cattle, and then continue to impose this additional burden of energy costs, in my judgment, it is a recipe for destruction all across rural America.

Some people may think it doesn't matter. I have spoken before to my colleagues about a fellow named Rodney Nelson in North Dakota who is a cowboy poet and who wrote a long question for this country: Does part of this country's character depend on having folks on the farm and on the ranch as well? Farmers and ranchers, small towns and big towns, isn't all of that together part of the character of this country? He asked the question: What is it worth? What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to overhaul a tractor, how to plow a straight furrow, how to teach a calf to suck from a pail? What is it worth for a kid to know all of these things? What is it worth for a kid to know how to grease a combine, how to hang a door, how to build a lean-to? What is it worth?

There is only one university in this country where that is taught and that is on the family farm. Those kids who come off our farms and go to small towns and big cities, who bring with them that nourishment of family values from America's farms and ranches to small towns and big cities is what renews our country. If this Congress ever decides that farms don't matter, those Americans who live out under a yard light trying to raise a family and raise a crop and raise some livestock, if this Congress ever decides they don't matter, we will have lost something very substantial for this country.

So for now, we need the Secretary of Agriculture immediately to release CRP land for haying and grazing so we can get some feed to those cattle in drought areas. No. 1. No. 2, we need this President to back away from his threat to veto disaster aid, and we need to amend the provision that I put in the Agriculture Appropriations Subcommittee to extend it to 2006, which I intend to do.

Mr. President, we have a lot of choices to make in this country. Our country has a responsibility in this world to respond to all kinds of things. We are a world leader. I think that it is important for us to respond around the world. But first and foremost, it is important for us to respond here at home and take care of things here at home.

I am just telling you when the sign at the bank and the sign downtown in your town shows 105 degrees or 102 degrees and the wind is blowing 30 miles an hour and the pasture looks like a bowling ball and there is nothing for the cattle to eat and you are suffering through a drought, this Congress has a responsibility to act—and sooner rather than later.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT DECISION REGARDING TERRORISTS

Mr. GREGG. Mr. President, I will take the first 10 minutes to speak about the recent Supreme Court decision on the treatment of terrorists we are holding and their rights relative to trial. This is a classic example of a court that has seen the trees but has failed to see the forest.

We are confronted with a situation where individuals, whose purpose it is to kill Americans and destroy our Nation, are being held by our country in order to protect our country. These are individuals who don't function as part of an organized nation. There is no Nation to which they are accountable or which would be accountable to us should we be functioning in a state of war that was formal, such as occurred during World War II when the Nazi government and Germany and the German soldiers that were captured were held under the rules of the Geneva Convention and the people who were in that government were tried under the rules of Nuremberg. There is no such government. These individuals function separately from any formal structure that could be called governance. And there is no right to the Geneva Convention because the Geneva Convention presumes certain statuses of combat and that there are certain engagements, even though it is in war, that have rules relative to what can and should be done in a war that is appropriate.

None of these people are signatories to the Geneva Convention; they have no rights under the Geneva Convention; and they disavow the purposes of the Geneva Convention. Their purpose is to kill for the reason that they believe their life will be improved and their afterlife, as they see it in their perverse view of Islam—which is a great religion but is being perverted by these fundamentalists. Their purpose is to kill Americans and destroy Western culture. To ascribe to them certain rights, as if they were citizens of our Nation or citizens of some other nation that we were at war with, or as if they were participants in a group that was signatory to the Geneva Convention, is to undermine, first, the legitimacy of nations and what nations stand for; and, secondly, the legitimacy of treaties and what treaties stand for because you are essentially ascribing to these people rights and values which they reject and which they are fighting against.

Their purpose is to not support the Constitution or be governed by the Constitution of America. Their purpose is to destroy America and the Constitution. Their purpose is not to support the government of whatever Islamic nation they come from. Their purpose is, in most instances, to take that government over and to establish a religiously fundamentalist state which isn't governed at all by rules of Western or traditional civil societies. And their purpose certainly isn't to subscribe to the Geneva Convention.

So when the Supreme Court made this decision, they found themselves focusing on the trees but not on the forest. We have to ask ourselves why. Why would the Court make this decision? Well, maybe their purpose was to force us, as a Congress, to clarify the role of the President, and if that is the case, then we should do it. We should act in a way that gives the President the authority to hold these individuals because, what is the option? What is the option, to not hold them? That is not an option.

If you release these individuals, you basically assure yourself that you are releasing people whose purpose it is to come back and do dramatic harm to our Nation and to Americans. What President—what President—who is sworn to uphold the Constitution and to protect this country, could possibly release these individuals in the context of what their purpose is? It would totally—totally—affront the responsibility of the Presidency to do that.

The Court has made a decision which makes no sense from the standpoint of reality, although it may make sense from the standpoint of theory. I believe the Congress needs to act, and act quickly, so that this type of error can be corrected. It is, after all, a branch of Government that is not infallible—the Supreme Court. They have made egregious mistakes in the past such as in the Dred Scott case. And so we need to correct that and correct it promptly. We are an equal branch of Government. We have the capacity in this instance to correct it. it appears, at least from the dictum, if not from the actual core of the opinion. So we should do that. I would hope that the Congress would act promptly.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. We are in morning business. The Senator is recognized.

STEM CELL RESEARCH

Mr. DORGAN. My understanding is that perhaps next week the Senate will take up something called stem cell research, several pieces of legislation dealing with stem cell research. I want to talk for a few moments about that issue.

It has been just over 1 year now since the U.S. House of Representatives has passed a piece of legislation called the Stem Cell Research Enhancement Act, with very broad bipartisan support.

Those of us in the Senate and those across this country who have lost loved ones, and most of us have, to some dread disease—Alzheimer's, Parkinson's, heart disease, diabetes—the list is endless—cancer—understand that the urgency to do the research to find the cures for these diseases really must be preeminent.

I am not suggesting that urgency should suggest to us there are no ethical boundaries to research. There are ethical boundaries. But I also want to make certain that this Senate moves in a way that is expeditious and does the right thing.

I want to show a picture. This is a picture of a young girl I have met a good number of times. She is in the middle. Her name is Camille. Camille is 13. She was diagnosed with type 1 diabetes when she was 4 years old. I have met with Camille's mother and Camille a good number of times. I have told her story once before on the Senate floor, but it is worth retelling because Camille and her parents and so many others across this country are very concerned that we move forward on stem cell research and try to find ways to unlock the mysteries of this disease called juvenile diabetes. But not just diabetes; ALS and Parkinson's and Alzheimer's and so many more.

Type 1 diabetes, also called juvenile diabetes, occurs when a body's immune system attacks and destroys certain cells in the pancreas called beta cells. As a result, those beta cells that normally would produce insulin are not producing insulin. So when the beta cells are destroyed and no insulin is produced, the glucose stays in the blood and can cause serious damage to the organs of the body. So Camille, like many who have juvenile diabetes, will have to take insulin to stay alive. She has to maintain a carefully calculated diet. She checks her blood glucose level several times a day and takes insulin injections, as many as six a day, just to say alive.

Her parents have told me about Camille and her schedule. They live by the clock. They wake up in the middle of the night every night to check on her, make sure her insulin levels are normal.

Every hour of every day in this country someone is diagnosed with type 1 diabetes. With Camille, she has had some very close calls. She has been in the hospital a great deal. Her diabetes has been pretty devastating, and she has had a lot of close calls.

This young girl and her parents really want Congress to move forward on stem cell research. There is so much promise in stem cell research. I want to describe why this is necessary. We are talking about human embryonic stem cell lines available for use in Federal research. In August of 2001 when the President said he will make lines available, he made 78 lines available. Now there are only 22 of those lines available and all of these approved lines are contaminated in certain ways. That means that all of these stem cell lines will actually never be able to be used for human clinical trials.

This August 9, 2001 deadline that the President had on research using these 78 lines is simply an arbitrary deadline. Let me describe that these cells, these stem cell lines come from discarded embryos, fertilized eggs that have been cryogenically frozen at an in vitro fertilization clinic. We had a person testify before the Senate Commerce Committee some years ago who believed that it was just wrong that there should be eggs that are fertilized in a test tube or in a Petri dish and then implanted in the mother, something called in vitro fertilization. That is just wrong, he said. That should never ever have happened. It should never have been done.

There are now 1 million people living among us who were born as a result of in vitro fertilization, giving couples the ability to have children. Couples who previously have not been able to have children now are able to have children through in vitro fertilization.

At these in vitro clinics, more eggs are fertilized than are actually implanted and used. There are roughly 400,000 of embryos that are now cryogenically frozen at these clinics. Somewhere between 8,000 and 10,000 each year are simply discarded. They become waste. They are thrown away.

Those who say that the use of those embryos is the equivalent of murder, then, I believe, also probably say that the discarding of embryos that are not going to be used any longer, that have been cryogenically frozen—my guess is they believe those represent 8,000 or 10,000 murders a year.

I don't believe that. Those embryos can never and will never become a human being unless implanted into a uterus. The question is: Can we use these embryos to create stem cell lines to try to find cures to dread diseases? Here is what has happened in stem cell research since the President announced the limitation.

Here is what President Bush said in 2004:

> Embryonic stem cell research requires the destruction of life. I'm the first President ever to allow Federal funding for embryonic stem cell research. I did so because I, too, hope that we'll discover cures from the stem cells. But we've got to be very careful in balancing the ethics and the science. And so I made the decision we wouldn't spend any more money beyond the 70 lines, 22 of which are now in action, because science is important, but so is ethics, so is balancing life.

But these lines themselves were from in vitro fertilization clinics and would have been discarded and are being discarded routinely in this country, 8,000 to 11,000 a year. This is just an arbitrary decision.

So let me just make a couple of additional points. This is my former colleague, Senator Jack Danforth, a former Republican colleague, as a matter of fact, and ordained Episcopal priest. He wrote this in the New York Times:

> It is not evident to many of us that cells in a Petri dish are equivalent to identifiable people suffering from terrible disease. I am and have always been pro-life. But the only explanation for legislators comparing cells in a Petri dish to babies in the womb is the extension of religious doctrine into statutory law.

This from an Episcopal priest, a former Republican Senator.

Finally, this from Nancy Reagan:

> Science has presented us with a hope called stem cell research, which may provide our scientists with answers that have so long been beyond our grasp. I just don't see how we can turn our backs on this—there are just so many diseases that can be cured or at least helped. We have lost so much time already, and I just really can't bear to lose any more.

I believe that we ought to proceed with thoughtful, ethical guidelines on stem cell research. I understand that is a controversial position for some. In fact, in the last campaign for office for me, my opponent ran a television advertisement that was novel and fairly disgusting. In it was a fellow who was sitting around a campfire with some little children. One of the little children said to the camp fire leader: Tell us a scary story.

And the camp fire leader said: Well, there is this man named Dorgan and he has a plan to put embryos inside the womb of a mother and grow them for body parts to be harvested later.

An unbelievable television commercial, bearing no relationship to what has been discussed under any set of circumstances. But the controversy that exists these days with stem cell research, I understand; I am respectful to those who disagree with me on this subject.

I am mindful that there should be solid ethical guidelines in terms of how it is dealt with. But I don't believe this is about harvesting body parts. This is about giving life. This is about giving hope. This is about unlocking the mysteries of dread diseases—to tell those who live with Alzheimer's or heart disease or cancer or juvenile diabetes or ALS or Parkinson's that we are doing everything we can to find ways to cure these diseases. That is what this research is about. I really believe it is about giving life—providing opportunity for those who are suffering from these dread diseases.

That is why I am a cosponsor of the Senate companion bill to the House bill called the Stem Cell Research Enhancement Act, which has 41 cosponsors. It is a bipartisan group of Senators who has cosponsored this legislation.

I take some hope with the statement of the majority leader that it appears we will begin debating this issue within the next week or two.

It is important to be clear that this bill only deals with stem cells—embryos that were created for fertility purposes by in vitro fertilization clinics that would otherwise be thrown away. That is all that is being discussed. As I indicated, there are about 400,000 of those embryos that are now frozen at in vitro fertilization clinics.

I know there will be great controversy when we discuss this. However, I am comforted, as well, that there is a bipartisan group of Senators who believes this ought to be done and supports the legislation. It is a fact that sometimes those of us who serve here lament that we are taking lightly things that should be taken seriously, or taking seriously things that are light. This is a serious issue. And bringing this to the floor of the Senate means that we are sinking our teeth into a piece of public policy that is very important and that we recognize is controversial but nonetheless very important for us to make decisions about.

I look forward to being a part of that discussion and that debate when it comes to the floor of the Senate, hopefully, next week if the information I have is correct, if not within a week or so following.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Are we in the parliamentary procedure of morning business?

The PRESIDING OFFICER. That is correct. The Senator is recognized for 10 minutes.

BLACK HAWK HELICOPTERS

Mr. NELSON of Florida. Mr. President, we have an interesting situation where the Department of Defense is requesting that seven Black Hawk helicopters that the U.S. Army owns but are detailed to the Drug Enforcement Administration in the Bahamas be taken out of the Bahamas. No doubt there is a need elsewhere in the world, perhaps in Operation Iraqi Freedom. But this Senator wants to make the case, as I did 2 weeks ago when we had the Defense authorization bill on the floor, that the United States Government needs to find some additional helicopters to replace those that are there for the purpose of interdiction of all kinds of contraband.

Indeed, we have experienced enormous success from having those seven helicopters in the last 5 years: 800 drug smugglers have been apprehended as a result of those helicopters being there; 25 tons of cocaine have been taken away from the drug smugglers; 82 tons of marijuana, as a result of the effectiveness of these helicopters. Of course, I am just speaking about the interdiction of contraband drugs, not even to speak of the interdiction of all of the human smuggling that is attempted into the United States through that route.

It might be instructive for us to know that when a similar situation was done elsewhere in the Caribbean, in Central America in the late 1990s, and seven helicopters were taken from Central America with a similar kind of mission, the incidence of drug smuggling rose precipitously. Of course, that is what will happen if these helicopters are not replaced.

Since the 1980s, these helicopters have made an enormous difference. For example, it is hard to believe the statistic I am going to tell you, but 80 percent of all the cocaine that was smuggled into this country came through that region of the Atlantic, the Bahamas and the Turks and the Caicos, back in the 1980s. That percentage of the total cocaine smuggled into the country has been reduced to 10 percent. So the proof is in the pudding. The success is there.

Two weeks ago when we had the Defense authorization bill on the floor, I added an amendment that said that the U.S. Government should come up with a replacement for those helicopters. If they are needed elsewhere, fine; that is, the war on terror. We also have a war on terror and a war to defend the homeland as well. That is right here. That is the southern sector off the shores of the Southern United States.

It is my hope that the Defense Department will take very seriously the Defense authorization bill that makes that statement to the U.S. Government. Surely in the inventory of the entire U.S. Government, there are seven helicopters that can replace the ones being taken out and sent to Iraq. The success of our interdiction and the protection of our homeland is at stake.

I yield the floor.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS TERRY WALLACE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SFC Terry Wallace of Nebraska. Sergeant Wallace died when an improvised explosive device detonated near his military vehicle in Taji, Iraq on June 27. He was 33 years old.

Sergeant Wallace was born in Winnsboro, LA. He graduated from Winnsboro High School, where he ran track and played drums in the school band. He enlisted in the Army in 1990. In recent years, Sergeant Wallace lived in Bellevue, NE, with his wife Shunda and daughter Raven.

Sergeant Wallace had several assignments overseas, including other locations in the Middle East. In December 2005, he was deployed to Iraq with the 4th Battalion, 42nd Field Artillery Regiment, 4th Infantry Division, based out of Fort Hood, TX. Sergeant Wallace will be remembered as a smart, hardworking man who was honored to serve and defend his country. Thousands of brave Americans like Sergeant Wallace are currently serving in Iraq.

In addition to his wife and daughter, Sergeant Wallace is survived by his parents J.R. and Mary Wallace; his twin brother Jerry, as well as several other brothers and sisters. Our thoughts and prayers are with them at this difficult time. America is proud of Sergeant Wallace's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring SFC Terry Wallace.

CORPORAL JEREMY S. JONES

Mr. GRASSLEY. Mr. President, I rise today to honor one of our Nation's most courageous men, who fell while serving in Operation Iraqi Freedom. CPL Jeremy S. Jones gave his life on June 27, 2006 when an improvised explosive detonated while he was on patrol. Corporal Jones was a member of D company, 1st battalion, 67th Armored Regiment, 4th Infantry Division, Fort Hood, TX. He was 25 years old.

My thoughts and prayers are with the Jones family, his father, Scott; his mother, Diane; his wife, Jennifer; and his two young children, Mackenzie and Anthony. Also, my deepest sympathies go out to Jeremy's friends, to the men and women of the 4th infantry, and to all who knew him.

Jeremy was a soldier, a patriot, and a father. Jeremy did not die in vain but gave his life defending freedom and protecting all of us back home. He is truly an American hero. Corporal Jones' sacrifice and the sacrifice of so many others will be remembered by all freedom-loving Americans.

U.S.-INDIA CIVIL NUCLEAR COOPERATION

Mr. FEINGOLD. Mr. President, the Foreign Relations Committee recently had an opportunity to mark up historic legislation that would permit civilian nuclear cooperation between the United States and India. I say historic because such cooperation will dramatically shift 30 years of nonproliferation policy towards India and potentially set the United States-India relationship on a new foundation.

Our relationship with India is one of our most important. As we look ahead to the coming decades, it is clear that United States-India relations will be crucial to establishing a secure, sustainable, and prosperous global system. But as we consider a fundamental shift in the international nonproliferation regime, we must also make sure we have adequate protections in place to guard against the spread of nuclear weapons and weapons technology.

I appreciate the fact that the legislation we were asked to mark up represented a substantial amount of work from Chairman LUGAR, Ranking Member BIDEN, and their staffs. This bill was a substantial improvement over the original proposal, which would have removed any meaningful congressional oversight from consideration of a nuclear cooperation agreement with India and which had virtually no protections for nonproliferation concerns.

However, I remain concerned with the broader implications of this legislation. My primary concern is this: the threat of nuclear weapons to the United States and the spread of nuclear weapons and nuclear material are among the gravest dangers that our country faces. It is crucial to our national security that the nuclear nonproliferation framework remains strong. I want to make sure that the United States, as a signatory to the Nuclear Non-Proliferation Treaty, is working to strengthen the international treaties and regimes that have been designed to prevent the spread of nuclear weapons.

That is why I offered an amendment that would simply spell out in greater detail that this deal will be only civilian in nature and that none of the assistance the United States provides to India will be used for strengthening or further developing India's nuclear weapons arsenal. This is something we are already committed to under article 1 of the NPT. The amendment would have required the President to certify that he had received sufficient assurances that U.S. assistance would not contribute directly or indirectly to the development of India's nuclear weapons arsenal.

This should not have been a controversial requirement, but unfortunately my amendment was defeated during markup. However, I was pleased to have four of my Democratic colleagues vote in favor of my amendment. They recognized that this is an important, legitimate concern and that a Presidential determination along these lines would have provided protections against the diversion of U.S. technology, equipment, and fuel toward a nuclear weapons program. In the absence of such protections, I was compelled to vote against this legislation.

My "no" vote does not mean that I am opposed to the entire deal. I will work with my colleagues to ensure that the final version of this bill contains adequate protections against the spread of nuclear weapons technology.

I yield the floor.

ADDITIONAL STATEMENTS

RECOGNIZING TOM COTA

• Mr. THUNE. Mr. President, today I wish to thank Tom Cota, an intern in my Sioux Falls office, for all of the hard work he has done for me, my staff, and the State of South Dakota this summer.

Tom is a graduate of Lincoln High School in Sioux Falls, SD, and is currently a student at the University of South Dakota. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I give my thanks to Tom and wish him continued success in the years to come.•

TRIBUTE TO MR. DICK CHAMPION

• Mr. BOND. Mr. President, today I wish to honor Mr. Dick Champion, director of the Independence Water Pollution Control Department.

Mr. Champion is an exceptional leader and public steward dedicated to the improvement of Missouri's and the Nation's environment and public health. It is my pleasure to congratulate Mr. Champion on becoming the new president of the National Association of Clean Water Agencies, NACWA, formerly the Association of Metropolitan Sewerage Agencies, AMSA, Mr. Champion is ideally suited for this national leadership position.

Mr. Champion began his career in water pollution control in 1969. He has been with the City of Independence, MO, Water Pollution Control Department for the past 27 years and has been director of the department since 1983. The department is responsible for the Sanitary Sewer Utility, the Storm Water Management Program, the Household Hazardous Waste Management Program, and related environmental compliance.

He was appointed by the Jackson County Executive and legislature to the Jackson County Stormwater Commission, to coordinate regional stormwater policy and planning. Since its creation in 2001, Mr. Champion has been serving as vice-chair of the commission.

He has been an active member of NACWA since 1992, was elected to the board of directors in 1999, and now serves as NACWA's vice president and chair of the Strategic Planning Committee. Mr. Champion will become NACWA's president on July 18—an impressive accomplishment and one that will no doubt help secure NACWA's role as the leading advocate for sound water quality policies.

Mr. Champion earned a BS degree in political science with an emphasis in local government and public administration from Central Missouri State University in 1973. As a student and throughout his career Mr. Champion has demonstrated an unwavering commitment to public service and the improvement of water quality in Missouri. The fish and fishermen of Missouri owe a great deal to his tireless work to guarantee clean water.

With Mr. Champion as president, NACWA will no doubt build on its reputation as the leading advocate for responsible national policies that advance clean water and a healthy environment. Simply stated, when I hear the term "environmentalist," I think of public servants like Mr. Champion first.

Again, it is my sincere pleasure to congratulate Mr. Champion on becoming president of NACWA. I look forward to working with him and NACWA to ensure continued water quality progress for Missouri and the Nation.•

TRIBUTE TO JOE PURCELL

• Mrs. LINCOLN. Mr. President, on Saturday, June 24, one of the finest public servants that my State has produced was honored in his hometown of Benton, AR. Joe Edward Purcell was many things to many people. He was a devoted family man. He was a loyal friend. He was also a dedicated public servant whose reputation for integrity and professionalism brought honor and respectability to every public office he held.

Joe Purcell was born in the small southeast Arkansas town of Helena. Shortly after graduating from Little Rock Junior College, he enlisted in the U.S. Army for service in World War II. Upon his return from service, he entered law school at the University of Arkansas in Fayetteville and graduated in 1952. Later that year, he opened his law practice in Benton and quickly earned the reputation throughout the community of a trustworthy advocate of the people he represented.

"Honest Joe" carried that reputation with him through what would become a distinguished career of public service at both city and State levels of government. Beginning in 1955, Joe served as Benton City Attorney and later as Benton Municipal Judge. In 1967, he was elected as attorney general for the State of Arkansas. During his tenure, his leadership led to a number of reforms and innovations, including the establishment of the consumer protection office which to this day provides consumer education and promotes the principles of fair business practices and honest balloting.

After an unsuccessful gubernatorial campaign, Joe was elected three times as Lieutenant Governor beginning in 1975. In that capacity, he also became the acting Governor of our State for 6 days in early 1979, when he filled the unexpired term of former Governor and Senator-elect, David Pryor, in the days prior to the gubernatorial inauguration of Bill Clinton. It was Clinton who would later describe his predecessor as "a self-made man who represented honesty and integrity in public service." Joe would serve as our State's Lieutenant Governor until his retirement from public service in 1981.

The Benton sidewalk memorial that was recently unveiled in honor of Joe Purcell is fittingly located just in front of the old Federal building downtown. I am hopeful that it will serve as a reminder to generations of Arkansans not just of the numerous accomplishments that Joe Purcell compiled over his political career but also of the legacy of integrity and public service that he has left us all. The genuine compassion he held for those around him led him to a life dedicated to making his community and his State better places to live for all of us. It is truly a selfless principle for those of us in public service, and those of us in our personal lives, to embody each and every day.

I am proud to have on my staff a young man named David Hogue. David is the grandson of Joe Purcell and it was at his suggestion that this tribute in Benton came to fruition. David has been a tremendous asset to my office, and I am appreciative of all of his hard work and dedication on behalf of our State and its citizens. This fall, he will be headed to law school in Fayetteville, just like his grandfather so many years before, and I wish him the very best.

It is often said that a community reveals itself, not only by the men it produces, but also by the men it honors and remembers. Joe Purcell embodied the best in all of us and because of people like him, the community of Benton and the State of Arkansas are such wonderful places to live today.●

RECOGNIZING THE PRINCETON HEALTH CARE CENTER

● MR. ROCKEFELLER. Mr. President, today I wish to celebrate the longevity and accomplishments of the Princeton Health Care Center in Princeton, West Virginia. Last week, this long-term care provider celebrated its 25th anniversary, and I wish to recognize its achievements and its enormous contribution to its community. Twenty-five years ago, I stood with many community leaders in Princeton, at that time as Governor of West Virginia, to dedicate a brand new facility called the Princeton Health Care Center.

Now, two and a half decades later, the Princeton Health Care Center is a 120-bed facility in the heart of Mercer County. It serves residents of Princeton and surrounding communities, including Bluefield and most of southern West Virginia. The facility offers medical services, nursing services, social services, therapeutic and recreational activities, dietary services, financial planning and consulting, transportation, and other standard activities many of us use in our daily lives. This litany of available services shows that this facility attends to all the needs of its residents—physical health, mental health, social well-being, and others. The health care center is located very near to the Princeton community, providing residents with easy access if it is ever needed.

Long-term care is an enormously important part of our health care system and one that is often overlooked or underfunded. By the year 2020, there will be more than 70 million older persons in America—more than twice the number today. We must provide our seniors with the dignity and peace of mind they deserve in their golden years. Facilities like the Princeton Health Care Center provide a place for those who need care to live comfortably and in their community while still getting the assistance that they require.

The facility in Princeton is located in a serene setting, granting residents access to nature in all seasons and allowing them to enjoy the outdoors. In addition to the center's environs and its many amenities, the center boasts a well-trained and professional staff, which attends to the needs of its residents.

The board of directors and all those involved with the center have made it a wonderful success for the past 25 years. The center's association with the Princeton Community Hospital has served its residents well, and I look forward to decades more of success for this facility.

Mr. President, I hope the Senate will join me in congratulating the staff and management of the Princeton Health Care Center for 25 successful years.●

TRIBUTE TO SHIGEJI IKENAGA

● Mr. ROCKEFELLER. Mr. President, today I also wish to honor a leader in the automotive industry and a friend of West Virginia, Shigeji Ikenaga, as well as the team members of Diamond Electric located in Eleanor, WV. Together they have contributed to the company's global growth and economic prosperity, as well as developing West Virginia's automotive industry.

President Shigeji Ikenaga has worked for Diamond Electric since 1954, dedicating an impressive 52 years of service to the automotive industry. During his extensive career, Mr. Ikenaga was instrumental in bringing Diamond Electric to the United States and tapping our workforce to help produce automotive parts. In 1987, Diamond Electric established a plant in the Detroit, MI area. Then, in 1992, Diamond Electric started manufacturing ignition coils at its headquarters in Dundee, MI. Soon thereafter, West Virginia began to benefit from operational expansions by Diamond Electric. In April, 1996, just as Toyota was beginning its work in West Virginia, ground was broken for an ignition coil plant in Eleanor, WV.

Building upon Diamond Electric's success in North America, Mr. Ikenaga expanded to other continents, establishing a manufacturing plant in Esztergom, Hungary, and incorporating the company in Suzhou, China. These expansions solidified Diamond Electric's stance in the global market.

As is evidenced by the various awards of excellence he and the company have received, Mr. Ikenaga's work and the work of his employees is exceptional. In 1994, Diamond Electric received the Deming Award, which recognizes medium and small companies for their outstanding total quality control program. In addition, Mr. Ikenaga was awarded the Medal with Blue Ribbon in 1997 and again honored in 2002 when he was awarded the Order of the Sacred Treasure, Gold Rays with Neck Ribbon. These awards are testament to the high quality and hard work of Diamond Electric and its employees.

The Diamond Electric employees of West Virginia have also made an enormous contribution to the company's success. The plant has been awarded the Toyota Delivery and Quality Awards each year since beginning production in 1998. This allowed Diamond Electric one of their greatest achievements to date—becoming the first U.S. supplier to build an ignition coil for the Lexus SUV engine.

Moreover, because of the well-earned success in West Virginia, the facility has expanded 3 times since production started in 1997, growing from a 50,000-square-foot facility and 3.4 million in capacity to a 110,000-square-foot facility and 13 million in capacity. Currently, the company employs nearly 150 West Virginians.

As the company has proven numerous times throughout the years, they are a leader in the automotive industry thanks to the extraordinary efforts of Mr. Ikenaga and the workforce at the Eleanor, WV facility. Diamond Electric and its employees are pioneers, expanding to other continents and manufacturing new and innovative automotive products.

Additionally, Mr. Ikenaga's actions have not only illustrated his desire for professional growth but also a desire to educate young individuals through Diamond Electric's participation in The Dictionary Project. I was very proud to learn that Diamond Electric presented every third grader in Putnam County this past year a dictionary to help them with their studies.

I take this opportunity to thank Mr. Ikenaga for his confidence in West Virginia and our remarkable workforce. I also congratulate Diamond Electric's remarkable team members for playing such an important role in Putnam County's growing economy. I appreciate your hard work and commitment to the automotive industry.●

RECOGNIZING DUSTIN ADAMS

● Mr. THUNE. Mr. President, today I wish to thank Dustin Adams, an intern in my Sioux Falls, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past year and a half.

Dustin is a graduate of Belle Fourche High School in Bell Fourche, SD, and the University of South Dakota. In the fall, he plans to attend George Washington University Law School. He is a hard worker and has been dedicated to getting the most out of his internship experience.

I give my thanks to Dustin and wish him continued success in the years to come.●

TRIBUTE TO CHARLES WHITEPIPE, SR.

● Mr. THUNE. Mr. President, today I wish to honor Charles Whitepipe, Sr. Charles was 1 of 11 Sioux codetalkers who served in World War II. He defended our country as an army radio operator using the Dakota, Lakota, and Nakota languages.

Charles played an integral and unique role in furthering our Nation's ability to defeat our enemies in times of war. His willingness to put himself in harm's way for the American people is truly inspiring, and I commend him for his bravery. The pride and dignity with which the Sioux codetalkers served our Nation makes them true American heroes.

Today I rise with Charles Whitepipe, Sr.'s friends and family in remembering his selfless dedication and service to our country as a Sioux codetalker. I, along with the citizens of South Dakota and the entire United States, owe Charles and the other codetalker's a debt of gratitude that we will never be able to repay.●

RECOGNIZING THE LOUISIANA TECH CHAMBER SINGERS

• Mr. VITTER. Mr. President, today I wish to acknowledge the Louisiana Tech Chamber Singers for their participation in the 2006 Mozart Choral Festival in Vienna, Austria. As 1 of only 12 choral groups selected to perform in this festival, the Louisiana Tech Chamber Singers will stand among the most elite vocalists in the world.

The Louisiana Tech choral program embodies the high standard of musical and artistic excellence in Louisiana's higher education system and represents the finest musicians the university and the Nation have to offer. Former members of the Louisiana Tech choral program have established national and international reputations as performing and recording artists in many musical genres.

The 2006 Mozart Choral Festival is a celebration of the 250th anniversary of the birth of Wolfgang Amadeus Mozart. The participating choral groups are traveling from across the world to celebrate of one of the greatest musicians of all time by performing pieces of Mozart's most brilliant work.

I applaud the Louisiana Tech Chamber Singers for their success and wish their program continued prosperity.●

RECOGNIZING THE NATCHITOCHES NATIONAL FISH HATCHERY

• Mr. VITTER. Mr. President, today I also wish to acknowledge the Natchitoches National Fish Hatchery. This year, they will celebrate their 75th anniversary, and I wish to take a few moments to highlight their contributions to Louisiana.

As the only Federal fish hatchery in Louisiana, the Natchitoches station has steadily served the needs of the region. Founded in 1931, the Natchitoches National Fish Hatchery was originally established to provide recreation and food for the public during the depression and war eras.

Today the hatchery dedicates itself to the restoration of depleted species, recovery of threatened or endangered fish, and management of interjurisdictional fisheries. Over the years, the Natchitoches National Fish Hatchery has been involved with raising 16 species of fish and has stocked more than 164 million fish. The station has been an invaluable resource to Louisiana's wildlife and fisheries.

Federal fish hatcheries have been an important part of our Nation's resource management efforts for more than a century. Resource managers nationwide acknowledge hatcheries as a valuable tool for the preservation of our Nation's fisheries resources. Because of the importance of fisheries to Louisiana, the significance of the Natchitoches National Fish Hatchery can not be overstated.

Today, I applaud the Natchitoches National Fish Hatchery on their 75th anniversary and wish them continued prosperity.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 4761. An act to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7422. A communication from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting, pursuant to law, the Administration's Notification and Federal Employee Antidiscrimination and Retaliation Act Annual Report for Fiscal Year 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7423. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2005 Section 32 Hurricane Disaster Programs" (RIN0560-AH45) received on July, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7424. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Appeal Procedures" (RIN0560-AG88) received on July 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7425. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of seven identical violations of the Antideficiency Act; to the Committee on Appropriations.

EC–7426. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report of the preliminary planning for OMB Circular A-76 commercial activity study; to the Committee on Armed Services.

EC–7427. A communication from the Acting Principal Deputy (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report of the closure of the Defense commissary store at Naval Air Station (NAS) Keflavik, Iceland, by August 31, 2006; to the Committee on Armed Services.

EC–7428. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (4) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7429. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Michael M. Dunn, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7430. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 6, 2006; to the Committee on Armed Services.

EC–7431. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE: Coverage of Phase II and Phase III Clinical Trials Sponsored by the National Institutes of Health National Cancer Institute" (RIN0720-AA57) received on July 6, 2006; to the Committee on Armed Services.

EC–7432. A communication from the Secretary of Commerce, transmitting, pursuant to law, a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–7433. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Administration's 2005 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7434. A communication from the Executive Vice President, Financial Information Group, Chicago Federal Home Loan Bank, transmitting, pursuant to law, the Bank's 2005 management report and statements on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–7435. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's 2005 report of Independent Auditors on Internal Control over Financial Reporting and on Compliance Based on an Audit of Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–7436. A communication from the Associate General Counsel for Legislation and Regulations, Government National Mortgage Association, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Government National Mortgage Association; Excess Yield Securities" ((RIN2503–AA18)(FR–4958–F–02)) received on July 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7437. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs: Additional Exceptions to Time Restriction on Sales" ((RIN2502–AI18)(FR–4911–F–02)) received on July 6, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7438. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Assistant Secretary for Public Affairs, received on July 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7439. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments" (Doc. No. 1998C–0790) received on July 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7440. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Policy and Planning, received on July 6, 2006; to the Committee on Veterans' Affairs.

EC–7441. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's June 2006 Report to the Congress entitled "Increasing the Value of Medicare"; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2735. A bill to amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes (Rept. No. 109-276).

By Mr. McCONNELL, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5522. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109-277).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 3630. A bill to amend the Federal Water Pollution Control Act to reauthorize a program relating to the Lake Pontchartrain Basin, and for other purposes; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 71, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work at certain medicare providers, and for other purposes.

S.424

At the request of Mr. BOND, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 828

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 866

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 866, a bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants.

S. 914

At the request of Mr. ALLARD, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1722

At the request of Ms. MURKOWSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1722, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2322

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2354

At the request of Mr. NELSON of Florida, the name of the Senator from New

York (Mrs. CLINTON) was added as a cosponsor of S. 2354, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 2409

At the request of Mr. SMITH, the names of the Senator from California (Mrs. BOXER), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2409, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 2435

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2677

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2677, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 3546

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 3546, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to serious adverse event reporting for dietary supplements and nonprescription drugs, and for other purposes.

S. 3591

At the request of Mr. JEFFORDS, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3591, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S.J. RES. 35

At the request of Mr. BYRD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools.

S.J. RES. 37

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S.J. Res. 37, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 494, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day".

AMENDMENTS SUBMITTED AND PROPOSED

SA 4547. Mr. VITTER (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4548. Mr. VITTER (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4549. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table

TEXT OF AMENDMENTS

SA 4547. Mr. VITTER (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between line 2 and 3, insert the following:

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381)) from importing a prescription drug that complies with sections 501, 502, and 505 of such Act (21 U.S.C. 351, 352, and 355).

SA 4548. Mr. VITTER (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows;

On page 127, between line 2 and 3, insert the following:

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug that complies with sections 501, 502, and 505 of such Act.

SA 4549. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . The Secretary of Homeland Security shall work expeditiously with the Administrator of the Federal Aviation Administration to initiate a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States; provided, That the pilot program shall be established at the Customs and Border Protection Northern Border Air Wing sites.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, July 17, 2006, at 2:30 p.m. in room SD–366 of the Dirksen Building.

The purpose of this oversight hearing is to receive testimony relating to implementation of the Energy Policy Act provisions on hydrogen and fuel cell research and development.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dr. Kathryn Clay at (202) 224–6224 or Steve Wasewicz at (202) 228–6195.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 18, 2006, at 10 a.m. in room SD-366 of the Dirksen Building.

The purpose of this oversight hearing is to examine United States and India energy cooperation in the context of global energy demand, the emerging energy needs of India, and the role nuclear power can play in meeting those needs.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Henry Abeyta at (202) 224-8339, Clint Williamson at (202) 224-7556, or Steve Waskiewicz at (202) 228-6195.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, the Chair would like to inform the members of the committee that the committee will hold a hearing on Wednesday, July 12, 2006, at 10:30 a.m. in Russell 428A entitled "Strengthening Participation of Small Businesses in Federal Contracting and Innovation Research Programs."

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources for Wednesday, July 19, 2006, at 2:30 p.m. has been rescheduled for Wednesday, July 19, 2006, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to provide oversight on the implementation of Public Law 108-148 (The Healthy Forests Restoration Act).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics at 202-224-2878 or Sara Zecher 202-224-8276.

PRIVILEGES OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and members of my personal staff and interns and fellows be granted the privilege of the floor during the consideration of the fiscal year 2007 Homeland Security appropriations bill and any votes that may occur in relation thereto: Nancy Perkins, Shannon O'Keefe, Carol Cribbs, Mark Van De Water, Christa Crawford, Christopher Gahan, Peter Chaloner, and Adam Morrison.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109-11

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on July 10, 2006, by the President: 2002 Amendments to the ITU Constitution and Convention, Treaty Document No. 109-11. I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the amendments to the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and the Plenipotentiary Conference (Minneapolis, 1998), together with the declarations and reservations by the United States, all as contained in the Final Acts of the Plenipotentiary Conference (Marrakesh, 2002).

I transmit also, for the information of the Senate, the report of the Department of State concerning these amendments.

The Plenipotentiary Conference (Marrakesh, 2002) adopted amendments that would expand the field of individuals eligible for election to the Radio Regulations Board; provide for functional privileges and immunities for members of the Radio Regulations Board; strengthen the finances of the International Telecommunication Union by, among others, providing for sector member contributions to defray the expenses of regional conferences in which they participate and clarifying that operational plans prepared by the International Telecommunication Union Secretary-General and Directors of each of the International Telecommunication Union sectors must reflect the financial implications of the activities proposed; provide for sector members to be represented as observers at meetings of the Council; and recognize the authority of the Radiocommunication Assembly, the World Telecommunication Standardization Assembly, and the World Telecommunication Development Conference to adopt working methods and procedures for their respective sectors.

Consistent with longstanding practices, the United States, in signing the 2002 amendments, made certain declarations and reservations. Subject to those declarations and reservations, I believe the United States should ratify the 2002 amendments to the International Telecommunication Union Constitution and Convention. Those amendments will contribute to the International Telecommunication Union's ability to adapt to changes in the telecommunication environment and, in so doing, serve the needs of the United States Government and United States industry. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 10, 2006.*

ORDERS FOR TUESDAY, JULY 11, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow, Tuesday, July 11. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, and the final 15 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate then resume consideration of H.R. 5441, the Homeland Security appropriations bill. I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, today the Senate turned to the Homeland Security appropriations bill. Senators who have amendments to offer to this bill should contact the bill managers, Senator GREGG and Senator BYRD. The bill managers were here today and will be back tomorrow morning ready to move forward on amendments. We expect votes to occur throughout the day tomorrow, and obviously we will notify everyone once those are scheduled.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Tuesday, July 11, 2006, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Monday, July 10, 2006*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 2006.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of the covenant and the cross, You gather by Your providence the 109th Congress today for another session of work.

As Members of this body, we stand with one another. Our strength is our union. Our weakness is found in our division. Unite us for Your purpose and for the good of this Nation.

May we truly represent the diversity of the American people, while we examine the issues of today according to sound principles of truth and justice, which will bring us together.

Help us by our actions to forge blazing hope for this country and for the world.

Lord God, from the many You make us one, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) come forward and lead the House in the Pledge of Allegiance.

Ms. GINNY BROWN-WAITE of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 27. An act to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 2125. An act to promote relief, security, and democracy in the Democratic Republic of the Congo.

IT GETS "WESTERN"

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, after spending last week with the Terrorism Subcommittee hearing testimony from the people who live and work on our southern border, the realization of the problem for failure to protect the border from invaders was dramatically told by border agents, local law enforcement, and citizens.

Those who pretend we have no insurgency into America live in the Never Never Land of ignorance. Testimony showed that individuals in Mexican uniform, driving Mexican vehicles, still cross into our soil. Human smugglers and narcoterrorists operate fearlessly on our southern border.

Border Patrol Chief Reynaldo Garza put it clearly, "We do not have control of our border." This phrase should alarm even the border-appeaser crowd who take the side of illegals over Americans.

Former Texas Ranger Doyle Holdridge put it best when discussing what it is like on the Texas-Mexico border after sunset. He said, "It gets western."

Yes, it is lawlessness on this border that breeds violence, gunfire, drug trafficking, human smuggling and is a ripe place for terrorists to operate. It will continue to get western on our border until border security becomes a national security issue.

And that's just the way it is.

HOUSE REPUBLICANS PREFER STALLING RATHER THAN ACTING ON BORDER SECURITY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, last week House Republicans held two field hearings on the issue of border security, and they plan to hold more hearings next month.

But, Madam Speaker, the time for hearings is over. It is unprecedented for House Republicans to be holding hearings on legislation that has already passed the House. Instead, it is time for the Senate and the House to begin the tough task of reconciling differences between the two bills so that we can pass a comprehensive border security and immigration bill this year. That is how things in Washington are supposed to be done. But this Republican "Do Nothing" Congress refuses to lead.

Last week President Bush said negotiations were already under way between the two Chambers. And that is simply not true. Negotiations are not taking place because House Republicans say they want to wait until they have conducted the hearings.

Now, it is bad enough that Washington Republicans refuse to properly fund border security efforts. But now they want to stall any movement on legislation that would secure our borders and reform our Nation's immigration laws. If comprehensive legislation is not passed this year, House Republicans will have nobody to blame but themselves.

BUSH TAX CUTS TACKLE FEDERAL DEFICIT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, in a rare display of accuracy, today the New York Times highlighted how the Bush tax cuts are helping tremendously reduce the Federal deficit. As the drive-by paper reported, an unexpected steep rise in tax revenues from corporations and the wealthy is driving down the projected deficit this year. On Friday, the Congressional Budget Office reported that corporate tax receipts for the 9 months ending in June hit $250 billion, nearly 26 percent higher than the same time last year, and that overall revenues were $206 billion higher than at this point in 2005.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This incredible increase in tax receipts demonstrates that Republican policies are truly benefiting all sectors of the American economy. By reducing taxes, we have helped American businesses create jobs and, in turn, contribute larger amounts, reducing the Federal deficit. House Republicans will continue to work to make these effective tax cuts permanent.

In conclusion, God bless our troops, and we will never forget September 11.

SUPPORTING THE FBI

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to alert my fellow Members to a deadline that passed with little comment over the weekend.

Following the FBI search of a Member of this body's office, President Bush sealed the collected files for a period of 45 days. That deadline passed over the weekend.

My question is, What next?

Will this House continue to shield one of its own from criminal investigation and hide behind a misreading of the speech or debate clause, or will we admit that no American is above the law, Member of Congress or not?

I have introduced a resolution making it clear that when law enforcement officers have a valid search warrant in pursuit of criminal misconduct, it is entirely within their rights to search the office of a Member of Congress.

Now that the 45-day hold has passed, I would hope that President Bush would allow law enforcement officers to continue their duties to investigate criminal misconduct wherever it may originate. Currently, there are 20 Members of this body on that resolution, and I would encourage any others who want to send a loud and clear message we are not above the law to join me in cosponsoring it.

OPPOSE THE REID-KENNEDY BILL

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, House Republicans have put together a set of five principles on border security and immigration reform that we want to see included in any legislation that is sent to the President. These principles include making border security a top priority, providing our Border Patrol with the resources they need to do their jobs effectively, strengthening immigration law enforcement, punishing employers who knowingly hire illegal aliens, and opposing any efforts to reward those who break our laws.

Madam Speaker, House Republicans passed a great bill last December that incorporated all of these principles. Unfortunately, Democrats and some of our colleagues in the Senate are pushing for alternative legislation that would make our borders even more vulnerable, their Reid-Kennedy bill that would actually weaken our law enforcement and make our country far less secure.

Madam Speaker, the Reid-Kennedy bill would reward those who break our laws. This bill is not the answer to our immigration problems, and I strongly encourage my colleagues to oppose it.

COMMUNICATION FROM SENIOR POLICY ADVISOR, OFFICE OF HON. BOB NEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Bennett, Senior Policy Advisor, Office of the Honorable BOB NEY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 5, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena, issued by the U.S. District Court for the District of Columbia, for documents and testimony.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN BENNETT,
Senior Policy Advisor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 122) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, as amended.

The Clerk read as follows:

H.R. 122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding after section 16___ the following:

"SEC. 16___. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000.

"(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16___ the following:

"Sec. 16 . Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 122, introduced by Congressman DARRELL ISSA, authorizes the Bureau of Reclamation to participate in a water recycling project with the Eastern Municipal Water District in Southern California. The project will allow the district to be less reliant on imported water.

As water demands grow and supply becomes more scarce in Southern California, this bill will help drought-proof this arid region. The infrastructure investment in this legislation will help the district as its customers transition from agriculture to urban uses. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we on this side of the aisle support passage of H.R. 122. The majority has adequately explained this legislation, and I would simply note that the pending measure would enable the Eastern Municipal Water District to make improvements to its reclaimed water distribution system in Riverside County, California.

The Eastern Municipal Water District is the fifth largest water district in the State of California. This agency has been a leader in building water recycling projects, and this legislation is worthy of our support.

Mr. ISSA. Madam Speaker, I rise today in strong support of my bill H.R. 122.

I would like to thank Chairman RICHARD POMBO and Subcommittee Chairman GEORGE RADANOVICH and their staff for all their hard work in moving this bill to the floor.

My bill simply authorizes a Recycled Water System Pressurization and Expansion Project, which will create a pressurized distribution system to deliver water from Eastern Municipal Water District's reclamation plants to area residents. When fully implemented it will provide greater local protection from drought and reduce the district's need to import water.

The area that the EMWD provides water for is one of the fastest growing in the country. Riverside County is facing constantly increasing pressure to find new sustainable ways to meet the areas water supply needs and to accommodate future growth. It is critical that Congress supports projects like this that will lead to an increased use of reclaimed water, especially in areas such as Southern California where the threat of shortages and drought are almost always present.

I appreciate the Resources Committee support for this bill, and urge my colleagues to support H.R. 122.

Mr. PALLONE. Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 122, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONDUCT FEASIBILITY STUDIES WITHIN SNAKE, BOISE AND PAYETTE RIVER SYSTEMS IN IDAHO

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2563) to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CONDUCT FEASIBILITY STUDIES.

(a) AUTHORITY.—The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in Idaho, and deemed appropriate for further study by the 2006 Bureau of Reclamation Boise Payette water storage assessment report. Studies conducted under this section must comply with Bureau of Reclamation policy standards and guidelines for studies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior $3,000,000 to carry out this section.

(c) SUNSET OF AUTHORITY.—The authority of the Secretary of the Interior to carry out this section shall terminate 10 years after the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself as much time as I may consume.

H.R. 2563, introduced by Congressman BUTCH OTTER, authorizes the Bureau of Reclamation to conduct feasibility studies to address water shortages within the Snake, Boise, and Payette River systems in Idaho.

Water demands for agriculture, power generation, endangered species requirements and municipal needs are constantly growing and may quickly surpass the supply without long-term planning. It is anticipated that water demand in this region of Idaho will grow by 75 percent in the next 20 years, and new water supplies need to be found to meet these growing demands. Before any feasibility study can be performed, authorizing language must be enacted by Congress. This legislation authorizes such studies. I urge my colleagues to support this legislation.

□ 1415

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have no objection to passage of H.R. 2563. This legislation gives the Bureau of Reclamation the authority to conduct specific feasibility studies to look at projects that might address the water shortages in the Snake, Boise, and Payette River systems in Idaho.

We have no objection to the current system in its current form.

Mr. OTTER. Madam Speaker, today, we are debating H.R. 2563, a bill to provide broad authority for the Bureau of Reclamation to conduct feasibility studies of new and enhanced water storage opportunities on the Snake, Boise, and Payette Rivers in Idaho. I introduced this legislation and am working for its passage because I believe it is important to find new water resources rather than just dividing up the scarce resources we currently have.

I have been told that consumptive demand in the Boise and Payette basins will increase by at least 135,000 acre feet over the next 20 years. Growing demand now is being met by increased ground water use and conservation efforts, but those are short-term responses that beg the question of future needs.

We also know that most of the water supply in both basins already is allocated and there is little excess capacity to meet future demands. Further, the ability to capture and store additional water is limited by requirements for minimum fish flow, maintenance flows, flood control and annual refill of existing reservoirs. These factors make this undertaking difficult at best, but I believe it is worthwhile and necessary.

Our communities, our economy and our families all depend on water to survive, grow and prosper. Deciding how to use such a rare commodity in a way that does the greatest good for the greatest number, while hewing to the principles of law and equity on which our society is based, is an enormous challenge. The task is further complicated, and brought into sharp focus, by the 6-year drought Idaho recently experienced and is seen in much of the arid West.

Our energy, our economy and our environment all will depend on the ability to anticipate and prioritize future water needs. Our children, our grandchildren and generations to come all are depending on the choices we make today. Preserving water rights while providing for continued growth are a top priority of mine and I will continue to work to achieve that goal.

I encourage a "yes" vote on this important piece of legislation.

Mr. PALLONE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2563, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RADANOVICH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MADERA WATER SUPPLY ENHANCEMENT ACT

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3897) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply and Groundwater Enhancement Project, as amended.

The Clerk read as follows:

H.R. 3897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Madera Water Supply Enhancement Act".

SEC. 2. DEFINITIONS.

(a) The term "District" means the Madera Irrigation District, Madera, California.

(b) The term "Project" means the "Madera Water Supply and Enhancement Project".

(c) The term "Secretary" means the Secretary of the United States Department of the Interior.

SEC. 3. STUDY AND REPORT.

(a) STUDY.— Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Secretary, acting through the Commissioner of the Bureau of Reclamation, and in consultation and cooperation with the District, is authorized to conduct a study to determine the feasibility of constructing the Project.

(b) REPORT.—

(1) TRANSMISSION.—Upon completion of the study authorized by subsection (a), the Secretary shall transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study, together with recommendations regarding any recommendation to construct the project.

(2) USE OF AVAILABLE MATERIALS.—In developing the report under this section, the Secretary shall make use of reports and any other relevant information supplied by the District.

(3) DEADLINE.—No later than December 30, 2006, the Secretary shall complete the report and transmit the report to Congress pursuant to subsection (b)(2).

(c) COST SHARE.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study authorized by this section shall not exceed 50 percent of the total cost of the study.

(2) IN-KIND CONTRIBUTION FOR NON-FEDERAL SHARE.—The Secretary may accept as part of the non-Federal cost share the contribution of such in-kind services by the District as the Secretary determines will contribute to the conduct and completion of the study.

SEC. 4. COOPERATIVE AGREEMENT.

All planning, design, and construction of the Project authorized by this Act shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating in the study and related environmental review, including, but not limited to:

(1) preparation of an assessment of the need for the project;

(2) preparation of feasibility and reconnaissance studies;

(3) environmental review;

(4) engineering and design;

(5) construction; and

(6) the administration of contracts pertaining to any of the foregoing.

SEC. 5. AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.

(a) AUTHORIZATION OF CONSTRUCTION.—Upon submission of feasibility report described in section 3 and a statement by the Secretary that the project is feasible, the Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to enter into a cooperative agreement through the Bureau with the District for the support of the design, and construction of the Project.

(b) COST SHARE.—The Federal share of the capital costs of the Project shall not exceed 25 percent of the total cost. Capital costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(c) IN-KIND SERVICES.—In-kind services performed by the District shall be considered a part of the local cost share to complete the Project authorized by subsection (a).

(d) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(1) reasonable costs incurred by the District as a result of participation in the planning, design, and construction of the Project; and

(2) for the fair market value of lands used or acquired by the District for the Project.

(e) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this section. The operation and maintenance of the Project shall be the sole responsibility of the District.

(f) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(g) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or the assistance provided under this section shall be construed to transfer title, responsibility or liability related to the Project to the United States.

(h) AUTHORIZATION OF APPROPRIATION.—There is authorized such sums as may be appropriated to carry out this section.

SEC. 6. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

H.R. 3897, introduced by myself, authorizes the Bureau of Reclamation to participate in the study, design, and construction of the Madera Water Supply and Enhancement Project. This important water bank project in my congressional district will help improve the water supply in California's San Joaquin Valley.

The over-13,000-acre ranch where the water bank is located is well suited for this project. The soils on and underneath the land are ideal for percolating water from the surface to the aquifer for storage. In addition, the land is valuable habitat for numerous species and contains large sections of the region's native grasslands.

Funding for this project is under way. Madera Irrigation District, which will operate and maintain this project, issued $37.5 million in bonds to purchase the property. Also, the fiscal year 2006 Energy and Water Appropriations measure allocated $200,000 to conduct a study on the feasibility of the water bank.

With increasing demands on its limited water supply, the San Joaquin Valley is falling behind in creating additional water sources. The Madera Water Supply and Enhancement Project will enable water users to store excess river flows in a nearby aquifer. This stored water bank would then be used during dry years and could prove critical to meeting demands.

I urge my colleagues to support this legislation to expand water supply opportunities in the San Joaquin Valley.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we on this side of the aisle have no objection to the passage of H.R. 3897. The majority has adequately explained this legislation, and

I would simply note that the groundwater development project that would be authorized by the enactment of this bill could substantially improve water supply reliability in California's Central Valley.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3897, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A Bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.".

A motion to reconsider was laid on the table.

PARK CITY, UTAH, LAND CONVEYANCE

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3462) to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.

(a) LAND TRANSFER.—Subject to the conditions set forth in subsections (b) and (c), and notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey within 180 days of enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(b) DEED RESTRICTION.—The conveyance of the lands under subsection (a) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(c) CONSIDERATION.—In consideration for the transfer of the land under subsection (a), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

SEC. 2. SALE OF LANDS AT AUCTION.

(a) SALE OF LAND.—Notwithstanding the planning provisions of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act and other applicable law, and subject to valid existing rights, offer for sale within 180 days of enactment of this Act, any right, title or interest in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area.

(b) METHOD OF SALE.—The sale of land under subsection (a) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

SEC. 3. DISPOSITION OF LAND SALES PROCEEDS.

(a) IN GENERAL.—All proceeds derived from the sale of the lands described in this Act shall be deposited in a special account in the treasury of the United States and shall be available without further appropriation to the Secretary of the Interior until expended for—

(1) the reimbursement of costs incurred by the Bureau of Land Management in implementing the provisions of this Act, including surveys, appraisals, and compliance with applicable Federal laws; and

(2) environmental restoration projects on Bureau of Land Management administered public lands within the Salt Lake City Field Office of the Bureau of Land Management.

(b) INVESTMENT OF SPECIAL ACCOUNT.—Any amounts deposited in the special account shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities, and may be expended according to the provisions of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3462, introduced by Congressman ROB BISHOP, instructs the Secretary of the Interior to convey to Park City, Utah, approximately 110 acres of Bureau of Land Management lands. These lands are located within the corporate limits of Park City, Utah. Park City currently holds a 25-year Recreation and Public Purposes Act lease on these parcels, and once the land is transferred to the city, it will continue to be limited to recreation and open space uses. The City would also be required to satisfy all claims on the property.

Consistent with its long-term management plan for sensitive lands, Park City has begun purchasing large blocks of open space and has placed those lands in conservation status. Park City recently approved a $20 million bond for the purchase of such lands.

H.R. 3462 also directs the Bureau of Land Management to sell a parcel of land that has already been identified for disposal by its agency. This bill is supported by the community of Park City, Summit County, and several environmental and conservation organizations.

I urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as introduced, both the Bush administration and Democrats on the Resources Committee had serious concerns with several provisions of this legislation. However, important improvements were made to the bill during consideration by the Resources Committee.

The conveyance authorized by this legislation will now include a deed restriction requiring the land to remain as open space for public recreation, will honor all valid existing rights in the parcels, and will be conveyed for fair market value.

As it now stands, we will not oppose H.R. 3462.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3462, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES CONVEYANCE ACT

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5061) to direct the Secretary of the Interior to convey Paint

Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

The Clerk read as follows:

H.R. 5061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paint Bank and Wytheville National Fish Hatcheries Conveyance Act".

SEC. 2. CONVEYANCE OF PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES TO THE STATE OF VIRGINIA.

(a) IN GENERAL.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Virginia without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b) for use by the Virginia Department of Fish and Game as part of the State of Virginia fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) consists of—

(1) the real property comprising Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery, located at Paint Bank and Wytheville, Virginia, respectively, as described in the 1982 Cooperative Agreement between the United States Fish and Wildlife Service and the State of Virginia;

(2) all improvements and related personal property under the control of the Secretary that is located on that real property, including buildings, structures, and equipment; and

(3) all easements, leases, and water rights relating to the property described in paragraphs (1) and (2).

(c) REVERSIONARY INTEREST.—If any of the property conveyed to the State of Virginia under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States. The State of Virginia shall ensure that all property reverting to the United States under this subsection is in substantially the same or better condition as at the time of transfer to the State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

I am pleased to support H.R. 5061, introduced by our colleagues, Congressmen Rick Boucher and Virgil Goode, to convey the Paint Bank and Wytheville National Fish Hatcheries to the State of Virginia.

This action is appropriate and timely since the State has been superbly operating these facilities for the past 23 years. During this time nearly 1 million brook, brown, and rainbow trout have been produced each year. In fact, this represents over 40 percent of the total amount of trout that have been stocked for public fishing in Virginia. These fish provide recreational opportunities for thousands of people.

This is not an example of the Federal Government's simply ridding itself of unwanted assets. These two hatcheries are not considered components of the National Fish Hatchery System, and the State of Virginia has demonstrated its commitment to manage these facilities effectively. In fact, the State has spent nearly $400,000 in State resources to improve these hatcheries. However, to undertake additional renovations that may cost as much as $4.5 million, it is necessary that ownership is transferred from the Federal Government. This is a position that is supported by all interested parties.

I urge an "aye" vote on this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we support this legislation that would transfer the Paint Bank and Wytheville National Fish Hatcheries to the Commonwealth of Virginia. Both hatcheries have been operated by the Commonwealth for several years under a long-term management agreement with the U.S. Fish and Wildlife Service. This conveyance will enable the State to finance improvements to upgrade these facilities which would otherwise be left unaddressed by the Fish and Wildlife Service.

I want to commend the bill's Democratic sponsor, Congressman Rick Boucher, for introducing this legislation which will enhance sports fishing opportunities in Virginia.

I urge Members to support this noncontroversial bill.

Mr. BOUCHER. Madam Speaker, I rise in strong support of H.R. 5061, bi-partisan legislation which I introduced with my colleague from Virginia Mr. GOODE.

H.R. 5061 would simply convey two federal fish hatcheries located in the towns of Wytheville and Paint Bank in my Congressional district to the State of Virginia for continued operation by the Virginia Department of Game and Inland Fisheries. The legislation enjoys wide support and no opposition. The U.S. Fish and Wildlife Services as well as the State of Virginia both endorse the conveyance of these two properties.

The two facilities have been operated by the Virginia Department of Game and Inland Fisheries since 1983 under a 25 year lease agreement. In the early 1980's the federal government was in the process of divesting some federal hatcheries which were not involved in fish stock mitigation activities. The Wytheville and Paint Bank hatcheries are not used for fish stock mitigation and breed fish for recreational fishing only—both facilities provide brook, brown and rainbow trout for the stocking of streams on federal lands. At that time, Virginia expressed interest in operating the facilities under a 25 year lease agreement, and the State has been operating the facilities since that time. The lease is set to expire in 2008, and all parties are in agreement that a title transfer before that expiration date is appropriate.

The two facilities have an estimated combined economic effect of $40 million annually and produced a combined total of approximately 290,729 pounds of trout during Fiscal Year 2005.

Since beginning operation of the facilities under the lease agreement, the State has made numerous investments in the two hatcheries. The State has invested approximately $159,350 for improvements to the Wytheville facility and approximately $230,000 at the Paint Bank facility.

In addition, during that time the facilities have been thoroughly tested for various contaminants, and there are now no contaminant issues associated with either hatchery. The State would like to continue operation and investment in the facilities for a variety of reasons. For example, in order for extensive capital expenditures or any federal funding to be used for additional improvements, the ownership must be transferred from the federal government. Given the fact that the State of Virginia would like to assume ownership and that the federal government has been making a broad effort to divest of non-mitigation related hatcheries, this conveyance is in the interest of all parties.

H.R. 5051 would simply transfer title of the Wytheville and Paint Bank Fish Hatcheries to the State of Virginia. I appreciate the work of Subcommittee Chairman GILCHREST and Ranking Member PALLONE as well as that of Chairman POMBO and Ranking Member RAHALL of the House Resources Committee in bringing this measure to the floor for consideration, and I urge its adoption.

Mr. GOODE. Madam Speaker, I rise today in support of H.R. 5061, the Paint Bank and Wytheville National Fish Hatcheries Conveyance Act. I want to thank the Gentleman from Virginia, Mr. BOUCHER, for introducing this legislation, which grants the title to these two hatcheries to the Commonwealth of Virginia.

Since 1983, the Virginia Department of Game and Inland Fisheries has successfully operated these two hatcheries on behalf of the U.S. Fish and Wildlife Service. Thanks to the hard work and substantial investment by the Commonwealth of Virginia and the 13 full-time employees working at the fish hatcheries, these hatcheries consistently produce large stocks of brook, brown and rainbow trout for recreational fishing every year. In fact, the Paint Bank and Wytheville Hatcheries can produce up to 861,632 trout each year, which accounts for over 40 percent of the trout stocked for public fishing in the Commonwealth of Virginia. The Commonwealth has also pledged to invest an additional $4.5 million to continue renovation of these hatcheries in an effort to further enhance the hatcheries capabilities and efficiency.

There are over 2,300 miles of trout streams in Virginia and the Paint Bank and Wytheville Fish Hatcheries are vital to ensuring that these streams are well stocked with large and healthy fish populations. For this reason, I am glad to support H.R. 5061, which will allow the Commonwealth of Virginia to continue to maintain the trout population for recreational fishing for people who live in and visit Virginia. I appreciate the work of Mr. BOUCHER in crafting this legislation and I urge its passage today.

Mr. PALLONE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 5061.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RADANOVICH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CHERRY VALLEY NATIONAL WILDLIFE REFUGE STUDY ACT

Mr. RADANOVICH. Madam Speaker. I move to suspend the rules and pass the bill (H.R. 5232) to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes.

The Clerk read as follows:

H.R. 5232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cherry Valley National Wildlife Refuge Study Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The scenic Cherry Valley area of Northeastern Pennsylvania is blessed with more than 80 special-concern animal and plant species and natural habitats.

(2) In a preliminary assessment of Cherry Valley, United States Fish and Wildlife Service biologists ranked Cherry Valley very high as a potential national wildlife refuge.

(3) Six species that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) have been documented within or near Cherry Valley: The bog turtle (possibly the most significant population of the listed subspecies), the dwarf wedge mussel, the northeastern bulrush, the small whorled pogonia, the bald eagle, and the Indiana bat (a historic resident, with efforts under way to re-establish favorable conditions).

(4) Cherry Valley provides habitat for at least 79 species of national or regional concern, which either nest in Cherry Valley or migrate through the area during critical times in their life cycle, including—

(A) neo-tropical migratory birds such as the Cerulean Warbler, the Worm-eating Warbler, and the Wood Thrush, all of which nest in Cherry Valley;

(B) waterfowl such as the American Black Duck;

(C) several globally rare plants, such as the spreading globeflower; and

(D) anadromous fish species.

(5) The Cherry Valley watershed encompasses a large segment of the Kittatinny Ridge, an important migration route for birds of prey throughout the Northeastern United States. Every migratory raptor species in the Northeast is regularly observed along the Kittatinny Ridge during the autumnal migration, including the bald eagle, the golden eagle, and the broad-winged hawk.

(6) The Kittatinny Ridge also includes a long segment of the Appalachian Trail, a nationally significant natural-cultural-recreational feature.

(7) Many of the significant wildlife habitats found in the Cherry Valley, especially the rare calcareous wetlands, have disappeared from other localities in their range.

(8) Ongoing studies have documented the high water quality of Cherry Creek.

(9) Public meetings over several years have demonstrated strong, deep, and growing local support for a Cherry Valley National Wildlife Refuge, as demonstrated by the following:

(A) Area landowners, business and community leaders, media, and elected officials have consistently voiced their enthusiasm for a Cherry Valley National Wildlife Refuge.

(B) Numerous local communities and public and private conservation entities share complementary goals for protecting Cherry Valley and are energetically conserving wildlife habitat and farmland. Along with State land-management agencies and the National Park Service, these local entities represent potential strong partners for the United States Fish and Wildlife Service, and view a Cherry Valley National Wildlife Refuge as a complement to existing private, county, municipal, and State efforts.

(C) A number of local landowners have already put their land into conservation easements or other conservation arrangements.

(D) A voter-approved Monroe County Open Space Fund and a voter-approved Stroud Township municipal land conservation fund have contributed to many of these projects.

(10) Two federally owned parcels of land are contiguous to the area to be studied under this Act as for acquisition and inclusion in a future Cherry Valley National Wildlife Refuge: The Delaware Water Gap National Recreation Area and a 700-acre segment of the Appalachian Trail owned by the National Park Service.

SEC. 3. STUDY OF REFUGE POTENTIAL AND FUTURE REFUGE LAND ACQUISITION.

(a) STUDY.—The Secretary shall initiate within 30 days after the date of the enactment of this Act a study to evaluate the fish and wildlife habitat and aquatic and terrestrial communities located in Northeastern Pennsylvania and identified on the map entitled, "Proposed Cherry Valley National Wildlife Refuge—Authorization Boundary", dated February 24, 2005, for their potential acquisition by the United States Fish and Wildlife Service through donation, exchange, or willing seller purchase and subsequent inclusion in a future Cherry Valley National Wildlife Refuge.

(b) CONSULTATION.—The Secretary, while conducting the study required under this section, shall consult appropriate State and local officials, private conservation organizations, major landowners and other interested persons, regarding the identification of eligible lands, waters, and interests therein that are appropriate for acquisition for a national wildlife refuge and the determination of boundaries within which such acquisitions should be made.

(c) COMPONENTS OF STUDY.—As part of the study under this section the Secretary shall do the following:

(1) Determine if the fish and wildlife habitat and aquatic and terrestrial communities to be evaluated are suitable for inclusion in the National Wildlife Refuge System and management under the policies of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(2) Assess the conservation benefits to be gained from the establishment of a Cherry Valley National Wildlife Refuge including—

(A) preservation and maintenance of diverse populations of fish, wildlife, and plants, including species listed as threatened species or endangered species;

(B) protection and enhancement of aquatic and wetland habitats;

(C) opportunities for compatible wildlife-dependent recreation, scientific research, and environmental education and interpretation; and

(D) fulfillment of international obligations of the United States with respect to fish, wildlife, and their habitats.

(3) Provide an opportunity for public participation and give special consideration to views expressed by local public and private entities regarding lands, waters, and interests therein for potential future acquisition for refuge purposes.

(4) The total area of lands, water, and interests therein that may be acquired shall not in the aggregate exceed 30,000 acres.

(d) REPORT.—The Secretary shall, within 12 months after date of the enactment of this Act, complete the study required by this section and submit a report containing the results thereof to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall include—

(1) a map that identifies and prioritizes specific lands, waters, and interests therein for future acquisition, and that delineates an acquisition boundary, for a potential Cherry Valley National Wildlife Refuge;

(2) a cost estimate for the acquisition of all lands, waters, and interests therein that are appropriate for refuge status; and

(3) an estimate of potentially available acquisition and management funds from non-Federal sources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $200,000 to carry out the study.

SEC. 4. DEFINITIONS.

In this Act the term "Secretary" means the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to support this legislation proposed by Congressmen PAUL KANJORSKI, CHARLES DENT, JIM GERLACH, and TIM HOLDEN, that will direct the Fish and Wildlife Service to evaluate the potential for creating a new Cherry Valley National Wildlife Refuge in Northeast Pennsylvania.

What this measure proposes is a unique approach. While the National Park Service has been following this "study first" model for many years, this may be the first time Congress has ever studied the possibility of creating a new national wildlife refuge. This is a sound conservation approach.

Cherry Valley is a beautiful region, and it provides critical habitat for at least six federally listed species and 80 species of national and regional concern. In addition, it is a prime bird migration corridor for bald and golden eagles and broad-winged hawks. The idea of a Cherry Valley National Wildlife Refuge has been endorsed by a number of locally effective bodies, citizen groups, and conservation organizations.

Under the terms of the bill, the Secretary of the Interior is authorized to conduct a 12-month study to evaluate the fish and wildlife habitat and aquatic and terrestrial communities to determine whether their value merits the establishment of a national wildlife refuge. This report will identify priority lands, assess their conservation value, determine the Federal acquisition costs and create a potential acquisition boundary.

I urge an "aye" vote on H.R. 5232.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we support this legislation that would direct the Secretary of the Interior to evaluate lands and waters located in the Cherry Valley Region of Northeastern Pennsylvania for their potential designation as a future National Wildlife Refuge.

Witness testimony received during the May 10, 2006, Fisheries Subcommittee hearing on the bill clearly documented that the Cherry Valley Region contains significant ecological habitat for several species of threatened and endangered wildlife, especially for migratory raptors like hawks and eagles.

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Also, the hearing confirmed that the designation of a new Cherry Valley National Wildlife Refuge is a goal strongly supported by local governments and residents. I want to applaud the bill's Democratic sponsor, Congressman PAUL KANJORSKI, for introducing this legislation as a first step towards achieving the ultimate goal of establishing a new Cherry Valley National Wildlife Refuge.

I urge Members to support this worthy bill.

Madam Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. KANJORSKI), the sponsor of the bill.

Mr. KANJORSKI. Madam Speaker, I rise in very strong support of the bill I introduced, H.R. 5232, the Cherry Valley National Wildlife Refuge Study Act.

Located in the Pocono Mountains of northeastern Pennsylvania, Cherry Valley provides habitat to more than 75 species of national or regional concern, including several plants and animals listed as either endangered or threatened. These species include the bog turtle and the bald eagle. Monroe County, however, is also the fastest growing county in Pennsylvania, and this development now threatens and will soon encroach upon the habitat of these rare species.

As a result, grass-roots efforts to protect these sensitive habitats have gained momentum and now have widespread support within the local community. Rarely in my career in Congress have I experienced such overwhelming local support for a legislative endeavor as I have encountered for the designation of a national wildlife refuge in Cherry Valley.

Designation of a national wildlife refuge has bipartisan support from elected officials, including all three county commissioners, two State representatives, and a State senator. It also has the support of supervisors from all of the townships included and located in the Cherry Valley area. Moreover, my colleague from Pennsylvania (Mr. DENT) has joined me in sponsoring this legislation because he once represented parts of Cherry Valley when he served as a State senator.

Area business owners have also voiced their support for this effort. For example, the Pocono Builders Association, a building industry trade association in Monroe County, passed a resolution in support of designating Cherry Valley a national wildlife refuge.

Moreover, a number of local landowners have already put their land into easements and other conservation arrangements to facilitate the creation of a national wildlife refuge. Voters have also approved initiatives designed to provide the revenue needed for conservation purposes. Designation of a national wildlife refuge would, therefore, help to coordinate these efforts and provide Federal support for conservation of this important habitat.

In order to determine the appropriate land for inclusion in a potential refuge, I introduced H.R. 5232, the Cherry Valley National Wildlife Refuge Study Act, after consulting with my colleagues and determining the best course of action. The bill authorizes a study to be completed by the Fish and Wildlife Service to determine what specific lands are suitable for inclusion in a potential refuge.

The legislation does not authorize the creation of a national wildlife refuge at this time. The bill is intended merely to study areas for their potential for inclusion in a refuge, not to authorize the creation of another refuge. In addition, the study is designed to provide Congress with the information needed to determine if the designation of a wildlife refuge in Cherry Valley is appropriate.

Before closing, I would like to thank my colleague from New Jersey (Mr. PALLONE) and my colleague from Maryland (Mr. GILCHREST) for holding a hearing on this legislation. I also would like to thank my colleague from California (Mr. POMBO) and my colleague from West Virginia (Mr. RAHALL) for moving this legislation through the House Resources Committee. Their work on this bill is much appreciated.

In summation, I urge passage of this legislation.

Mr. PALLONE. Madam Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 5232.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PERMITTING USE OF CAPITOL ROTUNDA FOR A CEREMONY TO COMMEMORATE THE 75TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. EHLERS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 427) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.

The Clerk read as follows:

H. CON. RES. 427

Resolved by the House of Representatives (the Senate concurring), that the rotunda of the Capitol is authorized to be used on July 19, 2006, for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Madam Speaker, I yield myself such time as I may consume.

For three-quarters of a century, the Department of Veterans Affairs has supported the distinguished men and women of our Armed Forces through the many services they offer. Since its inception in 1930, the VA has worked tirelessly to enhance patient care and veterans benefits, providing excellence in service to those who serve our Nation proudly.

Of the 25 million veterans currently alive, nearly three of every four served during a war or in an official period of hostility. About a quarter of the Nation's population, approximately 70 million people, are potentially eligible for VA benefits and services because they are veterans, family members or survivors of veterans. But the VA stands for more than the collection of services they offer. They represent the desire of all Americans to ensure that we honor those who selflessly answer the call to defend our great Nation with the great dignity and respect they deserve.

On the occasion of its 75th anniversary year, the Department of Veterans Affairs, with the support of Chairman BUYER of the Committee on Veterans' Affairs, has requested use of the Capitol rotunda to commemorate the significant contribution that the VA has made in supporting veterans.

As I have noted in the past, it is important for us to continually identify opportunities to recognize the contribution of our men and women in uniform as a way to give thanks for all that they have given to the American people. As you may know, the Committee on House Administration recently partnered with the Committee on Veterans' Affairs and the Armed Services Committee to introduce the Wall of the Fallen memorial, a tribute to those men and women who have lost their lives in battle in the current conflicts in Iraq and Afghanistan. I was proud to sponsor the Wall of the Fallen in recognition of these heroes, just as I lend my full support to the request of the Department of Veterans Affairs for use of the Capitol rotunda to celebrate their 75 years of service to our Nation's veterans.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 427, authorizing the use of the Capitol rotunda on July 19 of this year for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs. As my colleagues are well aware, Congress must pass a concurrent resolution to use the Capitol rotunda, the respected location of America's historic ceremonies.

I want to thank the gentleman from Indiana for introducing this resolution.

This event will mark the 75th anniversary of the Department of VA in which Congress will use the historic rotunda location to commemorate the service of the VA professionals who provide Federal benefits to veterans and their families.

On July 21, 1930, President Hoover issued an executive order to consolidate various veterans programs to create the Department of Veterans Affairs, which has grown from an organization of 48 hospitals and 30,000 employees into the Nation's second largest Federal agency. Today, the VA employs over 237,000 professionals, is comprised of 157 hospitals and over 850 community-based clinics, provides pensions and disability compensation to more than 3.4 million veterans, and provides a dignified and permanent resting place at the 120 national cemeteries that honor the men and women who served in our Nation's military.

The responsibility to care for veterans, spouses, survivors and dependents can last a long time. For example, five children of Civil War veterans still draw VA benefits. About 440 children and widows of Spanish-American War veterans still receive VA compensation or pensions. Also currently receiving VA benefits are nearly 160,000 survivors of Vietnam-era veterans and over 256,000 survivors of World War II veterans.

Approximately 63 million people are potentially eligible for VA benefits and services because they are veterans, family members or survivors of veterans. More than half of the citizen soldiers who have ever served in uniform throughout our Nation's history are living today, 25 million of whom are living veterans to whom we owe the greatest debt for our freedom.

Madam Speaker, this celebration honors our veterans' sacrifice and dignifies the cause they served by commemorating the very people who serve them.

I urge my colleagues to join me in honoring the 75 years of dutiful service the Department of Veterans Affairs has provided to our Nation's veterans by supporting passage of this concurrent resolution.

Madam Speaker, I reserve the balance of my time.

Mr. EHLERS. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I am happy to rise in support of this resolution so that we can honor the Veterans Administration.

I have had an unusual several years in my congressional district. All of us work a lot with veterans casework; and certainly with the deaths and injuries that come in Iraq and Afghanistan, we have seen the rise in that kind of casework, as well as the aging veterans from World War II, the Korean War and many other people who have so bravely defended our Nation.

But when the CARES Commission suggested closing inpatient services in Fort Wayne, Indiana, we saw an outpouring of veterans in our community who really made clear why they think that the veterans hospitals are so important and so important to their care. They don't want to go to other cities. They don't want to go to other hospitals. They very much appreciate the service they get at the hospitals.

Even though we haven't allocated enough money to meet all the demands, we haven't modernized many of these hospitals as much as they should be given the service that these dedicated men and women have given in defense of freedom and defense of protecting the rest of us, the fact is they love their hospitals. They love their health care there. They love the fact that they are recognized as veterans when they come in; that they have the camaraderie that they can have with their fellow veterans and the shared experiences; that the people at those hospitals know what kind of sacrifice they have given. They aren't just another cipher as often happens when they go to an emergency room and then they argue about who is going to pay the bill. They know when they go into a veterans hospital and when they come into the Veterans Administration service that they are going to be recognized and treated with the dignity that they deserve.

I want to commend the Veterans Administration. They have a very tough time, with being underfunded, trying to meet the increasing demands, the shifting of where the veterans retire; but we appreciate in Fort Wayne, Indiana, in the CBOCs around the area, the dedicated staff that does the best they can to service the many needy veterans not only in my district but throughout the country.

I enthusiastically support this resolution in favor of using the dome for their 75th anniversary.

Mr. PALLONE. Madam Speaker. I yield myself such time as I may consume.

I just wanted to mention. yesterday I had the occasion with Senator MENENDEZ to be at the Vietnam Veterans Memorial in New Jersey, which is actually in my home county; and it was amazing to me not only was the memorial such a beautiful place to visit. They had an educational center there, and there were so many veterans that just man the place on a voluntary basis just because of their dedication.

It just shows me how so many years after the Vietnam War, many years after other wars, we still have the dedication on the part of our veterans that just volunteer their time and their service just because they believe so strongly in the cause, and in this case, the memorial that represents the sacrifice of Vietnam veterans.

So I just wanted to mention that in conjunction with this service and the resolution that we are about to pass.

Madam Speaker. I yield back the balance of my time.

GENERAL LEAVE

Mr. EHLERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the subject of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BUYER. Mr. Speaker, I rise today in strong support of H. Con. Res. 427, which will provide the use of the Capitol rotunda for the recognition of the 75th anniversary of the Department of Veterans Affairs.

It is altogether fitting to use the rotunda, which is reserved for only the most special and solemn occasions, to commemorate the establishment in 1930 of an agency charged "to care for him who shall have borne the battle and for his widow, and his orphan." Those words, spoken in 1865 by Abraham Lincoln in his Second Inaugural Address, have been adopted by VA as the department's motto.

When President Herbert Hoover signed the executive order establishing the Veterans Administration, and consolidating and coordinating federal support of veterans, America had 4.7 million living veterans. The new VA administered 54 hospitals with 31,600 employees.

Today, VA cares for our veterans and their families with 235,000 dedicated professionals who operate and manage the largest health care system in the Nation. These public servants, helped by more than 130,000 volunteers, provide high-quality health care to more than 5 million patients in more than 1,300 sites of care, including 154 medical centers.

The VA provides about 3 million veterans with disability compensation and pension payments, and nearly 600,000 spouses, children and parents of deceased veterans receive benefits.

Our revered dead lie in honored repose in 123 national cemeteries administered by VA in 39 States and Puerto Rico. VA also provides grants to States to encourage the development of State cemeteries; funds have been awarded for 63 operating State cemeteries, and 5 more are under construction.

VA research has won the Nobel Prize and it has been instrumental in developing the CT scan, the pacemaker, and improvements in artificial limbs. The Nation's first liver transplant was conducted by a VA surgeon, and VA has pioneered treatments for schizophrenia, high blood pressure, and tuberculosis.

Many veterans know VA best for its able administration of the 1944 GI Bill. Veterans Administration educational benefits have to date sent more than 21 million veterans, service members and family members to college, many of whom have also used VA loans to buy a home. The GI Bill essentially created the modem American middle class that has brought this country unparalleled prosperity and global leadership.

Today our Nation is engaged in a global war on terror. As they have for generations before them, VA's professionals and volunteers are at their stations in hospitals, rehabilitation centers, offices, and clinics ensuring that our newest veterans and their families have the best support possible.

The contribution of VA and the importance of support for America's veterans were officially recognized on March 15, 1989, with VA's establishment as a Cabinet-level department. Hailing the creation of the Nation's 14th cabinet-level position, President George H.W. Bush said, "There is only one place for the veterans of America, in the Cabinet Room, at the table with the President of the United States of America."

Madam Speaker, there is only one place to celebrate the 75th anniversary of this remarkable agency. That is in the rotunda of the Capitol of the United States of America, and I urge my colleagues to join me in support of this resolution.

Mrs. JONES of Ohio. Madam Speaker, this week H. Con. Res. 427 passed the House of Representatives by voice vote. This bill would permit the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs. I would like to lend my voice to this memorable event.

Madam Speaker, in 1930 President Hoover signed Executive Order 5398 which established the Veterans Administration a ultimately led to the formation of the Department of Veteran Affairs. The VA (as it has affectionately become known) has strived to both honor and serve the men and women who protect one of our Nation's most treasured ideals—liberty. For 75 years, the VA has helped ensure that those who choose to enter the armed services are not forgotten after they honorably serve their country.

For this reason, we should celebrate the concept and accomplishments of the VA. Indeed, the VA is a vital cabinet level department, which oversees an honorable and necessary function of the U.S. Government.

The VA has three branches, which aim to provide a smooth transition for veterans when they return home from active duty. These branches—the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration—should be roundly applauded for their service to America's former servicemen and servicewomen.

Beginning in 1946, the VA's health unit, now known as the Veterans Health Administration, has sought to provide adequate health care to injured veterans returning from war, starting with World War II. Throughout the latter half of the 20th century, the VHA expanded into a leading health care provider and now has over 150 medical centers across the country. According to the VA, provided care to more than 5.3 million individuals in 2005.

In addition to providing health care services, the VA, through its Veterans Benefits Administration branch, has provided educational services to veterans, beginning with the passage of the GI Bill in 1944. According to the VA, 7.8 million World War II veterans, alone, benefited from educational opportunities that the bill offered. I also applaud the VA for assisting the families of our fallen heroes, the men and women of our armed services who died in combat fighting for liberty. The VA's National Cemetery Administration should be praised for providing memorials to those veterans who died for our liberty.

Madam Speaker, it is an honor for me to have the opportunity to recognize the VA for what is has and will continue to do for our veterans. As a member of the House of Representatives, I always look to support legislation that honors our veterans. On June 27, 2006, the House of Representatives agreed to H.R. 4843, the Veterans' Compensation Cost-of-Living Adjustment Act of 2006. H.R. 4843 increases compensation rates to veterans with service-oriented disabilities, and the House of Representatives should be proud of this great legislation.

But, Madam Speaker, on July 19, 2006, when we commemorate the VA's 75th Anniversary, let us not forget that much more needs to be done to pay homage to our veterans, particularly those who are coming home from Afghanistan and Iraq.

Madam Speaker, the VA reported in August 2005 that almost 23 percent of homeless men and women are veterans. Madam Speaker this percentage is far too high and far too shameful.

On a bi-partisan basis, Congress must work with the Veterans Affairs to right this seemingly forgotten atrocity. The men and women who honorably serve our great Nation deserve not only to be treated as heroes in war; they deserve to be treated as heroe when they return home.

The men and women of the U.S. armed services make it possible for us to debate. Madam Speaker, let us not debate the honor veterans deserve.

Mr. EHLERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 427.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1445

DIRECTING SECRETARY OF HOMELAND SECURITY TO TRANSFER FUNCTIONS OF UNIT OPERATING ON THE TOHONO O'ODHAM INDIAN RESERVATION

Mr. SOUDER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5589) to direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation.

The Clerk read as follows:

H.R. 5589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHADOW WOLVES TRANSFER.

(a) TRANSFER OF EXISTING UNIT.—Not later that 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (commonly known as the "Shadow Wolves" unit).

(b) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish within United States Immigration and Customs Enforcement additional units of Customs Patrol Officers in accordance with this section, as appropriate.

(c) DUTIES.—The Customs Patrol Officer unit transferred pursuant to subsection (a), and additional units established pursuant to subsection (b), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(d) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this section shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security's Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(e) SUPERVISORS.—Each unit described in this section shall be supervised by a Chief Customs Patrol Officer, who shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Madam Speaker, let me first explain a little bit about who the Shadow Wolves are.

They are a specialized, all-Native American unit of the legacy U.S. Customs Service that were created by an act of Congress in 1972 to patrol the U.S.-Mexican land border within the Tohono O'odham Indian Nation in southern Arizona.

If you kind of visualize the southwest border, California, Arizona, New Mexico and Texas, and then think of Phoenix and Tucson coming straight down, Nogales, and then go towards California going west, that area would be the Tohono O'odham Reservation. It is an artificially defined border with Mexico there, because, in fact, the Tohono O'odham are on both sides of that, and Congressman HAYWORTH here in Congress has a bill to try to address how they can move inside their reservation, particularly as we tighten our border.

But it is a different challenge because, quite frankly, they were there before Mexico and the United States were there. So it is a different type of a challenge on the southwest border as to how we are going to provide security from terrorism, security from narcotics, from other types of items moving through, as well as illegal immigration.

Now, many people don't necessarily know Tohono O'odham as a name right off the bat; it is the Papago Indian tribe is what we historically called them, both in the north up more towards Phoenix and down in the southwest. But the Tohono O'odham view themselves as that name, and now the Federal Government has recognized them by that.

It is a relatively recent change, just like on our north border up by where the Mohawk reservation was; now they are called the Akwesasne Indian reservation, but we have a similar challenge on that side of the border.

Now, the reason the Shadow Wolves were created is when you have a separate nation inside your Nation, one of the hardest things for our drug agents, for our historic INS agents and others to penetrate is inside an Indian Nation. They are very closed societies. They know who is going to be where inside that Nation. It is not easy to penetrate.

And here we had one of the most successful tracking organizations, the Shadow Wolves have been featured in People Magazine, on television, all sorts of newspapers around the country for years because they combine modern technology with ancient tracking techniques, combined with being members inside that Nation to provide law and order inside that Nation.

They arrested and pursued and identified narcotics smugglers along their 76 miles of border, and 2.8 million acres, and they would seize roughly 100,000 pounds of illegal narcotics every year.

But when we created the Department of Homeland Security, we did something very unwise. We decided by splitting the CBP, the Customs and Border Protection, from the ICE agents, we left several agencies in the lurch. One is the Air and Marine Division that didn't either picket fence on the border or do investigations inside. So we are trying to work that out, which has been easier to do over in the water border on the Gulf of Mexico in the Caribbean Sea, but has been much tougher on the Mexican land border with the United States.

But the other is, what do you do with a group like the Shadow Wolves? They don't fit in an ICE box. They have a border, which is where we try to protect the border, but they also do investigations inside. And the Department of Homeland Security, in trying to figure out how to deal with things that don't quite fit, square pegs in a round hole, jammed them in under CBP, and that meant several things. One is, the Shadow Wolves, a distinct entity, disappeared because they scattered them, along with CBP agents, all over the country because it did not fit the organization structure to say, oh, this is a unique thing on the southwest border, let's create a unique thing.

So now inside the Tohono O'odham reservation, we have CBP agents that do not belong to that Nation. We have ICE agents that are not part of that Nation, and we have got Tohono O'odham Native Americans scattered all over the United States. It makes no sense. Needless to say, it is not working that great.

As we look at Nogales and the traffic pouring through in Arizona and as it moves over to Douglas, as we build more fences, as we put more agents on the border, guess what happens? They move over to the open areas, the Barry Goldwater Air Force Range, Tohono O'odham Indian reservation, and the Fish and Wildlife area to the western part of Arizona. They are overrun now.

Just in one hearing we had several years ago, during the time of the hearing, they had had 1,500 pounds of drugs moved through in the previous 3 months, then 1,500 pounds the previous month. During our hearing, with all of the different agents around, they snared something like 1,800 pounds, five different carloads, another group with seven SUVs going through. They put a Blackhawk on them. This has become a no-man's zone.

You cannot break organizations if you do not have investigations within. Rather than breaking up the Shadow Wolves, we should have been doing a similar thing up in New York State. We need to be looking at similar things in Montana where the Black Feet are not quite on the reservation, but how to work with the tribal groups to create tracking organizations that can do both border and investigations.

Now, this bill is an imperfect solution. It puts them over in ICE. They basically need to do both things, but since the government continues to stick with they have got to be either A or B, better be B than A, because making them scattered along like a picket fence and working with CBP, wherever they assign them, makes no sense. We need them back together. We need them as a tracking unit, more like a historic Customs ICE organization.

What this bill does is transfers them, in fact, back to ICE. It moves their pay scale to be like ICE special agents. It grants the chief officer of the Shadow Wolves a rank equivalent to the resident agent in charge of the ICE investigations and authorizes similar units in areas such in the Akwesasne Reservation in upstate New York. That is the basic thrust of the bill.

We know we need to work with the Appropriations Committee. We addressed this in the Homeland Security appropriations bill, but we just moved the dollars over. In fact, we will have to work out some kind of transition, because ICE agents make more than CBP. These people were trained trackers. Then all of a sudden we put them back on the border. It makes no sense. And we in Congress, who created this, need to make sure that we stand behind this great idea before all of them retire.

Many already took early retirement or quit because they saw no commitment to keeping them together as a Native American organization.

Madam Speaker, I rise in strong support of H.R. 5589, which directs the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation. This legislation responds to an urgent national priority: regaining control of our borders and stopping the cross-border smuggling of people, narcotics, and other contraband. I'd like to thank Majority Leader BOEHNER, Mr. SHADEGG, and Mr. KING of Iowa for their leadership in bringing this joint legislation to the Floor.

The Shadow Wolves are one of the last remaining Customs Patrol Officer (CPO) units in the country. Created by Congress in 1972, the Shadow Wolves operate on the Tohono O'odham Indian Reservation in southern Arizona, which has 76 miles of the U.S.-Mexican border running through it. That reservation has historically been a major conduit for drug smuggling, and the Shadow Wolves—all of them Native Americans who combine modern technology with traditional, Indian tracking techniques—are responsible for stopping the smuggling of drugs, illegal aliens and other contraband between the ports of entry within the 2.8 million acres of the Tohono O'odham Nation. Just since January of this year, the Shadow Wolves have interdicted over 15,000 pounds of illegal drugs that otherwise would have been sold on the streets. The Shadow Wolves have also assisted numerous Federal law enforcement agencies with enforcement issues on the reservation.

Despite being one of our most successful anti-smuggling investigative units, however, the Shadow Wolves are about to disappear altogether. After the formation of the Department of Homeland Security, the Shadow Wolves were taken out of their historic location at the Customs Office of Investigations and arbitrarily assigned to the Tucson Sector of the Border Patrol. This arrangement has been unworkable, because the mission and tactics of the Shadow Wolves (who are more like investigators than patrolmen) simply do not fit the organizational model of the Border Patrol. The Shadow Wolves have already lost nearly a quarter of their personnel due to attrition and to date there have been no qualified replacements.

H.R. 5589 fixes this problem by transferring the Shadow Wolves back to the Office of Investigations, now located within ICE. Once again, the Shadow Wolves will be able to do what they do best: find, follow, and bust major drug and alien smuggling rings, in cooperation with their fellow Immigration and Customs investigators.

I urge my colleagues to support H.R. 5589, and help the Nation take yet another major step in regaining control of our borders.

Madam Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5589. It is long past its time. This is a bill that should have long since been to the floor. This legislation transfers the Shadow Wolves from Customs and Border Protection to Immigration and Customs Enforcement, and allows the creation of an additional unit.

The Shadow Wolves were created by an act of Congress in 1972 to address criminal activity along the U.S.-Mexican border. This group, comprised entirely of American Indians, focused on identifying, tracking and arresting drug smugglers along 76 miles of the U.S-Mexican border.

With the aid of the Shadow Wolves, over 800 pounds of illegal narcotics are seized from smugglers on the reservation on an average day.

The Shadow Wolves are located in Representative GRIJALVA's district in the Tohono O'odham Nation of southwest Arizona. Although he was unable to be here today, Madam Speaker, he shared with me the importance of ensuring this bill becomes law.

Representative GRIJALVA has witnessed firsthand the almost 35 years of success the Shadow Wolves have had in the region deterring, tracking and intercepting drug smugglers. Their remarkable record should be continued.

Allowing the Shadow Wolves to focus on their investigation functions allows them to better secure our Nation's borders against illegal drugs. In the future, I would like to work with other Members to increase the number of officers within existing units.

I urge my colleagues to support the legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SOUDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first, let me thank Chairman PETE KING of the Homeland Security Committee and the ranking member, Mr. THOMPSON, for steadily standing behind this and also keeping the pressure on the administration to resolve these types of things, if they will not remix and back off from their determination to artificially divide this agency, at least to accommodate the things that do not quite fit the bureaucratic structure.

I want to thank Chairman LUNGREN of the subcommittee, as well as Chairman ROGERS of the Homeland Security Appropriations Committee for keeping the pressure on in spite of the administration's resistance.

I appreciate the support in ICE of Director Myers, Julie Myers, for her support in trying to work out a compromise and backing off some of the resistance we have had over the last few years. Congressman JOHN SHADEGG of Arizona has been a leader on this, along with Congressman GRIJALVA for a number of years, and his staff has been down there many times.

We have spent much time on the Arizona border. Congressman STEVE KING has become involved in this, as well, from Iowa. And without the persistence of all of the Members, in addition to the support of the chairman, we would never be at the stage we are tonight of actually recognizing that the Shadow Wolves should exist as a separate unit, of authorizing what we earlier did in the appropriations bill, and see if we cannot finally get this done.

We thank the individual members of the Shadow Wolves who stayed, and their patience as we try to put this back together, because this is important to the reservation. I have talked to tribal leaders there and individual homeowners there, and they are so frustrated with all of the crime that is running through their Indian reservation. They so much want to have their destiny controlled by their own people, to the degree we can work this out.

I appreciate their patience as we have done a very belabored, long conflict over how to do this inside Homeland Security. But I think we are finally nearing the final stages of at least getting them in ICE, holding them together as a unit, working with the administration, with the appropriators, with the authorizers. I thank once again Mr. THOMPSON, Chairman KING and all of the relevant Members for moving this bill forward.

Mr. SHADEGG. Madam Speaker, I rise in support of H.R. 5589, a bill to transfer a Customs Patrol Officers unit known as the "Shadow Wolves," to the Department of Homeland Security's Immigration and Customs Enforcement branch.

The Shadow Wolves were created by an Act of Congress in 1972, establishing a Native American customs unit to operate along the Tohono O'odham Nation's border with Mexico. The unit is entirely composed of Native Americans and is tasked with infiltrating and disrupting drug cartels and smuggling operations along the border.

In March of 2003, I had the opportunity to visit the Tohono-O'odham Nation during a Congressional hearing on border security and our anti-drug efforts. I met with the Shadow Wolves, and found them to possess a unique dedication toward pursuing smugglers. Their investigative skills and tracking techniques provide vital information and intelligence to local, state, and federal law enforcement agents. Their traditional roles in intelligence gathering, evidence collection, and prosecution have been imperative to our national security and anti-drug efforts.

Unfortunately, these roles have been altered since being reassigned to the Bureau of Customs and Border Protection, CBP, which does not view itself as responsible for intelligence gathering and evidence collection. CBP's control has stifled the impact of the Shadow Wolves.

Since the transfer to CBP, the number of drug seizures has noticeably declined. In 2002, before the transfer, the Shadow Wolves interdicted over 93,000 pounds of marijuana. Only two years later, under CBP, only 52,000 pounds of marijuana were seized.

Under CBP, the Shadow Wolves have been hampered by operational restrictions that continuously undermine the unit's unique capabilities. They are now confined to a seven mile grid along the border, which hampers their ability to track smugglers; they were told they can't do undercover work because "the Border Patrol doesn't do that;" and all of the Native American informants on the Reservation are now handled by non-Indian Border Patrol agents.

A unit that once had 21 agents is down to 16 and is under the threat of losing more. Low morale and a lack of respect and purpose under the control of CBP threaten their very existence.

H.R. 5589 would restore the vital role the Shadow Wolves have traditionally played in drug interdiction and combating smugglers along our border. I strongly support this legislation and hope that it will reach President Bush's desk quickly.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H.R. 5589. This bill directs the Secretary of Homeland Security to transfer all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation to the United States Immigration and Customs Enforcement.

The Shadow Wolves are a specialized all-Native American unit of the legacy U.S. Customs Service within the Tohono O'odham Indian nation, and they have patrolled 76 miles of the U.S./Mexico land border in southern Arizona for over 30 years. Their methods of capturing narcotics smugglers combine modern technology and ancient tracking techniques, which have proven to be highly successful.

However, the Shadow Wolves unit's direction was compromised when it was absorbed into the Customs Border Patrol, and its unique identity was threatened. Not only was this action harmful to the security benefits from the Shadow Wolves' connection with the community and the respect of its cultural makeup, it significantly lowered morale within the unit.

This bill would seek to resolve this issue by returning the Shadow Wolves to the United States Immigration and Customs Enforcement. It also includes provisions that would set the Shadow Wolves' pay scale at the same rate as ICE Special Agents and grant the Chief Officer a rank equivalent to a resident agent-in-charge of the ICE Office of Investigations.

This would not only significantly improve moral within the unit but increase the efficiency of the border security within that region. Thus I strongly urge my colleagues to join me in supporting this bill to help continue to protect the security of our borders.

Mr. SOUDER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 5589.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5589.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 58 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEARCE) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2990, CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109-550) on the resolution (H. Res. 906) providing for consideration of the bill (H.R. 2990) to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4411, UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109-551) on the resolution (H. Res. 907) providing for consideration of the bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2563, by the yeas and nays;

H.R. 5061, by the yeas and nays.

Both electronic votes will be conducted as 15-minute votes.

AUTHORIZING SECRETARY OF INTERIOR TO CONDUCT FEASIBILITY STUDIES WITHIN SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS IN IDAHO

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2563, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2563, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 366, nays 1, not voting 65, as follows:

[Roll No. 358]

YEAS—366

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings

Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—65

Abercrombie
Baird
Beauprez
Becerra
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Camp (MI)
Cannon
Clay
Crowley
Davis (FL)
Davis, Jo Ann
Doolittle
Doyle
Emerson
Evans
Fattah
Forbes
Ford
Gibbons
Goode
Green (WI)
Grijalva
Gutierrez
Hinchey
Hinojosa
Hulshof
Hyde
Istook
Jenkins
Jones (OH)
Kilpatrick (MI)
LaHood
Lantos
Lee
Lewis (CA)
Lewis (KY)
Maloney
Marchant
McMorris
McNulty
Murtha
Myrick
Nussle
Oberstar
Pelosi
Peterson (PA)
Pomeroy
Pryce (OH)
Reichert
Rogers (MI)
Rush
Sessions
Slaughter
Smith (NJ)
Stark
Strickland
Sullivan
Thornberry
Tiahrt
Tierney
Waters
Wexler

□ 1857

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES CONVEYANCE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5061.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 5061, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 366, nays 0, not voting 66, as follows:

[Roll No. 359]

YEAS—366

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)

Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—66

Abercrombie
Beauprez
Becerra
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Camp (MI)
Cannon
Clay
Crowley
Davis (FL)
Davis, Jo Ann
Doolittle
Doyle
Emerson
Evans
Fattah
Forbes
Ford
Gibbons
Goode
Green (WI)
Grijalva
Gutierrez
Hinchey
Hinojosa
Hulshof
Hyde
Istook
Jenkins
Jones (OH)
Kilpatrick (MI)
LaHood
Lantos
Lee
Lewis (CA)
Lewis (KY)
Maloney
Marchant
Marshall
McMorris
McNulty
Murtha
Myrick
Nussle
Oberstar
Oxley
Pelosi
Peterson (PA)
Pomeroy
Pryce (OH)
Radanovich
Reichert
Rogers (MI)
Rush
Sessions
Slaughter
Smith (NJ)
Stark
Strickland
Sullivan
Tiahrt
Tierney
Waters
Wexler

☐ 1913

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 358 and 359.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business requires me to be in the district, and I am therefore unable to be present for legislative business scheduled for today, Monday, July 10, 2006. Had I been present I would have voted "yea" on H.R. 2563, a bill to authorize Idaho Water Studies, (Rollcall No. 358); and "yea" on H.R. 5061, the Paint Bank and Wytheville National Fish Hatcheries Conveyance Act, (Rollcall No. 359).

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below:

Rollcall 358, H.R. 2563—To authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes, I would have voted "yea."

Rollcall 359, H.R. 5061—Paint Bank and Wytheville National Fish Hatcheries Conveyance Act, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, July 10, 2006. As a result, I was not recorded for rollcall votes 358 and 359. Had I been present, I would have voted –"yea" on rollcall 358 and 359.

☐ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

VIDEO GAME RATING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, the average time spent playing video games for the average young person age 8 to 18 years is 49 minutes a day, just a little bit less than an hour a day.

Ratings of video games are made by the Entertainment Software Ratings Board, also known as the ESRB. The ESRB assigns ratings without first playing the games, based on surveys, which is really a rather unusual way of doing surveys.

The ESRB is actually a part of the video game industry; so in essence, the industry is rating itself, which is inappropriate.

Ratings are often used as marketing tools to increase sales. They are subjective. There are no quantifiable standards in these ratings.

Research done by Dr. Elizabeth Caril of the American Psychological Association and other researchers indicate the following:

Number one, exposure to violent video games increases aggressive behavior, thoughts and anger.

Number two, sexualized violence in video games increases violence toward women and acceptance of rape.

Number three, video games enhance stereotypes of minorities and women.

Number four, violent antisocial behavior is often necessary to win the game, often with no negative results to the aggressor.

Other findings were as follows: often these games employ stalking and killing of victims, and these videos are similar to what the military uses in training soldiers to kill enemy soldiers.

The ratings for the ESRB are as follows: E is a rating which means E for everyone. Yet 64 percent of E-rated games contain violence that reward the player for injuring other people.

T is the next rating, for teenagers, yet 48 percent of the videos did not describe on the label objectionable material contained in the game. And much of the material was as follows: it had violence, blood, sexual themes, profanity, alcohol use. Sixty-nine percent of those games required the player to kill people to win the game. The average was 61 human deaths per hour in these video games.

The next rating is M for age 17 and older, meaning mature. And these ratings contain profanity, drugs, sexual themes, violence, blood and gore. Eighty-one percent of such games did not describe content accurately on the label. Seventy-seven percent of boys under age 17 own an M-rated game, which, of course, would be against the rating system.

And so the final rating is AO, for adults only. But we find this is a seldom-used rating, even though video games are more violent, sexually explicit and profane than ever.

According to David Walsh, president of the National Institute on Media and the Family, psychological and behavioral studies show that violent video games increase real-world aggression in young people. And this is a little bit different than watching television or listening to music because this actually requires you to interact, to do something actively and play in the game. So it has a very definite impact on behavior.

Such games are particularly damaging, as children are developing and maturing and their brains and emotions are maturing.

As technology advances, video games are increasingly realistic, more violent and sexually explicit. More and more games will be sold online, making regulation even more difficult.

So far legislative efforts to rein in the video game industry have been largely negated by the courts. First amendment, free speech, tends to trump the welfare of our young people.

Walsh and others recommend this: they recommend one rating system for all visual media. As most people know, movies have G, PG, PG13, R and X. And yet video games have an entirely different rating system. So the current system is confusing, and each media outlet now has their own rating system, which is inconsistent and makes no sense.

Secondly, the industry should label products harmful if so deserved, such as cigarettes which are harmful and are labeled as being so.

Also, we need to keep M-rated, or mature, video games out of children's hands. As mentioned earlier, 77 percent of boys under age 17 have M-rated videos, and yet there are no penalties at the present time for vendors of these materials if they sell to an underage young person. If you did this in the alcohol industry, of course, you would be fined or penalized in some way.

Also, AO, or adult-only ratings, need to be used on explicit material, and they seldom are.

Independent raters should validate ratings, not industry representatives. The industry should not be rating itself.

And also, parents need to be educated about the rating system.

So, Mr. Speaker, Mr. BACA and I have introduced legislation attempting to bring these rating systems into compliance with normal standards, and we hope that Members of Congress would be willing to take a look at this legislation.

IT'S TIME FOR A CHANGE IN OUR ECONOMY

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore (Mr. MCHENRY). Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. EMANUEL. Mr. Speaker, I would like to read a few excerpts from yesterday's Washington Times editorial entitled "New Job Numbers."

Now the Washington Times, everybody knows, is not exactly a progressive or liberal paper, very conservative.

And I quote: "For the third consecutive month, the Labor Department reported disappointing numbers for job growth. June payroll employment increased by only 121,000 jobs, well below the median projection of 200,000 jobs. And that is on top of May's payrolls increased by only 92,000 jobs, which follows a disappointing 112,000 in April. Altogether, job growth during the second quarter was a disappointing 325,000 jobs, the lowest quarterly increase since 2003.

"The net increase in payroll employment since August has averaged 160,000 jobs. This is to contrast throughout the Clinton administration where employment increased on average 237,000 jobs per month.

"On average, 25,000 private sector jobs have been created each month since January 2001. That is 25,000. During the Clinton administration, private sector employment increased on average 217,000 jobs per month.

"And then, on top of that, average real weekly earnings of the 80 percent of the private sector workers who are employed in production or nonsupervisory capacity, approximately 91 million Americans, have increased by less than 1 quarter of 1 percent since January 2001. Average real weekly earnings for these same workers have actually declined by 1 percent since August in 2003."

American people, according to the Washington Times, neither have the jobs nor have they got an increase in their salaries. And that is all the while where energy prices are up, 75 percent, under President Bush, health care costs, the premiums for families are up 78 percent, college costs are up on average 45 percent, and incomes and wages are down. That is what it takes to make and maintain a middle-class life, all the basics, filling up your gas, health care, college education, all skyrocketing.

For the first time since World War II, American savings rates are in negative territory, and this, according to the Bush administration, is the best of times. I would hate to think what the worst of times look like.

And the Washington Times noted how under the President, Americans aren't getting the jobs at the incomes that they are expecting, and the costs for them are going up.

Now, I don't want to look back; but having been part of the Clinton administration, I don't want to have to just be a booster, I would like to remind people we had a surplus 3 years in a row. We eliminated deficit. We started paying down the Nation's debt.

What has happened under this administration? In fact, the debt has increased by nearly $3 trillion in 4 years, the largest increase in the Nation's debt in the shortest period of time in all of American history.

Second, under President Clinton, we created the Hope Scholarship. Lifetime Learning Tax Credit gave middle-class families a tax cut so they could send their kids to college.

What has the Republican Congress with this President done? They have actually had the largest cut in college assistance in American history: $13 billion.

President Clinton thought of actually negotiating a climate change, which would have given us our first energy conservation plan. This administration walked away from it; signed an energy bill. In June of 2005, gas was $2.05. Today it is over $3. Tomorrow will be the anniversary where energy in America, a gallon of gas, has doubled since President Bush has been in the White House. Doubled.

And what has happened to American family wages? Declined by 1 percent. Cost of energy, doubled.

During President Clinton's time, we actually expanded health care for all children whose parents worked full-time. Ten million children got health insurance. What has this Congress and this Republican President done? They cut 6 million kids from health care coverage. I cannot think of a worse thing to do, and this is the son of a pediatrician talking. I cannot think of a worse thing to do but to cut children from health care, from the ability to visit a doctor or a nurse.

Health care under President Clinton went up for coverage. Health care under President Bush, premiums are up and uninsureds are up. Energy costs are up, incomes are down. College costs are up, college coverage is down under the Republicans.

In addition to that, there were many attempts, and we added 20 years to savings on Social Security. And this administrations actually for the first time we are at a negative savings rate.

So it is time for a new direction for a Congress and a President who will take this country in a new place.

KENTUCKY RIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, I would like to continue a little bit on what my colleague from Illinois was talking about. We are seeing an assault on middle-income families across this Nation.

Today I would like to join my fellow nurses across the Nation in standing up against another assault against our rights.

The Bush administration National Labor Relations Board's rulings in three cases, known as Kentucky River, could strip nurses and thousands of other workers of their right to belong to a union.

Two years ago, Congress stopped the Bush administration's efforts to classify nurses and other employees as supervisors in order to prevent them from receiving overtime pay. Those classified as supervisors do not have protected rights under Federal law to join or to form unions.

Mr. Speaker, I spent 30 years as a nurse; and I can't tell you how many times I was appointed supervisor for the evening. Under the classifications that are coming down today, so many of our nurses would be losing their overtime.

When we see our nurses, we are finally getting people to go into the health care fields, and now we are doing this to them, where they are not going to have the protections.

As American families face record gas prices, rising interest rates and higher cost of living, the Bush Administration once again is trying to make people work harder for less money and for less benefits.

In recent cases the National Labor Relations Board has taken away workers' protections, workers' rights including the rights of disabled workers, temporary employees, and graduate employees.

This summer could bring more such decisions from the Bush labor board. The "Kentucky River" decisions could strip hundreds of thousands of workers of their rights under Federal labor law. These decisions could potentially affect workers in a wide range of industries, including health care, building, construction, energy broadcasting, and port shipping. Those at risk of losing these Federal law protections are skilled and experienced workers who, as part of their jobs, give instructions to lesser skilled and experienced workers.

As I said, I had done that for many years. Nurses and others should not be penalized for helping those with less experience.

If workers lose their protections as employees under Federal law, they may be fired or otherwise disciplined for union activity. They will lose the freedom to choose to join or remain a member of a union, and they will lose their ability to have a voice on the job.

For example, for nurses, union membership provides a voice on the job and protections needed to be effective patient advocates. A nurse with a union works with confidence to make tough calls to be a strong patient advocate when patient decisions need to be made. Patients need a strong voice to stand up to those who put the bottom line before a patient's health care.

But these decisions will not affect just nurses. Others affected include foremen on construction jobs like my brother, Tommy, or those who work with a team of workers who could lose their union rights under a broad definition of "supervisor." Many a time I have seen people like my father, who became a supervisor to teach the younger workers on how to weld something. This is what teachers do. It does not matter what field you are in. The older you are, the more experienced you are, you want to take the younger workers under your wing.

Thousands of painters, welders, sheet metal workers, plumbers, electricians, and others could lose their right to be in a union. Workers deserve to be heard on this issue, which is why tens of thousands of union members have asked their Members of Congress to appeal to the labor board for an opportunity to provide oral arguments. Uninterested in hearing from working people, the Bush-appointed labor board has refused since 2001 to hear oral arguments in any case. In fact, this is the only 5-year period in the last 25 years in which the board has not held any oral arguments.

Mr. Speaker, I ask my colleague to join hundreds of thousands of nurses and other workers to stand up and fight together for accountability from the Bush's labor board. Together, we can make sure these hard-working Americans can have the union representation they deserve and are entitled to.

Mr. Speaker, I think a lot of people forget what the unions have done for this Nation. I think a lot of people forget that it was the unions that basically brought protections. When you think about our coal miners that have been killed in the past year, union representation could have protected them. We in Congress should have been doing that. We have OSHA to protect our workers where hundreds of thousands of people are injured every single year, and yet we see a total eroding of the middle-income families.

Let me tell you what I fear the most: that we are going to have a two-tiered system, the very wealthy and the poorest of the poor. We as Americans can do better.

□ 1930

IRAQ'S CYCLE OF RETALIATION AND REVENGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, some of the most frightening violence in months has erupted in Iraq over the past week. In fact, today was reported to be the worst day of death and violence since the United States started the war 3½ years ago.

On Saturday, Sunni insurgents bombed and destroyed a Shiite mosque. In response, Shiite gunmen dragged random motorists out of their cars in a Sunni Baghdad neighborhood, killing them, killing them with impunity.

The situation has become absolutely terrifying. And, sadly, the cycle of retaliation and revenge is getting worse, not better. Those who think Iraq has not already devolved into a civil war are just kidding themselves. They must think a civil war looks something like two pitched armies battling it out across from each other with muskets and cannons in a giant field.

Unfortunately, today's version of a civil war is a lot more murky. It involves fighting on the streets, not a battlefield. It involves innocent civilians, men, women, it involves children, who are losing their lives, who are living in a great deal of pain and a great deal of uncertainty.

Mr. Speaker, what we can be sure about is that our presence in Iraq is not helping the situation. In fact, the presence of nearly 150,000 American troops in Iraq has become a rallying point for dissatisfied people in the Arab world. This latest surge of violence has coincided with an announcement by U.S. military officials that four more soldiers have been arrested in connection with the rape and murder of a young Iraqi woman and three members of her family.

To be sure, the vast majority of all American soldiers currently stationed in Iraq are bravely and honorably serving their country, but the destructive actions of a few very bad apples have added fuel to the fire, and the Iraqi people want us to leave their country.

The sad truth is that our troops have been failed by their civilian leaders in Washington. They have been misguided. They have gone on a mission that has been fraught with failure from the very, very beginning. The White House is more interested, it appears, in trying to make Iraq seem like a success than actually fixing the problem that plagues the country.

If you go to the White House Web site and if you search for "Iraq," you will find a section called "Renewal in Iraq." This page contains such platitudes as, and I quote the Web site, "Together, Iraqis and Americans are making progress"; and another one, "The United States will settle for nothing less than complete victory in Iraq."

The problem, Mr. Speaker, is that words like "will settle for nothing less than complete victory" or "we'll stay in Iraq until the job is done" are no more than tired old slogans. Most Americans and nearly all Iraqis understand that an open-ended U.S. military presence in Iraq doesn't serve anyone's interests. The very perception that we plan to stay in Iraq permanently is one of the greatest catalysts spurring the Iraqi insurgency.

It is clear that the time is long overdue to bring our troops home. It is time to end the bloodshed and to send a clear message that the United States has no plans to stay in Iraq indefinitely, that we won't occupy permanent bases in Iraq and we won't control Iraqi oil, and that our troops will be coming home. They will be leaving Iraq. They will be coming home to their families.

The American people know this and they want their elected leaders in Congress and the White House to catch up with them.

JUNE FLOODING IN NORTHWEST AND NORTH CENTRAL OHIO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to discuss the need for changes at FEMA, the Federal Emergency Management Agency, and how our Nation approaches disaster response in general.

I am one of the Members here that voted not to move FEMA from being an independent agency into the new Department of Homeland Security, and every day that goes by and every disaster that happens proves that was the wiser course of action. FEMA should be restored to its former status as an immediate national response, emergency response agency. It should not be buried five levels down in the Department of Homeland Security, now the second largest agency in our government after the Department of Defense. It simply is too burdensome, and the American people are suffering as a result of it. If New Orleans was not a lesson, if Katrina was not a lesson, if Rita was not a lesson, then what kind of students are we?

Today, I visited areas in my own congressional district in northern Ohio that have been declared national disaster areas now because of the flooding that occurred June 21 through June 23 in northern Ohio. Water rose as high as 6 to 7 to 8 feet, 25 homes were completely destroyed, 317 received major damage, 1,064 received minor damage and 3,262 had cosmetic damage; and that is as of just today.

The local response was rapid and top notch, the best they could do. FEMA's Federal response has been what I would term somewhat timely and not overly effective.

As I have visited with elected officials and residents affected by flooding over these last few days, outlining key Federal help that we can bring to them, I was struck by how disjointed the assistance is and how we try to help people at the local level to apply for what they are eligible for. They simply do not know.

I explained to officials and constituents that Federal assistance might cover losses not addressed with their own personal insurance and that they had to file an insurance claim form with their private insurance company before contacting FEMA. But let me tell you what they require down at the county level.

If, in Ohio, you were affected by the recent flood, they tell you, Go to the FEMA office that we have temporarily established in an adjoining county. So people from the affected county have to go to an adjoining county. When they get to the FEMA office, they are told, Oh, we can't help you fill out the application here. We can just talk to you about it. You have to go to your local library. They have to go back into their home county, go to the main library to try to get into the computer program to apply for the FEMA program.

Well, guess what? The local librarians do not work for FEMA. They do not know all the Federal assistance. I sat with one gentleman today at a computer in the library where he tried to get into his password and code that he had gotten last week, as FEMA had instructed him, and guess what? The password didn't work.

And he was a computer techie. He knew more about computers than I did. He was not a senior citizen who was not familiar with computers. We could not get into his records to find out if FEMA had even received his application from a week ago when he filed it.

What happens in Ohio is that, assuming you can file, if you can really get it done at the library, which I do not think is right, FEMA ought to have the computers right at the temporary FEMA office, then you get an envelope in the mail from the Small Business Administration. Well, nobody in my area has gotten them yet, but the average person says, Well, if I applied at FEMA, why am I getting a letter from the Small Business Administration?

The reason is because SBA will establish your income eligibility for grants, or for loans if you do not qualify for grants, and if you do not submit the SBA paperwork, you cannot get the FEMA assistance. But the average person who is scraping mud out of their living room and has had their basements totally destroyed and has had to take time off work in order to try to find a place to live, how do they have time for all of this?

Twenty-five years ago, FEMA had trailers that were under the purview of the Department of Housing and Urban Development. They moved those trailers in. If you lived in a home that was in bad shape and had been damaged, you could go live in a trailer. They had their own generators. You could at least live there while you fixed up your other house. FEMA changed all of that back during the Reagan administration during the 1980s, and we have created a much less ready FEMA to respond to national disasters.

One of the other things that has happened is that our people, our mayors, our county commissioners, who have spent hundreds of thousands of dollars trying to help people, that have had to put personnel on overtime, that have had to use their equipment, that have had to buy fuel that isn't cheap, they have now been told by FEMA that that is not covered in the Federal assistance to local communities. All that is covered is an individual's damage.

What kind of Government of the United States is this that we cannot respond to people who are in need, whether it is in the gulf or in northern Ohio?

Assistance could include up to three months' rental payment for temporary housing; grants for home repairs and replacement of essential household items not covered by insurance to make damaged dwellings safe, sanitary, and functional; grants to replace personal property (including vehicles) not covered by insurance; and unemployment payments up to 26 weeks for people who temporarily lost jobs because of the disaster and who do not qualify for state benefits, such as self-employed individuals.

This is all well and good, but it is limited. Most relief comes in the form of loans, not grants. People suffering property-loss or damage from flooding or sewer backups can apply for low interest loans administered by the Small Business Administration (SBA) to cover residential losses not fully compensated by insurance. Loans are available up to $200,000 for primary residence and $40,000 for personal property, including renter losses. Loans are available up to $1.5 million for business property losses, both property damage and economic injury, not fully compensated by insurance.

This is all well and good for those people who can afford to get the loans and have the know-how and wherewithal to apply. But these are often those hardest hit by disasters of this type Mr. Speaker.

Today, as I visited areas in the Eastern portion of my Congressional District, it became clear that the process for applying for assistance is a quagmire.

For starters, there isn't even a FEMA field officer in Erie County—a county recently listed as eligible for disaster assistance. Folks have to travel over to an adjoining county to register to speak to a live FEMA person. And that person can't help them apply for assistance—they have to go somewhere else for that.

Moreover, they cannot do it in person. They can travel to these locations to get advice, but are then required to submit the information via computer at their local library.

The FEMA process is too cumbersome Mr. Speaker. People need immediate help, not help weeks from now. People hardest hit need more personal assistance, not less. They need more grants and fewer loans. They are the senior citizens and low-income families who could not afford, or may not have even been aware, that they needed flood insurance.

And why, Mr. Speaker, is a property-owner saddled with the responsibility of assuming a loan when it is a city or county sewer-system that overflows—resulting in massive flooding or an unacceptable drainage rate?

It doesn't make any sense to me.

Mr. Speaker, we need to expand the criteria for grant assistance, not lessen it.

More importantly, though, the formula for reimbursing municipalities for their response must be re-evaluated. The City of Toledo spent almost $275,000 responding to last month's disaster. And they have been told not to expect one cent in reimbursement costs. This is unacceptable.

FEMA officials say that the City did not spend enough money to qualify for public assistance. A city of similar size would need to spend, approximately, $1.5 million before reimbursement costs would kick in.

Why such a high number? Does this administration think that any city, much less a city the size of Toledo, can absorb such a loss? It's mind-boggling.

Local municipalities have seen their budgets devastated by the down-turn in the economy. If Federal Government is going to pass the buck on program after program—unfunded mandates sapping at the local budgets—then the government must step up when emergencies like this result in unanticipated costs spiraling out of control.

□ 1945

THE VIOLENCE IN IRAQ

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, this election is going to be a referendum on the President's plan to deal with Iraq.

The American people need to know what is going on. And, of course, our press gives them one view. But I think it is important to see what the rest of the world is saying about what is going on in Iraq today. For that reason I am going to read some portions of an editorial from the Daily Star of Lebanon. It is the most influential and most balanced paper in the Middle East, and the title is "Only Iraqis Can Keep Sectarian Violence From Ruining Their Country."

"In the latest outburst of sectarian violence in Iraq, roving bands of Shiite gunmen killed at least 41 Sunnis in

Baghdad on Sunday as a car bomb targeted a Shiite mosque, killing 17."

"Bloody scenes such as these are becoming all too common in Iraq, where a low-intensity civil war threatens to erupt into full-scale sectarian conflict. The violence already poses a threat to the fragile Iraqi government. Sunni MPs, who have been boycotting Parliament sessions over the abduction of one of their colleagues, MP Tayseer Najah al-Mashhadani, are now considering extending their boycott to withdraw from Prime Minister Nuri al-Maliki's Cabinet. If they do so, the national unity government that took six long and tedious months of horse trading to create could easily topple.

"Recent developments in the country only serve to illustrate the bankruptcy of the sectarian power-sharing agreement created under U.S. occupation. This is not to say that there were no sectarian tensions in Iraq prior to the U.S . . . but the new poisonous political arrangement created under the U.S. occupation has only exacerbated existing tensions.

"The most deadly schism that has emerged in the country is the Sunni-Shiite rift. A small group of Sunnis has been waging a deadly insurgency and attacking Shiite citizens and mosques. In response, Shiite commando units, some of which are affiliated with the government, have been conducting reprisal attacks against mosques and civilians in Sunni communities. The sectarian 'cleansing' of various cities around the country has driven tens of thousands of Iraqis to flee their homes.

"There can be no victors in a full-scale sectarian conflict in Iraq. One only has to recall the tragedy that was Lebanon's 15-year civil war to know that all parties will be the losers in a sectarian war. Even the minute personal gains achieved by trigger-happy gunmen will be erased whenever men with bigger guns come along to exact their revenge.

"Iraqis are currently heading in the same direction as the Lebanese were in 1975. And sadly, they have no one to turn to but themselves if they want to avoid civil war. They cannot turn to the U.S. military and ask it to use its muscle, because that will only stoke more intercommunal hostilities. Iraq's neighbors, who during a meeting over the weekend failed to offer the Iraqi people any tangible assistance, proved that they are unwilling to do much more than issue rhetorical statements. The responsibility of avoiding full-scale civil war rests squarely on the laps of Iraqis. During this volatile period, it is crucial that all Iraqi leaders act responsibly and refrain from inflammatory acts and statements that can only make matters worse."

Now, it is clear from this editorial and from all the papers if you read them in the Middle East that the longer we stay there, the longer the violence goes on. If we want peace, if we want a stable government for the Iraqi people, if we want a society to develop in a civil way, we must begin the process of getting out. We cannot say we are going to stay there until it is quiet because it is clear from editorials like this one in The Daily Star and many other newspapers across the Middle East that it will not happen as long as we stay.

We are considered the occupiers. The government is considered one that we created. Our fear, down at 1600 Pennsylvania, is that if we go, they will create a government that we do not like. But democracy requires that you trust the people to choose their own government.

We will talk more about this in an hour from now.

BORDER SECURITY AND IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate that and this evening we are going to spend some time talking about the issue of border security, and it is important to our great Nation; but before I begin, I would like to take just a few moments of personal privilege and remember a friend that my community lost over the weekend.

REMEMBERING SUNTRUST'S BRIAN WILLIAMS

Mrs. BLACKBURN. Mr. Speaker, our community of Nashville, Tennessee, and the Nashville banking industry lost an entrepreneurial banker, Brian Williams, who was the Music Row banker for SunTrust Bank, and he was such an extraordinary, truly extraordinary, man. Certainly, we feel that we have lost a visionary in not only the banking industry but in the music business industry.

Brian is one of those who really understood that the entertainment industry and the music industry is a business, and he approached it that way and he pioneered the music industry's banking division for SunTrust Bank.

He is a man who I honestly believe in all my years of working on the intellectual property issue, whether as head of the Tennessee Film Entertainment Music Commission or as a member of the State Senate or now as a Member of Congress, he understood the ability of intellectual property to generate an income. He understood that intellectual property is private property, and he understood how royalty income could indeed work for our creative community.

He is truly going to be deeply, deeply missed and to his wife, Marion, and his parents, our thoughts are with you all.

Now, to our issue of immigration. Mr. Speaker, the question that we have before us is one that we are looking at as an issue of border security, and I feel that many times this issue becomes clouded as we try to talk about so many different components of border security and immigration and illegal entry into the country and employer verification. Sometimes looking at the great big pie, the great big pie of the border security/immigration issue, all rolled into one, becomes very, very difficult for many of us.

We have started through a process of beginning to break it apart and take things one at a time and focus intently on this issue; and, indeed, it is an issue that we have had before us. As a former Member of the Judiciary Committee and the Immigration Subcommittee there, we have kept our focus on how do we make certain that we keep this Nation secure, how do we make certain that border security is addressed as national security, and how do we keep America safe, how do we make certain that we know who is coming in this country, how do we make certain that we know why they are coming and how do we make certain that we know the people who have come here have come for the right reasons, have come with the proper paperwork and do not overstay those visas and that paperwork.

This is a question to look at. It is a discussion to engage in and it is an issue that I would hope every Member of this body, from both sides of the aisle, would participate in discussing and finding a solution.

Of course, the House has passed a bill. We passed it last year. We sent it to the Senate. It has first and foremost a focus on securing this border. We know that this is a problem that the American people are frustrated with. They are frustrated with D.C. and I understand why. We are, too. Some of these issues you can absolutely talk to death. The American people are ready for action, and indeed, the House is the body that has been leading on that action.

As we have watched illegal entry, the act of illegal entry, and that is our focus, as I said earlier, it is not immigration, our focus is on illegal entry, and addressing the act that is being committed as individuals, as weapons, as drugs all come into this country illegally, this is an enormous problem. It is not a secret. The American people know this, and that is why they have joined with the House in saying this needs to be handled.

Mr. Speaker, lack of action on this issue over the past few years and lack of responsiveness by some who want to confuse it by making it a big comprehensive, difficult-to-get-your-arms-around issue has caused a couple of things to happen, but that is the way it is many times, in life, in politics, and certainly in this issue of security.

The fact that action was not taken when the House first got ready to move forward and that we have seen thousands and hundreds of thousands of people illegally enter this country has caused every town to be a border town and every State to be a border State.

When I was in the State senate in Tennessee, I started working on this issue, trying to make certain that those that illegally entered this country could not secure valid driver's licenses and then have carried that activity with me, coming here to Congress and again continuing to focus on this issue.

As I said, every State is a border State, and we are hearing from States like my State of Tennessee and other States around the country. Border security is the number one issue. We have seen enormous populations of people who are not legally in the States gravitate to certain States for specific reasons, and Americans know that there ought to be laws that are enforced. They know that there are laws on the books, and they cannot figure out why in the world, why in the world those laws are not being enforced, why are we choosing not to enforce those laws and defend those borders.

Our constituents are right to ask those questions. We need to tackle the illegal entry problem. We need to do this one step at a time. We need to demonstrate in good faith to the American people that efficient, effective border security can be accomplished and we are ready to move forward on it. We encourage the other body and we encourage the American people to join with us on this issue and addressing this issue.

At this time, I would like to yield to my colleague from Texas (Mr. HENSARLING) for some of his thoughts and comments on this issue.

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for yielding, and I certainly appreciate her leadership of what I believe is perhaps the number one issue that is facing us today, and that is clearly winning this war against terrorism. There is no doubt in my mind, and I believe no doubt in the minds of most Americans, that border security is homeland security.

Mr. Speaker, we ignore our borders at our own peril. Too often even today we do not know who is coming across our borders, we do not know what their purpose is, we do not know where they are going. And times have changed; times have changed since 9/11.

There was a time in our Nation's history where the illegal entry problem was one of a trickle. Today, it is a flood. There were over 1.2 million apprehensions of those who entered our country illegally last year, and those were just the ones that were apprehended. Again, we do not know who all these people are. We do not know what their purpose is. We ignore border security at our own peril.

I live in Texas, Mr. Speaker, one of the border States. Mexico is a very important neighbor to us. We have had excellent relations with the country for many, many years; and there is no doubt that a number of those who enter our country illegally are simply people who are trying to feed their families; and I understand that, Mr. Speaker.

□ 2000

I have compassion for these people, but at the same time we must protect Americans. We must know who is coming across the border. And what we see, particularly when we talk to people on the front lines of this war, particularly our border sheriffs, we learn that the border is a very different place than it was 5 years ago, 10 years ago, 20 years ago.

Increasingly what we see is a very armed and dangerous group of those who enter this country illegally. Increasingly we are seeing AK–47s, rocket-propelled grenades associated with those in the drug traffic. And increasingly our border sheriffs are concerned about what contact and what connection the drug lords may have with the terrorists.

We hear from our Border Patrol that attacks on agents are up. We have our border sheriffs in Texas tell us that they believe, they believe that some of the drug shipments across the border have come with military escorts. Increasingly we know that we are being infiltrated by the MS–13 gangs from Central America.

Again, Mr. Speaker, we ignore border security at our own peril. And perhaps most importantly, I am not sure if all of the American people know this, but Iraqis have been captured trying to infiltrate our southern border. And we know, we know from the Department of Homeland Security, that al-Qaeda has made contact with human smugglers in Mexico.

We ignore border security at our own peril. But besides being a threat to our homeland security, unbridled illegal entry into the U.S. is not just a threat to our border security, it is a threat to our economic security as well. Coming from Texas, Mr. Speaker, I can tell you that the taxpayers of Texas pay billions of dollars to educate the children of those who have entered illegally. That is just not fair, Mr. Speaker, it is just not fair.

Hundreds of millions have been spent on health care. Now, again we do not want to deny essential emergency health care to anybody who walks into the room. But to have this serve as some kind of magnet for illegal entry is just wrong, and the cost associated with incarceration, again unchecked illegal entry into this country is a threat to our border security, it is a threat to our economic security.

Additionally, Mr. Speaker, it is a threat to the rule of law, one of the foundations upon which this great Nation was built, a nation of laws, not of men. Is the first lesson we want to teach somebody who comes to this country that our laws are optional, that they are mere suggestions? Do we want to tell people that, well, because you managed to sneak across some border, you fooled us; here are your citizenship papers? I do not think so, Mr. Speaker. I do not believe that that is what we need.

Now, Mr. Speaker, as important as this debate is, I agree with the gentlewoman from Tennessee that unfortunately, unfortunately, there are many in this country, there are many, many in this body that are trying to take a debate that should be about whether America has the will and the means to control its border and whether there is a right way and a wrong way to enter America, they are trying to twist that, they are trying to twist this into some kind of debate about ethnicity. They are trying to twist this into a debate about whether America is a nation of immigrants.

I do not see anybody debating that proposition, Mr. Speaker. America is a nation of immigrants. It always has been; I believe it always will be. We would like to shine up the Statute of Liberty. We want to find room for people who want to work hard and who love freedom. But there is a right way and a wrong way to come to America.

My friends and my neighbors come to the front door in the light of day and they knock on the door and they seek permission to come into my home. They do not sneak in the back door under the cover of night. There is a right way and a wrong way to come to America.

Now, Mr. Speaker, one of the greatest privileges and honors I have had as a Member of Congress took place Saturday before last in Garland, Texas, in my congressional district. I spoke to a swearing-in ceremony of 95 new Americans. And it was one of the most awe-inspiring experiences I have had as a Member of Congress. And let me tell you a few things about these 95 new Americans I was able to welcome as new Americans into Garland, Texas.

Number one, each and every one of them, Mr. Speaker, waited in line, 3 years, 5 years, 7 years, 10 years, to come and achieve that great privilege of American citizenship. They followed the rules. They learned the English language, which is the language of opportunity and something that binds us together as a people.

Mr. Speaker, besides that, they learned our history; they learned our culture. I would wager that a number of them could do better on an American history test than some of us, some of us in this august body here.

And finally, Mr. Speaker, I do not know why, but as a Member of Congress, sometimes people actually want to have their picture taken with you. I am flattered and humbled that so many of these 95 new Americans wanted to have their photo taken with me.

I met a young lady who was born in Laos, who is now an American. And I asked her, "What is it that made you want to come to America?" after she had her photo taken with me.

It was a one-word answer, Mr. Speaker. We all know what that answer is. Freedom. Freedom. These were 95 new Americans who wanted to roll up their sleeves, they wanted to work hard, and they loved freedom. And we welcome them. We welcome them into our midst.

And so, again, Mr. Speaker, we are not having a debate about who it is that makes the best Americans. We are not having a debate about taking down the Statute of Liberty as many would want you to believe. We are having a debate about, after 9/11, can we ignore our borders? And we are having a debate about whether or not there is a right way and a wrong way to come to America. That is what this debate is about, Mr. Speaker.

It is one of the most important debates that is going to take place in this body, in this institution this year. And so much is riding on it. Because I believe, as do so many of my constituents, that the number one threat to our Nation, and the number one threat to our families is terrorism. And essential to winning the war on terror is controlling our borders.

And, with that, I will yield back to the gentlewoman.

Mrs. BLACKBURN. I thank the gentleman. He is so correct. An essential element in winning the war on terror is controlling our borders.

And one of the things that we heard this weekend, this past week, on Tuesday as we took our first field hearing to San Diego, was, we heard how the Iraqis have been reaching into Central America and into Mexico, and how al-Qaeda is reaching in there and doing what is necessary for them to make these connections to be able to enter through this southern border.

What a frightening thought that is to us. How very difficult it should be for them. But, unfortunately, it seems they are saying how very easy it can be. Mr. Speaker, think of that. Al-Qaeda and those that would seek to do us harm are choosing to see if they can come across our southern border, one more good reason why we should be certain that we secure that border.

The gentleman from Texas also said something else I want to return to. We ignore this at our own peril. And we hear that repeatedly. We would ignore this at our own peril.

And I mentioned the hearing that we held in San Diego. Chairman ROYCE did a terrific job chairing this hearing for the International Relations Committee, focused on terrorism and border security. And I commend our leadership, our Speaker and our leader for making certain that we, as a body, have the opportunity to go and listen and talk with the American people on this issue.

And as we were at Imperial Beach outside of San Diego on that border, we heard from sheriffs, we heard from border agents, and we heard from those who have studied this issue closely, very closely over the past several years, just not weeks, not just months, but several years.

And each and every one of them talked about the importance that is upon us for examining and moving forward with action in securing this border. And the gentleman from Texas is right. We ignore this at our own peril.

He also mentioned with the State of Texas, the billions that are spent on education, the hundreds of millions that are spent on health care for those that have illegally entered this country. He also mentioned incarceration and the hundreds of millions of dollars that are spent in his State of Texas on incarceration.

I asked the sheriff from Los Angeles County during the hearing in San Diego what they spent every year on incarceration, because 26 percent of their jail population are criminal aliens; 70 percent of those are repeat offenders. They are spending about $80 million a year, $80 million of taxpayer dollars each year in Los Angeles County for incarceration of those who have committed offenses and are being held and detained as criminal aliens.

Another point that the gentleman talked about was that our laws are not up for discussion. And one of my constituents over the weekend said, you know, U.S. citizenship is not a lottery, and it is not. And this comment came from a gentleman who is a veteran. And he grabbed me by the arm as we were out celebrating our freedom, celebrating Independence Day, and looked me straight in the eye. And he said, "Marsha, I fought for this country. I fought for this freedom. I fought for everyone to have this citizenship. Let me tell you right now, it is not a lottery."

Our laws are not up for discussion, and our citizenship is not a lottery; and we need to remember that. And I appreciated those comments from that gentleman.

I had another constituent who said, "You know, if you illegally enter my car, my bank account, my private information, my house, my business, my church, you are going to pay a penalty. You have committed a crime. Why in the world does that not apply to this great Nation?"

Mr. Speaker, the American people understand that the issue at hand is border security and illegal entry. Many in this body and certainly our leadership concur with that. Legal immigrants, as the gentleman from Texas talked about the naturalization ceremony where he spoke, legal immigrants know that the laws on the books are for abiding. And they appreciate that and they honor it.

And we want to be certain that those are kept as the rule of law, and this Nation remains a sovereign nation. As my friend, Alfredo, said, as I talked with him over the weekend, he said, "You need to protect the American dream. I am here for the American dream."

He is here legally. He is looking forward to the day when he stands and raises his hand and takes that oath and becomes a U.S. citizen. And he too wants to have his very own personal story to tell about how he achieved the American dream.

□ 2015

And for Alfredo and his wife and thousands that come here every year legally to seek that dream, their message to us is: secure the border, and make legal entry a priority. Put your focus on illegal entry, and put a stop to that.

You know, the message that we are continuing to get from our constituents is: stop the bleeding, secure the border, narrow your focus. And I hear that from State legislators back in my State of Tennessee. If we don't do that, we leave with them the issue of addressing the problems that are then passed to the States: driver's licenses, insurance issues, looking at educational and health care and law enforcement issues. They feel as if all of that is left for them to deal with. Our towns and our cities look at us and say: when it comes to law enforcement, we are the folks on the street. When it comes to who opens the hospital doors, that is us. When the school bell rings, we are the ones providing the service. And that is why they look at us and say: what your lack of action is doing is turning every single town into a border town and every single State into a border State.

So they want us to get in here and complete our work on securing this border, to look at the options that are out there. As we heard from some of our Border Patrol agents, put our focus on intelligence-driven, threat-based mechanisms. Look at what it takes to integrate electronic surveillance, human surveillance, and physical barriers. And we heard from some of the sheriffs that, yes, indeed, physical barriers work, and they were happy to give us plenty of information about how it had driven down crime.

The House has passed a bill; and if we need to pass one more, we can do that. We have to be certain that we demonstrate the results that are necessary for securing this border.

At this time I would like to yield again to the gentleman from Texas.

Mr. HENSARLING. I thank the gentlewoman for yielding again. And she used an interesting phrase earlier about securing our borders: stop the bleeding. It is a phrase I hear over and over and over from my constituents in the Fifth Congressional District of Texas. And, indeed, the House has now passed a border security bill that we believe would go a long way towards stopping the bleeding, and now finally the other body after many months has now acted.

Mr. Speaker, I know that Americans recall their Civics 101, and they know that you pass a House bill, you pass a Senate bill, they have to come together in a conference and come up with just one bill. It gets passed by both of our respective bodies yet again before it is sent to the President. Mr. Speaker, we have had an opportunity now to take a look at that Senate bill; and, frankly, most of us believe that it is wrongheaded and would head America in a very bad direction.

Number one, Mr. Speaker, we don't understand why, if there are contentious issues that are out there, and we agree there are many issues associated with illegal entry that are contentious, but if they are, can't we all come together, Democrat and Republican, after 911 and say we have got to secure our borders? Can't we at least as a body agree on that and maybe work on some of these more contentious issues later?

As we know, in the House bill what we do is, number one, we increase personnel on the border, at least immediately 1,000 additional agents, 1,500 K-9 units. We erect literal walls and virtual walls on much of our border. We increase the sanctions for employers who knowingly hire those who enter this country illegal.

If you want to help stem the tide, you have got to deal with the magnets that are drawing people into the Nation illegally.

We end this ridiculous program known as "catch and release," which at least from my part of Texas catch and release is for fish; it is not for those who enter the country illegally. But what we have is a system where particularly those who are known as OTMs, those other than Mexicans, that are caught coming across the border, they are simply released until, Oh, why don't you show up, say, in 60 days and come to a hearing so we can decide whether or not to deport you. Well, we know how many will not show up for that certain deportation hearing. Our bill would end that catch and release program.

Our bill does a lot, Mr. Speaker, to stop the bleeding. But if you look at what the Senate bill does, it takes a different direction. Number one, it provides amnesty for many of those who entered the country illegally.

Mr. Speaker, we have been down this road before, about 20 years ago. It was one of those ideas that might have looked good on the blackboard, but guess what, it didn't work. It simply did not work. And now the Senate wants to offer amnesty to those who have been here for 5 years if they will pay some back taxes and some kind of fee. They want to provide them an opportunity to cut in the line of citizenship when, as I said earlier, I just welcomed 95 new Americans into this country who played by the rules, who waited for those 5 and 7 and 10 years to get here. And we are going to say, No, you played by the rules, we are going to reward these people over here who didn't. What does that say about the rule of law, Mr. Speaker? I don't think much.

Additionally, the Senate bill would provide benefits to those who come here illegally. It would provide Social Security benefits to those who have come to the country illegally.

Mr. Speaker, I serve on the House Budget Committee, and I have seen the most recent report of the Medicare and Social Security trustees. Unfortunately, Social Security is due to go broke at least one year earlier than last predicted. Now, we know our seniors are okay; but for future generations like my children, Social Security as we know it won't be there for them. And, guess what, the Senate wants to start handing out benefits to those who came here illegally. Additionally, they want to hand out in-state tuition, in-state college tuition for those who come to our country illegally. Mr. Speaker, how are you ever going to stop illegal entry when you are actually strengthening the magnet that is drawing people here in the first place?

Mrs. BLACKBURN. If the gentleman would yield?

Mr. HENSARLING. I would be happy to yield to the gentlewoman.

Mrs. BLACKBURN. I want to participate in this discussion with you about the difference in these bills. And you are so right when you mention that our House bill would increase personnel on the border, put the K-9 units there, look at a virtual fence as well as a physical barrier, the electronic surveillance, and really tighten up that border. And one of the things we have said in the House repeatedly is, let us lay out an orderly process. Let us secure the border first; then let us move to the employer verifications which you mentioned. But let us secure that border first. Let us deal with the enforcement mechanisms.

And I am so delighted that you mentioned catch and release. As I mentioned earlier, the sheriffs that we had, two from California, one from Texas that were at our hearing, said catch and release is a huge problem. Mr. Speaker, as I mentioned earlier, one county alone, Los Angeles County, 26 percent of the jail population is criminal aliens. After I left that hearing and I was through out in my district in Tennessee and I would talk to sheriffs, I would say, What portion, what portion of your incarcerated population is those that entered the country illegally? I have not spoken with anyone who has less than 10 percent. And the recidivism rate, as I mentioned the one sheriff who was before our committee talked in terms of upwards of 70 percent.

And when I talk to our law enforcement personnel, it is always a high percentage that is in their jail not once, not twice, but many times. That criminal alien population, the recidivism rate is very high. And you are exactly right, that is a cost to our local communities.

One of the concerns that we hear from when people talk about the Senate bill is they are concerned about wage protections, they are concerned about favorable treatment, they are concerned about a favorable way for those that entered the country illegally to pay their taxes or to access tuition or to receive Social Security benefits. And they look at us and they say, You know, this is not fair. This is not right. And there is great concern.

And I think that that is one of the reasons that the American people return to looking at the House bill and saying, this is what we want to see: first, secure the border. Second, deal with that magnet. Look at the employer sanctions, then deal with the enforcement mechanisms. And then, once you have stabilized the situation, look at the visa programs, but only after the situation has been stabilized.

I yield to the gentleman from Texas.

Mr. HENSARLING. I thank the gentlewoman for yielding. Again, I recall that there are at least a couple of other provisions of the legislation produced by the Senate that should be of interest to all of us as we look at two really different approaches to meeting the challenge of border security.

Now, under our legislation, we would actually construct literal walls on certain portions of the border, which we know will be helpful. It doesn't solve the problem, but it is at least helpful in a multi-faceted strategy to deal with illegal entry into the Nation. While in the Senate bill, in the Senate bill they would require us to consult with Mexico before we constructed a wall on U.S. territory. Mr. Speaker, is that not effectively yielding sovereignty to a foreign nation?

Now, again, I respect Mexico. I have traveled extensively in Mexico. I have participated in U.S. interparliamentary council with legislators from south of the border. But to say that we must consult with a foreign nation before we take steps to secure our own borders and to secure the homeland? Mr. Speaker, that is just simply ridiculous. It is just simply ridiculous.

Mrs. BLACKBURN. As we talk about securing this border and the reason for it, and in the House bill we have stretches where there is a physical border and a fence-that would be very difficult to penetrate, and there is a reason for that. Mr. Speaker. And the sheriff from Laredo, Texas, Sheriff Flores, was so articulate on this issue as we talked about the border there and spoke about the 18-wheelers, 6,000 to 7,000, 18-wheelers a day coming through that exchange point and through that immigration point.

Now, Mr. Speaker, one of the things that is of concern for us is how you check the cargo that is in here. And as I mentioned earlier in my comments: illegal entry, human trafficking, drugs, weapons. As we look at this 6,000 to 7,000 18-wheelers a day that are on the road, and couple that with trucks and vehicles that are coming across the unpatrolled areas and open land, what we have are vehicles that are driving drugs and meth and arms into this country. We don't know what all is coming in them. What we do know is that in my State of Tennessee we have a problem with meth and dirty meth. They know that it is made many times in Mexico. When they confiscate and interdict, when the interdiction units bring in marijuana and cocaine and meth, they can tell where it is coming from by how it is packaged, how it is being delivered. And we know for a fact that this is a problem.

We have a county in west Tennessee that we worked closely with on this issue, and just a little under a year ago they put a meth interdiction unit on the road. Interestingly enough, nearly every time that unit goes out, nearly every time it goes out it is conducting an interdiction. And it is sad to see, but when you go in and look at that evidence room and look at the weapons and the drugs, and hear the stories of individuals that are being brought in, some of them against their will, it is not a story that is a happy story. It is a very sad story.

☐ 2030

Our constituents are tired of this, and they want the borders secured so it will decrease that flow, decrease the opportunity for that flow of human trafficking and drugs and weapons.

I yield to the gentleman from Texas.

Mr. HENSARLING. Mr. Speaker, I am glad that the gentlewoman alluded to our border sheriffs, those on the front lines who are trying to stem this war against drugs and terrorists, who could infiltrate our southern border, because they are very knowledgeable about what is happening on both our southern and northern borders.

We were discussing differences between the House-passed bill which was supported by almost everyone on the Republican side of the aisle, versus the Senate bill, the Reid-Kennedy bill which most Republicans opposed. We talked about how the Reid-Kennedy bill grants amnesty to those who have broken our laws and how the Reid-Kennedy bill provides Social Security benefits and in-State college tuition to those who have entered this country illegally and broken our laws; and we talked about how the Reid-Kennedy bill will force us to consult with a foreign nation before we take steps to secure our southern border.

But another aspect of the Reid-Kennedy bill that we did not discuss is what it does to our local border sheriffs. And under that bill, under that piece of legislation, local police departments and sheriffs could not, I repeat, could not, Mr. Speaker, apprehend those who are in this country illegally unless they were found to be arrested for some other crime. In other words, merely being in the country illegally, the Senate bill would strip them of any power to apprehend, arrest and turn those individuals over for deportation.

Again, it is completely opposite of our House-passed bill that is trying to empower those on the front lines, to give them more resources and give them additional training to help and become partners with the Federal Government, with the Department of Homeland Security, with Border Patrol in trying to apprehend these people.

We know in many ways the flood of illegal entrants has changed over the years. Again, I know that many people who come here are not bad people, and I am not attempting to vilify them. I am the father of two small children, a 4-year-old and a 2½-year-old. And I know if I was born poor in Latin America and I couldn't feed my children, I don't know what you would do to stop me from crossing this border.

But because I have compassion for somebody does not mean that I want to hand them a check drawn upon the Federal taxpayer. Because I have compassion for someone does not mean I want to say, okay, we are going to let you cut in line and here are your U.S. citizen papers. No, Mr. Speaker, we have to secure the border.

After 9/11, knowing the intentions of al Qaeda, we have got to secure our borders, regardless of the fact that many of these people are not bad people, and we understand what they are trying to do. But we have got to come up with a system, enough carrots and sticks, to where our Border Patrol are looking for tens of people trying to cross the border illegally instead of thousands of people trying to cross the border illegally every evening. Unless we put the enforcement provisions in the House bill in place, this simply will not happen.

Again, I know there are contentious issues. There are contentious issues about children who are U.S. citizens whose parents may be illegal here. There are suggestions for a guest worker program; and I, for one, am very open to a guest worker program.

But everybody says, let's stop the bleeding, let's control the border. Can't we at least agree on that? And let's seal our border to illegal entry, and then we can start dealing with the other facets of immigration, the other facets of a guest worker program, which I believe is part of our solution and not part of our problem. But it is all for naught unless we secure the border first.

Mrs. BLACKBURN. Mr. Speaker, as you talk about focusing in on that issue of illegal entry and focusing in on border security and being certain that we deal with that first, first and foremost, handle this issue.

I appreciate the comments that you said regarding amnesty and how opposed to amnesty I personally am and how opposed so many of my constituents are because they feel that is such a dishonor to those who are coming here legally.

During my time at home, as we were holding town hall meetings and visiting with constituents, I have had constituents say, If you start passing out amnesty, then I want amnesty from the IRS. If you let those who have illegally entered this country choose to pay 3 years of 5 years of back taxes, I want to pay 3 years out of the past 5 years. Those are questions that we are getting from our constituents, and they are right to be asking them.

I had someone say they wanted amnesty from OSHA, a small business manufacturer, paying taxes and creating jobs and working hard. He said, They come into my plant, they stand there, they hold a meter; I want amnesty from that. I want amnesty from the EPA. So we are hearing this over and over.

Mr. Speaker, what it really speaks to is the breakdown of the rule of law. Why? Our constituents are so right to ask that question. Why? Why in the world would a body pass a bill that would do that? Why would they encourage that? Why would they not honor the rule of law? Why would they not choose to deal with the crisis situation, which is illegal entry, and focus on that?

That is the area where everyone agrees: Secure the border and secure it now. Secure it first. Put additional people on the border. Put additional resources on the border because border security is national security and a very important component of our national security.

Mr. HENSARLING. Mr. Speaker, the gentlewoman is so right.

Again, we have Iraqis who have been apprehended trying to infiltrate our southern border. We know there are contacts between al Qaeda and human smugglers in Mexico. We know what was once a trickle of illegal entry is now a flood of illegal entry. What was once mainly low-income, poor Mexicans is almost a United Nations of illegal entry coming from all parts of the globe and planet. We ignore border control at our own peril.

Why, Mr. Speaker, would Senators REID and KENNEDY essentially say we are not willing to help you secure the border unless you grant amnesty to millions and millions of those who have come here illegal? And, oh, by the way, we want to present them with different welfare benefits and we want to give them Social Security. And, oh, by the way, we are not going to allow you to secure the United States border unless you go consult with foreign nations first.

Mr. Speaker, I don't understand this. The American people don't understand this.

Again, we must know that we are having a national debate about two and only two issues: Do we have the will to control our borders? And is there a right way and a wrong way to come to America?

Mr. Speaker, I decry those who are trying to turn this into some kind of a debate about ethnicity and who makes the best Americans. Some of the best Americans I know were not born in America. And the reason they make some of the best Americans is because they have known something besides freedom and opportunity, and because of that, many times they treasure our birthright even more than those of us who were born in the United States of America.

Mr. Speaker, this is not about taking the Statue of Liberty down; this is about protecting the Statue of Liberty. If we want to open wide the door of legal immigration, we have to shut down the door to illegal immigration. When we do, we will help secure our southern border, our northern border, and we will make the homeland more secure.

Mrs. BLACKBURN. I thank the gentleman from Texas for joining with us in this debate this evening and for continuing to talk with our colleagues and with the American people, because this is about illegal entry.

The situation of illegal entry and immigration are two completely different debates. Those who are trying to blend them into one are doing a disservice. We have to move forward in addressing illegal entry, and we have to move forward in securing this border.

Mr. Speaker, America is an incredibly welcoming Nation. It is a wonderful Nation that for years and centuries, we held our arms wide. We welcome those that choose to legally enter. We love the energy and vitality that they bring. We love their excitement. We love the way they bring an entrepreneurial spirit and they bring diversity and they bring to each of us a challenge, a very well-placed challenge, to work harder, to do better.

And we love it when they succeed, and we celebrate it. We take the time to celebrate that success, every little success, with them. And when they receive that citizenship after years of hard work, we are standing there with them, celebrating with them.

Some of them are in our families, some are in our extended families; and some of our close friends that we love like family have been through this process. And because of this, we stand with them in saying, Let's secure the border and end the practice of illegal entry into this Nation.

Let's be certain that legal entry and legal immigration are recognized and rewarded and celebrated in the appropriate way, as they are meant to be. But let's roll up our sleeves and let's get to work securing the border, ending illegal entry into this country, ending the human trafficking, ending the flow of drugs, ending the flow of weapons.

Let's be fair with our law enforcement officials and our Border Patrol agents that are on the border, who are tasked each and every day with keeping this border secure and, in turn, with being the first responders on the issue of border security. And let's be certain that we continue to put our focus right where it should be in realizing that border security and national security are one and the same.

As I said, Mr. Speaker, it isn't about immigration, it is about illegal entry. It is also about the rule of law.

There is a sense from the American people that we have lost control of these borders, and they are right. There is a sense that if we lose control of the borders, that then we are going to have more of the war on terror fought on American soil.

Mr. Speaker, it is issue number one. Securing this border is the most important issue that faces this body today.

I want to thank the House leadership for being so consistent in saying that this body will make border security the primary focus of our work. I want to thank our colleagues who are working on the field hearings and working to be certain that the message is communicated with our constituents and with our colleagues here on the Hill, that this House is ready to see borders secured and national security as our top priority.

□ 2045

THE IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, again we come to the floor this evening as part of what we have come to call the Iraq Watch. And first and foremost, as my distinguished colleagues have in previous occasions, I note that we want to distinguish first and foremost the war from the warriors.

The men and women who serve this great country of ours deserve our unending respect and support for the kind of valor, the kind of job that they perform on a regular basis. Having said goodbye to far too many of them, many in our Reservists and National Guards who have been deployed, redeployed, deployed and then redeployed again, it is gut wrenching and heartrending to see what their families are going through. And so our thoughts and prayers are always with them, along with the support of this Congress.

I further would like to say that it is important to distinguish the war from the warriors so that we have an opportunity to lay out policy for the American public. I want to start this evening with a policy that I believe sends a very strong message to the men and women who wear the uniform and their families here at home that are caring for them and caring about them.

We have introduced a resolution that directs the President to send a clear message to the Iraqi Government that during this time of insurrection, a time when the Pew poll most recently indicates that 47 percent of the Iraqi people believe that it is okay and justifiable to kill American soldiers, it is unacceptable; and we must send a clear message to the Iraqi Government that American soldiers who have been killed, maimed, wounded, kidnapped, tortured, that we will not, in any shape, manner or form, tolerate amnesty for those who have perpetrated those acts against these brave men and women.

In my humble estimation, there is no reason why this shouldn't be a bipartisan resolution. We have over 100 Democratic signatures on the bill. We would like to get this bill passed before we adjourn for the August recess. We have been able to bring so many incidental bills to this floor by unanimous consent. Surely we can bring a bill to the floor that sends a clear message to our troops that we are putting the Iraqi Government on notice that it is not okay to kill, maim, kidnap, torture American men and women in our armed services.

And so it is my sincere hope, and we have had some overtures from the other side of the aisle, but so far, no movement. And this should be a nonpartisan issue where we bring this resolution to the floor and take it up and pass it, and send it on to the President so that he can send a very clear message.

More important than sending a clear message to the Iraqis is also sending a message to our troops that we here in this country stand behind them and their sacrifice that they have made and will not see this all go for naught being waived with an amnesty provision in the midst of an insurrection of paramount proportions that is currently going on within Iraq.

So I want to start there. And then I would like to quickly just segue to a quote. This quote was put together by Graham Allison, and Mr. Allison is a Harvard professor who had this to say that "with regard to the current situation that we face in Iraq, it is clear that we have diverted essential resources from the fight against al Qaeda. We have allowed the Taliban to regroup in Afghanistan, fostered neglect of the Iranian nuclear threat, undermined alliances critical to preventing terrorism, devastated America's standing with every country in Europe, and destroyed it with the Muslim world."

Mr. Allison goes on to say: "Are we any safer today from the threat of nuclear attack, especially by way of a dirty bomb, than we were on September the 11?" His conclusion is, no. And he says: "It can be summed up in one word as to the reason why we are not safer: Iraq."

And with that, let me acknowledge and yield to my distinguished colleague from Massachusetts (Mr. DELAHUNT), who has, from the outset of this war, through public forums and discussion, been on record of having protested the sending of our troops into Iraq.

Mr. DELAHUNT. Thank you, my friend. I hope that you had a pleasant break. I know you were working, but I hope that you enjoyed your stay at home.

Professor Allison's observations really echo the conclusion that was reached by a bipartisan group of experts, including many from the administration of President Reagan, and that conclusion was that the United States is losing the war on terror.

We read that our friends on the other side of the aisle have made a political decision to talk about national security, to talk about terror and what they have accomplished. Well, the truth is, nothing has been accomplished, except the loss of thousands of American lives with a financial cost going on some half a trillion dollars.

You know, one only has to watch the nightly news. I was in the cloakroom earlier and watched the national news. It was depressing, it was sad, it was tragic. What is going on in Baghdad today and all over Iraq is an orgy of violence and blood-letting.

We hear these distinctions between sectarian strife, between insurgents versus the terrorists. I still can't quite figure them out. All I know is that lives are being lost, that we Americans are taking this burden on by ourselves. And don't talk to me about the coalition. It is an American burden almost exclusively.

Let me just read to you this report from The Washington Post. And, again, this is a survey taken of some 116 experts. In the relationship between Iraq and the war on terror, I think it is all too sad that many of our friends and colleagues on the other side, but particularly in the administration, have an alternate reality. We have made these arguments before, that the invasion of Iraq had nothing to do with the war on terror. There was, with one exception, unanimous support to invade Afghanistan to deal a blow to the Taliban, which were allowing al Qaeda safe haven and the ability to train and to grow.

What we have done with this policy is we have created more terrorists than existed in 2001. There has been an explosion, not just of violence; there has been an explosion of terrorists. We have made Iraq into a breeding ground for terrorists. They are leaving Iraq, and they are going back to Afghanistan, as you pointed out, Mr. LARSON. There is a resurgence of the Taliban in Afghanistan, and things are beginning to unravel again.

I yield to my friend.

Mr. LARSON of Connecticut. Well, to your point, you know, if we go back to the outset of the invasion of Iraq, we can trace it back to the summer of 2002, with the President's address at West Point, where he announced the doctrine of preemption and unilateralism. And as you will recall, who were the staunchest critics of the President at the time? It was not Senator KENNEDY. It was not Senator BYRD. It wasn't BILL DELAHUNT or JIM MCDERMOTT or MAXINE WATERS or myself. It was Scowcroft, Eagleberger, Baker, Kissinger, because they understood the perils present in this kind of foreign policy, to abandon the precepts of Casper Weinberger and saying the United States should never enter into a military conflict unless its vital interests are threatened. And we knew that that was not the case, and the Powell corollary to that which is, if we go in, we go in with overwhelming force and secure the country.

Mr. DELAHUNT. And you know where we didn't do that, John?

Mr. LARSON of Connecticut. I yield to the gentleman.

Mr. DELAHUNT. We didn't do that in Afghanistan.

Mr. LARSON of Connecticut. We did not.

Mr. DELAHUNT. We cut and ran from Afghanistan. We were distracted by this vision, this neoconservative vision of invading Iraq and bringing stability and democracy to the Middle East. And yet now, now we are paying the price in Afghanistan.

I yield back to my friend.

Mr. LARSON of Connecticut. Because of the word of Ahmad Chalabi. So what has become the Chalabi-Cheney nexus has led us into this quagmire that we find ourselves into today. And as you point out, we have diverted the necessary funds that are needed to combat terrorism.

We still do not have Osama bin Laden or Mullah Omar. They are still at large. And we need to make sure that if we are going to send a strong message around the world that this kind of terrorist act will not be tolerated, that we refocus and regroup.

It is also pointed out in several articles over this weekend that we still can prevail in Afghanistan if we put the resources there and support President Karzai and make sure that we regroup and redetermine our effort to put down the Taliban and to focus on weeding out those elements of al Qaeda that still exist along the Pakistani border and throughout Afghanistan that has become once again overwhelmed with warlords.

Mr. DELAHUNT. I know we have been joined by several of our colleagues, Congresswoman WATERS and Congressman VAN HOLLEN, and of course I see Mr. MCDERMOTT over there also. And I know Mr. VAN HOLLEN has expended a considerable amount of time and effort in becoming conversant, an expert, if you will, with what is occurring in Afghanistan. But before I yield to either him or to MAXINE WATERS, let us just take a look at USA Today.

☐ 2100

This is dated June 20 of 2006, more than 4 years after we invaded Afghanistan. The headline reads: "Revived Taliban Waging Full-Blown Insurgency." I know that all of us who are interested in this particular issue can tell you that what is happening in Afghanistan today is very dangerous for stability, for the very fragile, extremely fragile democracy; that Afghanistan has become a narco-state that is providing 90 percent of the world's heroin. What have we wrought with this policy?

Mr. LARSON of Connecticut. Reclaiming my time, I thank you, Mr. DELAHUNT, for your comments; and as you point out, we have been joined by several of our esteemed colleagues. MAXINE WATERS has been in the forefront of making sure that the message continues to get out across this Nation with regard to the current situation in Iraq. She has been forthright in leading the Out of Iraq Caucus in the Democratic Caucus, and also has embraced wholeheartedly JACK MURTHA's proposal.

And, with that, I yield to the gentlewoman from California.

Ms. WATERS. Thank you so very much, Mr. LARSON, for yielding and for organizing this special order.

I certainly did come to the floor today to talk about what is going on in Iraq, but as I sat here and I listened to you in this colloquy that you have about what is going on in Afghanistan, I cannot help but join you and commend you for forcing some attention on the fact that we are going backwards in Afghanistan.

It is shameful, because we did abandon the struggle in Afghanistan and took our resources in a direction where we were supposed to have been finding and bringing to the bar of justice Osama bin Laden. And as we look at what is happening, we find that Mr. Karzai is simply isolated in Kabul and that he cannot even move around, that with all of the protection that we are providing, his life is in danger.

The Taliban is growing stronger every day; and we told our government, we told this administration, that the poppy fields were beginning to multiply in Afghanistan. And I have to tell you, this administration has turned a blind eye to the fact that the poppy fields are just overflowing. As a matter of fact, it seems as if we even understood and we allowed the poppy fields to become a source of revenue for somebody. The warlords have basically divided up the territories, and they all have their own plots and acreage, and they all are earning money; and we are about to lose again in Afghanistan.

Mr. LARSON of Connecticut. Reclaiming my time, when you say "poppy fields," you are referring to drug trafficking, correct?

Ms. WATERS. That is what I am referring to, absolutely. And I am so glad that you are making it plain.

The fact of the matter is, the growing and cultivating of poppy seeds in Afghanistan is the drug trade that is flowing off into that Pakistan border that we cannot seem to get under control. We have this so-called great relationship with Mr. Musharraf in Pakistan. But guess what? While he is talking to us and we are funding him and we are so-called cooperating, he tells us there is nothing he can do about the lawlessness on the border between Afghanistan and Pakistan. And it is believed by everybody that that is where Osama bin Laden really is. And so I do not know who our friends are anymore in that region.

Having said that, I think you rightfully identified that we directed the resources away from Afghanistan and we went into this so-called war in Iraq because we were after Osama bin Laden, and we created this war on terrorism. And we led the American people to believe, the President did, that somehow, by doing this, we were going to get a handle on terrorism, we were going to capture Osama bin Laden, and everything was going to be all right.

But I come here this evening as the Chair of the 72-member Out of Iraq Caucus. For more than a year, we have been working to conclude our involvement in Iraq and to bring our soldiers home. We did not believe this war was justified. In fact, many of us believed that the administration's so-called evidence justifying the war was truly exaggerated and very misleading. Furthermore, the administration's handling of this war has severely undermined our efforts in Iraq, and our service members are the ones that have paid and continue to pay the price for this mismanagement. It is long past time to bring our troops home and reunite them with their families.

Mr. Speaker, the violence in Iraq is almost beyond comprehension. Every day we hear about killings, bombings, kidnappings, and other forms of violence that create chaos throughout Iraq. Today's headline says it all. Let me give you an example: "Baghdad Jolted by Sectarian Killing Sprees and Bombings," the L.A. Times; "Scores of Sunnis Killed in Baghdad," the Washington Post; "Baghdad Erupts in Mob Violence," the New York Times; and "Fifteen Killed in Iraq Bombings, Shootings," the Associated Press.

Unfortunately, today is no different than any other day in Iraq. The violence continues and scores of individuals are violently killed or injured. In today's version of the daily carnage, two car bombs exploded, claiming the lives of at least seven people and wounding 17 others.

Yesterday, Shiite gangs killed 36 Sunnis. Most of these victims were killed execution style, and several showed signs of torture. Later the same day, in retaliation, Sunnis detonated two car bombs, which killed at least 19 people, wounded 59, and damaged a Shiite mosque.

And we are saying, maybe, it is about to be a civil war? Mr. LARSON, I submit to you, there is a civil war going on in Iraq today.

Last week, a bomb exploded in Sadr City, one of the Shiite sections of Baghdad, killing 62 people and injuring more than 100 others. It was the deadliest attack since Iraq's new government headed by Prime Minister al Maliki took office in May. Almost 1,600 Iraqis were killed in June, 16 percent more than in May.

The violence has claimed the lives of more than 1,000 Iraqis per month since February. In fact, statistics compiled by the Iraqi Government indicate that the rate of killing in Iraq has increased since the death of Abu Musab al Zarqawi in June, something President Bush declared would be a turning point in the Iraq war.

Sadly, the number of U.S. servicemembers who have died continues to grow as well. As of today, 2,541 U.S. troops have died in Iraq; more than 18,700 have been injured.

The violence and death has gone on long enough. It is time to redeploy our troops out of Iraq and refocus our efforts on the war on terrorism, something this administration has neglected.

The Out of Iraq Caucus believes that Congressman JOHN MURTHA's resolution, H.J. Res. 73, is the strongest plan to conclude the war and permit our soldiers to return to their loved ones.

Mr. LARSON, I thank you for yielding. Let me just conclude by saying this: You and others are here on the floor this evening, as you have come time and time again. The news media on Sunday mornings on most of the corporate media shows do not get the kind of conversation that we are having here today. They do not get this kind of conversation because they are not willing to listen to the voices that are challenging the President and the establishment in this total way that we do. They like to have it nuanced: I voted for the war and perhaps it has not been managed the way that it should have been managed, but we cannot get out. We have got to stay the course.

The news media is not willing to hear what we are saying. And so the people out there who are trying to get the information, who are trying to listen to what we are all saying, just do not have all the opportunities because over and over again they are using the talking heads and the voices of people who are not here nor there, but somewhere in the middle, who are not willing to say that we have to bring our troops home.

Finally, I am a Democrat, and I cherish my involvement in this party, and I think I know what we stand for. And I think I know what so many people have sacrificed for and have fought for. We have an election going on, and I know people sometimes do not have the courage to take the tough position, but in not doing so, we are watching our tremendous resources being just used up on this misplaced war.

Our soldiers are at risk in more than one way. These young people, 19, 18, 20 years old, have never been out of their hometowns before, who do not know a Sunni from a Shiite from a Kurd, are given the most sophisticated weapons and told to shoot anything that moves. And when they do, we talk about how horrible it is.

This is a mess. This is unconscionable. Not only are we misusing the American taxpayers' money, not only are we placing Americans more at risk, but we are also sacrificing our young people in more ways than one.

So I thank you for the opportunity to share this evening with you.

Mr. LARSON of Connecticut. I thank the gentlewoman for her comments, and I would like to further substantiate what she had to say before about the trafficking of narcotics, especially opium poppies. Since 2001, it increased from 200 metric tons to over 4,200 metric tons in just 2004.

And our colleague from Maryland, Mr. VAN HOLLEN, has written in the Washington Post and, I think, given very insightful comment on the situation in Afghanistan; and I yield to the gentleman.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague, Mr. LARSON, for his leadership on this.

And, Mr. DELAHUNT, thank you.

Let me just begin where you left off, Mr. DELAHUNT, with Afghanistan, because I think it is very important that we go back to that terrible day of September 11, 2001, and remember where the attack came from. It came from Afghanistan, organized by Osama bin Laden and al Qaeda, and they were given sanctuary by the Taliban. And the world was with us when we decided to respond to the terrible attacks. The United Nations General Assembly voted unanimously to support our effort. NATO, for the first time in the history of the alliance, invoked the provisions of the article that said an attack against one is an attack on all.

And so it seems to me that the number one priority here should be to finish the business and complete the mission. We remember that fateful picture of President Bush on the aircraft carrier back in May, 2003, talking about "Mission Accomplished" with the great banner. Well, the mission is not accomplished. The people responsible for the attacks of September 11, 2001, are still somewhere along the border between Afghanistan and Pakistan. And that is why I think many of us were very surprised just last week to learn that the Central Intelligence Agency, the CIA, has closed down, closed down, the unit that was first established many years ago with the specific purpose of tracking down and hunting down Osama bin Laden and al Qaeda.

And let me just say this: I know a lot of us had to be scratching our heads when we saw that, because the American people know well that we have not completed that mission, and I think it is important that they know that the individual who first started that unit, a former member of the CIA, Michael Scheuer, was also very surprised and perplexed. He is the one that was the head of what was called Alec Station, this unit dedicated to tracking down Osama bin Laden. And he is now retired from the CIA, but here is what he said. It reflected a view within the agency, the CIA, that Mr. bin Laden was no longer the threat that he once was. And Mr. Scheuer said, and I think most of us would agree, that that view was mistaken, that Osama bin Laden and al Qaeda remain a very virulent threat.

□ 2115

Here is what Mr. Scheuer had to say: "This will clearly denigrate our operations against al Qaeda. These days at the agency, bin Laden and al Qaeda appear to be treated merely as first among equals." First among equals.

These are the individuals, this is the organization that was responsible for the attacks on this country of September 11. They have disbanded the unit dedicated to tracking him down, and they have gotten themselves bogged down in a mess in Iraq. We have not finished the job in Afghanistan. We need to finish the job.

We are sending the absolutely wrong signal, in my view, by reducing the number of forces committed to the southern part of Afghanistan, whereas Mr. DELAHUNT pointed out we have seen a great resurgence in activity of the Taliban along that southern area. That is the very area where the head of the Taliban, who is still also at large, made his base.

So I think that it is important that we remember why we are engaged in this great national effort and the fact we have not accomplished our mission, and in fact, at the agency, they are disbanding one of the units that was established for that express purpose.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield for a moment, I would like to just quote another statement by Michael Scheuer that I really think tells it all in a very concise way. All of us should listen because this was an individual who participated in that group of experts, by the way, again bipartisan, many well-known Republican foreign policy experts who served in the Reagan administration, and this is what Michael Scheuer had to say, the man who headed the unit in the CIA to track down Osama bin Laden. His comments were really about Iraq and its relationship to Afghanistan and what has happened as a result of the Bush policy, supported by the majority in this Congress, to the war on terror.

We are clearly losing today, Mr. Scheuer said. Today, bin Laden, al Qaeda and their allies have only one indispensable ally, the United States foreign policy towards the Islamic world.

Mr. LARSON of Connecticut. Mr. Speaker, once again the gentleman from Maryland is so on point with his comments. I would like to read some remarks by former assistant Secretary of State James Rubin. He says that the Bush administration, that they have allowed Afghanistan to become the forgotten front on the war on terrorism, the forgotten front on the war on terrorism.

As the gentleman from Maryland pointed out, these were the individuals who took down the World Trade Center, who hit the Pentagon, and but for the bravery of the people on board that heroic flight, the other plane ended up in Pennsylvania, in the fields of Pennsylvania.

Afghanistan is the central front on the war on terror, and yet this administration does not have a long-term strategy for success in this crucial fight. They have allowed a war of choice in Iraq to distract from our critical mission in Afghanistan, a point the gentleman from Maryland articulated earlier.

Mr. VAN HOLLEN. Mr. Speaker, if the gentleman would yield, I think Mr. Rubin is right on point on that very important issue, and I do think it is important to listen to what many of the experts in this area say.

The President claims that he keeps listening to the experts with respect to the decision made in Iraq and elsewhere. The interesting thing is many generals and other experts have said that Rumsfeld and others, the Secretary of Defense, in fact, ignored their advice.

But if you just go back to last March when the President took a visit to south Asia, he made a couple of stops. He stopped in Afghanistan, he stopped in India, he stopped in Pakistan. One of the great ironies is that the very day he made a stop over in Afghanistan, General Maples, who is the head of the Defense Intelligence Agency, was testifying before the United States Congress. In fact he was testifying over in front of the Senate and talking about the danger of the resurgent Taliban in Afghanistan.

Now, the President at that time was probably as close as he will ever get to Osama bin Laden. He was in Kabul, Afghanistan, going over to India and Pakistan; and yet, at the same time he has been talking about reducing in effect our commitment to Afghanistan in terms of our military presence, and this country has not yet made its financial commitments as well, but that very day General Maples was here testifying that, in fact, the continued presence of the active Taliban and al Qaeda resistance in Afghanistan was heating up and that the Taliban was coming back. He quoted many statistics. This was back in the spring. Since then things have only got worse.

Mr. DELAHUNT pointed to the USA Today article, the headline. There have been, unfortunately, many headlines in recent times about the resurgent Taliban.

We need to do better. This is where it all began September 11, and we need to remember the lessons of the past in Afghanistan. When the Soviets withdrew their forces from Afghanistan, the United States decided to say, well, we no longer have an interest there. We packed up our bags and left when the Soviets left, and what we left behind was a vacuum, a power vacuum; and it was that power vacuum that was exploited by the Taliban that then gave safe haven to al Qaeda, and it was al Qaeda then that launched the attacks of September 11.

So we would be making a gross mistake, not once but now twice, if we do not complete the mission in Afghanistan.

Mr. LARSON of Connecticut. Mr. Speaker, the parallels of history are so important, and to think now as you point out so well that we have nearly abandoned the effort in Afghanistan and find ourselves imperiled in Iraq, much in the same way Russia found itself imperiled in Afghanistan, with the rest of the world watching as we continue to expend our resources, over $400 billion, and our most precious of all resources, the men and women who serve this country; and in the meantime, Afghanistan has become the forgotten front on terrorism, something the gentleman from Maine knows about as well as anybody in this great body of ours, and I yield to him.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding.

I took a trip to Kabul, to Bagram in Kabul, about a week after the invasion, a week or two after we invaded Afghanistan. I cannot tell you how proud I was of the men and women who are serving in our forces there, doing what they had to do in order to deal with that particular threat.

But Afghanistan, when we now read the books that have come out about how the administration rushed to war against Iraq, and how they essentially were planning a conflict in Iraq even before September 11 and how immediately after September 11 Secretary Rumsfeld was suggesting, find some evidence that Saddam Hussein was somehow connected so that we can attack Iraq as quickly as possible, it is very clear this administration was not living in the real world, the real world of evidence and information. They had a contempt for the State Department and for the expertise of those who had spent their entire lives in the Middle East.

So what they did was essentially, and this I think has to be laid particularly at the feet of Vice President CHENEY and Secretary Rumsfeld, they wanted to try out a new theory in Iraq, and that was to go in with a minimum amount of force, and basically go in, take out Saddam Hussein, and leave, with no thought given to what would be left, and now we know what was left.

I mean, people like Paul Wolfowitz, the Defense Secretary, who said to a congressional committee before the invasion, fortunately, Iraq has no history of ethnic conflict. Somebody who has studied Iraq for as many years as he had, ought to know better than to say that. They wanted to do the war. They had a war of choice. They chose it and they wanted to go, take out Saddam Hussein.

I just wanted to say a couple of things about where we go from here. We have had all sorts of debates in here, not a lot on the floor but a few debates, at least one debate one day, on where we go from here.

I think there is a case to be made for a draw-down this year and a withdrawal next year. The most important part of that case to me is we do not want the Iraqi politicians to be dependent on us. We want to put them under a timeline, some pressure to come to an agreement.

You read the press and you see some of the comments out of the administration. It sounds like major trickery that they were able, after 5½ months, to agree who would be the defense minister and who would be the interior minister. Well, they have got another issue in front of them: how are they going to divvy up the oil. That is a lot tougher than any decision that the Iraqi Government has made to date, and they are making it in the face of ongoing violence every day in Baghdad and other dangerous places in the country.

I think what we need to do is we need to refocus our attention on diplomatic solutions. We need to get people in other countries in the Middle East engaged, and we have to give the Iraqis a sense that we are not going to have permanent bases there and we are not going to stay, we are going to be drawing down our forces. The responsibility rests on them to make the very tough political compromises that need to be made to give that country a chance, and that is all they have got now is a chance for some greater stability than they have today.

With that, I thank the gentleman for the yielding.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Maine, as always, for his very thoughtful comments; and I want to make a statement consistent with what the gentlemen from Maryland and Massachusetts have said and ask the gentleman from Washington State to join us as well.

But clearly, as the gentleman from Maine points out, our continued presence in Iraq only helps to fuel the insurgency and prolong instability between Iraq's regional and sectarian factions. Instead, our Nation needs a new direction that redeploys our forces to win the war in Afghanistan, tracks down key al Qaeda leaders, and refocuses on fighting the war on terror, something the gentleman from Maryland articulated so well.

Instead, we get nonbinding resolutions that come to this floor when virtually this entire Chamber was united in the effort to make sure that we went after those criminals who perpetrated the acts of September 11, and instead, we have abandoned this front in Afghanistan. Astoundingly, as the gentleman from Maryland points out, the CIA is disbanding the unit that was focused on going after Osama bin Laden and allowed the Taliban to continue to regroup in Afghanistan. Talk about cut and run. Where is the debate on this issue?

On the front line of terrorism, as Ms. WATERS pointed out, with what we know is a regrouping of the Taliban, and where we know the funding of terrorism comes from the source of opium trade and that it is allowed to flourish and, in fact, expand and grown since 2001, it is time for a change in policy.

With that, I will yield to the gentleman from Maryland for remarks and then we will go over to the gentleman from Washington State.

Mr. VAN HOLLEN. Mr. Speaker, I thank the gentleman. I just wanted to point out that, as others have said, the diversion of resources from Afghanistan to Iraq is now clearly coming back to haunt us because we have not fulfilled the commitment that we made with respect to Afghanistan.

The other effect it has had, as the gentleman from Maine pointed out in his remarks just a minute ago, this was a decision that was really both discussed before September 11, but in the very moments after September 11, there was discussion of going after Saddam Hussein in Iraq, even though there was absolutely no evidence, and the President has admitted to this day that there was no evidence of any linkage between Saddam Hussein and Iraq and the terrible attacks of September 11.

The result of what we did was taking a situation where the world and international community that had rallied around us, it had passed resolutions at the United Nations and through NATO, and the world had joined us in this effort, and we lost that support. It evaporated, and it is not like we want to win some kind of popularity contest or to win a popularity contest, but we have recognized that we need the cooperation of other nations in terms of intelligence-gathering, in terms of support if we all want to be successful in combating terrorism.

The fact of the matter is, by going into Iraq, taking the lid off Pandora's box, unleashing historical forces that existed in Iraq between the Sunni and the Shiia and inflaming the Islamic world, we have certainly helped multiply the force of al Qaeda, both the organization itself, as well as the copycat organizations that have sprung up as a result. They sprung up when the Islamic world saw the United States making a war of choice and going into Iraq, when it became clear to the world that the twin pillars of our argument, the claim that there were weapons of mass destruction and the claim that there was a link between September 11 and al Qaeda was cooperating with Saddam Hussein, the twin pillars of our argument proved to be false.

□ 2130

And the world looked at us, and we made those claims before the United Nations. Secretary Powell, with great show of, you know, different charts and graphs and things that he displayed to the world, and the world looked at it and found out it was all untrue. And that fact helped fuel this resentment against the United States, which makes it more difficult for us to gain the cooperation of others in trying to fight terrorism around the world.

And so I think that we come here tonight saying the mission has not been accomplished. Al Qaeda and Osama bin Laden remain where they are, and last week we learned that the CIA is dismantling the one unit that was dedicated to tracking down Osama bin Laden and al Qaeda.

Mr. DELAHUNT. If I may, before you yield to JIM MCDERMOTT, I think it is important to follow what Congressman VAN HOLLEN just talked about in terms of the diversion of resources.

Several weeks ago, the foreign minister of Afghanistan came to this country and made a statement, and it was reported in the Washington Times, that the government forces, the security forces, the army and the police, are being outgunned and outmanned by the terrorists in Afghanistan.

In response the administration said, Well, we will double the assistance to the security forces. This is more than about 5 years, I daresay, since we invaded Afghanistan. This just simply goes to the point that in Iraq, with Katrina, with Afghanistan, with just about everything, we have seen a level of incompetence and mismanagement that is simply mind-boggling.

Last week, they are talking about increasing military assistance to the security forces in Afghanistan. In the meantime, it is going very badly in Afghanistan.

Mr. LARSON of Connecticut. The gentleman from Washington State.

Mr. MCDERMOTT. Thank you, Mr. LARSON. I think that people may wonder why some of us come out here and talk about this week after week. It really has to do with the feeling of having seen this story once before.

And when you know what it is to commit people to battle. I had to say, this person is fit for active duty and goes to war in Vietnam. I had to do that again and again and again. So I know what the weight is of doing that.

When you ask, why are the generals coming out and talking about what is going on in this whole thing? Why do people who have been loyal to this country and have served for long, distinguished careers, now stand up and say about the management of this war, as General Newbold did on April 9th of this year, he said, My sincere view is that the commitment of our forces to this fight was done with the casualness and the swagger that are the special privilege of those who have never had to execute these missions or bury the results.

And it is incredible that we stand out here today, 120 days from election, being subjected to a propaganda war that things are getting better. In spite of bombings and people dying and our soldiers continuing to be killed, the administration says, We have to stay the course.

Now, if you look around the world, you would think maybe, well, maybe it is just some antiwar Americans. Right? No. In yesterday's Guardian, or the July 5 Guardian, there was an article my Menzies Campbell. He is the leader of the Liberal Democrats in the British House of Commons. And he said, the British and American Governments have tried to pretend things are getting better in Iraq. They are wrong. The facts belie their optimism. Between 2004 and 2005, the number of car and roadside bombs doubled and the suicide bombs trebled. Electricity supplies and oil production are still below prewar levels. Iraq stands on the threshold of a civil war.

Now, here is a leader in Britain saying exactly what we are saying. They have got troops on the ground. They are committed in support. But, in fact, they are becoming very antsy. Mr. CAMPBELL comes up with a six-point plan to get out of Iraq. It is things that we have talked about right here in this room.

He talks about a comprehensive U.N.-led disarmament, demobilization and reintegration strategy as necessary to make a reality of the Iraqi prime minister's policies that the militias must merge with the national security forces.

We all know this cannot be a government that has militias running it. It becomes warlords. It becomes like Afghanistan. It is the same thing. He also says there needs to be an end to the systematic, indefinite detentions by U.S. and Iraqi forces.

Today, there are 30,000 Iraqis held in more or less permanent detention, whether it be in Guantanamo or Abu Ghraib or wherever. And as long as we continue to do that, we are occupiers. There is no question about it. And the plan which Mr. Menzies Campbell puts forward, or the one that we put forward, there are reasonable ways to get out of this. But we must get out of Iraq if we are ever going to deal with the problems you talk about in Afghanistan.

We cannot fight on two fronts. We have proven that. We left Afghanistan to go to Iraq, and the mess came right back up. And if we are serious about dealing with whatever kind of terrorism was being created in Afghanistan, we have got to go back and finish that job.

Now, Menzies Campbell finishes by saying, you could change the words a little bit, but it would be the very same thing. With distressing regularity, the Commons, or the Congress, pays tribute to the brave men and women who have given their lives in Iraq.

If the government cannot explain why this is necessary, that they should make this ultimate sacrifice, then it must be prepared to bring them home. And that is where we are today. We have a government that wants to get through 120 days, and I will make a prediction for you. Right there, the prime minister of Iraq, Mr. Maliki, is going to come in here in the next month, and he is going to stand up there and plead with us to leave our troops in Iraq.

We have seen that kind of stuff already in this House. And you can bet that the PR from that will be to stimulate people to say, oh, gee, if we stayed just another 3 months or another 4 months or whatever. We have been there since 2002, 4 years, and this is what you have as the analysis by people who know what they are talking about.

[From the Guardian, July 5, 2006]

ONLY A U.N.-LED PEACE PROCESS CAN HALT THE IRAQ CATASTROPHE—THE GOVERNMENT CANNOT JUSTIFY THE CONTINUING PRESENCE OF OUR TROOPS UNLESS IT SHOWS IT HAS LEARNED FROM ITS FAILURES

(By Menzies Campbell)

The British and American governments like to pretend that things are getting better in Iraq. They are wrong. The facts belie their optimism. Between 2004 and 2005 the number of car and roadside bombs doubled, and suicide bombs trebled. Electricity supplies and oil production are still below prewar levels. Iraq stands on the threshold of civil war. The illegal invasion, launched on a flawed prospectus and with little understanding of the consequences, has resulted in the deaths of about 3,000 coalition soldiers, 40,000 civilians and many U.N. and humanitarian workers.

Since 2003 the coalition has met neither its obligations nor its objectives. There was a catastrophic failure to plan for postwar Iraq, followed by misjudgment and incompetence. This has been overlaid by a disproportionate use of military force, including gross human rights abuses. There are nearly 30,000 people being held without trial in Iraq. These failures and misjudgments have perpetuated the insurgency, increased corruption and criminality, and inhibited improvements to the lives of Iraqis. We must now face the possibility that Iraq could become a failed state. That would have devastating economic and security consequences for the region, and would risk taking the current humanitarian disaster to a completely new level.

The catalogue of errors means the capacity of the UK and the U.S. to play a positive role in redeeming the situation is severely diminished. The legitimacy of the coalition, always questionable, is now simply not accepted by most Iraqis. A 2005 poll for the British Ministry of Defense found that eight out of 10 Iraqis strongly opposed the presence of coalition forces. Between 70 percent–90 percent want to see a timeline for the withdrawal of coalition troops.

Faced with this reality, the British and American governments seem to be in denial. The last time the British government allotted parliamentary time for a full debate on Iraq was July 20 2004, which was only the second occasion since March 18 2003. It appears to be running scared of critical evaluation. The coalition does not have an exit strategy, nor does it have a strategy for staying. But to continue as it has been is not a credible option. The British and U.S. governments require a coherent stabilisation and exit strategy. The early moves by Iraq's government of national unity to form a reconciliation plan are positive, but vague on detail.

The foundation of a new strategy should be a peace process led by the U.N. to accelerate national reconciliation and the internationalisation of support for Iraq. If the problems of internecine conflict within Iraq have international dimensions, so too must the solutions. A new strategy would seek to build on the policies set out by the Iraqi prime minister and work towards an international "compact", similar to that agreed with Afghanistan, setting out the commitments of all sides and a comprehensive security and reconstruction strategy.

Only an international solution can shore up the legitimacy and effectiveness of Iraq's government, improve the delivery of essential services and facilitate the end of the militarisation. Every further association with the U.S. and the UK taints the Iraqi administration.

What should that solution contain? First, establishing a regional contact group would strengthen the engagement of Iraq's neighbours, and require them to play a constructive role in reconstruction. A contact group could play a significant role in talking to insurgent groups, improving border controls and promoting economic stability.

Second, enhanced measures to train, equip and professionalise Iraqi security forces are needed to de-politicise them and improve security. Coalition forces should move towards training, advising and equipping. Third, a comprehensive, U.N.-led disarmament, demobilisation and reintegration strategy is necessary to make a reality of the Iraqi prime minister's policy that the militias must merge with the national security forces.

Fourth, there should be an end to systematic indefinite detentions by Iraqi and U.S. forces, and full access should be granted to U.N. human rights monitors and the Red Cross. Fifth, the reconstruction process must be expedited and legitimised (60 percent of Iraqis believe the U.N. should have the lead role). Increasing UNDP and the World Bank involvement would enhance transparency and accountability. Donors must play their part and deliver on their aid pledges.

Sixth, Iraq needs a programme for phased security transfer and withdrawal of coalition troops. The Iraqis view them as occupiers. A limited British withdrawal is taking place but U.S. troops are redeploying in other parts of the country. The UK should aim to achieve a series of withdrawals, in parallel with the U.S., according to milestones in the stabilisation and reconstruction process. A transparent agreement with the Iraqi administration would help to counter the perception of occupation and illegitimacy.

I have been supportive of British efforts to bring stability to Iraq. But, support for the government cannot be unconditional. Unless it shows that it has learned from its failures and is ready to look afresh at the way out of the Iraqi quagmire, it will be impossible to justify the continuing presence of British forces in Iraq. With distressing regularity, the Commons pays tribute to the brave men and women who have lost their lives in Iraq. If the government cannot explain why it is necessary that they should make the ultimate sacrifice, then it must be prepared to bring them home.

Mr. DELAHUNT. Mr. Speaker, I know we all remember when President Bush made that surprise visit to Baghdad to meet with the Iraqi leaders. And on the way back, he was on Air Force One, and he brought some reporters in. He had this to say about his conversations with the Iraqi leaders:

There are concerns about our commitment in keeping our troops there. They are worried, almost to a person, that we will leave them before they are capable of defending themselves. And I assured them they did not need to worry.

But I guess when he is referring to just, I think his words were, "almost to a person," he did not mention that the Vice President of Iraq came to him and said, please, Mr. President, would you provide a time line for the withdrawal of American troops, the clear inference being, until you leave, we are not going to be able to resolve the issues because you are fueling this violence by your presence.

What was interesting was that the President of Iraq, the Kurdish leader Talabani, corroborated this request by his Vice President and said that he supported it. They want us out.

Those that want Americans soldiers there, I would suggest to you, have a motive that is dark, because they realize that with the presence of American troops, they have an excuse, they have an excuse to commit violence. They have a rationale to inflame passion. And what is the result? We have seen it over the course of this weekend and today with hundreds being executed, murdered, in a situation that is clearly a civil war.

We hear terms like low-grade civil war. I guess that is something like being a little bit pregnant. I mean, it is just simply——

Mr. McDERMOTT. To the 40,000 people who died there.

Mr. DELAHUNT. 50,000 civilians who have died.

So my point is, to go back to where we began, all of us want to win against terrorism, which we can agree is scourged. However, the rest of the world—there was another poll that was taken; 34 out of 35 countries, this was commissioned by the BBC, and this poll found that in 34 out of 35 of those countries more people believed, 60 percent believed that the war in Iraq increased terrorism, and 15 percent disagreed and said it impacted terrorism and led to a decline. Sixteen percent to 15 percent, and yet this administration, this Republican leadership, is tone deaf to that.

I am convinced we all, everyone in this Chamber, everyone in this government wants to defeat terrorism. It is just they do not know how to do it.

Mr. LARSON of Connecticut. The gentleman from Washington State makes a very good point when he says, as the viewers all across this country tune in, and they see people coming down to this floor and speaking from their hearts and their heads about the situation we find in here, the one thing we want the people of this country to know is that the main purpose that we come down to this floor is because of love of country.

The gentleman from Washington State loves his country, as do the gentlemen from Massachusetts and Maryland. And yet we found ourselves in this situation here where oftentimes our voices are muffled. We do not get an opportunity, even in a nonbinding resolution, to present our alternative point of view. This is a one-party town where the other side of the aisle, our erstwhile Republican colleagues, control the Presidency and all of its agencies and both Houses of these Chambers.

And it is because of love of country and a concern to make sure, as we said from the outset, that we distinguish the warrior from the war, that we have an obligation to come to the floor and speak truth to power.

That is why I commend all of you for coming down to the floor, as you have since the outset of this war. And again pointing out this evening that we need a new direction, a thoughtful, provocative direction that all of you have expressed this evening. Articulated by the gentlemen from Maryland and Maine and Massachusetts and Washington is the sense that the American people intuitively understand this and are yearning for their Nation to leave. But our inability in the minority to break through causes us to come here evening after evening in the hope, in the silence of this great hall, in this great room, that our message reaches out across this Nation and is heard by people who love this country.

Our colleagues on the other side of the aisle love their country as well. But our patriotism and our belief in this Nation stem from the fact that we are a nation configured through the rule of law.

And that is why I am so proud to stand here with each and every one of you this evening. Thank you so much for again coming out for Iraq Watch.

□ 2145

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come to the floor; and hearing Mr. LARSON, who is our vice chair of the Democratic Caucus, make his closing in the last hour was definitely uplifting and very true. And I want to thank him and other gentlemen who are here on the floor sharing what should be happening in Iraq and what is not happening in Iraq.

Mr. Speaker, that is the good thing about this great democracy of ours, that we can come to the floor even though we don't have the right to bring many bills to the floor that we have stuck in committee or ideas that we can bring to the floor that would balance the budget or provide health care for Americans and allow small businesses to provide health care for the people that work for them and with them.

As you know, the 30-something Working Group, Mr. Speaker, has been coming to the floor for the last 3 years sharing with Americans and also with the Members of the House initiatives and plans and opportunity for recovery. Many of those plans are still stuck in committee or stuck in legislation, Mr. LARSON and other gentlemen that are here, that we have not been able to bring to the floor, and this is the only way that we have an opportunity to share with the Members and also the American people about our plans and about the initiatives that we have that will bring about real energy policy, real prescription drug policy, real health care policy, and real policy on Iraq, and on and on and on.

So we look forward. And I am happy, Mr. LARSON, that the American people, the majority, well, a good majority of the American people believe in what we believe in: making sure that we do right by those that punch in and punch out every day by raising the minimum wage, by doing a number of things that you just finished talking about and the things that we are going to talk about in the 30-something Working Group.

I will yield to you.

Mr. LARSON of Connecticut. I want to thank you and the 30-something Group for the enormous work that you have done on this floor. Again, as you rightfully point out, we do not have and are not provided the opportunity. You would think in this great democracy of ours there would be ample opportunity for these issues to be debated, but unfortunately time and time again we are not allowed the opportunity even to provide a countervailing measure on something as important as Iraq. Or we find the Voting Rights Act all of a sudden mysteriously is shunted off the floor. The Voting Rights Act, something where there is near bipartisan, almost unanimous approval that is worked out. And you would think in the spirit of this great Chamber that we would be able to proceed. But unfortunately, as I said before, this is a one-party town. And when the Republicans control the House of Representatives, as they have for the last 12 years, and the United States Senate and the Presidency, in their arrogance they believe I guess that we shouldn't have a say, that there shouldn't be this discourse and dialogue.

And that is why I am so proud of the 30-something Group that has consistently come down to this floor. And I am proud to say also that so many people in my home State of Connecticut have called and written and said that they have heard you. And your message is getting through. And I commend you as well for linking up with a number of the blogs around the country who tune in on a regular basis so that they get an opportunity to hear from you and Mr. RYAN and Ms. WASSERMAN SCHULTZ and the way that you are able to articulate these issues.

I see that we have been joined by the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, another individual who has been able to on so many occasions come to this floor in the silence of this Chamber, in the din of the night because we are not allowed the opportunity during the day to express our concerns.

Mr. MEEK of Florida. Mr. LARSON, some of the best work is done at night, and I can tell you that many of us that are in the minority here in this House, we have come to the floor, we have carved a plan for not only the House to deal with a number of issues that have faced us in the last recent years; we have tried to head off a number of the issues that we are facing now as it relates to record borrowing from foreign nations, we have tried to head off the largest borrowing surge in the history of the country by the Republican majority by saying pay as you go, Mr. Speaker. We have tried to head off a lack of leadership as relates to accountability in Louisiana and Mississippi and Alabama as it relates to Hurricane Katrina, and a lot of or all of the money that is being stolen from the taxpayers.

We have tried to bring about, Mr. Speaker, the kind of accountability that the Government Accounting Office has investigated and shown that a number of Federal agencies are overspending, they are not able to even give us an idea of where the money went. And we are talking about billions of dollars.

Folks talk about wasteful spending. I think it is important, Mr. DELAHUNT, to even talk about what the Republican majority has not done as it relates to oversight, has not done as relates to subpoenaing a number of individuals that some of this stuff in my opinion, Mr. LARSON, is close to being jailable. And I think when we look, when Republicans, Independents, or Democrats look at what is going on here in this process as we speak in the moment and what will happen next week and the week after if left unattended, I think that we are going to gain a momentum of support from Republicans and Independents and from Green Party and from Democrats saying that we are willing to lead, we are ready to lead, we are ready to move America in a new direction.

And we are saying it. We are saying we are going to have a plan to balance the budget, and we do have a plan to balance the budget within 10 years. We are saying that we want to be well on our way in doing it, because we are the only party here in this Chamber that can say that we have actually done it. Republicans can only say, well, you know, we want to cut it in half, or we believe that we can do it. Well, you can't do that when you continue to borrow at a record rate. I have got a chart over here, and I am going to talk about it later.

Mr. LARSON of Connecticut. While the gentleman is getting his chart, I would just like to comment again and commend him, and also commend him in the bipartisan nature and nonpartisan way that you have come down here. I say that with this in mind, because you have heard me talk about the nature of this being a one-party town and what it means in terms of stifling debate and dialogue. And yet we do have plans and we do have ideas and vitality. And so one has to ask himself, Why is it that our colleagues on the other side of the aisle continue to stifle, to cut off debate, to be seemingly uninterested in the proposals that Democrats put forward? The answer I believe lies in what Franklin Delano Roosevelt had to say about our colleagues on the other side of the aisle: it is not that they aren't good people. They certainly are. It is not that they don't love their country as we do. They do. But he said that they seem to be frozen in the ice of their own indifference. Frozen in the ice of their own indifference. Indifference towards making sure that there is a workable, living minimum wage. Indifference to working people, indifference to the men and women as Mr. DELAHUNT has pointed out time and time again who are lined up along the highway to Crawford, Texas, seeking only an audience with the President of the United States to talk about their sons and daughters who have given their lives. Indifference, as Ms. JACKSON-LEE has pointed out, to the senior citizens of this country who have become refugees from their own health care system and have to travel to Canada to get prescription drugs that they can afford.

Indifference to what we are doing to college students today, cutting back the funding that they so desperately need. Indifference to what happens at the gas pumps where people who are struggling to make a living and have to get back and forth to work find themselves. And I thank you for combating that indifference here on the floor every single night.

It is our direction, the new direction that Leader PELOSI is taking this party and this country into is what this Nation desperately needs, and that is why I am so proud to be down here with you.

Mr. MEEK of Florida. Mr. LARSON, I want to say to the point that you just mentioned, what is happening to the country is historic, in the wrong direction. When you talk about tuition, and the President was up here on this podium talking about how we need to invest in the new generation as it relates to the joint session of Congress that we had, tuition has increased by $2,000, that is 57 percent, at public universities, and by $5,000, which is 32 percent, at private institutions since 2000, 2001 school year. Meanwhile, the majority has cut $12 billion from college aid.

increasing the cost of loans, has frozen Pell grants for higher education, and has failed to extend the college tuition tax deduction. And I think that is very, very important.

On the flip side of this whole thing, in our plan for a new direction, is to replace what the Republicans have taken out of student investment, also putting in, Ms. JACKSON-LEE, an opportunity for those that decide to go in an area of education tax credits for them to go into the public schools, for us to have trained and educated teachers.

So we start talking about what the majority is doing and our new direction, it is on HouseDemocrats.gov. This is not something I just said right now. All of this is on HouseDemocrats.gov. The energizing of America is on HouseDemocrats.gov. Real security as it relates to implementing all the 9/11 recommendations, Mr. Speaker, is on HouseDemocrats.gov. A number of other initiatives that we have going.

So I wanted to back in what you are saying, because this 30-something Group originally started off by making sure that young people have a voice here on this floor, and those that are supporting young people that are their parents and grandparents, make sure they have a better opportunity than they have.

Mr. LARSON, I want to thank you, sir, for carrying out your Iraq hour, continuing to focus on that, because we have men and women that are counting on us. We have been to Iraq. We know they have shared with us they want direction from this House, and we have to give it to them, and we have to also let the American people know what is going on here. Thank you, sir.

Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I wanted to add my appreciation to Mr. LARSON and thank him for giving me the opportunity to join the hour and to be able to reinforce your leadership. And I thank you for the good words that you have said about the 30-something, Mr. DELAHUNT, and a number of others who were on the floor. And, Mr. MEEK, I want to thank you for allowing me to have a continuum, if you will, of the discussions that we previously engaged in on Iraq and also to reinforce your comment.

I want you to hear this out of an Associated Press article that appeared I imagine in papers around America, but this was in the Houston Chronicle today. And the headline reads: "No Such Thing As a Sure Thing in Congress." It talks about the inability to get any legislation passed. And one example was of course a bill dealing with marriage and the bill dealing with the flag. And all of us are patriotic, and so we understand people have different views, but we really ask the question, Is that really the crucial issue that the American people are thinking of?

The Republicans commented on Democrats and why they are not getting, why this Congress is not getting anything done. And I want you to hear this. In fact, I was proud when I read this: Republicans point out that Democrats are not above bringing up proposals just for political gain. They note that Democrats have insisted on bringing up a proposal to raise the minimum wage.

I am proud of that. I want you to hear that. It says that Democrats have insisted on bringing up proposals dealing with increasing the minimum wage. But the Republicans say the reason why they are giving us the short end of the stick is they say this is political, because they know that this has failed for 9 years.

Well, my friends, Republicans have been in the majority for 9 years. And Democrats are not going to step away from their values and their commitment to the American people that they need an increase in the minimum wage after 50 years just because the Republicans keep defeating it. We are going to win, and we are going to focus on this issue.

And let me move very quickly, Mr. MEEK, into just a few brief comments about Iraq and to be able to say why we are where we are, and maybe that is a reason why Pell grants are not funded, it is the reason why health care is not funded for the uninsured.

□ 2200

It is a reason why the environment and issues dealing with energy and alternative fuel have not been focused on because of the major conflict, if you will, in Iraq and the refusal of this House to really debate what is next, to really debate what is next.

Having just come back from Iraq and Afghanistan, let me tell you why we are in such a crisis. One reason we are in such a crisis is, we have spread ourselves too thin. This is how much money we have spent in Iraq. The place where Osama bin Laden is alleged to be hiding, we have given them this much. That means we are fueling the fires of bin Laden and the Taliban because there are not the resources invested in the very site where the horrific tragedy of 9/11 was seeded.

Now, of course, we are in a protracted conflict in Iraq, and there is no discussion of a way out of Iraq. This is the report card given by the Center for American Progress. Here is what is going on in Iraq: Security and stability, a D-minus. The overall grade, by the way, is a D. Governance and democracy, a C-plus; economic reconstruction, D-minus; and impact on U.S. national security is an F. Our security has been diminished because of where we are in Iraq.

Let me just show you another article that really breaks my heart because what I would say is, our soldiers are following orders, but it is difficult for them to carry forth their job because soldiers engage in war. Soldiers are not civilian police officers, and when you put them in the midst of a civilian population, that ignites controversy and jeopardizes them. Our soldiers are exhausted.

Although I don't excuse the violence that has occurred with five soldiers facing military tribunals because they are alleged to have raped and murdered Iraqi citizens and others, but this is out of exhaustion, out of frustration and putting a military population in the midst of civilians.

But listen to this: At least 60 die in a single day of sectarian battles; 60 Iraqis are killed between the Shiites' and the Sunnis' bombing of mosques, suicide bombings. This is not a safe place for Americans to be. It is now time to transfer over the sovereign leadership of this country to the Iraqi Government.

And it says here, "Sunnis Blame the Government While the Prime Minister Insists That Baghdad Is Under Control." They must get the sectarian violence under control. They must have the Iraqi national army enforce the safety of the Iraqi people.

Yes, we can provide, if you will, the background, not the background music, but we can move to the borders, and if there is a crisis, we can be called. We have to be able to encourage Arab states that believe in democracy to support their neighbor. We have to bolster up the Iraqi national army, but this violence is not the kind of solution that the United States military is prepared to handle.

These are not insurgents coming from outside, these are Iraqis who are fighting each other. And this was created because we created a nonstable situation, because we had no exit strategy. We did not understand how to transition from Saddam Hussein's despotic government to a democracy. And here we are with our soldiers going two, three, five times into Iraq, exhausted, a military that is exhausted, battalions that have been used up.

Let me say these few points about generals who have raised a point about the Iraq war.

Retired Army General John Riggs, "We grow up in a culture where accountability, learning to accept responsibility, admitting mistakes and learning from them was critical to us. When we don't see that happening, it worries us. Poor military judgment has been used throughout this mission."

Anthony Zinni, former Chief of the U.S. Central Command, "I really believe we need a new Secretary of Defense because Secretary Rumsfeld carries way too much baggage with him. I think we need senior military leaders who understand the principles of war and apply them ruthlessly; and then, when the time comes, they need to call it like it is," and in my words, to bring our troops home as soon as practical.

The final words are from Retired Army Major General Charles Swannack, "He has shown himself incompetent strategically, operationally and tactically and is far more than anyone else responsible for what has happened to our important operation in Iraq. Mr. Rumsfeld must step down."

That is disarray. What we need is an exit strategy to leave Iraq, not the cut-and-run that we are labeled with, but the dignified Murtha resolution that says, as soon as practical. Then, Mr. MEEK, we can address the energized agenda that we have as Democrats under Leader PELOSI's leadership to take this country back and give us the alternative fuels and begin to focus on education for our youth, universal access to health care, meaning we will address the question of 44 million uninsured. We will make sure that there is an increase in the minimum wage.

We understand, and in fact let me compliment Leader PELOSI who has said we are not leaving, we are not going home until the minimum wage has been passed. I cannot imagine Republicans would want to be quoted in the newspapers as saying Democrats are politicizing the minimum wage. They know that it has been raised nine times, and it has not passed. It has not passed because Republicans have not allowed it to come to the floor. They have eliminated it. They eliminated it the last week we were here.

So the only thing I would say is, shame on you, that you would boast in the newspapers that we are bringing it up as a political issue because it has failed nine times. If it fails 100 times, Democrats are going to keep fighting to increase the minimum wage for hardworking Americans, particularly those who have not seen an increase. And this is the lowest minimum wage in 50 years. People can barely make ends meet.

I hope as the 30-something Working Group continues to elaborate on its wonderful message, and might I say that you have got the 30-somethings listening, and you have the over-somethings listening. Everyone is listening to the message of new leadership for this Congress and also for America.

I cannot imagine what more we can say and what more we can do when we see the collapse of Iraq, no new leadership, when we see Afghanistan and President Karzai calling out for help and assistance so Afghanistan does not become destabilized, and the very place Osama bin Laden comes from and grows more Osama bin Ladens and others who would attack the world with terrorist acts.

I don't know how much we can say this over and over again for the administration to be able to listen to the challenges of 60 dying, one soldier a day dying, the violence some of our soldiers have, unfortunately, been engaged in are acts of desperation, acts of exhaustion and exasperation. Until we get an exit strategy, we will be facing this every day.

I hope we will be able to do that, and I thank the distinguished gentleman. We need a reasonable debate, and we need to bring our soldiers home. I thank the gentleman for yielding to me and for his leadership. And out of it, we will have a new agenda for America.

Mr. MEEK of Florida. Thank you, Ms. JACKSON-LEE. And even though you were coming down to join Mr. LARSON, you are always welcome to join the 30-something Working Group hour.

When you were talking about the minimum wage, when we call ourselves the 30-something Working Group, that means we work. We come together and we meet even when we are not on the floor to talk about these issues.

Mr. Speaker, minimum wage is a very important issue to 7 million Americans who are working for minimum wage, living on a minimum-wage salary, which is very difficult.

☐ 2210

And one of the things that I wanted to share here, Mr. Speaker, as you know, we try to come up with charts to kind of break this down so that Members know exactly what we are talking about so they can't go back to their constituents and say, well, I didn't quite understand that minimum wage vote, but I will reconsider it next time. We call that in Washington, DC the Potomac two-step. Back home they call it hoodwinked, bamboozled. But I want to make sure that folks understand what we are talking about here.

Minimum wage, and this is actually a chart that is saying the real economy changed under President Bush, while the minimum wage has not been increased since 1997, this is what has happened. Minimum wage is at zero. But the cost for milk has gone up 24 percent. Minimum wage is at zero, but the cost of bread has gone up 25 percent. Minimum wage is zero since 1997, thanks to the Republican majority. But a 4-year public college education has gone up 77 percent.

The minimum wage is still at zero, Mr. Speaker, since 1997, not because we haven't tried to raise it, but the Republican majority has stood in the school house door on this, stopping it from happening.

Health care insurance has gone up 97 percent, Ms. JACKSON-LEE. Minimum wage is still at zero. And regular gas has gone up 136 percent.

Now, you want to know, the American people want to know who is on their side. I think it is important that we find out whose side are the Republicans on? Let's just call it for what it is, Ms. JACKSON-LEE. It is more than, and I am not just a Member of Congress with a conspiracy theory, because I am looking right here because I can't help but go to a recent article that I saw, that I read last time that was in The Washington Post. Document says oil chiefs met with Cheney task force. White House documents show, and this is The Washington Post. I just want to make sure. You can go on Washingtonpost.com, and it is November 16 of 2005. This was actually on the front page.

White House documents show that executives from big oil companies met with Vice President CHENEY's energy task force in 2001, something long suspected by environmentalists, but denied as recently as last week by industry officials testifying before Congress.

The documents obtained this week by The Washington Post show that officials from ExxonMobil, Phillips, Shell Oil Company and BP of America met in the White House complex with Cheney aides who were developing the national energy policy, parts of which became law, and parts of which are still being debated in Congress.

The meeting happened in 2001. Oil companies got their increase in the minimum wage. These are the profits of the oil companies: 2002, $34 billion in extra profits. I think this was a pretty good meeting. I am pretty sure if I was an oil executive, I would be saying I am glad I attended.

2003, $59 billion in profits, oil companies. Meanwhile, we are paying more at the pump. Minimum wage still at zero, remember, since 1997.

2004, $84 billion in new profits to oil companies. I think that meeting was landmark as it relates to profits for the oil companies

Ms. JACKSON-LEE of Texas. Monumental.

Mr. MEEK of Florida. And in 2005, $113 billion. Now I can tell you what is happening as it relates to whose side they are on.

Now, one may say, Ms. JACKSON-LEE, and I am glad that those of us here in the 30-something Working Group, we do our homework before we come to the floor. I can't say that about all Members that come to the floor as it relates to having the facts, because what is important here, Mr. Speaker, is the truth, facts where people can follow up, and not fiction. And folks are not used to that out of this majority, and not used to that here in Washington, DC, and that is what we are saying we want to provide. Because nothing is better than the truth. Because no matter what party you are affiliated with, we still salute one flag, thanks to our men and women that were in uniform, veterans, and those that are in uniform now.

The least that we can do is be straight with them, and being straight with them is basically just saying, just recently, June 22, here on this floor, Democrats worked to raise the minimum wage, and this was appealing to the rule of the Chair by Mr. RANGEL in a motion to offer the minimum wage increase. And he was ruled out of order. And it was appealed. And then the Republicans voted against us from having it on the floor by 229 votes to 195, and that is rollcall vote 313.

Again, June 27, which is a couple of days from the first time, from that attempt that we moved to get the minimum wage up, the Science, State, Justice, Commerce appropriations bill when it was here on this floor. Ms. JACKSON-LEE, you were here that day, I saw you. The rule to block consideration of the Obey-Hoyer-Mollohan amendment to increase the minimum wage, rollcall vote 319, the rule was adopted, but there was a procedural move to block us from getting this on the floor.

The House adopted a resolution to adjourn for the Fourth of July recess without bringing up the bill to increase the minimum wage. That is rollcall vote to adjourn, which was rollcall vote 353 to adjourn. And I think it is important. That was 220, supermajority voted for it; 197 voted against it. It was only one Republican that was on our side and saying that we shouldn't leave until we deal with it, Mr. Speaker.

So, Ms. JACKSON-LEE, I wouldn't get concerned about what they say because that is what Speaker Gingrich has said. He has the chart, and if staff can give me the chart that said "they," that "they," that is what he calls the Republican majority, that is what they called the Republican majority. You remember that, Mr. RYAN, because he felt that they are no longer responsible in a way that he thought they should be when he was the father of giving, case in point, once again, third-party validator.

Mr. Speaker, this was the Speaker of the House when the Republicans took control of the House. And this is what he has to say. And this was in the Knight Ridder newspaper, Friday, March 31, 2006: "They are seen by the country as being in charge of a government that can't function." "They." He is talking about the Republican majority. "They"? Goodness gracious. If Speaker Foley came and called us "they," I mean, this would be a travesty. This is Newt Gingrich. This is not someone in some club somewhere, or someone that doesn't have House credentials. He was here on this floor. He was the Speaker. He was the leader in the Republican majority and he was the Speaker. He wasn't majority leader. He wasn't a whip. He wasn't over the conference. He wasn't over a caucus. He was the Speaker. He sat there on the Speaker rostrum. He was the man. His picture hangs up back here in the Speaker's lobby. I can't boil this down any further, to say that it is substantial when a chief Republican says "they."

And so what we are talking about here, Ms. JACKSON-LEE and Mr. RYAN, is something that everyone should understand. Republicans have to have a problem, Republican voters and independent voters, and Democratic voters have to have a problem with a dysfunctional government that is making history in all the wrong ways. And I am going to share that chart, but I am going to yield to you. I see Mr. RYAN is here, and I want to come back on our chart of irresponsibility that has taken place, because I want to make sure if we have got to say it 1,000 times, I want it on the CONGRESSIONAL RECORD that we have said it 1,001 times, so that the American people, when they are asked to make a decision in November, Mr. RYAN, that they have the information that they need to have to make sure that their country, not their party, that their country is strong and that it is vibrant and that it is here to make sure that it is in the shape to where they can afford education, where they can afford health care, where small businesses can afford to give their employees health care, and where States don't have to sue the Federal Government over education dollars.

Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I am delighted that Mr. RYAN and the two of you, Mr. MEEK, have really captured the essence of why you come to the floor every night and why it is so important.

Mr. RYAN, I had an article, and I just want to repeat because it really captures the gentleman's comments, the gentleman from Florida. It really captures what he has said and why we are so frustrated.

□ 2220

The bottom line of this paragraph was an article that talked about the marriage amendment and the flag amendment as the chief initiatives of this great body. It said that two-thirds of the legislative calendar is finished and this body can only count two major initiatives that they have passed: one, the PATRIOT Act renewal that they engaged in, and many Democrats, of course supported that; and then they had a $70 billion tax cut. This is all that they can put in their belt notch, if you will, to say that they have accomplished. And at the same time, the recounting of the low esteem or low level of the working Americans, where they cannot pass, if you will, a minimum wage. When it really comes to helping Americans, they have done nothing.

So gas prices have doubled. Right now this week, oil is at $75 a barrel, and we are now approaching $3 a gallon for gas. The minimum wage has not been increased. Health care is costing more. In 2005 a typical family was paying $1,200 more a year for health insurance, increasing it by 55 percent.

So this debate that you are articulating really ties into where we are in Iraq and the frustration, the amount of money, and it really ties into this bottom line, which is we have work for two-thirds of the legislative session and we really cannot show the American people any bread and butter issues that we have been engaged in. No bread and butter issues. Nobody is better off since this Congress has been holding court, if you will, for 2006.

And I thank you for allowing me to be here.

Mr. Speaker, I commend my colleagues for organizing this special order to discuss the conduct and costs of the war in Iraq. I look forward to engaging in dialogue with my colleagues about the most important issue facing the country today and the most fateful and ill-considered decision of this Administration.

I. THE BUSH IRAQ POLICY HAS HARMED THE U.S. MILITARY

A few weeks ago we learned the sad news that the 2,500th soldier has been killed in Iraq. More than 19,000 others have been wounded. The Bush administration's open-ended commitment of U.S. troops to Iraq has weakened the U.S. Army, the Army National Guard, and the Army Reserves. The extended deployments in Iraq have eroded U.S. ground forces and overall military strength. A Pentagon-commissioned study concluded that the Army cannot maintain its current pace of operations in Iraq without doing permanent damage to the quality of the force. So more than three years of a continuous deployment of U.S. troops to Iraq has:

Contributed to serious problems with recruitment, with the U.S. Army missing its recruitment targets last year;

Forced the Army to lower its standards for military recruits; and

Led to military equipment shortages that hamper the ability of U.S. ground forces to do their job in Iraq and around the world.

II. THE IRAQ WAR HAS BEEN MISMANAGED AND THE RESULTS HAVE BEEN DISASTROUS

Quotes from the retired generals calling for the ouster of Defense Secretary Donald H. Rumsfeld:

"We went to war with a flawed plan that didn't account for the hard work to build the peace after we took down the regime. We also served under a secretary of defense who didn't understand leadership, who was abusive, who was arrogant, who didn't build a strong team."—Retired Army Maj. Gen. John Batiste.

"My sincere view is that the commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who have never had to execute these missions—or bury the results."—Retired Marine Lt. Gen. Gregory Newbold.

"They only need the military advice when it satisfies their agenda. I think that's a mistake, and that's why I think he should resign."—Retired Army Maj. Gen. John Riggs.

"We grow up in a culture where accountability, learning to accept responsibility, admitting mistakes and learning from them was critical to us. When we don't see that happening it worries us. Poor military judgment has been used throughout this mission."—Retired Marine Gen. Anthony Zinni, former chief of U.S. Central Command.

"I really believe that we need a new secretary of defense because Secretary Rumsfeld carries way too much baggage with him. . . . I think we need senior military leaders who understand the principles of war and apply them ruthlessly, and when the time comes, they need to call it like it is."—Retired Army Maj. Gen. Charles Swannack.

"He has shown himself incompetent strategically, operationally and tactically, and is far more than anyone responsible for what has happened to our important mission in Iraq. . . . Mr. Rumsfeld must step down."—Retired Army Maj. Gen. Paul Eaton.

III. WAR IN IRAQ HAS DIVERTED RESOURCES AND ATTENTION FROM OTHER FRONTS IN THE FIGHT AGAINST GLOBAL TERRORIST NETWORKS

The killing of Abu Musab Al-Zarqawi was a major success for U.S. troops, but it is not likely to diminish Iraq's insurgency. Iraqis make up 90 percent of Iraq's insurgency, unlike foreign fighters like Zarqawi, and a primary motivation for Iraq's insurgency is the U.S. troop presence. Even after the Samarra shrine attack in February threatened to push Iraq into all-out sectarian civil war, the vast majority of attacks still target U.S. forces.

Outside of Iraq, the Bush administration has failed to present a realistic strategy for countering the threat posed by the global terror networks. In a recent survey of more than 100 of America's leading foreign policy experts conducted by Foreign Policy magazine and the Center for American Progress, 8 in 10 (84 percent) do not think that the United States is winning the war on terror. The War in Iraq has not helped America win the broader fight against global terrorists. Instead:

By invading Iraq without a realistic plan to stabilize the country, the Bush administration created a new terrorist haven where none had previously existed.

By maintaining an open-ended military presence in Iraq, the Bush administration is presenting U.S. terrorist enemies with a recruitment tool and rallying cry for organizing attacks against the U.S. and its allies.

According to the National Counter-Terrorism Center, the number of large-scale terrorist attacks in Iraq increased by over 100 between 2004 and 2005, with a total 8,299 civilians killed in 2005.

Osama bin Laden remains at large and al Qaeda offshoots proliferate.

By diverting resources and attention from Afghanistan to an unnecessary war of choice in Iraq in 2003, the Bush administration has left Afghanistan exposed to a resurgence of the Taliban and al Qaeda. The United States needs to complete the mission in Afghanistan and cannot do it with so many troops bogged down in Iraq.

By focusing so many U.S. resources on Iraq, the Bush administration has taken its eye off the ball in places like Somalia, which was overrun by Islamist militias tied to al Qaeda last week.

IV. THE WAR IN IRAQ HAS INCREASED THE BURDEN ON U.S. TAXPAYERS WITHOUT STABILIZING IRAQ OR MAKING AMERICANS SAFER.

Over the last three years, the United States has spent more than $300 billion in Iraq, yet the investment has failed to stabilize Iraq or improve the overall quality of life for most Iraqis. According to the Congressional Research Service, total assistance to Iraq thus far is roughly equivalent to total assistance, adjusted for inflation, provided to Germany—and almost double that provided to Japan from 1946 to 1952. Yet on key metrics like oil production, Iraq has failed to advance beyond pre-war levels, and quality of life indicators remain dismal:

Oil production is below pre-war levels (2.6 million barrels per day in 2003 vs. 2.1 million barrels per day in May 2006);

The majority of water sector projects and health care clinics planned in 2003 remain not completed, despite spending hundreds of millions of dollars;

One in three Iraqi children is malnourished and underweight, according to the United Nations Children's Fund.

Rather than a record of progress and achievement, the Bush administration's record is one of corruption and waste:

$8.8 billion given to Iraqi ministries by the Coalition Provisional Authority (CPA) remains unaccounted for, according to the Congressional Research Service;

Iraqi Defense Ministry officials spent $1 billion on questionable arms purchases;

The Interior Ministry has at least 1,100 ghost employees, costing $1.3 million a month.

In short, we have no strategy, no support from allies or friends in the region, a nascent civil war in the country we are supposed to be helping, an overstretched military, a misdirected counterterrorism effort, and a massive diversion of funds in support of a failed effort.

V. MULTIPLE DEPLOYMENTS HURT MORALE AND FAMILIES

Multiple deployments taking toll on military families, answers questions of how to help families of deployed service members.

Military families need greater psychological, emotional, and organizational assistance according to the results of a new survey released March 28 of this year by the National Military Family Association, NMFA.

The study, "Cycles of Deployment Report," which focused on the needs of military families, shows service members and military families are experiencing increased levels of anxiety, fatigue, and stress. In response, NMFA outlined recommendations for meeting these challenges amid multiple and extended deployments, increased rates at which servicemembers are called upon for service, and the heavy reliance on National Guard and Reserve forces.

This report clearly shows the range of support programs for families has expanded since the start of the War on Terror. However, multiple deployments and a high operations tempo mean different types of support are needed for families' continued success before, during, and after deployment. The survey results provide the Department of Defense a detailed roadmap for making sure families are taken care of during this important time.

Key findings from this study about the impact of deployment includes:

Almost half of respondents reported they have used or would use counseling services such as anger management classes and family counseling. Three quarters of those who stated they were better able to deal with subsequent deployments found counseling services to be helpful.

Two-thirds of military families surveyed did not have contact with their unit or unit network volunteer during the critical pre-deployment stage.

Less than one-half reported a consistent level of family support through the pre-deployment, deployment, and post-deployment phases. Seventeen percent reported no support was available.

Many respondents are concerned that volunteers who help families adjust to life during deployment and what to expect after the reunion are becoming fatigued and subject to "burn-out." They stated that the leaders of unit family groups should be paid or have paid professional support personnel assigned.

Military family members with civilian jobs face pressure to avoid taking time off before, during, or after deployment. Sixty percent of military spouses are employed outside the home and many have either quit their jobs or are considering it.

Military families are worried about how the reunion will go with their deployed family member even as they are worrying about their servicemember's safety in the field. Unfortunately, many families are not taking advantage of specific return and reunion briefings and activities.

Many respondents expressed that when entering a second or third deployment, they carry unresolved anxieties and expectations from the last deployment(s). While they may have gained knowledge of resources available to them, respondents whose servicemember deployed multiple times reported being more fatigued and increasingly concerned about their family relationships.

Although challenged by the demands of deployment, families noted they are proud of their servicemember and their service to our country. They understand that family support is primarily their personal responsibility, but they expect "The Military" to provide support as well.

VI. RECOMMENDATIONS TO DEAL WITH STRESS OF MULTIPLE DEPLOYMENTS

The National Military Families Association has developed a series of recommendations for how the Department of Defense (DoD) can better train and support military staff and civilian volunteers to assist military families, including:

Expand program and information outreach. Create formats for families to access support services and maintain touch with their commands and unit family group that live too far from either the unit or from other military families.

Assist families in developing realistic expectations, and then meet them. Educate military families about what to expect before, during, and after deployments.

Direct more resources to support family volunteers. Increase the level of resources and paid professionals, both counselors and administrative, to support the logistics of family support and conducting family readiness activities.

Address return and reunion challenges throughout the deployment cycle. Help with the reintegration of a servicemember with the family after deployment.

Recognize that family time is important. Encourage service leaders to give family time a higher priority when planning operational activities, especially for servicemembers who have only been back from deployment for a few months.

Continue deployment briefings throughout the year. Never assume families have all the information they need. Ongoing deployment briefings can especially help new spouses or the parents of new recruits. Experienced family members also may find new challenges during a subsequent deployment or find the accumulated stress from multiple deployments creates the need for re-engagement with the family readiness/support group or for accessing different support personnel.

VII. IMPACT OF DEPLOYMENT OF NATIONAL GUARD

In addition, Mr. Speaker, the large and extended deployment of National Guard units overseas has undermined the ability of the United States to deal with terrorist attacks or natural disasters. For example, State officials in Louisiana and Mississippi struggled to overcome the absence of National Guard members from their States in the wake of Hurricane Katrina. In Louisiana, about 100 of the National Guard's high-water vehicles remain abroad—even as the State continues to rebuild from Hurricane Katrina. Coastal North Carolina is missing nearly half its Humvee fleet, and Guard officials there say shortages have forced the State to pool equipment from different units into one pot of hurricane supplies.

In addition, the equipment the Guard needs to help in the aftermath of natural disasters like Hurricane Katrina is in shorter supply because the gear is in use in combat zones, is battle-damaged, or has been loaned to cover gaps in other units.

CONCLUSION

Mr. Speaker, our troops in Iraq have never faltered and they have never failed. They were never defeated in battle. They won the war they were sent to fight. They completed their mission. They performed magnificently.

They have earned the right to return home and be reunited with their families and loved ones. Now is not the time for us in Congress to falter or fail. Now is the time to embrace a plan for our troops in Iraq that offers a chance of success. We need a plan that will work. There is only one such plan. It is the Murtha Plan I support.

Mr. RYAN of Ohio. We always enjoy your presence, and I think you have made a good point.

And I come from a conservative Democratic district in Ohio. I am probably one of the most conservative Democrats from Ohio in the Congress.

Regardless of how you feel about the gay marriage amendment, regardless of how you feel about flag burning, regardless of how you feel about any of these political issues that the Republican Congress is bringing forth, I think we can all agree that gas prices, health care costs, tuition costs, and lack of education funding rank just a little bit higher than these issues that the Republican Congress and Republican President bring out every other year or every election year.

Now, the President runs a whole 2004 election campaign, Ms. JACKSON-LEE, on the gay marriage amendment and then days after getting reelected says, I do not think we are going to pass it. I do not think I am going to push it. The country is not ready for it.

You just ran your whole campaign on it. Now you are not for it? And they, the President and the Republican Congress on the other side, actually think that the American people are going to fall for this again. Well, we have got news for them.

Mr. MEEK of Florida. Mr. Gingrich is calling them "they."

Mr. RYAN of Ohio. Exactly. We are not the only ones.

And I think the country is obviously divided on those very polarizing issues. But regardless of how you feel, we have got real problems in this country, Mr. Speaker. Can we stop insulting the American public to think that they are going to somehow fall for these shenanigans again that were used in 2004? The President was for a gay marriage amendment; then he was against it and decided he was not going to push it. And then 1½ years later, when he is 30 percent in the polls and the Republican Congress has not passed one piece of significant legislation, all of a sudden, they are for the gay marriage amendment again.

It is not going to work. Do you know why? Because this is what has been going on, Mr. Speaker: People making more than $1 million are getting $42,000 a year back in tax breaks, and we are borrowing the money from China. We do not have money to give a millionaire $42,000 back in this country, Mr. MEEK, Ms. JACKSON-LEE. If we had the money to give them, we would have a discussion. We would have a debate: Why are we giving someone who makes $40,000 a year $17,000 and someone making $1 million a year gets $42,000? If we had the money, we would have that discussion. We would have a national debate about whether or not that was a good idea, about whether or not that money should go into tax cuts for millionaires or education spending or Head Start spending or health care for our citizens or making sure that young kids had health care or veterans would have the proper care that they needed. Mr. Speaker, we would have that discussion. But we do not have the money. We do not have it. We are running $400 billion deficits, borrowing the money from Japan, China, OPEC countries.

Mr. MEEK, can you imagine with the cost of gas right now, we are borrowing money from OPEC? We are not just giving it to them at the pump. We are going to go out and use them as a bank.

Let us get this country in order, Mr. Speaker. It is time to go in a new direction. And do you like this? Do you like the cost at the gas pump when you have got to put in 55 bucks to fill up your truck? Do you like the fact that the health care costs are up, health insurance up 97 percent; that 4-year public college is up 77 percent; that gas is up 136 percent; that bread is up 25 percent; that whole milk is up 24 percent? If you are happy with this, vote Republican. Continue. They have been in charge of the House and the Senate and the White House for a good many years now. The neoconservative agenda, Ms. JACKSON-LEE, has been implemented. We do not have to worry about what is going to happen. We do not have to wait and see one day how it will affect the American people. It has been implemented and this chart is the end result.

Look at these numbers. And we are having debates about gay marriage? You have got to be kidding me to insult the American people like that.

I go to Giant Eagle in Niles to do my shopping. Union meat cutters, a small little town of Niles, Ohio. I go and get some bread, Lucky Charms because I like to eat cereal, and I get the organic milk because it lasts a lot longer than regular milk. We are traveling a lot; so I get the organic milk. So we go and I fill my basket up, and I checkout. And you know how it is when you go back home, people will grab you and they will want to talk issues. No one grabs me in the aisles and says, "Can you please stop the gay people from getting married up in Massachusetts because they are really affecting the gas prices?" No one says that to me. No one asks me about flag burning, Mr. MEEK.

They ask me about how are we going to reduce the cost of gas because I am a nurse's aid and I have to travel around.

Mr. MEEK of Florida. Making minimum wage.

Mr. RYAN of Ohio. Making barely minimum wage. I have to quit my job because I cannot afford the gas prices as they are. I am better off going on welfare and registering for Medicaid.

We have a system that is going against people who want to work. We want to incentivize that. And in the first 100 days, it will be amazing what the Democratic Party can do.

Ms. JACKSON-LEE of Texas. A real agenda.

Mr. RYAN of Ohio. Can you imagine in the first week when we raise the minimum wage? I am just going to pick two of the issues: We raise the minimum wage, and we cut college loan interest rates in half. Can you imagine the impact for average people in Ohio, in Miami, in Texas? Can you imagine? You are actually going to be helping people. We can do this, and we need an opportunity to do it, Mr. Speaker.

I have taken way too much time, and I know both of you have points you want to make. But look at what is happening in the country and look at the disgraceful debate that is happening here in Congress.

And one final point: The debate we had a couple weeks ago on the Iraqi war resolution. we had a debate here in Congress. We have lost $9 billion in Iraq. and no one really seems to know where it is, and the Congress is not much interested in finding out exactly who has it. We have spent $318 billion. $400 billion, tons of money in Iraq with no oversight. We have had hurricanes in the country and we do not know where FEMA is spending money. They are paying for divorce attorneys' fees and the like, and we don't have any oversight hearings on that. So if the American people want to keep going in that direction. all they have to do is continue to rubber stamp the Republican House, the Republican Senate. and President Bush.

Ms. JACKSON-LEE of Texas. Well. if the gentleman from Florida will continue to yield. I just want to take just a moment. I cannot tell you the passion or the core that you have touched.

People hear us on the floor of the House, and they probably assume that we are taking up the cause of our Founding Fathers and using the skills of debate.

□ 2230

What I hear you saying and what I have seen when I have been home a week ago, we have been in and out of our neighborhoods, and what I have seen is that people are hurting. The minimum wage has not been increased, but the administration had a paltry 122,000 jobs, barely a blip on the radar screen. There is unemployment in all communities. People want to work. but they are frustrated by the pressures or the finances needed to work.

So we are touching on people's lives. We are touching on the single mother, we are touching on the family of four that maybe does not have a vacation, even though we have been in the airports and it looks pretty busy. There are people who barely can make it because we have had no action, and the sadness is to go to a public hospital and see people who really need to see a doctor and they are in the emergency room because basically they do not have the resources even to participate in what you call a pay-as-you-go clinic, which they would want to do.

So, my only point on the method that you have just given is, for God's sake, we need a new direction in America. We really need a new direction, and that would cover all of the basic bread and butter issues that you have just recounted.

So what I am hoping is that Democrats do not let up, that we tell the American people that we would much rather stand with them than fall amongst the throng who think it is always good to be with the special interests. I would much rather pass a minimum wage, I would much rather ask the question why the gas per gallon is so high and do something about it. I would much rather keep kids in college and take care of the environment and see people go back to work. That is what I think we are saying here tonight.

Mr. RYAN of Ohio. I think that is exactly it and I know Mr. MEEK has points he wants to make, but I think Members of Congress and average Americans need to ask themselves just one question, and we will just pick two of these.

Implement mentally this in your mind if you are an American. We will raise the minimum wage to $7.50 an hour in the first week we are here, and we will then cut your student loan interest rates in half. Whether they are parent loans or student loans, your rate will be cut in half if Democrats are in. Let us just pretend we will not do anything else, and we have got binders full of ideas here that we will implement, broadband access, tax cuts for venture capital that was basically written by the high-tech industries who NANCY PELOSI sat down with to make sure how do we get the country up and running again.

But just say we do those two things, we are not saying we are going to overpromise. We are saying in first day or two we are going to pass the minimum wage and we are going to reduce college loans by half. What would that do? That will save students $4,000 or $5,000 over the course of their loans, parents the same way, and the minimum wage will be increased unfortunately just a few thousand dollars a year. Hopefully, if we take the majority back in a significant number, along with the Senate, we can do maybe even more.

But just picture those two things and the impact it would have on your life.

Mr. MEEK of Florida. Mr. Speaker, I thank Mrs. JACKSON-LEE for joining us. I think it is important as we look at the last 10, 12 minutes of our time here of looking at being responsible, looking at being responsible, and what the American people in every district that is represented here in this House, Mr. Speaker, woke up early one Tuesday morning just after 7:00 a.m. to vote for representation. They need a change in this Chamber. We are saying we are willing to give them the chance.

We are not looking at party affiliation. If you live in the part of the country where you are a Republican and there is nothing but Republicans get elected, this is not a Republican club or a Democratic club or an Independent club or a Green Party or Reform Party House. It should not be. The American people expect for us to work in a bipartisan way for their greater good. That has not happened.

The Republican majority does not have the will, nor the desire, to work in a bipartisan way with Democratic Members in this House or the one Independent that is here.

On every major piece of legislation, Ms. JACKSON-LEE has just said there has only been two. there has been no Democratic input on those pieces of legislation to where that when it was a conference committee meeting, nine times out of 10, those Members are not even invited. The first time they see it is when it comes to floor, when it comes out of the conference committee, and this is when both House and Senate pass the bill and then they sit down and work out to appoint a small committee. They work out the differences and then go back to their respective Chambers and pass the changes that were made. That just does not happen.

So I think when Mr. RYAN started talking about the tax cuts for the millionaires, and I am talking about in the heavy millions. and what they are walking away with and what the American people are not walking away with, you have to look at who do you trust.

Here is an article. Mr. Speaker. I just want to make sure folks know they can get this on housedemocrats.gov. I think it will be up hours after we leave the floor here. "The Spending Virus," by the Washington Times. of all places, washingtontimes.com, very conservative newspaper here in Washington, D.C. This is by Steve Chapman.

> June 25, 2006. Last August, President Bush demanded Congress curb its appetite for spending so that we can continue to send a signal to the people around the country that we are serious about being fiscally responsible with the people's money.

It is not my writing. It is Mr. Chapman's writing and it was there. He is a columnist. Now today is Monday right. so this meant if he said this today, on tomorrow, Tuesday, this is what the President did.

The next day he signed a port bill, transportation bill, that broke all records for public works spending. Next day, the very next day.

Well, I would give the President the benefit of the doubt if he said it a couple of years ago and just forgot that he said it, but when you say something today and then the next day you go and you sign a bill that breaks records in spending, how in the world could that stand?

The article goes further to say. since 2001 expenditures have risen more than $900 billion, up nearly 50 percent. The expansion of the Federal discretionary spending has been faster than under Lyndon Johnson who was once the king of the big spenders but has been dethroned, dethroned this is his writing, by George W. Bush, and I would add, the Republican majority. Dethroned.

Mr. RYAN of Ohio. This guy said that George Bush dethroned Lyndon Johnson?

Mr. MEEK of Florida. You know the thing about it, Mr. Speaker, at least under Lyndon Johnson we were able to improve education. At least under Lyndon Johnson, public works projects, as it relates to housing. was built. not just this runaway spending as it relates to satisfying the first of billionaires and millionaires and allowing oil companies to make record profits on the backs of the American people.

Now, how do we get to where we are now?

Mr. RYAN of Ohio. Corporate welfare. Let us expand just for a second. Corporate welfare. $16 billion to the energy companies and between 20 and $30 billion to the health care industry. That is where that money is going. So if you are going to dethrone Lyndon Johnson, at least dethrone him by investing in education.

Mr. MEEK of Florida. Since you got fired up about this, I just want to get started. I am going to read the last couple of lines of this article because we are running out of time.

But when it comes to that sort of wisdom and courage in Washington, DC, we suffer another deficit, and what this person is saying is that we have to have leadership in this chamber that is willing to enforce it.

Now, let me just say this very quickly. I think it is important in our last 5 minutes to talk about being responsible. This is the U.S. Department of Treasury. This is not the Kendrick Meek report or Tim Ryan or the 30 Something Working Group report. This is on our Web site and this is on the U.S. Treasury's Web site if you want to go in and find it and crunch the numbers.

President Bush and the Republican Congress, from 2001 to 2005, have borrowed from foreign Nations $1.05 trillion. In 4 years, 4 years, Mr. Speaker, $1.05 trillion, you see the President and the Republican Congress.

Forty-two Presidents that you see here, some are wearing wigs, $1.01 trillion, they were only able to borrow from foreign Nations in 224 years.

So that meant the President has accomplished something that 42 Presidents before him have not been able to accomplish.

☐ 2240

But the Great Depression, World War I, World War II and a number of conflicts, he dethroned, that is our new one, Mr. Chapman gave it to us, third-party validator he has dethroned 42 Presidents and Congresses before it with the record-breaking borrowing.

Who is he borrowing it from? I mean, we break this all the way down. My 11-year-old can get this. And that is the way we got to do it, because I want to make sure that the American people and the Republican majority have no way to go home and hoodwink their constituents by saying, oh, I did not quite understand that bill, or that when I raised the debt limit.

Japan, we borrowed $682.8 billion. Japan is an island, I must add. China is $249.8 billion that they own of the American apple pie. The UK is at $223.2 billion. Caribbean nations. You know, I was home recently over the break, and someone came up to me and said, how can Caribbean nations own a piece of the American apple pie? They are just the Caribbean. Well, guess what? In Washington, DC the Republican majority are just big spenders. Well, they borrow from whoever will give us the money. They are buying our debt. They are getting a part of the American apple pie thanks to the Republican majority and the President. They come in at $115.3 billion.

Taiwan, $71.3 billion. OPEC nations, which, Mr. Speaker, I must add, I need to break this down for the Members are all of those oil-producing nations, Saudi Arabia, Iraq, Iran, you name it, Venezuela, all of them have a piece of the American apple pie that comes in at $67.8 billion.

Germany, $65.7 billion. Korea, $66.5 billion, and Canada, $53.8 billion. They own a part of the American apple pie, not because the American people did not do what they were supposed to do, because they are being asked to go beyond the call of duty. I am so glad that Mr. RYAN came to this floor in a very passionate way shared the level of frustration that so many Americans have that wish they could come to the floor and come before this great democracy and come to this House of Representatives and let them know what is on their mind.

It is our obligation and duty, Mr. Speaker, that we come to the floor and share what it is. We cannot sugar-coat it.

Mr. RYAN of Ohio. Look at this, Mr. MEEK. The Republicans increased the debt limit by $3.7 trillion. You will notice that is a "T" there in the red, not a "B". In June of 2002, May of 2003, November of 2004, March of 2006, and the House Budget Resolution, another $653 billion, $3.7 trillion this Republican Congress has increased the debt limit, which is saying, go out, Mr. President, Secretary of the Treasury, go out and borrow some more money. It is okay to borrow money and then spend it on corporate welfare for the oil industry and the energy companies. It is okay to spend it for the health care industry.

Come on. Let us get things in order here. This is not brain surgery. And, you know, Mr. MEEK, I thank you for doing that, because our whole mission here as 30-Somethings is to break down and talk about issues that are going to affect our generation in the long term. And when you look at the kind of borrowing from these other countries, you know, just an example of China. Okay. How much we are borrowing.

Now we are asking China to help us negotiate with North Korea. Well, you think they are going to be helpful when they are our bank? You think they are going to be pressured by us when they are loaning us money? Like you say so eloquently, when you loan someone money, it changes the dynamics of the relationship. You loan me $5, now I owe you so I cannot come back and say, hey, help us with North Korea.

This is not about North Korea. We got to take this country in a new direction. This is about North Carolina. This is about the north side of Youngstown. Okay? This is about the north side of Cleveland and the north end in Boston. This is about America. Let us get this country going in a new direction again.

We know what the world looks like when a neo conservative Republican agenda has been implemented. Just look around. Read the front page of the newspaper, Mr. MEEK. Look at the foreign policy, look at the domestic policy. That is the implementation of the neo conservative agenda.

You like it, vote Republican. You do not like it, take the country in a new direction and vote for the Democrats. And let me get this out here, our oldest and most trusted chart. If you would like to contact us, Mr. Speaker, Mr. MEEK, www.housedemocrats.gov/30somethings.

All of the charts that were available here tonight are available on that website. I would like to take one second to thank Tom Anatos who does such a tremendous job helping us gather all of this information.

I would like to thank my good friend from Miami. I missed not being with you last week while we were on break. I look forward to spending more time with you.

Mr. MEEK of Florida. Mr. RYAN, it is always a pleasure working with you, sir.

Mr. Speaker, we would like to thank the Democratic leadership for allowing us to have this hour, all of the Members that participated in it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HINOJOSA (at the request of Ms. PELOSI) for today and July 11 on account of a death in the family.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of official business in the district.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Mr. MCNULTY (at the request of Ms. PELOSI) for today and July 11.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today on account of official business.

Mr. SESSIONS (at the request of Mr. BOEHNER) for the week of July 10 on account of taking his son to scout camp.

Mrs. EMERSON (at the request of Mr. BOEHNER) for today on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today and July 11 and 12.

Mr. BISHOP of Utah, for 5 minutes, July 11.

Mr. POE, for 5 minutes, July 11, 12, 13, and 17.

Mr. MCHENRY, for 5 minutes, today and July 11, 12, and 13.

Mr. BURTON of Indiana, for 5 minutes, today and July 11, 12, and 13.

Mr. JONES of North Carolina, for 5 minutes, July 11, 12, and 13.

Mr. BURGESS, for 5 minutes, July 11 and 12.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2125. An act to promote relief, security, and democracy in the Democratic Republic of the Congo; to the Committee on International Relations.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on June 29, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 5403. To improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

H.R. 5603. To temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

Karen L. Haas, Clerk of the House also reports that on June 30, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 889. To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

H.R. 4912. To amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until, tomorrow, Tuesday, July 11, 2006, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8374. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus From Peru [Docket No. 03-113-3] received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8375. A letter from the Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule—Addition of the People's Republic of China to the List of Countries Eligible to Export Processed Poultry Products to the United States [Docket No. 05-012F; FDMS No. FSIS-2005-0034] (RIN: 0583-AD20) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8376. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0395; FRL-8068-2] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8377. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance Technical Correction [EPA-HQ-OPP-2005-0510; FRL-8073-9] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8378. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments; Change of Address for the Office of Pesticicde Programs [EPA-HQ-OPP-2006-0403; FRL-8070-7] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8379. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Departemnt of Education, transmitting the Department's final rule—Notice of Waivers for the Native American Vocational Technical Education Program (NAVTEP) and the Tribally Controlled Postsecondary Vocational and Technical Institutions Program (TCPVTIP) and Funding of Continuation Grants — received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8380. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program; Funding Priorities — received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8381. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule—Grants for the Integration of Schools and Mental Health Systems — received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8382. A letter from the Assistant General Counsel Division of Regulatory Services, Department of Education, transmitting the Department's final rule—Office of Safe and Drug-Free Schools; Overview Information; Emergency Response and Crisis Management Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006 — received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8383. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule—Office of Special Education Programs — State Personnel Development Grants Program — received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8384. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability Rehabilitation Research Projects (DRRPs); Funding Priorities — received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8385. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research — Disability and Rehabiliation Research Projects and Centers Program; Funding Priorities — received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8386. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Spinal Cord Injury Model Systems Centers (SCIMS Centers) and Disability Rehabilitation Research Projects (DRRPs) — received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8387. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule—Amendment to Prohibited Transaction Exemption 2002-51 (PTE 2002-51) to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program [Application No. D-11261] (RIN: 1210-A05) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8388. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule—Voluntary Fiduciary

Correction Program Under the Employee Retirement Income Security Act of 1974 (RIN: 1210-AB03) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8389. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8390. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8391. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule—Weatherization Assistance Program for Low-Income Persons (RIN: 1904-AB56) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8392. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Boyd County SO2 Nonattainment Area; Correction [EPA-R04-OAR-2005-KY-0002-200531(c); FRL-8187-4] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8393. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2006-028 7; FRL-8189-2] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8394. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Oregon: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R10-RCRA-2006-0064; FRL-8188-8] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8395. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protections for Subjects in Human Research; Nursing Women [EPA-HQ-OPP-2003-0132; FRL-8071-6] (RIN: 2070-AD57) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8396. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations (FRL-8188-2] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8397. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Alabama: Open Burning Revision [EPA-R04-OAR-2006-0376-200611a; FRL-8187-1] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8398. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2006-028 6; FRL-8188-6] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8399. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [EPA-R07-OAR-2006-0365; FRL-8188-4] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8400. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Site-Specific Regulations for University Laboratories XL Project [EPA-R01-RCRA-2006-0391; FRL-8186-3] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8401. A letter from the Director, Regulations and Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices: Ear, Nose, and Throat Devices: Classification of Olfactory Test Device [Docket No. 2006N-0182] received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8402. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Exception from General Requirements for Informed Consent [Docket No. 2003N-0355] (RIN: 0910-AC25) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8403. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Prescription Drug Marketing Act Pedigree Requirements; Effective Date and Compliance Policy Guide; Request for Comment [Docket Nos. 1992N-0297 (Formerly 92N-0297), 1988N-0258 (Formerly 88N-0258), 2006D-0226] received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8404. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Relief from Fingerprinting and Criminal History Records Check for Designated Categories of Individuals (RIN: 3150-AH94) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8405. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the period ending March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8406. A letter from the Secretary, Department of Education, transmitting the thirty-fourth Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2005 through March 31, 2006 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8407. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semiannual report for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8408. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8409. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-394, “Triangle Community Garden Equitable Real Property Tax Exemption and Relief Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8410. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-395, “AccessRx Act Clarification Temporary Amendment Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8411. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-396, “Health Care Privatization Benefit and Reimbursement Exemption Temporary Amendment Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8412. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-397, “Day Care Grant-Making and Rulemaking Temporary Amendment Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8413. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-398, “Far Southeast Community Organization Tax Exemption and Forgiveness for Accrued Taxes Temporary Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8414. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-399, “Washington Nationals on T.V. Temporary Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8415. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-400, “Board of Real Property Assessments and Appeals Reform Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8416. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-401, “Right of Tenants to Organize Amendment Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8417. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-392, “Commission on Poverty Establishment Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8418. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-403, “NCRC and AWC Debt Acquisition Delegation Authority Amendment Act of 2006,” pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8419. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-402, "Natural Gas and Home Heating Oil Taxation Relief and Ratepayer Clarification Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8420. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-409, "New Convention Center Hotel Omnibus Financing and Development Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8421. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-393, "Office of Police Complaints Amendment Act of 2006," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8422. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2005, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8423. A letter from the President & CEO, Federal Home Loan Bank Seattle, transmitting the 2005 management report of the Federal Home Loan Bank of Seattle, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8424. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2005 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8425. A letter from the Director, Financial Management, General Accountability Office, transmitting the FY 2005 annual report of the Comptrollers' General Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

8426. A letter from the Director, Office of Personnel Management, transmitting the Office's report on the use of the Category Rating System for FY 2004 and FY 2005, pursuant to 5 U.S.C. 3319(d); to the Committee on Government Reform.

8427. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2005 annual report on International Mail Costs, Revenues and Volumes, pursuant to 39 U.S.C. 3663(a) Public Law 105-277; to the Committee on Government Reform.

8428. A letter from the Commissioner, Social Security Administration, transmitting notification that it is in the public interest to use procedures other than competitive procedures for the Administration's medical and psycological expert contract for the Boston region, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on June 29, 2006]

Mr. BOEHLERT: Committee on Science. H.R. 5450. A bill to provide for the National Oceanic and Atmospheric Administration, and for other purposes; with an amendment (Rept. 109-545 Pt. 1). Ordered to be printed.

[Pursuant to the order of the House on June 29, 2006 the following report was filed on July 7, 2006]

Mr. OXLEY: Committee on Financial Services. H.R. 2990. A bill to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry; with an amendment (Rept. 109-546). Referred to the Committee of the Whole House on the State of the Union.

[Filed on July 10, 2006]

Mr. POMBO: Committee on Resources. H.R. 5232. A bill to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes (Rept. 109-547). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4275. A bill to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States (Rept. 109-548). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3085. A bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with the trial, and for other purposes; with an amendment (Rept. 109-549). Referred to the Committee of the Whole House on the State of the Union.

Mrs. CAPITO: Committee on Rules. House Resolution 906. Resolution providing for consideration of the bill (H.R. 2990) to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry (Rept. 109-550). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 907. Resolution providing for consideration of the bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful internet gambling, and for other purposes (Rept. 109-551). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Filed on June 29, 2006]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1317. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections: and for other purposes, with an amendment; referred to the Committees on Armed Services, and Homeland Security for a period ending not later than September 11, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clauses 1(c) and 1(i), rule X (Rept. 109-544, Pt. 1). Ordered to be printed.

[Filed on July 10, 2006]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4777. A bill to amend title 18, United States Code, to expand and modernize the prohibition against interstate gambling, and for other purposes, with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than September 15, 2006, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 109-552, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

[Action taken on June 29, 2006]

H.R. 5450. Referral to the Committee on Resources extended for a period ending not later than September 11, 2006.

[Action taken on June 30, 2006]

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than September 11, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILLMOR (for himself and Mr. FRANK of Massachusetts):

H.R. 5746. A bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes; to the Committee on Financial Services.

By Mr. CLEAVER:

H.R. 5747. A bill to amend section 245(i) of the Immigration and Nationality Act to extend the special adjustment of status to certain aliens currently in the United States who are married to United States citizens and parents of a United States citizen child; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 5748. A bill to suspend temporarily the duty on certain liquid crystal device (LCD) flat panel displays; to the Committee on Ways and Means.

By Mr. FOLEY (for himself and Mr. FITZPATRICK of Pennsylvania):

H.R. 5749. A bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 5750. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 5751. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax equal to 50 percent of the compensation paid to employees while they are performing active duty service as members of the Ready Reserve or the National Guard and of the compensation paid to temporary replacement employees; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself and Mr. FITZPATRICK of Pennsylvania):

H.R. 5752. A bill to provide for making grants to expand the capacity of the Big Brothers Big Sisters mentoring program for at-risk youth; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KANJORSKI:

H.R. 5753. A bill for the relief of Charmaine Bieda; to the Committee on the Judiciary.

By Mr. KUCINICH:

H.R. 5754. A bill for the relief of Theresa and Stefan Sajac; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. FATTAH, Mr. TOM DAVIS of Virginia, and Ms. VELÁZQUEZ.

H.R. 97: Mr. LEWIS of Kentucky and Mr. BRADY of Pennsylvania.

H.R. 198: Mr. BISHOP of Georgia.

H.R. 215: Mr. PETERSON of Minnesota and Mr. DOGGETT.

H.R. 550: Mr. MELANCON, Mr. SPRATT and Mr. LIPINSKI.

H.R. 552: Mr. GOODLATTE and Mr. NUSSLE.

H.R. 583: Mr. ALLEN and Mr. DELAHUNT.

H.R. 898: Ms. NORTON.

H.R. 946: Mr. ANDREWS.

H.R. 951: Mr. CAPUANO.

H.R. 959: Mr. HOLDEN.

H.R. 1059: Ms. PELOSI and Mr. CARDIN.

H.R. 1079: Mr. HUNTER.

H.R. 1188: Mr. MARSHALL.

H.R. 1227: Mr. HASTINGS of Washington, Mr. TIBERI, and Mr. OSBORNE.

H.R. 1248: Mr. HEFLEY.

H.R. 1369: Mr. GENE GREEN of Texas.

H.R. 1425: Mr. GUTIERREZ.

H.R. 1426: Mr. HEFLEY and Mr. BISHOP of Georgia.

H.R. 1462: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1517: Mr. PLATTS, Mr. BOUSTANY, and Mr. SMITH of Texas.

H.R. 1545: Mrs. WILSON of New Mexico.

H.R. 1621: Mr. CLAY.

H.R. 1671: Mr. PICKERING.

H.R. 1704: Mr. DELAHUNT.

H.R. 1898: Mr. COLE of Oklahoma and Mr. GUTKNECHT.

H.R. 1996: Mr. BERMAN and Mr. PAYNE.

H.R. 2037: Mr. BRADY of Pennsylvania.

H.R. 2178: Mr. DINGELL and Mr. EVANS.

H.R. 2230: Mr. SHAYS.

H.R. 2378: Mr. BISHOP of Georgia.

H.R. 2568: Mr. BOUCHER.

H.R. 2928: Mr. WU.

H.R. 3142: Mr. WYNN.

H.R. 3145: Mr. PETERSON of Minnesota and Mr. SNYDER.

H.R. 3151: Mr. CUMMINGS and Mr. PETERSON of Minnesota.

H.R. 3478: Mr. GREEN of Wisconsin, Mr. WYNN, Mr. DOYLE, and Mr. ENGLISH of Pennsylvania.

H.R. 3559: Mr. CHANDLER, Mr. GINGREY, Mr. FRELINGHUYSEN, Mr. CUELLAR, Mrs. SCHMIDT, Mr. CASE, and Mr. PAYNE.

H.R. 3639: Mr. ANDREWS.

H.R. 3762: Mr. SAXTON.

H.R. 4158: Mr. WEXLER.

H.R. 4341: Mr. PETERSON of Pennsylvania.

H.R. 4371: Mr. CLEAVER, Mr. GOODE, and Mr. JEFFERSON.

H.R. 4384: Mr. PAYNE.

H.R. 4434: Mr. FILNER.

H.R. 4547: Mr. NUSSLE, Mr. WAMP, and Mr. CHABOT.

H.R. 4550: Mr. PAYNE.

H.R. 4597: Mr. BRADY of Pennsylvania, Mr. FILNER, Ms. SLAUGHTER, and Mr. BACA.

H.R. 4624: Mr. SANDERS and Mr. PETERSON of Minnesota.

H.R. 4654: Mr. DUNCAN.

H.R. 4740: Mrs. DRAKE.

H.R. 4747: Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM of Minnesota, and Mr. CASE.

H.R. 4751: Mr. JONES of North Carolina, Mr. CLAY, Mr. FILNER, Mr. WYNN, and Mr. GINGREY.

H.R. 4824: Mr. SNYDER and Mr. HINCHEY.

H.R. 4903: Mr. GORDON.

H.R. 4924: Mrs. EMERSON.

H.R. 4980: Mr. BRADLEY of New Hampshire.

H.R. 4982: Mr. GEORGE MILLER of California.

H.R. 4994: Mr. PETERSON of Minnesota and Mr. GORDON.

H.R. 5005: Mr. CALVERT, Mrs. MILLER of Michigan, Mrs. CUBIN, Mr. OTTER, Mr. PUTNAM, Mr. WAMP, and Mr. ROGERS of Michigan.

H.R. 5013: Mr. CALVERT and Ms. HART.

H.R. 5033: Mr. CAPUANO.

H.R. 5120: Mr. REICHERT.

H.R. 5150: Ms. LEE and Mr. LANTOS.

H.R. 5166: Mr. PETERSON of Minnesota.

H.R. 5182: Mr. CASE, Mr. BARROW, Mr. NUSSLE, Ms. WASSERMAN SCHULTZ, and Ms. SOLIS.

H.R. 5188: Mr. BROWN of Ohio and Mr. BISHOP of Georgia.

H.R. 5200: Mr. MILLER of North Carolina, Mr. SANDERS, Mr. BOSWELL, and Mr. CASE.

H.R. 5236: Mr. BISHOP of Georgia.

H.R. 5249: Mrs. MALONEY and Mr. GRAVES.

H.R. 5262: Mr. ROGERS of Michigan.

H.R. 5273: Ms. CARSON.

H.R. 5290: Mr. HONDA.

H.R. 5319: Mr. GILLMOR.

H.R. 5390: Mr. PETERSON of Minnesota, Mr. DELAHUNT, and Mr. MARSHALL.

H.R. 5405: Mr. GOHMERT.

H.R. 5409: Mr. INGLIS of South Carolina.

H.R. 5444: Mr. ENGLISH of Pennsylvania and Mr. BISHOP of Georgia.

H.R. 5453: Mr. SALAZAR.

H.R. 5455: Mr. JACKSON of Illinois.

H.R. 5465: Mr. HIGGINS, Mr. GORDON, Mr. ORTIZ, Mr. ETHERIDGE, and Mrs. JO ANN DAVIS of Virginia.

H.R. 5468: Mr. MCCOTTER.

H.R. 5476: Mr. MARSHALL.

H.R. 5507: Mr. INGLIS of South Carolina.

H.R. 5513: Mr. PETERSON of Minnesota, Mr. MURPHY, Mr. CROWLEY, Mr. ROTHMAN, and Mr. BISHOP of New York.

H.R. 5519: Mr. PLATTS.

H.R. 5520: Mr. FORTENBERRY.

H.R. 5536: Mr. MCCOTTER, Mr. BRADY of Pennsylvania, and Mr. ENGLISH of Pennsylvania.

H.R. 5539: Mr. GORDON, Mr. BOSWELL, and Mr. GREEN of Wisconsin.

H.R. 5550: Ms. SLAUGHTER.

H.R. 5555: Mr. PETERSON of Minnesota, Mr. HINCHEY, and Mr. BILIRAKIS.

H.R. 5556: Mr. RADANOVICH, Mr. BLUMENAUER, and Mr. BRADLEY of New Hampshire.

H.R. 5557: Mr. SAXTON, Mr. SANDERS, and Mr. WELDON of Pennsylvania.

H.R. 5562: Mr. ENGLISH of Pennsylvania and Mr. HOLT.

H.R. 5583: Ms. JACKSON-LEE of Texas and Ms. BORDALLO.

H.R. 5588: Ms. WOOLSEY, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, and Mr. BOREN.

H.R. 5605: Mr. GORDON, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. KILDEE, Mr. MCNULTY, Mr. JEFFERSON, Mr. RUPPERSBERGER, and Mr. PAYNE.

H.R. 5624: Mrs. MCCARTHY and Ms. BORDALLO.

H.R. 5640: Mr. CARDIN.

H.R. 5642: Ms. JACKSON-LEE of Texas, Ms. MATSUI, Ms. BALDWIN, and Mr. CASE.

H.R. 5656: Mr. MARIO DIAZ-BALART of Florida.

H.R. 5685: Mr. ISRAEL, Mr. HINCHEY, Mr. TOWNS, and Mr. BISHOP of New York.

H.R. 5696: Mr. CARDOZA.

H.R. 5704: Mrs. MUSGRAVE, Mr. REICHERT, Mrs. MYRICK, Ms. BERKLEY, and Mr. RENZI.

H.R. 5706: Mr. GREEN of Wisconsin.

H.R. 5738: Mr. ROTHMAN, Mrs. LOWEY, Mr. FITZPATRICK of Pennsylvania, and Ms. SLAUGHTER.

H.J. Res. 88: Mr. CRENSHAW.

H.J. Res. 90: Ms. BERKLEY.

H. Con. Res. 125: Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. LARSEN of Washington, and Mr. LEWIS of Georgia.

H. Con. Res. 231: Mr. GINGREY.

H. Con. Res. 282: Mr. PAYNE.

H. Con. Res. 391: Ms. WOOLSEY.

H. Con. Res. 406: Mr. ANDREWS, Mr. MELANCON, Ms. ZOE LOFGREN of California, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 432: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 434: Mr. GARRETT of New Jersey, Mr. KUCINICH, Mr. SCHIFF, Mr. TOWNS, and Ms. SCHAKOWSKY.

H. Con. Res. 435: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 526: Mr. HINCHEY and Mrs. CAPITO.

H. Res. 723: Mr. KENNEDY of Rhode Island and Mr. SALAZAR.

H. Res. 825: Mr. LEVIN.

H. Res. 852: Mr. ENGLISH of Pennsylvania.

H. Res. 858: Mr. GONZALEZ.

H. Res. 888: Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. CLAY, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, and Mr. HINCHEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4411

OFFERED BY: MR. DREIER

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Internet Gambling Prohibition and Enforcement Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—MODERNIZATION, OF THE WIRE ACT OF 1961
Sec. 101. Definitions.
Sec. 102. Modification of existing prohibition.
Sec. 103. Authorization of civil enforcement.
Sec. 104. Authorization of appropriations.
Sec. 105. Rules of construction.
Sec. 106. Sense of Congress.
TITLE II—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL, GAMBLING
Sec. 201. Policies and procedures required to prevent payments for unlawful gambling.
Sec. 202. Technical and conforming amendment.
TITLE III—INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS
Sec. 301. Internet gambling in or through foreign jurisdictions.

TITLE I—MODERNIZATION OF THE WIRE ACT OF 1961

Sec. 101. DEFINITIONS.

Section 1081 of title 18, United States Code, is amended—

(1) by designating the five undesignated paragraphs that begin with "The term" as paragraphs (1) through (5), respectively;

(2) by amending paragraph (5), as so designated, to read as follows:

"(5) The term 'communication facility' means any and all instrumentalities, personnel, and services (among other things, the receipt, forwarding, or delivery of communications) used or useful in the transmission of writings, signs, pictures, and sounds of all kinds by aid of wire, cable, radio, or an electromagnetic, photoelectronic or photooptical system, or other like connection (whether fixed or mobile) between the points of origin and reception of such transmission."; and

(3) by adding at the end the following:

"(6) The term 'bets or wagers'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game predominantly subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28; and

"(D) does not include—

"(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

"(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

"(iii) any over-the-counter derivative instrument;

"(iv) any other transaction that—

"(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

"(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

"(v) any contract of indemnity or guarantee;

"(vi) any contract for insurance;

"(vii) any deposit or other transaction with an insured depository institution;

"(viii) participation in any game or contest in which participants do not stake or risk anything of value other than—

"(I) personal efforts of the participants in playing the game or contest or obtaining access to the Internet; or

"(II) points or credits that the sponsor of the game or contest provides to participants free of charge and that can be used or redeemed only for participation in games or contests offered by the sponsor; or

"(ix) participation in any fantasy or simulation sports game or educational game or contest in which (if the game or contest involves a team or teams) no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization (as those terms are defined in section 3701 of title 28) and that meets the following conditions:

"(I) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants.

"(II) All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals (athletes in the case of sports events) in multiple real-world sporting or other events.

"(III) No winning outcome is based—

"(aa) on the score, point-spread, or any performance or performances of any single real-world team or any combination of such teams; or

"(bb) solely on any single performance of an individual in any single real-world sporting or other event.

"(7) The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

"(8) The term 'electronic fund transfer'—

"(A) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

"(B) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

"(9) The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

"(10) The term 'financial transaction provider' has the same meaning as in section 5361 of title 31 (as added by title II of this Act).

"(11) The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

"(12) The term 'gambling business' means a business of betting or wagering.

"(13) The term 'information assisting in the placing of bets or wagers' means information knowingly transmitted by an individual in a gambling business that enables or facilitates a bet or wager and does not include—

"(A) any posting or reporting of any educational information on how to make a legal bet or wager or the nature of betting or wagering, as long as such posting or reporting does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal; or

"(B) advertising relating to betting or wagering in a jurisdiction where such betting or wagering is legal, as long as such advertising does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal.

"(14) The term 'insured depository institution'—

"(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

"(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

"(15) The term 'interactive computer service' has the same meaning as in section 230(f) of the Communications Act of 1934.

"(16) The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations prescribed by the Secretary thereunder).

"(17) The terms 'own or control' and to be 'owned or controlled' include circumstances within the meaning of section 2(a)(2) of the Bank Holding Company Act of 1956.

"(18) The term 'person' includes a government (including any governmental entity (as defined in section 3701(2) of title 28)).

"(19) The term 'State' means a State of the United States, the District of Columbia, or a commonwealth, territory, or possession of the United States.

"(20) The term 'tribe' or 'tribal' means an Indian tribe, as defined under section 4(5) of the Indian Gaming Regulatory Act of 1988).

"(21) For purposes of Section 1085(b), the term 'account' means—

"(A) the unpaid balance of money or its equivalent received or held by an insured depository institution in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to an account, including interest credited, or which is evidenced by an instrument on which the depository institution is primarily liable; and

"(B) money received or held by an insured depository institution, or the credit given for money or its equivalent received or held by the insured depository institution in the usual course of business for a special or specific purpose, regardless of the legal relationships established thereby, including escrow funds, funds held as security for securities loaned by the depository institution, funds deposited as advance payment on subscriptions to United States Government securities, and funds held to meet its acceptances.".

SEC. 102. MODIFICATION OF EXISTING PROHIBITION.

Section 1084 of title 18, United States Code, is amended to read as follows:

"1084. Use of a communication facility to transmit bets or wagers; criminal penalties

"(a) Except as otherwise provided in this section, whoever, being engaged in a gambling business, knowingly—

"(1) uses a communication facility for the transmission in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States, of—

"(A) bets or wagers;

"(B) information assisting in the placing of bets or wagers; or

"(C) a communication, which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers; or

"(2) accepts, in connection with the transmission of a communication in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States of bets or wagers or information assisting in the placing of bets or wagers—

"(A) credit, or the proceeds of credit, extended to or on behalf of another (including credit extended through the use of a credit card);

"(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the other person;

"(C) any check, draft, or similar instrument which is drawn by or on behalf of the other person and is drawn on or payable through any financial institution; or

"(D) the proceeds of any other form of financial transaction as the Secretary of the Treasury and the Board of Governors of the Federal Reserve System may prescribe by regulation which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the other person,

shall be fined under this title or imprisoned not more than five years, or both.

"(b) Nothing in this section prohibits—

"(1) the transmission of information assisting in the placing of bets or wagers for use in news reporting if such transmission does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal;

"(2) the transmission of information assisting in the placing of bets or wagers from a State or foreign country where such betting or wagering is permitted under Federal, State, tribal, or local law into a State or foreign country in which such betting on the same event is permitted under Federal, State, tribal, or local law, or

"(3) the interstate transmission of information relating to a State-specific lottery between a State or foreign country where such betting or wagering is permitted under Federal, State, tribal, or local law and an out-of-State data center for the purposes of assisting in the operation of such State-specific lottery.

"(c) Nothing in this section prohibits the use of a communication facility for the transmission of bets or wagers or information assisting in the placing of bets or wagers, if—

"(1) at the time the transmission occurs, the individual or entity placing the bets or wagers or information assisting in the placing of bets or wagers, the gambling business, and, subject to section 1084(b)(3), any individual or entity acting in concert with a gambling business to process the bets or wagers are physically located in the same State, and for class II or class III gaming under the Indian Gaming Regulatory Act, are physically located on Indian lands within that State;

"(2) the State or tribe has explicitly authorized such bets and wagers, the State or tribal law requires a secure and effective location and age verification system to assure compliance with age and location requirements, and the gambling business and any individual or entity acting in concert with a gambling business to process the bets or wagers complies with such law;

"(3) the State has explicitly authorized and licensed the operation of the gambling business and any individual or entity acting in concert with a gambling business to process the bets and wagers within its borders or the tribe has explicitly authorized and licensed the operation of the gambling business and any individual or entity acting in concert with a gambling business to process the bets and wagers, on Indian lands within its jurisdiction;

"(4) with respect to class II or class III gaming, the game and gambling business complies with the requirements of the Indian Gaming Regulatory Act; and

"(5) with respect to class III gaming under the Indian Gaming Regulatory Act, the game is authorized under, and is conducted in accordance with, the respective Tribal-State compact of the Tribe having jurisdiction over the Indian lands where the individual or entity placing the bets or wagers or information assisting in the placing of bets or wagers, the gambling business, and any individual or entity acting in concert with a gambling business to process those bets or wagers are physically located, and such Tribal-State impact expressly provides that the game may be conducted using a communication facility to transmit bets or wagers information assisting in the placing of bets or wagers.

For purposes of this subsection, the intermediate routing of electronic data constituting or containing all or part of a bet or wager, or all or part of information assisting in the placing of bets or wagers, shall not determine the location or locations in which a bet or wager is transmitted, initiated, received or otherwise made; or from or to which a bet or wager, or information assisting in the placing of bets or wagers, is transmitted.

"(d) Nothing in this section creates immunity from criminal prosecution under any laws of any State or tribe.

"(e) Nothing in this section authorizes activity that is prohibited under chapter 178 of title 28, United States Code.

"(f) When any common carrier, subject to the jurisdiction of the Federal Communications Commission, is notified in writing by a Federal, State, tribal, or local law enforcement agency, acting within its jurisdiction, that any communication facility furnished by it is being used or will be used by its subscriber for the purpose of transmitting or receiving gambling information in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States in violation of Federal, State, tribal, or local law, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any common carrier for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State, tribal, or local tribunal or agency, that such facility should not be discontinued or removed, or should be restored.".

SEC. 103. AUTHORIZATION OF CIVIL ENFORCEMENT.

Chapter 50 of title 18, United States Code, is amended by adding at the end the following new section:

§ 1085. Civil remedies

"(a) JURISDICTION.—The district courts of the United States (in addition to any other remedies under current law) shall have original and exclusive jurisdiction to prevent and restrain violations of section 1084 by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under section 1084.

"(b) PROCEEDINGS.—

"(1) The United States may institute proceedings under this section—

"(A) to obtain injunctive or declarative relief, including but not limited to a temporary restraining order and a preliminary injunction, against any person (other than a financial transaction provider) to prevent or restrain a violation or a threatened violation of section 1084;

"(B) in the case of an insured depository institution that is a financial transaction provider, to—

"(i) restrain an account maintained at such insured depository institution if such account is—

"(I) owned or controlled by a gambling business; and

"(II) includes proceeds of, or is used to facilitate a violation of, section 1084; or

"(ii) seize funds in an account described in subparagraph (i) if such funds—

"(I) are owned or controlled by a gambling business; and

"(II) constitute the proceeds of, were derived from, or facilitated, a violation of section 1084.

"(C) The limitation in subparagraph (A) shall not apply if the financial transaction provider is a gambling business within the meaning of section 1081(12), in which case such financial transaction provider shall be subject to the enforcement provisions under subparagraph (A).

"(2) The attorney general (or other appropriate State official) of a State in which a communication in violation of section 1084 allegedly has been or will be initiated or received may institute proceedings under this section to obtain injunctive or declarative relief to prevent or restrain the violation or threatened violation. Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a temporary restraining order, a preliminary injunction, an injunction, or declaratory relief against any person (other than a financial transaction provider) to prevent or restrain a violation or threatened violation of section 1084, in accordance with rule 65 of the Federal Rules of Civil Procedure.

"(3) Notwithstanding paragraphs (1) and (2), for a communication in violation of section 1084 that allegedly has been or will be initiated or received on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act)—

"(A) the United States shall have the enforcement authority provided under paragraph (1);

"(B) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact; and

"(C) if there is no applicable Tribal-State compact, an appropriate tribal official may institute proceedings in the same manner as an attorney general of a State.

No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act.

"(4) Notwithstanding paragraph (3), no relief shall be granted under this section against a financial transaction provider except as provided in paragraph (1).

"(c) No damages, penalty, or forfeiture, civil or criminal, shall be found against any person or entity for any act done in compliance with any notice received from a law enforcement agency.

"(d) Relief granted under this section against an interactive computer service (as defined in section 230(f) of the Communications Act of 1934) shall—

"(1) be limited to the removal of, or disabling of access to, an online site violating section 1084, or a hypertext link to an online site violating such section, that resides on a computer server that such service controls or operates; except this limitation shall not apply if the service is violating section 1084 or is in active concert with a person who is violating section 1084 and receives actual notice of the relief;

"(2) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

"(3) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating section 1084;

"(4) specify the interactive computer service to which it applies; and

"(5) specifically identify the location of the on-line site or hypertext link to be removed or access to which is to be disabled.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

In addition to any other sums authorized to be appropriated for this purpose, there are authorized to be appropriated to the Department of Justice for each of fiscal years 2007 through 2010 $10,000,000 for investigations and prosecutions of violations of section 1084 of title 18, United States Code.

SEC. 105. RULES OF CONSTRUCTION.

(a) Nothing in this Act may be construed to prohibit any activity that is allowed under Public Law 95–515 as amended (15 U.S.C. 3001 et seq.).

(b) Nothing in this Act may be construed to preempt State law prohibiting gambling.

SEC. 106. SENSE OF CONGRESS.

It is the sense of Congress that this Act does not change which activities related to horse racing may or may not be allowed under Federal law. Section 105 is intended to address concerns that this Act could have the effect of changing the existing relationship between the Interstate Horseracing Act (15 U.S.C. 3001 et seq.), and other Federal statutes that were in effect at the time of this Act's consideration; this Act is not intended to change that relationship; and this Act is not intended to resolve any existing disagreements over how to interpret the relationship between the Interstate Horseracing Act and other Federal statutes.

TITLE II—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

SEC. 201. POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING.

Chapter 53 of title 31, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

"§ 5361. Definitions

"For purposes of this subchapter, the following definitions shall apply:

"(1) Credit; creditor; credit card; and card issuer.—The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

"(2) Designated payment system.—The term 'designated payment system' means any system utilized by a financial transaction provider that the Secretary and the Board of Governors of the Federal Reserve System, in consultation with the Attorney General, jointly determine, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

"(3) Electronic fund transfer.—The term 'electronic fund transfer'—

"(A) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

"(B) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

"(4) Financial institution.—The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

"(5) Financial transaction provider.—The term 'financial transaction provider' means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local payment network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

"(6) Insured depository institution.—The term 'insured depository institution'—

"(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

"(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

"(7) Money transmitting business and money transmitting service.—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations prescribed by the Secretary thereunder).

"(8) Restricted transaction.—The term 'restricted transaction' means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5362 which the recipient is prohibited from accepting under such section.

"(9) Secretary.—The term 'Secretary' means the Secretary of the Treasury.

"(10) Unlawful gambling.—

"(A) In general.—The term 'unlawful gambling' means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use of a communication facility where such bet or wager is unlawful under any applicable Federal or State law in the State or tribal lands in which the bet or wager is initiated, received, or otherwise made.

"(B) Exclusion of certain authorized transactions.—The term 'unlawful gambling' does not include any intrastate or intratribal transactions authorized under section 1084(c) of title 18, United States Code.

"(C) Intermediate routing.—With respect to section 5362, the intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

"(11) Other terms.—The terms 'bet or wager', 'communication facility', 'gambling business', 'own and control', 'person', 'State', and 'tribal' have the same meanings as in section 1081 of title 18.

"§ 5362. Prohibition on acceptance of any financial instrument for unlawful gambling

"No person engaged in a gambling business may knowingly accept, in connection with the participation of another person in unlawful gambling—

"(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

"(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

"(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

"(4) the proceeds of any other form of financial transaction, as the Secretary and the Board of Governors of the Federal Reserve System may jointly prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

"§ 5363. Policies and procedures to identify and prevent restricted transactions

"(a) Regulations.—Before the end of the 270-day period beginning on the date of the enactment of this subchapter, the Secretary and the Board of Governors of the Federal Reserve System, in consultation with the Attorney General, shall prescribe regulations (which the Secretary and the Board jointly determine to be appropriate) requiring each designated payment system, and all participants therein, to identify and block or otherwise prevent or prohibit restricted transactions through the establishment of policies and procedures reasonably designed to identify and block or otherwise prevent or prohibit the acceptance of restricted transactions in any of the following ways:

"(1) The establishment of policies and procedures that—

"(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

"(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

"(2) The establishment of policies and procedures that prevent or prohibit the acceptance of the products or services of the payment system in connection with a restricted transaction.

"(b) Requirements for Policies and Procedures.—In prescribing regulations under subsection (a), the Secretary and the Board of Governors of the Federal Reserve System shall—

"(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify and block or otherwise prevent or prohibit the acceptance of the products or services with respect to each type of restricted transaction:

"(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing or prohibiting the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

"(3) consider exempting certain restricted transactions or designated, payment systems from any requirement imposed under such regulations, if the Secretary and the Board jointly find that it is not reasonably practical to identify and block, or otherwise prevent or prohibit the acceptance of, such transactions.

"(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

"(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

"(A) identify and block restricted transactions; or

"(B) otherwise prevent or prohibit the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

"(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

"(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that identifies and blocks a transaction, prevents or prohibits the acceptance of its products or services in connection with a transaction, or otherwise refuses to honor a transaction—

"(1) that is a restricted transaction;

"(2) that such person reasonably believes to be a restricted transaction; or

"(3) as a designated payment system or a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a),

shall not be liable to any party for such action.

"(e) REGULATORY ENFORCEMENT.—The requirements of this subchapter shall be enforced exclusively by—

"(1) the Federal functional regulators, with respect to the designated payment systems and financial transaction providers subject to the respective jurisdiction of such regulators under section 505(a) of the Gramm-Leach-Bliley Act and section 5g of the Commodities Exchange Act; and

"(2) the Federal Trade Commission, with respect to designated payment systems and financial transaction providers not otherwise subject to the jurisdiction of any Federal functional regulators (including the Commission) as described in paragraph (1).".

SEC. 202. TECHNICAL AND CONFORMING AMENDMENT.

The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

"5361. Definitions.
"5362. Prohibition on acceptance of any financial instrument for unlawful gambling.
"5363. Policies and procedures to identify and prevent restricted transactions.".

TITLE III—INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS

SEC. 301. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

EXTENSIONS OF REMARKS

RECOGNIZING TUNKHANNOCK TOWNSHIP, PENNSYLVANIA, AS IT CELEBRATES ITS 150TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Tunkhannock Township, PA, which is celebrating its 150th anniversary this year.

With an area of 38.9 square miles, Tunkhannock Township was once part of Coolbaugh Township that was founded in 1794. Tunkhannock Township became a separate township in 1830 and, in 1856, it was officially formed.

Two of the earliest known settlers were Peter Merwine, who arrived in 1804 and George Altemose, who arrived about 1830. An 1875 map of Long Pond, the major community within the township, reflects that the land was primarily owned by Merwine and Altemose. Other owners included Nathan Hetter, Stephen Kistler, M. George, M. Heller, Levi Knecht, Mrs. Keiper, R.B. Bonser, H. Kingshold, J. Kresge, L. Bierman, P. Larzalere, Mrs. Barrall, E. Eckhart, Philip Henning and E. Christman.

According to the census of 1900, Tunkhannock Township had a population of 329. By 1960, the population had dwindled to 214. Today, the population has expanded to 4,983.

In its early days, the Township developed two sawmills that provided some employment opportunities and encouraged commercial activity. Three hotels emerged by 1856 including the Mount Pocono Hotel, Cold Spring Hotel and Tunkhannock Hotel. They all thrived from new settlers arriving to find land to build new lives and from weary travelers needing shelter and food.

In 1883, the first post office opened in Long Pond. A one-room elementary school opened in Long Pond although student populations were small. Electricity did not come to the township until about 1940.

Today Tunkhannock Township is, perhaps, best known as the home of the Pocono International Raceway, founded by Dr. Joseph Mattioli in 1968. The raceway has become internationally known and attracts hundreds of thousands of race fans annually. The facility is responsible for putting millions of dollars into the local economy over the years.

Mr. Speaker, please join me in congratulating Tunkhannock Township on this auspicious occasion. Tunkhannock Township enjoys a rich heritage as a quiet residential community which has given birth to a tremendous economic engine in the form of the Pocono International Raceway that is helping fuel the economy of the entire Pocono region and beyond.

IN RECOGNITION OF NOW-NYC'S 26TH ANNUAL SUSAN B. ANTHONY AWARDS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of NOW-NYC and the recipients of the 2006 Susan B. Anthony Awards and the Elizabeth Cady Stanton Award. Whether it's fighting against the appointment of Judge Alito, demanding an increase in the availability of emergency contraception or working to end the statute of limitations for rape in New York State, the members of NOW-NYC have been leaders in standing up for women's rights.

The Elizabeth Cady Stanton Award is presented to a woman of outstanding achievement who has made important contributions toward creating a more equal society and has served as a role model for other women. The Susan B. Anthony Awards honor women who have accomplished something remarkable. Each of this year's recipients has, in her own way, spoken up, spoken out, gotten involved and made a difference. They are our role models and heroines.

Councilwoman Gale Brewer, recipient of this year's Elizabeth Cady Stanton Award, is an outstanding member of the New York City Council, representing Manhattan's Upper West Side. She is a strong ally, a good friend and a champion of women's rights and human rights. Brewer has been instrumental in passing numerous laws, the most recent being the Human Rights Bill, which protects domestic partnerships from discrimination and retaliation in the workplace. In 2000, the Daily News hailed her as "One of 50 New Yorkers to Watch."

When the crime rate in their North Brooklyn neighborhood began to rise, Oraia Reid and Consuelo Ruybal started helping women take back the night by offering them a safe way home. In 2004 they founded RightRides, a not-for-profit organization that offers free late-night rides home to women in several Brooklyn neighborhoods and parts of the Lower East Side of Manhattan. Their creative response to improving women's safety so impressed Mayor Michael Bloomberg, that December 12, 2005, was named "RightRides for Women's Safety Day."

Nancy Lublin has proved that one person really can change the world. Recognizing that what you wear can make the difference between getting the job and getting shown the door, she created Dress for Success, which provides business attire for low income women who are seeking jobs. For many women, that would have been enough. But Nancy saw another need—the need to encourage kids to get involved in their communities and to recognize their achievements when they do. So she agreed to become CEO of Do Something, an organization, founded in 1993 by Andrew Shue (of Melrose Place) and Michael Sanchez, childhood friends who wanted to make community service as cool as sports. Do Something has distributed over 1 million dollars through its Brick Awards to young people who are making a difference in their communities. In 1998, CNN dubbed the BRICK Awards "The Oscars for young people in service".

Former NOW-NYC President and current Chair of the Board, Jane Manning has taken her activism to the courts as well as to the streets. A graduate of Yale College and NYU Law School, Jane served as Assistant District Attorney for six years and currently defends women's rights as a human rights attorney for the non-profit organization Equality Now. A dedicated advocate for victims of domestic violence, sexual violence, and trafficking, Jane launched NOW-NYC's campaign to repeal New York's statute of limitations on rape cases and works closely with human rights groups to bring an end to the human rights epidemic of trafficking in women. Recently she represented a coalition of feminist organizations before New York State's highest court, arguing as amici curiae to reverse an appellate court decision that would have made the defense of extreme emotional disturbance almost universally available to men who kill their wives or girlfriends. In a unanimous decision, the court reversed the lower court's decision and ruled in favor of the feminist groups.

Finally, I want to congratulate Kathleen Ham, a symbol of courage to rape victims around the country. She is one of the reasons I fought so hard to pass the Debbie Smith Act. In June of 1973, Kathleen Ham was brutally attacked and raped in her New York apartment. Although the suspect was immediately apprehended while fleeing the scene, the trial resulted in a hung jury. In 2005, DNA technology linked the man charged in her rape definitively not only to her rape but also to at least 23 other rapes in Maryland and New Jersey over the past 32 years. Knowing that this serial rapist must be put behind bars, Ms. Ham courageously decided to take the stand once again, and to go public with her identity and story. When she came forward, nine other women also came forward to say that this man had raped them. Their stories are being used to illustrate the absurdity of New York's five-year statute of limitations for rape.

Mr. Speaker, I request that my colleagues join me in paying tribute to the 2006 Elizabeth Cady Stanton and Susan B. Anthony Award winners.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING DISNEY TEACHER AWARD HONOREE LYNN ASTARITA GATTO

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Ms. SLAUGHTER. Mr. Speaker, Aristotle once said "All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth."

With this wisdom in mind, I rise today to honor an outstanding New York State teacher, Lynn Astarita Gatto, and to congratulate her on being chosen as a recipient of the 2006 Disney Teacher Award. Ms. Gatto is a second grade teacher at Henry Hudson Elementary No. 28, a school located in my Congressional district.

Each year a select group of teachers across the country are chosen as Disney honorees by a group of their peers that includes representatives from leading educational institutions and former Disney award honorees. This year, 44 winners were chosen out of a field of over 75,000 teachers. Ms. Gatto was among this elite group and is being acknowledged for her creativity, innovative teaching methods, and ability to inspire students.

An educator for over 30 years, Ms. Gatto has devoted her life to the betterment of children. Her life-long service warrants particular praise because she has spent the majority of her career in an urban school largely made up of children from low-income families and those struggling with poverty. Ms. Gatto has chosen to focus her energy on students with differing abilities and has provided them with the tools needed for building successful futures.

In addition to her innovative work at Henry Hudson Elementary, Ms. Gatto has published articles in teacher journals, contributed to academic books, and written science modules for elementary school students. Each spring, she teaches a course at the University of Rochester's Warner School of Education on the theory and learning of elementary science. Ms. Gatto was also recognized in 2004 for her excellence in teaching when she was chosen as the New York State Teacher of the Year.

Mr. Speaker, I once again ask that you join me in congratulating Ms. Lynn Astarita Gatto on being selected as a Disney Teacher Award honoree and for her tireless efforts to empower her students. She is a role model to educators, and an inspiration to us all.

RECOGNIZING THE 100TH ANNIVERSARY OF THE GIANT'S DESPAIR HILL CLIMB IN LAUREL RUN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Sports Car Club of America and Laurel Run Borough, sponsors of the Giant's Despair Hill Climb in Laurel Run, Luzerne County, Pennsylvania, which is celebrating its 100th anniversary this year.

Begun in 1906 as a supreme test of man and automotive machine, the hill climb has captured the imagination of many of America's premier race drivers and has provided a challenging course that has continued to attract racing aficionados year after year for the past century.

Over the years, the Giant's Despair Hill Climb has played host to some famous personalities who dared to challenge the course's grueling and dangerous turns. Those people included Hugh Harding, Louis Chevrolet, Ralph DePalma, Carroll Shelby, Roger Penske, Bud Faust, Dellevan Lee, Dave Garroway, John Van Meyer, Oscar Koveleski, Jackie Cooper, John Halbing and Ron Moreck.

Held just outside of Wilkes-Barre in Laurel Run Borough on East Northampton Street, the Giant's Despair Hill Climb starts out as a long, gently rising straightaway about one quarter mile in length that leads into a fast left turn that tests both nerves and skill. Then it goes on to a short chute and the "Devil's Elbow," a sharply rising hairpin turn that goes off camber at its crest. Next is a series of 90 degree turns connected by short straights. Finally comes the incline, a meandering quarter mile stretch that rises at 22 degrees to the finish line.

Ron Moreck finished the course in 39.914 seconds in 2001 and is the current race record holder.

The Northeast Pennsylvania Regional Sports Car Club of America predicts at least 10,000 race fans from West Virginia to Connecticut will come to the area to see the race and that over $100,000 in revenues will be generated for the local economy.

Oscar Koveleski, who won the race and set a new time record in 1977 that held for 15 years, described the event as one of the best hill climbs in the world. He also noted that the event has generated much interest from manufacturers of alternative fuel vehicles that include propane, electric hybrids, converted Indianapolis 500 cars that run on methanol, biodiesel and other fuels.

The original hill climb winner in 1906 finished the race in 2 minutes and 11 seconds. Technology and racing skills over the past 100 years have evolved to the point where the current record is 39 seconds.

Mr. Speaker, please join me in congratulating the organizers and participants of the Giant's Despair Hill Climb. Over the past century, they and their predecessors have established and maintained an event of epic proportions that has captivated and entertained generations of Americans and has contributed to the advancement of automotive technology that has served this Nation well in this era of global economy.

IN RECOGNITION OF ALICIA HOLLOWELL FOR OUTSTANDING ATHLETIC COLLEGIATE ACHIEVEMENTS AS PITCHER FOR THE NATIONAL CHAMPION ARIZONA WILDCATS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize Alicia Hollowell, a Suisun City resident and Fairfield High School graduate for her outstanding performance as a pitcher for the Arizona Wildcats.

Ms. Hollowell was born on February 29, 1984 to Doug and Suzanne Hollowell of Suisun City.

On June 6, 2006, Ms. Hollowell struck out 13 batters, while pitching a complete game in Arizona's 5–0 victory over Northwestern giving Arizona the 2006 NCAA Women's Softball Championship. For her efforts she was named the College World Series Most Outstanding Player.

Arizona's championship caps off a stellar collegiate career. During Ms. Hollowell's 4 years at Arizona, she compiled a 144 win 23 loss record with a minuscule earned run average under 0.90. In addition she struck out over 1700 batters.

Success is nothing new for Ms. Hollowell. While attending Fairfield High School she received the Gatorade Player of the Year award which is considered by many as the most Prestigious High School Athletic Award.

She left Fairfield High as the recordholder for strikeouts in a season, strikeouts in a career, and most wins in a career. A true testament of her will to win was her 61 strikeout performance in a 30 inning game.

On June 19, 2006, another of Ms. Hollowell's goals was fulfilled when she was named for the second straight year to the USA Softball Women's National Team where she will be competing for her second straight International Softball Federation World Championship in China.

As Alicia moves to the next phase of her life I wish her continued success. I know she will continue to represent the United States well.

TRIBUTE TO THE PATRIOTISM AND HEROISM OF MEL RING

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the patriotism and heroism of Mr. Mel Ring.

Mr. Ring served with distinction in the Army Air Corps during the harrowing days of the Second World War. As a B–17 crew member in the 815th Squadron of the 483 Bombardment Group, Mr. Ring and his fellow crew members played an integral role in the Allied defeat of Nazi Germany.

The crew of the *Good Deal* formed in November 1943 with Mr. Melbourne Ring of

Crook, CO, as one of the 13-member crew, which included Paul-E. Ray, Warren O. Griffin, Carl B. Hardy, Gerald Kramer, Foster F. Knight, James I. Korshak, Walter J. Gladieux, August O. Bresciz, Theodore Engelun, Fred A. Clark, Jr., Robert J. Dalzin, and John M. Spear.

On April 12, 1944 Mr. Ring and the crew of the *Good Deal* participated in their first mission to Split, Yugoslavia. In the following months, the crew of the *Good Deal* saw action over Toulon, Milan, Weiner Neustadt, Vienna, Budapest, Blechhammer, Ploesti, and Memmingen.

Despite the fact that 14 of 26 American B–17s were lost over the German town of Memmingen on July 18, 1944, Mr. Ring and his crewmates successfully downed seven German fighters.

Mr. Speaker, I am proud of Mr. Ring's distinguished service and humbled by his courageous patriotism. The sacrifices he and the men of the *Good Deal* made to ensure the liberty and freedom of future generations will never be forgotten. I urge my colleagues to join me in honoring Mr. Melbourne D. Ring and the crew of the *Good Deal*.

TRIBUTE LINDA HIRVONEN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. STUPAK. Mr. Speaker, I rise to recognize an outstanding individual who has dedicated the last nine years of her life to spurring economic growth and development in Michigan's Upper Peninsula.

Ms. Linda Hirvonen retired at the end of June as Director of the Delta County Economic Development Alliance. During her time there, she worked tirelessly on economic and community development in northern Michigan.

Ms. Hirnoven was critical to business and job growth in Delta County. As of April 2006, there were 2,400 more people in the workforce than when she began in 1997. Ms. Hirvonen assisted 575 individuals and companies looking to start a business or relocate in Delta County. Those statistics are impressive and speak to Ms. Hirvonen's record of success and accomplishment. However, they only tell part of the story. What she will perhaps be remembered for most is the leadership and vision in economic development that she brought to the job and to Delta County.

Ms. Hirvonen is credited by many as coining the term "coopetition," the concept that private businesses should cooperate with each other and with nonprofits to develop the community infrastructure that will facilitate economic growth and lay the foundation for a stable business environment. This concept of "coopetition" has guided Delta County's Economic Development Alliance and the many programs that Ms. Hirvonen developed during her tenure.

Ms. Hirvonen was instrumental in the creation of the Upper Peninsula Economic Development Alliance and served as the Alliance's first president. She saw to the creation of the Bay Area Economic Club and served as the Club's permanent board secretary. She pioneered the creation of Delta Force, the community leadership development program.

A newcomer herself to the area in 1997, Ms. Hirvonen established a program through the Alliance that provides a network of support for newcomers to Delta County. She recognized that for the community to grow, newcomers to the area need to feel welcome. The newcomers unit provided a valuable network for those individuals and businesses that are new to Delta County.

Ms. Hirvonen also led the Alliance's efforts to better assess the needs of existing businesses in the Upper Peninsula. Thanks to her leadership, the Economic Development Alliance implemented the Upper Peninsula Business Barometer, a UP-wide survey of existing businesses to better understand business' needs and strengths.

The overarching goal of the Economic Development Alliance has been to support and assist business creation, growth and expansion in Delta County. Ms. Hirvonen has been tremendously successful in advancing that goal, attracting several businesses to Delta County. She is particularly proud of one new business, Issues and Answers Network. This business came to Delta County in 2001 and, with the Alliance's help, opened two more locations throughout the Upper Peninsula. The company employs 150 people in Escanaba and, thanks to this expansion, Issues and Answers should employ more than 300 people throughout the Upper Peninsula by the end of this year.

Mr. Speaker, Ms. Linda Hirvonen has made it her business to see to business expansion and growth in Delta County and in the Upper Peninsula. Bringing business and economic growth to smaller, rural communities is often challenging. It can only happen when people like Ms. Hirvonen dedicate themselves to the effort. Today, after nine years of distinguished service to her community, I congratulate Ms. Hirvonen on a job well done.

Her husband, Dr. Michael Allkins, recently retired himself. The two of them will now have more time for their mutual pastimes of golf, long walks on sandy beaches and martinis at sunset. To both of them, I say: enjoy, you have earned it.

Mr. Speaker, I ask that you and the House of Representatives join me in congratulating my friend, my constituent, Ms. Linda Hirvonen and thanking her for her hard work and nine years of service to Delta County and Michigan's entire Upper Peninsula.

SUPPORT FOR EAST TIMOR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, several of us in the House are proud of the role we played in helping gain independence for the new nation of East Timor, and we have been pleased by the commitment of the leaders of that new nation to democracy. In particular, we believe that the President, Xanana Gusmao, and the former Foreign Minister and newly-designated Prime Minister, Jose Ramos Horta, have shown a commitment to the maintenance of a fully democratic society. In fact, President Gusmao—widely known and revered by the people of East Timor as Xanana—worked to get a candidate to oppose him in the first presidential election in the country because he wanted to set the right precedent.

It was with great sadness therefore that we watched the violence that wracked this small country in recent weeks, and we believe that it is very important that the responsible leadership of East Timor receive the support they need to make this violence a temporary interruption in their progress as a nation. One very important element in this effort is the United Nations, contrary to those who would dismiss the UN as of no use in today's world. In a recent article in the Boston Globe, Prime Minister Ramos Horta and Raj Purohit make the case that "it is vital that the UN continue to lead an inclusive effort to insure that Timor-Leste (the Portuguese official name for East Timor) becomes a strong democratic member of the international community." In addition to the UN, Australia has played a very constructive role in helping deal with the problems of this new nation.

Mr. Speaker, the recent violence is a sad fact, but it should not lead to pessimism about the longer-term future of East Timor. Instead, members of the international community should heed the words of Jose Ramos Horta and Raj Purohit and support the steps that will lead to a stable and democratic future for this new nation. In particular, they ask that the new UN Peace Building Commission make East Timor one of the objects of its work, and I hope that this request will be supported by the United States Government and honored by the Peace Building Commission so that, in the words of the authors of this article, we can see that "Timor-Leste finally takes its place among the world's stable democratic countries."

[From the Boston Globe]

JOSE RAMOS HORTA AND RAJ PUROHIT

In recent weeks commentators have framed the uprisings in Timor Leste as a country that has spiraled into violence despite UN peacekeepers. This gives the false impression that the United Nations has failed in the country formerly known as East Timor. The reality is significantly different.

Having declared its independence a mere four years ago, Timor Leste is still a fledgling nation emerging from the aftermath of a long, and often bloody, struggle for freedom. Though citizens have been ably assisted by various UN missions as they attempt to build the country, Timor Leste still has many challenges to overcome. These challenges include speeding up reconciliation, building a democratic political culture, instilling the rule of law, and creating an economy that is able to provide sustainable livelihoods for its people.

While critics correctly note that efforts for reintegration and development must be redoubled, they fail to note that international commitment to long-term peace-building processes must also be redoubled. Peace-building processes that pay attention to a nation's need to feed, employ, govern, and heal itself are essential in any nation-building process. But the world failed to offer sufficient assistance to Timor Leste. The world community, including the United States, moved on to the next failing state before Timor Leste had sufficient strength to stand on its own.

Now we are at the point in Timor Leste's nation-building process where the key stakeholders need to make a calculated assessment of what needs to be done next, coupled with a renewed political and financial commitment to a UN-driven process. Yes, missteps occurred, but this does not demand a radical change of direction nor should nations abandon Timor Leste at this critical juncture.

The first order of business is to address the violence caused by the dismissal of 600 striking soldiers. In the short term, the combination of regional and UN assistance coupled with a commitment from local government officials to address the tension will help dampen the fighting. In the long term, Timor Leste, working with regional governments, in particular Australia, will need to address the broad security challenges underlying the current instability.

Second, and perhaps more significant, it is vital that the UN continue to lead an inclusive effort to ensure that Timor Leste becomes a strong, democratic member of the international community. The UN is the logical body to coordinate this initiative and it seems logical that the new UN Peace Building Commission should play a central role in this effort.

The Peace Building Commission was formed to improve the coordination of relevant actors within and outside the UN and to extend the period of attention given by the international community to post-conflict recovery. In the case of Timor Leste, the commission should coordinate efforts to ensure that:

There is an aggressive and sustained campaign to improve the livelihood of Timor Leste's people. This effort requires local buy-in and assistance from the World Bank and national and regional development groups.

Local systems of governance are developed and respect for the rule of law is cultivated. In particular, emphasis should be placed on judicial institutions, which will enable accountability for past and current crimes.

Peace and security is guaranteed for Timor Leste. Peacekeepers, instead of leaving prematurely, must remain to support military and police troops.

The Peacebuilding Commission is selecting which post-conflict nation-states to adopt. Along with Burundi and Sierra Leone, Timor Leste is high on the list. The world community has an opportunity to rally behind Timor Leste, rather than abandon it, and help this nation become healthy and strong—a peace-building process that will take a long-term commitment from every international institution.

Ian Martin, former special representative for the UN secretary general for East Timor, is forecasting a larger role for the UN. He should recommend that the Peacebuilding Commission take the lead in ensuring Timor Leste finally takes its place among the world's stable democratic countries.

HONORING SPRINGHILL MEDICAL CENTER AS A LEADER IN HEALTHCARE TECHNOLOGY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to Springhill Medical Center.

For the past 31 years Springhill Medical Center has served the people of south Alabama through quality medical service. The administration and staff of Springhill Medical Center pride themselves on numerous services they provide to the community while maintaining a personalized approach to patient care.

I am proud to say that Springhill Medical Center is recognized as being in the top 5 percent of the most technically advanced hospitals in the United States. As a result of the hospital's investment in this technology, Springhill Medical Center was honored as a 2006 Laureate by the Computerworld Information Technology Awards Foundations.

Springhill Medical Center was nominated and received this award based on the hospital's operations in the days following Hurricane Katrina. The high volume of patients treated following the hurricane would not have been possible without the integrated technology the hospital had in place. In the aftermath of Hurricane Katrina, the emergency room provided services to as many as 72 patients at one time. In the month following Hurricane Katrina, the hospital treated 600 more patients than the same time period the previous year.

Upon receiving the award, Mr. Bill Mason, president and CEO of Springhill Medical Center, said, "Our firm decision to significantly invest in our electronic information resources has paid off for our patients and for the physicians, nurses, and technicians who care for them, and the hospital. We've been able to offer our medical staff a tool that complements the excellent care offered at Springhill Medical Center."

Mr. Speaker, it is my great honor to recognize the administration and staff of Springhill Medical Center and their continuing leadership in healthcare technology and commitment to quality healthcare services throughout south Alabama.

RECOGNIZING THE SOUTH EL MONTE EMERGENCY RESOURCES ASSOCIATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Ms. SOLIS. Mr. Speaker, it is with great honor that I rise today to congratulate the South El Monte Emergency Resources Association in honor of their 50th anniversary. I am proud to recognize the invaluable contributions and charity of the South El Monte Emergency Resources Association on this historic occasion.

For over 50 years the mission of this small organization has been to "prevent homelessness and maintain stability by providing the basic needs of food, clothing and shelter for families and individuals in times of crisis." And for 50 years the South El Monte Emergency Resources Association has not faltered in upholding their noble and honorable mission. The impact they have had on thousands of lives is immeasurable. By implementing the American spirit of humble and compassionate charity, the South El Monte Resources Association has come to embody the best of the American people.

The association began their mission by providing second-hand clothing to children in unfortunate circumstances. Through the years they have expanded their services to include the provision of emergency food, clothing, home furnishings, sheets, blankets, medical supplies, and medical equipment to members of the community. Yet the work of the South El Monte Emergency Resources Association is not limited to these services; it extends beyond material assistance to provide moral support and guidance.

Today, in the face of poverty, homelessness, suffering, and insurmountable circumstances, we have hope because of groups like the South El Monte Emergency Resources Association. Without the support and assistance of such organizations, our many impoverished children, seniors, and community members would be left out in the cold with no hope in sight. Today we recognize the priceless services that charitable organizations provide to our society and I congratulate the South El Monte Emergency Resources Association for 50 years of being a model compassionate organization.

TRIBUTE TO SONNY DOLCI

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. ISRAEL. Mr. Speaker, I rise today with a heavy heart to share with my colleagues the passing of Sonny Dolci. Most Members of the House never met Sonny Dolci. But everyone has a Sonny Dolci in their congressional district.

Sonny Dolci was a veterans' leader in Northport, Long Island. He died 3 days before Independence Day. And he had a special link to that day. Because he embodied the finest qualities of great Americans who refused to say 'no' when it came to their country or their community.

When the veterans of Northport wanted to build a new facility, Sonny Dolci said, "Give me the shovel."

When community leaders wanted to organize a celebration of Northport, Sonny helped lead what is today one of the largest festivals on Long Island: Cow Harbor Day.

When a Korean War memorial was planned, Sonny traveled to eastern Long Island, and climbed amongst the rocks to find the perfect facing.

Sonny would not take no for an answer.

That is really what Independence Day is about: the Americans who refused to say no when faced with challenge.

Two hundred thirty years ago, George Washington found himself surrounded in NY by the most powerful Navy on earth. He didn't give in, he kept up the fight for independence. And we replaced foreign monarchy with American democracy.

One hundred fourty years ago, Abraham Lincoln lost battle after battle for American unity. He didn't give up. He kept fighting until we replaced slavery with liberty.

And 60 years ago, men like Sonny Dolci left their homes for World War II and then Korea. They refused to say no to defeating tyranny and totalitarianism.

They came home, and looked at the moon. And when President Kennedy said we could even defeat the distance of space, they said, "Let's go".

That determination and spirit made us the country we are today. They wouldn't take no for an answer. And neither should we.

The threat today is our reliance on foreign oil. Our generation needs a Declaration of Energy Independence. If we can beat the British, defeat slavery, triumph in World War II and land Americans on the moon, we can design vehicles that get more than 40 miles per gallon. That is today's challenge.

Sonny Dolci never said "It's too hard" when it came to the safety and security of his country, his community, his comrades, or his children.

And as long as his spirit and fortitude lives in each of us, we will give the next generation of children the peace and security that Sonny fought and worked to give us.

And that is the greatest legacy of all.

TRIBUTE TO THE LATE JUDGE CORDELL MEEKS, JR.

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to an outstanding Kansas jurist who recently was taken from us too soon: 29th Judicial District Court Judge Cordell Meeks, Jr., who died unexpectedly on June 28th of a heart attack at age 63.

Born and raised in Kansas City, Kansas, Judge Meeks served on the bench for nearly 26 years. A graduate of the University of Kansas and of KU's School of Law, he was a senior partner in the law firm of Meeks, Sutherland and McIntosh when he was appointed by Governor John Carlin in 1980 to fill a vacancy on the bench created by the death of his father, Cordell D. Meeks, Sr., the first African-American district court judge in Kansas.

Described as a "firm but fair" judge who maintained strict courtroom decorum, Judge Meeks also served on the boards of numerous community groups and civic organizations, including Children's Mercy Hospital, Rockhurst University, and the Liberty Memorial Association. He also served as a colonel and senior military judge in the Kansas Army National Guard. In 1999, he became the first African-American to serve on the board of the Truman Museum, a position he considered an honor because his father had been a friend of President Truman. In 2001 he was elected president of the American Lung Association.

Additionally, Judge Meeks was an active alumnus of the University of Kansas, where he served on the advisory board for minority development for KU's graduate school and for KU's Edwards Campus in Overland Park. In 2002, he received the alumni association's Fred Ellsworth Medallion, the organization's highest award for service to the University. As KU Chancellor Robert Hemenway said upon learning of Judge Meeks' death, "I know of no one who better understood than Cordell the importance of higher education and the door to opportunities that it opens. Cordell was an inspirational leader for racial equality in our region. He motivated us all to do better. We will miss him dearly."

Mr. Speaker, I was privileged to have known Cordell Meeks personally for many years. We first met during my junior year at the University of Kansas, where we both served as counselors in Joseph R. Pearson Residence Hall, and we remained close friends since that time, as we both progressed through careers in law. Judge Cordell Meeks truly was a well-respected member of our community whose life and work were centered around the basic ideals he held dear: justice, hope, strength, community and family. He was a valued friend and I know that all members of the Kansas City community join with me in sharing our thoughts and prayers with his widow, Mary Anne, and their son, Cordell, III, during their time of loss.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. BONNER. Mr. Speaker, on Thursday, June 29, 2006, I was absent for a vote. Had I been present, I would have voted "yea" on rollcall 357.

RECOGNIZING THE CONTRIBUTIONS OF ELVIRA "VERA" DURAZO

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Ms. SOLIS. Mr. Speaker, I rise to pay tribute to Elvira "Vera" M. Durazo of El Monte, California, a dedicated and compassionate woman known as the "Grandmother" of Mexican cuisine in the greater El Monte area, who passed away on June 24, 2006.

Vera opened the first Mexican food restaurant and tortilla factory in El Monte known as "Durazo's", bringing a taste of Mexico to the San Gabriel Valley. After many successful years at Durazo's, Vera turned her focus to contributing to the community as a volunteer. For more than three decades, Vera assisted the sight impaired and homebound elderly. She also organized the Convalescent Patient Project, which now gives more than 150 patients birthday and Christmas gifts in the El Monte area per year, and volunteered at health fairs and clinics, the monthly mini-mart at the Hack Crippen Senior Center, and Meals on Wheels.

Vera was particularly committed to the elderly in the local Latino community and founded the Club Hispano Americano. Club Hispano Americano is the largest Hispanic philanthropic organization for the elderly in the San Gabriel Valley.

Vera is survived by one son Edward Durazo, two daughters Rebecca Ramirez and Evelyn Prudhomme, eight grandchildren, thirteen great-grandchildren and four step-great-grandchildren. She will be dearly missed by her family, friends, and the community.

A TRIBUTE TO ALAN SENITT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. ACKERMAN. Mr. Speaker, on behalf of myself, Mr. WAXMAN, Mr. LANTOS, Mr. ENGEL and Ms. WASSERMAN SCHULTZ, I'd like to express our shock and horror at the death of Alan Senitt in Washington, DC, early yesterday morning.

Each of us came to know Alan as a staffer for Lord Greville Janner of Braunstone, United Kingdom. Lord Janner is a leader in European efforts to fight anti-Semitism and racism, and is the founding chairman of the International Council of Jewish Parliamentarians, an organization of which we are all members. Alan played a critical role in helping to bring this organization into existence.

Alan was a kind, dedicated and good person, a young man with enormous potential and great hopes for trying to build a better world. Alan devoted himself to a life in politics and intercommunal dialogue because he understood that it is only by effort and commitment that the wounds of our world can be knit up.

In a life of only 27 years, Alan was a dynamic student leader, an energetic voice for British Jewry and pro-Israel advocacy, a talented leader in the campaign against racism and bigotry, and a candidate for public office. The future he was so brutally denied would surely have been no less full of struggle, achievement and success.

His death is a tragic loss for each of us, the Jewish community in the United Kingdom, his wide circle of friends and, most of all, his family.

Our thoughts and prayers go out to the Senitt family: his parents, Karen and Jack, and his siblings, James and Emma, who have been so cruelly robbed of their son and brother. Alan leaves behind a legacy of compassion, vitality, good works and a vast potential tragically curtailed. He will be deeply missed.

IN RECOGNITION OF FIRST UNITED METHODIST CHURCH OF PACE'S NEW SANCTUARY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. MILLER of Florida. Mr. Speaker, it is a great honor for me to rise today to extend my congratulations to First United Methodist Church of Pace on the opening of their new sanctuary.

First United Methodist Church of Pace was founded in 1955 and has since grown to be a vital part of the Santa Rosa County community. The congregation began meeting in a single room of a cement block shop. The church has grown in many ways, most recently with the addition of their new sanctuary. In 1992 a building committee was formed to look into the possibility of expanding First United Methodist Church of Pace's facilities. With the financial and spiritual support of the congregation this vision has now become a reality.

From their humble beginning over 50 years ago, First United Methodist Church of Pace has blossomed into a thriving place of worship.

Mr. Speaker, on behalf of the United States Congress, I would like to offer my heartfelt congratulations to First United Methodist Church of Pace on the opening of their new sanctuary. The dedication of the congregation to their church should be commended, and I am pleased to have First United Methodist Church of Pace in my district.

RECOGNIZING CENTENARIAN MARY MAYNARD OF CITRUS COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Mary Maynard of Citrus County, Florida. Mary will soon do something that all of us strive for, but that very few of us will ever accomplish, celebrate her 100th birthday.

Born August 5, 1906 on a farm near Rushville, Indiana, Mary attended Webb High School in Rushville and later graduated from business college.

A farmer's wife until 1948, Mary eventually embarked on a career as a bookkeeper, real estate and mobile home salesperson and working for a prominent builder in Indianapolis selling new homes. In 1960, Mary and her daughter moved to Ft. Lauderdale where she continued her real estate and sales work.

Eventually settling in the Gulf Coast in 1975, Mary and her daughter moved first to Brooksville, and then in 1984 to Citrus County. Following several small strokes over the years, Mary has lived in Arbor Trails Nursing Home in Inverness, Florida for the past 3 years.

Her August 5th birthday celebration will be attended by family and friends from Minnesota, North Carolina, Indiana, Ohio and Florida. In fact, Mary has a long lineage spread across the country, including a son and a daughter, six grandchildren, twelve great grandchildren and ten great great grandchildren!

Mr. Speaker, I ask that you join me in honoring Mary Maynard for reaching her 100th birthday this coming August. I hope we all have the good fortune to live as long as she has.

HONORING JEFFREY D. THOMAS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Ms. LEE. Mr. Speaker, I rise today to honor Jeffrey D. Thomas of Oakland, California for his extraordinary service to California's 9th U.S. Congressional District. Following his work in the areas of politics, finance, and community development, Jeffrey served as the District Director in my Oakland District Office from January 2004 until June 2006. During that time, Jeffrey played an integral role as a leading member of my staff, and his enthusiasm for public service has brought a heightened sense of purpose to my office.

Jeffrey was born in Mississippi in 1963, in the midst of the social and political upheaval that marked life in the American South during the Civil Rights Movement. The son of a minister and a teacher, at an early age Jeffrey developed a keen awareness of the social conditions affecting his family and his community, and of the struggles faced by African Americans in the fight for civil rights. He recounts as a formative moment in his childhood the occasion when he saw one of my personal and professional mentors, Congresswoman Shirley Chisholm, on television for the first time, a moment that was so significant for him not only because of how inspired he was by her speech, but because of his amazement at the sight of another African American on television, which was a rare occurrence at the time.

Another part of his background that would shape his life in the years ahead was his involvement in the Head Start Program, a comprehensive childcare and development initiative for children in low-income families, funded by federal grants and matching money from local entities in communities across the country. Not only was Jeffrey a Head Start child himself, but his parents both worked with the program for a number of years while he was growing up. Furthermore, this program has remained a part of his life until the present, as he has gone on to represent my office on the local Head Start advisory board in Oakland.

After growing up in Mississippi, Nebraska, and Alabama, Jeffrey moved to Massachusetts, where he attended Brandeis University. Following his graduation, he began working in real estate, but was soon drawn to government and public service, accepting a job in the office of Senator EDWARD KENNEDY of Massachusetts, a position in which he worked on international finance, economic development and constituent services. Following his time there, he continued his work in the financial sector, serving as part of the Mortgage Bankers' Association, William Morris, and as a bank Vice President. After relocating to California to work with a startup software company, Jeffrey became increasingly involved in community development initiatives in the San Francisco Bay Area, serving on entities such as the Alameda Point Collaborative and the boards of local non-profit organizations.

Jeffrey became the District Director in my Oakland District Office in January 2004, and did an excellent job of bringing his experience in Senator KENNEDY's office as well as in the areas of finance, media, project management and staff management to bear on his service to the 9th Congressional District. Under his leadership an exceptional staff has been developed, and numerous initiatives in the areas of crime prevention, economic development, affordable housing, environmental protection, and poverty eradication have been introduced and successfully executed by my office. Of particular note has been his leadership on the Criminal Records Remedies program in my district, through which more than 2,000 nonviolent criminal records have been dismissed in only 12 months, allowing thousands of formerly incarcerated individuals the opportunity to obtain employment, housing, and the chance to successfully complete their reentry into society.

Jeffrey's service has been distinguished not only by his exceptional work ethic, but also his commitment to the people of California's 9th U.S. Congressional District. Today, Jeffrey's colleagues, friends, and wife Rachel will come together to celebrate his innumerable contributions to our community. On this very special day, I join all of them in thanking and saluting Jeffrey Thomas for his invaluable service to California's 9th U.S. Congressional District, and to wish him the very best as he begins the next chapter of his "spirit filled" life.

PAYING TRIBUTE TO ROBERT N. BROADBENT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. PORTER. Mr. Speaker, I rise today to pay tribute to the life and accomplishments of my friend and mentor Robert N. Broadbent, a lifelong resident of Southern Nevada who dedicated his life to public service. Robert Broadbent passed away in August 2003, but he left a legacy of honor and integrity that will not be forgotten.

Robert "Bob" Broadbent was born in Ely, Nevada on June 19, 1926. From a young age, his parents, N.E. "Broadie" and Hope Broadbent, instilled in him strong family values and a commitment to serving his community. Bob's father served as mayor of Ely for 16 years, and also served on the University Board of Regents and the State Pharmacy Board. During World War II, Bob served 2 years in the Army Air Corps. When he returned home, Bob attended the California Institute of Technology and the University of Nevada, Reno, before earning his bachelor of science degree in pharmacy from Idaho State University in 1950. Upon graduation from college, Bob began working at Rexall Drug in Boulder City, Nevada, and eventually purchased the drug store.

On January 4, 1960, Boulder City was officially incorporated under the State of Nevada. The city charter called for an elected five-member council, which would then choose one of its members as mayor. Bob was elected a member of the city council, and was then appointed to be the first mayor of Boulder City. The post entitled him to a seat on the board of directors for the newly formed Las Vegas Convention and Visitors Authority LVCVA. Bob served on the LVCVA board for 20 years and spent 8 of those years as chairman. Bob remained on the Boulder City Council until 1968. By that time, his love for politics had prompted him to run for the Clark County Commission. He won, and served 12 years on the Commission, representing a district that included Boulder City, Henderson and North Las Vegas. Bob also served as the Department of the Interior's Assistant Secretary for Water and Science under President Ronald Reagan, and was Clark County Director of Aviation from 1987–97. During his tenure as Director of Aviation, McCarran International Airport became one of the Nation's 10 busiest airports in the United States.

Though Bob served the State of Nevada with honor and distinction, his greatest legacy is his family. He and his wife Sue raised four children, Bob, Kathy, Doug and Michele, who became strong members of the southern Nevada community. They have 15 grandchildren and 5 great grandchildren.

There are several lasting monuments that add to the legacy of Bob Broadbent, including the Las Vegas Monorail, which is named in his honor. On Tuesday, July 4, 2006, the city of Boulder City named a park for him. A bust of Bob Broadbent now stands at the corner of 5th Street and Avenue B, on the northwest corner of the newly dedicated Broadbent Park, formerly known as Central Park, or the Pool Park, as the residents of Boulder City know it.

Bob's leadership was unsurpassed and his example was one of the driving forces behind my desire to be involved in public service. He was a valued friend who taught me a great deal about the political world and how to approach it with honor and integrity.

Mr. Speaker, I am honored to join with the people of Boulder City in paying tribute to Robert N. Broadbent on the floor of the House. His life stands as a tremendous example of leadership. He dedicated his life to enriching and improving our community and I am grateful for the legacy of service he left for the people of southern Nevada.

FREEDOM FOR DR. JOSE LUIS GARCÍA PANEQUE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to remind my Colleagues about Dr. Jose Luis García Paneque, a political prisoner in totalitarian Cuba.

Dr. García Paneque is a leader of the opposition movement in Cuba. He is a surgeon by training, and a member of the Cuban Independent Medical Association. He is also a leading independent journalist. As a director of the independent news agency Libertad and a member of the Manuel Marquez Sterling Journalists Society, Dr. García Paneque has also devoted his efforts to letting the world know the truth about the nightmare that is the Castro regime.

On March 18, 2003, as part of the tyrant's heinous island wide crackdown on peaceful, pro-democracy activists, Dr. García Paneque was arrested. After a sham trial, he was sentenced to 24 years in the totalitarian gulag. Let me be very clear, Dr. García Paneque is a young doctor in a dungeon because he is a supporter of freedom, democracy, and because he worked to shine the light of truth on the depravity and horror that is the Cuban tyranny.

The U.S. Department of State's Country Reports on Human Rights Practices—2005, describes the deplorable conditions in the totalitarian gulag, "Prison conditions continued to be harsh and life threatening." Unfortunately, this is far too true for Dr. García Paneque. According to various reports, he has lost over 40 kilograms while in prison. He has had to be hospitalized multiple times while incarcerated. The latest reports are especially disturbing. Once again hospitalized because of the depraved conditions in the totalitarian gulag, he is now suffering from various life threatening maladies.

The Castro tyranny is not only murdering Dr. García Paneque because he believes in liberty, they are also attacking his family. According to a report filed by Yamilet de los Angeles Llanes Labrada, "Dr. García Paneque's four children are psychologically affected by their father's imprisonment and by the constant harassment they are forced to sustain. At least three times a week, groups cry out dictatorship slogans from outside García Paneque's home." This is the grotesque reality of living under Castro's tyranny: if you demonstrate your belief in freedom, the tyrant will lock you in a dungeon and regime thugs will mercilessly attack your family.

Mr. Speaker, Dr. García Paneque is the face of the real Cuba. Despite these gangster tactics, heinous threats, and life threatening illness, Dr. García Paneque continues to demand human rights for the people of Cuba. He is languishing in an infernal gulag because he believes in freedom, truth, democracy, and human rights. His family is being constantly threatened because of these "dangerous" beliefs.

Mr. Speaker, it is unconscionable that journalists and physicians like Dr. García Paneque are locked in dungeons for writing the truth. At the dawn of the 21st Century, it must no longer be acceptable for anyone in the world, anywhere in the world, to be locked in a gulag for reporting the facts. My Colleagues, we must demand the immediate and unconditional release of Jose Luis García Paneque and every political prisoner in totalitarian Cuba.

HONORING HEARTLE WELLS FOR MORE THAN 25 YEARS OF EXEMPLARY SERVICE WITH AVERITT EXPRESS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. GORDON. Mr. Speaker, today I rise to honor Heartle Wells for more than 25 years of exemplary service with Averitt Express.

In honor of this milestone, Wednesday, July 12, has been declared "Heartle Wells Day" by his employer.

Through these many years, Heartle has done more than pick up and deliver freight in and around Lebanon in his red Averitt Express semi. In the community, both his sense of humor and his compassion are well-known and retold by many through "Heartle stories."

Heartle's co-workers tell me he is a prankster whose jokes have grown to urban myth proportions over the years. But Heartle also has a serious side, and he always has taken the time to help customers with special situations and community members in need.

I commend Heartle for providing an example to his fellow driver sales associates and the citizens of Wilson County that extends beyond his red cab. I congratulate him on his 25 years of service, and I wish him many more years of success.

TRIBUTE TO DOYLE WILLIS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to offer my deep heart-felt regrets for the loss of a great Texan, Doyle Willis, who dedicated 42 years of his life to Texas politics, and was fondly described as "one of the last remaining war horses in Texas," by former Fort Worth City Councilman Jim Lane.

Mr. Willis was a World War II veteran who proudly represented central Fort Worth as both a State Senator and as a House Representative between 1947 and 1997, marking his 42 year career as the second longest tenure in Texas history.

Often referred to as a legend in Texas politics, Mr. Willis, was well known for looking after the best interests of his constituents, his fellow veterans, and in his own words, "the two classes of people I need to worry about in the Texas Legislature are the old and young people."

His accomplishments included helping establish laws that let victims of child abuse give court testimony by videotape and enabling them to avoid face-to-face confrontations with their abusers.

He earned the Bronze Star medal in World War II when he fought in the Pacific, and later became a strong voice for advocating veteran's causes.

During his tenure in the Texas Legislature, he was instrumental in drafting many of Texas' civil service laws protecting police officers and firefighters. As a Texas legislator, Mr. Willis made it a felony to steal someone's dog.

Born August 18, 1908, on a farm near the small town of Peeltown located in rural Kaufman County southeast Dallas, Mr. Willis attended the University of Texas and earned degrees in education and economics and later attended Georgetown School of Law where he earned his JD.

Since retiring from the Texas House of Representatives in 1997 and until a few months before his death, he remained an active lawyer and a stagnant participant in his civic duties.

Mr. Willis was known as a friend to every man and woman who ever wore a uniform and spent the majority of his tenure making life better for all veterans.

HONORING IRMA COLEN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Ms. HARMAN. Mr. Speaker, I rise to honor Irma Colen, an extraordinary philanthropist and dear friend who died last week.

Irma gave her time and energy to many needy causes in Southern California. She volunteered countless hours at scores of civic and philanthropic organizations, serving on the boards of the ACLU Foundation, the University of Judaism, and many others.

But it was health care for needy families which held a special place in her heart. When Irma was 12 years old, she had rheumatic fever and had to spend many days in a public hospital. "I know that if I were going to get better, it would be because the people taking care of me truly cared about my health," she said many times over the years. This childhood experience spurred a lifetime of support for the Venice Family Clinic, which provides free health care to homeless, needy, and uninsured members of the Venice community.

Irma worked over 30 hours a week at the Clinic, and countless other hours in the community getting others interested and involved. She was a force of nature, working tirelessly to develop the Clinic's private support base and programs. As a member of the Clinic's Board in 1999 and 2000, I observed Irma's effectiveness in raising millions.

Among Irma's most creative and best known fundraisers for the Clinic was the Venice Art Walk, which she and other volunteers organized in 1981. The event, which includes tours of artists' studios and an art auction, has attracted thousands of visitors and raised millions of dollars for the Clinic.

For these and other charitable efforts, Irma earned scores of commendations and awards, including the President's Volunteer Service Award in 1992. But it wasn't the awards and recognition that motivated her. It was her commitment to caring for the less fortunate among us.

She was a generous friend, a dynamic personality, and a prodigious worker. She will be sorely missed by Lou and their family, scores of her friends, and generations of patients whom the Clinic has ably served.

TRIBUTE TO LUIS E. BARKER

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. REYES. Mr. Speaker, we will celebrate the career of Luis E. Barker, Deputy Chief of the United States Border Patrol, as he retires after 35 years of service to our nation.

Chief Barker began his career in law enforcement as a military policeman in 1971. After leaving the military in 1973, he spent five years as a police officer and detective in the Jersey City, New Jersey Police Department.

In 1978, Chief Barker became a U.S. Border Patrol agent stationed in El Paso, Texas, which is the community I am proud to represent in the House of Representatives. He has been promoted consistently during the course of his career, serving in supervisory positions at the Border Patrol Academy in Glynco, Georgia and Border Patrol Headquarters in Washington, D.C. He also served as Deputy Regional Chief of the Southern Regional Office in Dallas, Texas; Assistant Chief Patrol Agent and later Deputy Chief Patrol Agent of the Del Rio Sector; Chief Patrol Agent of the Laredo Sector in 1995; and Chief Patrol Agent of the El Paso Sector in 1998. Most recently, in 2005, Chief Barker was appointed Deputy Chief of the United States Border Patrol.

Throughout his career, Chief Barker has demonstrated the utmost professionalism and true dedication to the Border Patrol, his community, and our nation. He has dealt with tough border security and immigration issues, and his expertise helped make our nation more secure. As a former Border Patrol agent and Sector Chief myself, I am confident in saying that Chief Barker serves as an excellent example for all members of the Border Patrol and law enforcement officials everywhere.

Chief Barker is also a devoted family man and community leader. He has a wife, the former Jacque Witt, a daughter, Allison, and a stepson, Michael, and I know that he made a great sacrifice leaving his home and family temporarily in El Paso to accept the position of Deputy Chief in Washington. He did so at a critical time for the Border Patrol, and the Patrol is better for it, as is the state of our nation's homeland security.

Mr. Speaker, I ask my colleagues to join me in thanking Chief Luis E. Barker for his many years of exemplary service to America and in wishing him all the best in his retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 11, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 12

9:30 a.m.

Foreign Relations

To hold hearings to examine development effectiveness of infrastructure projects relating to multilateral development banks.

SD–419

Indian Affairs

To hold hearings to examine S. 660, to provide for the acknowledgement of the Lumbee Tribe of North Carolina.

SD–106

Judiciary

To hold hearings to examine immigration issues.

SD–226

10 a.m.

Finance

To hold hearings to examine S. 3495, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

SD–215

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System, Linda Mysliwy Conlin, of New Jersey, to be First Vice President, and J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors, both of the Export-Import Bank of the United States, Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board, and Edmund C. Moy, of Wisconsin, to be Director of the Mint, Department of the Treasury.

SD–538

Small Business and Entrepreneurship

To hold hearings to examine strengthening participation of small businesses in Federal contracting and innovation research programs.

SR–428A

11:30 a.m.

Energy and Natural Resources

Business meeting to consider the nomination of Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission.

SD–366

2:30 p.m.

Intelligence

To hold a closed briefing on intelligence matters.

SH–219

JULY 13

9:30 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold hearings to examine the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

SD–628

Foreign Relations

To hold hearings to examine the current situation relative to Iraq.

SH–216

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Energy and Natural Resources

To hold hearings to examine H.R. 5254, to set schedules for the consideration of permits for refineries.

SD–366

Finance

To hold hearings to examine the nomination of Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury for Tax Policy.

SD–215

Veterans' Affairs

To hold hearings to examine challenges facing the U.S. Court of Appeals for Veterans Claims, focusing on efforts to address the backlog.

SR–418

Aging

To hold hearings to examine Medicaid to retiree benefits, focusing on the impact of seniors on health care costs in the United States.

SD–106

2 p.m.

Appropriations

Business meeting to mark up H.R. 5672, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and an original bill making appropriations for the government of the District of Columbia for the fiscal year ending September 30, 2007.

SD–106

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

To hold hearings to examine renewing the temporary provisions of the Voting Rights Act relating to legislative options after LULAC v. Perry.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine unmanned aerial systems in Alaska.

SD–562

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

SD–342

Intelligence

Closed business meeting to consider pending intelligence matters.

SH–219

JULY 17

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine implementation of the Energy Policy Act of 2005 provisions on hydrogen and fuel cell research and development.

SD–366

3 p.m.

Foreign Relations

To hold hearings to examine the nomination of Christina B. Rocca, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

SD–419

JULY 18

9:30 a.m.

Armed Services

To receive a closed briefing regarding overhead imagery systems.

S–407, Capitol

Judiciary

To hold oversight hearings to examine the Department of Justice.

SH–216

10 a.m.

Energy and Natural Resources

To hold hearings to examine United States and India energy cooperation in the context of global energy demand, the emerging energy needs of India, and the role of nuclear power can play in meeting those needs.

SD–366

JULY 19

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual Monetary Policy Report to Congress.

SD–538

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold an oversight hearing on the implementation of Public Law 108 148 The Healthy Forests Restoration Act.

SD–366

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine high performance computing.

SD–562

JULY 20

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine USDA dairy programs.

SR–328A

2 p.m.

Appropriations

Business meeting to markup H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007.

SD–106

POSTPONEMENTS

JULY 12

9:30 a.m.

Judiciary

To hold hearings to examine the Thompson Memorandum's effect on the right to counsel in corporate investigations.

SD–226

HOUSE OF REPRESENTATIVES—*Tuesday, July 11, 2006*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

ARMY RECRUITMENT

Mr. BLUMENAUER. Thank you, Mr. Speaker.

As the cost of the war in Iraq climbs past $300 billion, and there are estimates that suggest the total financial cost will far exceed $1 trillion, there is another cost that is less measurable but no less significant: that is the stress on the military itself and the consequences for our fighting men and women, for innocent Iraqis, and the capacity of our Armed Forces far into the future.

The Pentagon has announced that the Army has met its recruiting goals for the 13th consecutive month, but we are seeing an erosion in the quality of recruits in our Armed Forces as more and more young Americans who disagree with what we are doing in Iraq have chosen to stay away. In order to meet recruiting targets, the Army has relaxed restrictions against high school dropouts and have started letting in more applicants who score in the lowest third on the Armed Forces aptitude test, a group known as category 4 recruits. Since the mid 1980s, category 4 recruits were kept, as a matter of policy, to less than 2 percent of all recruits. But by the end of 2005, the percentage of recruits who fell under this lowest category has reached double digits.

In my district, not only has the Army lowered its standards but recruiters have been pushed to violate the remaining standards in order to meet these recruiting targets. We have had two examples of where autistic young men have been recruited into the Army despite the regulations. As I have discussed on the floor of the House how outrageous this was, indeed, one of these young men did not even know that there was a war going on in Iraq. This all has terrible consequences for our efforts against the global war on terror.

This weekend's papers were full of articles and editorials about the role that our lowered recruiting standards may have played in the recent spate of reports of servicemembers being accused of atrocities in Iraq. What does this tell us about our efforts to eliminate the insurgency and win the hearts and minds of people in the Middle East?

We must also consider the long-term cost to our national security and to the military itself. These lower standards are impacting the Army's capacities and will continue to do so for at least a generation into the future.

There was a RAND Corporation study last fall that showed replacing a gunner who had scored 3A on the aptitude test with one who scored that category 4 that I mentioned a moment ago, reduced the chances of hitting targets by 34 percent. In another study, 84 three-man teams from the Army's active duty signal battalions were given the task of making a communications system operational, what you need to do in a theater of battle. Teams consisting of the category 3A had a 67 percent chance of succeeding. Those with category 4 personnel had only a 29 percent chance. More than two-thirds to barely more than a quarter.

There is also damage to the reputation of the good name of the United States military. We are intensely proud of the young men and women who have served under such difficult circumstances. It is not fair for their hard work and heroic efforts to be tainted by the action of others or for their job to be made more difficult or more dangerous due to substandard soldiers who are finding their way into the Armed Forces. When we lower recruitment standards or recruit those who have no business in the military at all, the consequences will be felt by our military in Iraq today and by the entire Nation for years to come.

One of the reasons it is imperative to have a sensible plan to scale down and transition our activities in Iraq, handing them over to the Iraqis, themselves, is to stop this erosion of our military capacity that has occurred because of the sadly inept management of the occupation by this administration and the Secretary of Defense. There was never a doubt about our winning the war in Iraq. They just weren't prepared to win the peace.

Our young men and women in the armed services deserve for us to get it right, because their lives are at stake. And we owe it to every American, because there are dangerous people around the world and the integrity of the military is critical to our fight to protect America.

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006, H.R. 9

The SPEAKER pro tempore (Mrs. DRAKE). Pursuant to the order of the House of January 31, 2006, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized during morning hour debates for 5 minutes.

Mr. BUTTERFIELD. Thank you, Madam Speaker.

Madam Speaker, it is my understanding that the House leadership has agreed to bring to the floor this week the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I want to thank the Speaker and the majority leader for their willingness to go forward with this debate prior to our upcoming recess.

Madam Speaker, the 1965 Voting Rights Act changed America. It created the opportunity for minority citizens to fully participate in democracy. Prior to the enactment and enforcement of the act, black citizens in the South were disenfranchised, primarily because of the literacy tests and because of the design of election systems that submerged concentrations of black voters into large, majority-white election districts. The result was that African-American communities could not elect candidates of their choice to office.

Why? It was because black voters did not comprise sufficient numbers within the district and white voters refused to vote for candidates who were the choice of the minority community. And so the votes of black citizens were diluted, which is a clear violation of the principle of one-person, one-vote.

The Voting Rights Act permits minority citizens to bring Federal lawsuits when they feel their vote is being diluted. Hundreds of these lawsuits have been successfully litigated in the Federal courts. In my prior life, I was a voting rights attorney in North Carolina. As a result of court ordered remedies, local jurisdictions have been required to create election districts that

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

do not dilute minority voting strength. When I was in law school 32 years ago, there were virtually no black elected officials in my congressional district. Today, I count 302.

The Voting Rights Act also requires some jurisdictions to obtain Department of Justice pre-clearance to any change in election procedure. This, at first blush, may appear to be unfair to those jurisdictions, but the jurisdictions that are covered have a significant history of vote dilution and this requirement of pre-clearance simply assures that the jurisdiction does not intentionally or unintentionally make changes in their election procedures that will discriminate. This is called section 5. Section 5 has prevented many, many election changes that would have disenfranchised minority voters. It serves a useful purpose and should be extended.

A short story, Madam Speaker, and then I will close. In 1953 in my hometown of Wilson, NC, the African-American community worked very hard to teach the literacy test and qualify black citizens to vote. They then organized and elected an African American to the city council in a district with a large concentration of black voters. That was big news. When it was time for reelection in 1957, the city council, arbitrarily and without notice or debate, changed the election system from district voting to at-large voting which resulted in the submerging of black voters. The change also required voters to vote for all city council seats on the ballot. If not, the ballot was considered spoiled. It was called the "vote for six rule."

Needless to say, that candidate, Dr. G.K. Butterfield, was handily defeated. If section 5 had been in place in 1957, this jurisdiction would not have been able to implement the changes and this community would have continued to have representation.

Madam Speaker, we have made tremendous progress in this country with respect to civil rights and voting rights. We must not turn back. I urge my colleagues on Thursday to vote for another 25-year extension of section 5 of the Voting Rights Act and require covered jurisdictions to get the Department of Justice to analyze the voting change to determine if it will have the effect of diluting minority voting strength.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 12 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KUHL of New York) at 10 a.m.

PRAYER

The Reverend J. Cletus Kiley, President, The Faith & Politics Institute, Washington D.C., offered the following prayer:

O God, we bow our heads humbly, gathered in this hallowed Chamber at the beginning of a new day. Here, in this place, our faith and our politics meet. Our work is about the just ordering of our society. And so at the beginning of this day we beg a portion of Your spirit that we might fully understand the authentic requirements that such a just society demands.

We beg a fuller portion of Your spirit to strengthen us so that our work is always at the service of love, and thus, in the face of human suffering, we may become a consolation; where there is isolation, we may become community; where there is need, we may become abundance; where there is threat, we may become strength.

Today, O God, stretch us beyond our personal limits that we might fulfill Your divine plan and may serve the common good of our people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DEMOCRATS HAVE A LACKLUSTER RECORD ON BORDER SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, House Democrats have been talking a lot about their agenda lately, but each and every time they fail to mention border security or immigration reform, and I suppose for good reason. With their lackluster record on immigration reform, I can understand why they hesitate to bring up the issue.

After all, Republicans voted to pass a border security bill in December, but Democrats, led by their minority leader, opposed the bill. Republicans voted to pass the REAL ID Act to make sure people who receive driver's licenses are here legally, but Democrats, led by their minority leader, opposed the bill.

Republicans wanted to allow members of our Armed Forces to help perform certain border security protection functions, but Democrats, led by their minority leader, opposed the amendment.

With a record like this, it is no wonder that the Democrats never mention border security as a part of their agenda.

DEPARTMENT OF PEACE AND NONVIOLENCE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, 5 years ago today, on July 11, I introduced legislation to create a Cabinet-level Department of Peace and Nonviolence, which would employ the principles taught by Christ, Gandhi, Dr. King, Mother Teresa and others to create a new hope for violence-free homes, schools and communities through peace and character education, a new hope that through peace education we can even challenge the notion of the inevitability of war.

Today, thanks to hundreds of community groups, led by The Peace Alliance, momentum is building. Fifteen cities have passed resolutions endorsing a Department of Peace, and 74 Members of the House have signed on to the bill. More and more, Americans want a compassionate, focused, organized approach to dealing with the violence in our communities, to dealing with domestic violence, spousal abuse, child abuse and other types of violence. The Department of Peace represents the end of fear and the beginning of hope for a new Nation and a new world.

OUR BATTLE FOR THE BORDER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, more news from the front. Our battle for the border continues, and so does the hypocrisy from El Presidente Generalissimo Fox. So intent on tearing down American barriers, he is more intent on building his own, and he has taken millions of U.S. taxpayer dollars to do it.

For years, Fox has taken American money as part of Operation BusBound, a joint U.S.-Mexican venture, to send illegal immigrants coming from Central America, going to Fox's southern border, and he wants to send them back home. But he wails when we, the

United States, use our own money for our own southern borders, securing it with our troops who aren't even carrying weapons.

However, Guatemalans, trying to illegally enter Mexico, just trying to take jobs Mexicans won't do, are reportedly met at the border with machete-wielding farmers and armed Mexican military. The old sly Fox is trying to protect his hen house while continuing to illegally enter ours.

Why is the United States helping to protect the borders of other Nations while lacking the moral will to protect our own? This ought not to be, but, Mr. Speaker, that is just the way it is.

MINIMUM WAGE AND RISING PRICES

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, over the last 9 years gas prices have doubled; college prices are up 38 percent; food prices, up 20 percent; housing, up 25 percent; and health care costs, up a whopping 75 percent. But the minimum wage hasn't budged over that period of time.

Over the last 5 years, we have had a singular focus in this House on raising revenue for those families for whom these numbers really don't mean much, because they have so much disposable income. But for people on the minimum wage, it means they have to decide between putting food on the table or insuring their own children. They have to work a week just to fill their tank with gas.

That's not right, and isn't it time that the Republican Party stop blocking the Democrat's attempts to raise the minimum wage and recognize that it is the working class families who are providing the underpinning of this economy? Let's increase the minimum wage. It is the right thing to do.

BORDER SECURITY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with interest to the comments of my friend from Virginia, and perhaps at a later time, he can elaborate on what he said at a town hall meeting recently where he was quoted as saying he looked forward to earmarking the heck out of future spending bills, should his party take control.

Mr. Speaker, I come to the floor today to talk about the border security hearings we held last week in California and Texas. I attended the hearing in California and noted with interest the comments of Sheriff Rick Flores of Webb County, Texas, who said in response to our questions that the first goal of this government, and our first priority, should be enforcement of the law and enforcement of our borders.

Mr. Speaker, that is a clear message. The American people likewise want to see enforcement first, no tricks, no triggers, no amnesty, enforcing existing laws and closing loopholes to reaffirm that our great Republic is, in fact, a nation of laws.

RAISING CONCERNS ABOUT THE ECONOMY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, in July of 2001, a few months after President Bush took office, gas was $1.33 a gallon. Five years later, July 2006, it has more than doubled to $3.00, and in places like Chicago, it is as high as $3.40 a gallon.

But this is not the only place where the administration has failed middle-class families. Since 2000, the cost of health care has increased 73 percent to $11,000 for a family of four. The cost of tuition at a 4-year public college has increased 38 percent since 2001 and, at the same time, average weekly earnings have declined by 1 percent in America.

So while costs spiral out of control, middle-class families have less money in their pockets. That is not exactly what I would call a record of achievement. Yet today, the President said the economy is strong and getting stronger. The American people know that such statements are wrong and getting wronger. The President's statements show how out of touch he is with the struggles and challenges American families face today.

Mr. Speaker, all is not well on Main Street. It is high time that Washington and this Congress took action. It is time for a new direction. It is time for a change.

SENATE IMMIGRATION BILL RESTRICTS POLICE

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, the Washington Times reported today that a Senate immigration bill, the Kennedy bill, would prohibit State and local police from helping Immigration and Customs Enforcement officials combat illegal immigration. The Senate bill bars State and local police from detaining aliens simply for being in the U.S. illegally. Police could arrest the aliens only if they commit certain additional violations of Federal immigration law.

So the Senate bill wants to base our national security on get-out-of-jail-free cards and second chances? Let me remind you, Mr. Speaker, that four of the September 11 hijackers committed immigration violations and had been stopped by State and local police before the attacks on our Nation. Just 2 days before September 11, one hijacker, who had overstayed his visa, was stopped and given a $270 speeding ticket. That was later found in his rented car in the Newark airport just a couple of days after September 11.

Mr. Speaker, those who don't learn from their mistakes are destined to repeat them. The Kennedy bill in the Senate does just that.

EYE-POPPING FIGURES FOR EXTENDING MEDICARE PART D ENROLLMENT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, eye-popping figures in the new GAO report just made the case for extending the Medicare part D enrollment deadline a great deal more compelling.

Exhibit A, insurance providers failed to answer phone calls accurately in response to 70 percent of the questions asked by seniors about their benefit.

Exhibit B, call centers underestimated out-of-pocket costs seniors have to pay by thousands of dollars.

Exhibit C, like the insurance providers, Medicare operators often answered questions incorrectly according to an earlier GAO report.

You would figure the extra $400 billion added to the initial price tag of the Medicare bill that the CMS actuaries didn't want to tell us about would at least buy seniors some peace of mind. Instead, part D continues to confuse and frustrate the seniors who, through no fault of their own, have a 3-in-10 chance of receiving the right information about their options.

Therefore, Mr. Speaker, I encourage my colleagues to help extend the enrollment deadline, repeal the sign-up penalty, and repeal the provision locking seniors into a plan for a year once they sign up, so that they won't have to pay for the consequences of a bad bill for the rest of their lives.

NORTH KOREAN MISSILE LAUNCH

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, on America's birthday, North Korean leader Kim Jong Il thought it was wise to fire six ballistic missiles. The international community condemned these launches, and Kim Jong Il responded by firing an additional missile on July 5.

Having been to North Korea in 2003, I can tell you that their government does nothing for its people and uses blackmail as its primary foreign policy tool. Kim Jong Il and some of our opponents on the other side of the aisle believe that if North Korea fires missiles that it should be rewarded with direct talks and various forms of assistance. I don't believe in blackmail or rewarding bad behavior.

As President Bush has said recently about Kim Jong Il, he can verifiably get rid of his weapons programs, stop testing rockets, and there is a way forward to help his people. The choice is his to make.

Our military and intelligence professionals, along with our allies in this region, will continue to keep a close watch on North Korea. I have confidence in their abilities.

But let us not forget the 37,000 servicemembers and their families currently stationed in South Korea. I thank them for what they do and wish them continued safety in such close proximity to a despotic and unstable self-appointed leader.

CONTROL OF OUR BORDERS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, I couldn't agree more with my colleague from Arizona when he says the number one priority is control of our borders. I find it interesting that my colleague from Texas says that it is the President of Mexico's fault. The fact is, over the last 5 years, the Republicans in the Bush administration and in this House have refused to properly fund border security programs. Today we are seeing the results.

Mr. Speaker, with the proposal that President Bush made for massive amnesty and other programs to allow people to come into this country, it has just encouraged the difficult situation. But the bottom line remains, we must get control of our borders, and to do that we have to fund it.

Over and over again, the Republicans on the Appropriations Committee and in this House have refused to provide adequate resources so we can do the job. It is time that we get the job done.

□ 1015

ILLEGAL ENTRY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I rise to invite the Senate to join the House in debating how we are going to address illegal entry into this country. We are hearing from our colleagues today reporting back on the hearings that we are holding around the country, talking with sheriffs, talking with Border Patrol, talking to people on the ground.

We are hearing the same thing: stop illegal crossings. It is time. Get this problem under control.

Mr. Speaker, in this environment every State is a border State and every town is a border town. Meanwhile, the other body holds hearings talking about everything under the sun related to immigration except the actual process by which people come into this country illegally.

Until our colleagues across the Capitol are willing to admit illegal entry is the problem, we are going to continue seeing a debate that goes nowhere. We should address the problem. Illegal entry is the biggest problem, and then take on the next angle of the issue, and do it in an orderly process.

That is what our House leadership is saying, and they are right on the issue.

RAISE MINIMUM WAGE TODAY

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, House Republicans have a chance to give more than 6 million Americans a much-deserved pay raise. Would you believe that the minimum wage has not been increased in 9 years? It is the second longest amount of time that hardworking Americans have had to go without a pay raise, resulting in the hourly wage being at its lowest level in 50 years.

House Democrats want to expand economic opportunity for all Americans. We want to increase the minimum wage from $5.15 an hour to $7.25. It is only fair. These workers play by the rules every day. All they want in return is to make a living wage.

Do my Republican colleagues really believe that $5.15 an hour is still a living wage? House Republicans claim that the only people who make the minimum wage are teenagers. Wrong.

Mr. Speaker, 75 percent of minimum wage workers are either the sole or one of two breadwinners in the family. House Republicans also like to claim that if we increase the minimum wage, jobs will be lost. Wrong again. Today in the States that mandate a higher minimum wage, job growth has actually gotten higher. No more excuses.

CRACKING DOWN ON ONLINE PREDATORS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of legislation that could protect innocent children across our great Nation. H.R. 5319, the Deleting Online Predators Act, introduced by the gentleman from Pennsylvania (Mr. FITZPATRICK), gives parents, teachers and school officials new tools in their effort to protect our children from online sexual predators.

Just this week back in my district in Tavares, Florida, prosecutors are picking a jury to try the case of John Couey, the man accused of raping and killing 9-year-old Jessica Lunsford.

Sexual predators like John Couey not only stalk our children on the playground and at the mall, but also over the Internet on Web sites like MySpace.com.

I commend the gentleman from Pennsylvania (Mr. FITZPATRICK) for bringing attention to these Internet predators and thank the Energy and Commerce Committee for holding hearings on this bill.

ENERGY SOLUTIONS NEEDED

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, all summer the American people have been facing record prices every time they go to the gas pump. Some have cut vacation plans, others are pinching their monthly paychecks attempting to make ends meet. Washington should be acting to pass a comprehensive energy package that relieves pain at the pump and reduces our dependence on foreign oil.

Unfortunately, House Republicans have refused to act on any substantial energy legislation this year. How bad do things have to get before House Republicans are finally willing to act? Instead of actually coming up with real solutions, House Republicans prefer the status quo. They refuse to act because of their cozy relationship with Big Oil and see no problem with the $16 billion in profit the three largest oil companies reported during the first quarter of the year.

Mr. Speaker, while House Republicans are content with the status quo, Democrats are ready to take America in a new direction. We will stand up to Big Oil and protect consumers from price gouging.

TAKING CARE OF OUR MILITARY FAMILIES

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, the district work period was especially meaningful for me going back to my district. Camp Pendleton being the center of it, and having a Fourth of July celebration in recognition of what our men and women in uniform have done and continue to do for our freedom and freedom around the world.

Mr. Speaker, I rise today very concerned that in fact the tendency to put the mission first is beginning to affect adversely the welfare and well-being of the families of our servicemen back home. We have had record supplementals and record payments on defense.

Mr. Speaker, we need to make sure that the funds that we earmark and put toward military construction, family housing units and the health and welfare of our men and women's wives, husbands and children get to them.

Mr. Speaker, I hope this body will work with the Department of Defense to ensure that those funds are maintained at the level that we put them in. It is essential that our fighting men and women away in combat know their families are taken care of at home.

NEGOTIABLE DRUG PRICES

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, it has been 6 months since the Republican prescription drug plan went into effect, and we are seeing prices shoot up faster than they have in 6 years. That's right, prices have increased by almost 4 percent in the last 6 months. Weren't Republicans promising prices would actually go down after their plan took effect?

The reason drug prices are not falling is because the Republican law forbids the Federal Government from using the purchasing power of 40 million seniors to actually negotiate for lower prices, an issue I raised when this prescription drug plan was first taken up by this House. That is exactly what the Veterans Administration does for America's veterans.

According to a report released last month, veterans' drug bills are 43 percent lower than seniors' bills as a result.

Well, today, thanks to a Republican plan that was written here in the back rooms by the pharmaceutical industry, these companies can charge our seniors any price they want. Unlike our Republican colleagues, House Democrats actually want to help our seniors. We want to give the Federal Government the ability to negotiate for lower prices, something that is good for our seniors and good for the American taxpayer.

PRESIDENT BUSH DEMONSTRATES RESOLVE AGAINST NORTH KOREA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as Americans celebrated their liberties on the Fourth of July, the dictator of North Korea threatened the peace and stability of free nations throughout the world. I visited Pyongyang with Congressman JEFF MILLER, and I know that by test launching seven missiles into the Sea of Japan, Kim Jong-Il and his regime clearly disregarded North Korea's prior agreements.

As our country continues to fight the global war on terrorism, our allies cannot allow an unpredictable rogue leader to proceed with his quest for nuclear weapons. We must continue to work for a peaceful solution to this conflict, and we must hold North Korea accountable to their nonproliferation agreements.

I strongly support President Bush's efforts of diplomacy and an anti-ballistic missile defense system to protect the American people. As President Reagan said over 20 years ago, we must achieve peace through strength.

In conclusion, God bless our troops and we will never forget September 11.

DOING HALF THE JOB

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, one of my colleagues just came back from Iraq. He brought with him a quote from a Special Ops officer who is operating in that country. This man said this: "We are not going to kill our way to victory."

Now, if you look at what has gone on in the last 5 years, this Congress has allowed the President to go into Afghanistan, do half the job, cut and run to go to Iraq to a war that had no purpose. They took out Saddam Hussein, the President landed on the Abraham Lincoln and said "Mission Accomplished."

In fact he was right, they got rid of Saddam, but they have been fighting a war of occupation for 4 years. When the President landed on the Abraham Lincoln, 141 people had died; and now, 2,400 more have died in this war of occupation with no plan to end it, no plan to get out of it, and no end in sight.

This President should be taken out of office. We can't do that, but there is an election coming in November of this year to take out the Republican leadership of the House.

PROTECTING OUR CHILDREN

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, today the House Energy and Commerce Committee will take up H.R. 5319, the Deleting Online Predators Act of 2006, sponsored by the gentleman from Pennsylvania (Mr. FITZPATRICK).

As an original cosponsor of the measure, I urge my colleagues to give it their strongest support. As a mother and grandmother, like other parents, I am horrified by the statistics.

Mr. Speaker, 20 percent of young people have been approached online with unwanted sexual advances. Naperville, Illinois, a city in my district that has twice been voted by Money magazine as the top city in the Nation to raise children, has witnessed two high-profile cases in the past 2 months. Thanks to the Naperville police and the Illinois State Police, the two crimes were uncovered before the predators met the children.

In Michigan, one minor had traveled halfway around the world to meet a man in the West Bank town of Jericho that she met on the networking Web site MySpace.com.

As children, many of us were taught never to talk to strangers. As parents and grandparents, our message must change with technology to include strangers on the Internet.

IMMIGRATION POLICY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me ask the American people how much they love America. I know Americans love America giving all that they can give, an America that has opened her heart and mind to immigrants from all over the world and built a great nation, an America where everyone is proud because we have welcomed those from around the world who have fled oppression and persecution.

Why, then, do my friends on the other side of the aisle want to have the scapegoat-and-run policy for immigration, and that is refusing to stand and address the question that we all have come from somewhere and contributed to this Nation. And then, of course, we want to secure our homeland because we love America.

Why don't we have meetings, or a conference committee meeting in order to address the House and Senate bill so that Americans know that we care about securing their homeland; but yes, we recognize that the Irish and the Polish and those who come from Hispanic origins or Africa or the Caribbean or European heritage have all made this country great.

A pathway to citizenship, border security, not scapegoat and run, that is what America is all about. They want leadership and courage; they don't want anyone who stands for doing nothing.

☐ 1030

TRIBUTE TO DOROTHY ROTH

(Mr. DENT asked and was given permission to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I rise today to pay tribute to a constituent of mine who passed away recently.

Born in South Africa, Dorothy Roth was an extraordinary woman whom I first met while canvassing her neighborhood in the city of Allentown 17 years ago. She immediately invited me into her home to discuss public policy and politics. Accepting that invitation would be among the best decisions I made in my public service life.

But that was by no means the last visit to Dorothy Roth's home by me. After I was in office, occasionally Dorothy would invite me over for a discussion over tea and hors d'oeuvres. Dorothy praised me when she thought I was doing right, and she never hesitated to admonish me when she thought I was wrong or wasn't helping enough to advance worthy ideas or issues. When Dorothy found a cause, there truly was no better champion.

Dorothy gushed with pride about her children and her grandchildren. She loved her country and her community. She expected a lot of us in public service, but she expected even more from herself.

Dorothy had a generous spirit and epitomized what a good citizen should be. More importantly, she was a great person.

SECURING OUR BORDERS HAS NOT BEEN A PRIORITY OF REPUBLICANS IN WASHINGTON

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Mr. Speaker, after September 11, we all concluded that securing our borders was a top priority. Unfortunately, for the past 5 years the Republican majority here in Washington, from the White House to Capitol Hill, have refused to adequately fund border needs.

As a Congress, we promised to add 2,000 Border Patrol agents, 8,000 additional detention beds, and to add 800 more immigration investigators every year between 2005 and 2009. Two years into that promise, we are falling exceedingly short. House Republicans have cut $48 million from Customs and Border Security Protection; and Democrats tried to restore the funding, but we were rebuffed by the Republican majority.

It is bad enough that Washington Republicans refuse to properly fund border security measures, but now it appears they are unwilling to work together to negotiate a final border security and immigration bill this year.

The only way we will secure our borders is if House and Senate Republicans stop playing games, stop holding press conferences disguised as hearings, and actually sit down and hammer out a compromise. It is time to start fishing and stop cutting bait.

SECURING AMERICA'S BORDERS

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, the horrific 9/11 attacks on America taught us that border security is homeland security. But just last year, Customs and the Border Patrol stopped over 1 million people who illegally crossed our border. And of that 1 million, 160,000 were from countries other than Mexico, including Afghanistan, Iran, Iraq, Pakistan and Saudi Arabia.

Last week, expert witnesses at an International Relations subcommittee field hearing in Laredo, Texas, testified that unlike in years past, many illegal immigrants who sneak across the border are no longer good people who are simply in search of honest work, but rather, increasingly, they are criminals who belong to violent gangs and drug cartels.

Reynaldo Gaza, the Border Patrol chief in Laredo, testified that he worries now about the links between the drug cartels and the terrorists.

Hundreds of illegal immigrants will cross our southern border today. Some of them will be criminals, some gang members. I pray none are terrorists. But the truth is, we don't know. A nation without borders ceases to be a nation, which is why we must secure our border first.

IMMIGRATION REFORM

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Buenos dias to our audience.

Mr. Speaker, I rise today to ask my colleagues in this body to stop blocking comprehensive immigration reform. Immigrants are our neighbors, our friends, our caretakers and fellow worshippers. They contribute more than $10 billion to our economy each year, and more than 35,000 immigrants are actively defending our Nation as members of the Armed Forces.

More than 200 Medals of Honor have been given to immigrant servicemembers for their actions in Iraq and Afghanistan. One hundred one non-U.S. citizens, like my constituent, Francisco Martinez Flores, died in military action September 11, 2001. He was a green card soldier.

Just yesterday our Nation's top general, Marine General Peter Pace, defended immigrants, saying the first Marine he lost in combat in Vietnam was an immigrant soldier. And he said that he continues to be on active duty because he says he still owes those who served with him in Vietnam, regardless of their status.

Immigrants, their families and families across the country deserve more than sham hearings and enforcement-only policies. Let's ask for a comprehensive immigration reform that takes care of all of our soldiers and all people defending our rights here in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHL of New York). The Chair would remind the Members who are making 1 minute requests that, in fact, the comments are to be directed to the Speaker, to the Chair.

CHILD PORNOGRAPHY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the plague of child pornography is a global program in need of a global response. A study released recently by the International Center for Missing and Exploited Children paints a sad and sobering picture.

Of the 184 countries studied, more than half have no laws addressing child pornography at all, and in most of the countries, the existing laws are inadequate.

This perverse form of exploitation horribly scars its victims, not only in the actual production of this sordid smut, but their pictures are then broadcast to the world online.

At a meeting recently of the Organization for Security and Cooperation in Europe, I offered a resolution on behalf of Chairman CHRIS SMITH and the U.S. delegation, calling on the nations of the world to address this growing problem.

The resolution calls on lawmaking bodies of the world to take a hard-line stance against this horrific practice and enact stiff criminal penalties for production and consumption.

I am pleased the resolution was unanimously adopted. Child pornography is a despicable business, and this resolution is a positive first step in the fight against it.

BUSH-GOP ECONOMY HAS FAILED MIDDLE CLASS FAMILIES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last week's disappointing job creation numbers once again highlight that the Bush economic recovery is a failure, is really not a recovery at all, and continues to fail America's families.

In June, the Bush economy added only 121,000 jobs. That is less than the 150,000 needed just to keep pace with population growth. President Bush still has the worst jobs record since the Great Depression, creating, on average, only 42,000 jobs per month.

Now, in the meantime, millions of American families are living paycheck to paycheck, struggling to make ends meet and going deeper into debt. With an economic record like this, you would think Washington Republicans would be coming up with some ideas on how to improve the economy. But, instead, Republicans say the economy is great.

Now, Democrats know better. We are fighting to expand economic opportunity for all by increasing the minimum wage, eliminating tax giveaways that encourage companies to move jobs overseas, and giving tax breaks to parents and students to better afford a higher education.

The problem, Mr. Speaker, is that Republicans are content with the status quo. Democrats are proposing creative ideas.

BORDER VULNERABILITIES AND INTERNATIONAL TERRORISM

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, the Subcommittee on International Terrorism that I chair held two field hearings last week, one in San Diego and one in Laredo, Texas, on border vulnerabilities and international terrorism.

The unfortunate fact is that we live in a time when terrorists want to hit us as hard as they can. And it is elementary that to defend ourselves against these determined and resourceful enemies, our border must be secure or, as the Border Patrol says, "We must have operational control of the border." We don't have that right now, and we don't have that despite a tenfold increase in what Republicans have done to fund homeland security.

But we need border fencing. And in Laredo, Texas, sheriffs told us of drug cartels and smuggling rings increasingly well equipped and more brazen than ever in attacking law enforcement officials. The Border Patrol warns of potential terrorists employing these networks to enter our country. Last year, it apprehended illegal border crossers from many countries designated state sponsors of terrorism or countries where terrorist organizations are active.

The sheriffs we heard from strongly seconded the Border Patrol's concerns about terrorists crossing our porous borders.

Colleagues, immigration reform must be national security reform.

DEMOCRATS AND REPUBLICANS WORKING TOGETHER TO PROTECT AMERICA

(Mr. BILBRAY asked and was given permission to address the House for 1 minute.)

Mr. BILBRAY. Mr. Speaker, I would like to thank Chairman ROYCE for holding a hearing in Imperial Beach in San Diego County this week. And I think there was one very clear message, that amnesty is the greatest mistake that we could have, not only for immigration, but for common sense, and if not for common decency, that we should not reward those who have broken our immigration laws while people, millions, wait to immigrate legally.

But the one consensus we could make in that hearing was that Democrats and Republicans agree that the missing link in immigration reform is not spending more money, but having more enforcement against the source of the major cause of illegal immigration. That is illegal employment.

And so I would ask Democrats and Republicans to find these hearings as a consensus to talk about what are we doing to stop illegal employment. And I would ask both of you to take a look at SILVESTRE REYES' and DAVID DREIER's bill, H.R. 98, which says that we are going to crack down on illegal employers. But we are going to create a very simple way for employers to know who is legal and who is illegal, and that is to have a Social Security card that is as tamper resistant as our voting card.

So let's get together. If SILVESTRE REYES and DAVID DREIER can work together, can't the House, both Democrats and Republicans, work together to protect America?

IRAQ

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of the important progress being made in Iraq. Let me remind my colleagues and the American people of the incredible accomplishments United States troops and the Iraqi people have achieved over the last 4 years.

Saddam Hussein is behind bars, and al Qaeda's top leaders have been eliminated. Iraqi security forces currently participate in more than 90 percent of all security operations, and the Iraqi people are increasingly coming forth with actionable intelligence about terrorist activity.

But, Mr. Speaker, the progress in Iraq cannot be measured solely on our military success. The Iraqi people can now watch commercial television. They can read independent newspapers. Women are part of the political process. In fact, women secured 31 percent of the seats in the Iraqi National Assembly. Primary school enrollment has increased by nearly 3 million children, and Iraqi medical schools now graduate more than 2,000 doctors a year.

So, Mr. Speaker, as we congratulate the Iraqi people on these successes, let's not forget to thank our troops for the important work they are doing in Iraq, training soldiers, building schools, working every day for security and freedom in the Middle East.

PROVIDING FOR CONSIDERATION OF H.R. 4411, INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 907 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 907

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes. In lieu of the amendments recommended by the Committees on Financial Services and the Judiciary now printed in the bill, the amendment in the nature of a substitute depicted in the Rules Committee Print dated July 5, 2006, shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided among and controlled by the chairman and ranking minority member of the Committee on Financial Services and the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Berkley of Nevada or her designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only I yield 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this House resolution is a structured rule. House Resolution 907, and it provides 1 hour of debate in the House, equally divided among and controlled by the chairman and ranking minority member of the Committee on Financial Services and the chairman and ranking minority member of the Committee on the Judiciary.

☐ 1045

This resolution waives all points of order against consideration of the bill.

It provides that in lieu of the amendments recommended by the Committees on Financial Services and the Judiciary now printed in the bill, the amendment in the nature of a substitute, depicted in the Rules Committee Print dated July 5, 2006, shall be considered as adopted. This resolution makes in order the amendment printed in the Rules Committee report accompanying the resolution, if offered by Representative BERKLEY of Nevada or her designee, which shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. This resolution waives all points of order against the amendment printed in the Rules Committee report, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of House Resolution 907 and the underlying bill, H.R. 4411, the Unlawful Internet Gambling Enforcement Act.

First, I want to recognize and thank Chairman SENSENBRENNER and Chairman OXLEY for shepherding this bill through their committees to the floor for consideration. And, additionally, I would like to also recognize Representatives LEACH and GOODLATTE, the coauthors of H.R. 4411, for all of their hard work to ensure that laws are updated to the year 2006 and that we crack down on those who would circumvent existing law.

Mr. Speaker, H.R. 4411 would amend existing statutes to prohibit individuals and companies in the gambling industry from knowingly accepting credit card, check, electronic fund transfers, and other similar means or the proceeds of any other financial transaction in connection with unlawful Internet gambling. Further, this bill would direct the Secretary of the Treasury and the Board of Governors of the Federal Reserve System to develop and prescribe regulations which are necessary and proper to identify and prevent the previously mentioned types of transactions.

Essentially, Mr. Speaker, this bill aims to modernize existing law as established by the Wire Act of 1961 to both address the changing technological landscape and clarify the currently vague statutory definition of "bets and wagers." This clarification is needed in order to close the "blackjack" loophole that allows games like poker, blackjack, and roulette to slip through the cracks of existing law. Additionally, this bill would increase from 2 years to 5 years the penalty for violating the Wire Act as well as this underlying bill. This bill also reaffirms our commitment to federalism by protecting the rights of the States to regulate Internet gambling within their respective borders.

Mr. Speaker, H.R. 4411 is a good bill that makes sure the letter of the law catches up with the spirit of the law, given the emergence of new technologies and the proliferation of underground and overseas gambling organizations that attempt to skirt the rule of law and exploit individuals.

So as we move forward with this debate, I want to encourage my colleagues to support the rule and support this underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I am going to do something different today. I am going to commend the majority for this rule. Internet gambling is an issue that does not break along traditional partisan lines. There are Democrats and Republicans who support the underlying bill before us, and there are Democrats and Republicans who oppose it. This rule makes in order legislation that regulates Internet gambling, but it also makes in order an important amendment offered by Representatives BERKLEY, WEXLER, and CONYERS, Members who do not support the bill as it is currently written.

This is a fair rule because it accommodates all the views expressed last night in the Rules Committee. This is how the legislative process should work, and I hope the Republican leadership will report more rules like this.

Having said that, Mr. Speaker, I do feel compelled to point out that the Republican leadership has scheduled the last vote today for some time around 2 or 3 o'clock. Tomorrow and Thursday are both expected to be short voting days, and we are not scheduled to be in session on Friday. There is plenty of time for the House to consider other important legislation, for example, an increase in the minimum wage that is long overdue and is supported by, I think, virtually all Democrats and even some Republicans. So, Mr. Speaker, where is the minimum wage?

To my friends on the other side of the aisle, why won't you allow this House to vote to increase the minimum wage?

Yesterday's Washington Post featured a front page article detailing the wage disparity in the metropolitan D.C. area. High-skilled workers are making increasingly higher salaries, but lower-skilled workers are being left behind. We know this is true for workers all across this country. The minimum wage is not keeping pace with the cost of living in America today. Housing costs are up, energy costs are through the roof, low-wage workers need help; and Congress cannot and should not continue to ignore the plight of low-income workers in America. Families are living paycheck to paycheck. They are struggling to make ends meet as the minimum wage is at its lowest level in 50 years, as I said, with rising health care costs, energy, and college costs that they have to deal with.

Poverty is getting worse in our country today. That is a fact. And it is frustrating that the leadership on the other side of the aisle seems indifferent to that sad reality. They pass tax cut after tax cut after tax cut after tax cut for millionaires, and yet they cannot find the time for us to consider an increase in the minimum wage.

This leadership has allowed for regular increases in congressional salary. Now, I know Members of Congress work hard. I am not saying that people here do not deserve a good salary. But surely my friends on the other side of the aisle must recognize that low-wage workers work hard too. They have families to support too. They have bills to pay too.

Mr. Speaker, we have the opportunity to change this. The Republican leadership certainly cannot claim that we do not have the time to consider an increase in the minimum wage. And I am willing to stay in session after 3 p.m. today to vote on this. I am willing to stay here on Friday. I am willing to give up the August recess until we vote to increase the minimum wage.

Mr. Speaker, it is not a question of timing. We know there is enough time to consider a minimum wage increase. It is a question of priorities. And the priorities of this Congress always seem to ignore those who are struggling most. Mr. Speaker, the American people deserve better than this.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, at this time I yield such time as he may consume to the distinguished chairman of the Agriculture Committee, the gentleman from Virginia and coauthor of this bill, Mr. GOODLATTE.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for his generously yielding me this time.

I rise in strong support of this rule reported out of the Rules Committee and of the underlying legislation, which I have been pleased to introduce along with the gentleman from Iowa (Mr. LEACH), the gentleman from Virginia (Mr. BOUCHER), and more than 150 other Members of the House to address something that is long overdue, and that is modernization of our laws, our Federal laws, dealing with gambling, particularly what is referred to as Internet gambling.

This is a scourge on our society. It causes innumerable problems. Historically, gambling in the United States has been illegal unless regulated by the States. But Internet gambling ignores the laws of the 50 States, which vary each one compared to the next. Some

States, like Utah, ban all forms of gambling. Other States, like Nevada next door, legalize a great many forms of gambling. This legislation does not interfere with that, but it addresses the now hundreds and hundreds and hundreds of offshore sites that are sucking billions of dollars. The latest estimate is a $12 billion industry with more than half of that coming out of the United States illegally, unregulated, untaxed.

Many like me who are opposed to gambling are concerned about the family problems. I have one family in my district whose son committed suicide because of debts run up on the Internet due to gambling. Many are aware recently of the student at Lehigh University who ran up significant gambling debts and then robbed a bank in order to try to pay those off.

Those anecdotal evidences simply help to point out what is a magnifying problem of family problems, bankruptcy problems, problems with minors gambling, problems with addiction to gambling, problems with organized crime's being involved in gambling, all of which goes completely out of the purview of the States, which have jurisdiction over gambling in the United States.

So as a result of that, 48 out of 50 of our State attorneys general and the U.S. Justice Department and many other organizations, all the major sports organizations of the United States, many family organizations, many religious organizations, have come to the Congress asking for this legislation, asking to modernize the Wire Act, asking to take steps, as Congressman LEACH has ably done in his legislation coming out of the Financial Services Committee, to enable the Treasury Department, working with law enforcement, working with the financial industry in this country, to see that this flow of money going out to these sites is cut off.

This legislation accomplishes those goals. It is supported by the National Collegiate Athletic Organization that is concerned about the proliferation of sports betting on the Internet and the effect that it is having on their ability to keep these games fair and honest. We have had scandals in the past with regard to betting on sports. And all of the major sports organizations in the country, the National Football League, Major League Baseball, the National Hockey League, the National Basketball Association, have joined with the NCAA in supporting this legislation. But other groups, the Family Research Council, Focus on the Family, Advance USA, Eagle Forum, the United Methodists, Southern Baptists, and many, many other religious organizations and family organizations have joined in support of this effort to address this problem. And it is my hope that the House today will pass this legislation.

In the process it is very, very important that the amendment that has been made in order under the rule be defeated because this is, most clearly, a poison pill amendment. This amendment is designed to take away the carefully crafted legislation, the careful negotiations with the States to make it clear that the Congress is not attempting to interfere with the activities of the States that take place completely confined within their borders. This addresses interstate gambling on the Internet, and it addresses offshore gambling on the Internet. And this amendment would take out of the legislation those carefully crafted provisions and would effectively gut the bill and defeat the cooperative effort that the Congress has been engaged in with the States, with the State attorneys general, with the Justice Department, and with others. So I would urge my colleagues to support the legislation and to defeat the amendment.

The legislation clarifies the Wire Act, the 1961 statute that made it a Federal felony for gambling businesses to use wire communication facilities to transmit bets or wagers or related money in interstate or foreign commerce. The Wire Act did not contemplate the Internet or wireless communications devices and is ambiguous as to whether it applies to only sports-related gambling or all forms of gambling. The bill updates the Wire Act to clarify that it covers all types of gambling and all types of communication facilities.

H.R. 4411 also increases the maximum penalty for violations of the Wire Act from 2 to 5 years in prison and explicitly preserves the right of the States to regulate gambling that occurs solely within State borders. And the bill cuts off the flow of money to Internet gambling Web sites by regulating payment systems. The Department of the Treasury and the Federal Reserve will jointly develop policies and procedures for identifying and preventing financial transactions related to illegal Internet gambling.

□ 1100

Payment systems will be required to comply with these regulations. Even when criminal law cannot be enforced, the Federal Government's jurisdiction over financial systems can nevertheless cut off the money sources for these illegal businesses.

The bill authorizes State and Federal law enforcement to seek injunctions against persons who facilitate illegal Internet gambling, even when the person is not criminally liable; and when deliberating with foreign governments, the U.S. Government is exhorted to advance international cooperation in law enforcement efforts against illegal gambling and related money laundering. The Secretary of the Treasury will report to Congress about these efforts.

Now, Mr. Speaker, there is another aspect of this legislation that many people are very familiar with, and that is that 6 years ago the predecessor to this legislation was killed on the floor of this House, and subsequently in another Congress in the Judiciary Committee, based upon the misleading representations and the flow of enormous sums of money related to lobbying activities of one Jack Abramoff, who has been widely reported in coverage in the Washington Post and elsewhere regarding the activities that he and others carrying his water, his dirty laundry, engaged in to misrepresent the purposes of this legislation and to defeat it.

Many in this House are very determined that they have the opportunity today to clear the record, to purge the smear on the Congress that was placed on it by these actions; and Mr. Speaker, I urge my colleagues to take full advantage of that opportunity to do today what should have been done back then when this industry was much smaller. It has quadrupled in size since then, and we need to make sure that this legislation passes this House here today.

Mr. Speaker, I urge my colleagues to support the legislation, defeat the amendment and support the rule.

Mr. McGOVERN. Mr. Speaker, as I said before, we don't have any problem with the rule that is before us today. We have a problem with the priorities of the Republican leadership in this House.

As I look at the schedule today, as I said before, we are out at 2 o'clock today. We are dealing with the bill that we are talking about right now and then some suspensions that really aren't terribly significant. I am willing to stay till 5 or 6 if we could debate the minimum wage.

Let's give the American workers an increase in their salaries. The average CEO in the United States earns 821 times more than the minimum wage worker, earning more before lunchtime than a minimum wage worker earns all year.

I think it is wrong to have millions of Americans working full time and year round and still living in poverty. I would like to think if you work in this country you can get out of poverty. I think it is wrong to give Congress a raise when millions of workers have not had a penny raise in 9 years.

Over 9 years, this House has given themselves something like $35,000 in pay increases, and we have not even addressed the issue of the minimum wage, and millions of our fellow citizens are locked into this minimum wage. It is wrong to give tax cut after tax cut after tax cut after tax cut to millionaires and to special interests when you do nothing for minimum-wage workers.

Nearly 15 million Americans will benefit from a minimum wage increase to $7.25 an hour, 6.6 million directly and 8.3 million indirectly. Almost 60 percent of these workers are women. Forty percent are people of color. Raising the minimum wage to $7.25 an hour equals an additional $4,400 a year for a family of three. That is 15 months of groceries, over 2 years of health care, 2 years of college tuition at a public 2-year college. I could go on and on and on.

It is astounding to me that we find ourselves back after the July 4 recess and we are told we will get to these important issues like the minimum wage when we can get to them. We have nothing going on this week that will keep us here beyond Thursday or keep us here until 5 o'clock today or even tomorrow.

What we are asking for is the opportunity to be able to debate the issue of increasing the Federal minimum wage and letting people in this Chamber, both Republicans and Democrats, have an opportunity to vote up or down.

Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. GEORGE MILLER), a champion on this issue.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Massachusetts, and I just want to join him in his remarks that this really is not about this rule, but this is the only place where we can protest the priorities of this Congress when there are millions of American workers who work at the minimum wage, who are unable to provide for their families the basic necessities of their families. And Congress fails to address that issue and fails to address it especially when it is so clear the voids in the congressional schedule, where there are these huge gaps of time where it would be available to debate the minimum wage, hold hearings on the minimum wage, and report out a bill for consideration by the Members of Congress. And yet that is not being done.

It is not being done basically because the Republican leadership has committed itself to its supporters and the business community that it will not allow a minimum wage vote to come before the House of Representatives, even though it is clear that there is probably enough support to pass this legislation to increase the minimum wage to $7.25 an hour over the next couple of years.

By doing that, we dramatically change the lives of those individuals who today work at $5.15 an hour. We dramatically change the lives of the 1.6 million workers who are parents of children under the age of 18 who earn the minimum wage. All together those parents are working to raise more than 3 million children, and yet with the minimum wage stuck at $5.15 an hour, they are unable to provide the necessities for their family, for those children.

Mind you, these families are stuck at a wage of 1997. The Members of this House cannot think of anything else that is stuck at 1997. The price of bread is not struck in 1997 prices. The price of gasoline is not at 1997 prices. The price of health care is not at 1997 prices. But for these people who work every day and work at very difficult jobs, jobs most other people might not take, certainly will not take at this wage, they end up at the end of the year poor.

At the end of this congressional year, this Congress will not be able to find the time to address this urgent economic need.

We have supporters for increasing the minimum wage, a company I don't generally agree with, but Wal-Mart, who says essentially, even at their stores where they advertise everyday low prices, that the people who shop in the stores at minimum wage are not making enough money to buy the basic necessities that are offered. There is not enough money in the communities to provide for the success of those stores.

This is about whether or not we are going to create an underclass in America, an underclass probably we already have because these people are stuck in 1997 wages. But now that you know it, what is the morality of ignoring them? What is the morality of making a conscious decision that you are going to go out of session today at 2 o'clock as opposed to staying a couple of hours longer and dealing with the minimum wage? What is the morality that you are going to end this session of Congress where I think we have maybe 30 days left before adjournment without addressing the minimum wage?

What is it you are saying to these people about the worth that they are worth, about their lives, about their desire to take care of their children, to provide the necessities, to provide the wherewithal for the education and the health and the nutrition of their children?

Try doing it on $5.15 an hour. It won't buy you 2 gallons of gas today, so I hope you don't have to commute very far. It certainly won't help with health care payments because you have to pay the rent, and today we see rent is going up as housing markets go up.

So we leave these people stranded. And you want to talk about values, you want to talk about families, you want to talk about children, you want to talk about community, and you a creating an underclass that is so desperate, and yet these people make the decision to go to work every day. Explain the morality of that.

No, you are going to spend your morality on Internet gaming. We are going to say to people, if you bet on a horse, you are legal; if you bet on a dog, you are not. If you bet in one State, you are legal; not if in another. If you want to play Texas Hold 'Em, you are legal in some States, but not in other States.

No, let's talk about the morality of a family that is struggling every day to hold itself together at a time of increasing utility costs, increasing food costs, increasing transportation costs, increasing energy costs; and this Congress, under Republican leadership, simply will not make time to discuss this issue, to vote on this issue. We are not finding the time under this leadership to vote on this issue.

That is why we are going to ask for a vote on the previous question to suggest to you that there is another way to run this Congress, to run it for the benefit of these desperate Americans who are working hard every day, but not getting compensated in today's pay.

Imagine. You didn't think it was sufficient that you all get compensated here at 1997 wages, so we have continued to provide a COLA. I think it is justified, but the fact of the matter is, for millions of Americans, you have made a conscious decision while we get a COLA, we are going to trap them in 1997 wages.

I thank the gentleman. I thank him for his leadership, for allowing his cooperation on allowing this opportunity to have this vote and again to try to express to this Congress, because now we are lobbying the Congress on behalf of the people that are not politically engaged, are not politically active. They are working too hard; they are working too hard at work, and they are working too hard the rest of the day trying to figure out how they hold their families together.

And what do they get from the Republican Congress? They get the back of their hand. They get the back of their hand. These people's workday does not end at 5 o'clock. They spend the rest of the time trying to figure out how they are going to juggle transportation costs, food costs, health care, education, how they are going to do that for those 3 million children. And we sit by and we end the workday at 2 o'clock? At 2 o'clock, they are just getting started. We end the work day at 5 o'clock; they are driving home and figuring out whether or not they can go by the supermarket. Or we are not going to work on Fridays. They go to work on Fridays. They go to work all day on Fridays. We are going to work at 6 o'clock on Monday night. They went to work at 6 o'clock Monday morning.

Do you start to get the sense of the inequities that are taking place here that are within your power to change?

Let me tell you, you say, oh, you are going to kill jobs. There is no evidence that that is the case. In fact, those States that have increased the minimum wage apparently are doing a little better economically and having more job creation than those States that did not. But let me tell you, if you have a business plan that is dependent upon paying people 1997 wages, there may be something wrong with your business plan.

I do not think we should become coconspirators in creating this underclass, and we should not be able to look the other way as we live a life that is completely out of touch with the struggle of these people, with our neighbors, with people living in our community. They struggle on the job and off the job because it never ends for them trying to make ends meet. And we stroll in here on a Tuesday morning, we stroll out of here on a Thursday night. We stroll out of here for the month of August and we stroll out of here in November and we can't find time? We can't find time to address this issue?

We are not asking you to raise the wages from today. We are asking you to raise the wages from 1997.

I thank the gentleman for yielding the time.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

It is interesting to hear from the other side the complaint about ending our workday at 2 o'clock or 3 o'clock or 4 o'clock in the afternoon, whatever the case may be, and yet we hear from them repeatedly of the accusation that the Republicans are passing bills in the dark of the night. So no matter how we do it, they are going to criticize us.

I think the schedule that we keep is the one that gets things done and gets it done in an effective way.

Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Georgia for giving me this time, and I rise in strong support of this bill by the gentleman from Iowa (Mr. LEACH) and the gentleman from Virginia (Mr. GOODLATTE) and the rule which brings this bill to the floor. I am pleased to be a cosponsor of this legislation, which by the way, in case there is any confusion, has nothing whatsoever to do with the minimum wage.

We just heard a few minutes ago a very detailed explanation of this legislation by the gentleman from Virginia (Mr. GOODLATTE), one of the primary sponsors to deal with this, what he described as a $12 billion industry growing very rapidly, this problem of Internet gambling. This bill, this legislation, is a very reasonable and rational response to what is a very fast-growing national problem.

For the past 40 years or so, governments at all levels have been shrinking the tax base by taking more and more property off the tax rolls. At the same time, demands for more and more funding from all government agencies has been growing. Governments at all levels have turned to gambling in a desperate attempt to raise more revenue. Many States now promote lotteries or even allow casinos or other forms of gambling.

This sounds great, of course, for a politician to create a park, but we have now taken so much land off the tax rolls that we continuously hear about shortfalls in funding for every government activity. Half the land is now in some type of public or quasi-public ownership.

But gambling should not be the answer, Mr. Speaker. Several million people already are addicted to one form of gambling or another. This problem is going to grow, and many families will suffer if government keeps promoting gambling, and especially if it can be done by pushing a few buttons in the privacy and comfort of a home.

The Internet is addictive for many people, anyway, and online gambling can be doubly addictive. We need to put modest and reasonable limitations in place on Internet gambling, and this bill does that.

I urge its support.

□ 1115

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today supposedly is part of the Republican Family Values Agenda. But going back to what my colleague from California (Mr. MILLER) asked, shouldn't any family value agenda include guaranteeing working families a livable, decent wage?

The fact of the matter is, if the minimum wage had increased at the same rate as the salary increase CEOs had received, it would now be $23.03 an hour. Members of Congress, as I have reminded my colleagues, have awarded themselves eight pay raises since they last raised the minimum wage. Thirty-five percent of workers who received a minimum wage are their family's sole earners. Sixty-one percent are women. And almost one-third of these women are raising children.

Oftentimes we hear the other side say that this will somehow hurt small business. Well, the fact of the matter is, small businesses perform better in States with higher minimum wages. Between 1998 and 2004, the job growth for small businesses in States with a minimum wage higher than the Federal level was 6.2 percent compared to a 4.1 percent growth in States where the Federal level prevailed.

The bottom line is, those of us on this side believe that increasing the minimum wage for working families in this country needs to be a priority, and we would prefer to have this discussion during a debate on the minimum wage. Unfortunately, the leadership on the other side continues to deny us that opportunity. So again I would urge my colleagues on the other side of the aisle who agree with us to press your leadership to allow us to have a vote on the minimum wage. We could do it today.

Again, I would remind my friend from Georgia (Mr. GINGREY) that according to the schedule that we are out by 2 today. We have plenty of time to do it today. We could do it tomorrow. We could do it Friday. We have the whole day on Friday we could do it. So again I would urge my colleagues to support any effort to increase the Federal minimum wage.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), and I trust that he will be speaking about H.R. 4411 and this rule concerning the Unlawful Internet Gambling Enforcement Act of 2006.

Mr. OSBORNE. Mr. Speaker, I would like to thank Mr. GINGREY for yielding me time. I also thank Chairman OXLEY and Representative GOODLATTE for their work on this bill, and Representative LEACH and many others.

Mr. Speaker, I would like to emphasize that this is a tremendously important piece of legislation. This is not a filler. This is not something we are just going through the motions on. The reason I say this is that gambling causes poverty. It causes poverty, in many cases, as much as the wage actually paid an individual. It causes family dysfunction. It causes crime, embezzlement, theft.

There is nothing that we can do right now at this particular time that I think is more germane to the welfare of families and people in the United States than this legislation. The proliferation of Internet gambling is fueling the growth of illegal sports gambling on college campuses across the country. That is why this legislation is endorsed by the NCAA, the NFL and Major League Baseball. The reason I am coming at it from this perspective is, as a coach for 36 years, I was always very concerned about the impact of gambling on athletics.

A 2003 study by the NCAA showed that almost 35 percent of male student athletes engaged in some type of sports wagering behavior in the previous year, and roughly 10 percent of female student athletes did as well. For instance, one athlete reported a $10,000 Internet gambling debt.

Now, when you have that type of debt, and you are a student, there is almost no way you can pay it off except you can possibly say, well, you know, if I cooperate with the gamblers, and if I miss a free throw or fumble the football or fix a game, then I can be made whole.

And so the integrity of athletics is pretty much at jeopardy in this regard, and particularly because Internet gambling can be done in such an inconspicuous way. Almost every college student has access to a computer, and 70 percent of them have credit cards. Therefore, this is a huge problem on the college campus.

College students are more likely to fall victim to serious gambling problems. According to a 1997 study by Harvard University, college students show the highest percentage of pathological and problem gambling of any subgroup in the country.

So because of the pervasive, legal, economic and social challenges posed by the rapid growth of Internet gambling, the National Gambling Impact Study Commission unanimously recommended, in its 1999 final report, that the Federal Government prohibit all Internet gambling not authorized and legalized by law.

H.R. 4411, the Unlawful Internet Gambling Enforcement Act, provides new law enforcement mechanisms to stop offshore casinos that are violating existing State and Federal laws against Internet gambling. The ease of Internet gambling poses a very serious threat to our families and our society.

Mr. Speaker, I am pleased to be a cosponsor of this legislation. I urge support by my colleagues. Support the rule and underlying legislation to crack down on illegal Internet gambling.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding to me.

Ladies and gentlemen of the House, H.R. 4111 can also be considered Abramoff's revenge. Because as the Cato Institute itself, not the most liberal think tank around, has suggested, we are doing exactly what he wanted us to do.

What he wanted us to do is to push this bill as the anti-Abramoff bill, which is quite disingenuous. The Abramoff stuff is just latching on to the backlash to try to push it through.

And so for all of you who thought that we were doing something that he might not approve of, I just want you to know that this measure offers the gambling bill as something that he would now support in its present form. It is a very critical point to consider. It is a bill that he would have supported in 2000. And though the bill is being rationalized as a way to exorcise the demons of 2000, the reality is the bill serves the client, his clients or ex-clients' interests indeed.

I am hopeful that the Members, particularly my friend from Iowa, will recognize that what they are trying to do and that we know about his past involvement in the killing of the 2000 bill is now just the reverse.

JULY 11, 2006.

DEAR COLLEAGUE: "Lobbyist Jack Abramoff and his team were beginning to panic.

"An anti-gambling bill had cleared the Senate and appeared on its way to passage by an overwhelming margin in the House of Representatives. If that happened, Abramoff's client, a company that wanted to sell state lottery tickets online, would be out of business." ("How a Lobbyist Stacked the Deck: Abramoff Used DeLay Aide, Attacks On Allies to Defeat Anti-Gambling Bill," Susan Schmidt and James V. Grimaldi, Washington Post, October 16, 2005)

If he were still lobbying and not on his way to jail, Abramoff and his former client would have no reason to panic about H.R. 4411, the revised Internet gambling bill scheduled for a vote on Wednesday. That's because H.R. 4411 contains precisely the loophole for state lotteries that Abramoff was hired to secure in 2000.

The bill's supporters often invokes the defeat of his bill in 2000 and lobbyist Jack Abramoff's role in that defeat as a reason to enact this year's bill. However, supporters conspicuously fails to note that Abramoff's goal was to preserve the ability of his then-client, ELottery.com, to bring state lotteries onto the Internet. He only worked to defeat the Goodlatte bill when it was clear that state lotteries would not be exempt from the ban.

He would be able to rest easy today. That's because H.R. 4411 contains an amendment to the Federal Wire Act that would allow states (and companies working with those states) to sell lottery tickets online so long as certain minimal conditions are met, e.g. the State must specifically authorize online lottery ticket sales. Given that some states already are looking to sell tickets online in order to boost revenues, the new version of the bill will give those states a green light.

H.R. 4411 is Abramoff's revenge. It is a bill that he could have supported in 2000. And though passage of this bill is rationalized as a way to exorcise the demons of 2000, the reality is this bill serves his client's interests..

Sincerely,

JOHN CONYERS, Jr.,
Ranking Member.

GOP OFFERS GAMBLING BILL AS ABRAMOFF ELIXIR

(By Kathryn A. Wolfe)

Some Republicans are touting Internet gambling legislation the House likely will pass Tuesday as evidence that disgraced lobbyist Jack Abramoff's influence is gone—even though the measure would protect many of the gambling interests he once represented.

Abramoff's lobbying activities, including actions he took on behalf of the Connecticut-based gambling company eLottery, are under Justice Department investigation. He separately pleaded guilty Jan. 4 to conspiracy and fraud charges stemming from the 2000 purchase of a gambling boat fleet and was sentenced to five years and 10 months in prison.

eLottery, which helps state and international governments and Indian tribes market lottery tickets online, hired Abramoff to lobby against a 2000 bill that sought to establish criminal penalties for Web sites offering Internet gambling, including those selling tickets for state lotteries online. He sought to kill the bill entirely, or alternatively to carve exceptions for certain powerful gambling industries. The measure was defeated on the House floor July 17, 2000.

This year, lawmakers, eager to turn the Abramoff scandal into something positive, have begun a new push to enact slightly different legislation intended to curb Internet gambling. Much of the rhetoric swirling around the bills portrays them as the mop with which lawmakers will cleanse the Capitol of Abramoff's influence.

During a House Financial Services Committee markup on March 14, Jim Leach, R-Iowa, a sponsor of one measure to curb Internet gambling (H.R. 4411), hinted at Abramoff's past involvement in killing the 2000 bill, suggesting the affair is a stain on Congress.

"Congress is in certain disrepute," Leach said. "[The bill] is part and parcel of what I consider to be necessary to clean up the Congress."

Leach's bill would prohibit banks and credit card companies from processing payments for online gambling bets.

Republican leaders decided to fold another Internet gambling bill (H.R. 4777) by Robert W. Goodlatte, R-Va., into Leach's bill for floor action Tuesday.

Goodlatte's bill—approved 25–11 by the Judiciary Committee on May 25—would prohibit gambling businesses from accepting credit cards and electronic transfers for online betting. It also would modify the 1961 Wire Act (PL 87-216) to clarify that its prohibitions apply to Internet gambling, not just sports bets placed over telephone wires.

It appears likely the gambling legislation will win sizable Democratic support on the floor. Goodlatte's bill was supported by four Democrats on the Judiciary panel. The Financial Services Committee approved Leach's bill by voice vote.

However, some congressional aides and policy analysts who have followed the legislation say little has changed since Abramoff succumbed to scandal.

"If they pass this bill, it will be clear that Abramoff has won and everything he fought for is still protected—all the industries, carve-outs and exceptions," said a Democratic aide familiar with the bills.

Indeed, neither Goodlatte's nor Leach's bill would apply its prohibitions to interstate online wagering on horse races. And Goodlatte's bill contains an exemption for online state lotteries.

Both measures also contain exemptions for fantasy sports leagues that offer cash prizes at the behest of Major League Baseball and grass-roots fan organizations such as the Fantasy Sports Association.

Goodlatte's bill expressly states that it would not prohibit activities allowed under the Interstate Horseracing Act (PL 95-515), the 1978 law that allows off-track betting facilities to accept interstate horse bets. The horse wagering industry and the Justice Department are locked in a battle over whether that law allows online interstate horse betting.

GOP leaders decided to allow one floor amendment to be offered to the bill, which would eliminate all waivers or exceptions for certain types of Internet gambling.

Goodlatte bristles at suggestions that his bill contains "carve-outs" for the horse-racing industry, arguing that it does not get involved in the issue. "I have very carefully stayed away from that debate," Goodlatte said. "This legislation is not the place to get into this issue."

But Radley Balko, a policy analyst for the Cato Institute, a libertarian think tank, says that by remaining silent on the debate, the measures in effect contain an exemption.

Balko said the horse-racing industry will likely attempt to use the bills to bolster its case in its spat with the Justice Department by arguing that lawmakers' silence on the issue is tacit approval from Congress.

"This is exactly the bill Jack Abramoff would've wanted," Balko said. "So to push it as the anti-Abramoff bill is disingenuous. The Abramoff stuff is just latching on . . . to the backlash to try to push this through."

Goodlatte has been particularly vocal about the online wagering issue's connection with Abramoff. During a February appearance on CNBC, Goodlatte noted that he introduced his bill with 116 cosponsors, saying many who voted against the 2000 bill "were misled by Mr. Abramoff and others about the function of the legislation [and] are now saying 'We want on board.'"

Those who voted against the 2000 measure who this year are cosponsoring Goodlatte's bill include House Majority Whip Roy Blunt, R-Mo.; Dave Camp, R-Mich.; Steve Chabot, R-Ohio; Gene Green, D-Texas; Bill Jenkins, R-Tenn.; Thomas M. Davis III, R-Va.; Jack Kingston, R-Ga.; and Fred Upton, R-Mich. Tom DeLay, R-Texas, also signed on as a cosponsor, although he has since resigned from Congress.

The lawmakers who answered requests for comment on the matter—Blunt, Camp and Green—brushed aside suggestions they were influenced on the 2000 bill by Abramoffs efforts, saying this year's bills simply take a better approach. The rest did not return calls seeking comment.

"Congressman Blunt had concerns regarding potential loopholes in the bill when the House last voted," said spokeswoman Jessica Boulanger. "His major concerns have been addressed and it is clear that the benefits of getting this bill done expeditiously outweigh any other concerns."

Supporters of cracking down on Internet gambling, including the conservative Christian group the Traditional Values Coalition, view online gambling as a conduit for money laundering and a breeding ground for a host of social ills.

Opponents of the bills include professional and recreational gamblers, the online gambling industry, libertarian groups and some financial institutions, especially small banks, which fear it will be impossible to comply with the bills' directives.

Mr. GINGREY. Mr. Speaker, I yield 4½ minutes to the coauthor of this important piece of legislation, the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I hadn't intended to speak during the rule. I would comment to begin with on Mr. MCGOVERN's point. I think he has a really quite excellent one on the minimum wage. But I must frankly differ quite profoundly with the comments of my good friend, the distinguished ranking member of the Judiciary Committee from Michigan.

The public record is very clear, JOHN, and there is no equivocation, no conceivable other interpretation. A bill was brought to the floor in the year 2000, which was brought by BOB GOODLATTE, and a great deal of lobbying went into it to defeat it by Mr. Abramoff. It did not get the requisite two-thirds vote.

Subsequently, in addition, the record is quite clear, on three separate occasions, the House banking committee brought a bill out that was not allowed to come to the floor. And there is every indication that it was a group led by Mr. Abramoff and others that blocked the leadership from allowing the bill to come to the floor.

And so I do not want anyone to think and be sidetracked into any other interpretation. This is an interpretation, by the way, fully shared by all of the outside groups looking at the issue. I know of no group that has a different interpretation than this.

Now, I recognize the gentleman has a long-held view about the appropriateness, and it is a credible approach of legalizing gambling. It is not an approach that I share, but it is credible. And this bill goes in the other direction.

As we go down this path, it is important that we all reflect the issues that we believe in from one perspective or another, but I don't think we should misinterpret history. And I know Mr. GOODLATTE from your committee has personal scars on what happened from influence peddlers from the outside world that have come and blocked approaches that he has advocated for long periods of time, and I have advocated also for a fair length of time.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to ask the question, Does this not contain carve-outs for horse racing?

Mr. LEACH. Actually, let me respond to that.

Mr. CONYERS. And lottery?

Mr. LEACH. Let me respond directly to that. The horse racing provisions in this bill reflect the Interstate Horse Racing Act. To the degree that there is any change, it is a slight upgrading restriction in horse racing, because the new definitional structures put in this bill apply to the Wire Act. This bill does not touch the dispute between the Justice Department and the horse racing community. But it increases the strength of the Justice Department's position in the sense that these new definitional structures that will apply to the Wire Act will also apply to horse racing itself.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank very much the gentleman for yielding. I want to be very, very clear about this. This legislation is very, very similar to the legislation that Jack Abramoff helped to defeat. He in no way supports it, number one. Number two, there is no carve-out in this legislation for horse racing or for lotteries.

That has been misrepresented time and time again. That is exactly the device, that is exactly the argument that Jack Abramoff used to defeat this legislation twice before. So to make the argument again I think is entirely wrong; it is entirely misleading. The fact of the matter is that the horse racing industry has a separate statute, the Interstate Horse Racing Act, and this legislation does nothing to enhance that legislation nor to repeal it.

The Justice Department negotiated very carefully the language that preserves their right to proceed against the horse racing industry if they choose to do so, because they maintain that separate statute, the Interstate Horse Racing Act, does not allow them to do what they are doing.

But this legislation does nothing to enable that in any way, shape or form; nor does it do anything to enable State lotteries to engage in Internet gambling operations.

The legislation makes it very clear that for any type of operation to take place, it must be confined within the borders of the State which cannot be done on the Internet.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am deeply impressed by the passion that my comments have raised. But remember that the old bill that he killed did not contain a lottery exemption that Abramoff wanted, and this one does. CQ may have gotten it wrong, ladies and gentlemen, I doubt it. Republicans are touting Internet gambling legislation the House will likely pass as evidence that disgraced lobbyist Jack Abramoff's influence is gone, even though the measure would protect many of the gambling interests he once represented.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, hypocrisy is certainly rampant here in the House today. Mr. GOODLATTE, the gentleman from Virginia, apparently wants it both ways. He wants to tell us that the Department of Justice is opposed to horse race gambling, but on the other hand the horse race industry is happy as a clam.

Let me quote for you what they have said in their March 15, 2006, press release. It said they had secured language in the Leach bill to protect Internet and account wagering on horse racing. Also, NTRA worked with Congressman GOODLATTE to ensure that H.R. 4411 also contained language that protects online and account pari-mutuel wagering.

□ 1130

Obviously, nobody has told the horse racing industry that they are not exempt from this legislation.

After the Judiciary Committee approved the Goodlatte bill in May, the Thoroughbred Times printed an article titled "Gambling Bill Passes Committee With Racing Exemption Intact," which includes the sentence, "The bill includes an exemption that would allow the United States horse racing industry to continue to conduct interstate account and Internet wagering."

Now, I was raised in Las Vegas, Mr. Speaker, where gambling is legal. My children were born in Las Vegas; my parents live in Las Vegas. We are now three generations there. I take great exception to those colleagues of mine that malign the gaming industry and, thereby, the State of Nevada.

Now, I know firsthand, coming from a family whose father was a waiter, and on a waiter's salary in Las Vegas because of a strong gaming economy made enough money to put food on the table, clothes on our back, a roof over our head, and two daughters through college and law school. That is not so bad on a waiter's salary, and it doesn't happen too many other places but the State of Nevada because of our strong gaming economy. I can assure you that neither my sister nor I nor any of our friends nor any of our children have had any bad consequences because of the gaming industry.

So when I hear the gentleman from Virginia speak of a carefully crafted compromise, which this bill supposedly is, I think what he means is that he made a deal with the horse racing lobby to exempt them from this bill. And why is that? Because he knew they would fight it tooth and nail unless he gave them an exemption. And his comments to the contrary doesn't make it so.

And when the gentleman from Nebraska stands up and speaks about protecting college students, I have been down this road with him before. When it comes to gambling online, there is nothing, nothing, let me repeat that as loudly as possible for everyone to hear, there is nothing in this legislation that is going to protect college kids on campus from gambling online. We are talking about off-shore gambling sites, Internet sites that are outside of the reach of our judicial system and our regulators.

PARLIAMENTARY INQUIRIES

Mr. GINGREY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. MURPHY). The gentleman will state his inquiry.

Mr. GINGREY. Mr. Speaker, is it appropriate for a Member to characterize the motivation of another Member, which I think the gentlewoman from Nevada, whether intentionally or unintentionally, just did? In addition to that, of course, reference the member as a hypocrite. And I just would like to know from the Parliamentarian, is this appropriate for a Member to characterize the motivation of another Member as Ms. BERKLEY just did regarding the distinguished author of this bill, Mr. GOODLATTE?

The SPEAKER pro tempore. The Chair reminds all Members to refrain from personalities regarding other Members' motives.

Ms. BERKLEY. May I make an inquiry?

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. BERKLEY. What would you call it when you are attempting to outlaw Internet gaming but create an exemption for horse race gambling online?

The SPEAKER pro tempore. The gentlewoman is not stating a parliamentary inquiry.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, one of the problems with the discussion so far is we keep talking about prohibiting Internet gambling. There is nothing in the bill that prohibits Internet gambling. The prohibition is against running a gambling operation on the Internet in the United States. If you are running one offshore, there is no prohibition. So what we are doing is setting up a monopoly for offshore operations beyond the reach.

We are also setting up a credit card situation which cannot be enforced. How is a credit card company going to deny a bill coming in when they don't know what it is for? The credit card company has got to know it is illegal, they have got to know it was for illegal gambling rather than for something else. A lot of companies that have a lot of different entities, they may be charging for a hotel room, not for Internet gambling. And it cannot possibly be enforced. So you have a regulatory scheme that can't work and no prohibition against gambling.

If we wanted to get serious about Internet gambling, you should have put in there it is illegal to gamble. That is not in the bill. This bill is a message bill. It is unenforceable; you can't regulate it. It would make more sense since the cat is out of the bag, many countries are running Internet gambling operations already. If we are going to do anything, we ought to regulate the operations, supervise it, and tax it.

Mr. GINGREY. Mr. Speaker, I would agree with the gentleman from Virginia, it would be nice if we could in the United States Congress with our laws regulate what folks can do in Aruba or Bimini or Paradise Island. Unfortunately, we can't do that. But this bill does prohibit the use of financial instruments to pay for that gambling activity that is run offshore.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. If I could inquire of my friend from Georgia how many more speakers he has.

Mr. GINGREY. We currently have no more requests for speakers at this time, so I am reserving for the purpose of closing.

Mr. MCGOVERN. I am the final speaker on our side, so I will proceed.

May I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 7 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I will urge all Members of this House to vote "no" on the previous question so that I can amend the rule and allow the House to vote on H.R. 2429, the Miller-Owens bill to increase the Federal minimum wage for the first time in nearly a decade. We have the time. According to the schedule, we are out at 2 o'clock today. The American workers deserve a pay increase.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, my amendment provides that immediately after the House adopts this rule it will bring H.R. 2429 to the House floor for an up or down vote. This bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 after about 2 years. The amendment also phases in coverage of the Federal minimum wage for the Commonwealth of the Northern Marianas.

Mr. Speaker, how long are we going to wait before we start helping American workers and their families? Instead of passing significant legislation week after week, or, even worse, enacting bills to make the richest of this Nation even richer, when are we going to do something that is meaningful for the average American worker? It is simply disgraceful that less than 1 month ago we passed yet another massive tax break for our Nation's multimillionaires, but failed to help those American families who earn the least. In fact, the leadership of this House actually blocked consideration of a bill that contained an increase in the minimum wage. The leadership of this House actually and affirmatively went out there and blocked a bill that contained an increase in the minimum wage.

It is getting harder and harder every day for those making at or near minimum wage to make ends meet. It doesn't take a genius to figure out that paying $3 or more for a gallon of gas by itself can eat up a $5.15-an-hour paycheck. And we all know that, when gas prices increase, it has a ripple effect throughout the country, increasing costs for food and other necessities in life.

Mr. Speaker, just yesterday The Washington Post reported on a new study that shows that in the Washington, D.C. area, wages are rising more than twice as fast for highly paid employees as they are for workers. These people need our help, and they need it immediately. Let's not allow any more time to go by before we do the right thing and adopt an immediate increase in the minimum wage.

Let's show the American people that we are looking out for their best interests. And we can do this today, Mr. Speaker, if we vote down the previous question and amend the rule.

I urge all Members of this body to vote "no" on the previous question so we can help the 7 million-plus American workers who will directly benefit from an increase in the minimum wage.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I rise again in support of this rule and in recognition of the importance of this underlying bill. I want to again commend Chairman OXLEY and Chairman SENSENBRENNER for their stewardship of the bill, as well as Representatives LEACH and GOODLATTE, the sponsors of the bill.

H.R. 4411 goes a long way to modernize and clarify existing law, to turn back the tide of offshore Internet gambling sites that penetrate our borders and computers across this country with virtually no legal oversight. These organizations have the ability to prey on children as well as those citizens who suffer from a gambling addiction, and they must be stopped.

Mr. Speaker, H.R. 4411 does a very good job of getting at the root of the problem and targeting those organizations that enable this illicit activity by tightening legal definitions and toughening the penalties for violations. This bill achieves these ends while also preserving the rights of our States and their regulatory powers. So for the sake of minors who might be lured into gambling, and, in truth, citizens of all ages, I want to encourage my colleagues to support both this rule and the underlying bill.

The material previously referred to by Mr. McGOVERN is as follows:

PREVIOUS QUESTION ON H. RES. 907, RULE FOR H.R. 4411 UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006

At the end of the resolution add the following new section:

"Sec. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is the one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 29, as follows:

[Roll No. 360]

YEAS—214

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—29

Davis (FL)
Davis, Jo Ann
Dicks
Doyle
Evans
Forbes
Goode
Green (WI)
Gutierrez
Hinchey
Hinojosa
Hyde
Istook
Jenkins
Jones (OH)
Kelly
McNulty
Miller (NC)
Nussle
Owens
Radanovich
Rangel
Sessions
Slaughter
Smith (NJ)
Strickland
Sullivan
Tiahrt
Wexler

☐ 1210

Mr. PALLONE changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. REHBERG). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER POSTPONEMENT OF FURTHER CONSIDERATION OF H.R. 4411, INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4411, pursuant to House Resolution 907, notwithstanding the ordering of the previous question, it may be in order at any time for the Chair to postpone further consideration of the bill until a later time to be designated by the Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4411.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

Mr. OXLEY. Mr. Speaker, pursuant to House Resolution 907, I call up the bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unlawful Internet Gambling Enforcement Act of 2005".

SEC. 2. PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 53 of title 31, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"§ 5361. Congressional findings and purpose

"(a) FINDINGS.—The Congress finds the following:

"(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

"(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites.

"(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

"(4) New mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions or regulations on the Internet, especially where such gambling crosses State or national borders.

"(b) RULE OF CONSTRUCTION.—No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.

"§ 5362. Definitions

"In this subchapter, the following definitions shall apply:

"(1) BET OR WAGER.—The term 'bet or wager'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28;

"(D) includes any instructions or information pertaining to the establishment or movement of funds by the bettor or customer in, to, or from an account with the business of betting or wagering; and

"(E) does not include—

"(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

"(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

"(iii) any over-the-counter derivative instrument;

"(iv) any other transaction that—

"(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

"(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

"(v) any contract of indemnity or guarantee;

"(vi) any contract for insurance;

"(vii) any deposit or other transaction with an insured depository institution; or

"(viii) any participation in a simulation sports game, an educational game, or a contest, that—

"(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

"(II) has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of sporting events; and

"(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants.

“(2) BUSINESS OF BETTING OR WAGERING.—The term ‘business of betting or wagering’ does not include a financial transaction provider, or any interactive computer service or telecommunications service.

“(3) DESIGNATED PAYMENT SYSTEM.—The term ‘designated payment system’ means any system utilized by a financial transaction provider that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

“(4) FINANCIAL TRANSACTION PROVIDER.—The term ‘financial transaction provider’ means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

“(5) INTERNET.—The term ‘Internet’ means the international computer network of interoperable packet switched data networks.

“(6) INTERACTIVE COMPUTER SERVICE.—The term ‘interactive computer service’ has the same meaning as in section 230(f) of the Communications Act of 1934.

“(7) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5363 which the recipient is prohibited from accepting under section 5363.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(9) UNLAWFUL INTERNET GAMBLING.—

“(A) IN GENERAL.—The term ‘unlawful Internet gambling’ means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made.

“(B) INTRASTATE TRANSACTIONS.—The term ‘unlawful Internet gambling’ shall not include placing, receiving, or otherwise transmitting a bet or wager where—

“(i) the bet or wager is initiated and received or otherwise made exclusively within a single State;

“(ii) the bet or wager and the method by which the bet or wager is initiated and received or otherwise made is expressly authorized by and placed in accordance with the laws of such State, and the State law or regulations include—

“(I) age and location verification requirements reasonably designed to block access to minors and persons located out of such State; and

“(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's law or regulations; and

“(iii) the bet or wager does not violate any provision of the—

“(I) Interstate Horseracing Act;

“(II) Professional and Amateur Sports Protection Act;

“(III) Gambling Devices Transportation Act; or

“(IV) Indian Gaming Regulatory Act.

“(C) INTRATRIBAL TRANSACTIONS.—The term ‘unlawful Internet gambling’ shall not include placing, receiving, or otherwise transmitting a bet or wager where—

“(i) the bet or wager is initiated and received or otherwise made exclusively—

“(I) within the Indian lands of a single Indian tribe (as those terms are defined by the Indian Gaming Regulatory Act); or

“(II) between the Indian lands of 2 or more Indian tribes to the extent that intertribal gaming is authorized by the Indian Gaming Regulatory Act;

“(ii) the bet or wager and the method by which the bet or wager is initiated and received or otherwise made is expressly authorized by and complies with the requirements of—

“(I) the applicable tribal ordinance or resolution approved by the Chairman of the National Indian Gaming Commission; and

“(II) with respect to class III gaming, the applicable Tribal-State Compact;

“(iii) the applicable tribal ordinance or resolution or Tribal-State compact includes—

“(I) age and location verification requirements reasonably designed to block access to minors and persons located out of the applicable Tribal lands; and

“(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with the applicable tribal ordinance or resolution or Tribal-State Compact; and

“(iv) the bet or wager does not violate any provision of the—

“(I) Interstate Horseracing Act;

“(II) the Professional and Amateur Sports Protection Act;

“(III) the Gambling Devices Transportation Act; or

“(IV) the Indian Gaming Regulatory Act.

“(D) INTERSTATE HORSERACING.—The term ‘unlawful Internet gambling’ shall not include placing, receiving, or otherwise transmitting a bet or wager that is governed by and complies with the Interstate Horseracing Act of 1978.

“(E) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

“(10) OTHER TERMS.—

“(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms ‘credit’, ‘creditor’, ‘credit card’, and ‘card issuer’ have the same meanings as in section 103 of the Truth in Lending Act.

“(B) ELECTRONIC FUND TRANSFER.—The term ‘electronic fund transfer’—

“(i) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

“(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

“(D) INSURED DEPOSITORY INSTITUTION.—The term ‘insured depository institution’—

“(i) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

“(ii) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

“(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the same meanings as in section 5330(d) (determined without regard to any regulations issued by the Secretary thereunder).

“§ 5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

“No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

“(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

“(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

“(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

“(4) the proceeds of any other form of financial transaction, as the Secretary may prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

“§ 5364. Policies and procedures to identify and prevent restricted transactions

“(a) REGULATIONS.—Before the end of the 270-day period beginning on the date of the enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to identify and prevent restricted transactions in any of the following ways:

“(1) The establishment of policies and procedures that—

“(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

“(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

“(2) The establishment of policies and procedures that prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

“(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary shall—

“(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify, block, or prevent the acceptance of the products or services with respect to each type of restricted transaction;

“(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

“(3) consider exempting restricted transactions from any requirement imposed under such regulations, if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions.

"(c) Compliance With Payment System Policies and Procedures.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

"(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

"(A) identify and block restricted transactions; or

"(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

"(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

"(d) No Liability for Blocking or Refusing to Honor Restricted Transactions.—A person that is subject to a regulation prescribed or order issued under this subchapter and blocks, or otherwise refuses to honor a transaction—

"(1) that is a restricted transaction;

"(2) that such person reasonably believes to be a restricted transaction; or

"(3) as a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a),

shall not be liable to any party for such action.

"(e) Regulatory Enforcement.—The requirements of this section shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act.

"§ 5365. Civil remedies

"(a) Jurisdiction.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this subchapter by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this subchapter.

"(b) Proceedings.—

"(1) Institution by Federal Government.—

"(A) In general.—The United States, acting through the Attorney General, may institute proceedings under this section to prevent or restrain a violation or a threatened violation of this subchapter.

"(B) Relief.—Upon application of the United States under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

"(2) Institution by State Attorney General.—

"(A) In general.—The attorney general (or other appropriate State official) of a State in which a violation of this subchapter allegedly has occurred or will occur may institute proceedings under this section to prevent or restrain the violation or threatened violation.

"(B) Relief.—Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

"(3) Indian lands.—

"(A) In general.—Notwithstanding paragraphs (1) and (2), for a violation of this subchapter that is alleged to have occurred, or may occur, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act)—

"(i) the United States shall have the enforcement authority provided under paragraph (1); and

"(ii) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

"(B) Rule of construction.—No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act.

"(c) Expedited Proceedings.—In addition to any proceeding under subsection (b), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this subchapter, upon application of the United States under subsection (b)(1), or the attorney general (or other appropriate State official) of an affected State under subsection (b)(2), in accordance with rule 65(b) of the Federal Rules of Civil Procedure.

"(d) Limitation Relating to Interactive Computer Services.—

"(1) In general.—Relief granted under this section against an interactive computer service shall—

"(A) be limited to the removal of, or disabling of access to, an online site violating this subchapter, or a hypertext link to an online site violating this subchapter, that resides on a computer server that such service controls or operates, except that the limitation in this subparagraph shall not apply if the service is subject to liability under this section under section 5367;

"(B) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

"(C) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating this subchapter;

"(D) specify the interactive computer service to which it applies; and

"(E) specifically identify the location of the online site or hypertext link to be removed or access to which is to be disabled.

"(2) Coordination with other law.—An interactive computer service that does not violate this subchapter shall not be liable under section 1084(d) of title 18, except that the limitation in this paragraph shall not apply if an interactive computer service has actual knowledge and control of bets and wagers and—

"(A) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

"(B) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

"(e) Limitation on Injunctions Against Regulated Persons.—Nothwithstanding any other provision of this section, and subject to section 5367, no provision of this subchapter shall be construed as authorizing the Attorney General of the United States, or the attorney general (or other appropriate State official) of any State to institute proceedings to prevent or restrain a violation or threatened violation of this subchapter against any financial transaction provider with respect to the designated payment system (or systems) of the financial transaction provider.

"§ 5366. Criminal penalties

"(a) In General.—Whoever violates section 5363 shall be fined under title 18, or imprisoned for not more than 5 years, or both.

"(b) Permanent Injunction.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

"§ 5367. Circumventions prohibited

"Notwithstanding section 5362(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

"(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

"(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

"5361. Congressional findings and purpose.
"5362. Definitions.
"5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling.
"5364. Policies and procedures to identify and prevent restricted transactions.
"5365. Civil remedies.
"5366. Criminal penalties.
"5367. Circumventions prohibited.".

SEC. 4. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) In General.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) Report Required.—The Secretary of the Treasury shall submit an annual report to the Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

The SPEAKER pro tempore. In lieu of the amendments recommended by the Committees on Financial Services and the Judiciary printed in the bill, the amendment in the nature of a substitute depicted in the Rules Committee Print dated July 5, 2006, is adopted. Pursuant to House Resolution 907, the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Internet Gambling Prohibition and Enforcement Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—MODERNIZATION OF THE WIRE ACT OF 1961

Sec. 101. Definitions.
Sec. 102. Modification of existing prohibition.
Sec. 103. Authorization of civil enforcement.
Sec. 104. Authorization of appropriations.
Sec. 105. Rules of construction.
Sec. 106. Sense of Congress.

TITLE II—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

Sec. 201. Policies and procedures required to prevent payments for unlawful gambling.
Sec. 202. Technical and conforming amendment.

TITLE III—INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS

Sec. 301. Internet gambling in or through foreign jurisdictions.

TITLE I—MODERNIZATION OF THE WIRE ACT OF 1961

Sec. 101. DEFINITIONS.

Section 1081 of title 18, United States Code, is amended—

(1) by designating the five undesignated paragraphs that begin with "The term" as paragraphs (1) through (5), respectively;

(2) by amending paragraph (5), as so designated, to read as follows:

"(5) The term 'communication facility' means any and all instrumentalities, personnel, and services (among other things, the receipt, forwarding, or delivery of communications) used or useful in the transmission of writings, signs, pictures, and sounds of all kinds by aid of wire, cable, radio, or an electromagnetic, photoelectronic or photooptical system, or other like connection (whether fixed or mobile) between the points of origin and reception of such transmission."; and

(3) by adding at the end the following:

"(6) The term 'bets or wagers'—

"(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game predominantly subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

"(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

"(C) includes any scheme of a type described in section 3702 of title 28; and

"(D) does not include—

"(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

"(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

"(iii) any over-the-counter derivative instrument;

"(iv) any other transaction that—

"(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

"(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

"(v) any contract of indemnity or guarantee;

"(vi) any contract for insurance;

"(vii) any deposit or other transaction with an insured depository institution;

"(viii) participation in any game or contest in which participants do not stake or risk anything of value other than—

"(I) personal efforts of the participants in playing the game or contest or obtaining access to the Internet; or

"(II) points or credits that the sponsor of the game or contest provides to participants free of charge and that can be used or redeemed only for participation in games or contests offered by the sponsor; or

"(ix) participation in any fantasy or simulation sports game or educational game or contest in which (if the game or contest involves a team or teams) no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization (as those terms are defined in section 3701 of title 28) and that meets the following conditions:

"(I) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants.

"(II) All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals (athletes in the case of sports events) in multiple real-world sporting or other events.

"(III) No winning outcome is based—

"(aa) on the score, point-spread, or any performance or performances of any single real-world team or any combination of such teams; or

"(bb) solely on any single performance of an individual in any single real-world sporting or other event.

"(7) The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

"(8) The term 'electronic fund transfer'—

"(A) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

"(B) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

"(9) The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

"(10) The term 'financial transaction provider' has the same meaning as in section 5361 of title 31 (as added by title II of this Act).

"(11) The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

"(12) The term 'gambling business' means a business of betting or wagering.

"(13) The term 'information assisting in the placing of bets or wagers' means information knowingly transmitted by an individual in a gambling business that enables or facilitates a bet or wager and does not include—

"(A) any posting or reporting of any educational information on how to make a legal bet or wager or the nature of betting or wagering, as long as such posting or reporting does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal; or

"(B) advertising relating to betting or wagering in a jurisdiction where such betting or wagering is legal, as long as such advertising does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal.

"(14) The term 'insured depository institution'—

"(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

"(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

"(15) The term 'interactive computer service' has the same meaning as in section 230(f) of the Communications Act of 1934.

"(16) The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations prescribed by the Secretary thereunder).

"(17) The terms 'own or control' and to be 'owned or controlled' include circumstances within the meaning of section 2(a)(2) of the Bank Holding Company Act of 1956.

"(18) The term 'person' includes a government (including any governmental entity (as defined in section 3701(2) of title 28)).

"(19) The term 'State' means a State of the United States, the District of Columbia, or a commonwealth, territory, or possession of the United States.

"(20) The term 'tribe' or 'tribal' means an Indian tribe, as defined under section 4(5) of the Indian Gaming Regulatory Act of 1988).

"(21) For purposes of Section 1085(b), the term 'account' means—

"(A) the unpaid balance of money or its equivalent received or held by an insured depository institution in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to an account, including interest credited, or which is evidenced by an instrument on which the depository institution is primarily liable; and

"(B) money received or held by an insured depository institution, or the credit given for money or its equivalent received or held by the insured depository institution in the usual course of business for a special or specific purpose, regardless of the legal relationships established thereby, including escrow funds, funds held as security for securities loaned by the depository institution, funds deposited as advance payment on subscriptions to United States Government securities, and funds held to meet its acceptances.".

SEC. 102. MODIFICATION OF EXISTING PROHIBITION.

Section 1084 of title 18, United States Code, is amended to read as follows:

“1084. Use of a communication facility to transmit bets or wagers; criminal penalties

“(a) Except as otherwise provided in this section, whoever, being engaged in a gambling business, knowingly—

“(1) uses a communication facility for the transmission in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States, of—

“(A) bets or wagers;

“(B) information assisting in the placing of bets or wagers; or

“(C) a communication, which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers; or

“(2) accepts, in connection with the transmission of a communication in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States of bets or wagers or information assisting in the placing of bets or wagers—

“(A) credit, or the proceeds of credit, extended to or on behalf of another (including credit extended through the use of a credit card);

“(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the other person;

“(C) any check, draft, or similar instrument which is drawn by or on behalf of the other person and is drawn on or payable through any financial institution; or

“(D) the proceeds of any other form of financial transaction as the Secretary of the Treasury and the Board of Governors of the Federal Reserve System may prescribe by regulation which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the other person,

shall be fined under this title or imprisoned not more than five years, or both.

“(b) Nothing in this section prohibits—

“(1) the transmission of information assisting in the placing of bets or wagers for use in news reporting if such transmission does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal;

“(2) the transmission of information assisting in the placing of bets or wagers from a State or foreign country where such betting or wagering is permitted under Federal, State, tribal, or local law into a State or foreign country in which such betting on the same event is permitted under Federal, State, tribal, or local law; or

“(3) the interstate transmission of information relating to a State-specific lottery between a State or foreign country where such betting or wagering is permitted under Federal, State, tribal, or local law and an out-of-State data center for the purposes of assisting in the operation of such State-specific lottery.

“(c) Nothing in this section prohibits the use of a communication facility for the transmission of bets or wagers or information assisting in the placing of bets or wagers, if—

“(1) at the time the transmission occurs, the individual or entity placing the bets or wagers or information assisting in the placing of bets or wagers, the gambling business, and, subject to section 1084(b)(3), any individual or entity acting in concert with a gambling business to process the bets or wagers are physically located in the same State, and for class II or class III gaming under the Indian Gaming Regulatory Act, are physically located on Indian lands within that State;

“(2) the State or tribe has explicitly authorized such bets and wagers, the State or tribal law requires a secure and effective location and age verification system to assure compliance with age and location requirements, and the gambling business and any individual or entity acting in concert with a gambling business to process the bets or wagers complies with such law;

“(3) the State has explicitly authorized and licensed the operation of the gambling business and any individual or entity acting in concert with a gambling business to process the bets and wagers within its borders or the tribe has explicitly authorized and licensed the operation of the gambling business and any individual or entity acting in concert with a gambling business to process the bets and wagers, on Indian lands within its jurisdiction;

“(4) with respect to class II or class III gaming, the game and gambling business complies with the requirements of the Indian Gaming Regulatory Act; and

“(5) with respect to class III gaming under the Indian Gaming Regulatory Act, the game is authorized under, and is conducted in accordance with, the respective Tribal-State compact of the Tribe having jurisdiction over the Indian lands where the individual or entity placing the bets or wagers or information assisting in the placing of bets or wagers, the gambling business, and any individual or entity acting in concert with a gambling business to process those bets or wagers are physically located, and such Tribal-State impact expressly provides that the game may be conducted using a communication facility to transmit bets or wagers information assisting in the placing of bets or wagers.

For purposes of this subsection, the intermediate routing of electronic data constituting or containing all or part of a bet or wager, or all or part of information assisting in the placing of bets or wagers, shall not determine the location or locations in which a bet or wager is transmitted, initiated, received or otherwise made; or from or to which a bet or wager, or information assisting in the placing of bets or wagers, is transmitted.

“(d) Nothing in this section creates immunity from criminal prosecution under any laws of any State or tribe.

“(e) Nothing in this section authorizes activity that is prohibited under chapter 178 of title 28, United States Code.

“(f) When any common carrier, subject to the jurisdiction of the Federal Communications Commission, is notified in writing by a Federal, State, tribal, or local law enforcement agency, acting within its jurisdiction, that any communication facility furnished by it is being used or will be used by its subscriber for the purpose of transmitting or receiving gambling information in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States in violation of Federal, State, tribal, or local law, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any common carrier for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State, tribal, or local tribunal or agency, that such facility should not be discontinued or removed, or should be restored.”.

SEC. 103. AUTHORIZATION OF CIVIL ENFORCEMENT.

Chapter 50 of title 18, United States Code, is amended by adding at the end the following new section:

§ 1085. Civil remedies

“(a) Jurisdiction.—The district courts of the United States (in addition to any other remedies under current law) shall have original and exclusive jurisdiction to prevent and restrain violations of section 1084 by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under section 1084.

“(b) Proceedings.—

“(1) The United States may institute proceedings under this section—

“(A) to obtain injunctive or declarative relief, including but not limited to a temporary restraining order and a preliminary injunction, against any person (other than a financial transaction provider) to prevent or restrain a violation or a threatened violation of section 1084;

“(B) in the case of an insured depository institution that is a financial transaction provider, to—

“(i) restrain an account maintained at such insured depository institution if such account is—

“(I) owned or controlled by a gambling business; and

“(II) includes proceeds of, or is used to facilitate a violation of, section 1084; or

“(ii) seize funds in an account described in subparagraph (i) if such funds—

“(I) are owned or controlled by a gambling business; and

“(II) constitute the proceeds of, were derived from, or facilitated, a violation of section 1084.

“(C) The limitation in subparagraph (A) shall not apply if the financial transaction provider is a gambling business within the meaning of section 1081(12), in which case such financial transaction provider shall be subject to the enforcement provisions under subparagraph (A).

“(2) The attorney general (or other appropriate State official) of a State in which a communication in violation of section 1081 allegedly has been or will be initiated or received may institute proceedings under this section to obtain injunctive or declarative relief to prevent or restrain the violation or threatened violation. Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a temporary restraining order, a preliminary injunction, an injunction, or declaratory relief against any person (other than a financial transaction provider) to prevent or restrain a violation or threatened violation of section 1084, in accordance with rule 65 of the Federal Rules of Civil Procedure.

"(3) Notwithstanding paragraphs (1) and (2), for a communication in violation of section 1084 that allegedly has been or will be initiated or received on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act)—

"(A) the United States shall have the enforcement authority provided under paragraph (1);

"(B) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact; and

"(C) if there is no applicable Tribal-State compact, an appropriate tribal official may institute proceedings in the same manner as an attorney general of a State.

No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act.

"(4) Notwithstanding paragraph (3), no relief shall be granted under this section against a financial transaction provider except as provided in paragraph (1).

"(c) No damages, penalty, or forfeiture, civil or criminal, shall be found against any person or entity for any act done in compliance with any notice received from a law enforcement agency.

"(d) Relief granted under this section against an interactive computer service (as defined in section 230(f) of the Communications Act of 1934) shall—

"(1) be limited to the removal of, or disabling of access to, an online site violating section 1084, or a hypertext link to an online site violating such section, that resides on a computer server that such service controls or operates; except this limitation shall not apply if the service is violating section 1084 or is in active concert with a person who is violating section 1084 and receives actual notice of the relief;

"(2) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

"(3) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating section 1084;

"(4) specify the interactive computer service to which it applies; and

"(5) specifically identify the location of the on-line site or hypertext link to be removed or access to which is to be disabled.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

In addition to any other sums authorized to be appropriated for this purpose, there are authorized to be appropriated to the Department of Justice for each of fiscal years 2007 through 2010 $10,000,000 for investigations and prosecutions of violations of section 1084 of title 18, United States Code.

SEC. 105. RULES OF CONSTRUCTION.

(a) Nothing in this Act may be construed to prohibit any activity that is allowed under Public Law 95-515 as amended (15 U.S.C. 3001 et seq.).

(b) Nothing in this Act may be construed to preempt State law prohibiting gambling.

SEC. 106. SENSE OF CONGRESS.

It is the sense of Congress that this Act does not change which activities related to horse racing may or may not be allowed under Federal law. Section 105 is intended to address concerns that this Act could have the effect of changing the existing relationship between the Interstate Horseracing Act (15 U.S.C. 3001 et seq.), and other Federal statutes that were in effect at the time of this Act's consideration; this Act is not intended to change that relationship; and this Act is not intended to resolve any existing disagreements over how to interpret the relationship between the Interstate Horseracing Act and other Federal statutes.

TITLE II—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

SEC. 201. POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING.

Chapter 53 of title 31, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

"§ 5361. Definitions

"For purposes of this subchapter, the following definitions shall apply:

"(1) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

"(2) DESIGNATED PAYMENT SYSTEM.—The term 'designated payment system' means any system utilized by a financial transaction provider that the Secretary and the Board of Governors of the Federal Reserve System, in consultation with the Attorney General, jointly determine, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

"(3) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

"(A) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

"(B) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

"(4) FINANCIAL INSTITUTION.—The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

"(5) FINANCIAL TRANSACTION PROVIDER.—The term 'financial transaction provider' means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local payment network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

"(6) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution'—

"(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

"(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

"(7) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations prescribed by the Secretary thereunder).

"(8) RESTRICTED TRANSACTION.—The term 'restricted transaction' means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5362 which the recipient is prohibited from accepting under such section.

"(9) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(10) UNLAWFUL GAMBLING.—

"(A) IN GENERAL.—The term 'unlawful gambling' means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use of a communication facility where such bet or wager is unlawful under any applicable Federal or State law in the State or tribal lands in which the bet or wager is initiated, received, or otherwise made.

"(B) EXCLUSION OF CERTAIN AUTHORIZED TRANSACTIONS.—The term 'unlawful gambling' does not include any intrastate or intratribal transactions authorized under section 1084(c) of title 18, United States Code.

"(C) INTERMEDIATE ROUTING.—With respect to section 5362, the intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

"(11) OTHER TERMS.—The terms 'bet or wager', 'communication facility', 'gambling business', 'own and control', 'person', 'State', and 'tribal' have the same meanings as in section 1081 of title 18.

"§ 5362. Prohibition on acceptance of any financial instrument for unlawful gambling

"No person engaged in a gambling business may knowingly accept, in connection with the participation of another person in unlawful gambling—

"(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

"(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

"(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

"(4) the proceeds of any other form of financial transaction, as the Secretary and the Board of Governors of the Federal Reserve System may jointly prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

"§ 5363. Policies and procedures to identify and prevent restricted transactions

"(a) REGULATIONS.—Before the end of the 270-day period beginning on the date of the enactment of this subchapter, the Secretary and the Board of Governors of the Federal Reserve System, in consultation with the Attorney General, shall prescribe regulations (which the Secretary and the Board jointly determine to be appropriate) requiring each designated payment system, and all participants therein, to identify and block or otherwise prevent or prohibit restricted transactions through the establishment of policies and procedures reasonably designed to identify and block or otherwise prevent or prohibit the acceptance of restricted transactions in any of the following ways:

"(1) The establishment of policies and procedures that—

"(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

“(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

“(2) The establishment of policies and procedures that prevent or prohibit the acceptance of the products or services of the payment system in connection with a restricted transaction.

“(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary and the Board of Governors of the Federal Reserve System shall—

“(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify and block or otherwise prevent or prohibit the acceptance of the products or services with respect to each type of restricted transaction;

“(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing or prohibiting the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

“(3) consider exempting certain restricted transactions or designated, payment systems from any requirement imposed under such regulations, if the Secretary and the Board jointly find that it is not reasonably practical to identify and block, or otherwise prevent or prohibit the acceptance of, such transactions.

“(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

“(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

“(A) identify and block restricted transactions; or

“(B) otherwise prevent or prohibit the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

“(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

“(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that identifies and blocks a transaction, prevents or prohibits the acceptance of its products or services in connection with a transaction, or otherwise refuses to honor a transaction—

“(1) that is a restricted transaction;

“(2) that such person reasonably believes to be a restricted transaction; or

“(3) as a designated payment system or a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a),

shall not be liable to any party for such action.

“(e) REGULATORY ENFORCEMENT.—The requirements of this subchapter shall be enforced exclusively by—

“(1) the Federal functional regulators, with respect to the designated payment systems and financial transaction providers subject to the respective jurisdiction of such regulators under section 505(a) of the Gramm-Leach-Bliley Act and section 5g of the Commodities Exchange Act; and

“(2) the Federal Trade Commission, with respect to designated payment systems and financial transaction providers not otherwise subject to the jurisdiction of any Federal functional regulators (including the Commission) as described in paragraph (1).”.

SEC. 202. TECHNICAL AND CONFORMING AMENDMENT.

The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING
“5361. Definitions.
“5362. Prohibition on acceptance of any financial instrument for unlawful gambling.
“5363. Policies and procedures to identify and prevent restricted transactions.”.

TITLE III—INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS

SEC. 301. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 109-551, if offered by the gentlewoman from Nevada (Ms. BERKLEY) or her designee, which shall not be subject to a demand for division of the question, shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Ohio (Mr. OXLEY), the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS) each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today in support of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act. This bill represents the combined efforts of my esteemed colleagues, Chairmen BOB GOODLATTE and JIM LEACH, who have crafted an effective piece of legislation to finally stop the illegal Internet gambling we have worked against for so many years.

The Goodlatte-Leach bill combines two complementary approaches. First, it cuts off the flow of money to Internet gambling Web sites. These Web sites, almost always located on some far-flung Caribbean island, will no longer be allowed to accept bettors' credit cards, fund transfers, or checks drawn on American banks.

Secondly, H.R. 4411 clarifies that the 45-year-old Wire Act covers illegal Internet gambling. As a former FBI agent, I can attest to the fact that the Wire Act is an effective tool in stopping crime, and this bill will help us make better use of it.

Illegal Internet gambling is bad for a number of important reasons. Experts at the FBI and Justice Department have warned that these sites are often fronts for money laundering, drug trafficking and terrorist financing. Internet gambling sites evade U.S.-based regulations that ensure the integrity of casino games, prevent minors from gambling, and puts in safeguards for problem gamblers.

Because these businesses are located overseas, they provide no tax revenues, provide no U.S. jobs, all the while evading Federal and State law enforcement. Unlike legal gambling here in the United States, no enforcement mechanism exists to ensure that individuals are protected against these overseas Internet gambling sites. And with no age verification, savvy online gambling sites are preying on minors and young adults.

This Internet gambling bill is a culmination of a decade of hard work by Chairmen GOODLATTE and LEACH. I would also like to commend the efforts of Mr. BACHUS, Mr. WOLF, Mr. PITTS, Ms. HOOLEY, and Mrs. KELLY, just to name a few. With their help, we have passed several versions of this legislation in the House. I remain hopeful that the Senate will be able to do the same and we can once and for all give the banking regulators and the Justice Department the tools they need to stop illegal Internet gambling.

☐ 1215

In the meantime, I strongly urge my colleagues to support the Goodlatte-Leach bill.

Mr. Speaker, I reserve the balance of my time.

Ms. HOOLEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 4411, the Internet Gambling Prohibition Act.

I would like to thank Mr. LEACH and Mr. GOODLATTE for their hard work on bringing this bill to the House floor. It certainly has not been an easy task.

I would like to thank Mr. FRANK, our ranking member on the Financial Services Committee, for the opportunity to manage this debate. Even though he and I do not see eye to eye on this legislation. I appreciate and respect the fact that we have agreed to disagree, and I welcome a healthy debate on enforcement of the illegal Internet gambling laws.

Internet gambling is a growing problem in the United States, particularly among young people and college students. It is known to destroy families, marriages and entire lives. As so aptly put by University of Illinois Professor John Kindt, "You just click the mouse and lose your house."

This legislation makes clear that we are serious about enforcing our Internet gambling laws that are already on the books. It takes a very important step forward, and we have worked very hard on the Financial Services Committee over the last few Congresses to advance this measure.

This bill cuts off the flow of money to Internet gambling Web sites by regulating payment systems. The Department of Treasury and the Federal Reserve will jointly develop policies and procedures for identifying and preventing financial transactions related to illegal Internet gambling. Payment systems will be required to comply with these regulations.

Even when criminal law cannot be enforced, the Federal Government's jurisdiction over financial systems can nevertheless cut off the money sources for these illegal businesses.

I believe we should mean what we say when it comes to Internet gambling. If we are to keep laws on the books that prohibit Internet gambling, then we should take steps to enforce it. And by cutting off the flow of money, we can accomplish just that.

As was previously noted, this bill is supported by 48 of the 50 State attorneys general, by the NCAA, the NBA, the NFL, the MLB and the NHL. It is a good bill and a commonsense approach to a growing problem. I urge my colleagues to end the flow of money to illegal Internet gambling Web sites, and I urge passage of this bill.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Iowa may control the time of the gentleman from Ohio.

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself 3¼ minutes.

Mr. Speaker, for nearly a decade, many in the Congress have sought to deter Internet gambling. But time and again the issue has been stymied, often in ways that reflect imperfectly on this institution. But it cannot be stressed enough that from a macroeconomic perspective, there are no social benefits for Internet gambling, and from a microfamily perspective, enormous harm is frequently inflicted.

John Kindt, a professor of business at the University of Illinois at Urbana-Champaign calls the Internet "crack cocaine for gamblers. There are no needle marks," he says. "There is no alcohol on the breath. You just click the mouse and lose your house."

These comments could not be more apropos than for Greg Hogan, Jr., a 19-year old Lehigh University class president and chaplain's assistant from Barberton, Ohio. This pastor's son gambled away $7,500 playing online Texas Hold-'Em, then confessed to robbing a bank to try to recover his losses. His life is ruined.

Never before has it been so easy to lose so much money, so quickly, at such a young age. Internet casinos are proliferating. Soon they will be ubiquitous.

In the next 5 years, if Congress does not act to clarify and enforce the laws banning Internet gambling, and if Internet casinos' business plans come to pass, gamblers will be able to place bets not just from their home computers but also from their cell phones, while they drive from work, or from their BlackBerrys as they wait in line at the movies.

Mr. Speaker, the time has come for Congress to finally deal with the subject matter. The measure before us, H.R. 4411, is supported by the NCAA, all the major professional sports organizations, from the NFL and Major League Baseball to the NBA and NHL, as well as the financial services industry, family groups, religious organizations and 48 of the 50 State attorneys general.

The reason the sports groups support the legislation, as our colleague, TOM OSBORNE, so thoughtfully noted, is that they are concerned with the integrity of the games.

The reason the religious community has come together is that they are concerned for the unity of the American family. Internet gambling is not a subject touched upon in the Old or New Testament or the Koran or the Bhagavad Gita. But the pastoral function is one of dealing with families in difficulty. And religious leaders of all denominations and faiths are seeing gambling difficulties erode family values.

It will be suggested in this debate that there is no call to rein in activities of individual choice. But it should be clear that in the history of the Western world, whenever gambling has been legalized it has been subject to careful regulation. This is simply not the case with the Internet. Nor is it the case that an individual's misjudgment does not affect society as a whole.

There is nothing in Internet gambling that adds to the GDP or makes America more competitive in the world. Indeed, if an individual cannot repay his or her debt, neighbors will be subject to higher interest rates. Everyone loses if this industry continues its remarkable growth.

While Congress has failed to act, the illegal Internet gambling industry has boomed. This year, Americans are projected to send more than $6 billion to unregulated, offshore, online casinos, half of the $12 billion that will be bet worldwide on Internet gambling, FBI and Justice Department experts have warned that Internet gambling sites are vulnerable to be used for money laundering, drug trafficking and even terrorist financing. Further, these sites evade rigorous U.S.-based regulations that control gambling by minors and problem gamblers, and ensure the integrity of the games.

Internet gambling's characteristics are unique: online players can gamble 24 hours a day from home; children may play without sufficient age verification; and betting with a credit card can undercut a player's perception of the value of cash, leading to addiction, bankruptcy and crime. Unlike in brick-and-mortar casinos in the United States where legal protections for bettors exist and where there is some compensatory social benefit in jobs and tax revenues, Internet gambling sites principally yield only liabilities to America and to Americans.

H.R. 4411 was introduced to provide federal and state governments strong tools to enforce existing gambling prohibitions. It would crack down on illegal gambling by clarifying that the Wire Act covers all forms of interstate gambling and would account for new technologies. Designed to cut the money flow from gamblers to Internet gambling sites, the bill would enhance criminal penalties for gambling businesses settling Internet wagers with financial instruments such as credit cards, checks, or fund transfers. It would also require payment systems to establish procedures for blocking these transactions.

Internet gambling has become as much a part of the college experience as late-night study sessions and rooting for the football team. Researchers have called gambling online addictive. Players attest to becoming obsessed with it. The activity is illegal, but the law is not being forced.

According to a study by the Annenberg Public Policy Center, nearly 10 percent of college students gambled online last year. They play in their dorm rooms, in library lounges, in class. The number of college males who reported gambling online once a week or more quadrupled in the last year alone.

Finally, a note about horseracing. In 1978, Congress passed the Interstate Horseracing Act (IHA) to set forth the rights and responsibilities applicable to interstate wagering on horseracing, to affirm that States have primary responsibility for regulating gambling within their borders, and to prevent States from interfering with the gambling policies of other States. In 2000, Congress amended the IHA to clarify that the statute applied to the transmission of interstate off-track wagers via telephone or other electronic media.

The Executive Branch has taken the position that the 1961 Wire Act overrides the IHA, even though the IHA is a more recent statute, because neither statute expressly exempts IHA transactions from the Wire Act. The horseracing industry vigorously disagrees. H.R. 4411 has been very carefully drafted to maintain the status quo regarding horseracing, preserving the ability of the Executive Branch and the horseracing industry to litigate the proper interpretation of these two statutes. The text of the bill is clear: "this Act does not change which activates related to horseracing may or may not be allowed under Federal law." To the degree this act provides new definitional standards, it bolsters rather than diminishes the Justice Department's latitude.

Bills of this nature are always controversial and subject to intense lobbying by powerful interests. I believe the approach on the table represents the only credible initiative likely to be considered in the foreseeable future. I urge support for this important legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. HOOLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member on the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I strongly disagree with the gentleman from Iowa with whom I often agree. I don't disagree with him entirely. I will stipulate that there is nothing in the Bagavagida about gambling. But other than that, I don't think he got much right.

He says that gambling on the Internet does not add to the GDP or make America competitive. Has it become the role of this Congress to prohibit any activity that an adult wants to engage in voluntarily if it doesn't add to the GDP or make us more competitive? What kind of social, cultural authoritarianism are we advocating here?

Now, I agree there is a practice around today that causes a lot of problems, damages families, people lose their jobs, they get in debt. They do it to excess. It is called drinking. Are we going to go back to Prohibition? Prohibition didn't work for alcohol; it doesn't work for gambling.

When people abuse a particular practice, the sensible thing is to try to deal with the abuse, not outlaw it.

By the way, this bill allows certain kinds of Internet gambling to stay, so apparently the notion is that those few people who are obsessive and addicted will not take advantage of those forms which are still available to them.

But the fundamental point is this. If an adult in this country, with his or her own money, wants to engage in an activity that harms no one, how dare we prohibit it because it doesn't add to the GDP or it has no macroeconomic benefit. Are we all to take home calculators and, until we have satisfied the gentleman from Iowa that we are being socially useful, we abstain from recreational activities that we choose?

This Congress is well on the way to getting it absolutely backwards. In areas where we need to act together to protect the quality of our life, in the environment, in transportation, in public safety, we abstain; but in those areas where individuals ought to be allowed to make their own choices, we intervene. And that is what this is.

Now, people have said, well, some students abuse it. We should work to try to diminish abuse. But if we were to outlaw for adults everything that college students abuse, we would all just sit home and do nothing.

By the way, credit card abuse among students is a more serious problem, I believe, than gambling. Maybe gambling will catch up. But we have heard many, many stories about young people who have credit cards that they abuse. Do we ban credit cards for them?

But here is the fundamental issue. Shouldn't it be the principle in this government that the burden of proof is on those who want to prohibit adults from their own free choices to show that they are harming other people?

We ought to say that, if you decide with your own money to engage in an activity that harms no one else, you ought to be allowed to do it. And once you say, oh, no, but that doesn't add to the GDP, and that can lead to some problems in families, then this is hardly the only thing you will end up banning.

The fundamental principle of the autonomy of the individual is at stake today.

Now, I have to say, I understand a lot of the conservatives don't like it because there are people on the religious side who don't like it. Some of my liberal friends, I think, are being very inconsistent. We are for allowing a lot of things. I mean, many of us vote to say, You can burn the flag; I wish you wouldn't, but you can. It shouldn't be a crime.

You can look at certain things on television that maybe other people think you shouldn't. You can do other things but you can't gamble. There is a fundamental inconsistency there.

I guess people think gambling is tacky. They don't like it. Well, fine, then don't do it. But don't prohibit other individuals from engaging in it.

People have said, What is the value of gambling? Here is the value. Some human beings enjoy doing it. Shouldn't that be our principle? If individuals like doing something and they harm no one, we will allow them to do it, even if other people disapprove of what they do.

And it is, of course, likely to be ineffective. The best thing that ever happens to illegal gamblers is when you do a measure like this.

I hope the bill is defeated.

Mr. LEACH. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I rise today in support of H.R. 4411, which is the Internet Gambling Prohibition and Enforcement Act. Gambling in any form, especially Internet gambling, is especially dangerous to children. Because these illegal Web sites lack reliable age verification tools, children of any age can access the sites and begin gambling.

For adults, these sites encourage gambling addiction with their ease of access, especially with regard to how easy it is to use credit cards.

I would like to be clear for the record, Mr. Speaker. I oppose the expansion of gambling in all forms. I have been a long-time opponent of gambling. I have cosponsored tough enforcement measures in the past, including increased criminal penalties and support for international anti-money-laundering efforts.

Today's bill includes those measures and takes a strong step to curtail those dangerous sites by cutting off their source of funding. It is an important step toward eradicating this threat and ensuring the safety of our children and our communities.

Mr. Speaker, in closing, let me just say, I encourage my colleagues to support this legislation and to vote against the amendment that would be brought up today that would actually gut the results of this legislation.

Ms. HOOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I rise in opposition to this legislation. It is not easy to oppose this legislation because it is assumed that proponents of the bill are on the side of the moral high ground. But there is a higher moral high ground in the sense that protecting liberty is more important than passing a bill that regulates something on the Internet.

The Interstate Commerce Clause originally was intended to make sure there were no barriers between interstate trade. In this case, we are putting barriers up.

I want to make the point that prohibition, as a general principle, is a bad principle because it doesn't work. It doesn't solve the problem because it can't decrease the demand. As a matter of fact, the only thing it does is increase the price. And there are some people who see prohibitions as an enticement, and that it actually increases the demand.

But once you make something illegal, whether it is alcohol or whether it is cigarettes or whether it is gambling on the Internet, it doesn't disappear because of this increased demand. All that happens is, it is turned over to the criminal element. So you won't get rid of it.

Sometimes people say that this prohibition that is proposed is designed to protect other interests because we certainly aren't going to get rid of gambling, so we might get rid of one type of gambling, but actually enhance the other.

But one of the basic principles, a basic reason why I strongly oppose this is, I see this as a regulation of the Internet, which is a very, very dangerous precedent to set.

To start with, I can see some things that are much more dangerous than gambling. I happen to personally strongly oppose gambling. I think it is pretty stupid, to tell you the truth.

But what about political ideas? What about religious fanaticism? Are we going to get rid of those? I can think of 1,000 things worse coming from those bad ideas. But who will come down here and say, Just think of the evil of these bad ideas and distorted religions, and therefore we have to regulate the Internet?

H.R. 4411, the Internet Gambling Prohibition and Enforcement Act, should be rejected by Congress since the Federal Government has no constitutional authority to ban or even discourage any form of gambling.

In addition to being unconstitutional, H.R. 4411 is likely to prove ineffective at ending Internet gambling. Instead, this bill will ensure that gambling is controlled by organized crime. History, from the failed experiment of prohibition to today's futile "war on drugs," shows that the government cannot eliminate demand for something like Internet gambling simply by passing a law. Instead, H.R. 4411 will force those who wish to gamble over the Internet to patronize suppliers willing to flaunt the ban. In many cases, providers of services banned by the government will be members of criminal organizations. Even if organized crime does not operate Internet gambling enterprises their competitors are likely to be controlled by organized crime. After all, since the owners and patrons of Internet gambling cannot rely on the police and courts to enforce contracts and resolve other disputes, they will be forced to rely on members of organized crime to perform those functions. Thus, the profits of Internet gambling will flow into organized crime. Furthermore, outlawing an activity will raise the price vendors are able to charge consumers, thus increasing the profits flowing to organized crime from Internet gambling. It is bitterly ironic that a bill masquerading as an attack on crime will actually increase organized crime's ability to control and profit from Internet gambling.

In conclusion, H.R. 4411 violates the constitutional limits on Federal power. Furthermore, laws such as H.R. 4411 are ineffective in eliminating the demand for vices such as Internet gambling; instead, they ensure that these enterprises will be controlled by organized crime. Therefore I urge my colleagues to reject H.R. 4411, the Internet Gambling Prohibition and Enforcement Act.

Mr. LEACH. Mr. Chairman, I yield 2 minutes to a great leader of this particular effort, Mr. BACHUS from Alabama.

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Mr. BACHUS. Mr. Speaker, I thank the chairman, and I would like to respond to the gentleman from Texas and the gentleman from Massachusetts and tell you why we need this bill and we need it desperately.

We have been trying to move this legislation for 5 years, and in the 5 years that we have failed to move it, as many as half a million young teenagers have become compulsive gamblers. Now, the Harvard Medical School, the University of South Florida, and the American Psychiatric Association have all told us that the younger someone is exposed to gambling, the younger they start gambling, the more addictive it becomes. In fact, about three times more addictive.

The University of Connecticut did a recent study, and I am going to introduce it for the RECORD, that says Internet gambling is three times as likely to produce a problem gambler. Seventy-four percent of the young people that they surveyed who said they had gambled on the Internet developed a serious addiction.

Now, what happens when they gamble and they get an addiction? McGill University did a study, and they said that teenagers who gamble on the Internet show increased criminal activity, strained family relationships, and depression. Thirty percent of those who became addicted to gambling on the Internet actually attempted suicide. That is why Mr. LEACH talked about the young man who was the class sophomore president at Lehigh University who actually robbed a bank. A 17-year-old who lost a $6,000 bet on the Internet committed suicide. We have got to move against this.

Finally, let me conclude with this: let me tell you what has happened in the past year. According to the University of Pennsylvania, in the last year we have gotten another 150,000 young compulsive gamblers.

It is already illegal. What we are doing is stopping it. You have got the criminals on one side, and you have got young people on the other side; and we must protect the young people from these criminals.

Mr. Speaker, I rise today in strong support of H.R. 4411, the Goodlatte-Leach Internet Gambling Prohibition and Enforcement Act.

I want to begin by thanking Chairmen OXLEY and Sensenbrenner and Congressmen GOODLATTE and LEACH for bringing H.R. 4411 to the Floor today and for their undying determination to put an end to Internet gambling in the United States. H.R. 4411 would help stop the growing threat that Internet gambling poses to the most vulnerable in our society, kids and problem gamblers.

H.R. 4411 provides strong new enforcement mechanisms to stop the offshore casinos that flagrantly violate existing state and federal laws against Internet gambling. This bill enables our financial regulators to prescribe regulations limiting the acceptance of financial instruments for unlawful Internet gambling. In addition, H.R. 4411 amends the Wire Act of 1961 to expressly prohibit illegal online interstate gambling. H.R. 4411 was reported by both the Financial Services and Judiciary Committees. Similar legislation has passed the House in the previous two Congresses. Now is the time to cut off illegal Internet gambling once and for all.

We have been discussing this issue for years. It has taken way too long. In the time we've been debating this issue, Internet gambling sites have virtually overrun the Internet. Five years ago, there were less than 50 Internet gambling sites. Today, there are more than two thousand sites that will generate upwards of $5.9 billion this year alone, nearly half of the $12 billion bet worldwide on Internet gambling.

Support for our efforts to stop the money flow to illegal gambling sites have been nearly universal, from family and religious groups to anti-gambling groups, from professional sports to college athletics, from major players in the banking and credit card industries to law enforcement and Internet service providers. Mr. Speaker, it is far easier and far quicker to just list who doesn't support our efforts. That would, of course, be the illegal gambling industry itself. They have launched an all-out effort at obfuscation and mischaracterization in hopes of defeating this bill and perpetuating their noxious activities.

The ability of the Internet to penetrate every home and community has both positive and negative consequences. It can be a valuable source of information and a way to communicate quickly with loved ones. But, the Internet can also override community values and standards. Gambling is an excellent example of this. Gambling is currently illegal in the United States unless it is regulated by the states. With the Internet, however, prohibitions against gambling and regulations governing gambling are turned on their head.

The negative effects of gambling have been widely documented. All too often, gambling results in addiction, bankruptcy, divorce, crime and moral decline. Internet gambling magnifies the destructiveness of gambling by bringing the casino into your home. According to an extensive survey done by the University of Connecticut Health Center, 74 percent of those who have used the Internet to gamble have serious problems with addiction, and many of those have resorted to criminal activities to pay for the habit. We heard testimony at one of our hearings that Internet gambling is proving to be a serious problem for many college students. One student reportedly lost $10,000 on Internet sports gambling over a three-month period.

Imagine if you found out that a casino was being built next door to your house, and that they had invited your children to participate in gambling activities. You would probably think that was unacceptable. But Internet gambling Web sites are actually worse than that. Sitting right on the computer desk in your home or in your child's bedroom is a computer with easy access to more than 2,000 Web sites that offer illegal Internet gambling services.

Worse yet, your kids could use your credit card to gamble on the Internet and run you into bankruptcy—without you even knowing it.

In addition, Internet gambling has been linked to terrorists and organized crime. The FBI and the Department of Justice have testified that Internet gambling serves as a vehicle for money laundering that can be exploited by terrorists. These Internet sites—most of which are operated offshore—represent a serious money laundering vulnerability for our country.

So what would H.R. 4411 do?

H.R. 4411 addresses the problem of Internet gambling in four ways:

First, it clarifies that the Wire Act covers all forms of gambling including Internet gambling and increases the maximum penalty for violations of the Wire Act from two to five years in prison.

Second, and most importantly, it cuts off the flow of money to Internet gambling Web sites by regulating the payments system.

The legislation directs the Treasury Department and the Federal Reserve to jointly develop regulations preventing financial transactions related to illegal Internet gambling.

Third, the legislation authorizes State and Federal law enforcement to seek injunctions against persons who facilitate illegal Internet gambling; and

Fourth, the U.S. government through the Treasury Department is exhorted to advance international cooperation in law enforcement efforts against illegal gambling and related money laundering.

Internet gambling is already illegal under Federal and State law, but most of the more than two thousand Internet gambling sites operate from offshore locations. Currently, these "virtual casinos" advertise the ease of opening betting accounts mainly through the use of credit cards. Therefore, they operate beyond the reach of our law. The regulations and anti-money laundering laws that apply to casinos in our country do not apply to these fly-by-night offshore Internet operators. Shutting off the money source is the only way to shut down these illegal Internet gambling Web sites.

In closing, Mr. Speaker, let me just say that a vote for this bill is a vote against illegal Internet gambling. This bill shuts off the money. That is what these people are waiting for, the money. If we shut off the money, we shut off the sites.

My thanks again go to Chairman OXLEY, Chairman SENSENBRENNER, Congressman GOODLATTE and Congressman LEACH for their tireless efforts in moving this bill forward and bringing it to the floor today. I urge all of my colleagues to vote in favor of this legislation.

DISORDERED GAMBLING AMONG UNIVERSITY-BASED MEDICAL AND DENTAL PATIENTS: A FOCUS ON INTERNET GAMBLING

George T. Ladd and Nancy M. Petry—
University of Connecticut Health Center.

The authors evaluated gambling behaviors, including Internet gambling, among patients seeking free or reduced-cost dental or health care. Three hundred eighty-nine patients at university health clinics completed a questionnaire that included the South Oaks Gambling Screen (SOGS; H. R. Lesieur & S. Blume, 1987). All respondents had gambled in their lifetimes, with 70% gambling in the past 2 months. On the basis of SOGS scores, 10.6% were problem gamblers, and 15.4% were pathological gamblers. The most common forms of gambling were lottery, slot machines, and scratch tickets. Internet gambling was reported by 8.1% of participants. Compared to non-Internet gamblers, Internet gamblers were more likely to be younger, non-Caucasian, and have higher SOGS scores. This study is among the first to evaluate the prevalence of Internet gambling and suggests that people who gamble on the Internet are likely to have a gambling problem. Results also illuminate the need to screen patients seeking health care services for gambling problems.

The fourth edition of the Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association, 1994) describes pathological gambling as a disorder that involves preoccupation with, tolerance of, and loss of control relating to gambling behaviors. A recent meta-analysis of prevalence rates (Shaffer, Hall, & VanderBilt, 1999) concluded that approximately 1.6% of North American adults may be Level 3 (pathological) gamblers. An additional 3.9% may be Level 2 (problematic) gamblers, bringing the combined percentage of disordered gamblers to more than 5%.

Although prevalence rates in general populations have been described (Shaffer et al. 1999), there is a paucity of studies that have focused on the prevalence of gambling among primary-care patients (Miller, 1996b; Pasternak & Fleming, 1999; Van Es, 2000). As a consequence, health care professionals may not be aware of the impact that gambling behaviors can have on the health of their patients. Health comorbidities found to be associated with pathological gambling include substance abuse, circulatory disease, gastro-intestinal distress, sexual dysfunction, anxiety disorders, and depression (Bergh & Kuhlhorn, 1994; Daghestani, 1987b; Lesieur, Blume, & Zoppa, 1986; Miller, 1996a; Pasternak & Fleming, 1999).

This study presents two central opportunities for contribution to the existing body of knowledge about disordered gambling. First, we directed our attention toward gambling behaviors among a subset of the population that seeks free or reduced-cost health care. A second focus of this study was the types of gambling activities in which people engage, with special attention paid to Internet gambling. Many researchers have examined the prevalence of disordered gambling (e.g., Shaffer et al., 1999), but few have presented data on the types of gambling in which individuals participate, and no known published studies have focused on the prevalence of Internet gambling.

METHOD

Participants for this study were drawn from patients seeking treatment at the University of Connecticut Health Center (UCHC) each year. Of the 389 patients included in this study, 76.5% were from UCHC dental clinics, which serve primarily uninsured patients. The remaining 22.5% of participants were from other UCHC medical clinics. The UCHC is located 8 miles southeast of Hartford, Connecticut, and is approximately 65 miles from two large casinos.

Procedures

Questionnaires were left in the waiting areas of various UCHC health and dental clinics for 13 months (8/1/99–9/2/00) along with collection boxes. Approximately 2,000 patients were treated in these clinics during the study period. Signs encouraging questionnaire completion were displayed in these general areas. On occasion, a research assistant would approach patients within clinics and ask them to complete a screen. No patients who were verbally asked to complete a questionnaire refused. Nonresponses were probably a result of failure to notice the signs and questionnaires rather than refusal to participate. An overall average return rate of 85.7% across the UCHC clinics was determined on weeks in which the numbers of screens left out and collected were monitored.

Measures

The 2-page questionnaire consisted of the South Oaks Gambling Screen (SOGS; Lesieur & Blume, 1987) as well as questions regarding demographic information and gambling activities.

Data analysis

We used the SOGS (Lesieur & Blume, 1987) component of the questionnaires to classify participants as Level I (score of 0–2), Level 2 (score of 3–4), or Level 3 (score >5) gamblers (Lesieur & Heineman, 1988; Shaffer et al., 1999).

We present here the types of participants' gambling activities, along with the frequency and intensity of recent gambling behaviors (past year, past 2 months, and past week) by level of disordered gambling. We compared participants who reported experience with Internet gambling and participants who reported no experience with Internet gambling on demographic variables and SOGS scores. We evaluated differences among the three levels of gamblers, as well as between Internet versus non-Internet gamblers, using the chi-square test for categorical data, analysis of variance for continuous data, and Kruskal-Wallis tests for non-normally distributed continuous data.

RESULTS

Response rates and demographic characteristics of the respondent sample

In total, 402 questionnaires were filled out. Thirteen respondents left many SOGS items unanswered and were thus excluded, leaving 389 questionnaires for further analysis.

Continuum of SOGS scores

Of the respondents, 46.8% scored a 0 on the SOGS, indicative of no problematic gambling behaviors. Additional segments of respondents scored 1 (17.0%) and 2 (10.3%) on the SOGS. Therefore, according to the classification system described by Shaffer et al. (1999), 74.0% of respondents qualified as Level I gamblers, and 10.6% of the respondents were classified as Level 2 gamblers, with 6.2% scoring a 3 and 4.4% scoring a 4. The final 15.4% of respondents were classified as Level 3 gamblers, with 6.9% scoring between 5 and 9, 5.7% scoring between 10 and 14, and 2.8% scoring between 15 and 20.

Demographic characteristics

Although no statistically significant group differences were found with regard to gender, the three groups of gamblers differed on other demographic characteristics. Specifically, differences among the groups emerged with respect to age, $F(2, 382) = 8.58$, $p < .01$; ethnicity, $X^2\ (6, N = 374) = 23.01$, $p < .001$; marital status, $X^2(8, N = 384) = 18.80$, $p < .001$; education, $X^2(8, N = 376) = 34.45$, $p < .001$; and yearly income, $X^2(6, N = 374) = 12.89$, $p < .05$. Compared to Level 1 gamblers, Level 2 and 3 gamblers were more likely to be younger, of non-Caucasian ethnicity, not married, and have lower levels of education and income.

Gambling participation

All of the respondents reported having gambled in their lifetimes, with 90.0% having gambled within the past year, 70.0% within the past 2 months, and 42.0% within the past week. The most common form of gambling was the lottery, with 89.2% of the total sample having lifetime experience with the lottery. Twenty-five percent of the sample reported weekly or more frequent lottery playing. Slot machines were the next most popular gambling activity, with 81.7% of the sample having lifetime experience, and 6.7% playing slots at least weekly. Scratch tickets were played by 78.7%, with 19.0% of participants playing at least weekly. Card-playing forms of gambling were reported by 70.8%, with 8.7% of participants playing at least weekly. More than half of the participants reported lifetime participation in sports betting (56.9%), bingo (56.0%), and animal betting (52.7%). Lifetime participation in other gambling activities, such as games of skill (40.8%), roulette (37.1%), dice (33.8%), high-risk stocks (23.6%), and video lottery (21.7%) were each reported by only a minority of the total sample.

Internet gambling

Of note is that 8.1% (n = 31) of participants reported Internet gambling in their lifetimes, including 3.7% (n = 14) who reported gambling on the Internet at least weekly. Demographic and other characteristics of Internet gamblers compared to non-Internet gamblers are shown in Table 1. Age, $F(1, 378) = 17.68$, $p < .01$, and ethnicity, $X^2(3, N = 376) = 17.80$, $p < .001$, were found to differ significantly among participants who reported Internet gambling compared to those who did not. Younger participants were more likely than older participants to have Internet gambling experience. Although non-Caucasian participants represented 15.8% of the total participants, they represented 35.8% of those participants who had experience with Internet gambling.

The comparison of participants with or without Internet gambling experience revealed significant differences in both SOGS scores, $F(1, 382) = 40.79$, $p < .01$, and classified gambling levels, $X^2(2, N = 389) = 63.23$, $p < .001$. Only 22% of participants without any Internet gambling experience were Level 2 or 3 gamblers. In contrast, 74% of participants with Internet gambling experience were classified as Level 2 or 3 gamblers.

DISCUSSION

We examined gambling participation and problems of 389 patients who completed questionnaires at the UCHC medical and dental clinics. When the lifetime rates of 10.6% for Level 2 and 15.4% for Level 3 gamblers are combined, the resulting 26.0% rate of disordered gambling (Levels 2 and 3) in this study far exceeds the 6.7% derived from general population surveys conducted since 1993 (National Gambling Impact Study Commission, 1999; Shaffer et al., 1999).

TABLE I.—DEMOGRAPHIC AND SOUTH OAKS GAMBLING SCREEN (SOGS) SCORING CHARACTERISTICS

Variable	Without internet gambling experience	With internet gambling experience	Total sample
N	351	31	389
Gender (female)	56.7	41.9	54.4
Age (M/SD)	43.5/15.8	31.7/13.6	42.8/16.0
Education level:			
No high school diploma	9.3	20.0	9.8
High school diploma	27.0	36.0	27.9
Some college	23.8	8.0	22.6
College diploma	21.5	20.0	21.3
Postcollege	18.3	16.0	18.4
Ethnicity [a]:			
African American	7.7	12.9	8.3
Caucasian	86.3	61.3	84.2
Hispanic	5.4	22.6	6.7
Other	0.6	0.3	0.8
Marital status:			
Divorced or separated	15.0	19.4	15.1
Living w/partner	10.4	16.1	10.7
Married or remarried	46.7	29.0	45.6
Single	23.6	29.0	24.0
Widowed	4.3	6.5	4.7
Income:			
Under $10K	13.7	22.6	14.4
$10–25K	21.7	22.6	21.4
$25,001–50K	24.7	22.6	24.9
Above $50K	39.9	32.2	39.3
SOGS score (M/SD) [a]	1.8/3.4	7.8/2.0	2.26/4.01
SOGS level [a]:			
Level 1	78.3	25.8	74.0
Level 2	10.5	9.7	10.6
Level 3	11.1	64.5	15.4

Note. All values are percentages unless otherwise indicated.

[a] Groups differ, $p < .001$.

The higher rates of Level 2 and 3 gamblers found in this study may be due to a response bias. Individuals who liked to gamble or who had a problem with gambling may have been more likely to complete the questionnaire. However, considering that 74.0% of the participants were classified as nonproblematic gamblers and that 58.2% scored 0 on the SOGS, the majority of participants who completed the questionnaires had no apparent gambling problems. Another explanation for the higher rates of disordered gambling in this population may be related to the demographics of the sample. People who seek services at UCHC dental clinics have risk factors for disordered gambling identified in other studies of special populations, such as relatively younger age, lower income, and less education (Cunningham-Williams, Cottler, Compton, & Spitznagel, 1998; Feigelman, Wallisch, & Lesieur, 1998; Pasternak & Fleming, 1999; Shaffer et al., 1999; Stinchfield & Winters, 1998; Volberg, 1998; Westphal & Rush, 1996). The prevalence of disordered gambling in this sample of medical and dental patients is similar to rates reported in substance abusing populations (Feigelman et al., 1998; Lesieur et al., 1986; Petry, 2000b; Shaffer et al., 1999).

Because only one other known study reported on the prevalence of Internet gambling, comparisons of the rates of Internet gambling found in this study to other populations are premature. Only Petry and Mallya's (2001) study provides a comparative perspective. Using a methodology similar to that of the present study, Petry and Mallya examined rates of Internet gambling among UCHC health center employees (n = 907) who, as a group, had an almost identical mean age (42.8) but higher annual income and educational achievement than participants in the present study. Yet Petry and Mallya found a prevalence rate of Internet gambling of just 1.2%, which is a considerable departure from the present study's findings of 8.1%. Because access to the Internet is traditionally correlated with populations that have higher income and educational attainment, the present study's higher rate of Internet gambling was not expected.

The relative difference in Internet gambling rates between the present study and that of Petry and Mallya (2001) may be due to the higher percentage of Level 2 and 3 gamblers found in the present study. Among UCHC employees, Petry and Mallya found a much smaller overall percentage of Level 2–3 gamblers (4.8%) than the present study (26.0%). With the present study's higher overall percentage of problematic gamblers, an associated increase in percentage of Internet gambling may not be surprising. Indeed, 74.2% of Internet gamblers were found to be Level 2 or 3 gamblers, with 64.5% classified as Level 3 gamblers.

Although Internet gambling was the least common gambling activity, the 8.1% (n = 31) of participants who reported experience with Internet gambling remains an important finding. Accessibility and use of Internet gambling opportunities are likely to increase with the explosive growth of the Internet. The University of California, Los Angeles (UCLA) Internet Report (UCLA Center for Communication Policy, 2000) indicated that the number of Americans using the Internet exceeded 100 million by 1999. During each day of the first 3 months of 2000, approximately 55,000 individuals logged on to the Internet for the first time (UCLA Center for Communication Policy, 2000). Thus, an increase in Internet use may foster the development of more Level 2 and 3 gamblers, or attract individuals who already have a gambling problem. Indeed, the availability of Internet gambling may draw individuals who seek out isolated and anonymous contexts for their gambling behaviors.

The high rates of disordered gambling found among UCHC patients illustrate the potential for proactive screening and interventions by health professionals. Health professionals typically attend to a range of patient health and behavior correlates, such as alcohol use, sleep, diet, exercise, and other psychosocial factors. These behaviors and contextual attributes are understood to affect, in complex ways, the health outcomes of patients. Yet attention to gambling as a marker of potential comorbidities is still lacking within health clinic settings. Persons struggling with gambling behaviors are often burdened by health and emotional difficulties (Daghestani, 1987a; Pasternak & Fleming, 1999). These problems include substance abuse, circulatory disease, digestive distress, depression, sexual dysfunction, pervasive anxiety, and risky sexual behaviors (Daghestani, 1987b; Lesieur et al., 1986; Miller, 1996a; Petry, 2000a, 2000b). Screening for disordered gambling among patients may enhance the ability of health professionals to intervene in the physical and emotional health of individuals. Screening strategies are particularly important when dealing with populations in which regular visits to dental or general health clinics may be the exception rather than the norm.

With the expansion of localized and Internet gambling, a rise in disordered gambling may be inevitable as individuals gain easier access to gambling opportunities. The consequences of gambling expansion may continue to negatively affect the health and social contexts of individuals. As interest in treatments for disordered gambling grows (Petry & Armentano, 1999), health professionals should be aware of the signs of disordered gambling and proactively inform patients of the risks involved.

Ms. HOOLEY. Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT), who represents Lehigh University.

Mr. DENT. Mr. Speaker, I rise today in very strong support of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act, for a variety of reasons, not the least of which is that Lehigh University was mentioned. That institution is in my district.

And just to drive the point home, just in today's paper, the father of the young man who was alleged to have robbed a bank to support his gambling habit said that this bill was something that could have helped his son. He said this: "He was addicted. He gambled 12 hours at a time. He gambled everything he had." The father went on to say, "When he was out of money, he did what most addicts do when they are out of their supply. The Internet is flagrantly recruiting under-21-year-olds to gamble . . . This bill would have definitely helped my son."

Finally, while Internet gambling is a $12 billion worldwide business, it is not by anyone's definition economic development. The revenue from these enterprises is not job-creating. Most Internet gambling funds are destined for locations that exist offshore.

Mr. Speaker, I rise today to speak in strong support of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act.

This legislation gives law enforcement the tools it needs to fight Internet gambling, which is already illegal in this country. Much Internet gambling originates from off-shore locations and thus is dependent upon the electronic transfer of money and wagering information between sites in the United States and these off-shore locations. Unfortunately, one of the major tools in this fight, the Wire Act, which is codified at title 18 United States Code Section 1081, was enacted in 1961, well before the establishment of the Internet or other forms of similar electronic communication. H.R. 4411 clarifies in statute that Internet communications made in furtherance of gambling transactions indeed fall within the scope of the Wire Act and are thus prosecutable.

H.R. 4411 also gives law enforcement some additional authority to block these transactions. It requires the Department of the Treasury and the Federal Reserve to promulgate regulations aimed at preventing transfers of funds related to illegal Internet Gambling. It also gives law enforcement the ability to seek injunctions against those individuals who act to facilitate this gambling.

While Internet gambling is a $12 billion worldwide business, it is not, anyone's definition, economic development. The revenue from these enterprises is not job-creating; most Internet gambling funds are destined for locations that exist off-shore. Internet gambling is, instead, wealth transfer—in most cases, from many who can least afford it to very few who don't need the cash. The proliferation of gambling in America—whether it involves playing the slots at a local racetrack, betting on roulette at a tribal casino hundreds of miles from the nearest Indian reservation, or placing wagers on college basketball games with an Internet site headquartered in the Bahamas—has done nothing to make this a healthier, more productive nation. That is why I support this bill.

Ms. HOOLEY. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF), who has been a phenomenal advocate of this issue.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding.

I want to begin by thanking Mr. LEACH and Mr. GOODLATTE for staying in there when the outside lobbyists were trying to control this institution. And people must know, if you go back and look at history, this institution, this institution, was manipulated by outside lobbyists. So there is a test today whether that outside lobby, outside influence will continue to take place.

With the guilty plea of lobbyist Jack Abramoff and the information revealed about his role in the defeat of the Internet gambling ban a number of years ago, it is time to strengthen the law enforcement tools to crack down on illegal gambling.

With online gambling, people can do it in their bathrobes, as Mr. LEACH said. They can do it when they are standing in line. This is a test. Quite frankly, this is a test for this institution about outside influences, ones that all you have to do is read The Washington Post and the New York Times over and over and over to see what they have done. They have manipulated this place.

And today, with Mr. LEACH and Mr. GOODLATTE and others, you have an opportunity to reverse the manipulation and pass this bill without amendment.

Mr. Speaker, I rise in strong support of the legislation offered by my colleagues JIM LEACH and BOB GOODLATTE. I want to take this opportunity to commend them for working together and really sticking with it so that we could have a strong bill on the floor today that takes the strengths of each of their measures to comprehensively address Internet gambling.

As the author of the legislation which established the National Gambling Impact Commission, I have long been concerned about the predatory nature of gambling and the corruption that is often associated with it.

It seems as though every day in the news there is a new scandal related to gambling. Without this important legislation, there is no way to regulate Internet gambling.

Today, gambling is legal in almost every State in the Union and more than 400 tribal casinos operate in over 30 States. Sadly, Internet gambling is a growing problem in America, particularly for our young people.

You may recall that last December, Greg Hogan—a Lehigh University sophomore—made headlines when he robbed a bank in order to pay his online poker debt of more than $5,000.

According to a PBS NewsHour report last spring, recent studies indicate that more than 70 percent of youth between the ages of 10 and 17 gambled in the past year, up from 45 percent in 1988.

And of those who gamble online, an Annenberg Public Policy Center study released last fall indicates that almost 15 percent of our young people aged 14–22 gamble online at least once a month. While 15 percent may not set off alarm bells, consider that more than 50 percent of those who gamble once a week show signs of problem gambling.

Gambling—and particularly online gambling—is a growing problem around the country. According to a Sports Illustrated article from last summer, more than 1.8 million online poker players gamble each month.

They wager an average of $200 million a day. And the industry generates more than $2.2 billion, that's with a "B," in gross revenue annually.

I am pleased to support the Internet Gambling Prohibition and Enforcement Act that will improve law enforcement tools to address this problem. Additionally, I think we have momentum on our side to address the explosion of gambling.

With the guilty plea of lobbyist Jack Abramoff and the information revealed about his role in the defeat of the Internet gambling ban a number of years ago, it's time to strengthen law enforcement's tools to crack down on illegal Internet gambling.

With online gambling, people can do it in their bathrobes, in their family rooms, in fact they could even do it on their cell phones walking down the street. It's literally available everywhere at any time.

The prevalence of online gambling and its explosive growth is a national disgrace that hurts young people. How will the Congress explain to the American people if it fails to address this issue?

Mr. Speaker, I urge support for this legislation.

Ms. HOOLEY. Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding, and I compliment him on this bill. I also compliment the gentleman from Virginia (Mr. GOODLATTE) and Chairman OXLEY and Chairman SENSENBRENNER and my colleague. Mr. WOLF, with whose remarks I associate myself.

This is a huge problem. I have observed in my lifetime many, many, many people whose lives have been destroyed by unregulated gambling. Story after story was brought to me when I worked in the Arizona attorney general's office about people whose lives were destroyed because one member of their family became addicted to gambling.

Now, we have regulated gambling in this Nation, and that is one thing and nobody is trying to ban that by this bill. But Internet gambling is totally unregulated gambling, and it victimizes people and it destroys lives.

It seems to me that the critics of this bill, including those in the paper this morning, say it does not go after every gambling operation in the world. Of course it doesn't. There are regulated gambling organizations which are legitimate and at least have some government oversight.

What this bill goes after is the epidemic of unregulated gambling that is destroying lives that puts a full online casino in every single home in America to corrupt the people there and destroy their lives.

I urge my colleagues to support this bill, and I commend the leaders, including Chairman SENSENBRENNER, who have brought it to the floor.

Ms. HOOLEY. Mr. Speaker, I yield myself such time as I may consume.

I just have to clarify a few things that have been said. First of all, this bill is about enforcing the law that is already on the books. This is not about prohibiting gambling. States can regulate their own gambling. They can regulate Internet gambling. This is about enforcing the laws.

We had a hearing in Financial Services where the FBI Director was in front of us and he said this is a significant vehicle for money laundering. GAO reports that Internet gambling can be a significant vehicle for money laundering proceeds because they can move large quantities of money around rapidly to obscure criminal origins. Internet gambling generates over $10 billion in revenues. Nearly 80 percent of those revenues are impossible to account for because illegal gambling sites are located in jurisdictions with no regulation on gambling.

This allows States the prerogative to decide what kind of gambling should be permitted or forbidden within the State borders. Some States say you cannot gamble; other States say you can. The attorneys general of 48 States have said they are in support of this legislation. It will make online gambling impossible for minors. Minors cannot go into brick and mortar facilities right now. It should, in fact, make it inaccessible for minors.

It recognizes the jurisdictional impediments for prosecuting offshore gambling businesses. Financial systems will be required to block money flow to these businesses, cutting off the oxygen for these illegal transactions.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I thank the gentleman for yielding, and I want to thank my colleagues, Mr. GOODLATTE, Mr. LEACH, Mr. SENSENBRENNER, for their hard work and leadership on this issue.

Mr. Speaker, it is time that we enforce the law when it comes to Internet gambling.

Dozens of Web sites entice Web surfers to bet online with free software offers. Online sites advertise openly on TV. Stores carry books on how to get rich by gambling online.

The only problem? Online gambling is illegal.

This bill makes that clear and provides mechanisms to effectively enforce the law.

This year Americans will send $5.9 billion to offshore, unregulated online casinos. The Justice Department warns that many of these sites are fronts for money laundering, drug trafficking, and even terrorist financing. And unregulated online gambling also takes a toll in untold numbers of personal lives destroyed.

Gambling online is unique. No casinos, horse tracks, or betting parlors are required. All you need is a computer, credit card, and Internet access. With that, players are able to play 24 hours a day from the privacy of their homes. Minors are easily able to defy age requirements if they wish to play. And the online environment and credit card payment system combine to promote addiction, bankruptcy, and crime.

Currently, online gambling operations avoid Federal and State law enforcement by locating offshore, and this bill addresses this loophole in three ways: first, it clarifies previous law, making it a Federal felony to use wire communications facilities to transmit bets or wagers. Secondly, it cuts off the flow of money to online gambling sites by regulating the payment systems they use to collect the money. And, finally, it authorizes penalties against those who facilitate illegal online gambling.

Simply put, Mr. Speaker, the law is being flouted, and this bill does something about it. I strongly urge its adoption.

Ms. HOOLEY. Mr. Speaker, I yield myself the balance of my time to close.

First of all, in my opening statement there was a person I forgot to thank who has carried this banner in Financial Services for a long time, Mr. BACHUS from Alabama. I thank you for all the hard work you have done on this.

In closing, Mr. Speaker, I would like to share some interesting facts from an article written for the New York Times by Matt Schwartz.

Researchers say that Internet gambling is addictive. Players say it is addictive. In fact, the action, the act of placing a bet, and the high that follows has been identified by neurologists as a similar high to doing a line of cocaine. Blood rushes to the face, the hands moisten, and the mouth dries up.

Internet gambling has also dramatically changed the face of addiction. An estimated 1.6 million of the 17 million U.S. college students gambled online last year, mostly on poker. According to a study by the Annenberg Public Policy Center, the number of college males who reported gambling online once or more a week quadrupled in the last year alone. This is a growing addiction.

The stereotypical compulsive gambler is now much more likely to be a teenager or a college student. Before the rise of online gambling, the typical compulsive gambler was in his thirties or forties and took a decade to run the destructive course. Now online gamblers are running the same course in 18 months or less.

These facts are disturbing and highlight the need for action by this Congress. Again, this bill is a commonsense approach that cuts off the flow of money to Internet gambling Web sites by regulating the payment systems.

And, again, we have to remember these laws are already on the books. What we are trying to do is enforce the laws. The Department of the Treasury and the Federal Reserve will jointly develop policies and procedures for identifying and preventing financial transactions related to illegal Internet gambling. Payment systems will be required to comply with these regulations. Again, States are allowed to regulate gambling within their own States.

☐ 1245

I urge my colleagues to end the flow of money to illegal Internet gambling Web sites, and I urge the passage of H.R. 4411.

[From the New York Times, June 11, 2006]

CHAPTER 2: THE GAMBLER: THE HOLD-'EM HOLDUP

(By Mattathias Schwartz)

Greg Hogan Jr. was on tilt. For months now, Hogan, a 19-year-old Lehigh University sophomore, had been on tilt, and he would remain on tilt for weeks to come. Alone at the computer, usually near the end of one of his long online gambling sessions, the thought "I'm on tilt" would occur to him. Dude, he'd tell himself, you gotta stop. These thoughts sounded the way a distant fire alarm sounds in the middle of a warm bath. He would ignore them and go back to playing poker. "The side of me that said, 'Just one more hand,' was the side that always won," he told me months later. "I couldn't get away from it, not until all my money was gone." In a little more than a year, he had lost $7,500 playing poker online.

"Tilt" is the poker term for a spell of insanity that often follows a run of bad luck. The tilter goes berserk, blindly betting away whatever capital he has left in an attempt to recoup his losses. Severe tilt can spill over past the poker table, resulting in reputations, careers and marriages being tossed away like so many chips. This is the kind of tilt Hogan had, tilt so indiscriminate that one Friday afternoon this past December, while on his way to see "The Chronicles of Narnia" with two of his closest friends, he cast aside the Greg Hogan everyone knew—class president, chaplain's assistant, son of a Baptist minister—and became Greg Hogan, the bank robber.

On Dec. 9, 2005, Hogan went to see "Narnia" with Kip Wallen, Lehigh's student-senate president, and Matt Montgomery, Hogan's best friend, in Wallen's black Ford Explorer. Hogan, who was sitting in front, asked Wallen to find a bank so he could cash a check, and Wallen pulled over at a small, oatmeal-colored Wachovia. Inside, Hogan paused at the counter for a moment and then joined the line. He handed the teller a note that said he had a gun, which was a bluff. "Are you kidding?" her face seemed to say. He did his best to look as if he weren't. With agonizing slowness, she began assembling the money. Moments later, a thin sheaf of bills appeared in the tray: $2,871. Hogan stuffed it into his backpack, turned around and walked back out to the car.

The movie ended, and the trio returned to campus. Hogan went immediately to Sigma Phi Epsilon, his fraternity, and used some of the stolen money to pay back brothers who had lent him hundreds of dollars. He then joined a few friends at an off-campus pizzeria for dinner. Someone's cellphone rang, with the news that police had stormed the Sig Ep house. No one knew why. Hogan stayed silent. After dinner, his friends dropped him off at orchestra practice. Allentown police officers were waiting for him. They handcuffed him and took him to headquarters, where he confessed almost immediately.

Hogan's first call was to his parents back home in Ohio. They had just finished eating dinner at T.G.I. Friday's. "He was at the end of himself," Greg Hogan Sr. told me. "He couldn't believe he had done it. Not that he was denying anything, but he felt like he was watching another person's life."

To wired college students today, Internet gambling is as familiar as beer, late-night pizza and the Saturday night hook-up. Poker—particularly Texas hold 'em—is the game of choice. Freshmen arrive already schooled by ESPN in the legend of Chris Moneymaker, the dough-faced 27-year-old accountant who deposited $40 into his PokerStars.com account and parlayed it into a $2.5 million win at the World Series of Poker in Las Vegas. Throughout the dorms and computer labs and the back rows of 100-level lecture halls you can hear the crisp wsshhp, wsshhp, wsshhp of electronic hands being dealt as more than $2 billion in untaxed revenue is sucked into overseas accounts each year.

Researchers say that Internet poker is addictive. Players say that it's addictive. The federal government says that it's illegal. But colleges have done little to stop its spread on campus. Administrators who would never consider letting Budweiser install taps in dorm rooms have made high-speed Internet access a standard amenity, putting every student with a credit card minutes away from 24-hour high-stakes gambling. Online casinos advertise heavily on sites directed at college students like CollegeHumor.com, where students post pictures of themselves playing online poker during lectures with captions like: "Gambling while in class. Who doesn't think that wireless Internet is the greatest invention ever?" Some schools have allowed sites to establish a physical on-campus presence by sponsoring live cash tournaments; the sites partner with fraternities and sports teams, even give away a semester's tuition, all as inducements to convert the casual dorm-lounge poker player to a steady online customer. An unregulated network of offshore businesses has been given unfettered access to students, and the students have been given every possible accommodation to bet and lose to their hearts' content. Never before have the means to lose so much been so available to so many at such a young age.

An estimated 1.6 million of 17 million U.S. college students gambled online last year, mostly on poker. According to a study by the Annenberg Public Policy Center, the number of college males who reported gambling online once a week or more quadrupled in the last year alone. "The kids really think they can log on and become the next world champion," says Jeffrey Derevensky, who studies youth problem gambling at McGill University in Montreal. "This is an enormous social experiment. We don't really know what's going to happen."

Greg Hogan is far from the only college student to see the game's role in his life grow from a hobby to a destructive obsession. Researchers from the University of Connecticut Health Center interviewed a random sample of 880 college students and found that 1 out of every 4 of the 160 or so online gamblers in the study fit the clinical definition of a pathological gambler, suggesting that college online-poker addicts may number in the hundreds of thousands. Many, like Lauren Patrizi, a 21-year-old senior at Loyola University in Chicago, have had weeks when they're playing poker during most of their waking hours. Rarely leaving their rooms, they take their laptops with them to bed, fall asleep each night in the middle of a hand and think, talk and dream nothing but poker. By the time Patrizi finally quit, the game seemed to be both the cause of all her problems and her only means of escaping them. "I kept on playing so I wouldn't have to look at what poker had done to my bank account, my relationships, my life," she told me.

Other addicts, like Alex Alkula, a 19-year-old living outside Columbus, Ohio, decide to "go pro," drop out of school and wind up broke and sleeping on their friends' couches. Alkula, who left the Art Institute of Pittsburgh after five months, now makes his living dealing hold 'em in private home games and organizing tournaments in bars. Having overdrawn four bank accounts, Alkula can no longer play online himself. But when he gets home from work at 3 or 4 in the morning, he turns on his computer, clicks on Full Tilt Poker and watches the players' cards flicker on the screen until dawn. "I can't get away from it," he told me. "And really, I don't want to. I'll keep playing poker even if it means being broke for the rest of my life. I've fallen in love with the game."

In its outline, Hogan's story closely resembles that of the stereotypical compulsive gambler. Before the rise of online poker, however, such a story typically involved a man in his 30's or 40's and took a decade or more to run its course. Greg Hogan, on the other hand, went from class president to bank robber in 16 months. His fall took place not at the blackjack table or the track but within the familiar privacy of his computer screen, where he was seldom more than a minute away from his next hand of poker. He'd been brought up too well to waste himself in some smoky gambling den and knew too much to play a mere game of chance. He wanted to compete against his peers, to see his superior abilities yield dollars for the first time, a transaction he equated with adulthood. His stubborn faith in his own ability—a trait that had served him so well through his first 19 years—proved to be his undoing.

Today's ruined gamblers are often too young to know any better—too young, in fact, to legally gamble in most U.S. casinos. Until now, these young addicts were ignored by the news media, which swooned over the top of the poker pyramid, the Chris Moneymakers and the ESPN heroes, the guys in the wraparound sunglasses and the cowboy hats who made the hustler's art seem somehow noble and athletic. No one was interested in whose losses keep the poker economy humming, not until a Baptist minister's son robbed a bank.

A minister's eldest boy learns to perform early in life. On Sundays, Greg's mother, Karen, would dress him and his two brothers in matching slacks and blazers and take them and their sister to hear Greg Sr. preach. The congregation looked on as the boys followed Greg Jr's polite, attentive example. Schooled at home through eighth grade, the straw-haired, blue-eyed boy emulated his father's steady gaze, the soft but firm quality in his voice. He saw that others would come to rely on him if he revealed only his strongest side. When Greg Sr. ran for City Council, Greg Jr. enlisted his playmates to help him campaign door to door. Neighbors began calling Greg "the General." When it came to music, Greg was like a boat on a still pond—one small push from his parents and he'd glide on toward the goal. Karen, a psychiatric nurse, started him on the piano at 5. Greg Sr. worked a second job to help pay for $50-an-hour private music lessons for his daughter and three boys. By 13, Greg had twice played onstage at Carnegie Hall. Music won him a scholarship to the prestigious University School, a day school outside Cleveland, where his classmates noticed his oddly mature ways and dubbed him "the 30-year-old man." By graduation, he'd developed something of an ego. "Greg will always be a people person," wrote his adviser in an evaluation letter. "Perhaps he should set his sights a little lower and just become president of the United States."

Hogan, who had palled around with the sons of bank executives at his high school, threw himself into this new environment. Even before his father had said goodbye to head back to Ohio, Greg announced his plan to run for class president. He played his first hands of live hold 'em with real money that night, a way to break the ice with the guys from his hall in the dorm lounge. A few weeks later, guided by one of his roommate's friends, Hogan opened his first online-poker account at PokerStars.com. He chose a screen name that would carry his new school's banner all around the world: geelehigh. He'd met someone from two floors down who had lost $100—a fortune, it seemed—online. He decided to stick to the play-money tables. Within 10 minutes, Hogan was playing his first online hands.

A few days later he met another friend of his roommate's. Hogan claims that he remembers only his nickname, Phys. When he turned 21, Phys told Hogan, he would plunk down $10,000 and become the youngest player ever to win poker's greatest prize—the World Series of Poker No Limit Texas Hold 'Em bracelet. He then showed Hogan where he planned on getting that kind of money. He clicked on the PokerStars icon on Hogan's computer, typed in a user name and password, clicked on "Cashier." And there it was, Phys's "real money" balance: more than $160,000. Hogan clucked his tongue. "Un-be-lievable," he said, almost to himself. He knew that the money was indeed real. All Phys had to do was click on the "Cash Out" button and wait two weeks, and he'd receive a six-figure check in the mail. Four years' tuition, sitting there like a high score. It was absurd.

The next week, geelehigh used his debit card to make a $75 PokerStars deposit. He received a $25 "deposit bonus," which wouldn't clear until he'd played several hundred hands. The money was real now, but it still felt as ephemeral as it did at the play-money tables: $100 was a digitized chip icon, an oval of black pixels on his computer screen. Green ovals were $25, red ovals $5. All were smaller than a grain of rice. When Hogan clicked on the "Bet" or "Raise" buttons, the chips made a chik sound and floated across the glowing table before melting into the pot. These tiny digital chips represented money controlled by a corporation in Costa Rica. The "cards" themselves were really just bits of data, "shuffled" by a random-number generator on a Mohawk Indian reservation in Quebec. The nine players at Hogan's table were scattered all over the world, each sitting alone at his screen, trying to take money from the other eight. Eventually, in chunks of $50, then $100, he took two summers' earnings, money his parents had given him for books and expenses, hundreds of dollars in loans from friends, $2,000 in savings bonds bought in his name (bonds he took from the family safe) and turned it into digital chips: $7,500 in all.

Online, Hogan would play 60 to 100 hands an hour—three times the number of his live games. There was no more shuffling between hands, no more 30-second gaps to chat with his friends or consider quitting. Each hand interlocked with the next. The effect was paralyzing, narcotic. "Internet poker induces a trancelike state," says Derevensky, the McGill professor, who once treated a 17-year-old Canadian boy who lost $30,000, much of it at PokerStars. "The player loses all track of time, where they are, what they're doing." When I spoke with an online hold-'em player from Florida who had lost a whopping $250,000 online, he told me: "It fried my brain. I would roll out of bed, go to my computer and stay there for 20 hours. One night after I went to sleep, my dad called. I woke up instantly, picked up the phone and said, 'I raise.'"

A raked poker game cannot survive unless some players either overestimate their abilities or are willing to keep playing despite consistent losses. Fish, then, are the chum that keeps the rest of the poker ecosystem alive. Poker message boards monitor which sites are teeming with geelehighs and which have been leached dry. To stay in business, sites must attract fish, hold them for as long as possible and replace them when they go broke. According to Mike Shichtman, a professional gambler who consults for the online site Pacific Poker, there is "giant concern" in the industry that the total number of fish may be dwindling. It is, he adds, a trend that can be reversed only by tapping new markets.

In a few weeks, Hogan had run his initial $75 up to $300. Then, in November, came "the hand that got me hooked." Hogan drew a king-high flush and bet all $300. When his opponent called the bet and showed his ace-high flush, Hogan felt an impotent rage that broke on his forehead and coursed through his body. Tilt. He cursed, shut down the program in disgust and vowed never to play online again. Four days later, however, he felt the traces of an urge as visceral as the need to eat.

Hogan was craving "action," the gambler's drug. "Getting action" is the act of placing a bet; being "in action" is the high that follows, a state of arousal that neurologists have likened to doing a line of cocaine. Blood rushes to the face, the hands moisten, the mouth dries up. Time slows down to a continuous present, an unending series of build-ups and climaxes. The gains and losses begin to feel the same. Action had already appeared intermittently in Hogan's life—when he cheered the Ohio State Buckeyes through the last seconds of overtime, when his father called him with Lehigh's admissions decision in hand. Poker gave him the same rush whenever he wanted it, for hours on end.

Back in Ohio, Hogan's October bank statement arrived with two $50 PSTARS withdrawals. His father called, asked why he'd waste money like that. Greg promised to stop. He played again that day. He had not and would not read any of the half-dozen books that together give a rough grasp of how hard hold-em is to master. He had no idea that many of his opponents were self-styled professionals using a special program called Poker Tracker to analyze betting patterns and seek out fish like geelehigh. There were always some of these pros online, some playing 8 or 12 tables at once to leverage their advantage. They were waiting for him the night Lehigh's football team lost to rival Lafayette, when Hogan, who'd organized a cheering section, felt a little down and once again pushed aside his father's warnings. They followed him home over Thanksgiving weekend in November 2004, where, amid the clutter of his father's small basement office, he watched the World Series of Poker on TV, never changed out of his pajamas and played online for 10 hours a day. He lost $1,500, every penny he'd taken to school with him. Upstairs, the Hogans wondered what was wrong with their son.

"It's just play money, Dad," he told his father, who learned the truth when an overdraft notice arrived from Greg's bank. Greg Jr.'s phone rang the moment he returned to Lehigh. It was Greg Sr., who reminded Greg that the $1,500 had come from friends and relatives who didn't give it to him so he could gamble it. Hogan, distraught, e-mailed Phys and begged him to cover the loss. Phys agreed, so long as Greg would stop playing. "You're a fish," he said. "You need to stop."

Greg had begun to daydream about poker during student-council meetings, at orchestra practice, whenever he had a free moment. Soon, Phys's $1,500 had melted away. Hogan's parents arranged for him to meet with a Lehigh counselor. He was told that live poker was harmless but to stay away from online. For a time, the counseling worked. Hogan did not gamble during spring semester. But that summer, back at home in Ohio, Hogan was checking up on his friends at Facebook.com when he saw a PartyPoker ad: make a $50 deposit, get a $50 bonus. He'd been coveting a red Jeep and remembered the times he'd run $100 up to $500. Ten $500 sessions, get the Cherokee, don't tilt and quit. And he did win, at first. Then, as always, his opponents began to outmaneuver him. "I kept going back online, depositing another $50, winning, withdrawing," he recalls. "It happened a few times, but then I wouldn't be withdrawing. And then I'd just keep putting money in 'cause I kept losing."

In July, at his parents' behest, Hogan attended a few Cleveland-area Gamblers Anonymous meetings, which proved handy when a friend took him to a Canadian casino to play live poker. He found it easy to play a disciplined game under the appraising eyes of older strangers and won $500. The G.A. meetings had taught him to recognize the fish at the table. Except for the one sitting in his seat.

Back at Lehigh that September, Hogan sometimes found himself shoehorning counseling meetings between online-poker sessions. To his friends and professors he was a terrific success, the easygoing leader who organized landscaping projects around the Sig Ep house and hobnobbed with Lehigh's wealthy trustees at dinner parties. But to his parents, his situation was growing desperate. Hogan had reneged on his promise to attend G.A. meetings in Bethlehem. Withdrawals and overdrafts continued to appear on his bank statements. "I really don't want to do this anymore, but I don't know how to stop," Greg told his father. Greg Sr. then made the six-hour drive from Ohio to install a $99 program called GamBlock on his son's computer. Highly regarded among gambling counselors, GamBlock makes it impossible for users to access any Internet casinos. (The company's founder, David Warr, says that half of his customer base, which he will only put in the "thousands," is connected to a college or university.)

Hogan soon found a way to circumvent GamBlock, gambling by night in the library's computer lounges. "It was funny to see how many other kids were playing," he says. "By this point I didn't really care so much who saw me." Greg Sr. realized what was happening and asked the administration to lock poker sites out of the public terminals. He says he was told that nothing could be done. As November approached, the wall Hogan had built between his Lehigh life and his poker life had begun to crack. He would borrow $100 or $200 from his fraternity brothers and fail to pay them back by his self-imposed deadlines. He would skip classes and meetings for long binges in the fraternity lounge, gambling through the night and catching a few hours' sleep before noon. People he hardly knew were asking him what was the matter. On Oct. 19, when a fellow Sig Ep sent the house an e-mail asking if anyone wanted to try to hit a record Powerball jackpot, Greg sent this reply, a message that went to all 60 of his brothers: "O what the hell, maybe my bad luck can change??? Please God??"

The end came quickly, a weeklong series of 14-hour binges at the end of November. "There was very little thinking," he told me. "I'd get up and lose it. Get up, make another deposit, lose it again. As soon as I lost, I had to get more money in my account immediately. My whole body was shaking as I waited for the program to load, I wanted to play so badly." On Nov. 30, 2005, he lost the last $150 in his account during a six-hour session in the Sig Ep lounge that ended when a friend told him dinner was ready. "I was up about $500, and I was like, 'I'll play two more hands,'" Hogan says. "Then one more hand, and one more after that. And in those last three or four hands, I lost it all. All the muscles in my body gave way." He fell asleep, completely broke. All his poker accounts were at zero. His checking account had a negative balance. At the Sig Ep winter social, the fraternity treasurer told Hogan he would be kicked out if he failed to come up with $200 in social fees. Having bailed him out twice before, Greg's parents refused to give him the money and were considering pulling him out of Lehigh altogether. Hogan spent the next week wandering around the Sig Ep house in a daze, skipping classes and drinking himself into a stupor each night.

"It was the weirdest thing I've ever experienced in my life," he said. "Like an out-of-body experience. I was watching myself walk around. Watching myself go and eat food. Watching myself take a shower, but not actually doing those things. I remember looking in the mirror, and it was not me I was seeing in the reflection."

The night before the bank robbery, Greg spoke with his father one last time. Greg Sr. remembers what he heard in his son's voice. The tiredness. The lack of presence.

"Greg," he asked, "are you gambling?" Greg said what he always said. "Nah, Dad. It's been a while since I've done any of that." Greg Sr. had gotten used to his son's half-truths, the "wishing out loud," as he calls it. He knew it was useless to press further. "O.K., Gregory. I love you. Good night."

I met Greg Hogan Jr. for breakfast one morning this spring, at a diner a few miles from Lehigh. (As Hogan was in the process of negotiating a plea with the county's D.A., I agreed to ask him only about poker and refer all questions about the day of the bank robbery to his attorney.) He had recently completed an inpatient gambling-treatment program in Louisiana, where he wasn't allowed to have more than $5 on him at any time. "I haven't played a hand of poker in 90 days," he said, with a recovering addict's confessional cheer. He is 20, but his jowly face and all-business baritone make him seem much older. Take away the American Eagle shirt and the Ohio State Buckeyes cap and he'd resemble a young, pale Harry Truman.

Beside us sat Greg Sr. and Karen, still fuming over media accounts that they are "affluent." On the contrary, they have scrimped to put children through college. After paying Greg's treatment costs, legal fees and bank debts, they expect to be out $35,000. Hogan's lawyer has been fielding calls from bookers at "Oprah," "Montel" and "Good Morning America," all drawn in by the irresistible "good kid robs bank" story.

Some $60 billion was bet last year in online poker games, two-thirds of which came from the United States. The vast majority of this money moves from player to player. About $3 billion wound up as revenue in the form of rake, a figure that is growing by about 20 percent per year, making poker the fastest-growing segment of the $12 billion online-gambling industry. Unlike their brick-and-mortar counterparts, online casinos don't have to pay for dealers, free drinks or air-conditioning, and they enjoy profit margins as high as 60 percent.

There are more than 400 online card rooms operating today, offering every variety of poker game and every level of stakes. Hold 'em, the most popular game, can be played for anywhere from pennies to tens of thousands of dollars a hand. Like pornography before it, gambling is shedding its stigma, transitioning from the black market to Wall Street, from a back-room vice to ubiquitous "content." PartyGaming, the largest operator, is valued at about $10 billion on the London Stock Exchange. Its shares are held by Goldman Sachs, Merrill Lynch and other top Wall Street firms. Five years from now, if the plans of PartyGaming and other Internet casinos come to pass, consumers will be able to place bets on their cellphones and P.D.A.'s while waiting for a table in a restaurant.

The public visibility of online-poker seems to be growing as fast as its revenues. Calvin Ayre, the globetrotting founder of the online card room and sports-betting site Bodog.com, spends $50 million a year promoting himself and his company as a Hefner-like lifestyle brand. He has run ads in Esquire and Vice magazine and on Gawker Media's sites in which Ayre himself often appears as a dapper, rakish bachelor, personally embodying both the new poker wealth and the rewards his younger customers hope the game might bring. The image has caught on—this March he appeared on the cover of Forbes's Billionaires issue.

While the Department of Justice maintains that online poker violates U.S. laws, not a single player or site has been indicted, and online gambling remains as available as pirated music. To shut down Internet gambling, the D.O.J. would either have to start monitoring what we download from the Internet or raid legal, licensed businesses in Antigua, Britain, Costa Rica and other countries where it has no jurisdiction. The D.O.J. has succeeded in persuading some credit-card companies to stop financing online-poker accounts, but this hasn't stopped the flow of rake overseas. U.S. players simply move funds through offshore third-party "e-wallets" like Neteller and Firepay, which charge a small fee and then pass the money on to the sites.

"The Department of Justice takes the position that online poker is illegal," says the former U.S. attorney Jim Martin, who led the first phases of the department's campaign against online-gambling advertising. "But I don't think they have much of a motive to go after individual bettors at all."

Analysts say that online gambling's gray legal status allows operators to avoid paying more than $7 billion a year in federal taxes. And $7 billion is a lot of tax money to leave on the table—nearly half of NASA's budget for next year. It's probably too much for this ambiguous state of affairs to continue for much longer. Late last month, the House Judiciary Committee approved a bill introduced by Representative Bob Goodlatte that would make it harder—but far from impossible—for players to move their money offshore, while leaving the question of domestic online gambling to the states. With Congress unlikely to pass any law authorizing federal oversight of our online activities, Internet gambling's near future appears as healthy as illegal downloading's. In the long term, the federal government's response is likely to resemble either its response to tobacco, with high taxes and more rigorous controls over marketing and access to young people, or to marijuana, a costly and mostly fruitless campaign to eradicate a demand-driven business by cutting off the supply.

With plenty of disposable income and spare time, college students constitute one of the gambling industry's most coveted demographics. "We've been surprised by this natural, organic groundswell of demand from the college audience," says Jason Reindorp, marketing director for AbsolutePoker.com, which gave away a semester's tuition to the winner of a college-only online tournament and promoted its Web site at halftime during N.C.A.A. basketball tournament games. Like many sites, AbsolutePoker.com enlists players in multilevel marketing programs. Known as "affiliates," players are rewarded with a $75 bonus or a percentage of the rake each time they find AbsolutePoker a new customer. Reindorp says that AbsolutePoker relies on students to make sure all this jibes with campus policy. "The student audience is very responsible," he says. "They know how to avoid getting into trouble by breaking their school's rules, just like they know how to avoid playing beyond their means."

I'd heard the same from almost every online player I'd spoken with: I lose big, I win big, but at the end of the day, I come out ahead. Johnson did know one losing player who'd lost several thousand dollars and had to take a $6.25-an-hour job at this very smoothie shop to pay for his books.

Johnson said Hogan never had much of a reputation among Lehigh's hard-cord poker players. "The funny thing is, he wasn't even in that deep," he told me. "Five thousand is nothing. I know whole halls full of kids who play the thousand-dollar buy-in No Limit tables. If everyone did the same thing when they lost five large," he added with a chuckle, "well, there'd be a lot more bank robberies."

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very briefly, I would simply like to express a lot of personal appreciation to Chairman MIKE OXLEY of the Banking Committee, SPENCER BACHUS and all those who have preceded us on this side, to Chairman SENSENBRENNER and, extraordinarily, to BOB GOODLATTE who has led this movement for quite a long time.

I also want to express a great deal of respect for points in the opposition, RON PAUL, our distinguished Libertarian leader in the House, and BARNEY FRANK, who from a liberal perspective has taken a Libertarian view, have thoughts that deserve great respect; and I have always admired the work of the ranking member, JOHN CONYERS, on this committee.

But I want to just conclude with this observation. This is not a partisan bill. It is not an ideological bill. As Ms. HOOLEY very thoughtfully reflected, from a Democratic perspective, this is a family bill, and this bill, I am hopeful, will get a lot of support from both sides, and it will get a little opposition from both sides. This is for the good of the American people, and in the development of legislation like this, outside groups do play a role. Sometimes they are nefarious; that happens around here. Sometimes they are high-minded.

When I think of Marty Gold of the NFL, when I think of Cynthia Abrams from United Methodist Church, I think of really fine Americans who have indicated that we should act in this area, and I am honored to work with them.

I urge support for this legislation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4411, the Internet Gambling

Prohibition and Enforcement Act. The version we consider today merges H.R. 4777, the Internet Gambling Prohibition Act, offered by the gentleman from Virginia (Mr. GOODLATTE), and H.R. 4411, the Unlawful Internet Gambling Enforcement Act of 2006 introduced by the gentleman from Iowa (Mr. LEACH).

I am pleased to have worked closely with Mr. GOODLATTE, Mr. LEACH and members of the Committee on Financial Services to draft a compromise on this important legislation which has allowed it to come to the floor today.

In recent years, illegal online gambling activities and their adverse social consequences have risen dramatically. Americans will send $6 billion to unregulated, offshore, online casinos this year. 50 percent of the $12 billion wagered on Internet gambling worldwide.

The Department of Justice has warned that Internet gambling sites are often fronts for money laundering, drug trafficking and even terrorist financing. Furthermore, these sites evade vigorous U.S.-based gambling regulations that restrict gambling by minors, protect chronic gamblers and ensure the integrity of the games.

The characteristics of Internet gambling are unique: online players can gamble 24 hours a day from home; children may play without sufficient age verification; and betting with a credit card can undercut a player's perception of the value of cash, leading to addiction, bankruptcy and crime. Young people and compulsive gamblers are particularly vulnerable.

The legislation we consider today clarifies the application of the Wire Act to the Internet, and prohibits not only sports betting, but traditional gambling such as online poker, blackjack and roulette.

It further provides Federal, State and tribal law enforcement with the tools to combat Internet gambling and cuts off revenue to those who profit from this destructive and illegal activity. The bill accomplishes this by prohibiting the use of financial instruments such as credit cards, electronic fund transfers, checks and drafts to pay for online gambling bets. It also increases the criminal penalties for violation of the Wire Act from a maximum of 2 years to a maximum of 5 years.

Legislation to address illegal online gambling is strongly supported by a broad and diverse coalition representing religious organizations, professional sports leagues, entertainment companies, the financial services industry, and State lottery commissions. Moreover, the unique national and global character of the Internet requires a clear and decisive congressional response to illegal activities that occur online.

The time to pass strong prohibitions against Internet gambling is now. I urge my colleagues to pass this vital legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 10, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN BARTON: Thank you for your recent letter concerning the Committee on Energy and Commerce's jurisdictional interest in H.R. 4411, the "Unlawful Internet Gambling Enforcement Act of 2006, as amended." I acknowledge the Committee on Energy and Commerce's jurisdictional interest in the amendment in the nature of a substitute to H.R. 4411 and appreciate your willingness to waive further consideration of the legislation in order to expedite its consideration on the House floor.

I agree that by foregoing consideration of the amendment in the nature of a substitute to H.R. 4411, the Committee on Energy and Commerce does not waive jurisdiction over subject matter contained in this or similar legislation. In addition, I agree to support representation from the Committee on Energy and Commerce for provisions of H.R. 4411 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 10, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I understand that the House plans to consider H.R. 4411, as amended, the Unlawful Internet Gambling Enforcement Act of 2006, this week. The proposed amendment in the nature of a substitute contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

I recognize your desire to join Chairman Oxley and bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over the subject matter contained in the amendment in the nature of a substitute to H.R. 4411. In addition, the Energy and Commerce Committee reserves its right to seek conferees for any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 4411 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of H.R. 4411. Thank you for your attention to these matters.

Sincerely,
JOE BARTON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

I just want to tell my friend, the gentleman from Virginia (Mr. WOLF), that if he thinks we have fixed the Abramoff problem of this House by passing this legislation, I am sure that Jack is somewhere saying, Fooled again.

Now, I oppose this bill for the same reasons that the Traditional Values Coalition opposes the bill, namely, that we are not doing the complete job; and if we were, I would be here as an advocate. But this legislation only bans certain forms of online gambling, while expanding legal authorization for certain favored special interests, including betting on the lotteries and interstate horse racing.

This latter exception, the one reserved especially for the horse racing industry, is a great concern because in the last few months the horse racing industry has made it clear that they intend to use the carve-out to go after who, children, in order to encourage them to engage in online gambling. This is a big problem for me.

But could we not have figured this out without going to the Baltimore Sun or listening to the chief executive officer of the Maryland Jockey Club tell us about the decades-long slump in attendance and wagering at the track and the ability of the Internet to turn that around?

In response, Mr. DeFrancis declared, "Over the 25 years I've been in this industry, not one day has gone by when I haven't heard people complaining that our customer base is getting older and we can't attract young people. And this gives us an opportunity to expand into the youth market unlike any we've ever had before."

Do you not get it? With this carve-out, we are starting something that is a slippery slope, and it has been thankfully remarked on by a number of people here.

So, regardless of one's position with respect to whether or not Internet gambling should be banned, we can all, and should, agree that innocent children should not be taken advantage of when they go online. As is the case when it comes to protecting kids from pornography and other forms of online predators, children should be equally protected from those who make it their mission to encourage underage gambling.

So, for that reason, the bill goes in the wrong direction and threatens to make an increasing problem even worse.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE), the father of half this bill.

Mr. GOODLATTE. Mr. Speaker, first, I want to thank Chairman SENSENBRENNER for his long support of our efforts on this legislation. He is now in his sixth year as chairman of the Judiciary Committee, and this legislation even predates his strong leadership of the committee.

I want to thank most especially Congressman JIM LEACH of Iowa, who has worked very, very hard and very, very long in the Financial Services Committee to accomplish these same goals that we have worked on in the Judiciary Committee. Bringing these two bills together for the first time is a major accomplishment and provides the strongest bill that has ever been offered to deal with this scourge of Internet gambling.

I am also deeply grateful and indebted to the gentleman from Virginia (Mr. BOUCHER) who has been the lead Democratic cosponsor of the Judiciary version of the legislation with me for many years, as well, and I thank him for his efforts.

There are many Members on both sides of the aisle who have made great contributions, Congresswoman HOOLEY, Congressman CARDOZA of California, many other Members on the Democratic side who will join with us to finally pass this legislation.

Mr. Speaker, gambling on the Internet has become an extremely lucrative business. Internet gambling is now estimated to be a $12 billion industry, with approximately $6 billion coming from bettors based in the U.S. It has been reported that there are as many as 2,300 gambling sites, and the Department of Justice has testified that these offshore, fly-by-night Internet gambling operations can serve as vehicles for money laundering by organized crime syndicates and terrorists.

The anonymity of the Internet makes it much easier for minors to gamble online. In addition, online gambling can result in addiction, bankruptcy, divorce, crime and moral decline just as with traditional forms of gambling, the costs of which must be ultimately borne by society.

In fact, I have been contacted by a constituent in my district whose son fell prey to an Internet gambling addiction. Faced with insurmountable debt from Internet gambling, he took his own life.

We heard earlier from Congressman DENT and his constituent, whose son robbed a bank as a college student because he could not meet his Internet gambling debts, and the final thing that the father had to say just in today's Associated Press story, This bill would have definitely helped my son.

That is what we are about here today. As Congressman LEACH said, this is about protecting America's families.

Traditionally, States have had the authority to permit or prohibit gambling within their borders. With the development of the Internet, however, State prohibitions and regulations governing gambling have become increasingly hard to enforce as electronic communications move freely across borders.

Current Federal law already prohibits interstate gambling over telephone wires. However, these laws, which were written before the invention of the Internet, have become outdated. The Internet Gambling Prohibition and Enforcement Act brings the current prohibition against wireline interstate gambling up to speed with the development of new technology. It also makes clear once and for all that the prohibition is not limited to sports-related bets and wagers, and would provide Federal, State and tribal law enforcement with new injunctive authority to prevent and restrain violations of the law.

In addition, H.R. 4411 prohibits a gambling business from accepting certain forms of noncash payment, including credit cards and electronic fund transfers. In order to block transactions going overseas, the legislation also requires the Federal Reserve Board and the Treasury Department to issue regulations to help banks block illegal gambling transactions.

H.R. 4411 also protects the rights of citizens in each State to decide through their State legislatures whether to permit gambling within their borders. The regulation of intrastate gambling has always been within the jurisdiction of each State, and this bill leaves the regulation of wholly intrastate betting to the States with tight controls to ensure that such betting or wagering does not extend beyond their borders or to minors.

The opponents of this legislation have a lot to lose. Offshore, online gambling Web sites are cash cows, and the greed that propels these companies leads them to solicit bettors in the United States despite the fact that the Department of Justice already believes this activity is illegal. The greed that motivates many of these offshore establishments has also motivated nefarious lobbyists such as Jack Abramoff to spread misinformation about previous attempts of the Congress to ban online gambling.

Internet gambling is a serious problem that must be stopped. The Internet Gambling Prohibition and Enforcement Act will help eliminate this harmful activity before it spreads further.

This is legislation that was defeated by Jack Abramoff before. He is still out there with other lobbyists trying to do it again. Support the legislation. Defeat the amendment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), an esteemed member of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I oppose the bill because it does not prohibit Internet gambling; it only tries to prohibit running an Internet gambling operation. But because of the nature of the Internet, it is probably unlikely to do that, and that is because even if we are successful in closing down business sites in the United States or in countries we can get to cooperate, it will be ineffective because it will have no effect on those operations run outside of the reach of the Department of Justice.

Furthermore, it does not prohibit illegal gambling, just running the operations so that gamblers will be as free as they are now to gamble over the Internet.

Further, Mr. Speaker, it provides a credit card prohibition. We heard from witnesses during our hearings that this will create an enforcement nightmare for financial institutions because it requires them to stop and look for illegal Internet gambling transactions.

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It is hard to identify those transactions, because they are not going to be identified as an illegal Internet transaction. It will just be you may have a company with one code for all payments, even though the company may have many activities, including Internet gambling.

Just as Caesar's Palace has a hotel and a gaming operation, a foreign company may have a hotel and a casino and an Internet gaming operation which is legal in that country, all paid to a single account. What about e-cash or electronic payment systems, or an escrow agent located in another country? All the bank knows is that the payment came from PayPal or went to some escrow agent.

With some Internet gambling operations being legal, how would the final institution distinguish between what is legal and what is illegal? Furthermore, we should not overestimate the cooperation we might get from other countries. The Internet gambling Web sites were virtually unheard of a few years ago and now represent billion-dollar businesses and are growing at phenomenal rates.

Over 85 foreign countries allow some form of gambling online, and that number is likely to grow as well. So what governments are likely to cooperate with us in prosecuting businesses that they authorize to operate?

Even if we are successful in getting cooperation from some countries, it would simply increase the profit opportunities for sites located in uncooperative countries, especially those with whom the United States does not have normal diplomatic relations, and those sites would be unregulated with no consumer protections.

Again, we have heard these stories about the problems of Internet gambling. But this bill does not prohibit Internet gambling. It prohibits running the operation. If we wanted to be effective in prosecuting illegal gambling on the Internet, we would prosecute the individual gamblers. A few sting operations would get the word out that if you gamble on the Internet, you will be caught, because the money trail will lead back to each individual Internet gambler.

So as long as individuals can gamble over the Internet with impunity, the market will be provided for them from some place.

Mr. Speaker, this bill does not prohibit Internet gambling, just tries to prohibit running the operation in a jurisdiction within the reach of the Department of Justice, then it sets up an impossible regulatory scheme, requiring banks to figure out which of billions of transactions might be related to illegal Internet gambling.

If we want to prohibit Internet gambling, let's debate that. Meanwhile, we should defeat this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding this time and commend him for his work on this measure.

Mr. Speaker, it has been my pleasure to work with our Virginia colleague, Mr. GOODLATTE, in introducing this bipartisan measure that is before the House today, which will crack down on the growing problem of illegal offshore gambling as well as illegal gambling that crosses State lines by way of connections to the Internet.

These activities take billions of dollars out of our national economy each year, serve as a vehicle for money laundering, undermine families, and threaten the ability of States to enforce their own laws. The time to approve a ban on Internet gambling has now arrived. The basic policy that we are promoting in this bill was adopted in the 1960s when Congress passed the Wire Act. That law makes it illegal to carry out a gambling transaction through use of the telephone network. We are modernizing the Wire Act to account for the arrival of the Internet as a communications medium by making it illegal to use the Internet for gambling transactions as well.

In view of the fact that people connect to the Internet by means other than telephone lines, and that a large amount of Internet traffic does not even touch the public switched telephone network, we think it is necessary to specify that prohibited traffic which crosses either the telephone network or the Internet is illegal under the Wire Act.

Our bill has now been joined with Mr. LEACH's measure, which inhibits financial transactions arising from Internet gambling. This bill is needed. It effectively attacks the growing problem of offshore gambling. It attacks the money laundering that often attends these activities. It strengthens the ability of States to prohibit or to allow gambling transactions as they desire within their borders.

It will enable States to enforce their own laws. I want to commend Mr. GOODLATTE and Mr. LEACH for their careful work on this measure. I am pleased to urge its adoption by the House.

Mr. CONYERS. Mr. Speaker, no one has worked harder on this bill than the gentlewoman from Nevada (Ms. BERKLEY), and I yield her 4 minutes.

Ms. BERKLEY. Mr. Speaker, I would like to thank Mr. CONYERS for his extraordinary efforts on this legislation.

Mr. Speaker, I rise in strong opposition to this legislation. Despite the misinformed and misguided claims of this bill's supporters, it would neither prohibit Internet gaming nor increase enforcement capabilities of the United States Government.

Instead, passing this bill will do the exact opposite. The millions of Americans who currently wager online will continue to use offshore Web sites out of the reach of U.S. law enforcement, and they will remain unprotected by State regulators who ensure the integrity of brick and mortar gaming establishments in this country.

I continue to be astounded by the Members of this body who constantly rail against an intrusive Federal Government; and yet when it comes to gaming, they are the first, the first to call for government intrusion.

A man's home is his castle unless he chooses to participate in online gaming. Then his home is the province of the Federal Government. This bill was recently included on the House Republicans' American Values Agenda.

Which American values is this promoting? It certainly cannot be the right to privacy. It certainly cannot be the right of individuals to be free to make their own decisions about what type of recreation to enjoy. And, yes, my colleagues, gaming is considered a form of recreation for millions of our fellow citizens.

Gaming is legal in this country in those States who choose to allow it and to regulate it. The vast majority of States do allow gaming and regulate it, whether it be lotteries, racing, card rooms, casinos, or bingo. This bill would make a legal activity illegal in those same States solely because it is done online rather than in a casino or in a church. In reality, the intent of this bill, and it is rather obvious, is to attack and outlaw legal gaming in our Nation.

Supporters of this bill argue that online gaming is a great danger to society and our youth because some people gamble too much and some underage people might access online wagering sites. By that logic, the next piece of legislation we should be considering is banning online shopping. Surely those who overspend their budgets online and young people who borrow their mom's credit card must be stopped by the long arm of Federal law enforcement.

Supporters of the bill before us today claim that their target is the offshore gambling operations that are sucking billions of dollars out of the United States, as Mr. GOODLATTE said. Indeed, Internet gaming has grown from a $3 billion industry in 2001, and it is projected to reach $25 billion by the end of the decade.

Americans account for as much as half of that amount. But there is nothing in this bill, let me repeat that, nothing in this bill that will shut down these offshore companies who operate legally in other countries. Like it or not, Americans who wish to wager online will find a way to do so.

The very nature of a free World Wide Web will continue to make online gaming available across the globe, including the United States. Under this bill, billions of dollars will continue to flow out of our country, with millions of Americans wishing to wager online. It is ridiculous, ridiculous to think this bill will actually stop online gaming. Just like Prohibition failed, this prohibition on gaming in the comfort of your own living room will fail as well.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise in support of this important bill to stop Internet gambling. Mr. Speaker, I do not have a problem with gambling; but the fact is that the Internet has grown, and gambling on the Internet has exploded. In 1995 the first online gambling site was born.

By 1999, that number had grown to 100 sites. Today there are more than 2,300 gambling Web sites. This increase in availability has mirrored an explosion in the amount of money spent on online gambling. In 1999, online gambling revenues were estimated at $1 billion. By 2002 that number had tripled to $3 billion. Today that number has quadrupled to $12 billion.

Within those $12 billion are stories of families that are finally ruined, and children that are addicted to gambling. We take this drastic action today because the problem of Internet gambling is so unique. Because it is so accessible and unregulated, Internet gambling is marketed to minors.

Now, I have been a leader in this institution in trying to prevent cigarette sales on the Internet. Why? Because if you go to try to purchase cigarettes at a convenience store, you have to demonstrate you are an adult or 18 years of age. When children can buy cigarettes on the Internet, they are able to get access. Young people, it is the same way with gambling. They cannot get in to brick and mortar casinos, but they can get onto a computer.

Because Internet gambling does not know borders or boundaries, it does not recognize State law, or any law for that matter. That is one of the reasons why 48 State attorneys general support the action that this Congress is taking today. Congress has a unique opportunity today to pass a strong anti-Internet gambling bill.

This bill does not do anything to affect legitimate gambling that is going on in brick and mortar establishments. But the fact of the matter is when you allow unlimited, unregulated gambling, particularly in a country where States rely on gambling for revenues, but we see little money being spent on dealing with those people who have a problem, an addiction with gambling that has ruined literally thousands and thousands of lives across this country, we need to deal with this.

I urge my colleagues to vote for this bill and put the brakes on Internet gambling.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I want to just let me dear friend from Massachusetts know that this bill requires no age verification for minors to place horse racing bets.

Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I thank my colleague from Michigan. In all fairness to my friends and colleagues on this side of the aisle, I respectfully disagree with the concept.

Whether you are for or against Internet gaming, this bill is not going to change some realities. The reality, as has been mentioned here time and time again is close to $12 billion is being invested on the Internet. We are not sure who these folks are, but we know the bulk of them are somewhere in other parts of the world.

I would highly encourage that my colleagues in the House look seriously at my bill, which is H.R. 5474, that I cosponsored with SHELLEY BERKLEY from Nevada, my friend and colleague. It is an Internet gambling study. It is a comprehensive study that looks at government activities, existing legal frameworks. There is so much confusion for those that are using the Internet. I would highly encourage, this is a very complex issue that needs intense review in a bipartisan approach. We are not going to stop Internet gambling. It is illegal today. This bill is one more piece that is not going to be enforced. I encourage opposition to this bill.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker and ladies and gentlemen, H.R. 4411 is Abramoff's revenge. If he were still lobbying and not on the way to imprisonment, he and his former client would have no reason to panic about H.R. 4411, because that bill contains the loophole for State lotteries that he was hired to secure in 2000, which is why he opposed the bill then. And now that he has got it, he would be in support of the bill.

The supporters often note the defeat of his bill in 2000, and his role in that defeat, as the reason to enact this year's bill. Wrong. However, the supporters conspicuously fail to note that Abramoff's goal was to preserve the ability of his then clients to bring State lotteries onto the Internet. He only worked to defeat the Goodlatte bill when it was clear that State lotteries would not be exempt from the ban. He would be able and is able to rest easy today because we contain in this measure an amendment to the Wire Act that would allow States to sell lottery tickets online so long as certain minimal conditions are met, that is, that the State must specifically authorize online ticket sales.

Please, let's be real. Let's be candid. Let's be honest with the American people about what they were doing.

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If we didn't have this loophole as big as a barn door, this bill would be a lot better off. And so H.R. 4411 is Abramoff's revenge. It is a bill that he could have supported in 2000. And though the passage of this bill is rationalized as a way to exorcise the demons of 2000 from the House, the reality is this bill serves his clients' interests. Please oppose this measure unless there are some changes made about it.

Mr. Speaker, I yield back the balance of my time

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it puzzles me greatly to hear my distinguished friend from Michigan (Mr. CONYERS) call this bill Abramoff's revenge. There are no two Members of this body that fought Mr. Abramoff more strongly on this issue than the gentleman from Iowa (Mr. LEACH) and the gentleman from Virginia (Mr. GOODLATTE). And what side are they on? They are the sponsors of this bill, because they realize that we have to do something to curtail Internet gambling.

Now, this bill started out before I became the chairman of the Judiciary Committee. It is still around, and Internet gambling is growing by leaps and bounds.

Now, I think that they have struck a good compromise, they have struck a good balance, and they have come up with legislation that is practical not only in attempting to deal with the methods of payment for debts accrued through Internet gambling, but also through an amendment of the Wire Act to deal with this issue, since most transmissions over the Internet no longer even touch the public wire telephone and telecommunications system.

I think that they have done a good job in coming up with something that can be passed by both Houses and signed into law; and the executive office of the President and the Office of Management and Budget issued a statement of administration policy saying that the administration supports passage of this bill.

How come everybody who has been fighting for this issue, or almost everybody who has been fighting for this issue, wants to have the bill passed, and we see some folks from Nevada and elsewhere that don't? Vote "aye" on the bill.

Mr. SMITH of Texas. Mr. Speaker, I support this legislation. It protects families and upholds the rule of law.

Any gambling not currently regulated by the states is illegal in this country. To avoid such regulation, gambling organizations have established themselves offshore and have put their businesses on the World Wide Web.

And the Internet has given anyone who knows how to use a computer—including children—access to unlimited gambling.

Unfortunately, illegal gambling businesses are rarely prosecuted. These 24-hour-a-day businesses entice children and adults and can lead to addiction, criminal behavior, financial troubles, and worse.

What these Internet sites do impacts every American. Also, officials from the FBI recently testified that Internet gambling serves as a vehicle for money laundering activities by terrorists.

The Internet Gambling Prohibition and Enforcement Act simply updates current law to make sure that all methods of gambling, even those done using the latest and ever-changing technologies, are covered under the established law known as the Wire Act.

The bill does this while at the same time ensuring that a State has the right to regulate gambling that happens solely within that State's borders.

And H.R. 4411 marginalizes organized gambling by banning those businesses from taking checks, wire transfers, and credit cards in payment for illegal gambling.

Mr. Speaker, I thank Mr. GOODLATTE and Mr. LEACH for offering this legislation, and I urge my colleagues to support the bill.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 4411, of which I am a cosponsor. This legislation would prohibit banks and credit card companies from processing payments for online bets.

I believe gambling is inherently dishonest and am opposed to it in any form. During my 14 years in the State legislature I voted against every gambling bill we considered.

Gambling financially cripples those who can least afford it—the poor—through the cruel and misleading lure of "winning it big."

I am concerned about the spread of gambling, especially among our children. We need to pause and rethink whether we truly want to legalize so many forms of gambling in so many areas of the country.

In my judgment, Internet gambling should be regulated the same way as traditional forms of gambling, as was recommended by the National Gambling Impact Study Commission.

Illegal acts should be prohibited wherever they occur—including cyberspace—and society clearly has the right to prevent cyberspace from being used for illegal purposes. I urge my colleagues to support this important legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I supported H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act, which passed the House by an overwhelming 319–104 vote in 2003. I also voted in favor of H.R. 3125, the Internet Gambling Prohibition Act, in 2000. I supported reforming Internet gambling then, and I am pleased that Congress has decided to take up this issue again today.

Current regulations on Internet gambling are out of date and ineffective. Forty-eight State Attorneys General have already written to Congress asking for Federal Internet gambling legislation, and many sports organizations have echoed their support. Although States have passed laws attempting to stem the tide against Internet gambling, it continues to occur with greater frequency, with more and more Web sites being created daily that explicitly target our children. These sites not only take advantage of young Americans who have no means to pay their debts, but also encourage a dangerous, and possibly lifelong, addiction. Equally problematic, online gambling also serves as a tool for criminals to launder money and evade taxes. We must ensure that this stream of funding is closed to those who seek to do harm to the United States.

While it is essential to protect an individual's right to engage in legal and honest gaming, I also believe we have a duty to protect the public from abusive and fraudulent websites that take advantage of minors and exploit the system for their own gain. H.R. 4411 walks the fine line between these goals and provides law enforcement with the tools it needs to aggressively crack down on illegal gambling. I support this legislation and am pleased at its passage through the U.S. House of Representatives.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to H.R. 4411. Clearly, gambling on the internet has become an increasingly popular activity and lucrative business. It is estimated that the internet gambling market now exceeds $12 billion, and about $6 billion comes from U.S. bettors. It is estimated that there are now over 2,000 gambling websites. But is internet gambling a net plus or minus for society? That is the question that I hoped the hearings held by the Judiciary Committee on this legislation would answer. Regrettably, my questions have not been answered satisfactorily. Therefore, I cannot support the bill.

My concerns are four-fold.

First, this legislation attempts to clarify the Wire Act to prohibit not only sports betting, but traditional gambling such as online poker. The bill also attempts to updates the Wire Act to cover more Internet technologies, such as wireless infrastructures that increasingly make up the Internet. My concerns here Mr. Speaker is that factual record regarding the need for amending the Wire Act has not been demonstrated and, more important, we did not have the benefit of the views of senior prosecutors and Justice Department officials on the necessity of amending the Wire Act. I note that the DOJ representative who appeared before the subcommittee, Mr. Bruce Orr, is not a presidential appointee, was not authorized to speak for the Administration, and did not seem deeply immersed in the provisions of the bill. This lack of solid legislative-executive dialectic is sufficient in itself to hold the bill in subcommittee until a more reliable factual record is developed.

Second, I am also concerned that the carve-out for internet gambling on horseracing will place the United States at risk of being found in violation of trade laws by the World Trade Organization. The bill, as written, can be arguably characterized as disadvantaging European and Australian based internet gaming companies who would be excluded from the American market, while their American counterparts would not be excluded. Should the United States be found to have committed a trade violation, I am concerned that Europe and Australia will retaliate against American goods and services.

Third, Mr. Speaker I was very impressed with the testimony of Mr. Sam Vallandingham, Vice President, First State Bank, who testified on behalf of small independent community banks. Mr. Vallandingham testified before the Judiciary Committee, and I daresay with great knowledge and conviction, that financial institutions, especially relatively small ones like the ones he represents, to identify, monitor, and track internet gambling transactions of its account holders. Mr. Vallandingham informed the subcommittee that financial institutions simply did not possess the sophisticated detection technology that could make it conceivable to identify problematic accounts. Since the risk of violation of this bill is great (violation carries penal sanctions), it does not appear wise or prudent to impose this burden on small financial institutions.

Finally, Mr. Speaker, I would be remiss if I did not point an irony. Instead of providing minors with greater protections, this legislation threatens to make it much easier for minors to utilize the services of online gambling companies that operate across State lines. In addition, the legislation has the potential to generate a substantial increase in acts of money laundering and undoubtedly will expose various banks and Internet service providers to excessive liability and burdensome regulations.

According to the bill's lead sponsor, the gentleman from Virginia, one of the primary purposes behind the introduction of the bill was to stop online gambling from occurring. However, in its current form, the legislation only prohibits certain forms of online gambling while expressly permitting several other forms to proceed unfettered. Interestingly enough, these "special interest carve-outs" were the main focal point of a recent article in The Hill newspaper.

In that article, the key provisions in this bill were compared to a similar Internet gambling bill that had been introduced by the gentleman from Virginia and defeated in a previous Congress. The article determined that:

> . . . The same Internet gambling legislation Abramoff fought so hard to defeat on behalf of a client that helped states conduct lotteries over the Internet now includes an exemption to protect those lotteries.

The article went on to point out that in addition to the exemption for lotteries, the bill also included language to protect wagering on interstate pari-mutuel betting on horse races from the scope of the bill's ban.

These blanketed exemptions are obviously the byproduct of powerful gambling interests and can be directly traced back to three particular provisions of the bill—sections 3, 5, and 6. Section 3, for example, includes language which expressly exempts gambling on intrastate sanctioned activities, such as lotteries.

All in all, Mr. Speaker, we can do better than what is reflected in this legislation. A bad bill is worse than no bill at all. We should retain the bill and continue working to improve it, if we can.

Mr. SENSENBRENNER. Mr. Speaker. I yield back the balance of my time.

AMENDMENT OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Speaker. I offer an amendment.

The SPEAKER pro tempore (Mr. LATHAM). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 109–551 offered by Ms. BERKLEY:

Page 13, strike line 12 and all that follows through line 18 on page 15.

Redesignate succeeding subsections accordingly.

Page 21, strike lines 21 through 23.

Redesignate succeeding subsections accordingly.

Strike section 106.

The SPEAKER pro tempore. Pursuant to House Resolution 907, the gentlewoman from Nevada (Ms. BERKLEY) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Speaker, I am pleased to join the ranking member of the Judiciary Committee, Mr. CONYERS, and my colleague from Florida, Mr. WEXLER, in offering this amendment.

Despite all the righteous indignation we are hearing about the supposed evils of Internet gaming, this bill specifically and brazenly exempts one giant gambling enterprise from its prohibition. This bill's advocates proclaim the immorality of online gaming and shout that it will destroy our society unless you are betting on horse races.

Mr. GOODLATTE asserts that his bill is neutral on the subject of interstate online pari-mutuel betting, but there is no getting around the fact that this bill very clearly and specifically states that online betting on horse racing is not prohibited.

And if you don't believe me, Mr. Speaker, let's look at what the National Thoroughbred Racing Association has said about the bill. In March of this year, after Financial Services approved the Leach bill, the NTRA issued a press release saying, "The National Thoroughbred Racing Association has secured language in the unlawful Internet Gambling Enforcement Act to protect Internet and account wagering on horse races."

Later in the same release, "The NTRA worked with Congressman GOODLATTE to ensure that H.R. 4777 also contained language that protects online and account pari-mutuel wagering." That sounds pretty clear to me.

But wait, Mr. Speaker, there is more. After the Judiciary Committee approved both the Goodlatte and Leach bills in May, the Thoroughbred Times published an article titled, "Gambling Bill Passes Committee With Racing Exemption Intact." The article states that the bill includes an exemption that would allow the United States horse racing industry to continue to conduct interstate account and Internet wagering. And, finally, it includes a quote from the NTRA spokesman who said, "Not only did the bill pass by a significant margin, but three separate amendments to either slip out or substantially limit our exception were all defeated." It sounds to me like they think they got an exception in this bill.

The bill also includes another hypocritical exemption for intrastate lotteries that is highly ironic because, as has been stated here before, this exemption is exactly what the notorious felon, Jack Abramoff, wanted when he reportedly orchestrated the defeat of a similar bill several years ago because it had no exemption for lotteries. Mr. Abramoff, if he were here, would be laughing about this turn of events. I am sure his former clients are giddy.

Our amendment would strike the horse racing and lottery exemptions from this bill. Members who say they dislike Internet gaming have the opportunity to prove it by supporting this amendment.

If we do not adopt the amendment, then this entire debate is a farce, Mr. Speaker, because the Internet Gambling Prohibition and Enforcement Act before us does not completely prohibit Internet gaming. You want to outlaw Internet gaming? This body wants to outlaw Internet gaming? Well, let's do it. Let's test the mettle of our fellow colleagues.

I have heard many speakers talk about the special interests involved in this bill. Well, it seems to me that the most special interest is the Thoroughbred Horse Racing Association. They seem to have the most clout because they are the ones that got the exemption.

I ask all of my colleagues to join with me. If you are serious about outlawing Internet gaming, then let's really do it, and let's not carve out an exemption because it suits your purposes and your special interests.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in strong opposition to the amendment. This amendment impairs States' rights to regulate gambling within their borders and eliminates the protection in this legislation that prevents gambling from crossing State lines.

Now, what State has got the most gambling to export? I believe it is the State of the author of this amendment, the gentlewoman from Nevada. Congress has consistently found that States have the primary responsibility for determining what forms of gambling may legally take place within their borders, and this amendment infringes on that right and subverts this principle. Forty-nine of the 50 State attorneys general support a ban on Internet gambling. Guess which attorney general doesn't. It is the attorney general from Nevada, the same State as the sponsor of this amendment, my distinguished colleague the gentlewoman from Nevada (Ms. BERKLEY).

And, unlike previous versions of the Internet gambling bills, H.R. 4411 is neutral as it relates to the Interstate Horse Racing Act. The relevant provision in the legislation simply states that, if an activity is permitted under the Interstate Horse Racing Act, it would not be prohibited by this legislation. If someone wants to amend the Interstate Horse Racing Act, let them introduce a bill to do so and it will be considered by the Congress.

It has been the Justice Department's position that the existing Wire Act covers gambling on interstate horse racing. So what is the beef? If the Wire Act already covers it, then this bill does not touch what the Wire Act covers. The amendment is nothing less than a poison pill to this crucial legislation. I urge my colleagues to oppose the amendment.

Mr. Speaker, I reserve the balance of my time.

Ms. BERKLEY. I would like to yield 2 minutes to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentlewoman for her amendment and for yielding to me, because the same Internet gambling legislation Abramoff fought so hard to defeat on behalf of a client that helped States conduct lotteries over the Internet now includes an exemption to protect those lotteries; and she speaks to this point in this amendment that she and I and the gentleman from Florida (Mr. WEXLER) now present.

If you are really for doing what you say you want to do, then what is wrong with this amendment? If we want to prohibit Internet gambling, let's do it completely. Let's not try to continue to fool the public.

The Hill article that I quoted went on to point out that "in addition to exemption for lotteries, the measure also included language to protect interstate pari-mutuel betting on horse races." The existence of these latter carve-outs have also been confirmed by members of the horse racing industry themselves.

The amendment that my colleagues and I join together to offer today merely seeks to prove, once and for all, that State lotteries and the horse racing industry are no better than any other form of Internet gambling.

And so I am proud to strongly urge my colleagues to support our amendment. Please support the amendment and an across-the-board ban for all forms of online gambling.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to Mr. GOODLATTE from Virginia.

Mr. GOODLATTE. Mr. Speaker, I rise in strong opposition to this amendment. A lot has been said here today about motivations. Well, I won't talk about motivations, but I will talk about consequences of this legislation, of this amendment.

The gentlewoman from Las Vegas, who has here on the floor lauded the merits of gambling, or gaming as she calls it, now offers an amendment to make this bill that we have fought for 8 years tighter and tougher on gambling? I don't think so. I will tell you that this is all about undoing what was done before.

The gentleman from Michigan tells us that this is what Jack Abramoff would love to see. But this is exactly the same method that Jack Abramoff used to derail this bill 6 years ago and 5 years ago, by arguing that the legislation was not strong enough on prohibiting gambling, when he was representing gambling interests, a whole host of gambling interests, offshore interests, lottery interests, a whole host of gambling interests. And that is what is being attempted here today.

This, Mr. Speaker, is an amendment that is clearly a poison pill designed to derail this legislation. Regardless of the intentions in offering it, 48 of 50 State attorneys general have come out in support of a ban on Internet gambling. An amendment such as this that restricts the right of States to continue to permit gambling within their borders is nothing more than an attempt to derail the bill by undermining the support from the States. That provision was in the previous versions of the bill; that provision is in this bill today, only it is even tighter.

The States have always had the right to allow or prohibit gambling within their borders. H.R. 4411 continues to ensure that States have that right, while imposing strict safeguards to ensure that the activity stays within State borders and does not extend to other States. These safeguards include requiring that the bettor, the gambling business, and any entity acting with a gambling business to process the bets and wagers all be physically located within the authorizing State, and that age and residence requirements are effective and in place.

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Everyone knows that there is no technology that enables that to be done on the Internet and, therefore, there is no exception on this legislation for lotteries or any other form of State gambling on the Internet.

Furthermore, H.R. 4411 gives new authority to State and Federal law enforcement to enforce the provisions of this bill to ensure that States comply with the safeguards established in the bill and that the law is enforced to the greatest extent possible.

The Berkley-Conyers-Wexler amendment would limit what a State can do exclusively within its borders and infringes on the rights of the States that have always had the opportunity to create and enforce their own gambling laws.

This amendment also deletes crucial language in the bill supported by the Department of Justice and the horse racing industry that maintains neutrality with respect to the Intrastate Horse Racing Act, a separate Federal statute that is not a part of this legislation unless you allow the supporters of this amendment to inject it into this bill.

This amendment is nothing more than a poison pill that would kill this strong bipartisan legislation, and I urge my colleagues to vote "no" on the Berkley amendment.

Ms. BERKLEY. Mr. Speaker, I yield myself such time as I may consume.

I absolutely am flabbergasted by the righteous indignation being displayed on the other side of the aisle, and it shocks my conscience hearing what I am hearing.

If the gentleman from Virginia is so intent on banning Internet gaming, well, then he should be supporting my amendment. Better yet, I should not have had to introduce an amendment. It should have been included in his original legislation.

If we are serious about banning gaming, then we should ban all forms of gaming, and I can't possibly imagine why he would be opposed to that. When he says it is a poison pill, why, because the horse racing association told him they would fight this if he brought in legislation that had this included and didn't make an exemption out of it?

I am absolutely astounded also by the other gentleman from Virginia (Mr. WOLF), whom I don't think would be offended if I said that he was opposed to gaming of any form. But I find it incomprehensible that in the year 2000 Congress approved a provision allowing online betting on horse racing, and during consideration of the bill on the floor, Mr. WOLF made a statement in which he said, "This provision deeply troubles me, and would expand gambling at a time when men and women are becoming addicted to this process." Now he seems to be okay with the Leach-Goodlatte amendment which specifically exempts the activity made legal by this 2000 provision.

Now, if we want to let the States retain control of this issue, we should not be voting on doing this bill at all. It makes no sense. I would say that we are interfering with the States' rights, not helping them out.

And if you are arguing that the bill is neutral on horse racing, then why is it even mentioned in this bill? And why does the Thoroughbred Horse Racing Association think they have an exemption? Is Mr. GOODLATTE willing to stand up here and make a statement for the record that the Thoroughbred Horse Racing Association and horse racing is exempt and the Department of Justice can go after them and shut them down? I don't think so.

And if you had an opportunity to go online, as I did just yesterday, and looked at the horse racing Internet sites, it is page after page after page. Anybody can log on. Anybody can place a bet. And I don't see any way to prevent children, and I don't see any way of keeping people from spending their hard-earned money on that.

This creates a huge exemption which we will have no control of, and totally, in my opinion, undermines the bill and makes a mockery and a farce of what we are doing here today, or supposed to be doing here today.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, to demonstrate that all of the opposition to the amendment doesn't come from this side of the aisle, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER), a very loyal Democrat.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding to me, and I do rise in opposition to this amendment.

The underlying bill contains a carefully negotiated balance which reflects existing laws that allow States to control gambling activities within their borders. The gentlewoman's amendment strikes that carefully negotiated balance. Its adoption would doom the bill. To those who support passage of the bill and a ban on Internet gambling, I urge a "no" vote on this amendment.

Forty-eight of 50 State attorneys general have announced support for a ban on Internet gambling. But if the amendment that is offered by the gentlewoman passes and States lose the authority over gambling within their borders, the bill will fail because State support for it will be withdrawn.

The bill is very clear on what authorities States will retain. States have traditionally been empowered to prohibit or allow gambling within their borders. The bill continues to give States that right while imposing strict safeguards to assure that gambling stays within a State's border and does not extend to other States.

Those safeguards require that the bettor, the business conducting the gambling operation, any services that support the wagerers and other support services must be in the authorizing State. Horse racing would continue to be governed by existing Federal law, and that is the Intrastate Horse Racing Act that has been on the books now for almost 30 years.

Mr. GOODLATTE's bill strikes a careful balance that respects States' rights and existing law. Don't upset that balance. Defeat this amendment and allow the bill that bans Internet gambling to pass.

Ms. BERKLEY. Mr. Speaker, may I inquire as to how much time we have left?

The SPEAKER pro tempore. The gentlewoman from Nevada has 1½ minutes, and the gentleman from Wisconsin has 2½ minutes.

Ms. BERKLEY. I yield 45 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding to me yet again, but I have something that I will ask unanimous consent to put into the RECORD.

"Horse racing is betting on Internet wagering. Maryland industry chief DeFrancis says it could attract youth."

Now, maybe they don't understand their business as well as some of you here do, who think that they are mistaken when they think they have an exemption.

"Horse racing's problem is obvious: A decade's-long slump in attendance and wagering at the track. Horse racing's solution might be less obvious: Get people to stay home and bet."

Mr. Speaker, I ask unanimous consent that the article be included in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[From the Baltimore Sun, May 15, 2006]

HORSE RACING IS BETTING ON INTERNET WAGERING

(By Bill Ordine)

Horse racing's problem is obvious: a decades-long slump in attendance and wagering at the track.

Horse racing's solution might be less obvious: Get people to stay home—and bet.

In a seemingly paradoxical and counterintuitive turn, online technology, which would appear to discourage going to the races, is being viewed as a potential life-saver for a sport on life support.

"Over the 25 years I've been in this industry, not one day has gone by when I haven't heard people complaining that our customer base is getting older and we can't attract young people," said Joseph A. De Francis, chief executive officer of the Maryland Jockey Club and executive vice president for operations of interactive betting channels for parent Magna Entertainment Corp. "And this gives us an opportunity to expand into the youth market unlike any we've ever had before."

When the 131st Preakness Stakes is run Saturday at Pimlico Race Course in Baltimore, advanced-deposit wagering—the broader category of which online betting forms the greatest share—is expected to make up a growing portion of the bottom line. So-called ADW handle, meaning the money wagered, comes from bettors using telephones and other interactive devices as well as computers.

Last year, ADW handle accounted for $39 million, or nearly 8 percent of the total for racing at Pimlico and Laurel Park, according to the Maryland Jockey Club, which runs the tracks. Nationally, of the $14.6 billion wagered on horse racing in 2005, approximately 88 percent was off-track, and ADW handle was about $1.16 billion, according to data published by the Oregon Racing Commission.

During this year's Kentucky Derby Day, Youbet.com—the largest provider of Internet racing content in the country—processed nearly $5.6 million in wagers, a 34 percent increase over 2005.

Horse racing and online wagering officials say the near-term consequence of online betting is an increase in the racing industry's overall handle. But just as important, they contend, is that in the long run, people who are introduced to horse racing via the computer will be enticed to see the real thing more often.

Racing hopes to follow the lead of poker, where card-playing Web sites, along with televised tournaments, inspired a rejuvenation of poker playing at brick-and-mortar casinos.

"If you find a shoe that fits—steal it," said Youbet.com CEO Chuck Champion. A publicly traded company based in California, Youbet.com handled about $395 million in wagers last year, according to the company's annual report. Youbet.com's business plan calls for the company to retain 6 percent of the handle, and tens of millions of dollars were passed on to the racing industry last year.

Champion said a number of strategies employed by offshore gambling sites, which often include betting opportunities beyond horse racing, such as team sports and casino games, provide other lessons. One is to offer a nongambling version of a Web site (usually designated as a .net rather than a .com) to educate the public with tutorials and play-money games. Such Web sites also allow operators to get around federal bans on advertising for Internet gambling, especially on television.

Youbet.com has introduced such a .net version.

"Our sport is harder to understand than poker," Champion said, referring to the nuances of handicapping.

De Francis, who oversees Magna Entertainment's similar Web site, XpressBet, said people unfamiliar with poker usually would be too intimidated to play in a casino, but the online playing experience gives them the confidence to try the real thing.

"I've seen people come to the track—you'll see them at the Preakness next Saturday—and these are smart people, but they're not regulars, and they don't know what to do. They don't know what an exacta is, what across-the-board means, what a furlong is—and they don't want to look foolish," De Francis said. "If they learn about these things online in their home, then we may have new fans."

Some are not convinced that online bettors will become regular railbirds.

Hall of Fame trainer D. Wayne Lukas, a spokesman for Youbet.com, is sold on the benefits of online wagering for his industry but wonders about its impact at the track.

"We thought simulcasting would help with attendance, and I'm not sure that happened," he said. But he said online wagering is a necessary adaptation.

"We always worry about handle, but there's also the issue of a fan base that we have to grow," he said. "I had always said that people relate to the horses. But now, the thing that young people relate to is the technology."

And technology is what drives online horse wagering. The most sophisticated Web sites offer a menu of entertainment and information choices. A Web visitor can view the racing charts for dozens of racetracks, watch the races—both live and on replay—and wager on the outcomes.

"As we head toward what technology people call convergence between the computer and the TV, what we have at the end of the line is a product that appears to be ideally tailored for horse racing," De Francis said. "Where someone goes online, and with a high-resolution LCD screen, can see the post parade and get all the information needed to make an informed wager."

Still, there are obstacles posed by legal complexities at home and by illegal (in the United States) competitors offshore.

While the horse racing industry contends that federal legislation enacted in 1978 and amended in 2001 gives the green light to online wagering in states where it is legal, the Department of Justice holds that pre-existing statutes make the practice unlawful.

Last month, a Justice Department lawyer told a congressional subcommittee that the department is undertaking a civil investigation of a potential violation of law on interstate horse betting.

A department spokesman said there have been no prosecutions involving horse racing advanced deposit wagering operators.

Web sites also have varying approaches for individual states. For instance, Youbet.com will accept wagers from bettors who live in all but 11 states. TVG.com, owned by publicly traded Gemstar-TV Guide International, takes wagers from bettors in only 12 states. Both take bets from Maryland residents.

And there is formidable competition from offshore Internet sites that generally operate without U.S. legal constraints. One of the most popular, Bodog.com, which has a marketing partnership with Preakness-bound Brother Derek's racing team, reported in a news release a 100 percent year-over-year growth in betting volume for the Kentucky Derby without being specific about the figures.

De Francis concedes that offshore Web sites are "killing" the onshore competition because they offer rebates, give bettors the chance to gamble on other sports and extend credit. And little of the millions made offshore finds its way to the racing industry.

Still, he considers regulated online wagering important for horse racing.

"It's really the future," De Francis said. "When you look at the [wagering] numbers, you see us going from zero to something that's beginning to be significant. And if you plot that curve, there's no telling where the numbers will be in 10 years."

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman.

I rise in strong opposition to the amendment. It will gut the bill. If you want to kill this bill, hurt this bill, this amendment will do it. This is a poison pill. Mr. GOODLATTE was right. God bless Mr. GOODLATTE for staying in there. He is right.

Members have been manipulated in the past. The question is, and I think the answer is, this Congress is not made up of people who are so stupid and able to be manipulated, and so my sense is that this Congress, when given an opportunity, will not allow this outside lobbyist, the outside groups to manipulate it again.

I urge a "no" vote on the Conyers amendment and an "aye" vote and passage of the bill.

Ms. BERKLEY. Mr. Speaker, I have heard a lot today about a carefully negotiated balance in this bill. I would like to know who was involved in this negotiation. I certainly wasn't. Was the horsing racing industry involved? Apparently, they were. Talk about a special interest. The lotteries? Jack Abramoff, perhaps? Because they are all getting exactly what they want with this piece of legislation.

I would like to urge a little honesty on the floor today and urge my colleagues to support the Berkley-Conyers amendment. If you are serious about banning Internet gaming, well, then, let's ban it and let's not make a major exception that can drive a truck through this.

I urge all my colleagues, before you vote on this, go online. Check out horse racing online and see the pages and pages of online betting that you can do when it comes to racing horses. There is no excuse and no reason for this exemption other than you couldn't cut a deal with the horse racing industry, so you exempted them.

I urge everyone to vote for the Berkley amendment and against the Goodlatte bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let's forget about who is on which side of this legislation and this amendment here in the House of Representatives, and let's look at the fact that 49 out of the 50 State attorneys general support this legislation. They are not in the back pocket of any industry. They are all elected, or most of them are elected by the people, and they are the chief law enforcement officers of their respective States. They say we need this legislation and they support this legislation and oppose the amendment.

The only State attorney general that doesn't is the State attorney general of Nevada. Now, which State has got the most gambling to export across State lines into other States? I would submit it is Nevada. Which State doesn't have horse racing and doesn't have a State lottery to export? It is Nevada, among others.

So I give the gentlewoman from Nevada a lot of credit for representing her State and her constituents. I don't think that is the priority of the other 49 States. It certainly is not the priority of their State attorneys general.

and we ought to vote down this amendment.

Mr. SWEENEY. Mr. Speaker, I rise today in opposition of the Berkley amendment. This amendment would outlaw all gambling online throughout the United States. This is unnecessary and would hurt the domestic horseracing industry. The domestic horseracing industry is already regulated. This amendment would put unnecessary burdens on an industry that operates above board.

A provision allowing for legal horse gambling domestically and opening the door to allow horse gambling over the Internet is included in this bill. Regulated by States though the Interstate Horseracing Act, IHA, this provision was agreed to by the Justice Department and the domestic horseracing industry.

The primary focus of H.R. 4411 is to curb illegal—primarily offshore—wagering, not regulate further the domestic horse industry. We need to allow the States to continue regulating horseracing via State racing commissions or legislatures.

Currently, ongoing discussions are occurring between Justice Department and the horseracing industry concerning horse race gambling over the Internet. The Berkley amendment would prevent this review from continuing.

The horseracing industry is a massive economic engine in our Nation, providing $26 billion in economic activity and maintaining over 1 million jobs. In my district alone, which is home to the Saratoga Racetrack, the oldest thoroughbred track in the country, the horseracing industry brings in over $70 million into the local economy. If this amendment passes, hardworking individuals would certainly lose their jobs. The industry sustains more than 40,000 people across my home State of New York, over 10,000 in my district.

The industry supports a large sector of small businesses and is the reason for the existence of more than 400 New York State breeding farms. During the 2005 season alone, the Saratoga Racetrack attracted 1 million people, who wagered approximately $145 million. That equates to 1 million people in Saratoga spending $70 million at local restaurants, stores and various other attractions. These people make Saratoga the jewel of upstate New York that it is. We ought not to punish a legitimate industry that is already regulated.

This is a responsible industry that provides jobs, pumps money into our economy and is already regulated. I urge a "no" vote on this amendment.

Mr. SENSENBRENNER. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 907, the previous question is ordered on the bill, as amended, and on the further amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. BERKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the order of the House of today, further consideration of H.R. 4411 will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

TO STUDY AND PROMOTE THE USE OF ENERGY EFFICIENT COMPUTER SERVERS IN THE UNITED STATES

Mr. ROGERS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5646) to study and promote the use of energy efficient computer servers in the United States, as amended.

The Clerk read as follows:

H.R. 5646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, through the Energy Star program, shall transmit to the Congress the results of a study analyzing the rapid growth and energy consumption of computer data centers by the Federal Government and private enterprise. The study shall include—

(1) an overview of the growth trends associated with data centers and the utilization of servers in the Federal Government and private sector;

(2) analysis of the industry migration to the use of energy efficient microchips and servers designed to provide energy efficient computing and reduce the costs associated with constructing, operating, and maintaining large and medium scale data centers;

(3) analysis of the potential cost savings to the Federal Government, large institutional data center operators, private enterprise, and consumers available through the adoption of energy efficient data centers and servers;

(4) analysis of the potential cost savings and benefits to the energy supply chain through the adoption of energy efficient data centers and servers, including reduced demand, enhanced capacity, and reduced strain on existing grid infrastructure, and consideration of secondary benefits, including potential impact of related advantages associated with substantial domestic energy savings;

(5) analysis of the potential impacts of energy efficiency on product performance, including computing functionality, reliability, speed, and features, and overall cost;

(6) analysis of the potential cost savings and benefits to the energy supply chain through the use of stationary fuel cells for backup power and distributed generation;

(7) an overview of current government incentives offered for energy efficient products and services and consideration of similar incentives to encourage the adoption of energy efficient data centers and servers;

(8) recommendations regarding potential incentives and voluntary programs that could be used to advance the adoption of energy efficient data centers and computing; and

(9) a meaningful opportunity for interested stakeholders, including affected industry stakeholders and energy efficiency advocates, to provide comments, data, and other information on the scope, contents, and conclusions of the study.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that it is in the best interest of the United States for purchasers of computer servers to give high priority to energy efficiency as a factor in determining best value and performance for purchases of computer servers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the digital economy is on the move, and we have got some great news for Michigan, a State that is very automotive dominated, with Google announcing 1,000 jobs over the next 5 years this morning to be located right outside my district in Ann Arbor, Michigan. This is a great and important, I think, announcement for our State, which has had a little bit of economic trouble, but is now embracing this new wave of digital innovation, the digital economy, the IT economy, as it spreads around this great country.

With that come some serious concerns for the IT community, for those who are involved in the digital economy, and for those of us, all of us, who depend on energy use.

According to industry analysts, the U.S. server market is expected to grow from 2.8 million units in 2005 to 4.9 million units in 2009, a growth rate, Mr. Speaker, of almost 50 percent. Data center energy costs are expected to soar, as companies deploy greater numbers of servers consuming more power and, in the process, emitting more heat that needs to be dissipated.

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Data center electricity costs are already in the range of $3.3 billion annually. Improved energy savings in servers will help the United States meet its energy demands to stay competitive in the global economy without having to build new generating facilities. If done right, Mr. Speaker, that is power lines that won't have to be built, it is power plants that won't have to be built just to meet the demands of what is a growing part of our economy, and that is these data centers as applies to the IT or digital economy.

Interesting, if you take a small 100,000 square foot, which is not so small, actually, annual utility cost for a data center or a server farm, it is nearly $6 million. If done right, efficient servers can result in as high as an 80 percent reduction in electricity demand. That is $4.8 million in savings if we can reach that goal. That means jobs, innovation, expansion. It means taking the money and investing it in people versus electricity or energy costs. That is a win for everybody.

Mr. Speaker, this is a commonsense conservation bill that will work to reduce the need for new power plants and new transmission lines in each of our districts by driving down demand for electricity and allowing the expansion and growth of the digital economy.

There are a great number of organizations who have stepped up to support H.R. 5646, and I would like to name just a few: the Alliance to Save Energy, American Electronics Association, American Council for an Energy Efficient Economy, Electronic Industries Alliance, Information Technology Industry Council, Semiconductor Industry Association, and TechNet.

The legislation is very straightforward. It calls for a study in our ability to get ahead of this very, very important problem looming before us, and that is the expanded use of energy.

Finally, I want to thank Ms. ESHOO for her help and support and assistance in this effort, as well as that of her staff, who have worked diligently with my staff to help put this together in a timely fashion to help meet the needs of this new and exciting American economy.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5646, a measure which will require the Environmental Protection Agency to conduct an analysis of the energy effects of the expanding use of computer servers and the concentration of computer servers in large data centers. Computer server use is rapidly growing at a rate that is estimated to be 50 percent over a mere 5 years. Servers are now used in virtually every business and every government office. And now companies with large information processing needs are aggregating servers into large data centers.

The growing use of servers has an energy consequence, and it is now estimated that server operations consume electricity valued at $3 billion annually. In our ongoing efforts to become a more energy-efficient Nation, it is appropriate that we focus on ways to encourage more energy-efficient computer servers.

The Environmental Protection Agency and the Department of Energy are charged with the administration of the Energy Star program, which identifies and labels energy-efficient technologies in a number of business and household products. Use of more energy-efficient products enables residential and commercial energy consumers to lower their electricity costs and also to lessen the overall national demand for electricity.

H.R. 5646 would facilitate and advance the ongoing efforts of the Environmental Protection Agency, of technology companies, and nongovernmental organizations to determine how best to measure the energy efficiency of data centers with the goal of identifying and labeling as an Energy Star product the most efficient computer server technologies.

This measure provides appropriate guidance to the EPA for use in conducting an analysis of the energy consumption of computer data centers, as well as for the identification of potential cost savings that could be achieved by identifying through the Energy Star program energy-efficient computer server systems for use in data centers.

I want to commend the gentleman from Michigan (Mr. ROGERS) and also the gentlewoman from California (Ms. ESHOO) for their careful and thorough work and for their creativity in bringing this innovative and very timely measure to the floor. It is my privilege, Mr. Speaker, to urge its passage by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my colleague, Mr. ROGERS from the Energy and Commerce Committee, for the work he has done on this bill. I am proud to be the Democratic lead on it. I think it is a very important step for the Congress to take. Obviously, I urge all of my colleagues to vote for it.

The bill, as you have heard, directs the EPA to study the energy efficiency of computer servers and data centers within our government, the United States Government, as well as the private sector.

Data centers are facilities that house large amounts of electronic equipment, primarily computer servers that handle data for large and complex operations which continue to grow daily in our country.

These facilities can occupy an entire room, an entire floor, or an entire building. According to industry estimates, the average annual electricity cost of running a single data center is about $6 million a year, and the cumulative energy costs for these centers is about $3.3 billion a year. So the energy demands of these operations are going to continue to grow.

They are going to continue to expand as the market for servers is expected to expand by about 50 percent over the next 5 years. And of course the by-word of this Congress and I think future Congresses is going to be energy conservation, energy conservation, energy conservation.

The EPA, high-technology companies, and nongovernmental organizations have discussed how to measure efficiency of these data centers with an eye toward providing an Energy Star rating for the most efficient technology. It has worked with other industries. It really has been a motivator. Anyone who goes out to buy appliances for their home, you look for the energy-efficient label, and that has done much to conserve in our country.

I think the study that this bill calls for will advance this, as well as helping consumers, businesses, and the government to identify the most efficient technology to meet their needs.

The bill, H.R. 5646, has the support of high-technology companies, of environmental groups, of energy companies, including the Alliance to Save Energy, the AEA, TechNet, SIA, EIA, and the ITIC.

I want to thank Mr. ROGERS for accepting the changes that we suggested to the bill as reported by the Energy and Commerce Committee. I think the changes are going to ensure that the EPA will continue to seek input not only from industry stakeholders, but from environmental groups and outside efficiency experts.

We have also taken steps to ensure that the EPA examines the features and the capabilities of computer data centers in its report, and that the EPA has adequate time to prepare this study.

I thank Mr. ROGERS for working so hard to make sure this comes to the floor. I urge all of my colleagues to support it. This is a good bill. It is an important step.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, along with my colleague, the gentlewoman from California (Ms. ESHOO), I represent Silicon Valley and we certainly know the need for this legislation in Silicon Valley. As Ms. ESHOO has indicated, this bill has the support of the high-tech sector, and for a very good reason.

According to a recent report, 41 percent of Fortune 500 IT executives identified power and cooling problems for their data centers. In my own district in San Jose, we had a server farm that wanted to go in. Everybody wanted it. We had to build a power plant to actually accommodate the server farm. We are looking for energy efficiencies in this sector.

We know that climate change threatens the security and stability of our planet and economy, and everything we can do to reduce power consumption and sustain energy independence is a good thing for our planet and for our society.

I would just note that we have come a long way since I was a youngster when computers took up a room and we had punch cards and the heat and power drag was incredible. If we can reduce power consumption, we can up efficiency and production as well. This bill is a good step. The Energy Star program does not include this sector today, so this is an important step forward.

I hope that this measure will be supported by a wide margin in the House. There is no reason in the world that I can think of that any Member of this House should not vote for it. I commend Members on both sides of the aisle for their leadership in bringing this forward.

Mr. BOUCHER. Mr. Speaker, we have no further speakers at this time, and I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 5646, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ROGERS of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AMENDING PUBLIC HEALTH SERVICE ACT WITH RESPECT TO NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 655) to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, as amended.

The Clerk read as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION; ACCEPTANCE OF VOLUNTARY SERVICES; FEDERAL FUNDING.

(a) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES; STRIKING TWO-YEAR LIMIT PER INDIVIDUAL.—Section 399G(h)(2)(A) of the Public Health Service Act (42 U.S.C. 280e-11(h)(2)(A)) is amended by striking the second sentence and inserting the following: "In the case of an individual, such Director may accept the services provided under the preceding sentence by the individual until such time as the private funding for such individual ends.".

(b) REPORTS.—Section 399G(h)(7) of the Public Health Service Act (42 U.S.C. 280e-11(h)(7)) is amended—

(1) in subparagraph (A), by inserting ", including an accounting of the use of amounts provided for under subsection (i)" before the period *at the end of the second sentence*; and

(2) by striking subparagraph (C) and inserting the following:

"(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

"(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge not to exceed the cost of providing the copy; and

"(ii) to the appropriate committees of Congress.".

(c) FEDERAL FUNDING.—Section 399G(i) of the Public Health Service Act (42 U.S.C. 280e-11(i)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "$500,000", and inserting "$1,250,000"; and

(B) in subparagraph (B), by striking "not more than $500,000" and inserting "not less than $500,000, and not more than $1,250,000"; and

(2) by adding at the end the following:

"(4) SUPPORT SERVICES.—The Director of the Centers for Disease Control and Prevention may provide facilities, utilities, and support services to the Foundation if it is determined by the Director to be advantageous to the programs of such Centers.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 655, legislation to make needed improvements to the CDC Foundation. The CDC Foundation is a private, nonprofit foundation established by Congress in 1992 to help the Centers for Disease Control and Prevention fulfill its mission on protecting health and promoting safety. It is located in my State of Georgia. The CDC Foundation is a unique private-public partnership that supports the important work of the CDC both here in the United States and around the world.

When public health emergencies strike, the CDC Foundation harnesses the know-how of the private sector to fill the gaps and get around government red tape, helping to keep Americans safe from harm.

To fulfill its mission, the CDC Foundation relies heavily on the ingenuity and resources of private donations. In the 11 years since its incorporation, the CDC Foundation has raised more than $100 million in private donations from individuals, corporate partners, and other foundations. With the relatively small Federal investment of half a million dollars per year for operating expenses, the CDC Foundation has been able to leverage over $15 million per year in private funds over the last 5 years. This represents an amazing 30-to-1 return on the Federal investment.

These funds allow the foundation to manage over 100 programs that work directly with the CDC and the United States in over 30 countries around the world.

☐ 1400

The CDC Foundation helps to bring an international focus to the work of the CDC that is having a direct impact on the health of U.S. citizens here at home. When deadly infections like SARS or bird flu arise in distant parts of the world, the world-renowned expertise of CDC experts can play an important role in disease monitoring and prevention. Effective intervention at the source can stop these diseases in their tracks, preventing them from ever reaching our soil.

With help from the CDC Foundation, experts at the CDC train local public health officials from around the world, offering valuable resources and expertise to fight deadly infections and save lives.

But the CDC Foundation doesn't just protect Americans by supporting overseas activities. Here in the United States the Foundation gives CDC needed flexibility during public health emergencies. In the aftermath of Hurricane Katrina last year, for example, the lack of computers and Internet access was hampering the CDC's work in detecting and containing potential disease outbreaks among Houston-area hurricane evacuees. Thanks to the ready availability of CDC Foundation funds, these CDC teams were able to cut through the red tape and purchase the equipment they needed to get the job done.

Furthermore, the CDC Foundation is served by an outstanding internationally renowned board of directors that draws its members from the corporate, philanthropic, educational and public health sectors. These leaders have served ably in bringing about both accountability and flexibility to this unique public-private partnership. And I would urge the support of this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Ranking Member DINGELL and our ranking member of the subcommittee, SHERROD BROWN, for allowing me to manage the bill.

I rise in support of this legislation which the Energy and Commerce Committee reported out last month. This legislation makes minor changes in the National Foundation for the Centers for Disease Control and Prevention so that it can have the flexibility it needs to build on its success to date.

First authorized by Congress in 1992, the CDC Foundation is an excellent example of a public-private partnership that can yield tremendous results with minimal taxpayer investment.

Specifically, the Foundation has utilized $500,000 in Federal funding to bring in approximately $15 million in private sector dollars each year. This amounts to a 30-to-1 return on CDC's annual investment in the Foundation.

With this funding, the CDC Foundation has implemented more than 100 health and safety programs in over 30 countries. These programs stretch across the world and reach all levels of society from corporate leaders and health care professionals to patients.

For example, the Foundation has addressed global health concerns with the Round Table on Global Health Threats, which brought global government and corporate leaders together to develop ways to better detect global health threats.

The Foundation has also been instrumental in the establishment of a health leadership academy that provides management training for midcareer health care professionals from local and State health departments.

The CDC Foundation has also improved the health of underserved women here at home through its mobile mammogram van. This partnership with Avon has put mobile vans on the ground in rural and underserved communities. There is no question that these vans have saved the lives of American women who face significant barriers to health care and whose cancer would have most likely gone undetected until it was too late.

What's more, the CDC has now assigned a scientist to the program to evaluate the program and determine the best practices for similar programs around the country.

This bill makes minor changes in the Foundation's authorization that will have a major impact on the Foundation's ability to leverage its resources and maximize the outcome. For example, the bill increases the authorization levels the CDC director can put toward the Foundation. This change will provide the CDC director with the flexibility to increase CDC's investment in the Foundation, but not at additional taxpayer expense, since the CDC's contribution to the Foundation is not appropriated, but comes from the director's budget.

The bill would also allow for better alignment of private fellowships and Foundation activities. Currently, fellows may be assigned to the Foundation program for 2 years, despite the program's duration of 3 to 4. This small change will allow fellows to remain throughout the program's duration, providing the program with invaluable institutional memory and increased efficiency, which will no doubt improve the outcomes.

This is a commonsense bill that will improve the public-private partnerships that are so important to the current success of the CDC Foundation.

I encourage my colleagues to join me in supporting this bill and ensure we build on this success in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to my colleague from Georgia (Mr. LINDER), who is the sponsor of the House version of this same bill that we are now considering from the Senate.

Mr. LINDER. Mr. Speaker, I rise in support of House passage for S. 655 and I urge my colleagues on both sides to join me in supporting the measure.

S. 655 closely mirrors legislation I introduced in the House last year, H.R. 1569. Both of these measures seek the same objective, to make very few limited changes to current Federal law governing the National Foundation for the Centers for Disease Control and Prevention.

In light of the fact that the U.S. Senate approved an amended version of S. 655 last July, I worked with my friend and colleague from Georgia (Mr. DEAL), the chairman of the Energy and Commerce Subcommittee on Health, to bring this measure to the floor today. I commend him for all of his work on this project, and express my appreciation for his support and leadership on health policy matters, including the CDC.

The legislation before us today, S. 655, would allow research fellows at the Foundation to remain in their positions for as long as their privately funded fellowships remain in effect. Currently, such fellowships must end after 2 years.

Second, the bill gives the director of the CDC authority to provide facilities, utilities and support services to the Foundation, provided that doing so furthers the CDC's public health mission.

Third, it would allow the Secretary of HHS, on behalf of the CDC, to make up to $1.25 million in funding available to the Foundation each year, an increase from the current law level of $500,000.

This bill passed the Senate by unanimous consent and has moved quickly through Energy and Commerce. The important part is the raising the funding part. For every dollar in public funds, the Foundation generates $30 in nongovernmental funding from the private sector. For example, GlaxoSmithKline Biologicals paid $30,000 for an Asian rotavirus surveillance network meeting.

Kaiser Foundation Hospitals gave $2 million to emergency preparedness and the response fund.

Sanofi Pasteur paid $1.5 million for a meningcoccal vaccine study.

Wyeth Pharmaceuticals paid $3 million for a study of the blood inhibitors in hemophilia patients. These were of parochial interest to these corporations, but of general interest to the public health, and have been helpful to all of us.

In short, the Foundation leverages a modest amount of public money and uses that to generate a large amount of private nongovernmental support for the CDC and its mission. Passing S. 655 will help enable the Foundation to surpass this exemplary record of achievement.

Mr. Speaker, I urge my colleagues to join me in supporting this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to my other Georgia colleague, Mr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding. As I listened to my colleagues, I realized that a lot of what I am going to say is going to be a repeat, but I will tell you what, the story is so good, Mr. Speaker, I want to hear it again myself.

Let me just say that this legislation contains two crucial provisions that allow the Centers for Disease Control and Prevention more flexibility to expand its successful National Foundation Program.

This Foundation is a private, nonprofit organization that was authorized back in 1992 by Congress to raise private funds to support the work of the CDC. It was established to unite outside partners and resources with CDC scientists and employees in order to build programs which substantially strengthen the influence of the CDC.

Some examples of the Foundation's current successful partnerships are Home Depot, UPS and BellSouth.

Currently, the Foundation is required to enforce a maximum of 2 years' participation in the program. However, S. 655 would allow the Foundation to work with these and other partners and employees for as long as they deem appropriate.

Since it was incorporated as a nonprofit back in 1996, the National Foundation for the Centers for Disease Control and Prevention has raised, and it has been stated earlier, more than $100 million. This has been accomplished with a maximum annual investment limit of only $500,000, meaning that each year the CDC can transfer a maximum of 500,000 from its own budget to fund the Foundation.

In recent years, the Foundation has established a reputation of raising almost $15 million annually. And that, as Mr. GREEN said, is a 30-fold return on investment.

Mr. Speaker, this legislation increases this maximum investment limit to $1.25 million, an amount equal to the ceiling placed on the Foundation for the National Institutes of Health.

This provision allows the CDC to transfer an additional $750,000 annually from its budget to support the operating expenses of the Foundation, thereby allowing it to continue to raise private funds for CDC research.

In this time of uncertainty with respect to things like avian flu and other public health threats, our country needs more from this agency than ever. S. 655 gives the Foundation the flexibility to make crucial changes that will increase the capacity of the CDC by leveraging this successful public-private sector collaboration.

It is in the best interest of the American taxpayer to allow a successful program to leverage more private funds to support this crucial agency. I urge my colleagues to support this legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, the proposed legislation today, as has already been stated, has already received strong bipartisan support as it unanimously passed the Senate, and likewise, passed the Energy and Commerce Committee of the House.

The bill makes several changes to the existing CDC Foundation statute. For example, it allows greater sharing of resources such as private office space and facilities from the CDC to the Foundation. It also extends the lengths of fellowships granted by the Foundation beyond the current limit of 2 years.

The bill will allow the director of the CDC to shift more of her discretionary funding to cover the administrative and operating cost of the foundation. Like any nonprofit or charitable foundation, the CDC Foundation must cover its administrative costs out of its own funds. This legislation will allow the CDC director to provide the Foundation between $500,000 per year up to the $1.25 million per year for operating expenses, depending on need.

Finally, the bill provides additional accountability for Federal resources by requiring a report of the Foundation's activities to be submitted to Congress each year. With these improvements contained in this legislation, I am confident that the CDC Foundation will be able to attract additional significant private funds and expand its role in assisting the CDC.

The continuing partnership between the Foundation and the Federal Government is helping the CDC to have a positive impact on people's health in the United States and around the world.

Mr. Speaker, I urge the passage of this bill.

Mr. DAVIS of Illinois. Mr. Speaker, Benjamin Disraeli once exclaimed, "The health of the people is really the foundation upon which all their happiness and all their powers as a state depend."

Rooted in this reality, the Centers for Disease Control and Prevention lead vital public health initiatives to prevent and control infectious and chronic disease, injuries, workplace hazards, disabilities, and environmental health threats. However, the effectiveness of its work depends on its strong partnerships with other organizations, notably, the National Foundation for the Centers for Disease Control and Prevention.

The National Foundation was founded by Congress in 1995 to bridge outside resources and partners with CDC scientists, and it has greatly enhanced the CDC's impact in such areas as global health, anti-microbial resistance, the obesity epidemic, healthy aging, and emergency preparedness and response. Most recently, the foundation created the Emergency Preparedness & Response Fund. This fund will provide the CDC with resources it needs for rapid response to large-scale public health emergencies, such as terrorist attacks or an avian flu pandemic. Given this organization's immeasurable contribution to national public health initiatives, I urge members to support S. 655. This bill proposes increased funding for grants to the foundation, allows for more voluntary service to the CDC by foundation individuals, and permits the CDC Director to provide facilities, utilities, and support services to the foundation if doing so is advantageous to CDC programs and the American people. Provisions of this bill will indeed strengthen the CDC and National Foundation's partnership and result in better public health outcomes for our Nation.

Thomas Carlyle once said, "He who has health, has hope, and he who has hope has everything." Let us ensure that we do everything in our power to improve the health status of our people. In doing so, we will most certainly ensure the productivity and fruitfulness of their lives.

Mr. DEAL of Georgia. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KIRK). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the Senate bill, S. 655, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

The SPEAKER pro tempore. Pursuant to the order of the House of today, proceedings will now resume on the bill, H.R. 4411.

The Clerk read the title of the bill.

AMENDMENT OFFERED BY MS. BERKLEY

The SPEAKER pro tempore. The pending business is the vote on the amendment by the gentlewoman from Nevada (Ms. BERKLEY) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The yeas and nays are ordered on the amendment.

The vote was taken by electronic device, and there were—yeas 114, nays 297, not voting 21, as follows:

[Roll No. 361]

YEAS—114

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bilirakis
Bishop (NY)
Blumenauer
Boren
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Davis (IL)
Davis (TN)
Delahunt
DeLauro
Dicks
Dingell
Doggett
Duncan
Edwards
Emanuel
Engel
Eshoo
Farr
Filner
Ford
Gonzalez
Gordon
Green, Al
Grijalva
Harman
Hastings (FL)
Hayworth
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McKinney
Meeks (NY)
Michaud
Millender-McDonald
Moore (KS)
Napolitano
Obey
Owens
Pelosi
Rangel
Reyes
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Serrano
Shays

Simmons
Solis
Spratt
Stark
Stupak
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson
Waxman
Weiner
Woolsey
Wu
Wynn
Young (AK)

NAYS—297

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—21

Davis (FL)
Davis, Jo Ann
Doyle
Evans
Forbes
Green (WI)
Gutierrez
Hinchey
Hinojosa
Istook
Jenkins
McNulty
Nussle
Ros-Lehtinen
Ryan (WI)
Sessions
Slaughter
Smith (NJ)
Strickland
Tiahrt
Wexler

□ 1440

Messrs. NORWOOD, KANJORSKI, TERRY, REYNOLDS, GARY G. MILLER of California, SHERMAN, BISHOP of Georgia, Mrs. TAUSCHER, Mr. NEAL of Massachusetts and Mr. CAPUANO changed their vote from "yea" to "nay."

Mrs. NAPOLITANO, Ms. ESHOO, Messrs. BOREN, DICKS, KUCINICH, DAVIS of Tennessee and DUNCAN changed their vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, sir, I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conyers moves to recommit the bill H.R. 4411 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Insert at the end of the bill:

Sec. . **RULE TO PROTECT AGAINST UNDERAGE GAMBLING.**

Notwithstanding any provision of this Act, it shall be a violation of section 1084 of title 18 United States Code to knowingly use a communication facility to accept any bet or wager as defined in paragraph 6 as added by section 101(3) of this Act, unless the Attorney General has certified that the person accepting the bet or wager eillploys a secure and effective customer identity verification system to assure compliance with applicable age and residency requirements.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, the motion I offer today is a simple and straightforward one. It makes sure that underage kids cannot gamble on the Internet, whether it is connection to interstate or intrastate betting. This is something that I hope that all Members can agree on on a bipartisan basis for, to me, protecting children from being taken advantage of on the Internet is one of the most important things we can do as Members of the Congress.

They should not be taken advantage of whether it is with regard to gambling, pornography or any other respect. Children should be off limits to predators of any form on the Internet.

The problem is, as currently drafted, the bill has a loophole. Intrastate bets have protections in general, but interstate bets are excluded. My concerns are not hypothetical.

Two months ago, the Baltimore Sun ran an article where the horse racing industry admitted that they hoped to prosper by reaching out to underage children. I have made this article a part of the RECORD, and I hope that you will examine it.

□ 1445

To me, that is not right, and we ought to make sure that this legislation, which is purportedly designed to limit Internet gambling, does not actually encourage it, especially for children.

Now, I would expect that the other side may argue, for example, that my amendment will gut the bill. But that is not true. The amendment merely serves to protect against underage gambling over the Internet. Some might also argue that there are already protections in the bill for underage gambling. But those requirements apply only intrastate. They left out the more important interstate requirements.

Finally, some may argue that the amendment is a poison bill that will kill the bill because it is opposed by powerful interests, or powerful legislators. To that I say that if protecting children from gambling is a poison pill, than maybe this bill deserves to die.

The last thing we should be doing as Members of Congress in the 109th session is putting children at risk on the Internet. My motion would eliminate the loophole in the bill for interstate bets by children.

I ask my colleagues to join me on both sides of the aisle in supporting this commonsense motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, this motion to recommit was dropped on us just a few minutes ago, and we have had a very hasty analysis. And it really is the Trojan horse. If this Trojan horse is allowed to come into the bill by amendment, there are going to be three things that will happen.

First of all, it would require the States, every State that has gambling in any form, to go to the Federal Attorney General to regulate gambling within the State's own borders. And this really is a poison bill, because it would mean that the States' support of this bill would disappear. Forty-nine out of the 50 State attorneys general support this bill, and they are gone if this motion to recommit is passed.

The gentleman from Michigan says that we ought to protect kids. We do protect kids in this bill. And the language that is contained in his motion to recommit is unnecessary because section 1084(c) of the bill does provide age and location requirements. That is ample protection, and it is enforceable protection.

Finally, the motion to recommit is confusing because it requires residency requirements. Now, the bill has location requirements on where the Internet site is. It does not get to the residency requirements of the people who are using the Internet. So there is an entirely different definition, an entirely different thing that will be almost impossible to verify.

I now yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding me this time and for his very patient leadership in getting this legislation to this place.

There are many others to thank on both sides of the aisle: Congressman RICK BOUCHER, Congresswoman DARLENE HOOLEY, who helped get this legislation out of both the Judiciary Committee and the Financial Services Committee.

Congressman MEEHAN, Congresswoman WASSERMAN SCHULTZ, Congressman CARDOZA, Congressman MCINTYRE, Congressman VAN HOLLEN have all helped in great ways on the Democratic side, and many, many more.

I am especially deeply indebted to Congressman JIM LEACH. Congressman LEACH has worked on this legislation since the 1990s, as I have. And we have finally managed to bring one bill forward, merging the product of both the Judiciary and the Financial Services Committees, that is the best bill to deal with this scourge of Internet gambling that we have ever confronted.

Members, this is the opportunity to expunge, expunge a smear on this House done by many lobbyists led by one Jack Abramoff, who misled this Congress and many Members about this legislation a long time ago.

The Washington Post, the Atlanta Constitution Journal, many of our publications have exposed that. Now is the time to set the record straight and pass this legislation.

This motion to recommit is not necessary. Our bill already imposes age and location requirements on bets and wagers and requires that the activity be wholly within the authorizing State.

And it is confusing as to which attorney general must approve this. It reduces the authority of the States to create their own laws on gambling within their borders, conflicts with the bill because the Department of Justice asks for two requirements, and this amendment changes that.

Ladies and gentlemen, we have worked out the final solution to this issue. We have done what is necessary to modernize the 45-year-old Wire Act, to make it possible for the Treasury Department and other authorities to work with law enforcement to keep the billions from flowing out of this country, over $6 billion a year going to unregulated, untaxed, illegal sites outside of the United States.

But most importantly, most importantly of all, as my friend and colleague JIM LEACH said, this is about America's families. This vote is to help families like the one in my district whose son committed suicide.

This vote is for the young student in Congressman DENT's district who, when he ran up thousands of dollars in Internet gambling debts, robbed a bank to pay for this.

Unlike State-regulated gambling, and I am opposed to all forms of gambling, but unlike State-regulated gambling, there are no strictures at all in what these fly-by-night offshore entities do.

Support this legislation. Oppose the motion to recommit and send this great measure across the Capitol for the other body to consider.

Mr. SENSENBRENNER. Mr. Speaker, for all of these reasons, I urge the membership to vote "no" on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 167, noes 243, not voting 22, as follows:

[Roll No. 362]

AYES—167

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Crowley
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes

Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryun (KS)
Sabo
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Davis (FL)
Davis, Jo Ann
Doyle
Evans
Forbes
Green (WI)
Gutierrez
Hinchey
Hinojosa
Istook
Jenkins
McKinney
McNulty
Nussle
Ros-Lehtinen
Ryan (WI)
Sessions
Slaughter
Smith (NJ)
Strickland
Tiahrt
Wexler

□ 1509

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 317, noes 93, not voting 22, as follows:

[Roll No. 363]

AYES—317

Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Drake
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Ford
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHugh
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOES—93

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Becerra
Berkley
Berman
Brown, Corrine
Capps
Capuano
Carnahan
Carson
Clay
Conyers
Cummings
Davis (IL)
Delahunt
Dingell
Dreier
Engel
Eshoo
Farr
Filner
Flake
Foley
Fossella
Frank (MA)
Gibbons
Gonzalez
Grijalva
Hastings (FL)
Hastings (WA)
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Lee
LoBiondo
Lofgren, Zoe
Mack
Markey
Matsui
McDermott
McGovern
McKinney
Miller, George
Nadler
Napolitano
Neal (MA)
Ney
Olver
Owens
Pastor
Paul
Poe
Pombo
Porter
Rangel
Reyes
Rohrabacher
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Solis
Stark
Tauscher
Tiberi
Tierney
Towns
Udall (NM)
Velázquez
Watson
Watt
Weiner
Woolsey
Young (AK)

NOT VOTING—22

Davis (FL)
Davis, Jo Ann
Doyle
Evans
Forbes
Green (WI)
Gutierrez
Hinchey
Hinojosa
Istook
Jenkins
McHenry
McNulty
Nussle
Ros-Lehtinen
Ryan (WI)
Sessions
Slaughter
Smith (NJ)
Strickland
Tiahrt
Wexler

□ 1518

Mr. RYAN of Ohio changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORBES. Mr. Speaker, due to my attendance at a funeral for a family member of my staff I was unavoidably detained from voting on H.R. 4411, the Unlawful Internet Gambling Enforcement Act of 2006. Had I been present, I would have voted "aye" on final passage and "nay" on the passage of the Berkley/Conyers/Wexler amendment. I support passage of H.R. 4411 in the Judiciary Committee and I continue to support efforts to rein in the proliferation of internet gambling.

PERSONAL EXPLANATION

Mr. RYAN of Wisconsin. Mr. Speaker, if I were present for today's vote on rollcall 363, passage of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act of 2006, I would have voted "aye". In addition, I would have voted "nay" on rollcall 361, the amendment offered by Ms. BERKLEY, because I feel it would have undermined the intent of the legislation. I also would have opposed rollcall 362, the motion to recommit.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today, due to illness. Had I been present, I would have voted "no" on rollcall vote 360 and 361, "yea" on rollcall vote 362 and "no" on rollcall vote 363.

CELEBRATING ADVANCEMENT VIA INDIVIDUAL DETERMINATION'S 25 YEARS OF SUCCESS

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 576) celebrating Advancement Via Individual Determination's 25 years of success, as amended.

The Clerk read as follows:

H. RES. 576

Whereas Advancement Via Individual Determination (AVID) has provided academic and motivational support that has enabled more than 95 percent of the over 257,000 underperforming students who have been in its program to go on to college;

Whereas Advancement Via Individual Determination has grown over 25 years to more than 2,200 middle and high schools in 36 States and Department of Defense schools in 15 countries;

Whereas Advancement Via Individual Determination started in 1980 with one teacher and 32 high school students in San Diego, California, and developed into an easily replicated program that promotes academic success;

Whereas students are selected because they are low-income, first-generation, college-going students who are underperforming academically;

Whereas college students support the program with individual academic coaching;

Whereas students are required to take a rigorous, college preparatory curriculum including advanced level courses;

Whereas the program provides SAT/ACT preparation, college information and financial aid assistance, college visits, and motivational experiences;

Whereas at the end of the first college year, 89 percent of Advancement Via Individual Determination students are fully eligible and do enroll for their sophomore year compared to a national average of 50 percent; and

Whereas over 98,000 teachers and administrators have attended training in the high-quality teaching skills that support Advancement Via Individual Determination students: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Advancement Via Individual Determination students and their teachers on increasing college eligibility and attendance; and

(2) celebrates Advancement Via Individual Determination's 25 years of success.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 576.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 576, celebrating the success of the Advancement Via Individual Determination program, also known as AVID.

AVID began in one classroom in 1980, and has now trained more than 98,000 educators and nearly 260,000 student alumni. Fortunately, AVID is beginning to spread to the East Coast, and has already reached five schools in my home State of Delaware.

The accomplishments of AVID extend beyond the growth and expansion of the program. AVID seeks to help underachieving students by providing them with the support they need to take challenging classes and go on to college. School officials select average students making Cs and Ds, but have the potential to do better, and then place them in honors and college-prep classes with academic and motivational support. Over the past 25 years, more than 95 percent of the almost 260,000 students who have participated in the program have gone to college.

AVID takes strong evidence of what we know to be true about closing the achievement gap and provides it for those students who not only need the assistance, but also want it. In addition to providing assistance and guidance to help students achieve, the program drives success by promoting rigorous standards, coupled with professional development not only for teachers, but also for school and district administrators. These are key components to any successful education program.

Over the course of the past several years, there has been a growing debate surrounding our high schools. There is much to do, but I am thrilled by the response from all levels of government, as well as the private sector. Some of what we have heard about the struggles in our high schools is exactly what AVID embraces, the notion that there is a silent majority, average students who do okay in ordinary classes. The fear of failure often steers them away from more challenging course work or from seeking a postsecondary degree. I commend AVID for recognizing this need 25 years ago, and I commend those school districts that have incorporated the program into their schools.

I would also like to thank the gentlewoman from California (Mrs. DAVIS) for bringing this program to my attention, and I congratulate our Delaware schools and students who participate. Here is to another 25 years.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I want to thank my colleague from Delaware (Mr. CASTLE), and I yield myself such time as I may consume.

I would like to take this time to recognize a tremendous and extremely valuable asset to public education in the United States that began in my city of San Diego in 1980. The Advancement Via Individual Determination, or AVID, program has helped hundreds of thousands of underachieving middle and high school students across the United States learn the study habits and the skills needed to get into college and graduate; and for many of them to be the first in their family to go to college and to graduate.

A teacher at Clairemont High School, Mary Catherine Swanson, created AVID because she wanted to find a way to help students tap their true potential and help them achieve academic success. The program emphasizes individual achievement, while teaching sound study skills and new study habits. AVID also encourages goal setting, and works to lift self-expectations and self-esteem in students so they can rise to the challenge.

Mary Catherine Swanson recently retired, and now is the perfect time to celebrate what she accomplished for education through the AVID program. While overseeing the program for 25 years, AVID went from one classroom in San Diego to over 2,300 middle and high schools in 36 States and 15 nations abroad. Nearly 260,000 students have benefited tremendously from its ground-breaking teaching methods, encouraging time management, sound study habits, self-confidence, and hard work.

These students enroll in the toughest classes, such as AP courses, and are given the support and resources to rise to the challenge through AVID. Amazingly, over 95 percent of those who complete the AVID program attend college, and 89 percent of these students return for their sophomore year.

Mr. Speaker, it is difficult to choose from the thousands of success stories produced by AVID. The program helped U.S. Olympic athlete Joanna Hayes earn the grades and develop the study habits needed to attend UCLA. Joanna then went on to win the Gold in the 100-Meter Hurdle event at the 2004 Summer Olympics in Greece, and she attributes her success in part to the discipline she learned from AVID.

Another great story is that of AVID student Truong-Son Vinh, who earned degrees in engineering and applied math from the University of California at San Diego after high school. Vinh came to the United States as a boy when his family fled Vietnam after it fell to the North in the 1970s, and he went on to apply his knowledge and skills working for NASA.

There are thousands of success stories. AVID students have gone on to earn advanced degrees in all key subjects and disciplines.

I want to thank Mary Catherine Swanson for having a vision and working hard to implement this vision beginning with one classroom and 32 students at Clairemont High. And I want to thank the teachers and the tutors for their dedication, and also recognize the students who had the courage to take on the rigorous academic track required by AVID, and who had the desire to go on one day and find success in college.

I want to thank my colleague, Congressman CASTLE, for his efforts on behalf of this resolution, and also I would like to thank Chairman MCKEON and House leadership for bringing House Res. 576 to the floor today.

If we are to eliminate the achievement gap in the United States and remain competitive globally, I believe we need to build upon the programs that have proven success, encouraging and inspiring hard work in academics. AVID is clearly one of these programs, and I know it will continue its tradition of success in the years to come.

Finally, as we look at the No Child Left Behind reauthorization and how we can improve it, I believe it is more than worthwhile to look at programs such as AVID. AVID provides the strong and uniform training techniques to those who oversee it in schools across the Nation. It sets high standards for both its instructors and its students.

AVID is not about one community or one region, but a national push to encourage strong academic standards, and provides the accountability and support to back up those standards. It further gives the students the support they need both academically and socially to achieve in difficult classes.

I encourage my colleagues to support passage of this resolution today and encourage my colleagues to learn from this highly successful program.

Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I would like again to thank the gentlewoman from California. It is her initiative that brings us here to the floor today to recognize this excellent program, and I encourage everyone to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 576, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF SENATE PROCEDURE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 40) authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRINTING OF SUPPLEMENT TO, AND REVISED EDITION OF, SENATE PROCEDURE.

(a) IN GENERAL.—Each of the following documents shall be prepared under the supervision of Alan Frumin, Parliamentarian and Parliamentarian Emeritus of the Senate, and shall be printed and bound as a Senate document:

(1) A supplement to "Riddick's Senate Procedure", to be styled "Frumin's Supplement to Riddick's Senate Procedure".

(2) A revised edition of "Riddick's Senate Procedure", to be styled "Frumin's Senate Procedure".

(b) COPIES.—One thousand five hundred copies of each document described in subsection (a) shall be printed for distribution to Senators and for the use of the Senate.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

☐ 1530

APPROVING RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 86) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The Clerk read as follows:

H.J. RES. 86

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note) is amended by striking "three years" and inserting "six years".

SEC. 2. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act or July 26, 2006, whichever occurs first.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.J. Res. 86. According to the State Department, the Burmese military regime has resisted all international pressure to enact meaningful political reforms and create true democracy. In response, for many years now, the United States has imposed sanctions, including banning all imports from Burma. Additionally, we have prohibited exportation of financial services from the United States to Burma and have targeted the regime itself by freezing certain assets.

Today the passage of this resolution is necessary to extend for 1 year the import restrictions enacted within the Burmese Freedom and Democracy Act of 2003. On February 7, 2006, Assistant Secretary of State for East Asian and Pacific Affairs, Christopher Hill, testified that these sanctions are "an essential component of our strategy." He went on to say that "they serve as a constant reminder to the regime, and everyone else concerned with Burma, that its behavior is unacceptable, and that regime leaders will remain international pariahs as long as they continue this behavior."

As chairman of the Ways and Means Subcommittee on Trade, I do not support trade sanctions lightly. However, Burma has not taken the necessary steps to warrant lifting these sanctions. The Burmese regime claims it is implementing its so-called road map to democracy, but in truth it is taking no such steps.

The State Department has found that the delegates charged with creating the constitution that this democracy would be built upon are all hand-picked supporters of the current regime. Additionally, pro-democracy advocates remain imprisoned, and military conflicts continue with internal groups.

Perhaps most disturbing are reports that Burma's human rights record continues to worsen. In 2005, security forces in the country continued to rape and murder Burmese citizens, force them into slave labor, and compel people into serving in militia units to defend the regime that they abhor.

Since enactment of the Burmese Freedom and Democracy Act, the

Treasury Department has blocked over $16.8 million in transactions and frozen hundreds of thousands of dollars of assets belonging to the Burmese regime. The vast majority of democratic opposition within Burma supports the continuation of these sanctions and even welcomes additional actions.

It is now incumbent upon all of us to ensure that the "essential component" Assistant Secretary Hill referenced remains in place until this murderous regime yields to the desire of its citizens to be free. To back down now would send the wrong message to the military regime in Burma as well as the international community. Most importantly, it would send the wrong message to those pro-democracy advocates within Burma fighting for the freedom of their fellow citizens.

Mr. Speaker, I ask my colleagues to join me today in supporting this important measure and vote "aye" on H.J. Res. 86.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.J. Res. 86, a resolution extending trade sanctions against Burma.

It is imperative that the United States continue sanctions against Burma so as to maintain pressure on the government of Burma to end its brutal repression against the Burmese people.

The government of Burma's litany of abuses is appalling. According to the U.S. State Department and human rights organizations, the government of Burma has continued to arrest and imprison supporters of democracy for alleged political offenses. Over 1,100 persons remain in jail today for their political beliefs.

Earlier this year, the government of Burma extended the detention of Aung San Suu Kyi, the leader of the National League of Democracy, a pro-democracy party, and her deputy. Aung San Suu Kyi has spent 10 of the last 17 years in confinement.

Burmese security forces regularly monitor the movement and communication of residents, search homes without warrants, and relocate people without compensation or legal recourse. The government of Burma has failed to crack down on trafficking in persons; and, in fact, the government of Burma has sanctioned the use of forced labor. In fact, the government of Burma has supported the use of forced labor for large infrastructure projects, forced children to join the Burmese Army, imprisoned individuals who have communicated with the International Labor Organization on the subject of forced labor.

Further, the Burmese government has destroyed nearly 3,000 villages in its campaign to forcibly relocate minority ethnic groups.

Mr. Speaker, the world simply cannot stand by as Burma continues its brutal policies. I am pleased that the European Union recently acted to renew its sanctions against Burma and that many nations in the world have spoken out against the repression in Burma. It is particularly meaningful that in December 2005 the Association of Southeast Asian Nations, ASEAN, which counts Burma as one of its members, issued a statement calling for the release of political prisoners and democracy reforms in Burma.

Mr. Speaker, the Western world and those who are concerned about human rights are united: Burma cannot be allowed to continue its oppressive actions. The use of sanctions is appropriate, and I urge my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I first want to thank my good friend and colleague, Congressman BEN CARDIN, for his leadership on trade and human rights issues.

I also want to express my appreciation to Ways and Means Committee Chairman BILL THOMAS for his strong support, over many years, for import sanctions against Burma, and for moving this legislation to the floor expeditiously. As always, I also remain deeply appreciative of the work of the Ranking Democrat on the Ways and Means Committee, my friend and colleague CHARLIE RANGEL.

Mr. Speaker, former South African Archbishop Desmond Tutu—the winner of the Nobel Peace Prize for his tireless and ultimately successful fight for freedom in South Africa—spoke eloquently about the key role of the international community in helping to free oppressed nations.

He said, "If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality.

Mr. Speaker, with passage of this legislation, Congress will once again signal firmly that the United States is not neutral when it comes to Burma. We are firmly on the side of imprisoned Nobel Laureate Aung San Suu Kyi and all those who are oppressed by Burma's ruling thugs.

Some argue the U.S. sanctions do not help those who suffer the most under Burma's oppressive political and economic system. Again, I would respectfully refer them to Archbishop Tutu, whose homeland of South Africa is free today because the international community refused to remain silent about the brutal system of Apartheid.

By voting to maintain our Nation's tough approach towards Burma, we once again lead the world by example. Step by step, we will move assertively towards a global sanctions regime against Burma involving all of the world's leading economic players.

In fact, Mr. Speaker, there are signs that American leadership on Burma is paying off.

Just a few short months ago, the United Nations Security Council held an unprecedented debate on Burma's horrendous human rights situation and its destabilizing role in Southeast Asia. Further Security Council action against Burma is on the near horizon, particularly since the Burmese leadership thumbed its nose at Kofi Annan's hand-picked special envoy to Burma, and refused to release Aung San Suu Kyi.

The political leadership of the Association of Southeast Asia Nations—ASEAN—has also long maintained that Burma's political situation was an "internal affair." But Singaporean Foreign Minister George Yeo recently said that Southeast Asia may need to "distance itself" from Burma if it does not undergo political reform, and the ASEAN leaders refused to let Burma become chairman of the important regional organization in 2006.

The European Union has also firmly resisted the entreaties of the European commercial class—always eager for new trade opportunities with the world's rogue regimes—to reduce sanctions against Burma.

Mr. Speaker, while these are positive developments, we remain a long way from a comprehensive, global sanctions regime. But Mr. Speaker, I am prepared to wait as long as it takes to convince the international community to act properly.

The only hope for promoting far-reaching political change is by making Burma's thugocracy pay an economic price for running their nation into the ground. I would welcome a negotiated solution to the crisis in Burma, but I believe firmly that such negotiations will only bear fruit once those pulling the levers of power feel a strong economic pinch.

Today, we will act decisively to renew import sanctions against Burma, and send an unmistakable signal of support for the restoration of democracy and human rights in that impoverished nation.

One day, Aung San Suu Kyi will lead a democratic Burma, and I look forward to being at her inauguration before a throng of her countrymen, all finally free. Until then, we in this country must do what we can to hasten that day.

I urge all of my colleagues to support this important legislation.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the resolution that my good friend from California, Mr. LANTOS introduced. I am proud to have my name attached to this resolution as an original cosponsor.

Mr. LANTOS has been leading the way when it comes to fighting the repressive junta that controls Burma with an iron fist and I would like to commend him for his continued support.

The United States has been a leader in pushing the world to recognize the atrocities the military junta in Burma commits on a daily basis.

Mr. Speaker, because of our country's diplomatic efforts on a multilateral front the military junta is feeling the pressure.

The European Union had joined us in placing sanctions on the regime, a step that shows the unity of the West against the junta's human rights violations. Two weeks ago, for the first time Swiss banks froze all assets of the military regime.

For the first time the ASEAN nations are openly calling for the release of Aung San Suu Kyi and all political prisoners. Countries like Singapore and the Philippines have made strong statements showing that ASEAN has lost its patience with the continued lack of promised reforms from the junta.

The United Nations Security Counsel has met twice over the past seven months to discuss the horrible situation in Burma, a first for the U.N.

Thankfully, the Security Council is currently considering it's first-ever resolution on Burma.

We are at a monumental point in the history of Burma. My hope is that all members of the Security Counsel will support this resolution.

I urge all of my colleagues to continue to support the people of Burma who have suffered under this brutal military junta.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.J. Res. 86, a bill intended to extend the import restrictions imposed by the Burmese Freedom and Democracy Act of 2003. This act was initially passed in response to the failure of Burma's ruling body to take significant actions to establish a democratic government, and for its reluctance to address violations of human rights and the pervasive drug problems within its borders. The governing body of Burma has yet to take effective corrective action.

Burma is presently under the rule of a military regime, the State Peace and Development Council. This military junta, or one like it, has been in control of the Burmese government for the greater part of Burma's independence since 1948. Democratic rule in Burma ended in 1962 in a coup d'etat. The National League for Democracy, led by Aung San Suu Kyi, won a free election held in 1990, but the ruling military regime, then the SLORC (State Law and Order Restoration Council), voided the election and impeded the formation of a democratic government.

The SLORC has since become the SPDC, and Aung San Suu Kyi has spent the last 17 years in and out of detention and house arrest. She has been offered freedom in exchange for her voluntary exile, but she, with the backing of millions of supporters around the world, continues to stand against an oppressive regime and fight for democracy. She was in detention in 1999 when her husband died from cancer, as authorities would not allow for him to visit or for her to return if she visited him while he was ill. Aung San Suu Kyi has been relentless in her work and advocacy and was the recipient of the 1991 Nobel Peace Prize for her struggle. It will take more men and women of her courage and character to free her country from its oppressors within. Yet the world has yet to respond with the required urgency.

In the year 2004, Burma was the world's second largest producer of illicit opium, with an estimated production of 292 metric tons. Though this number was down 40% from 2003 due to eradication efforts and drought, land cultivation in 2004 was still 30,900 hectares. The government has shown little interest in addressing this problem.

Human rights violations in Burma have been documented for years, and it is generally agreed to that the military regime currently in power is one of the most repressive, violent, and inhumane in the world. The atrocities include forced labor, conscription of children, repression of free speech and political freedom, and the state-sanctioned use of torture and rape as weapons of war.

It is estimated that several hundreds of thousands of men, women, children, and elderly are being forced to work against their will in what the International Labor Organization of the UN calls a "modern form of slavery." Human Rights Watch estimates that some 70,000 of the regime's soldiers are children. A 2004 report by Amnesty International estimates that more than 1,300 people were wrongfully imprisoned between 1989 and 2004; and there were an estimated 1,600 political prisoners in 2005, 38 of which were elected members of Parliament.

The U.S. State Department and two NGOs have confirmed that torture and rape are being used as weapons of war. A report issued in 2002 by The Shan Human Rights Foundation and the Shan Women's Action Network documents 173 cases of rape and sexual violence involving 625 girls and women. The study points out that 61 % were gang-rapes and that 25% of these girls and women died, some of whom were detained and repeatedly raped for up to four months. A report released by Refugees International in April of 2003 also documents cases of rape. These crimes are largely targeted at ethnic minorities, including the Shan, Mon, Karenni, and the Karen.

Testifying before the House Committee on International Relations earlier this year, Human Rights Watch advocacy director Tom Malinowski stated that, "Government armed forces continue to engage in summary executions, torture, and the rape of women and girls. This campaign can only be described as ethnic cleaning on a very large scale. Hundreds of thousands of people, most of them from ethnic minority groups, live precariously inside Burma as internally displaced people."

A CBO report estimates that supporting this legislation could cost the U.S. $500,000 in 2006 and $1 million in 2007. It is likely that there will be economic costs on the other end as well, and not just for those in power. So while it is understandable and even necessary to take action in opposition of the current military regime and to condemn their oppressive rule and blatant abuses of human rights, we should explore other methods to express our disapproval and impose sanctions. We must be careful that our actions do not oppress the innocent who are caught up in this ongoing struggle.

So I urge my colleagues to support H.J. Res. 86, but I also ask that we devise additional ways to assist the people of Burma, ways that may not entail economic backlashes. Over the years we have seen situations like this arise and escalate and we have watched with shameful apathy as millions have perished or fallen victims to unspeakable physical, sexual, and emotional violence. And here we are again with another opportunity to act or be apathetic. Let us not squander it under the cover of feigned ignorance. We are all aware now. Let us not get selective amnesia by confining our thoughts to tangential concerns of a lesser gravity, for history will not forget when we stand idly by while these people suffer, scream, and die. Instead, let us free Ms. Aung San Suu Kyi, and free those for which she remains confined.

Mr. CARDIN. Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the joint resolution, H.J. Res. 86.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials with regard to H.J. Res. 86.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE OCCUPATION OF IRAQ

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, on March 1, 2003, the United States stopped fighting a war in Iraq and became the occupants of Iraq. That was when the U.S. occupation began.

March 1, 2003, is the day that President Bush, speaking under a huge banner with the words "Mission Accomplished" declared major combat operations in Iraq had ended. At that moment, the United States military should have left Iraq.

Military commanders and policy experts advised the President, but he failed to grasp that deploying hundreds of thousands of soldiers to Iraq and invading Baghdad would be like sticking your hand in a beehive and trying to remove it without getting stung.

Even the President's father, President George H.W. Bush, agreed on this point. That is why during the first Gulf War during 1991, he stopped short of having the U.S. military actually enter Baghdad.

If we had left after, according to the President, the "mission" had been "accomplished," we could have prevented the deaths of over 2,400 American soldiers. More than 18,000 others wouldn't have returned home with life-changing injuries, and thousands of others wouldn't suffer from severe psychological trauma as a result of fighting a war halfway across the world. And countless thousands, tens of thousands of innocent Iraqi civilians who have been killed might still be alive in Iraq.

The last 3½ years since the President's "mission accomplished" speech have been unsuccessful in all ways in Iraq. This war has drained America's coffers of nearly $400 billion, money that could have been used for underfunded programs right here at home, like addressing key homeland security needs, providing health care to all Americans, giving all American children a first-class education.

This war has diminished America's role as an international leader. Our role and our image have suffered great damage as a result of our involvement in Iraq. We are even less safe here at home, and Iraqis are less safe in Iraq than before the United States invaded Iraq.

It is actually the very presence of 150,000 American soldiers in Iraq that has enraged and dissatisfied the people of the Arab world.

Mr. Speaker, this is not a war; this is an occupation. The Pentagon and the White House have turned our troops into occupiers against their will, placing them in an absolutely impossible situation. This is not what they were trained for. Soldiers can win a war, but how do they win an occupation? An occupation is by its very nature unwinnable. There is no winning; all you can do is come home.

The President does not seem to understand this truth which is made very clear in comments he makes like "we will accept nothing short of total victory in Iraq"; or "we will stay in Iraq until the job gets done."

Mr. Speaker, the American people understand that there is no such thing as "getting the job done in Iraq" because it is not a job, it is an occupation. What Congress needs to do is take back the powers it gave to the President more than 3 years ago. It is time to rescind the legislation that gave him the authority to use force in Iraq. And while we are at it, let's do the right thing for our soldiers, their families and the entire country: end the occupation.

The least we can do for our troops is thank them for their service and bring them home to their families.

BORDER SECURITY

Mr. POE. Mr. Speaker, I request permission to take Mr. OSBORNE's time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, the State of Texas is a little richer today. But the money found along our border was not American money; it was money from the Middle East. A Sudanese dinar was found not too long ago along the Texas-Mexico border.

This type of money is a whole lot more dangerous because it brings with it someone carrying this money.

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Someone that came into the United States obviously illegally from the nation of Mexico. The Sudanese dinar was discovered on our border, a clue that could have been easily lost among the trash trails illegal invaders from around the world leave behind.

But unlike most, the person carrying that dinar may not dream of a better life in the United States. He probably didn't come to the United States looking for work. He could covet death and a whole lot of it.

The threat of illegals infiltrating America is not just a threat to our economic security, it is a threat to our national security.

Now, so many OTMs, in the vernacular, Other Than Mexico, are coming into the United States, especially into Texas the, terrorist threat increases. These people come from all over the world. They come from China, they come from Korea, they come from the Middle East. They come from Africa, they come from South America and they come from Europe.

During recent national security hearings, clear and convincing evidence was released showing that the dark and deadly underground, created and thriving on human trafficking and on drug smuggling, is now diversifying into terrorism. Reports indicate that al Qaeda operatives have moved to Mexico, have assimilated into the population, have learned Spanish, and they are studying the culture and they are posing as Mexican workers. They create an illusion, then they wait, make their way to America. All the while, the hatred in their hearts is anything but phony. They know illegal entry allows them to live here and remain untraceable. It is the very freedom that they want to destroy. They will use that against us to infiltrate and weaken our Nation.

For almost 5 years now, Mr. Speaker, we have been hunkering down, our eyes really turned north to Canada, the country that has long been touted by some as the de facto entry point for illegals. All the way terrorists could easily be sneaking through our back door, the southern border into the United States. They could pose as a day laborer, a blue collar worker, moving, then plotting undetected in the shadowy night and the broad daylight, among the people willing to break laws to earn money to send home.

These are people who are willing to break into our country, our country. These are criminals who are bent on evil with hearts full of malice and mischief. They act in the name of radicalism and destruction and hatred.

Mr. Speaker, we may have terrorists living among us. You have heard the phrase, "It's not if, but when." Failure to protect our borders, failure to prevent OTMs from entering the United States puts America at risk.

Then continuing this absolute absurd policy of capturing these OTMs from other countries and then telling them, on their oath, they need to come back to court for their deportation hearing, is absurd. We are not shocked that over 90 percent of them never return, but yet they are released into the heartland of the United States.

This nonsense needs to stop. We need to find places for those who have decided to enter our country illegally, hold them and detain them until they get quick deportation hearings, then send them home where they belong.

The duty of our government is to protect the citizens of this Nation. We protect the borders of other countries. We need to protect our own border. Border security is a national security issue. And we must have the moral will to protect the dignity and sovereignty of this Nation. And that's just the way it is.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, we are hearing once again that there are rumors going around that in January, when we come back and there is a new Congress, depending on who is in control, that we are going to be looking at privatizing Social Security again. We understand that the Republican Party wants to make it their top priority. The American people have already said "no" to this shortsighted plan. The money and trust fund belongs to the people who put it there, and they are entitled to guaranteed benefits. They don't want to use this money to gamble on the risky stock market.

Those in favor of the Republican plan say that privatizing is the only way to save Social Security. Granted, the fact that people are growing older does mean Social Security needs to be strengthened. But in reality, Social Security can be saved with small changes, and we have time to make sure we do it right.

As it stands today, the Social Security trust fund will begin taking in less in payroll taxes than it pays out in benefits in 2018. That is 12 years from now. But even if Congress doesn't act, the Social Security surplus won't be exhausted until the year 2040. That is 34 years from today. And the worst case scenario is that 74 percent of benefits would still be paid.

If the Republican plan is enacted next year, they won't be able to guarantee benefits in 2008, let alone 2040.

In addition, these projections are based on an anticipated lower rate of productivity and economic growth than the U.S. has experienced during the last 20 years. If the U.S. maintains its current economic growth or grows at a faster rate, the trust fund surplus will expire at a later date.

While I believe Congress needs to act soon, we don't need to do it in haste. Instead of radically changing our retirement safety net, we should follow the lead of former President Reagan. In 1983, President Reagan appointed a commission headed by Alan Greenspan and saved Social Security for the next 60 years.

I urge President Bush to put aside his dreams of privatizing and do the same. Many Republicans won't want to hear this, but President Reagan's commission raised payroll taxes to save Social Security. But I believe we can come up with a better solution today. There is a middle ground between raising taxes and privatizing. Let's put our experts to work on finding this middle ground and creating a stronger Social Security.

Everybody accepts that Congress needs to act to strengthen Social Security for the next generation of seniors. But any plan that cuts guaranteed benefits is a nonstarter. It is a nonstarter because the centerpiece of the Republican plan, to privatize portions of Social Security does nothing to address the program's long-term challenge, which is to make sure Social Security can pay full benefits for future generations.

Privatizing means less money going into the Social Security trust fund. The President's plan means fewer benefits for more retirees. The President has yet to disclose how he would pay for this plan. Conservative estimates price the plan at over $2 trillion, driving the country deeper into debt and burdening future generations with the bill.

With our current national debt, a multitrillion dollar expenditure would almost certainly rely on selling bonds to foreign countries for financing. I am not comfortable with China, Japan and the European Union controlling the purse strings of our retirement benefits, and neither are the American people.

We should encourage individuals to invest money for retirement, but this should be done outside of Social Security. Social Security was never intended as the only source of income for retirees. It was designed as a safety net to ensure no retiree or disabled person falls into poverty. We simply cannot bet the future of Social Security on a risky privatizing scheme.

Mr. Speaker, let's not make a hasty decision on Social Security that we will live to regret. People have to understand that Social Security is a lifeline for so many of our seniors. When we look at today, the people that are working at minimum wage, when we look where we see pensions not really being there for the American people, we need to certainly make sure that Social Security is there. Widows with children, it is the difference between being able to stay in their home, feed their children or becoming homeless.

People say, well, if we privatize, it will save the government money. In the long run, I honestly don't believe it will. I have too many friends, women friends that have been married or widowed, that never had to work. Now they find themselves with nothing but their Social Security. And it is not even enough to live on, especially in New York.

We must save Social Security.

RAISING AWARENESS ABOUT AUTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to bring attention to a disease that has a profound impact on those that it afflicts. Autism, Mr. Speaker, is a bioneurological developmental disability that generally appears before the age of 3. Autism impacts the normal development of the brain in the areas of social interaction, communication skills and cognitive function. Individuals with autism typically have difficulties communicating and interacting with others and often engage in repetitive behaviors.

I spoke on this floor recently about how people with autism are affected by this disease, and the early warning signs of autism that parents should watch for as their infants become toddlers. Today, I want to share with our colleagues the impact that autism has on the families of those that it affects and the struggles parents must endure to raise children with autism.

During a recent district work period, I met several of my constituents, including Howard and Jonica Chittum, and their wonderful son, Mac, who is autistic. They shared with me the emotional and financial challenges of having a child with autism.

The Chittums told me how Mac needs intensive speech and occupational therapy, services for which Medicaid partially pays, but that their health insurance does not. They talked of their excitement when Mac makes progress and of their disappointment when he struggles. The Chittums are fortunate in that they somehow have found time to work and care for Mac.

They also have managed to pay for more intensive therapy for Mac, which has helped him make significant progress in a relatively short time. I was pleased to learn that Mac's language skills are now on age level. His eye contact has improved, and he is showing more interest in other people.

Some people, however, Mr. Speaker, are not as fortunate as the Chittums. I also met with Monica Bice, whose daughter, Jade, has autism, over the district work period. Monica, who met Jonica through a support group for parents of children with autism, wants desperately to provide Jade with the intensive therapy she needs, but simply cannot afford. And Jonica said, "It's just not fair."

I think this is an unconscionable situation that we must remedy, Mr. Speaker.

I am pleased to have cosponsored legislation our colleague from California, Mrs. BONO, has introduced to encourage screening, early intervention and education about autism. This bill, the Combating Autism Act, would strengthen and coordinate all Federal activities related to autism research, diagnosis, screening and treatment.

I think it also is important for parents to know that they are not alone when trying to raise a child with autism. There are a multitude of national, State and local organizations such as Aware for Autism, a support group for parents of children with autism, which Monica started. I encourage anyone who has a child with autism to seek assistance from those who are facing the same challenges that they are.

Mr. Speaker, I believe we can and should do more to raise awareness about autism and encourage its prevention, treatment, and hopefully some day soon, its cure. I urge our colleagues to support the Combating Autism Act and give hope to people with autism and their families and friends.

TRAGEDY IN INDIA

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, it is with profound sorrow that I rise to extend my deepest regrets to Prime Minister Manmohan Singh and the people of India over today's deadly attack.

Often on this floor we become very centered in our own events and don't notice what is happening in the rest of the world. I have traveled many times to India. I have enjoyed the company of the Prime Minister. He is a good man and a great leader, and I know that India's best defense in this time of grave trouble is to be led by a man of boundless integrity.

As I speak, far more is unknown than is known about this cowardly act of violence, which occurred today in Mumbai. There is little doubt, however, that the atrocity was carried out by people who worship hatred, because there is no religion on Earth that condones the killing and maiming of innocent people.

I recall the words of the great Indian leader, Gandhi, who wrote, "The most heinous and the most cruel crimes of which history has record have been committed under the cover of religion and equally noble motives."

Before long, I have little doubt that those responsible will hide behind one of the world's great religions to claim sanctuary for their violence. The world must not be fooled into accepting their claim.

In the words of Gandhi, "Permanent good can never be the outcome of untruth and violence." Weaving a web of lies cannot conceal this one single thread of truth. There is no religion on the planet, not Christianity, not Buddhism, not Islam, or all the others, that preaches or condones hatred.

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None do. And only the perversion of a great religious ideal and great historical figures would pretend otherwise. That is done to try to spread more violence.

An atrocity like the one that occurred today in India is done by extremists who are hollow inside. Violence is what they espouse because humanity is what they do not possess. Gandhi said about this violence: "The roots of violence: wealth without work, pleasure without conscience, knowledge without character, commerce without morality, science without humanity, worship without sacrifice, and politics without principles."

The world is filled with problems. No nation is immune. Yet today's bombs and the bullets and the bloodshed will not move the world one step closer to peace. We cannot shoot our way to peace. Those willing to ambush the innocent are not trying to change the world, but they are trying to destroy it.

The world needs people willing to change the world. Change it to produce a blue sky morning, not a world in mourning. Gandhi said: "The difference between what we do and what we are capable of doing would suffice to solve most of the world's problems."

Poverty is a scourge of millions in Africa, and it is not lessened by one single dime by today's violence. The spread of HIV/AIDS that is infecting Africa and now India, millions across India, will not be stopped by the blast of a bomb.

India is a great nation, and the noble spirit of its people will overcome today's heartbreak. The bonds between India and the United States go much deeper than the democracy that we both practice as nations. The personal roots in my hometown of Seattle are deep and strong, and I know we all mourn this terrible loss. We proudly collaborate on so many levels, from trade and economic ties to cultural and charitable exchanges. We have grown close, and the people of Seattle would want me to extend to the people of India our deepest sympathies over this senseless tragedy. I am sure this is true across America.

The truth is wanton violence meant to divide the world can unite it, in sadness today but, to be sure, in strength tomorrow.

I am proud that I was one of the cofounders of the Congressional India Caucus over a dozen years ago. It has grown into a large bipartisan body. When it comes to India today, there really is no political divide in this House. We are very saddened by what has happened, but we are united in offering our support to a nation I am so very proud of.

India, we stand with you.

THE 10TH AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. OTTER) is recognized for 5 minutes.

Mr. OTTER. Mr. Speaker, I rise today to talk about one of my favorite subjects, and that is the Constitution of the United States. But I want to focus a little bit more today than I generally do and specifically on the 10th amendment to the Constitution.

The 10th amendment to the Constitution, affectionately referred to by most everyone who really reveres the Constitution, would recognize it as the so-called "States' rights amendment." Actually, Mr. Speaker, I have always felt that it was the contract between the States and the creation of the States that we know today as the Federal Government.

Many folks today I believe have it wrong. They think that the Federal Government created the States, whereas, in fact, it was the original 13 States that, in union together, created the Federal Government. And it has always been my long-held belief and opinion that the created can never be greater than the creator in any sense.

And so in my opportunity today, I want to remind the people of that contract between the Federal Government and the States. And it is a simple contract; so perhaps one might suggest that it was never written by a lawyer because it is only 28 words, and it says the powers not delegated to the United States by the Constitution are reserved to the States respectively, or to the people.

Now, I may have gotten that a little confused in my enthusiasm, Mr. Speaker; but my enthusiasm for the spirit and the heart of the 10th amendment is undiminished because it was in 1760, when King George III took over for King George II and decided to put even more restraints on the young and upcoming colonies, even more laws and even more regulations, even more taxes and confiscation of their property, it was then only some 16 years later that the 13 colonies finally said we have had enough and we are not going to absorb any more of this abuse from any king, let alone King George III. So history now pretty well has set forth in the agenda the circumstances that took place and finally, of course, after the Declaration of Independence, then after the War of Independence and the creation of the Constitution.

In fact, few people realize today that the Constitution did not include what we know as the Bill of Rights, the first 10 amendments to the Constitution. And it was only as a promise by the States and the Continental Congress that they would at a later time include the Bill of Rights or something to the effect of the Bill of Rights that many of the States then adopted. In fact, during the Continental Congress it was Patrick Henry that said that he refused and would refuse, and he eventually did, to sign the Constitution because he said, I smell a rat. But Lord only knows here was a gentleman that had an olfactory memory that could reach over 200 years out into the future and here we are today.

But I would tell you that Patrick Henry did say that he would not sign the Constitution or agree to it unless it included a Bill of Rights, an enumeration of all the rights of man. And several folks, including one James Wilson, took that under advisement. And they came back several days later, and to the presiding officer at that time, George Washington, they said, Mr. President, we have found it unwise to enumerate all the rights of man for if in our effort to do so we should leave one out, it will have thought to be the property of government; so leave us instead, direct our labors to enumerating the powers and the authorities of government, and if it is not stated, the power and the authority does not belong then to the government.

How wise that was and how wise and respectful we should be and would be today should we honor those kinds of thoughts, should we honor those kinds of limitations, because as we know, including the 10th amendment, each and every amendment of the first 10 amendments was, in fact, a limitation on government. And if you read it time and time again, it always says the Congress shall not, the government cannot, the government will not be allowed.

So I commend to all those who are listening today to get the Constitution out, read those 28 words, and recognize that that is the true contract between this Federal Government in Washington, D.C. and the governments of the 50 States.

THE BALANCE OF POWER BETWEEN THE STATES AND THE FEDERAL GOVERNMENT

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the unused time.

The SPEAKER pro tempore. Without objection, the gentleman from Utah is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate my good friend from Idaho's having started this process in talking about this particular issue. And I am also looking forward to hearing from my good friend and colleague from New Jersey who will be talking about the 10th amendment in a moment as well. For, indeed, it is one of those central issues that we need to remind ourselves at all times.

In the Federalist No. 32, Hamilton tried to persuade people to ratify the Constitution, and the question was, Would this new government with which we now function have too much power? Hamilton wrote that "I am persuaded that the sense of people, the extreme hazard of provoking the resentments of the State governments, and a conviction of the utility and necessity of local administrations for local purposes would be a complete barrier against the oppressive use of such a power" by the national government. He went on to say that "I affirm that under the plan of the convention," which he was referring to the Constitution of the United States, the States "would retain that authority in the most absolute and unqualified sense and that an attempt on the part of the national government to abridge them in the exercise of it would be a violent assumption of power, unwarranted by any article or clause of" the proposed "Constitution."

Now, in recent times we have strayed slightly from that philosophy. We have in this country today the idea that federalism is not when the central government simply graciously allows the States to do this or that, that it is not that the States are simply another form of administration or level of government. Federalism is when the people of the States set limits on the central government.

It is true that in the name of States' rights that sometimes harm has been done to individuals. One must remember that the idea of the Constitution, of balancing power between the national and State governments, had one purpose and one purpose only, and that was to ensure individual liberties. And when any branch of government, whether it be States or the Federal Government, harms those individual liberties, they are doing an assumption and they are moving boldly from the concept and the process that was originally intended to be there.

Sometimes we forget that back then when the Constitution was established the idea of States' rights or federalism was a given to our Founding Fathers, that those people who wanted to centralize powers were the ones on the defensive at all times and that it was clearly understood that the Bill of Rights, when it was passed, was the way of the States to bind the Federal Government to stay out of certain areas as in "Congress shall make no law," et cetera, et cetera.

The only way to preserve civil liberty, then, is for government to check its own power, government counteracting government. And the only way of checking power is to disperse that power and to divide it. The Federal Government will, even though it is against their basic interest, always have to learn to check itself. That is the purpose of federalism. That is the reason there are States and national government. That is why we are here week after week, speech after speech, in some ways trying to pick on issues and prod a conscience to realize the real purpose of federalism has the goal of preserving individual liberty and that when we do that, we are doing good, and that for some reason for the national government, the Federal Government, we here in Washington, if we really want to do well for people, if we want to protect people and their rights, we have to learn to try to limit our own power.

That was the goal of the 10th amendment, and it is the goal of this caucus to try to reemphasize all the time that for the rights of people and to preserve people and to help people, the national government has to lose power and share and balance that power with the States.

With that, Mr. Speaker, I will be looking forward to the comments of my good colleague from New Jersey.

□ 1615

THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, hard work and perseverance are supposed to be the key to success in America; yet many people who work full time are barely scraping by, earning just $10,712 per year on the Federal minimum wage, which is now $5.15 an hour and has been at that level for nearly 10 years.

That is an income, $10,700, that is $6,000 below the Federal poverty line for a family of three. That number cheats millions of American families and children out of the chance for basic financial stability every year. It directly contradicts what we often describe as the promise of America, that if you work hard and play by the rules, you have a reasonable chance for a life of some prosperity.

Families are struggling because the buying power of the minimum wage is now at its lowest level in the last 50 years, the last 50 years. But if you look at the changes that families are undergoing just in the last 10 years, here is what you find.

Americans pay 136 percent more to heat their homes and drive their cars than they did 10 years ago when the last minimum wage increase was passed. Health insurance costs have gone up 97 percent during that same period. The cost of a 4-year public university has gone up 77 percent as well. Families who once lived comfortably on their incomes have been steadily falling out of the middle class and into poverty.

We need to raise the minimum wage from $5.15 an hour to $7.25 an hour, a level that will really mean something to the parents who are struggling to provide for their children. An increase would boost the wages of 6.6 million workers directly. Another 8.2 million workers earning up to $1 above the minimum wage would also get a boost due to the so-called "spillover" effects, and that influence would affect the lives of 54,000 people in my home State of Maine.

Despite what some opponents of a wage hike may claim, wages have not risen significantly on their own. They have been eaten away by inflation. Even though the American workforce has increased its productivity by 14 percent over the last 5 years, real wages have gone up by only 2 percent for nonmanagerial workers.

Meanwhile, the average CEO in America makes more than 1,000 times the minimum wage. Americans CEOs earn in one day what most workers earn in a year.

America prides itself on providing opportunity for all. Yet it is clear that the wealth being generated in our economy is only lifting a few. We need an economic plan that allows our citizens, especially our families and our children, to support themselves, educate themselves and continue to achieve and move forward in their lives.

Now, it frankly is an embarrassment that Congress has not addressed the minimum wage issue in almost 10 years, especially in light of the issues that we have found time to address here. Last week, this body gave an estate tax break worth $280 billion to a few thousand wealthy individuals. For the past year, the Republican leadership has been intent on giving more tax breaks for the wealthiest 1 percent and paying for it with cuts in education, Medicare, and other programs on which Americans depend to maintain their quality of life.

What does it mean to the average American that Congress has raised its own salary over and over again since 1997, but not the minimum wage? Income inequality in this country is a scandal, and this Congress is contributing to making it greater. This is not only bad for the middle class and lower-income Americans in this country, it is bad for our democracy.

Twenty States, including my home State of Maine, and the District of Columbia have already passed increases in the minimum wage. They understand that this is fundamentally an issue of fairness and good economic sense. We need to see this kind of economic leadership at the Federal level as well. We need economic policies that do not leave the majority of our citizens behind.

The Republican leadership does not want a minimum wage increase to come to a vote here, but eight in 10 Americans do. They support it. Frankly, I wish this Congress would do as much for the average American as it does for corporations and the wealthiest 1 percent.

The minimum wage must allow workers to earn enough to support themselves and their families. $5.15 is not enough to live on. I hope we can finally start to work together on this issue and enact a long, long overdue increase in the minimum wage.

CONGRESSIONAL CONSTITUTION CAUCUS FOCUS ON TENTH AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank my colleagues who came before me this evening to join with us, as we do each Tuesday evening as members of the Congressional Constitution Caucus, to come to the floor to discuss constitutional issues; and this evening to discuss the philosophy, the intent, the foundations of the 10th amendment.

As we discussed, and you have heard already, this amendment really could be said to be the most important amendment in defining what the Founding Fathers' vision of the role of the Federal Government should be.

As stated earlier, the 10th amendment states clearly: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

These historic words, penned by the Founding Fathers, some of the most ingenious political minds of their time or anytime in the world's history, set forth an important principle: that the Federal Government may exercise specific powers that are listed in the Constitution. All you need to do is simply look to it, for example, article I, section 8, and they enumerate the powers that the Federal Government has. It really does not even go on for more than one-and-a-half pages. These are specific powers that the Federal Government has. The others are the remaining powers that are reserved to the States and the people respectively.

Unfortunately, just as the authors of the Constitution have long passed, so too have many of their foundation principles for our government here. Between an ever-expanding Federal Government that for decades now has crept into many other facets of areas once left to local control, to a Federal judiciary that in many instances completely ignores the intent of Federalism, all resulting in a Federal Government that has become wildly inefficient and just a huge bureaucracy.

So the old concept is really nothing new. It is just that we have lost it over time. Our founders were very clear when they established our system of government. They intended to set up a republic, a republic really, you could almost say, of sovereign states capable of self-governing, but with a small central government with clearly defined and limited powers.

As someone else previously stated, I think the gentleman from Utah, our Constitution can be thought of as a social contract, a contract between the people and their government. We must think of this most important document as a trade between the rights given up between these competing interests. One of the most important interests that we receive then from the Federal Government, as set forth in the Constitution, is the defense of this Republic.

All other inherently government services, the founders were very clear about, were to be contracts between themselves and the local government and contracts between themselves and the State governments. We refer to this as Federalism. The only powers specifically listed in the Constitution are to be administered by the Federal Government. All others are reserved to the people respectively.

Now, earlier last month, I guess it was, we had the discussion on part of this forum to look at one of the legislations that is coming down the pike that will help facilitate this, and that is the sunset commission. We have discussed this in the past, and I will just talk on it briefly right now.

The sunset commission will try to rein in the Federal Government by looking at the agencies and the powers that are already out there. We have suggested that it could be given, maybe even stronger, be given some teeth to it, and one of the ways you do that is to set it up in a BRAC-like format so that when it comes to Congress, it will actually eliminate those ineffective government programs with an up-or-down vote.

Second, and maybe an important change we can make in this to make it even truer, is to do this, and that is to provide provisions in that legislation to say that you will not simply look at the effectiveness of programs or whether programs are duplicative. You will also look at whether or not the programs of the Federal Government are constitutional.

Even if a program is not duplicative of other Federal programs or State programs, even if a Federal program is effective that is being performed right now, the underlying and most seminal question that we must ask ourselves is, do we, as Members of Congress, have the constitutional authority to do what the legislation is asking us to do. If you put that into something like a sunset commission, that we can review this as each bill and each legislation comes up, each program that is out there, we will be moving in the right direction.

Let me just close by looking at some of the good news that just came out recently, today as a matter of fact, and that is the economic numbers showing that we are actually reining in Federal spending. We are seeing our deficit go down on the Federal level, and I am happy about that.

I am happy that I have been able to join with other members of this delegation and Members of this House to try to rein in the government and try to bring it in the right direction.

We must be awfully careful, though, that when we get the fiscal house of the Federal Government in order that we do not then decide that we will start spending money elsewhere. That would be the wrong direction to take. We have been able to get to where we are simply by putting our house in order as far as spending; we have been able to lower tax rates, allow folks to be on the family budget and not on the Federal budget, to have a more free-market approach.

So I will just say this: that if we close by putting those limitations on the Federal Government to restrict our approach to it and make sure that our philosophy is the same as the Founding Fathers, then we will see that there is both a practical and a fundamental and foundational approach to doing so, and that is a constitutional government.

BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, on behalf of the 37-member strong, fiscally conservative, Democratic Blue Dog Coalition, I rise this afternoon to discuss our Nation's debt.

As you can see here, Mr. Speaker, today the United States national debt is $8,413,298,480,959 and some change. If you divide that enormous number by every man, woman and child, including those babies being born today, every

United States citizen's share of the national debt comes to the tune of $28,120.

In the Blue Dog Coalition we have coined the phrase "the debt tax," not to be confused with the death tax or estate tax. The debt tax, D-E-B-T, is one tax that cannot go away until we get our Nation's fiscal house in order.

That is what the Democratic, fiscally conservative, 37-member-strong Blue Dog Coalition is all about trying to restore some commonsense and fiscal discipline to our Nation's government. As you walk the halls of Congress and as you walk the halls of the Cannon and the Longworth and the Rayburn House Office Buildings, you will come across these posters which signify that you have walked by the door of an office of one of our fellow Blue Dog members.

We are concerned about this because, Mr. Speaker, from 1998 through 2001, this Nation had a balanced budget, and yet under this administration and this Republican-led Congress, we have seen record budget deficits, the largest deficits ever, ever in our Nation's history. In 2004, the deficit was $412 billion. In 2005, it was $318 billion. In 2006, it was $372 billion, and in fiscal year 2007, it is projected to be $350 billion, one of the largest deficits ever in our Nation's history.

One of the first bills I filed as a Member of Congress when I got here back in 2001 was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. The Republican leadership in this Congress refused to give me a hearing or a vote on that bill, and now we know why, because the real deficit projected for fiscal year 2007 is not $280 billion or $350 billion, depending on whose numbers you want to believe. It is really $545 billion. So where does the difference come about? It is because this Republican Congress and this administration is counting the Social Security trust fund, and that is wrong.

When you and I go to the bank to get a loan, our banker wants to know how we are going to pay it back, when are we going to pay it back, and yet this Republican Congress continues to give us the largest budget deficits ever in our Nation's history while borrowing money from the Social Security trust fund with no provision being made on how or when that money will be paid back.

Where is it going come from? They cannot tell us. When is it going to be paid back? They cannot tell us. Social Security has kept over half the seniors in America out of poverty. It is time for this Republican Congress to keep their hands off the Social Security trust fund.

Now, why is this debt so important? Total national debt from 1789 to 2000 was $5.67 trillion.

□ 1630

Let me repeat that. From 1789 until 2000, the total national debt was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion. This is a doubling. This is a doubling of the 211-year debt in just 10 years.

Another reason that deficits should matter, Mr. Speaker, is because interest payments on this debt are one of the fastest growing parts of the Federal budget, and the debt tax, D-e-b-t tax, is one that cannot be repealed until we get back to the days of a balanced budget.

Not only is our Nation borrowing $1 billion a day; this number is going up by about $1 billion a day. Our Nation is borrowing $1 billion a day. More important than that, our Nation is spending a half a billion dollars, $500 million, every single day simply paying interest on the national debt that we already got before it goes up another billion dollars a day.

I represent a very poor district in Arkansas. We have a lot of hope in creating economic opportunities by building new highways. We need $1.6 billion to complete Interstate 69. It sounds like a staggering number until you think about it. If we did not have this debt, we could build Interstate 69 with 3 days' interest on the national debt.

Mr. Speaker, our government will spend more money in the next 4 days paying interest, not principal, just interest on the national debt, than what it would cost to completely build Interstate 69 through Arkansas.

Interstate 49 will also be critical to creating economic opportunities and jobs for my district. We need $1.5 billion to finish it. Again, a staggering number until you think about we are spending $500 million every 24 hours simply paying interest on the debt we already got before it goes up another billion dollars today.

We could complete Interstate 49 with just 3 days' interest on the national debt. Hot Springs, Arkansas: We need about $200 million to complete the expressway around Hot Springs. $80 million to get it up the hill, and up the mountain and another 100 to 200 million to get it back down and totally completed. $80 million would be nice. $200 million would be better. We could complete the Hot Springs Expressway with just a few hours' interest on the national debt.

El Dorado, Arkansas, the largest town in my district not located on a four-lane highway, desperately needs four-lane access. We could four-lane U.S. Highway 167 for about $400 million. Put it another way, we could four-lane U.S. Highway 167 from Little Rock to El Dorado and connect on down to Louisiana to I–20 with less than 1 day's interest on the national debt.

Interstate I–530, $200 million to complete that project that is also under construction. A lot of money. But just a few hours' interest on the national debt. In fact, Mr. Speaker, we could build 200 brand-new elementary schools every single day in America just with the interest we are spending on the national debt. We cannot meet America's priorities as it relates to reducing our dependence on foreign oil.

In fact, Mr. Speaker, we will spend, we will spend more money in Iraq in the next 8 hours than we will spend on research and development of bio-refineries in the next 365 days.

Health care, education, making the kind of advancements to our Nation's infrastructure that we so desperately need, the kind of investments that we saw under Roosevelt with the WPA program to help get us out of the Great Depression, or with Eisenhower with the interstate program, these kinds of priorities for America will continue to go unmet until we get our Nation's fiscal house in order.

That is why as a member of the Blue Dog Coalition I am here to talk about this debt, and this deficit, because America has many priorities. Many priorities that continue to go unmet as our Nation continues to borrow $1 billion a day, as our Nation continues to spend half a billion a day, $500 million a day, simply paying interest on the national debt. Meanwhile, America's priorities continue to go neglected.

Now why should deficits matter other than all of these reasons I have already given you? Deficits reduce economic growth. We all know that. Look how much better the economy was in the 1990s when we had a balanced budget. Deficits burden our children and our grandchildren.

It is wrong for us to borrow money from other countries to give tax cuts to people here earning over $400,000 a year and leave our children to pay the bill. How would you like to go to the bank and tell your banker you want to borrow money to build this new house, but you are not going to pay for it, you are just going to leave the bills for your children? You know, Mr. Banker, I have got two wonderful children. I am going to make sure they get a wonderful education, grow up, get a good job. They are going to pay for this house. The banker would try to have you locked up as being mentally insane.

Yet that is how we are running our country today. In fact, deficits do matter because they increase our reliance on foreign lenders, foreign lenders who now own over 40 percent of our debt. Where is this money coming from that we are borrowing? 40 percent. As we know, some of it is coming from the Social Security trust fund with no provision on how or when it is going to be paid back.

Well, where is the rest of this debt coming from? We are borrowing $1 billion a day. Where is it coming from? Is it coming from your hometown bank? I do not think so. It is coming from foreign central banks and foreign investors.

In fact, Mr. Speaker, the United States of America is becoming increasingly dependent on foreign lenders to fund our lifestyle, which is give me tax cuts if I make over $400,000 a year, borrow the money from China and let my kids worry about paying it back. That is the way this Republican Congress is running America.

Foreign lenders. Foreign lenders currently hold a total of more than $2 trillion of our public debt. Compare this to only $23 billion in foreign holdings back in 1993. The top 10 list. The top 10 current lenders. America continues to pass tax cuts for folks earning over $400.000 a year with money that we are borrowing, because we are borrowing $1 billion a day, with money they are borrowing from whom? Here is the top 10: Japan, The United States of America owes Japan $640.1 billion; China, $321.4 billion. As my friend and a founder of the Blue Dogs, Mr. TANNER, has so eloquently stated and pointed out before, if China decides to invade Taiwan, the United States of America will have to go to China to borrow more money to defend Taiwan.

The United Kingdom, $179.5 billion; OPEC, imagine that. We wonder why gas is approaching $3 a gallon. Our Nation has borrowed $98 billion from OPEC to fund tax cuts for folks in this country earning over $400,000 a year.

Korea, the United States of America has borrowed $72.4 billion from Korea; Taiwan, we have borrowed $68.9 billion; the Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; Germany, $46.5 billion. And are you ready for this? Rounding out the top 10 countries that our Nation borrows money from to fund our out-of-control deficit spending to the tune of $1 billion a day, we have now borrowed $40.1 billion from Mexico.

Now, Mr. Speaker, when an American family sits down around the dinner table to pay their bills and budget for their household, they include all of their family obligations, their mortgage, their car payment, their credit card bills, their education expenses, you name it. Those hardworking folks take into account the cost of a 4-year education for their children, not just for one year of it.

They take into account their car payment, and how many years it is going to take to pay for that car, not just to drive it for a year. When they mortgage their homes, they take into account how long and by what means they will be able to afford their housing, not just live in it for a year.

And you know what, Mr. Speaker, they expect the same from their government. And yet as we can see, July 11, today, Los Angeles Times editorial entitled "Another Mission Accomplished," I am not going to read all of the editorial, but the first two paragraphs are worth reading:

"The release of the White House mid-session budget review is an annual event normally marked by a few wonkish observations and the routine updating of various spreadsheets, not by a full-dress Presidential dog-and-pony show.

"President Bush plans to preside today, with Members of Congress and invited guests in attendance. By all indications, including his own, in his weekly radio address last Saturday, he plans to turn this into a celebration just in time for the fall campaign.

"This is proof, if anyone still needs it, that this administration is desperate for something to boast about. On Mr. Bush's watch, triple-digit budget surpluses have turned into annual triple-digit budget deficits. There is no information in the mid-session report to alter that utterly disparaging fact.

"Yes, the report is expected to project that this year's deficit will be somewhat less gargantuan than last year's, probably somewhere between 280 and $300 billion versus a $318 billion shortfall in 2005. That is not much to crow about."

That is an editorial that appeared today in the Los Angeles Times entitled "Another Mission Accomplished." It goes on. But the point is that this administration is so desperate for some good news that they are having a celebration to celebrate that our Nation is not going to borrow $318 billion as it did in 2005; it is only going to borrow between 280 and $300 billion in fiscal year 2006. Mr. Speaker, I submit to you that our Nation borrowing nearly $1 billion a day is nothing to celebrate.

Now, contrary to this administration's rhetoric in light of these new numbers touted today, we have yet to get government spending under control. Instead of talking about 1 year, we should have a real plan to deal with the realities of our long-term debt and deficit, just like American families do for their financial obligations.

A perfect example of this is how we are handling our obligation in Iraq. I believe we all support our troops. I hope we do. I have got a brother-in-law who spent Christmas refueling Air Force planes over in Afghanistan. My first cousin's wife gave birth to their first child during his service in Iraq. We honor all of those who have and who continue to serve our country in Iraq, Afghanistan and elsewhere.

Where I disagree with this President is on the point of accountability. This President, this Republican Congress, is sending $279 million of your tax money to Iraq every day. And yet if you ask him to be accountable for it, if you ask him for a plan on how that money is being spent and how it will win the peace and ultimately bring our men and women in uniform home, he will tell you you are being unpatriotic. That is where I disagree with this President.

We just entered our fourth year in this war, and I believe if we are going to send $279 million of your tax money to Iraq every day, this administration and this Republican Congress should be held accountable for how that money is being spent.

But we are still finding it piecemeal; we are still excluding the cost of the war from our annual spending process. We are passing a number of supplemental appropriation bills to pay for it that mask the war's true cost. It is time, it is past time that this administration be up front with the American people and include these important costs in their annual budget estimates.

Only then, Mr. Speaker, only then will we be able to celebrate a real decline in deficits. Again, Mr. Speaker, the U.S. national debt as of today is $8,413,298,480.959 and some change.

For every man, woman and child in America their share is $28,120. What is staggering is that by the time we conclude this hour on the floor today, the U.S. national debt will have risen to the tune of more than $41,666,000.

☐ 1645

At this time, Mr. Speaker, I would like to yield to the gentleman from Florida, Mr. ALLEN BOYD, one of the founding members and one of the real leaders of the fiscally conservative 37-member strong Democratic Blue Dog Coalition as we continue to talk more about the debt and the deficit and accountability. Mr. Speaker, I yield to my friend, the gentleman from Florida, Mr. BOYD.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Arkansas for yielding, and I also want to thank him for his leadership. He has led these special orders for the Blue Dog Coalition now for quite a while on a weekly basis to try to deliver the message to the American people in an honest and straightforward way about the fiscal situation of our Nation's government.

Mr. Speaker, I was glad to hear him talk a little bit about Iraq. Iraq is a situation that we are having a great debate in this country about, and I think that he made the point that we all very strongly support the men and women. Once we established the mission and sent them over there to perform and carry out that mission, it is clear that we support them. It doesn't mean that we can't have an honest and open dialogue and debate about the policy.

Mr. Speaker, is appalling to me as a person who wore the uniform during the Vietnam era to see those Members of the House of Representatives and the U.S. Senate, or anybody that might oppose the policy that the United States Government has, to have them called unpatriotic. So I appreciate the gentleman from Arkansas bringing up that point.

I also, Mr. Speaker, came here today to talk a little bit about fiscal responsibility and to assist my friend from

Arkansas in talking about the national debt. Mr. Speaker, I find it appalling to hear the partisan political rhetoric that goes on in these Chambers, rhetoric which celebrates a Federal budget annual deficit of $300 billion.

Now, most of us that have run a business, Mr. Speaker, know that at the end of the day your revenues have to match your expenditures, or else you either have to borrow money with a long-term plan to pay it back, or a short-term plan and show your banker how you can pay it back that year.

Mr. Speaker, this administration and this Republican-led Congress over the last 5 years have run our government into a situation where we have a structural deficit built in. There is not an economist anywhere around that will tell you under the current revenue taxing system and the current spending habits of this Congress and this administration that we will have a balanced budget anywhere in the future. We all know that we have to make some structural changes to the way we are doing business. So when I see somebody celebrating a $300 billion annual deficit, it saddens me in a lot of ways.

What Mr. Ross and the other members of the Blue Dog Coalition want for the American people is an effort by this Congress and this administration to address our fiscal situation honestly. Honestly, Mr. Speaker. What is wrong with telling the American people what the true fiscal situation is as it relates to our Federal Government?

We would like to see the Treasury's financial report that Mr. Ross made mention of earlier in his comments that is published by the Government Accounting Office and accounts for all spending, current and future. Had we seen this report last year, it would have told us that the Federal budget actually was $760 billion, not $350 billion as reported. And do you know what, ladies and gentlemen? It won't change much this year.

The Blue Dogs would like to see an earnest effort to institute commonsense principles in our budgeting process, just principles which every businessman and businesswoman in this country understands that you have to live by if you are going to have a successful business. In our Federal budgeting process, those would translate into discretionary spending caps, something that in 1997, when I first came to this Congress working together with Republicans and Democrats.

Working together, we had a Democratic President, we had a Republican-controlled House and Senate; they all sat at the table together, and they talked honestly with each other, and they laid the numbers out on the table, "Here is where we are; here is what it will take to get us back into balance." Discretionary spending caps. Put some caps on spending. Use the PAYGO rule.

What does PAYGO mean? A PAYGO rule means that if you are going to spend something over here, that you have to find a place either to cut spending on this side or raise the revenue from some source. If you are going to decrease revenue over here through a tax cut, you are going to have to find a place to raise that revenue someplace else. Those are commonsense PAYGO rules. That way we won't be taking spending more than we are taking in.

Something, Mr. Speaker, that we voted on the first 4 years I was in this Congress. I think we voted on it no less than seven or eight times, and that is a balanced budget amendment to the Constitution, a constitutional balanced budget amendment which requires us, as a Congress and administration, to balance our budget.

It seems that we don't have the political will under the current leadership to make these tough decisions from a legislative or an executive branch, so maybe it is time to consider a constitutional requirement that would force the Congress and the administration to balance this budget. If we don't, we will continue to see that number of $8,413,298,480,959 continue to go up.

Mr. Speaker, Mr. Ross may not know this, but when I came to the Congress in 1997, that number was less than $5.5 trillion. It has gone up over $3 trillion since I came here. It was $5.6 trillion when President Bush was elected and took office in January of 2001. So it has gone up about $2.8 trillion since this President came into office.

Again, Mr. Speaker, I find it appalling that the political rhetoric would cause us to celebrate a $300 billion annual deficit. That is over 10 percent of our Federal budget, over $300 billion, over 10 percent of our Federal budget. We have to go out into the capital markets, and Mr. Ross has done a good job of explaining where those capital markets are, in China and Japan and Mexico and other countries.

In years past, those deficits were financed locally, mostly by war bonds and other bonds that were sold domestically, but not anymore. And I think that would lead us into a situation which could be very dangerous for us from an economic standpoint and a national security standpoint.

In addition to the things that I have talked about that I would like to see, the Blue Dogs would like to see implemented into a budgeting process, and that is discretionary spending caps, PAYGO rules, balanced budget amendment, we would like to see the government act responsibly like most every responsible family in America and save for emergencies.

We are always going to have emergencies, we are always going to have a hurricane or a tornado or an earthquake or a flood, or we are always going to be engaged somewhere around the world in a military action. Why not set up a rainy day fund for future emergencies and put money into it so that we won't have to, on an annual basis and sometimes even more than once a year, come back to the appropriations process and pass an off-book emergency spending bill?

Why do we do that? Well, again, I think it has to do with partisan politics, and that is, if you pass a budget originally which pretends that you can live within your means, but you know you have left off a lot of things, you might fool some people, but you are not going to fool many people for very long.

Mr. Speaker, I spoke earlier about what happened in 1997 shortly after I came to Congress in which we all sat together, Republicans, Democrats, House leaders, Senate leaders, sat together and developed a long-term plan to get us out of our Federal debt or out of annual deficits and put us into a balanced budget. We did that, and guess what. Once we put that plan in place, everybody bought into it, the economy continued to grow.

The economy in America has always grown. I mean, if things are even halfway normal, you are going to have more tax revenues the next year than you had the previous year.

So that is part of the partisan rhetoric that is appalling to me, that the numbers that the White House has thrown out in the last few days in terms of the growth in tax revenues is way below what they projected in 2001 when they presented their economic package, which included the large book of tax cuts.

So I think that it is really important to work together and deal honestly with the American people about what our situation is, and we can't really begin to solve this problem until we recognize in an honest way what the problem is.

Now, Mr. Ross earlier talked about the article in the Los Angeles Times today, which really I would commend to our viewers, to those who are listening to us, to read. And it talks a little bit about this budget deficit and the current economic news. But let me quote from that, if I might, Mr. Speaker.

In that article, the writer says, "This will be the third year in a row that the administration put forth relatively gloomy deficit forecasts early, only to announce much later that things had turned out better than expected." That is what you have here. You see, back in the early spring when we first put the budget on the table, there were some very gloomy reports about what that number would be and now this is the third year that that has happened.

"To some skeptics," and I continue to quote, "it is beginning to look like an economic version of the old expectations game. Even economists who hesitate to accuse the White House of playing games," and I am still quoting from this L.A. Times article. "Even economists who hesitate to accuse the White House of playing games say the claims of good news on the budget are unfortunate because they make people unjustifiably sanguine about the government's current fiscal health."

"Our problem," and this is a quote from Comptroller David Walker who is a man that we all know and respect, those of us who serve here representing our constituents back home. He says, and I quote, "Our problem is our long-term—our large long-term deficit, and the sooner we deal with that, the better."

Walker also goes on to say that, and he warns of, quote, "a false sense of security. We are in much worse shape fiscally today than we were a few years ago."

This is from a man who is the head accountant representing the United States Government Accounting Office.

Mr. Speaker, I know we have been joined by some other Blue Dog members, and we want to hear from them, but I want to commend the gentleman from Arkansas for leading this discussion tonight. It is important, Mr. Speaker, that we have an honest debate and dialogue on these issues.

A constituent told me one time, he said, "Mr. Boyd, we used to hear debate and dialogue, but now we hear spin and rhetoric. Can we get back to honesty? Can we get back to everybody at least laying out both sides of the issue so that we can understand better how to fix these problems?"

We can't really fix them until we admit that we have a problem. And for some in this government, they don't seem willing to admit that we have a problem. So I want to commend the gentleman from Arkansas.

Mr. ROSS. I thank the gentleman from Florida, one of the leaders of the Democratic Blue Dog Coalition, for joining us this evening and addressing part of the Blue Dog's 12-point reform plan for curing our Nation's addiction to deficit spending. And these are just 12 commonsense ideas that we offer up, and yet the Republican leadership refuses to give us a hearing or a vote on these ideas.

□ 1700

One of them is simply a balanced budget. Forty-nine States require a balanced budget. I can assure you my wife requires a balanced budget at the Ross home in Prescott, Arkansas. Most bankers require businesses to have a balanced budget. And this is just another commonsense idea we have.

Another of the 12-point plans for budget reform simply says, "Ensure that Congress reads the bills it is voting on." Now, we can't pass a law to make Congress read the bills it is voting on, but I can promise you this: When this Congress votes on 500-plus-page bills and gives the minority, our side of the aisle, less than an hour to read the bill before we vote on it, I can promise you that Members of Congress cannot read every word of every page of every bill before they are being forced to vote on it.

We saw that happen, for example, with the Medicare prescription drug bill, now estimated to cost $720 billion over the next 10 years. It went to a vote barely a day after the final version of the 500-plus-page bill was made available for Members of Congress to see and read.

What we propose, as members of the Blue Dog coalition, is that Members of Congress should be given a minimum of 3 days to have the final text of legislation made available to them before there is a vote. Another commonsense idea.

I want to thank again the gentleman from Florida (Mr. BOYD) for joining us and raising some of these things, because we are not here just to say Republicans are bad. We are here to say we are tired of all the partisan bickering that goes on in our Nation's Capital. It shouldn't be about whether it is a Republican idea or a Democrat idea; we want to see some commonsense ideas.

And we are not here just to criticize. We are here to hold the Republican Congress accountable, but we are also here to offer up a solution to this problem, and that is why we have written this 12-point plan for budget reform.

At this time, I am pleased to introduce one of the newest members of the Blue Dog coalition, who has contributed greatly to our calls of trying to restore common sense and fiscal discipline to our Nation's government. Before I do that, though, Mr. Speaker, if you have any comments or concerns of us, I hope you will e-mail us at bluedog@mail.house.gov. Again, Mr. Speaker, if you have any comments, questions, or concerns of us, I would encourage you to e-mail us at bluedog@mail.house.gov.

And at this time, I am now pleased to turn this over to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. I thank my colleague, Mr. ROSS, from Arkansas, for allowing me to join him in what I hope will be a colloquy with some of our other Blue Dog members. Congressmen BOYD and DAVIS and TANNER, I think, are going to join us, as well, and we can talk about some of the issues that are so important to all of us that are part of the Blue Dog Coalition.

One of the things I would like to lead on is the PAYGO budget rules that we all feel are so important to restore honesty in government and with our taxpayers, so they understand how we are spending their tax dollars better.

One of the other things I want to do before we even go there is, I would like to ask Mr. TANNER to talk a little about his bill that he has introduced to create better auditing of those Federal agencies where we know there is a lack of controls.

Mr. TANNER. Well, thank you very much. I am delighted to join Mr. DAVIS, and you, Ms. BEAN, and Mr. ROSS and Mr. BOYD.

I became aware of the fact that there is no oversight in this town of what we are already removing from people's pockets involuntarily in terms of taxation, and appropriating it to any administration without any oversight about where it is going.

To give you some instances, this is hard to believe, and we have had to get these from newspaper reports and IG reports and so forth because there have been no oversight hearings to amount to anything around here in so long, but just listen to some of these examples of government waste:

An internal Pentagon audit found that Halliburton had overcharged the American taxpayer by over $1 billion. This included $45 for cases of Coke, $100 a bag for laundry service, and several months preparing at least 10,000 daily meals at a military base in Iraq that the troops did not eat. They also paid a Kuwaiti company $1.30 a gallon of gasoline, while other contractors were doing work for 18 cents a gallon.

This goes on. The Multinational Security Transition Command purchased seven armored Mercedes-Benz automobiles at $945,000 a car, over $6.6 million, that ended up being old models and did not even have the required level of armored protection. Furthermore, they couldn't locate one of them after delivery was made.

FEMA paid $236 million for three cruise ships to house evacuees and relief workers in the wake of Hurricane Katrina. This comes out to over $1,200 a week per passenger at full capacity, almost double the price of a weeklong cruise. The ships did not have any fuel costs or entertainment costs because they were at the dock. Also, the ships have never been at capacity, but FEMA's contract pays them for capacity anyway.

They are also paying contractors in the gulf coast an average of $2,480 for less than 2 hours of work to cover each damaged roof with a blue tarp, which is 10 times what the temporary fix would normally cost.

We had to get these reports from newspaper accounts and others because there is no oversight here.

So what we have done is, we have put together a bill, H. Res. 841, which the Blue Dogs have endorsed, that says basically three things: When the Inspector General report identifies waste, fraud, and abuse, or when they identify a "high-risk agency," which is government talk for one that doesn't work, the program is not working like Congress intended it to, or when the CPAs, or the auditor, says on the front page of the audit that we don't know if what you are about to read is true or not because the books are in such bad shape we can't audit them, in those cases, this bill that the Blue Dog Coalition has endorsed says basically that Congress must hold a hearing.

It is our, the Blue Dogs' position that at least the American taxpayer ought to expect from this Congress or any other Congress to keep up with the money we take away from people involuntary in the form of taxes. This Congress is not doing that, and it is a failure; it is a total abdication really of the constitutional responsibility that this branch of government has to the executive branch.

So I hope people will get interested in H. Res. 841, because it speaks directly, Ms. BEAN, to what you were talking about.

Ms. BEAN. Well, I am honored to have cosponsored that legislation. And to your point, I think it is basic fiscal common sense. The taxpayers deserve better than what they are getting from this Congress. I can't imagine anyone who would call themselves a fiscal conservative and not support this commonsense legislation or any leadership that wouldn't bring such legislation forward.

Mr. ROSS. I want to thank the gentleman from Tennessee, one of the founders of the fiscally conservative Democratic Blue Dog Coalition, Mr. TANNER, for offering up this bill. Again, another example of how the Blue Dogs are not just pointing fingers. We are holding the Republican Congress accountable, but we are not just criticizing them. We are offering up solutions, and this is another commonsense solution to restore accountability to our government.

A lot of people may not know this, but the Government Accountability Office reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by Congress. This bill that the Blue Dogs and Mr. TANNER have introduced will hold these Federal agencies accountable for how they spend your tax money, Mr. Speaker.

Mr. BOYD. Would the gentleman yield?

Mr. ROSS. Yes, I will yield to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. I just wanted to comment on the presentation, the remarks by Mr. TANNER, who has been a champion on this accountability effort.

And you remarked or just talked about the audits, that 19 of the 24 agencies couldn't produce clean audits. Actually, the leaders, the worst offender is probably the Department of Defense. FEMA is a bad offender. We have hurricanes in Florida all the time, so we are always dealing with FEMA. I can tell you that I can take you to some folks, many, many folks who are millionaires that were getting generators, that were getting their roofs fixed, and things like that from FEMA.

And this goes back to the accountability issue. What are we doing with the taxpayers, the folks we are taking money from involuntarily, as Mr. TANNER says? We have some responsibility to make sure, and that responsibility belongs to the United States Congress, to make sure the executive agencies are spending it wisely, and we are not doing that. And that is the point we are making here. And I thank you for yielding.

Mr. ROSS. The gentleman raises an excellent point. As you can see here, these are manufactured homes. You would think that they would be in Louisiana or Mississippi or someplace where people lost their homes and everything they owned as a result of Hurricane Katrina. And you would have thought, well, the hurricane was last August, and this is July, so we are coming up on the first anniversary, and you would think they would have by now gotten to the people who have been left homeless from these storms.

Yet they have remained parked, you can see, in this cow pasture here, or hay meadow here, or whatever you want to call it. There is the barbed wire fence, and the grass, and the pasture land, and 10,777 of these manufactured homes. These are 16-foot wide, 60-foot long, and almost a $500,000,000 worth of mobile homes sitting at the Hope Airport in Hope, Arkansas.

These trailers, 10,777 of them, arrived late last year. Today, we still have 9,959 of them. That is a close-up view. You have to see this. Hopefully, Mr. Speaker, you can get a good look at this. That is an aerial view. They are being parked at the airport in Hope, Arkansas.

That is not all of them. Lord knows, there is not a lens wide enough to get them all. But we still have 9,959 brand-new, fully-furnished, totally unused mobile homes that were designed to go to storm victims following Hurricane Katrina that are parked 450 miles from the eye of the storm at an airport in Hope, Arkansas.

Now, if that is not enough, FEMA is spending $250,000 a month. $25,000 of that is going to the city to park them there, but the rest of that $250,000 a month is going for security and all the maintenance and all the stuff that is required to store them there. And on top of that, FEMA's response is not to get them to the people who need them, FEMA's response is, oh, my goodness, the inspector general is right. When a big rain comes, they are likely to sink in this hay meadow. So now FEMA is spending another $7 million laying gravel on nearly 200 acres of land.

This is the kind of lack of accountability within our government that we are trying to get at with this bill Mr. TANNER and the other Blue Dogs have introduced.

Mr. TANNER. If you will yield on just that point, here is what the Office of Inspector General for the Department of Homeland Security, which is where FEMA is now, said in regard to their financial statements. "Unfortunately, the Department made little or no progress to improve its overall financial reporting during FY 2005. The auditor was unable to provide an opinion on the Department's balance sheet."

What they are saying is, we don't know what these people are doing with this money and they can't tell us. Congress is not asking, what did you do with the money, but if they asked, they couldn't tell them. That is what this bill goes to, and I am glad you have that horrendous picture there about all these trailers.

They can't tell you and the auditor can't tell you what happened to the money.

Mr. ROSS. I want to thank the gentleman from Tennessee (Mr. TANNER).

At this time, I would like to introduce another gentleman from Tennessee who is very active in the fiscally conservative Democratic Blue Dog Coalition, another member who is not afraid to come to Washington, stand up and say he is a conservative Democrat, and that is my friend, Mr. LINCOLN DAVIS from Tennessee.

Mr. DAVIS of Tennessee. Congressman ROSS, thank you for yielding.

Mr. Speaker, it is an honor to be here today to talk about our wonderful country. I have traveled some recently, and as I have traveled to other areas, basically in the war zone in Afghanistan and Iraq, I realize one of the greatest blessings I have had was at birth.

I was born in America, and to be an American citizen as a result of that, with all the hopes and all the opportunities and options of life any human being could expect to be given in this country. Some of those opportunities are, for folks like me, who live in a rural area, in a very small area, lowly populated, that one could also have an opportunity to run for Congress; and I took that opportunity in 2002 and ran and was elected.

I came to Washington knowing what the challenges were. I came to Washington realizing that a lot of times we see and hear a lot of smoke and mirrors, that transparency seems to be something that doesn't exist a whole lot, but I didn't really think we were going to hear of some of the things that have happened in this Congress.

The lack of oversight, the lack of hearings on how we spend our money, the lack of hearings on the war in Iraq, and the lack of hearings on virtually anything. We are almost shut down unless it happens to be the idea of the majority in this Congress. Debate is limited to just what they choose to talk about.

That is not the America I knew growing up. That is not the America I want us to have today. So I want to talk some about fiscal irresponsibility.

□ 1715

For years I heard Democrats being called tax and spend liberal Democrats. It became a buzzword, something that most folks didn't like, including me. But after I got here, I realized we needed to change that phrase. It needed to be changed to borrow and spend liberals, borrow and spend liberals, and mismanagement and spend liberals. Those are Republicans that I am talking about folks, not Democrats. Because during the Clinton administration when President Clinton left office in 2001, the deficit of this Nation was a little over $5 trillion. Today it is $8.4 trillion.

Also the Clinton administration gave this President over $230 billion in surplus that could be used to start paying down the debt. Let's take $200 billion in surplus. Over the last 5 years, that is a trillion dollars we could have paid down on our debts. Instead, what have we done? We have gone from $5.3 trillion to $8.4 trillion. That is a $3.1 trillion increase.

Just think, if we had managed government as it was managed during the 1990s, with budget restraints in place, similar to the ones that the Blue Dogs are trying to get passed, those 12-point items, think of where we would be today if we continued with $230 billion in surplus. We would be $1.25 trillion less in debt. We would now owe a little over $4 trillion instead of $8.4 trillion.

Whose fault is it? It is the mismanagement of this group. How is that the case? Because during the Clinton administration, during the last years it was 18.4 percent in gross domestic product that was being spent at that time under the budget restraints that we lived under, pay as you go. Today it is 20.1 percent, the gross domestic product.

Let me repeat those figures. The last year of the Clinton administration, it was 18.4 percent of the gross domestic product that America was spending on government. In this administration for the last 5 years, it has grown, the gross domestic product, numbers have increased obviously because we have seen the gross domestic product increase, but the number is 20.1 percent.

Does that tell you that somebody is fiscally conservative? It doesn't to me. Folks talk about commonsense approaches. Commonsense to me is the application of knowledge based upon your experiences of life.

We have too many blue blood trust fund owners in this Chamber that don't understand how to manage money. If you have that trust fund, you don't need to worry about where your next dollar is coming from. It is coming from the labors and fruits of your parents or grandparents and the blue blood trust fund boys and girls in here don't know how to figure out how to balance the budget. Some of us have had to work all of our lives, and we know when you spend that hard-earned tax dollar of those that we are extracting it from, that it is a sacrifice from them.

It is my hope that this Congress wises up and stops being as partisan as they quite frankly have been and start addressing the issues in a transparent way with oversight and accountability.

Ms. BEAN. Mr. Speaker, I think Congressman DAVIS makes a fine point because I think it is one of the reasons so many of our constituents feel disconnected from Washington. They cannot relate to what is going on on the Hill. Most of us come from a real-world background. We have run businesses, and we have certainly run our personal finances in such a way that you could never manage the way we are mismanaging our Federal dollars.

We are now borrowing $26 billion per month. That is an outrageous figure, and it is highly irresponsible. As a result, we are spending $15 billion per month just on interest payments alone. There are so many good works we could be doing in government if we were not being so fiscally irresponsible. This is reckless borrow and spend profligacy.

To go back to what Congressman ROSS mentioned, those mobile homes were well-intended to help people who needed temporary housing in the aftermath of Hurricane Katrina. Are those being utilized? No. We don't as a Congress historically look back. We are not using legislation like Congressman TANNER's to audit and use performance measurement criteria, to see that if we are going to make the investment in those mobile homes, someone is actually going to live in them.

The concept of return on investment, something in the business world that we live by, is just absent from this Congress. The American public expects us to do a better job in that regard.

Mr. DAVIS of Tennessee. So what you are saying is that we need an audit of America, just like we would our businesses.

Ms. BEAN. That is exactly right.

Mr. DAVIS of Tennessee. I agree with Congressman TANNER on that. Just audit America and we will figure out what the problems are.

Mr. BOYD. Mr. Speaker, I think it is important for our people back home to understand that Congress appropriates the money for the executive agencies to spend. Of course the President has to sign those appropriations bills and put them into law and then the executive agency spends that money. But it is inherent upon us, and the framers of the Constitution presumed, that Congress would then provide oversight to make sure that the executive agencies were spending the money like it was designed to be spent by Congress or desired to be spent and not wasting it and that is where we have gone wrong with this.

It could have happened maybe with the other side, but you have one party controlling the White House, the House and the Senate; and the House and the Senate seem to have just abdicated their oversight responsibility.

Why couldn't we have hearings to find out about those six Mercedes and over $6 million? Why couldn't we have hearings to find out about the FEMA mismanagement?

The Department of Defense is the worst. There is an article that was published in Vanity Fair this month that I could commend that talks about some of the corruption going on in this government. And the reason for that it basically says is because Congress has abdicated its oversight responsibility, and in many cases the Department of Defense has been complicit in just allowing these things to go on without asking the tough questions.

Mr. DAVIS of Tennessee. When you talk about our national defense, I want to talk about Iraq. In Iraq, the maximum petroleum that was being produced in Iraq was 3.5 million barrels a day. That is over a billion barrels a year. At $70 a barrel, it has been running $60 to $70 a barrel for the last year almost, you are talking about $60 billion to $70 billion. Where is that money going, Mr. President? Where is that money going, Mr. Secretary of Defense? Where is that money being spent? Are we producing that as we told the American public we would be?

I understand it is down to a million and a half barrels; but even at that, we are still talking in terms of $30 billion to $40 billion. Why are we still sending money to help rebuild Iraq?

I think there are many things that we need oversight on, and the mismanagement that we are seeing of this administration and of this Congress is something that every American ought to be screaming about today.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Tennessee (Mr. DAVIS), the gentleman from Tennessee (Mr. TANNER), the gentlewoman from Illinois (Ms. BEAN), and the gentleman from Florida (Mr. BOYD) for joining me for this Special Order this evening.

Mr. Speaker, we are here to demonstrate that if given the opportunity as Democrats, we are prepared and ready to lead this Nation. We are prepared to lead this Nation in restoring fiscal responsibility and accountability to our government. We are not just here to point out what is wrong with this Republican administration and Republican Congress. We are here to offer up real commonsense solutions to fix these things.

We have talked about them in the last hour, the 12-point reform plan for curing our Nation's addiction to deficit spending through budget reform. We have talked about Mr. TANNER's bill, House Resolution 841, to require congressional hearings when a Federal Office of Inspector General report documenting fraud, waste, abuse or mismanagement in the government results in a cost to the government of at least $1 million.

We have talked about the need for other ideas that we have that we are advancing, like the idea of the gentleman from California (Mr. CARDOZA) with H.R. 5315, a bill that would require a Federal agency to produce an audit within 2 years that complies with the standards established in the Federal Financial Management Improvement Act of 1996. If they can't do that, the Senate would hold reconfirmation hearings on any Cabinet-level official whose agency cannot fully account for its spending within 2 years.

Mr. Speaker, this past hour has been about accountability. It has been about our government being accountable for every tax dollar it spends.

Mr. Speaker, as members of the Blue Dog Coalition, we are ready, willing and able to lead this Congress if given the opportunity.

Mr. DAVIS of Tennessee. We call this the Blue Dog Coalition, not Blue Dog Democrats. We are all Democrats, but we invite the Republicans to join us so we can bring some sense to this fiscal irresponsibility. I hope some Republicans will join this coalition because it is not limited just to Democrats. Most Blue Dogs are conservative Democrats, at least when it comes to fiscal matters. And we are also hawks on defense spending, so we invite Republicans to join us.

Mr. ROSS. I appreciate the gentleman making that point. We would welcome Republicans to join us. We would welcome an opportunity for Republicans to give us a hearing and a vote on these bills that we are trying to submit to restore some fiscal discipline and commonsense to our national government.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the profound honor to address you in this Chamber. It is a privilege that has been experienced by only a small number of Americans throughout the years.

I come to the floor this afternoon and evening to address the issues that are important to us today. I intend to bring up the issues that have to do with our border control, border security and enforcement of our Nation's laws, and to talk about the facts behind them, the reasons that the American people clearly see this issue as a necessity for enforcement, and the reasons why establishing a guest worker/temporary worker plan in the middle of an unknown set of circumstances with regard to enforcement simply has too many hypotheticals involved in it to be able to build a good logical plan.

And to make that case, I would state that there are times in one's life when we are called upon to make large decisions, decisions that have tremendous impact, decisions that reflect and echo across through the generations. It might be the generations of our family, it might be the generations of our neighborhood. In this case, we are talking about the generations of Americans for a long time to come.

There are two opposing competing forces in this immigration field today. One of them is this powerful force that is the heart and soul of the center of America, that we need to enforce the laws that we have. We need to control our borders. We can't be a Nation if we don't have a border, and we can't call ourselves a Nation if we don't enforce our border.

That is something that is a basic fundamental that the American people know. They may not sit down and articulate it every day. They may not actually intellectualize it. They may not go back and read all of these immigration laws that we have. They may not look back and see the responsibility we have constitutionally to establish immigration laws here in this Congress. They may not do all that. They might just have a subliminal sense that is what we should do because it is common sense; it makes sense. To some it is in their gut instead of their brain, but they can trust their gut because their instincts are right on this.

They understand we have to enforce the laws here in America; and if we don't do that, we won't be forever America. That is the position on the enforcement side. That is in one corner of this prize fight debate going on across America.

In the other corner are the people that say that they are for a policy for guest worker, temporary worker. They are for a policy of amnesty by any other name, but amnesty. They have been seeking for years now to redefine the term "amnesty." You can look it up in the dictionary, but the definition I keep being told I should accept is the argument of what would not be amnesty. It would not be amnesty if someone came into this country, broke the law to come in here and broke the law to stay here, and they stayed here a long time, 5 years or more. Their roots went down. They made some money. They sent a lot back to their home country. They started a family. Maybe they bought some property. Maybe they are a valuable employee to an important business that is in the community. They sent their roots down.

Now, they are law breakers. Whether they overstayed their visa or whether they jumped the border illegally, they broke the law. So then the argument is it isn't amnesty if you just say to them we think you are a pretty good citizen, other than the fact that you broke the law. We would like to just give you amnesty, but in order to avoid this argument, because we know Americans reject the idea and the concept and the real definition of amnesty, we are going to redefine it. So if you just pay a fine of $1,500 or $2,000, or the Senate kind of ratcheted it up in some cases to as much as $3,200, if you just pay the fine, that takes care of your punishment.

☐ 1730

So it is no longer going to be amnesty because you have paid a price for breaking the law. I would submit, Mr. Speaker, that it is not necessarily so much as pay the price as that it puts these people on a path to citizenship.

The Senate language does that. The path to citizenship is an objective that is more than was asked for by the people who came here illegally. Many of them just wanted to work here and make money and send their money back home, or save money and go back to their home country and perhaps retire. But we are offering them the plum of citizenship for a price. And the price is maybe $1,500 or $2,000 or $3,000 or $3,200. But citizenship for a price.

And that price, I believe, is cheap; and I think it cheapens the citizenship. Citizenship should be sacred. It should be precious, and it is to those who are Americans by choice, who got in line, waited long years to come into the United States, came here, learned to speak English, learned to write English, learned about our history, learned about our culture, learned about our civilization and went through that process of naturalization and became Americans by choice, naturalized American citizens.

And I have had the privilege to speak at a number of those naturalization services in my district. And those are some very, very proud days for me, Mr. Speaker, but they are far more, as far as proud days are concerned, for the naturalized citizens. That is a highlight of their life. And in their lifetime, of the things that matter to them, the day of the citizenship ceremony stands out. It stands out and maybe stands with the day they get married perhaps, maybe the day of their first-born child, those kinds of milestones in life.

The naturalization service and ceremony is a milestone that stands with the very finest events in our lifetimes. And so those people that came here and became naturalized citizens, they don't want to see amnesty for people who jumped the border to get here or broke the laws to stay here. They know what amnesty is, and they don't want to see their citizenship cheapened by having it for sale, putting it up for a $1,500, $2,000 or $3,200 check.

What price citizenship for America? Priceless. But you have to demonstrate that you are going to respect the laws and live by the rule of law.

And so, some time back, I went to a groundbreaking ceremony for a, it was an $81 million expansion of a plant in my district. There was an individual there who was protesting me, and his signs said things such as, I am a former or a current illegal immigrant, and I believe that we ought to give amnesty to these people that are here illegally, and they should have a path to citizenship—different phrases to express what I have just said.

And so I find out afterwards that he is not shy about saying he is also a former illegal immigrant who was granted amnesty in the 1986 amnesty that was signed by Ronald Reagan.

So here is an individual who jumped the border, came here illegally, living presumably in the shadows. 1986 rolled around, and by the stroke of a pen over at the White House, he and more than 3 million others received amnesty. Now he is out protesting in the streets, declaring that 10 or 12 million or, more appropriately, 60 to 90 million people should have the same path to citizenship that he achieved by the stroke of a Presidential pen 20 years ago. And he is advocating that people break the law, jump the border, come here and make demands on American taxpayers and demands for a path to United States citizenship after they have shown contempt for the laws of the United States of America.

And their first act was to break the law of the United States of America. The very first moment they set foot on this soil across that border, they broke American law. And they march in the streets and demonstrate in the streets, with flags from other countries often, and argue that they are not criminals.

But I would submit, Mr. Speaker, that if they cross the border illegally, they are guilty of a criminal misdemeanor. By definition, it is a criminal misdemeanor punishable by less than a year in jail. I think it is 6 months, actually. But that is a criminal misdemeanor. That makes them criminals if they are guilty of this crime.

It isn't the Congress that has passed a law in H.R. 4437 that makes them criminals. That would make them felons. And they are arguing that they are not criminals.

Yes, they are. They are criminals. They haven't been adjudicated to be criminals yet, but they admit to their criminal action. They just say, don't call me a criminal.

Well, respect our laws, please. And if you do that and you don't break our laws, then we won't call you a criminal. And, in fact, we wouldn't be moving legislation that would identify felons either by that standard, Mr. Speaker.

And so people who are granted amnesty, who have broken our laws, have contempt for the rest of our laws because they have profited from breaking our laws. And that is the wrong kind of reward. If we reward lawbreakers with citizenship, what are you going to get? More lawbreakers.

The same Ronald Reagan that only let me down about twice in 8 years in office, and I have mentioned one of those times. That same Ronald Reagan said, what you tax you get less of. What you subsidize you get more of. And you know if you subsidize lawbreaking you are going to get more law-breaking, Mr. Speaker, not less. You aren't going to be able to draw a line in the sand and say now we are not going to tolerate any more law-breaking.

There is no will in this country right now within the administration to enforce the laws we have. And the White House is working against the laws that we are trying to pass asking for more enforcement. And they are working with McCAIN, KENNEDY, HAGEL and MARTINEZ over in the Senate, working on their version of amnesty, saying we are for this. We are opposed to amnesty, but we think we ought to be giving people a path to citizenship who broke the laws to come here. They just should have to do this rigorous process of moving towards American citizenship and finding this path to citizenship, and it includes learning English and keeping a job and paying some of your taxes.

That sounds like a lot, doesn't it? Paying some of your taxes should give you a path to citizenship, not all of your taxes, some of your taxes, 3 out of the last 5 years. You pick the 3 years to pay the taxes in.

Well, I would like to be able to do that. I had a couple of good years out of the last 5. I would like to take those out and say, send me my money back, Uncle Sam. That was a little tough on me. And I want to do this. If we are going to give this to people who broke the laws to come here and who aren't paying any taxes, to offer them, you pick the lowest 3 out of the last 5 years and pay your taxes, and we will give you this plum of citizenship, I think we are going to have millions and millions of people who don't pay any income tax at all.

In fact, we have that today. So this function of just pay your taxes 3 out of the last 5 years, it will be okay. That is not amnesty. I am saying that, itself, is amnesty to not require them to pay those taxes.

Another argument that is in the Senate bill is, well, they have been here working, they have been paying Social Security taxes, so surely you will want to grant them credit for the money that they earned so that they can collect their Social Security and put pressure on that system when they reach that retirement level.

Mr. Speaker, they earned the money illegally. If they weren't here working here legally, their earnings are not legal either. And to reward them with a retirement fund when our Social Security is going to go bankrupt if we don't overhaul that Social Security, and on that case, the President has been right all along, the need of a personal retirement accounts, need to overhaul Social Security, put more pressure on it because the Senate somehow believes it is not fair.

It isn't just if we don't grant people that have been working here against the law the benefits that come with that in the form of retirement and SSI. Their families are going to benefit from this as well, the death benefit that goes along with it, the disability benefit that comes along with it, because they have been earning money under a false Social Security number. And somehow we are going to ratify and certify and give people a benefit for having broken the laws of the United States of America. That is wrong, Mr. Speaker.

And so, Social Security is one piece of this. And putting citizenship up for sale is another piece. And how do you determine the value of that citizenship? Do you grant that by what is a coyote charging today? Is it $1,500, $2,000, $3,200 in order to get passage into the United States illegally? Whatever that price is, it seems to be indexed pretty closely to the price that citizenship is for sale over in the United States Senate. That is how I would describe what is going on here: citizenship for sale in the United States Senate, running contrary to the rule of law, undermining American values, weakening our entire culture and building, not shutting off the jobs magnet, but turning on the current to the jobs magnet with even more amperage, Mr. Speaker.

Because once this carrot of citizenship, this path towards amnesty that would be granted under the Senate language happens, there will be untold millions more come across the border that want to come here and take advantage of the amnesty that has been offered, or if they aren't able to get on that particular bandwagon, then they will want to take advantage of the next inevitable amnesty that will come along.

There have been seven amnesties in the last 20 years. We talk about the 1986 amnesty; there have been six others. Smaller, lesser, they came about because we missed some people in 1986, so we had to pass a few more amnesties to catch up and kind of clean up those people that are here in this country.

And the promise in 1986 was, well, but this is the last time. This time we really mean it, in 1986; this time we are really going to enforce the law. This time we are going to make sure that we seal and control our border. This time we are going to be 100 percent confident that the Federal Government is going to do their job. 1986.

And, you know, there was some enforcement going on in 1986. And it didn't take very long before we had a new President and then another new President, and then in 1992 we got President Clinton. And I was appalled at the lax approach that President Clinton had in enforcing our immigration laws. That is when I started to pay attention because I saw that there were people that were being naturalized before the 1996 election, particularly in California, perhaps a million of them, who were hustled through the process and went to the polls and voted. And they knew their duty. Go to the polls and vote. Vote for the President. That is the way you say thank you for getting hustled through the citizenship process. That was appalling to me. A million people, many of them in California.

Those people, some of them have, for want of a better term, matriculated to Iowa in order to, and gone to work there, and that is how I hear these things, they come up there, a million people.

Today, a million people sounds like chump change, Mr. Speaker. A million people coming into the United States quickly under the Clinton administration. But, the facts are, employers during the Clinton administration were far more likely to be sanctioned and punished for hiring illegals than they are today. Under the Clinton administration, they were 19 times more likely to be sanctioned by the administration for hiring illegals than they are today. The risk was 19 times greater. That is how much enforcement has diminished over the last 20 years.

1986 to 2006 enforcement of immigration laws has gone down to the point where it is almost nonexistent. Border control has not been anything that alarmed anyone in this administration until they got an alarm that they weren't going to be able to get their guest worker plan passed, and then that alarm sent out the message that said, we are going to have to position ourselves so that America sees that we are going to enforce the laws. So we have got a few more Border Patrol agents. We have got a commitment to send the National Guard down there. We have got speeches that talk about a virtual fence. And I would say that a virtual fence is not going to keep out the forces that are pushing on that border.

Now, I could talk about this border to significant lengths. I have been there about four times in the last year. But I think that those trips down to the border are far less than those that have been made by my friend from Colorado. And my friend from Colorado has been on this issue, I believe, his entire congressional life.

I have been on it my entire public life and before. I grew up believing in the rule of law. It wasn't something that we conceived of sanctuary policies, or we didn't think that because we were a municipality or a county or a State that we didn't cooperate in enforcing Federal law. Law is law and we have to work together at all levels to enforce all laws.

And issue after issue has been brought to this floor and before the American people by my colleague from Colorado, and I would be very happy and honored to yield so much time as he may consume to the gentleman from Colorado, Mr. TOM TANCREDO.

Mr. TANCREDO. I thank the gentleman, and I appreciate his efforts on behalf of the American people. I appreciate especially his efforts on behalf of those of us, well, in fact, the American people who are demanding that something be done here in the Congress of the United States to deal with the fact that people are coming into this country by the hundreds of thousands, in fact, by the millions. And they are coming in without our permission, and they are coming in without our knowledge, and they are essentially destroying the concept of the rule of law which is, of course, one of the building blocks of this great Nation.

And it is right that they should look to the Congress of the United States for some sort of action. And it is only because so much pressure has been placed on this body and on the Senate that we are seeing the kinds of bills coming forward that are ostensibly designed to deal with it.

I believe that the House bill we passed last December was a good step in the direction of dealing with illegal immigration. It was an enforcement-only bill. It did not provide amnesty to anyone who is presently here illegally. And that is the definition.

By the way, if you say to someone, let's get this straight, because this has really been the bain of our contest between the House and the Senate, in terms of what do we mean by "amnesty"?

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The President has said and many Members of the Senate have said that their bill and that their idea is not amnesty because it does not provide automatic citizenship to people who are here illegally. And you have to ask yourself, as we ask them all the time, What law dictionary did you ever read that had that definition of "amnesty"?

Amnesty is, of course, when you do not provide the penalty that is prescribed by the law that has been violated. That is amnesty. So if you have come into this country illegally, there is a law that you have violated. What is the penalty? It is, under the law today, that you be deported.

Now, when you say to people that we are going to disregard that; that you can, in fact, be here illegally; that we will ignore that entirely, that now you may have to pay a fine or may have to do a couple of other little things; and, therefore, what I am saying is not amnesty, that is wrong, and it should not be allowed to go without being called because, frankly, they are trying to confuse the American people. And they want to go out and tout some sort of bill that will be, "enforcement only," but it will have this component: It will have a guest worker/amnesty component. Every single one of the bills over there has that. Some of the bills that have been introduced over here have that particular component.

So it is our duty, and my colleague has done a great job on this, to identify the problems and pointing out when people over on our side, even, try to introduce legislation and, again, cloud the issue of amnesty, that we have got to be clear with the American people. This is far too important, and we cannot allow ourselves the great latitude that is designed in most of these bills to go out there and say we have dealt with immigration, because we have not.

You can see the fact that it is reaching a boiling point in America, and one way of determining that is to see what is happening in the States. And it is amazing because States now are taking on this issue because the Congress will not. States like Georgia and Alabama and Florida, and now we can add to the list Colorado, which recently passed a bill that came out of a special session called by the Governor. Now, this is amazing in and of itself, a special session of a State legislature. They had gone out of session.

The Governor called them back and said, You have got to deal with something here. And what was that something? Was it the prison system? No. It was illegal immigration, because, of course, the State of Colorado, like every State, is being impacted by this problem and impacted negatively. The costs are enormous. And so they were called into special session, and Colorado did pass a bill. By the way, a Democrat legislature that could not figure out a way to not pass it. I mean, they tried everything imaginable to avoid it, and finally they had to come to the point where they did pass legislation that will restrict social service benefits to people who are presently legally in the State of Colorado. And this is an amazing thing.

Like I say, Georgia has passed, I think, perhaps the best series of laws on this issue. The State of Alabama has contracted with the Federal Government in a memorandum of understanding saying that the State police will identify to ICE, the Immigration and Customs Enforcement, officials everyone they come in contact with who is an illegal immigrant and those people will in turn be taken away by ICE. That is an agreement they have come up with. Florida is following in their footsteps.

This is happening throughout the United States, and I am happy to see it. But it only points out that there has been a dereliction of duty here at the Federal level because clearly this is one of the constitutional areas that is clearly defined as Federal. I mean, it is our role. It is our responsibility. It falls on our shoulders.

Sixteen sheriffs along the border in Texas formed together an alliance to try to defend their border. I mean, what does that tell us here? They look to us for support. And one of the things they were asking for, by the way, was just financial aid so they could buy equipment and arms to be as well armed as the people they were facing on the other side of the border.

It is about time that we do something, but that something has to be substantive. It cannot be eyewash. And it is going to be our duty, yours and mine and others who care about this issue, to bring to the attention of the American public exactly what is going on here, the nature of the bills that are being introduced. We have to be very specific, and we cannot let people cloud the issue.

So I just again want to thank my colleague from Iowa for the yeoman's work he has been doing on this and the fact that he has done exactly what I have said. He has identified bills that have been introduced, even by our own colleagues over here, specifically Mr. PENCE, and explained why those bills are, in fact, also amnesty. I mean, that bill is, in fact, amnesty, and others like it have an amnesty provision to it that people can get citizenship if they are here illegally under those bills. Even though there are all these protestations to the contrary, the fact is that that is still what is being pushed. The other side will do anything to get a guest worker/amnesty plan, including the suggestion that it will all be done under a guise of enforcement first. We have to be very careful.

And I just, again, want to thank my colleague for his efforts on behalf of the people of this country on especially this issue.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Colorado.

It is important, I think, Mr. Speaker, that we are able to hear that direct message from the Colorado State legislature. That is an amazing thing beyond the conception of us, I think, here a year or two or three ago, let alone four or five or six when this issue first came up. And I would even go back to my recollection in 1996, when Pat Buchanan ran for the Presidency and he said, I will call hearings. I will make sure we have a national debate on immigration.

And that was what we lacked in 1996. That is what Mr. TANCREDO has been working for for all of these years he has been in this Congress. We are at this point now where you cannot avoid a national debate on immigration. It is everywhere. It is in the coffee shop. It is at work. It is here in this Congress, Mr. Speaker. It is in our churches. It is in our homes. It is absolutely everywhere. And the reason is because it has gotten so bad that Americans are being personally impacted piece by piece by piece. They are standing up saying, What can I do within the jurisdiction that I have, within the resources that I have? How can I step in and fix this? And we have seen other States take action too. There have been 8 or 10 States that have had some kind of legislative immigration activity going on. And so I applaud them for that.

And the Minutemen. I had the privilege to go down to the border of Arizona and Mexico and help build some fence to get some of that project started. And I happen to have a list of 25 Members of Congress that would be happy to help put some fence up to be able to control this border.

But I want to lay a little groundwork for that before I yield to my colleagues. And that is this: that an administration that had the determination to shut off the jobs magnet and enforce the laws at our borders; if we had the ability and the will to enforce our borders and shut off that jobs magnet, and add into that shutting off birthright citizenship, which is another magnet that brings people here and starts that chain migration for up to 350,000 babies every year that should not have been born in the United States of America, those kinds of decisions from an administration that was committed could have kept this under manageable proportions.

But what really has happened is that lack of commitment has allowed for a lack of enforcement. The lack of enforcement, that message echoes through the entire countries south of our border, on the Rio Grande and at our border with Mexico. When that happens, it magnetizes and more people come into the United States.

Now we have a situation where 4 million people a year pour across our southern border. Four million. And I went down there and repeated what the Border Patrol tells me here in hearings, that they stop perhaps 25 to 33 percent, a fourth to a third of the illegal border crossers. And they are not very free about talking about what percentage of drugs they interdict coming down there. They will talk about the tonnage, but not the percentage. They say 25 to 33 percent of the border crossers they stop.

And I say that to the Border Patrol people who are down there sitting in a nice quiet place where they do not have to worry about a superior listening in on them. And some of them laughed when I said, You are stopping 25 percent, maybe 33 percent? Some of them laughed. None of them said yes. One of them went into hysterics and said, 25 percent? We are not stopping anywhere near 25 percent.

I asked them all what is the number. The most common number I got was perhaps 10 percent. I had one of the high-level investigators tell me we stop about 3 percent of the illegal crossers and about 5 percent of the illegal drugs. But the power and the force of this is just awesome. It is $65 billion worth of illegal drugs coming across our southern border, and that is a powerful force, Mr. Speaker. That force is so powerful that even if we shut off all illegal people coming across the border, even if we shut off the jobs magnet here in the United States, even if we end birthright citizenship to shut off that magnet, that does nothing to shut off the $65 billion worth of illegal drugs.

And that is why we have got to build a fence, and that is why we have got to build a wall. That is not an administrative decision on whether to enforce or not, whether to deploy people or not, or whether to actually arrest them and prosecute them. That is a physical barrier, not an administrative decision. That is why it is important, Mr. Speaker.

And I would be happy to yield to my friend from Virginia who raised this issue with a powerful voice on immigration.

Mr. GOODE. Thank you, Mr. KING. I want to thank you for having this hour to address this most important topic. I also want to thank Congressman TANCREDO for his tireless efforts over about an 8-year period.

I was thinking the other day when the Immigration Reform Caucus first started that there was a handful of Members, and I believe it was around 1998 or 1999 when it first began. And now I think there are over 100 Members in that caucus. Well over a third of the House is in the Immigration Reform Caucus. And the issue received very little attention prior to September 11. After that the issue received greater attention.

I will have to say that I remember the days in the late 1990s when Mr. TANCREDO would come over here, and others who would talk on this issue, and it was almost as if he had leprosy. They did not want to talk about the issue. But the issue is probably the burning issue in the country today. If not, it is certainly in the top three.

And I want to thank Mr. KING, Mr. TANCREDO, Mr. MILLER, Mr. GINGREY, Mr. WILSON, and a number of other persons that are here tonight focusing on this issue which is so crucial to the future of the United States of America.

If the massive invasion is not stopped, we are going to be flooded to the extent that we will drift into third world status. For our children and for our grandchildren, we cannot fail on this issue.

You mentioned magnets, and that is the reason so many come.

Let us talk for a minute about amnesty. In my district there are some persons, I am pretty sure, here illegally, in the United States, and it is common sense, street talk about why they come. They say if we can get across the border, swim the Rio Grande, or walk across the mountains, avoid the dangers and the pitfalls of the gyrating temperatures, if we can get to this country and we just stay here a few years, history tells us we will get an amnesty and we will be okay. We can avoid the checks that all the others go through. We can avoid the background checks. We can avoid the health checks. We can avoid the security reviews that going through a regular visa process or becoming an H–1B or an H–2B or an H–2A worker involves.

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Amnesty is the magnet. Other magnets that you mentioned are anchor babies who get benefits in this country and employer deductions for employees, even if they are here illegally, which Mr. KING is addressing. There are a number of other magnets, but probably the biggest magnet is the notion, if I can get there just for a little while and stay a couple of years, I will be safe; I will never have to go back.

There will be some in that body across the hall or in the executive branch down at Pennsylvania Avenue saying there is nothing we can do; they are here now, we cannot be firm. But I would submit to you, as some of you on this issue have stated in the past, if we were to draw a line in the sand and say the Senate bill that includes amnesty would never become law, we will never have it in this country, we are putting a line in the sand tonight in saying no amnesty under any conditions, those that marched in by the tens of thousands would likely march out by the tens of thousands because they would know then that their hope for an amnesty like that which occurred in 1986 and like that which occurred under President Clinton would not happen again.

Failure to address this issue with firmness and forcefulness is creating a dangerous situation in this country. We have all talked about how those who would do us harm can infiltrate and become part of the flood that rolls into America day after day, hour after hour, and week after week. We must secure our borders.

We only have to look at the prison population in the United States. I serve on the Commerce, Justice, State Subcommittee of Appropriations. The head of the Department of the Federal Bureau of Prisons testified before our subcommittee just a couple of months ago, there are 189,000 persons incarcerated in the Federal penal system. Of that 189,000, 50,000 of them, according to him, are illegal aliens. Think how much we could reduce the Federal prison costs if we had no illegal aliens in this country. Think how much you could reduce local jail costs and State prison costs. That percentage of incarcerated illegal aliens far exceeds the percentage of illegal aliens in our current population.

I would like to close by mentioning deficit reduction. I hear many persons across the 5th District of Virginia, around the Commonwealth and in other parts of our country say, we need to get the deficit under control, we need to be in a position in this country of not having a deficit. When you add up the impact of illegal immigration on our local governments, our State governments and our own Federal Government, you are talking around $70 billion per year, and that is probably a low estimate.

Stop illegal immigration by saying "no" to amnesty ever, and by adopting a number of the measures that the fighters for border security support, and we will go a long way towards ending the deficit in this country.

Mr. Speaker, thank you for this opportunity to address you.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODE) and appreciate particularly the strong voice that you have been, solid and consistent and strong. I remember you were at one point saying, I want a wall and I want it 2,000 miles long and I want it from San Diego to Brownsville. I am looking forward to the day when that last mile gets built, and by then maybe we will have the kind of border security that we need.

But Californians have a long experience with the border control issue, and one of the leaders on this issue is the gentleman from California (Mr. GARY MILLER), and I am very happy to yield to him.

Mr. GARY G. MILLER of California. Mr. Speaker, thank you very much for yielding.

I represent the 42nd Congressional District in California, and for those of you who have not been to California, I do not truly believe you understand the concept of illegal immigration.

When I hear my colleagues, and individuals I consider friends, they get up before us and say, a guest worker program is needed to fill those jobs that Americans will not do, I guess you have to define what are the jobs we are offering Americans. What wages are they offering Americans to work is probably the best question.

The National Journal, in fact, did a study that I know determined in 1973 that the average manufacturing job in nonmanagerial service work paid about $15.24 an hour. At that time, you could get a job in construction, in manufacturing, most businesses. A man or woman could afford to own a home, send their kids to school, live a good, quality life and plan for the future. The problem was that in 2004, those jobs that in 1973 paid $15.24 an hour, paid $15.26 an hour.

Talk to the individual who was a carpenter, who was a plumber, who poured concrete, who did masonry, who was honorably employed by a manufacturing company, that was paid good wages, and you saw this dramatic change start to occur during the recession in California of the 1990s. All of the sudden things were tighter. People started hiring individuals here in this country for a much lesser wage than the American citizen was willing to do that job for.

A good example, I remember seeing dry-wallers being laid off and an illegal being hired. It is not that illegals are bad people. By and large, they are really good people. They are just trying to come here to better their lives. So it is not a matter of race or discrimination. It is just the fact that can the United States accept all the poor that this world wants to send here? And if we decided to do that, why not accept them from India? Why not accept them from Asia? Why not accept them from anyplace in the world and double, triple, quadruple our population if we are just going to be benevolent and accept people who are poor and want to better their lives?

But the problem you have, and this is back to the dry-waller, then you see an illegal hanging dry wall and his wife and kids are going behind him nailing the dry wall off to get the job done quicker so the husband could produce more at a much lesser rate than the American citizen was paid before.

Now, how do you explain that to the American who was born here, who was educated here, who perhaps does not want to put a suit and tie on to go to work in the morning, who wants to work with his hands in that job that he is very capable of doing, but cannot afford to do for the reduced rate that an illegal is willing to work for? How do you tell that man he cannot support his family, educate his children and cannot afford a home anymore?

In the National Journal, it is not me saying it, it is them saying it, that over 30 years later we are paying 2 cents per hour on average more than we were paying in 1993. I do not think Members of Congress who, as I say, get up and put a suit on in the morning and wear ties understand that people working for a living in this country are those who are most impacted by what we have done.

We have to hold employers accountable. For an employer to say, well, I just do not know: well, that is unrealistic, because we have a pilot program today that any employer in this country can go verify whether that individual is a citizen or not. If you are unwilling to do that and you hire questionable employees that you know or you suspect are not here legally, you are violating the laws of this country. The sad thing is, the violation of that law is hurting American workers who would love to have that job.

Are there some jobs in this country that I think we maybe need to look at? I think after we enforce the current laws that are on the books, or we pass new laws to stop illegal immigration, then let us look at the jobs that we do need to fill. I do not think there is an argument by many people that the agricultural industry, farmers, are probably going to need some labor. We have needed them historically since World War II, and before we had a program that took care of that.

So there are certain industries, whether it be landscaping, gardening, I do not know if we have got to have them for food services, but I think there are certain industries where we are probably going to recognize that we do need some guest worker programs.

But to come in with a concept, let us just have a guest worker program for anybody who wants to hire somebody at a wage an American citizen is not willing to work at is an absolutely unreasonable approach to a very real problem that is not getting better daily.

We talk about an amnesty program, which is what I consider the Senate bill to be. In 1986, we allowed amnesty, and what did it get us? Nothing. It created more citizens of those who were here illegal, but we did nothing to enforce the law after we allowed amnesty for those that were here illegally.

The American citizens, the people I represent, do not believe us anymore, and they do not believe us for good reason. What we told them that we were going to do in 1986 we did not do.

I think we need to go pass a law today, a new law that is strict, enforceable and specific on what we are going to allow and not allow. We need to prove to the American people that we are going to send law-breakers back and we are going to hold employers accountable for hiring people that are here illegally.

Now, one argument that I hear repeatedly is, well, what are you going to do with all the people that came here illegally? They came here for a job, and if there is no job, they will go back home. The government does not need to provide buses. The government needs to remove the incentives that allow people to live here.

There are many. We need to crack down on employers, number one. We need to prohibit access to credit and financial service. We need to prevent illegals from gaining access to food stamps, low-income housing and health care.

I cannot go to Mexico and buy a house. They will not allow me to. Well, why should somebody come to this country illegally, violating the laws of this country, and be eligible to do something that they will not allow us to do in their own country?

Can you imagine going to Mexico and saying, I want a ballot printed in English? I want you to teach my children English in school? I want you to provide free health care at the emergency ward at the hospital for them? And I want you to allow me to stay here when you know I am staying in violation of your laws?

If I go to Mexico illegally, they will arrest me, confiscate my assets and deport me immediately. Those who come here from those countries act like we are being abusive when they came from a country where they have not in any way tolerated what we are told we have to tolerate here.

Now, it does not amaze me that when we send a bill out of the House to stop this problem, that Mexico and South American countries would oppose it. Well, why would they not oppose it? It does not benefit their interests. Their interests are sending anybody to this country, helping them come to this country, provide information to them to come to this country so they can earn money and send it back to their home country. Well, that is wrong.

This is the Congress of the United States of America, and this Congress should protect American citizens first, understanding that in South America and Mexico there are very good people. They are our neighbors; there is no argument about that. But if they want to come here, they should come here the same way I have gone to their country; and that is go there with a visa, go there with a passport, and when I am through, I come home. I cannot just overstay my welcome as long as I deem that I should be there. I have to come home or they will send me home.

We welcome them into our country if they want to come on vacation, come to visit their families or come to do what they want to do, but at the given time, you go home and you do not come here illegally to get a job thinking you are going to stay in violation of the laws this country has placed upon the books.

Now, we are either a country of laws or we are not a country of laws, and today, we do not enforce the laws of this country at all. This concept we have in the Senate bill of earned citizenship will absolutely bankrupt our social fabric in this country. We cannot spend $50 billion a year, as it is estimated, on those coming to this country who, once they become citizens, are eligible for every program on the social books that we have in this country. We cannot afford it. We should not tolerate it.

Go to California and look at the impact on schools. I have talked to teachers who said they are holding this class back because the bulk of the student body in that class do not speak English. Now, yes, it is a benefit to those kids who are here illegally because they are being educated, but it is a tremendous detriment to the children of American citizens who are being held back because the rest of the class cannot speak English to be moved forward.

☐ 1815

Go to an emergency ward in California. You will wait for hours. People go there that are illegal, cannot speak English, for a sprained ankle, for a headache, for a cold, for basic health care. That is not what an emergency ward is for. And who is paying the bill? The people who use the hospital, who are having to subsidize it because they are losing money treating illegals.

We are a compassionate country. There is no doubt about it. If someone is here and they have had an emergency and they need to go to the hospital, they should be treated. You should allow nobody to suffer, nobody to die, but you cannot tolerate 12 to 20 million people coming here with this concept that health care is free, because when they get it they do not have to pay it.

Well, you cannot blame them for that. The people you can blame are the people in this room, for not making sure the laws passed by this Congress are enforced in this country. We can no longer tolerate it. Once again, they are good people that are trying to get here, by and large not bad people. But the American citizen cannot afford it.

It is our responsibility, first of all, to protect and defend our borders. We are not doing it. And we should be concerned about the future of America and American citizens. Hopefully, when this debate continues and enough good people come here and talk about the impact on this country, we will fix the wrong that has occurred and make sure it does not happen again.

Thank you.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from California (Mr. GARY G. MILLER) for that presentation and that perspective. It is a little bit different one than I often bring to this debate, and very glad that it is here on the floor, Mr. Speaker, and am glad that it is something that the American people can pick up on as well.

Before I yield to the gentleman from Georgia, I am going to do the 2-minute drill on the King Wall on the border. I come to this conclusion this way. As the gentleman, Mr. MILLER, made the statement that people come here and work and send their money back. And that dollar figure now is $20 billion that gets sent out of the labor here in the United States. Many of it is the labor of the people that are working here illegally. $20 billion to Mexico. Another $20 billion to Central America and the Caribbean. $40 billion out of this economy being sent out by people who come here that undercut the wages of American people.

$40 billion going south. $65 billion going south to pay for the $65 billion dollars worth of illegal drugs that come across our porous border. And they used to take that, and maybe still do, bring in some of those drugs on semis. There are places that the border is not even marked. So they can drive across the desert; they can drive their own road. In New Mexico, for example, the border, you would never know you crossed the border there, because when they finally set that border up, they set one of those big old big brass transits, probably not a lot different than Lewis and Clark had back in those days, and looked across at the horizon and put a concrete pylon up on top of the highest point of the horizon, lined up on that and then said, okay, now we will go to the next horizon, put up another one. That is all that is there.

And so there are roads that are made that cross the border a lot of places; the channel of the Rio Grande River gets driven across a lot of places. A place that is infamous, now called Neeley's Crossing, where they bring drugs across there and defend that border and threaten Americans that want to seal that off.

All this is going on, Mr. Speaker, and a lot of it is not just the force of people that want to come here for a little better life, not people who just want to pick lettuce or tomatoes or go work in a sheet rock crew or whatever it is, but $65 billion worth of illegal drugs.

So whatever we might do to shut off the jobs magnet is not going to shut off those illegal drugs. That is another force. And that force is far more powerful than the desire for people to change their lifestyle.

So when I go down there and sit on that border, what I do is I have come to this conclusion: we cannot shut that off unless we build a fence and a wall. I want to put the fence in, but I want to put a wall in. I designed one. And this just simply is the desert floor. Put a trench in that desert floor.

We have the ability to put together a machine that would be a slip-form machine that would lay a footing, about like this, Mr. Speaker, if I give you a look at the end of that, so you would have that about 5 foot deep underneath the ground. That would keep the wall from tipping over.

We would pour a notch in it that allows us to put precast panels in. It would look like this, only this would be flush with the desert floor. And then you would bring in precast concrete panels, 10 feet wide, 13½ feet tall. They would construct it to be a 12-foot finished wall, just like that, Mr. Speaker.

Drop these panels in together, in this fashion, just take a crane and drop them in. Arnold Construction Company could build a mile a day of this pretty easily once you got your system going. And it is not all going to work, the whole 2,000 miles are not going to work that way, but a lot of it will work this way, Mr. Speaker.

And so just to wrap up this construction, this would be an example then of how that wall would look. Now you can also, you deconstruct it the same way. You can take it back down. If somehow they got their economy working, and got their laws working in Mexico, we can pull this back out just as easy as we can put it in. We can open it up again and we can open it up and let livestock run through there or whatever we choose.

I also say we need to do a few other things on top of that wall, and one of them being to put a little bit of wire on top here to provide a disincentive for people to climb over the top or put a ladder there.

We could also electrify this wire with the kind of current that would not kill somebody, but it would be a discouragement for them to be fooling around with it. We do that with livestock all the time. So I submit we build a wall like this, we do it for as many miles as we can, as many miles as we need, but it is roughly going to be 2,000.

And when you do that, then the Border Patrol that we are spending $8 billion to protect 2,000 miles of border, $4 million a mile, we can build this wall for about $1.3 million a mile. If we do that, then that frees up our forces to be effective. And this would force the traffic through the ports of entry rather than across that vast open space that we have between San Diego and Brownsville.

This will be economically feasible. The $4 million a mile, we can make an investment of about $1.3 million for each mile, and that is only one time one year. Otherwise, we are paying Border Patrol $4 million a mile every single year. What do we get out of it? $65 billion worth of illegal drugs and 4 million people coming across the border. This will shut off almost all of that. This will direct almost all of it through our ports of entry.

Those are the reasons, some of them, not all of them, Mr. Speaker, on why we need to build a wall. But in the brief time that we have, I want to make sure that I can yield to the gentleman from Georgia who has been such an eloquent voice on this issue.

Mr. GINGREY. Mr. Speaker, I thank Mr. KING very much for controlling the time in this hour. I thank him for yielding, and certainly Mr. MILLER and Mr. TANCREDO, Mr. GOODE and others that have spoken during this hour. Those are the eloquent voices on this issue. They are not crazy voices. They are voices that are basically saying, you know, we got laws in this country and we need to enforce them.

We need to secure our borders first and foremost before we consider any other options in regard to things like a temporary worker program or what to do with the estimated 12 million people here that have been in this country for various and sundry periods of time illegally, most of them working, yes. There is no way in the world you can determine really how long they are here because of fraudulent documents.

But the ideas that have been proffered, like the idea that my friend from Iowa has suggested in regard to this, because I do not know if we need a fence, Mr. Speaker, for 2,000 miles all of the way from Brownsville to San Diego, but we definitely need some fencing. There is no question about it. There are certain areas of our southern border that you cannot control without the type of fencing that Mr. KING has described.

And we need to do that. In fact, in this body, in this House of Representatives, in our bill that we passed, actually we passed two bills over the last couple of years, the first one being the REAL ID Act, which is exactly what the 9/11 Commission has asked for, that bipartisan commission in unanimous fashion, we responded to exactly what they were asking us to do in the REAL ID Act.

Then we followed up with the Border Security Act toward the end of 2005, calling, Mr. Speaker, for 750 miles of fencing, not 2,000, but 750. What does the Senate do? They come along with a bill that calls for about maybe 300 miles of fencing, at the very most 370 miles.

My friend, Mr. KING, who has been such a strong advocate on this issue of border security knows that that is totally, totally inadequate, particularly if you are talking about the dense population centers below our border States. I know in the REAL ID Act, we finally completed 14 miles of fencing at the San Diego border that the environmentalists had blocked for years because of some endangered shrub the hordes of illegals that were crossing trample those shrubs down pretty effectively, taking care of any concerns that the environmentalists may have had.

But listen to some of the things that are in the bill on the Senate side compared to what we have passed on the House side. They would allow guest workers, so-called guest workers to be paid the prevailing wage. That is the Obama amendment, when American citizens do not have to be paid prevailing wage.

They expand the visa waiver program to countries in the European Union in good standing with the United States and allow the State Department discretion for adding new member countries. Mr. Speaker, we need to suspend the visa waiver program. We absolutely, after 9/11, this idea of saying that people can come into this country with a passport, no visa, and stay for 90 days, no way of knowing exactly who they are, just a routine stamp of a passport, and then they may or may not go home after that vacation or that summer that they spend in one of our colleges or universities, and we do not know where they are.

We need, and we called for this in the PATRIOT Act, we called for this in the 9/11 Act, that we knew, we could verify entry and exit. Until we can do that, the idea of expanding, Mr. Speaker, the visa waiver program is ridiculous.

The bottom line is this. I think the House has got it right. I think the Senate has it wrong. We need to secure our borders first and foremost. And no amnesty. I yield back. I thank the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman from Georgia. I yield back, Mr. Speaker.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come to the House floor. We would like to thank the Democratic leadership for allowing us to have this hour. The 30-something Working Group, as you know, comes to the floor if not daily every other day when we have the opportunity to do so, to share with the Members of the House initiatives and plans that we have on the Democratic side of the aisle that will make America better and stronger.

As you know, we have been on the message of a new direction for America, and we have been working very hard on that because that is the message that we have and that the American people are looking forward to seeing implemented.

So many times here on this floor, we talk about ideas and concepts, but they never really make it to the legislative debate, due to the fact that here in the House, Democrats are in the minority; and the majority has adopted a rule that there is not a true bipartisan spirit here in this House, only when we vote on post offices and naming bridges.

But when it comes down to policy, policy that is affecting the people that we represent every day, there is a great divide, a divide to where we are not sitting down at the negotiating table, in committee, in subcommittee, and definitely not sitting down before legislation comes to the floor in a conference committee to talk about what is best for America and how can we make it better.

The American people yearn and hope for Democrats and Republicans and the one Independent in this House to work together. I think it is important to outline the fact that our leadership has said if given the opportunity, earning the opportunity of the American people to lead, that you will see a bipartisan spirit, not only spirit, you will see bipartisan action in this House on major pieces of legislation dealing with health care, education, how we are going to balance the budget, just not talk on how to cut the deficit in half or we may cut the deficit in half, really breaking down the deficit so that we will not pay more than what we are spending and investing in education, homeland security, and veteran affairs.

That is why we come to the floor. And we start talking about a new direction for America, making sure that health care through prescription drugs, and also making sure that HMOs eliminate wasteful spending and a number of other reforms that should take place there so that we do not have so many Americans going into emergency rooms.

Also lowering the price of gas and achieving energy independence is one of our major goals. There was just a report that was released by the Agriculture Department that is now having some sort of discussion about ethanol and what we can use, how we can use the ethanol and how it can play a role in making us independent, the E-85, and our proposal of putting America on a new direction or in a new direction.

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We talk about the importance of alternative fuels, not just investing in the Middle East and not investing in the Midwest. So we look forward to continuing to push that philosophy here on this floor as we have the opportunity to lead this House, knowing the American people can deliver that, making sure that working families making more than what is presently the minimum wage, increasing that minimum wage, making sure they are able to bring home more to their families.

Millions of Americans are living on the minimum wage. It has been very difficult. And we have charts here, Mr. Speaker, that would illustrate how the minimum wage, we haven't seen a national minimum wage hike since 1997, but we have seen increases in other areas where families are still expected to perform under those circumstances. And I think that is where we are finding our shortfall as it relates to individuals being able to afford college. Cutting the cost for college, making sure that there is a tax deduction for college tuition and expanding the Pell grants and cutting the student loan costs in half, making sure that college is affordable, and rolling back the increases that Republican Congress have put on students.

Not just students. When people talk about students, they think that we are just talking about young people that graduate from high school. We are talking about families that have invested their entire lives with their children to make sure that they can go to school, that it is affordable, that we don't continue to move the goal post the closer families get to making sure that they can provide for their young people to achieve a college education.

Also, preventing the privatization of Social Security, coming up with real Social Security reform, and making sure that folks can retire in dignity knowing that they have a Social Security plan and a Social Security card that is more, that stands for the security of their retirement.

Also, those individuals that are on disability, those individuals that are receiving survivor benefits, making sure that they don't end up in some line somewhere reporting to some private institution because someone thought it was a great idea to make money for individuals on Wall Street.

And, lastly, I would say a part of a new direction for America is really being fiscally responsible. Now, the first Democratic hour out here, Mr. Speaker, we had the Blue Dog Democrats that were here, and they spent the entire hour talking about fiscal responsibility. And I think it is important that the American people and the Republican majority House understand that we have the will and the desire and the track record to show that we truly know how to balance the budget, surpluses as far as the eye can see when President Bush went into office and a Republican majority was emboldened, and now we are borrowing at a rate that one writer in the Washington Times, Mr. Chapman, had said that the President has dethroned Lyndon Johnson as it relates to spending. And that is a heavy statement to make, even though I feel very strongly that President Johnson at that time of transition invested truly in America and not just in billionaires and millionaires receiving tax cuts, and also oil companies running away with public dollar giveaways to them and record profits at the same time.

I am so honored tonight, Mr. Speaker, as usual, to be joined by my colleague just north of my district and just west of my district and east of my district in some areas, Ms. DEBBIE WASSERMAN SCHULTZ from Florida, and also Mr. TIM RYAN from Youngstown, Ohio.

As you know, last evening, Ms. WASSERMAN SCHULTZ, I was sharing with the Members we don't just come to the floor, we actually meet to talk about these issues that are facing Americans. And I think it is important that we continue in that spirit and moving America in the right direction, in a new direction than what they see right now from the Republican majority.

Ms. WASSERMAN SCHULTZ. And it is a privilege to join you and Mr. RYAN and Mr. DELAHUNT each night that we take the House floor and talk about the new direction that we as Democrats would take this country. Because what most people have seen in America recently is essentially the Republican leadership's efforts to engage in the politics of distraction. because they have to distract the American people from what is really going on here because the reality that is going on here is too painful to closely examine.

I mean, they certainly can't hold up their wild success to the American people for examination and celebration because they haven't had any wild success. We are looking here at a record deficit, as you discussed, Mr. MEEK. We are looking at record gas prices. We are looking at record numbers of Americans who are without health insurance. We are looking at record increases in the cost of health insurance, small business owners who are unable to continue to support their employees and provide them with health insurance benefits. And we are looking at a woeful inability on the part of the Republican administration and this leadership of this House to protect the homeland and focus on domestic homeland security.

That is why they instead have focused on things like the Pledge of Allegiance and whether students are saying "under God" in school when they recite the Pledge of Allegiance, and they are focusing on amending the Constitution to prohibit flag burning or amending the Constitution to ban gay marriage. Now, each of us might have our own individual opinion on those matters, but when you go to Youngstown, Mr. RYAN, when you go to Miami, and when I go home to Broward County, I just don't hear, and I would bet you my last dollar that the vast majority of our Republican colleagues don't hear one, two, three, four, or five on the list any of those items. More likely, you have the father of four who leaves his house in the morning not worried about whether his son is going to be able to say "under God: In the Pledge of Allegiance that day, but whether or not he is going to be able to afford the $55 it is going to cost him, at least, or around, to fill up his gas tank.

And how about the mom whose son or daughter is fighting on our Nation's behalf in Iraq or Afghanistan? Do you think she is worried about whether Congress is going to pass a constitutional amendment to ban flag burning? Because that is certainly a notion of patriotism. Or is she more likely praying every single day that her baby is going to come home to her? I would say it is more likely the latter. And those are the kinds of issues that people are addressing with us when we go home.

Mr. RYAN of Ohio. Or at least have a discussion about how is this going to end; how is this thing we have in the Middle East going to end. We are not having that discussion. We are all patriotic; we all support the country. We are Members of Congress. For God's sake, we love America. That is easy. And if you want to say "under God," say it. Parents should tell their kids, just say it. Problem solved.

Ms. WASSERMAN SCHULTZ. But could you imagine, they actually rolled out an agenda that those items were at the top of the list. Because what they have to do is they have to try to distract the American people from their pitiful failure here, from their inability to get a handle on the deficit, from their inability to do anything about alternative energy exploration and reducing gas prices, about their inability to expand health care to more people, and their inability to develop any sort of plan to eventually get us out of this endless war in Iraq, and their inability to deal with domestic homeland security, border security, while protecting our American people here at home.

They are real focused on protecting everybody else in the world and making sure that everybody else in the world's quality of life is in good shape. What about the folks here? No, instead they just want to spend a lot of time on the issues that are really none of their business, that are really just decisions that families make inside their own homes among family members.

Mr. RYAN of Ohio. I guess if we were on the other side, Mr. Speaker, I guess the question we have to ask ourselves is, Why are they trying to distract? What are they distracting us from? And I think when you look at what is happening and why the Democrats want to take the country into a new direction, all you have to do is look around. And I know, Mr. MEEK, and you know, Mr. MEEK and Ms. WASSERMAN SCHULTZ, there are a lot of Republicans, when we start saying this stuff, they have got to turn their TV off, they can't listen to it because I think it rings true.

The bottom line is this, the neoconservative Republican agenda has been implemented into the United States, period. And look around, here is what it looks like: Iraq, Afghanistan, gas prices, health care prices, tuition costs, minimum wage. Look around. Deficits, who are you borrowing it from? That is the neoconservative agenda. It is here. And we need to take the country in another direction. So they obviously don't want to talk about it.

Ms. WASSERMAN SCHULTZ. So as Mr. MEEK was saying, what we would do if we were in the majority, and hopefully the American people will give us that opportunity in November, we would make sure right at the get-go as Leader PELOSI, who will be Speaker PELOSI when we win back the majority, as she talks about, one of the first things that we will do the first week, raise the minimum wage. It hasn't happened since 1997, going on 9 years now. That is just pitiful. You have got people in America, 7 million people in America making $5.15 an hour. That is just an outrage. And we have got to make sure, that is the kind of issue that people need the Congress to deal with.

I mean, in our home State we have had to address it inside the State of Florida. Because the Federal minimum wage hasn't been raised in 9 years, we have got to make sure as we take the country in a new direction, as Democrats would do, we would focus on fixing the ridiculous prescription drug plan that they passed for Medicare beneficiaries. We would make sure that the doughnut hole that provides this humongous gap that senior citizens are falling through after they reach I think about $2,500 in coverage for prescription drugs, they fall through that doughnut hole, and they literally have to spend several thousand dollars out of their own pocket before the part D prescription drug benefit picks back up.

It also prohibits the Federal Government from negotiating with pharmaceutical companies. We would make that change, and we would require the Federal Government to negotiate with pharmaceutical companies. Literally, the difference between prohibition and requiring it, and just like they do in the VA right now, and save millions and millions of dollars. I mean, who was this bill for?

If you want to make sure that there is a part D prescription drug benefit that benefits senior citizens, then people will vote for us. If they want to make sure that there is one that benefits the pharmaceutical industry, then people will vote for them.

Mr. RYAN of Ohio. And just those few steps that we can take in the first week that we are here, talk about taking the country in a new direction. Imagine if we raised the minimum wage that first day, imagine we cut the student loan interest rates in half saving students and parents $4,000 or $5,000 over the life of the loan, the negotiation by the Secretary of Health and Human Services with the pharmaceutical companies, the money we would be able to save the government just in those three steps. We are not talking about brain surgery here. We are talking about basic fundamental commonsense moves that will benefit everyone, commonsense moves for the common good. And I think moving the country in a new direction is what we need to do.

Ms. WASSERMAN SCHULTZ. And when people ask what the Democratic agenda is, that is it right there. That is what we would do.

Mr. RYAN of Ohio. That is it. We don't have some elaborate playbook that is going to run left and fake this way and run this way. Three or four different basic things, and you will see the difference between having Democrats running the government and Republicans.

Ms. WASSERMAN SCHULTZ. And Republicans can't get away with saying all the things that we would do would cost money and build the deficit, because we would reinstate the pay-as-you-go rule, the PAYGO rules, to ensure that we don't spend more money than we take in, which is how when President Clinton was in office we had a surplus and not a deficit.

Mr. MEEK of Florida. I would like to yield to Mr. DELAHUNT.

Mr. DELAHUNT. I thank my friend and chairman of the 30-something Group for yielding. I apologize for being a bit tardy, but I had business back in the office.

Mr. RYAN of Ohio. Something more important than us.

Mr. DELAHUNT. No, that is not the case.

But I heard you talk about Medicare, and it provoked a special interest.

Ms. WASSERMAN SCHULTZ. A personal reaction?

Mr. DELAHUNT. A personal special interest, because I don't know if you are aware of this. I am somewhat embarrassed to acknowledge this in a venue such as this, but a week from today I will be on Medicare.

Mr. RYAN of Ohio. Wow. When is your birthday?

Mr. DELAHUNT. July 18 is my birthday, and I hit that magic figure that entitles me to be eligible for Medicare. And if there is a single program that has made a difference in the lives of senior citizens, I was going to say elderly, but I think I will change that now, of senior citizens in this country, it is the Medicare program. There has been study after study which concludes that there is a connection between longevity and the advent back in 1965 of Medicare and health that now the older segment of the population enjoys. It is absolutely an essential, critical program.

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Part of that, as Congresswoman WASSERMAN SCHULTZ was saying, is the fact that today, rather than referring people to hospitals, the percentage of treatment that is given to senior citizens is through prescribed pharmaceuticals. It has made clearly a world of difference.

And when we had this debate back in December of 2004, about the so-called prescription drug benefit, Democrats argued that to prohibit the Federal Government from negotiating with the large drug manufacturers for discounts, substantial discounts, as you just indicated, as they do now with the VA, was nothing but a windfall profit for large drug companies. I don't know what the estimate is now, but you said millions. Let me respectfully disagree with you and say tens of billions, maybe in excess of 100 billion, but it is clearly a substantial amount of money.

Just stop and think for 1 minute. That money would eliminate the doughnut hole. And by the doughnut hole, we mean once the cost of a particular prescription exceeds an amount, I think it is $2,600, for the next $3,000-plus a senior citizen has to pay for that prescription out of his or her own pocket.

We are already receiving calls, I do not know if your district offices have had this experience, but the volume of calls from seniors saying, you know, I didn't realize how quickly I would reach that so-called doughnut hole, and I can't afford the next $3,000 to meet my medical needs. And I need those drugs that take care of my cardiac problem, for example, and I can't afford it, Mr. Congressman. What am I going to do?

I know you are saying that we can address that, and we can address that without adding to the deficit, but I think that is a commitment that ought to be made to people who are on Medicare so that they can enjoy a longer and more healthy life as they age, because they deserve it.

Mr. MEEK of Florida. Well, Mr. DELAHUNT, I think it is important to take it away from the political debate here on this floor, between what we believe that the American people want and need versus what the special interests must have. The only way that people are going to win on this floor is if we give them voice.

Last night, we got into a passionate discussion about the minimum wage and why it was important. And we, I think, all agree that we give those individuals voice that are punching in and out every day and catching the early bus. We give voice to that mother that is trying to figure out how she is going to get the kids to school and make it to work making minimum wage, working more than half a day to even cover the gas costs, let alone having to buy groceries and do all those other things; and that father that catches the early bus and is trying to make it happen.

So I think that as these fuel prices continue to go up, as it relates to Medicare, there is this quiet inching up the storm of new requirements and new loopholes for seniors to jump through in the hopes they will not follow through or go through all those hoops, so that they do not get what they deserve.

Mr. DELAHUNT. I don't know if any of you saw it, I think it was yesterday in our major newspapers, I noticed that there was a story relative to a report that indicated that much of the information that seniors received relative to the prescription drug program was erroneous and inaccurate. And we all know about the confusion at the beginning of the program.

Ms. WASSERMAN SCHULTZ. Remember the error that was made by the Department of Health and Human Services in the Medicare and You handbook they sent out to all the Medicare beneficiaries? And when they recognized the error in information about the prescription drug program and advising people who were dual-eligible what kind and how comprehensive their benefits were going to be and how much they were going to have to pay for them, they refused to send out a correction. The only way they were going to make the real answers available was via the Internet or if people called and asked.

Now, how is that a commitment to clarity, to making sure people can truly access the benefits that they are entitled to and that they do not pay more than they are supposed to?

Mr. DELAHUNT. And what is happening now, as I said, senior citizens were unaware of the fact that that limit would be reached so quickly, which would put them into the doughnut hole, or I call it the "abyss."

Mr. RYAN of Ohio. The belly of a whale.

Mr. DELAHUNT. Right. Because that has happened so quickly that they believed initially that it was only the moneys that they had to pay out under the so-called copayment system. But, no, it was the total amount of the cost of the drug between what they had to pay out of their pocket and what the government was paying.

So all of a sudden, people who are spending $600, $700, $800 a month on a drug regimen for, let us use the example of those who have a cardiac problem, will find themselves, in 3 or 4 months, having already reached that cap and now they are on their own. And that is happening now.

Meanwhile, we cannot negotiate with drug manufacturers because the Republican majority was protecting the pharmaceutical industry.

Mr. MEEK of Florida. Mr. DELAHUNT, the American people want to be leveled with, that is the bottom line. Mr. RYAN said it earlier. They just want us to shoot straight. They want someone to be truthful with them. In some parts of America they say, it is what it is; and if it is about the numbers of what the private sector and what the special interests can make off of every deal.

Yes, we all want a prescription drug plan, but at the same time we want to be able to make sure we get the biggest bang for the buck. And not for the special interests, but for the people that need the drugs and the meds. Yes, we want to help oil companies be able to be innovative and to find alternative fuels, but not on the backs of Americans paying $3.25 a gallon. And, yes, we do want people to have the opportunity to have quality health care, but not being gouged as it relates to health insurance, watching out for the health insurance companies first.

The Republican majority has done that, and then confusing people to the point where they are misled, and so some of them just throw their hands up and walk the other way.

Ms. WASSERMAN SCHULTZ, you talked about the changes and the problems and the mistakes within the literature that was given out. I was about to say, this is the big leagues. This is the big leagues. We are the Federal Government. The lights are on in this Chamber not because we are great people, but because the people of America pay taxes so that they will have a government that will stand up for them.

I have never seen a campaign sign saying I am running for Congress to protect the special interests, vote for me. No one said to me, Congressman, I want you to make sure ExxonMobil and companies like that get what they need to make sure their shareholders are making the kind of money they need to make. They sent me here to make sure they can get from point A to point B and so that we would watch out for their dollars when we got here.

I am telling you, I am very, very concerned, Mr. DELAHUNT, and beyond partisanship, of what is happening to the majority as it relates to the ongoing blocking on behalf of the special interests. You can see the tracking as it relates to fund-raising, the K Street Project, a number of other issues we know so much about: the scandals here in town as relates to special interests getting what they want; Members being pushed up to the back of the wall there in the corner, with leadership saying, you will vote for this or you will vote against that; and the voting board being held open for not only several minutes but hours in some cases to make sure the special interests get their way.

Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, and Mr. RYAN, it would be wonderful to see the board held open so that the American people can get a minimum wage increase that they haven't gotten since 1997.

Mr. GEORGE MILLER stood right here and told the Speaker, it is a shame that we are leaving here on the 4th of July break and we haven't addressed the issue of millions of Americans still making $5 and some change since 1997; meanwhile the cost of milk, bread, health insurance and everything else has gone up.

Ms. WASSERMAN SCHULTZ. Really, what it boils down to is exactly what you are saying, it is that they are completely out of touch.

And I just want to pull up this illustration. We have our third-party validators here that really help us demonstrate what we are talking about on the floor each night, Mr. Speaker. It is not information we are making up. It is not the Debbie Wasserman Schultz encyclopedia or the Tim Ryan dictionary. These are facts we are laying out in front of the American people so that they can decide whether they want to continue down the path the Republican leadership has taken them on or whether they want to go in a new direction.

It is clear that the Republicans have made these decisions because they are out of touch. I mean, let us just look at the real economic changes under this administration, under President Bush and the Republican leadership, as opposed to the bogus one that they rolled out today with their economic midyear review.

You can make numbers, as they have done, look as rosy as you would like, but this is the real deal. Let us be clear, the Majority Leader, Mr. BOEHNER, specifically said on June 20: "I have been in this business for 25 years, and I have never voted for an increase in the minimum wage. I am opposed to it, and I think a vast majority of our conference is opposed to it." And he said that on June 20 of 2006.

So let us take a walk down memory lane here. If you actually are in touch with what everyday Americans are dealing with, then you will know that, of course, since 1997, there has been no minimum wage increase. But if you look at the price of milk, the price of milk has gone up 24 percent. And if you actually shop in the supermarket, like I do, then you will know that the price of milk has steadily increased when you are trying to buy a gallon of it.

How about the price of bread? That has gone up 25 percent. We are talking about staples that people actually pay for with their minimum wage increase, if they get one. Or don't get one.

Let us take a look at the cost of a 4-year public college education. The cost of that has gone up 77 percent since 1997.

Look at the cost of health insurance. That has gone up 97 percent. But no minimum wage increase in 9 years.

How about the price of regular gas? That has gone up, as every working family knows, 136 percent. And while I am at it, I might as well pull out my little toy prop here, because I think it is illustrative.

I think part of the problem is, it is clear by that chart that most Republicans obviously aren't dealing with these issues every day. They are not buying their own bread. They couldn't be; otherwise they would know that it has increased as much as it has. They are not buying their own gallons of milk. Maybe they have their household staff buy these things for them, or maybe they do it on the Internet. Or I am not sure what is going on.

But when it comes to the price of a gallon of gas, this is an old-fashioned gas tank, or gas pump. I have just concluded that it is obvious that the Republicans have not done anything about gas prices, Mr. RYAN, because most of them clearly have not used their own gas pump to fill their own gas tanks since they looked like this. Because otherwise they would be more committed to, instead of doing the bidding of the oil industry by passing legislation that puts money, more and more millions and billions in their pockets, they would make sure we invested, truly invested in expanding our alternative energy resources, so that we could reduce the cost of a gallon of gas, and so that we could make sure that the Congress would focus on the issues that people in America really care about.

□ 1900

But it is clear to me that they haven't used one of these for a really long time, and that is the reason they are so out of touch.

Mr. RYAN of Ohio. It is the same old song, we don't need a minimum wage increase. Things are going just fine. The President said the economy is doing great and it is benefiting all Americans. Well, he hasn't been to my district, and I am sure he has not been to a lot of districts around the country where people are struggling.

I found it interesting, over the 4th of July break where we do a lot of parades, and doing a parade is like taking a poll in your district as to how people feel. They will shout at you exactly what they are thinking. As you are going down and shaking hands and meeting people, you hear about the gas prices and the lack of vision; you hear about the trailers sitting in Hope, Arkansas. And you hear about the $9 billion being lost in Iraq. This is what average Americans are talking about.

And then the kicker is when the Republican Congress pushes a pay raise for themselves, but not a pay raise for the American people. Give me a break. They raise the salary for Members of Congress, but at the same time not at least tie it to minimum wage and say the American people need to be a part of this, too? Come on. What is going on?

No matter what issue you are talking about, and this is the thread that ties all of this together, the Republican majority is incapable of executing government as stated by our friend, Newt Gingrich.

Mr. Speaker, he said, "They are seen by the country as being in charge of a government that can't function." He, the former Speaker of the House, the father of the Republican revolution, is now calling the leadership and the Republican Members of Congress "they" and also saying that they are in charge of a government that can't function.

Whether you are talking about negotiating down the drug prices or the $9 billion in Iraq, or FEMA, or any other issue, I think time and time again they are seen as being incapable of being able to execute government.

Mr. DELAHUNT. They don't believe in government. That is the truth. Their version of government is simply the smaller the better.

Ms. WASSERMAN SCHULTZ. Unless, of course, it involves their personal life.

Mr. DELAHUNT. Exactly. Unless it involves involving the United States in a quagmire.

Mr. MEEK of Florida. Mr. DELAHUNT, I don't want you to get too far away from "they believe in smaller government." They believe in big government. The government has grown larger than any other time in recent history. Out-of-control discretionary spending, pork barrel spending. An article I read last night, they said that the President has dethroned President Johnson as it relates to spending. What they say and what they do, that is the reason we are here on this floor. We are saying "they" because that is what Newt Gingrich called them, "they."

Mr. DELAHUNT. I was going to make that point and you did it for me.

But let me say what we now see is big government, big government promulgating and pursuing an agenda that is not a conservative agenda. I think we should make that distinction. It is a neoconservative direction because traditionally Republicans have been committed to responsible government, pay as you go, live within your means.

And government is important, but there are areas where government does not have a role. And yet here we are today with this President and this Republican majority presiding over the largest expansion of government in American history. And the expansion of government only benefits a small segment of the American population.

That is what I would suggest is causing the anxiety and the negative reaction that we hear when we march in those parades.

What about this Medicare drug program? It sounds good, but it is not helping me. Who is it helping?

And how do you respond to a question: Why can't you negotiate with the large drug companies and secure discounts like you do through the Veterans Administration? Why can't you secure discounts of 40, 50, 60, 70 percent? Why can't you do that? Why can't Congress insist?

And the answer is because the Republican leadership will not allow it. It simply won't allow it.

And, Congressman, we read about the oil companies, the energy companies, Big Oil, if you will. We understand that in 2002 their combined net profit was $35 billion; that's a lot of money. Now we see new figures that it exceeds $113 billion. It has tripled in about 3 years. Congressman, can you explain to me why you and your colleagues approve of giving taxpayer money to Big Oil in the amount of $14 billion? Can somebody help me answer that question?

Ms. WASSERMAN SCHULTZ. Because they care more about the special interests than they do about the people they represent. It is as simple as that. It is the only logical explanation.

Mr. MEEK of Florida. Last night, and Mr. Speaker, I hate to keep referring back to last night for the folks who did not see us here on this floor, the Members who did not see us here on this floor last night, we talked about the chart Ms. WASSERMAN SCHULTZ broke out with minimum wage at zero, and we talked about the White House meeting in the complex, and I am not going to read The Washington Post article again, but it happened in 2001, Mr. DELAHUNT. And these are the profits that oil companies earned, record profits. In 2002 it paid off immediately at $34 billion in new profits to oil companies. And in 2003, it went to $53 billion in new profits.

This is not something just coincidental. There was a strategy. They wrote the energy bill. They came up with the plan and they had access in the White House and here in this House of Representatives under the K Street Project and got what they wanted. In 2004, $84 billion. In 2005, $113 billion.

Now these oil companies, as far as I am concerned, they are just doing what they have access to do. I am more concerned with those of us with voting cards, Members of Congress, those of us who have an A pass over at the White House in the East Wing, that allow oil companies to go in, say what they want and get it on the backs of the American people.

Those profits don't just come out of the sky. They come out of the pocketbook and wallets of everyday Americans. While they are reaching into that credit card and while they are reaching in for that cash, they are passing their voter registration card. It can have REP on it, it can have DEM on it, it can have IND on it. Whatever the case may be, the bottom line is it is the same amount of money coming out of those wallets, not because of their doing, the American people's doing, but because of the special interest influence over the Republican majority. So that is what I am mainly concerned about here.

The last chart I want to share, oil companies, they are telling our friends they are trying to head towards energy independence. They will come to the Hill and say this is what we are doing with the money you've given us, the taxpayers' dollars.

I will tell you what they are doing. I happen to be one of these "Today Show" watchers, and the CEO of ExxonMobil was on there, a really nice guy with a deep voice and everything: "I thought I would come in." This was before Katie Couric left. "I thought I would come in and give our side of the story. We are for energy innovation. We are for getting oil and gas prices down."

This is what they are doing. This is E-85, what we call ethanol. This is supposed to be the alternative to help us with our energy independence. This is regular, special, and super plus. This is their deal. This is the old-school way of doing things. This is the expensive way of doing things. I am going to show you how this discourages you from getting ethanol.

You can use a Mobil credit card to buy the three levels there where we invest in the Middle East versus the Midwest. This is the Midwest investment using corn and other resources to make it happen. But it says here "Cannot use your Mobil credit card," period.

Now you can walk in the store and you can buy a bag of chips, you can even probably buy a carton of cigarettes with your Mobil credit card, but you can't get E-85. The reason you can't get E-85 is because they don't want you to get E-85.

So when the President is running around here talking about Americans being addicted to oil, well, guess what, oil is addicted to the free-fall access that they have here in this House of Representatives and in the White House. They are getting their way. The American people are not getting their way, and it is point-blank.

And I would like to break this thing down to where everyone can understand. I don't need to tell you that I am on your side as a Member of Congress on this side of the aisle. I think those who are paying attention know whose side we are on. They know based on the record. It seems like they are more interested in helping the special interests. That is what the record reflects.

The record reflects that the special interests are getting exactly what they want. It is the best time in special interest days. It is not the best time in America; it is the best time for all of the big guys that wear nice ties and ride around in big cars, being driven around here in Washington, D.C. It is the heyday for them. It hasn't been better for special interests.

There are record-breaking profits for the oil companies. It hasn't been better in the history of drilling into the ground for oil. And guess what, it is on the backs of the American people. I mean, they are riding the backs of the American people, riding them down into the ground until their faces hit the ground and they scratch their forehead, on the backs of the American people, a la the Republican majority, the rubber-stamp Congress and the White House.

When you say that, Ms. WASSERMAN SCHULTZ, we just have to break it down.

Ms. WASSERMAN SCHULTZ. Let's break it down further, Mr. MEEK. If that was not enough evidence, let's take a look at a Congressional Research Service report, which is an objective body which provides information to the Congress, both parties, totally objective entity, provided a memo to Senator WYDEN last week, and that memo outlined the profits and revenue return for the oil companies from 1999 to now. And it demonstrated that the annual revenue return for eight oil companies increased from 2.88 percent in 1999 to 7.1 percent in 2005 while the return on shareholder equity went from 4.64 percent to almost 30 percent. Cash reserves for those same companies shot up from $9.5 million in 1999 to $57.8 million last year, and the capital investment that they made went from $32.8 million to $68.8 million in the same period.

The bottom line is that when they say they are investing their revenue that they are generating into alternative oil exploration, it is baloney. It is absolutely not true. What they are doing is they are keeping their profits. They are holding onto their profits, and we are giving them the money by forgiving them royalty payments for the land that we are letting them drill for oil on.

So who is for the American people and who is just kidding?

Mr. MEEK of Florida. We had a debate right before the July 4 break.

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When I was a State trooper in Florida, we used to have these little different details around the State of Florida. I was in Sebring, Florida, which is Highlands County, and I was talking to this farmer, and he said that "Pigs get fat and hogs get slaughtered."

And I am going to tell you right now, the oil companies and the access that they have to Members of Congress on the majority side to give them what they want, they are getting it all right now.

Let's look at the oil leases. They want to drill off the coast of Florida. Less than 1 percent, super less than 1 percent of 4,000 leases that they already hold, that they are actually going and drilling in those areas, but they wanted even more.

They wanted more, Mr. DELAHUNT. They wanted more because you know something? They can get it. It is like a kid sitting down at the table and they are eating ice cream and they have a tummy ache and they have ice cream all around their face, and they say, give me another gallon. And you give it to them.

And that is exactly what this Republican majority, this rubber-stamp Congress has done, everything they have asked for, because they have access through the K Street Project and other programs that allow them to see through the doors of this Chamber and have Members vote "yes" for what they want and "no" for what they don't want. And what they don't want is for the American people to be on a level keel to be able to push back on this feeding frenzy of not only their tax dollars and special interest giveaways, but to kill them at the pump.

I mean, I see people hesitate when they get out of their cars because they are, like, I don't know if I have room on my credit card. I don't know how much is it going to cost me today. The gas stations can't even change the charts out front fast enough because gas prices are going up.

Ms. WASSERMAN SCHULTZ. Do you know what my husband and I noticed the other day when we were filling up our tank? That the dimes, you know how when we were little kids and the pennies are what scrolled really fast when you were filling up your gas tank. Now it is the dimes that scroll as fast as the pennies used to. I mean, that is how much things have changed. So dimes, you know, 10 dimes, that is a dollar. Bye-bye, every 10 dimes, another dollar gone.

And we have got to start moving energy policy, health care policy, the deficit in a new direction, which is what we would do with our innovation agenda. We would make sure that we commit to reaching energy independence through our midwestern, as opposed to the middle eastern dependence, through our ability to generate ethanol and invest in the research that would help us truly utilize ethanol as an energy resource.

Mr. DELAHUNT. If I could ask our chairman from Florida, just to raise once more that chart.

Mr. MEEK of Florida. This one?

Mr. DELAHUNT. Right. You know what I find interesting is, you pointed it out. It is the first time I have heard it, that you can't use that particular credit card, a Mobil credit card, did you say?

Mr. MEEK of Florida. Yes. It says you cannot use your Mobil credit card, and then it has another sticker that says, not a Mobil product. But at the same time, neither are the potato chips, neither are the cigarettes, neither is a six-pack of beer.

Mr. DELAHUNT. Right. But it is at a Mobil station?

Mr. MEEK of Florida. That's correct, yes, sir.

Mr. DELAHUNT. Okay. But it is not a Mobil product. And you interpret it, as I did, as a way to discourage people from using a fuel source that, over time, could wean us from that mideastern oil and allow us to rely, again, once more on that farmer, that American farmer from the Midwest?

Mr. MEEK of Florida. Yes, sir.

Mr. DELAHUNT. Okay. That is what we are talking about. That is really what we are talking about.

But you know what I find interesting? You raised it here in our conversation this evening. But has anybody, any chairman, if you are aware of any committee, standing committee of this House with this majority, requested or invited or insisted that the chairman of ExxonMobil come before it to explain to us and to the American people why does that product have that sticker about it when it is at a Mobil station? Just a simple question to educate us.

And it is clear that if it is a question that is not being asked by the majority, then nothing will change. And I would suggest it is the responsibility of this Congress and its committees to ask those questions because the American people deserve answers. And we are abrogating, we are not meeting our responsibility of oversight when those questions are not posed; and they are not being asked in this House of Representatives at this moment in our history, and it is a disgrace.

Mr. RYAN of Ohio. Look, the retirement package, Lee Raymond, CEO of Exxon, $398 million retirement package. He gets a $2 million tax break. So it is bad enough you are already subsidizing his business to the tune of $14 or $15 billion.

And this is the kind of disparity, we have the highest disparity between the wealthiest people in the country and the poorest people in the country since the 1920s, that is going like this. And the whole idea is to try to lift all the boats up into the middle class.

And we were talking earlier about the economy. This is, again, third-party validator, as we begin to wrap up. The long term, because we get a lot of happy talk, but the long-term outlook is such a deep well of sorrow that I can't get much happiness out of this year. That's a former director of the Congressional Budget Office that used to work for President Bush. It is such a deep well of sorrow.

This country is going in the wrong direction, whether you are talking about oil or Medicare or the war or Katrina or whatever, and my friend has got his toy there. This country is going in the wrong direction and we want to go in another direction.

If you like the neoconservative agenda that has been implemented, look around, gas, oil, retirements, pensions, minimum wage, Social Security, college tuition, keep the Republicans in office.

Mr. MEEK of Florida. Mr. RYAN, just very quickly, the bottom line is, Mr. DELAHUNT, to your point, sir, the reason why the chairman hasn't called ExxonMobil in, the reason why everything that we have described here today is that we are on the total opposite side of their position.

We are not willing to rubber stamp everything that the President and the administration says must happen in this Congress. We are not willing to rubber stamp the special interests just because they are contributors to a particular campaign or something.

We are willing to stand up for the American people. And the reason why we have this rubber stamp down here on the floor, just to illustrate exactly what the Republican Congress has done, and that is the reason why we are in the situation we are in now.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I just think, at the end of the day, we need to stress that in November, when we have the opportunity to take the majority of this institution, we will move the country in a new direction.

We will make sure that we make a commitment to reducing the deficit and reduce it. We will expand access to health care. We will actually invest in alternative energy resources so that we can truly reduce gas prices. And we will make sure that the American people know that their Representatives are here for them and not for the special interests.

Mr. RYAN.

Mr. RYAN of Ohio. And even in the first couple of days, we will raise the minimum wage and cut college loan interest rates in half for parents and students. Just in the first couple of days, once we get this signed into law, we will recognize a huge difference. Www.housedemocrats.gov/30something. All of the charts that we have here can be accessed on the Web site. Www.housedemocrats.gov/30something.

It has been a real pleasure.

Mr. MEEK of Florida. Mr. RYAN, you did such an excellent job with the Web site.

I want to thank Mr. DELAHUNT for coming down and joining us this evening. We know that he could not join us yesterday evening.

Ms. WASSERMAN SCHULTZ, always a pleasure working with you here on the floor and off the floor.

What is good for the American people; and with that, Mr. Speaker, we thank the Democratic leadership.

EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, we have appeared here on the floor several times to talk about a subject which is very important to a number of Americans, particularly those with some debilitating diseases that they believe might be cured with technology developed from embryonic stem cells.

I have had the privilege of having several Members of the House to work with me in developing the legislation that we are going to talk about tonight. And one of those Members is Congressman TOM OSBORNE from Nebraska, who is here with us this evening. And I would like to yield to him.

Mr. OSBORNE. Thank you very much, Mr. BARTLETT. I really appreciate your leadership on this issue. And you are obviously the expert.

Mr. BARTLETT is a geneticist and understands the topic very well. I would just like to set the stage for some of the debate tonight.

Many of us have been impacted directly or indirectly by diseases like juvenile diabetes, Alzheimer's, Lou Gehrig's disease, Parkinson's and so on. And so I think everyone understands the desire for people to find a cure. And for many people, the silver bullet is embryonic stem cell research. And they feel this holds great promise. It has been going on now for about 7 years. We have not seen great progress, but it is still early in the process. So, as a result, there are many people who are pushing very hard for embryonic stem cell research.

On the other hand, many oppose embryonic stem cell research because they see the embryo as a living, viable human being; and therein lies the moral dilemma. On the one hand, people see the possibilities and on the other hand they see the destruction of life. And so is there a possible solution? Where do we come out on this?

If you believe that life begins at conception and if you believe in the sanctity of life, the destruction of embryos for research purposes would be largely unacceptable. And so, Mr. BARTLETT's legislation holds great interest to me, because we have found that there is a possible alternative.

The President has said that he will veto H.R. 810, which is a stem cell research bill. And if it is passed by the Senate, and people predict that it will be passed, then it will probably be vetoed by the President. And at that point, it appears as though the House will sustain that veto and probably the Senate as well. So we are right back to square one.

So is there an alternative? And that is why I am here tonight.

As many people may be aware by now, there is still the potential for a morally acceptable stem cell research to be conducted with Federal funds through the Bartlett bill. And evidently there is a process at the present time whereby embryonic stem cells can be extracted, and it is still in its elemental stages, without destroying the embryo. So I have great interest in this because it does provide an answer to the dilemma that I have just outlined.

And so, without a lot of further commentary from me, being somewhat of an amateur in the area, I would defer to Mr. BARTLETT, because he truly understands this research, which I think can be the answer that so many of us are looking for.

I personally am a very strong prolife individual, have voted consistently in that direction. And so I welcome this opportunity to look at a prolife solution to embryonic stem cell research.

I appreciate the gentleman's work on this bill, appreciate his knowledge, his expertise, which is certainly unparalleled in the Congress.

And with that, I just wanted to make those opening preparatory remarks and lend my support to this bill and this work that you are doing, and thank you for doing it.

☐ 1930

This is all probably going to come to a head here in the next week or so; so this is a critical time. And what I think and others are trying to do is to create awareness and to make sure that people in the Congress understand the nature of the research that he is proposing.

So I commend you for your work. I want to wish you the very best, and hopefully in the next week or 10 days, we will see some positive results. So thank you for your leadership.

Mr. BARTLETT of Maryland. Mr. Speaker, reclaiming my time, I thank the gentleman for his support, for his leadership on this, and for his kind words.

I was fortunate in another life, before I came to the Congress, to have the privilege of working in this general area. I have a doctorate in human physiology, and I had the privilege of teaching medical school for 5 years and doing biomedical research. And when I came to the Congress and learned of the interest in stem cells, with my background I saw some opportunities for applications here that may not have been apparent to others, and I have been pursuing this now for some 5 years with the White House and with the National Institutes of Health.

We are here tonight, Mr. Speaker, because it is our understanding that within a few days, probably next week and maybe early next week, the Senate is going to be voting on three bills, two of them relevant to this, the third somewhat tangential to it.

One of the bills they will be voting on is the bill that we passed here in the Congress here in the House some time ago. It is known as the Castle bill here generally, Castle-DeGette bill. This is the bill that the President says that if it gets to his desk, as Congressman OSBORNE indicated, he will veto it because this is a bill that would use surplus embryos from the fertility clinics, and they would be destroyed in the process of securing cells from them to produce these stem cell lines, although there is the anticipation, the hope, that a great deal of medical good might come from embryonic stem cell applications.

There is a concern of many in our society, which I share, that it is not morally acceptable to destroy one life in the hopes that you will help another life. So I had hoped that there would be an alternative to this, that we could look forward to enjoying the potential benefits of embryonic stem cell applications without having to kill embryos.

And that is what we are here to talk about this evening, because the second bill that the Senate will be voting on next week is a bill that is essentially identical to the one that we have been working on and developing now for these 5 years. The bill that we will vote on in the House, we hope, shortly after it is voted on in the Senate, will be a companion bill to the Senate bill and essentially the bill that we have been working on for these 5 years.

I would first like to take a look at a chart here which shows, in very gross form, the developmental sequence and the origin of what we call stem cells so that we can get a little appreciation of what a stem cell is so that we can understand the difference between adult stem cells and embryonic stem cells and the potential that these hold.

Here we have a very abbreviated development process. It begins with what is called the zygote. The zygote is produced by the union of two sex cells, which technically are called gametes. And the zygote then goes to a number of cell divisions. And, boy, did they skip a lot here because we have just one cell and here we have several hundred cells; so it is divided again and again before you get to this point. And this is the point of the inner cell mass. And in that inner cell mass which will become the embryo, we have the first differentiation of these very primordial cells here into three distinct cell types: one is the ectoderm and another is the mesoderm and the third one is the endoderm.

There is a fourth cell type there, limited in number and location, and these are the germ cells. These will be the ova, produced in the female, and the sperm, produced in the male. What we have here depicted is the embryo implanted in the wall of the uterus. This is the uterus and this is the embryo and the so-called dissidua, the tissues that surround and support the embryo. Only this part of it here will become the baby. The rest of this will be the supporting tissues, the amnion and the corion, that support the baby.

In each of these germ layers, and we call these germ layers because they are three layers, three types of cells from which all of the tissues and organs of the body will develop, the ectoderm will produce our skin and our nervous system, and the mesoderm will produce the great bulk of our bodies. It will produce all of the muscle cells, our heart, the blood system, the smooth muscle cells of our gut and so forth. All of these will be produced from the so-called mesoderm. The endoderm, much limited in quantity in the body but not in importance, our lungs, much of our lungs, the lining of our intestines, and so forth are produced from the endoderm.

Every student in even a pretty elementary biology class will be familiar with one type of stem cell, and these are the stem cells that produce our blood cells because you can see those very readily in the adult. They are located in bone marrow, in the shafts of our ribs and so forth, and they produce our red blood cells, the little thrombocytes that produce the clotting of blood, and the polymorphonuclear leukocytes. These are the leukocytes with a funny shaped nucleus. And they are called stem cells because from a single cell type, this will differentiate into several types of blood cells, most of the blood cells. There are a couple of white blood cells that are produced in lymphatic tissue, but most of the blood cells are produced from these single stem cells.

Most of the other tissues here are also produced from stem cells because it is a single cell, the ectodermal cell, the differentiations of these several types of cells.

All of these types of cells are adult stem cells, and they have the limitation of already having differentiated. They already are differentiated so that under ordinary circumstances only certain tissues will ever be produced from them. If you can go into the body and take out an ectodermal stem cell, unless you are clever and make that cell believe that it is something that it is not, it will produce only tissues that relate to the ectoderm, cells of our nervous system and cells of our integument, or our skin.

Similarly for the mesodermal cells, if you can get a stem cell even before it is a stem cell for blood, back here you can get a stem cell from which all of these mesodermal tissues will develop, but you could never get ectodermal tissue from that nor could you get entodermal tissue from that; so you are somewhat limited as to the types of tissues that you might develop from an adult stem cell.

But if you could go back to the embryonic stem cell, and you may have to go back even before this stage of development, when the embryonic stem cells are undifferentiated, which means they haven't started to become a specific type of cell, you then could theoretically produce from those cells any and all of the tissues of the body. So there are a number of different diseases where the medical profession treating them and the loved ones of the families believe that there could be dramatic applications made from embryonic stem cells.

Every year I look forward to the juvenile diabetic people coming through my office. These are such heroic little kids that I see. Some of them so brittle that they have an insulin pump and they have to puncture their fingers or their earlobe a dozen times a day or more to keep track of their insulin because they are so fragile, so brittle, they can go from very low glucose to very high glucose with life-threatening changes.

Then the people come through the office who have friends and relatives who have Parkinson's disease, who have Alzheimer's disease, and any of the autoimmune diseases where the body's defenses have been confused so that the body is attacking its own tissues. And it is believed that in all of these different kinds of diseases that embryonic stem cell applications might produce dramatic effects.

I just returned from a family reunion. And my cousin's husband, who was a pathologist here in the Washington area, Washington Adventist Hospital in Shady Grove, for years, retired and went to Florida and very shortly came down with Parkinson's disease. I recognized him from his smile. Other than that, it would have been hard to recognize him because of the wasting of his body that has occurred with Parkinson's disease. And the mind, of course, is still very alert. It is just the mechanical part of the body that is deteriorating.

And Dr. Teske, Johnny Teske, we were talking about stem cells, embryonic stem cells, and he says, "Time is of the essence." And I kind of choked up a little when he said that because here is a person who really understands this. He is a pathologist. He knows what he has got, and he knows what his future is going to be, and what he was telling me is that if I am going to benefit from this, you have got to do it quickly.

So I hope, Mr. Speaker, that we are able to move quickly on this in the House. It is our understanding that the Senate will be moving quickly on it. I mentioned that several of our colleagues here have been working with us and helping on it. And one that I am very pleased has been helping us is someone who is really familiar with this subject because he is a physician who has delivered a lot of babies. He gets involved down the line from here after all of these tissues have been developed and we have that little baby at 9 months in the womb. And this is Dr. GINGREY from Georgia.

I am very pleased that he has joined us and would like to yield to him.

Mr. GINGREY. Mr. Speaker, I deeply appreciate the gentleman from Maryland for yielding. And I just want to say, as my good friend and our colleague Coach OSBORNE said at the outset, ROSCOE BARTLETT deserves a lot of credit for this bill, H.R. 5526. And it has not been easy. You heard him say, Mr. Speaker, that he has been working on this issue for over 5 years, has met with the Bioethics Commission, the President's Bioethics Commission, to discuss this issue, discuss this issue with the White House, understanding, as he said just a few moments ago, that while we want to search for that miraculous medical breakthrough, that cure, that hopefully we can obtain either from adult or umbilical cord blood stem cells or the even greater potential for utilizing embryonic stem cells to save human life, to save the people that he was just talking about, Mr. Speaker.

And, indeed, I am sure you know this as well as the other Members that these folks do come by and talk to us on an annual basis, whether they are juvenile diabetics or Parkinson's, as he described, Alzheimer's. I think often of children born with something called spina bifida, where there is an open defect in the spine. One of these germ cell layers that ROSCOE was just talking about, the ectoderm, something goes awry in the developmental process, in the fetal stage of development, and these children are born perfectly normal in every way except for this defect, which in almost every instance leaves them with a permanent, noncurable paralysis usually from the waist down.

□ 1945

That not only affects their lower extremities, but of course, it affects the function of bowel and bladder in these otherwise perfect, perfect children, and yet their lifespan is drastically shortened because of the complication of this birth defect.

I have lain awake more than one night thinking about what might be done, whether it is a surgical technique or a medication. Obviously, it would be great if these birth defects never occurred, if we knew exactly what caused that birth defect, but we do not. We just do not, and so to be able to develop something, some way of helping these children and people with other diseases that the gentleman from Maryland has just described is a passion of mine as a physician.

To come to this Congress, as I did 3½ years ago in the 108th, and to meet other Members of this body on both sides of the aisle, but in particular Representative BARTLETT, and understand that he has a knowledge of this subject far beyond probably any physician Member, ROSCOE BARTLETT of course is a doctor. He is a Ph.D. He has taught embryology in medical school. Physiology, he is a physiologist, and the subject matter of which he is describing and talking about this evening, he has done so over the last several years, and it is amazing how he can put that, Mr. Speaker, in a simplistic terminology, with charts but with a very lucid explanation so that we, other Members on both sides of the aisle in both chambers, can understand and the general public who hopefully are watching can understand because the sound byte becomes reality.

This issue revolves around the use of embryonic stem cells, embryonic stem cells to hopefully result in these medical cures, these miracles that we hope will be there in our lifetime.

Mr. Speaker, we have a President that feels very strongly about that, that has great passion and compassion. But what he has said, and I heard him loud and clear shortly before I became a Member of this august body, when he made a decision not to destroy human life for the sake of hopefully some miraculous medical cure.

You could almost compare it to what our military commanders do and the decisions that they make. I know that the Speaker tonight particularly understands that with his military service and that of his sons serving in the military, but you try as hard as you can to avoid collateral damage in the military. The last thing you want to do in going after the enemy and taking him out is to inadvertently destroy or injure the life of a civilian.

Well, this is getting right down to the core of this matter of what Representative BARTLETT is so concerned about. We want to be able to improve human life and relieve the suffering of our fellow brothers and sisters, but at the same time, we do not want to destroy a life in the process.

That destruction of life, whether it is a little embryo from one of these infertility clinics or, indeed, whether at some point somebody extends that destruction of human life to a senior citizen at the other extreme who may have lost most of their, not all of their, but most of their mental capacity, I would hope, Mr. Speaker, that if we knew that we could obtain a cell from the brain of a senior citizen who is suffering from senility and use that as a stem cell to cure somebody else's disease but in the process kill that individual, no one would accept that, I would hope, I would think, I would pray, and I think not.

So this is really what this is all about. ROSCOE BARTLETT knows and has finally convinced his colleagues, I think certainly in this body, but also in the other body, that there is a better way, that there is indeed a better way and that we can obtain these pluripotential stem cells, not totipotential because I know some would say if it is a totipotential, that it is an embryo in and of itself.

But this bill has the precept of saying we can fund research that will allow the harvesting of stem cells without destroying human life, and anybody that suggests that the embryos that are so-called left over from the fertility clinics are throwaway embryos, are going to be flushed down the drain anyway and it is okay to churn them up and centrifuge out some stem cells and destroy that human life, that it does not matter, needs to talk to the parents of the snowflake babies, some of them 3 and 4 years old now, I think close to 100, who have been adopted from those parents that own those embryos, those so-called excess throwaway embryos.

So there is a better way, and we do not need to get into this debate about who is pro-life and who is pro-choice and all of that. If we can do this in the Bartlett way, H.R. 5526 is the way to do it, and it is a companion bill to what Senator SANTORUM has introduced in the Senate. I am just thrilled to learn that Dr. FRIST will allow that bill, as well as the Castle-DeGette bill and the Brownback bill to be brought to the floor of the Senate, it is my understanding next week, voted on. Possibly all three of those bills, Mr. Speaker, will pass, and then the President will have an opportunity, after we pass the companion bill to H.R. 5526, to do the right thing.

Then I think the Members of this body will sustain if the President vetoes the Castle-DeGette bill, which, again, I am not criticizing the authors, but there is no question that it goes back and allows taxpayer dollars, mine, my constituents in the 11th of Georgia, ROSCOE BARTLETT's constituents, with their hard-earned money to pay for research that results in the destruction of human life, and we reject that.

So I am thrilled that the 4 years of hard work that Representative BARTLETT has put into this issue is finally going to come to fruition and we are going to get good results from utilizing these stem cells that are obtained.

I know that he will begin in just a moment, as I conclude, to talk about the different techniques of how that can be done, and I think our colleagues can understand it because he explains it well. It is not rocket science. It is not something that is star wars, but it is real and it is the way to do it.

So I am real happy to be here tonight to once again join my colleague who I have such great affection for, not just him personally but the issue that he has taken on and the hurdles that he has had to go through, and I commend him for that.

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman very much. Not only do these snowflake babies speak to us, the snowflake babies are the babies that were produced by the parents of the excess embryos, giving these embryos to a mother who could not have a baby. They were implanted in her womb, and we now have more than 100 of those. They were here, by the way, a year or so ago. A number of snowflake babies were here in the Congress and in the White House.

But I think there is something else that speaks to us, too, and that is that before you would harvest the cells from one of these embryos by destroying the embryo, you would want to know that it was a healthy embryo, and you would have it under the microscope and you are looking at it. You want to make sure it is a healthy embryo because you want to have stem cell lines that will be really healthy.

When you are looking at that embryo under there, it ought to occur to you that that could be the next Albert Einstein or the next Beethoven, and you are not now looking at 400,000 surplus embryos in the fertility clinics. You are looking at that one embryo under your microscope. That embryo ought to speak to you. It could be the next Albert Einstein. It could be the next Beethoven, and how could you kill the next Albert Einstein or the next Beethoven? Fortunately, as Dr. Gingrey said, there is a way of getting embryonic stem cells without destroying embryos.

The President was not unmindful of the potential for embryonic stem cell research, and he really wanted the medical community to benefit from embryonic stem cell research. So, quite immediately after he issued his executive order saying that they could use Federal money only for research on those stem cell lines that had already been established, those stem cell lines now are running out, as we knew they would, and a few weeks, months ago, there were 21, 22 or so left, maybe fewer than that left now. We started out with maybe 60.

Very shortly after the President issued his executive order, he set up a council on bioethics, and they issued a report. I have here a copy of that report, and they detailed and discussed at quite some length, it is very interesting reading, and I think even the layman could appreciate most of it. They discussed four different potential ways of getting embryonic stem cells as the equivalent of an embryonic stem cell without destroying or hurting an embryo.

The second one of those that they talked about, you will see a little asterisk there, and you go to the bottom of the page, and you will see the notation that Congressman BARTLETT suggested this technique before the bioethics committee met. A little later, I will indicate to you how I came to have my first discussion with the President on this and how we now made that 5-year journey from then to now.

What I have here in this slide is a depiction of the reproductive tract of the female, and what we will be talking about is what goes on in a dish in the laboratory that I think is a whole lot easier to understand what is going on if we look at this process in this depiction of the mother's reproductive tract.

Here in the corner here we see the total reproductive tract which has the vagina and the cervix and the uterus and the two fallopian tubes, and each fallopian tube ending in a funnel-like structure called infundibulum, and there is the ovary and the blow-up here is only one-half of this reproductive tract. So there is a mirror image on the other half of it. This shows what happens in the fertilization and the early development of the embryo.

Once a month ordinarily, an ovum ripens and is released from the ovary, and if sperm had been deposited in the reproductive tract, they then travel up the reproductive tract. The egg is fertilized very quickly, very soon after it is released from the ovary.

Now, sometimes the egg is not picked up by the infundibulum, and it floats out into the body. Many of these sperm will make it clear through the reproductive tract and go out into the body where they will simply be absorbed later, but they may find the ovum out there and fertilize the ovum. Then the ovum will do what it does in the reproductive tract. It will divide again and again, and we will look at that in a moment.

At the appropriate time, it will find someplace to implant, and since it is out here in the body cavity, it will implant on one of the body tissues, and we call this an ectopic pregnancy, and that pregnancy will threaten the life of the mother. The baby cannot develop fully there, and the baby will die and the mother, too, if this is not interrupted.

□ 2000

At other times, as the egg, fertilized egg goes down the reproductive track here, it may implant along the tube here. And we call that a tubal pregnancy. And that tube is nowhere near big enough to accommodate a baby growing. So the baby will die, and the mother possibly too if we do not interrupt that pregnancy.

But most of the time, and nature is really quite a marvel, most of the time the egg is fertilized here high up in the fallopian tube and then it begins a several day journey. And here we have the days marked. Day 4, day 5 and day 6 and 7 and day 8 and 9. It is a bit more than a week after it is released from the ovum and fertilized, and day zero here begins the fertilization. It makes its way down the reproductive track.

No motility of its own, it is moved along by little cilia, little hair-like projections on the wall of the oviduct, which move in wavelike fashion and move the ovum down. As it moves down, it divides. First into two cells, then four cells, and then into 8 cells, and we will come back to that 8-cell stage, because that is an important one.

Then it goes on to divide further to a number of cells, and finally to the inner sell mass that we found on that first slide. And then it implants in the uterus.

And the mother's uterus produces some tissue and the little embryo produces some tissues, we call these the decidua. And they develop the placenta and the amnion. They are filled with fluids and support the baby and protect it during its development.

When eggs are taken from the laboratory, and all of this by the way can happen in the laboratory in a Petri dish, they simply take the egg from the mother, generally produced by hormone treatment that causes multiple ovulations, so that there are a number of eggs. There may be 6, 8, 10 eggs are produced by the mother. They will fertilize those in a dish in the laboratory, a Petri dish, in vitro, that means in glass.

This is in vivo, that means in life. The in vitro fertilization, they then will divide and the doctors watch them divide. And if they are going to harvest these for stem cells they generally wait to the inner cell mass stage down here and take them out. And the reason for that is that these cells do not like to be alone. And you have to be clever to get one of them to divide.

So they take them when they have lots of company after there is a number of cells in the inner cell mass. They take these cells and destroy the embryo in the process.

There is a technique used, first in laboratories in England, and then in this country, and I spent more than a half hour on the phone with two of the physicians in the one here in Virginia, where they go to the 8-cell stage, and this is all in a Petri dish in a laboratory now.

And they take a cell, and sometimes they get 2 cells from the 8-cell stage, and they do a preimplantation genetic diagnosis on that to make sure that the baby is not going to have some genetic deficiencies like Trisomy 21. You generally know it as Mongolism. And that is when just one of the chromosomes, there are three of them there. And if there are three of those chromosomes there, there are various degrees of Trisomy 21, but the baby then will be affected by that.

And you would like to have, most parents would like to have a normal baby. So they can do a preimplementation genetic diagnosis, and then they implant the remaining seven and sometimes six cells. And more than 2,000 times now, what appears to be a perfectly normal baby has been produced from that. I will have a slide a little later to show this.

But I would just like to note for now that that is no big surprise. In fact, the big surprise to me would be that the baby was not normal, because nature, for as long as we have had people here, and happens in animals too, but nature has been doing exactly this, but they take not just one or two cells away, nature takes half the cells away. And from each half, nature grows a perfectly normal baby, and we call them identical twins.

So if nature can take half of the cells away and each half develops into a perfectly normal baby, it ought to be that you can take a cell or two away and the embryo would not even know it. If it does not know that half of the cells are gone, if it goes on and develops into a perfectly normal baby, each half does, why should it be affected at all if you take only one or two cells?

So the big surprise to me would have been if there was any effect of this on the baby. And it is that technique which had occurred to me earlier. But to kind of put this in perspective, I would like to look at the next slide. And this next slide, this next chart up depicts some of things that we have been talking about and some additional ones.

This is the fertilization process. We saw that in that former slide. But we did not see there the early development of the gametes or the sex cells. And they develop in the seminiferous tubules in the male, and in the ova of the female, those cells divide and divide again.

And most of these divisions are what we call mitotic divisions, that the chromosomes split so that the same number of chromosomes remain in the daughter cells. But in one of these processes there is a meiotic division called meiosis where the chromosomes do not divide, so that when the cells split, each daughter cell has only half as many chromosomes.

You see, that is necessary because the chromosomes are going to be joined from the female and from the male, and you now need to end up with the right number of chromosomes, not twice as many chromosomes. Because if that happened, the embryo would certainly die.

By the way, it is really interesting that in plants, when you have what is called polyploidy, that is what this is called when you have polyploidy, which is more than the diploid, which is the double, and there is a haploid number here, and there is a diploid number when the two haploids come together.

In plants it just makes them bigger and prettier, and the flowers brighter colored and so forth. That works well for plants, but for humans and all other animals, by the way it is fatal.

So this depicts the fertilization process and they combine to form the embryo, and then the embryo divides again and again. And we see there the same types of depictions that we saw previously.

The second little sequence here shows cloning. And Dolly the sheep was the first clone that the public knew about anyway that was produced. In cloning what happens is, that you take an egg cell, and you take the nucleus from the egg cell. You remove the nucleus, so now you have an egg cell with no nucleus there. And then you take a nucleus from a donor cell. This is a general somatic. By soma, that means body, somatic cell. You take the nucleus from that cell, and you put it inside the egg cell.

Now all of the genetic material is not in the nucleus. Most of the genetic material that determines who you are, whether you are male or female, tall or short, blond or brunette, going to be tall and thin or short and stout, most of that is in the nucleus. But in the cytoplasm here are a lot of control factors. Ribonucleic Acid, so called RNA and then messages are sent back and forth between the cytoplasm and the nucleus.

And so there are a lot of control factors here in the cytoplasm that when this nucleus from a skin cell or whatever is put inside this egg cell, it is controlled by these control factors in the cytoplasm under appropriate circumstances, so that it now behaves as if it were an embryonic cell. And that is because of the control factors here.

Of course, what the offspring is going to look like now is what the individual looked like from which the donor cell was taken. I was privileged to go to a little dairy in my district that is probably unique in all of the world. He happened to have the best Holstein cow in America, which probably means the best Holstein cow in the world, because we have some of the best cattle in the world.

Her name was Zena. And a cloning company wanted to work with him. And so he cloned two daughters of Zena. And then Zena broke her back and she had to be put down. But he had Zena's daughters. It was very interesting. The daughters did not look exactly like Zena. Why shouldn't they? And that is because of the black and white pigment, the general distribution, whether they are mostly white or mostly black is controlled by the genes.

But the actual pattern is kind of an accident of development. And so the two daughters had exactly the same genetic composition as their mother, looked somewhat different. They both had roughly the same amount of black and white, but it was distributed a little differently. And so you could see there the effects of the factors at work during the development of the embryo.

The third little sequence down here shows us parthogenesis. Parthogenesis is when an offspring develops just from the ova. That can only happen if this meiotic division does not occur, because the ovum has to, and it says that here, induce the egg to keep all of its chromosomes. This is kind of easy to do with salamanders and frogs and so forth. There is a lot of parthenogenic embryonic studies that are done with these, with these animals.

But now of course it is going to have exactly the same genetic makeup as the mother. I do not know if we ever have a documented case of this happening in humans. But you can certainly induce it in some of the lower animals.

The next chart now shows us the four processes, the potential sources of stem cells that were described here in the white paper produced by the President's Council on Bioethics, called alternative sources of human pluripotent stem cells. Dr. GINGREY used the term pluripotent. I would like to note just for a moment what that means.

The embryo itself, when it is first fertilized, is totipotent, it can produce any and all cells, including the decidua. These are the cells that will produce the amnion and corion to support the embryo. By the time it gets to several divisions, even the eight-cell stage, it has now become only pluripotent. A single cell will not be able to produce all of the tissues of the body.

If it could produce everything, maybe produce all of the issues of the body, but not the decidua, if it could produce all of those, it would simply, as Dr. GINGREY mentioned, be another embryo and the ethical argument would start all over.

But it is my understanding, and I was pleased to learn this, because I did not know before I got involved in this, I do not think that we knew until very recently with research, when the embryo went from totipotent to pluripotent, but you do not want totipotent cells, you want only pluripotent cells; that is why the name of this article.

There are several different techniques, four of them, and three of them are shown here. The last one will be on the next slide. Altered nuclear transfer. This is an interesting one. You will see that it looks very much like the cloning.

But what they do before they put the donor cell is they turn out, turn off some of the genes in the donor cell. Generally they are the genes that would produce the decidua. So you do not end up with an embryo, you end up with a mass of dividing cells that have all of the cell types the embryo would have, but they are not organized as an embryo.

So the argument is made that since it is not an embryo, you can take the cells from it. And then you turn the gene back on, because in your stem cell line, you want to have a normal cell, so you turn the gene back on.

There is another variant of this, which is interesting and might have less ethical arguments. Because the ethical argument here might be that you are simply producing a deformed fetus. If a fetus is born deformed, you do not take it and kill it, so why should you kill this? You have intentionally deformed it.

Now the proponents of this will argue that it is really not a fetus because it has no chance of ever developing into a baby. But that argument kind of goes away if you use this technique.

Because what they do here is to enhance the cells that produce the embryonic stem cell growth so that it cannot produce the whole baby.

☐ 2015

You haven't disrupted, changed the embryonic makeup; you simply enhanced the activity of some of the cells. So this altered nuclear transfer oocyte-assisted reprogramming is what it is called. And obviously we need a lot of animal experimentation, which is what the bill provides for.

This is the technique that I had suggested to the President. I met him at an event shortly after I went to NIH, and I talked to some of the doctors there. They had an open laboratory there and invited the staff out and Members out. I think I was probably the only Member that was there.

But they were talking about the potential of embryonic stem cell research. They didn't know what position the President was going to take; and of course you can't get inside their head, but my feeling was that they believed that the President was going to permit the use of surplus embryos and use Federal money for that. He, of course, did not do that.

But I asked them during this discussion, if in the development of identical twins you can take half the cells away and each half produces a perfectly normal baby, why shouldn't you be able to take one or two cells away to produce a stem cell line from, and then the rest of the embryo would produce a perfectly normal baby? And they said, yes, that ought to be possible.

And this is just depicted here. You have taken a cell away and you developed it into an embryonic stem cell line. That is easier said than done, because these cells don't like to be alone. And now two doctors say they have done it; Verlinksy and Lanza both say that they have successfully developed a stem cell line from a single cell. But both of them did it creatively by giving this cell some company, and after developing a sufficient number of like cells, they then could take the company cells away, and they had a pure embryonic stem cell line.

The last one here is a really interesting one, and that is the idea that you could take cells from an embryo which was clinically dead, like a person could be clinically dead but their organs are still good; that is how we do organ transplants. So maybe there is a time when an embryo is clinically dead, but the cells are still alive. It does not have the organizational capacity to produce an embryo, but yet the cells are still alive. There has been a lot of research on this, and, yes, that is a possibility.

The argument might be, gee, what kind of confidence could you have? You have got a good stem cell line from an embryo that was dead? But the counterargument would be, and one of our colleagues has a lung transplant here in the House and one of my very good friends here had a double lung transplant and lived with it for a long number of years, and both of those came from people who were clinically dead.

The next chart shows a really interesting one. And if this could be made to work, it is better than any of the others because you now would end up with embryonic stem cells that were a genetic match for the person that you were going to treat. And we won't take the time to go through these, but these are all techniques of trying to convince the donor cell, this is the donor, this is the guy with Parkinson's disease or the child with diabetes. You take the donor cell now and you use embryonic stem cell, the cytoplasm of the embryonic stem cell to confuse the donor cell nucleus so that it thinks it is an embryonic stem cell. And if you can do that, it is called de-differentiation, you have now taken the de-differentiated state, if you could do that, this would be the best of all worlds, because not only do you have a stem cell, you have a stem cell that is generically identical to the person you are going to treat so you don't have any rejection.

Now, we don't know if this is going to work or not, and what this bill does is to authorize the NIH to expend Federal funds to explore all of these techniques.

The next slide shows a phenomenon, and I would like to ask Dr. GINGREY to make a brief comment. We will be closing here in about 7 minutes, but this is what led me to believe that you could take cells from an early embryo without hurting it, because nature does this all the time. It is called identical twinning. Sometimes they divide at the two-cell stage and sometimes as late as the inner-cell mass stage. And my understanding is that you can tell when the division occurred by how they present. If they present at birth in a common amnion, the division probably occurred at the two-cell stage. If they present in the uterus with two different amnions, the division probably occurred at the inner-cell mass stage. And I would like to ask Dr. GINGREY, in his many deliveries, if he has had a chance to verify if this was true.

Mr. GINGREY. I thank the gentleman.

Indeed, it is true, Mr. Speaker, what he is describing. In fact, I can relate some personal experience to that. I think a lot of my colleagues know my wife and I had our fifth grandchild, but our oldest grandchildren are identical twin girls; they are 8 years old, and they were actually born at 26 weeks. They only weighed one pound, 12 ounces. And, Mr. Speaker, normally that situation is fraught with a lot of problems, and we were, of course, very blessed that they did well.

But what Representative BARTLETT is talking about is exactly right. And, as he said, in human nature, you get this division, and you may be dividing at the eight-cell stage, you may be dividing at the four-cell stage or the 16-cell stage, and no harm is done. You are basically taking away 50 percent; it is almost like the wisdom of Solomon in dividing a child without harming either. And it is amazing what human nature can do.

And the gentleman said earlier that preimplantation diagnoses biopsy of the embryos so that you can avoid reimplanting an embryo that has a genetic defect that is incompatible with life. And these processes are being done, the gentleman referred to maybe a couple hundred cases that he was familiar with, with absolutely no harm. So this is exactly the right track, and so I do agree with your statement.

Mr. BARTLETT of Maryland. I thank the gentleman very much. I had forgotten that he had identical twins and is very familiar with this, not just as a physician but as a father.

I want to close with a note that a very fortuitous thing has happened, and let me put the next chart up that simply is a page from this White Paper that refers to this technique and that credits me with this proposal early in this process.

After I suggested this to the President, a very interesting thing had happened after that with a dialogue between Karl Rove and the White House, and they were, in effect, carrying out simultaneous monologues and thought they were dialoguing. And that very frequently happens, one of our big problems in this world, which is why, I guess, we have a State Department, because sometimes people think they are dialoguing and they really are carrying on simultaneous monologues.

But during this 5 years this technology has developed to the point that the British now are doing this preimplantation genetic diagnosis. And I am sure he won't mind if I mention his name. Richard Doerflinger made one of the greatest contributions to this dialogue of anybody when he suggested, "Roscoe, the first thing that you need to do with that cell that you take from this eight-cell stage is to establish a repair kit for the baby."

Now, we are kind of trying to do that with freezing cord blood. That is the reason you freeze cord blood, because later you may need it. That, by the way, is not embryonic stem cell; those are the adult stem cells. The baby's is an adult when it is born. As a matter of fact, the day you are born, you start to die. You are an adult when you are born. The embryonic is when you are first starting to develop; it is not an embryo, it is a fetus at that time. And the tissues are really in terms of the genetic development; they are adult tissues.

But if now the first thing that a parent does with that cell that is taken is to establish a repair kit and take a second cell, because the six cells that were implanted do just as well as the seven that were implanted, with the second cell, do a preimplantation genetic diagnosis, if they wish. But the critical thing is that we would get the stem cell lines now from the surplus cells, from the repair kit.

So now I think that all ethical arguments disappear, because the parents are making two decisions that we are not a part of; we don't even get involved. They make a decision to have in vitro fertilization; then they make the decision to establish a repair kit. And only after the repair kit is established do we ask for some surplus cells from the repair kit.

I am very pleased that there is this possibility, because I understand, and I have a number of prolife friends who have decided that since these surplus embryos are going to be thrown away anyhow that you may as well try to get some medical benefit from them. That may be, for some, a compelling argument. And if I didn't believe that there was an alternative to that, it might be a more compelling argument.

But since there is an alternative to that and we don't have to offend the sensibilities of a large number of people in the country, and I am one of them; I am a little different, I guess, because I am a scientist and understand these things a little from that perspective, too. But I am devoutly prolife.

And I am just so pleased, Mr. Speaker, that we will have the opportunity shortly in the House as they are doing in the Senate to vote on a bill that can go to the President's desk, where he can sign the bill and say, I am really happy that we have here a bill that gives all of the promise of embryonic stem cell research without destroying or even hurting embryos.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order of the gentleman from Texas (Mr. BURGESS) is vacated.

There was no objection.

AVIAN INFLUENZA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for 20 minutes.

Mr. BURGESS. I thank the Speaker for that consideration.

Mr. Speaker, I wanted to come to the floor tonight to speak just a little bit about a situation that we have had to address here in Congress, and we likely will have to think about it some more over the coming year or years, and that is the issue of avian influenza.

The important thing to remember when we talk about bird flu, or avian influenza, is, there are different types of flu. We are all familiar with the common type of influenza, the one that we all get a flu shot for or should get a flu shot for every year. And the reason we have to be vaccinated every year is because there are modest changes that occur in the genetic makeup of this virus year in and year out, a so-called genetic drift.

Avian flu refers to a virus that is currently present only in birds, but has on occasion made the transition to a human host with rather significant effects. This reflects a bigger genetic change than can occur in the flu virus from time to time, a so-called genetic shift. This could become a major health threat to humans.

As of June 20, 2006, the World Health Organization has confirmed 228 human cases with 130 deaths. It doesn't take much to do the math to see that that is a mortality rate in excess of 50 percent for this virus.

Now, the trouble signs that are already present. We do have the virus present in birds; there is a wide geographic setting with involvement of other animals, including cats and tigers. Bird-to-human transmission has occurred, but it has occurred only with inefficiency; and there has been on occasion, through close household contact, inefficient human-to-human transmission.

Steps one through four have occurred since 1997, and I must stress, they have occurred in the Eastern Hemisphere of the world. There have been no reported cases in birds or humans in the Western Hemisphere.

The last step in this process, the efficient human-to-human transmission of this virus, has not occurred. If that step does occur, and it is certainly not certain that it will, but if that step does occur, that would trigger the onset of the possibility of pandemic flu.

One of the big problems that we have with this virus, as humans, is that we have no underlying immunity to this virus, so that if the virus is introduced to the community where it can spread easily from person to person, it could progress very rapidly through the population.

Now, pandemics are not new phenomena; they occur and have occurred over the centuries. They happen about every 35 years, approximately three per century. And, indeed, in the 20th century there were three such epidemics. In 1918, the so-called Spanish flu killed 50 million people worldwide. In 1957, the Asiatic flu killed 170,000 people in the United States. And, in 1968, the Hong Kong flu killed 35,000 people in the United States.

What would happen if a pandemic flu were to reemerge? The Department of Health and Human Services estimates that for a moderate outbreak like the Asian flu pandemic in 1957, we could see over 200,000 deaths in this country. In a worst-case scenario, such as the Spanish flu pandemic in 1918, almost 2 million deaths would be estimated to occur in the United States.

□ 2030

Mr. Speaker, I have a couple of maps that show some of the progression of this illness across the globe. Looking here at this first map, the eastern part of the world, avian flu cases are depicted in blue, human cases in black. On this map you will see almost 50 countries that have been involved with avian flu in bird populations and a smaller number, 10 countries, have reported human cases which have moved with some difficulty from birds to humans.

Looking at a map that shows the progression of this illness in birds, we see that in Hong Kong in 1997 when the disease was first reported, there has been a gradual progression westward since that time. June of 2004, the disease had progressed to Vietnam. June of 2005, the disease was reported in Iraq. In 2006, Turkey. In March of 2006, it had made an appearance in Egypt, and the progression is westward.

This inset map on the bottom, the orange lines, and it is difficult to see, but that outlines the places where bird populations, domestic bird populations, poultry populations and human populations tend to overlap. You can see in the areas in China and Vietnam and Southeast Asia where that appears to have been a significant issue, and you can see some areas of the United States that would be at risk if bird flu actually spread to this country.

To date, the disease has been endemic in birds and over 200 million birds have been culled in the last 3 years. This is significant in that there are many parts of the world that rely on poultry as literally a means of currency, and this has been a very difficult thing for some countries to accomplish. But a critical aspect of the prevention of the disease is if we can stop it in birds and never have to worry about it in humans, it is going to be much, much better for us as a people.

Let me take these out of the way for a moment and demonstrate one of the issues that is so striking about this illness because it does occur in wild birds. This is a map that shows the migratory flyways across the world. It is thought that this virus is spread by migratory birds to poultry populations. The countries with outbreaks in general have a high concentration of poultry. There is some concern because there are two of these flyways, as you can see, the East Atlanta Flyway which goes from the African continent up into the polar regions of Canada, and then the East

Asia Flyway which comes up through Australia and comes into Canada and Alaska.

Now, it is unknown whether the virus will make a transition to the Western Hemisphere by these routes, but the routes suggest there could be some risk. And for that reason, there has been increased testing across the United States starting in Alaska with nearly 100,000 samples taken from live and dead wild birds, and 50,000 samples from water from high-risk waterfowl habitats to be tested in 2006 alone.

The World Health Organization has identified six levels of pandemic alert, and we are currently at level 3 with limited human-to-human transmission. As of June 20, 2006, the World Health Organization has confirmed 228 human cases, 130 deaths. The disease was first found in Hong Kong in 1997, and 18 human cases were encountered in that outbreak, six of whom died, and there was significant poultry culling from that population. The disease was almost arrested at that point.

There is a high incidence of the disease in a few countries. Vietnam has had 40 percent of the human cases, and Indonesia has had 20 percent of the human cases. The problem is in Indonesia, the virus has not been contained compared to Vietnam. And Indonesia has had outbreaks since early 2004, and new outbreak reports occur with some frequency. As of June 20, the 51st case of human infection, which was fatal, was confirmed.

Let's look at a map of Indonesia. There has been a steady rise of reported cases and a high correlation between poultry populations and human outbreaks.

The little triangles on the map represent human cases. It is misleading because the triangles overlap so there are more case than there are actually triangles because some of these cases do occur in clusters and are very close in a geographic footprint.

In some of the larger cities, notice how close some of the triangles occur. Indonesia is the fourth most populous country. In many ways Indonesia is still suffering from the tsunami that hit there the day after Christmas in 2004. In May they had a major earthquake in the central Java region with as many as a million and a half people left homeless, and Indonesia raises about a billion and a quarter chickens per year. That is about 7 percent of the global total. It has 70,000 villages spread across its 17,000 islands. Many of the poultry raised in Indonesia are raised in the backyards of people's houses, and about 80 percent of the country's 55 million households actually have close proximity to poultry. And that makes the presence of the disease in Indonesia a little more troubling.

A chart that is fairly busy but I think important to look at depicts some of the cases that have occurred in Indonesia. This is information that has been confirmed by scientists and field researchers from the World Health Organization. This is a recent family cluster that occurred in the Kubu Simbelang village in North Sumatra.

Many of the recent news headlines had to do with the fact concerning the avian flu virus may have become efficient in going from human to human, but the outbreak investigation showed that this is indeed, although there is a high number of cases, it is indeed what is known as a contained cluster, meaning no others, no health care workers, no neighboring villagers, were being infected.

The initial case, the index case of a 37-year-old woman, was most likely infected by her sick and dying backyard chickens. She kept them indoors at night. No specimen was taken from this patient before she was buried so it cannot be confirmed that she was infected with the H5N1 virus. However, seven of her relatives did test positive for the virus. The relatives most likely became ill because of close contact with the initial illness. Six of the seven relatives have died, so currently limited inefficient human-to-human transmission of the H5N1 virus that causes the avian flu.

Another thing that is striking about this, we all think of flu as being an illness that strikes the very young or very old. But look at the age distribution in this family, in this village. Basically young healthy people were the ones that were infected. Now, it is not known whether that is significant or that just was the cluster that unfortunately got infected by that incident of infection, but it is striking that so many people were in the age group where you would think they would be young and healthy with a good immune system that could ward off this virus.

In general, 3 to 5, 10 days elapse between the time of symptoms to death with this illness.

Now several things separate the situation that is present today from that which existed in this country in 1918, and the first has been the introduction of antivirals and vaccines. Antiviral agents are able to actually attack part of the virus itself and work like an antibiotic and prevent the virus from replicating, and prevent the viral infection from being so severe.

Antivirals do have to be administered within the first 24 hours of the onset of symptoms in order to be effective. For that reason, we have to have an adequate stockpile of antiviral medications, and there has to be the distribution network to get the antiviral medications to the areas where they would be required should an outbreak occur.

Tamiflu is probably the most famous of the antivirals. Relenza is another one proprietary name for one of the antivirals. Again, if administered during the first 12 to 24 hours, these have the possibility of not stopping the illness, but moderating the course of the disease.

Vaccines are historically our major line of defense against viral illnesses. One of the problems we have is we have not had a great deal of secure vaccine manufacturing within our borders for a number of years. We have to have that ability to manufacture the vaccine within the United States.

One of the other problems is this virus is constantly evolving. It has not yet evolved from a state where it can go easily from human to human. There has been a vaccine developed to the current H5N1 virus, but if it changes yet again to the efficient human-to-human form, the vaccine may not be as effective. To some degree, you almost need to wait until the pandemic occurs before you can actually develop the vaccine.

But the good news is that there has been a vaccine that has been developed that seems safe. It does seem effective against the current strain of bird flu. One of the difficulties occurs, since we have no native immunity to this virus, it does take a lot of this vaccine to render someone immune to the virus. Normally you take a flu shot that is 15 micrograms of material to develop immunity. With this vaccine, it requires two doses of 90 micrograms in order to get someone to develop the appropriate immunity.

The other thing that has to happen, vaccine manufacturers that do exist manufacture vaccines by an old method, an egg-based method. If the disease is in chickens and we are having to cull poultry from the population, you don't want to depend upon an egg source for your vaccine, and newer cell-based technologies certainly need to be developed.

Surge capacity within the health care system is going to play a key role. We are going to have to be certain that we protect first line responders with whatever vaccine is available. If the virus hits, antivirals have to be available for first line responders. It is going to be important to rotate health care workers so they don't become overwhelmed in dealing with the disease, and we are going to have to offer mental support services, not just for health care workers, but for patients and their relatives who are charged with caring for them. This could be a disease that will take a very heavy emotional toll on the population.

In order to minimize the economic impact, we have to implement business continuity plans. This is being done in many communities. Certainly my communities back in Texas have looked into how they will handle some of the other things that local and county and State governments are supposed to do if faced with a pandemic outbreak.

Mr. Speaker, I will wrap this up. I do want to mention that I spent a day last week in Geneva with some individuals at the World Health Organization. Dr. Michael Ryan was kind enough to spend some time talking with me on the global perspective. I have been focused primarily on preparedness within this country, and Congress appropriately has been focused on preparedness in this country. But I want to make mention of some of the things being done by the World Health Organization in order to make certain that the virus is either arrested in its initial outbreak or that the disease is mitigated because people have been on top of it.

Dr. Ryan works at a place called the Strategic Health Operations Center that is part of the World Health Organization in Geneva. The purpose of that organization is to provide strategic support. in this country to provide that strategic support to the Department of Health and Human Services, but they also have a global response network that is responsive to the World Health Organization as well as the CDC and Health and Human Services Department here in this country.

The concept is to control this virus at the source, and that is really what is one of the critical features of this. That is how they were able to gain control in Vietnam and Hong Kong. To some degree, culling of poultry populations is something that we may see more of as time goes by, as well as isolation and quarantine of infected individuals coupled with vaccination and antivirals.

Intelligence is of course a key to this whole process. And then verification of that intelligence, assessment of the situation on the ground and then a response to the situation as it occurs. All of these are parameters that the World Health Organization is monitoring through the Strategic Health Operation Center in Geneva.

Countries need to know that they just are not able to hide a problem like this and that officials at the World Health Organization consider this a reportable illness with or without the permission of the host government of the country. That, I think, is a terribly important step.

We have a lot of work yet to do in Congress as far as national preparedness. A good deal of work has already been done as far as the request for proposal for vaccines that went out earlier this year through Secretary Leavitt and the Department of Health and Human Services. A lot of preparatory work is taking place on the State, local, and county levels.

Every one of our committees in Congress has a role to play in preparedness for the possibility of this pandemic.

In the final analysis, is a pandemic going to occur? No one knows the answer to that question. It could be an illness of such severity that preparedness is something we are all going to wish we spent more time doing.

□ 2045

Or it may have come across as something more like the Y2K phenomenon where nothing much happens.

It will be in our best national interest, though, to focus on some of these preparedness aspects to work with some of our partners at the World Health Organization, be certain that we keep this virus under surveillance, be certain that we develop the vaccine capability, the surge capacity within our health care system and the development and stockpiling of antivirals within our country.

Mr. Speaker, you have been very indulgent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for July 10.

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today.

Mr. HINCHEY (at the request of Ms. PELOSI) for today.

Mr. MCNULTY (at the request of Ms. PELOSI) for today and the balance of the week.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today from 12:30 p.m. and for the balance of the day on account of traveling with the President of the United States in Wisconsin.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. ADERHOLT) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today.

Mr. OTTER, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 12, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8429. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification of the Department's intention to close the Defense commissary store at Naval Air Station (NAS) Keflavik, Iceland by August 31, 2006; to the Committee on Armed Services.

8430. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(1); to the Committee on Armed Services.

8431. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting certification that the Global Hawk program has been restructured, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

8432. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting certification that the National Polar-orbiting Operational Environmental Satellite System program has been restructured, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

8433. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Henry P. Osman, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8434. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 15-06 which informs of an intent to sign the Defensive Aid Systems Project Arrangement between the United States and the United Kingdom; to the Committee on International Relations.

8435. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8436. A letter from the Vice President, Office of External- Relations, CHF International, transmitting the 2005 Annual Report entitled, "Pathways to Stability"; to the Committee on International Relations.

8437. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 2005 Annual Report to Congress on Peacekeeping; to the Committee on International Relations.

8438. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the April 15, 2006–June 15, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

8439. A letter from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Food and Nutrition for People Living with HIV/AIDS, as requested in House Report 109-152, accompanying H.R. 3057; to the Committee on International Relations.

8440. A letter from the Secretary, Department of Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

8441. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

8442. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the Annual Report of the Corporation, which includes the Corporation's operational and financial results as of September 30, 2005, pursuant to 29 U.S.C. 1308; to the Committee on Government Reform.

8443. A letter from the Chief Human Capital Officer, Corporation for National & Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8444. A letter from the Secretary, Department of Agriculture, transmitting the Department's strategic Plan for FY 2005–2010; to the Committee on Government Reform.

8445. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8446. A letter from the Assistant Secretary for Administration and Management, Chief Acquisition Officer, Department of Labor, transmitting the Department's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2005, pursuant to Public Law 108-447, section 641; to the Committee on Government Reform.

8447. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8448. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2005, pursuant to Public Law 108-447, section 641; to the Committee on Government Reform.

8449. A letter from the First Vice President & Controller, Federal Home Loan Bank of Atlanta, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8450. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8451. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Des Moines, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of Des Moines, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8452. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the 2005 Statements on System of Internal Controls of the Federal Home Loan Bank of Indianapolis, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8453. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's FY 2005 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Government Reform.

8454. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Closing of the Port of Noyes, Minnesota, and Extension of the Limits of the Port of Pembina, North Dakota [CBP Dec. 06-15: USCBP-2005-0001] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8455. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01-05-106] (RIN: 1625-AA11) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8456. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York and Vicinity [CGD01-05-101] (RIN: 1625-AA01) (Previously reported as RIN: 1625-AA98) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8457. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Massalina Bayou, Panama City, FL [CGD08-06-016] (RIN: 1625-AA09) received June 20, 206, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8458. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chelsea River, Chelsea, MA [CGD01-06-024] (RIN: 1625-AA09) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8459. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Hog Island Channel, Charleston SC [COTP Charleston 06-003] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8460. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks Displays in the Captain of the Port Portland Zone [CGD13-06-009] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8461. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Severn River and College Creek, Annapolis, Maryland [CGD05-06-052] (RIN: 1625-AA87) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Transportation and Infrastructure.

8462. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Severn River and College Creek, Annapolis, Maryland [CGD05-06-052] (RIN: 1625-AA87) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Transportation and Infrastructure.

8463. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events: Pasquotank River, Elizabeth City, North Carolina [CGD05-06-023] (RIN: 1625-AA08) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Transportation and Infrastructure.

8464. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Rappahannock River, Essex County, Westmoreland County, Layton, Virginia [CGD05-06-024] (RIN: 1625-AA08) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8465. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Nanticoke River, Sharptown, MD [CGD05-06-020] (RIN: 1625-AA08) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8466. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Norfolk Harbor Entrance Reach, Chesapeake Bay, VA [CGD05-06-051] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8467. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on the Niagara, The Niagara River at Gratwick Riverside Park, North Tonowanda, NY [CGD09-06-029] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8468. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Hog Island Channel, Charleston, SC [COTP Charleston 06-003] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8469. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tarague Basin and Adjacent Waters, GU [COTP Guam 06-008] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8470. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rockets for Schools, Sheboygan, WI [CGD09-06-024] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8471. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA-2006-24980] (RIN: 2127-AI66) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8472. A letter from the Assistant Chief Counsel, Hazardous Materials, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for UN Cylinders [Docket No. PHMSA-2005-17463 (HM-220E)] (RIN: 2137-AD91) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8473. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. ALF502L Series and ALF502R Series Turbofan Engines [Docket No. 92-ANE-34-AD; Amendment 39-14584; AD-2006-09-13] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8474. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Organization Designation Authorization Program [Docket No. FAA-2003-16685] (RIN: 2120-AH79) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8475. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-200 and -300 Series Airplanes [Docket No. FAA-2006-24104; Directorate Identifier 2005-NM-231-AD; Amendment 39-14595; AD 2006-10-11] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes in Operation [Docket No. FAA-2006-24120; Directorate Identifier 2006-NM-021-AD; Amendment 39-14593; AD 2006-10-09] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2006-24792; Directorate Identifier 2006-NM-102-AD; Amendment 39-14599; AD 2006-10-15] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-223, -321, -322, and -323 Airplanes [Docket No. FAA-2004-19982; Directorate Identifier 2004-NM-142-AD; Amendment 39-14597; AD 2006-10-13] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Big Lake, AK [Docket No. FAA-2006-23927; Airspace Docket No. 06-AAL-11] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of VOR Federal Airway V-623; NJ and NY [Docket No. FAA-2005-23424; Airspace Docket No. 05-AEA-23] (RIN: 2120-AA66) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Atqasuk, AK [Docket No. FAA-2006-23710; Airspace Docket No. 06-AAL-03] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30496; Amdt. No. 3168] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8483. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Restricted Areas R-3007A, B, C, D, and E; Townsend, GA [Docket No. FAA-2003-16531; Airspace Docket No. 96-ASO-10] (RIN: 2120-AA66) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8484. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30497; Amdt. No. 3169] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8485. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Onslow Bay, Beaufort Inlet, Morehead City State Port, Beaufort Harbor and Taylor Creek, North Carolina [CGD05-06-015] (RIN: 1625-AA08) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4855. A bill to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public and private school tuition assistance programs established under the Act (Rept. 109–553). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOREN:

H.R. 5755. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. BEAUPREZ:

H.R. 5756. A bill to provide additional authority to the Secretary of Agriculture and the Secretary of the Interior to implement hazardous fuel reduction projects in the State of Colorado in response to dangerous fuel levels and insect infestations in forested Federal land in Colorado, to extend the maximum duration of stewardship contracts carried out in Colorado, to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from biomass, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself and Mr. SCHIFF):

H.R. 5757. A bill to amend title 11 of the United States Code with respect to converting chapter 7 cases of certain debtors who are victims of identity theft; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. BRADY of Pennsylvania, Mr. SIMMONS, and Ms. BORDALLO):

H.R. 5758. A bill to amend title 38, United States Code, to provide that World War II merchant mariners who were awarded the Mariners Medal shall be provided eligibility for Department of Veterans Affairs health care on the same basis as veterans who have been awarded the Purple Heart; to the Committee on Veterans' Affairs.

By Ms. HARRIS:

H.R. 5759. A bill to amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to prevent waste, fraud, and abuse in the Directorate, to codify certain existing functions of the Department of Homeland Security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, Energy and Commerce, International Relations, the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 5760. A bill to fulfill President Clinton's commitments made as part of the designation of the Giant Sequoia National Monument by presidential proclamation to provide a transition from the timber sale program in effect before the designation to the more restrictive management anticipated for the national monument, to promote the Kings River Research Project in the Sierra National Forest, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 5761. A bill to amend the Nuclear Waste Policy Act of 1982 to improve the material control and accounting and data management systems used by civilian nuclear power reactors to better account for spent nuclear fuel and reduce the risks associated with the handling of those materials; to the Committee on Energy and Commerce.

By Mr. TERRY:

H.R. 5762. A bill to amend the Fairness to Contact Lens Consumers Act with respect to the availability of contact lenses; to the Committee on Energy and Commerce.

By Mr. WOLF:

H.R. 5763. A bill to authorize the exchange, between the Secretary of the Interior and the Secretary of Transportation, of administrative jurisdiction of Federal land at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 5764. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; to the Committee on Resources.

By Mr. GOHMERT:

H.J. Res. 91. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. FOSSELLA (for himself, Mr. MICA, Mr. KING of New York, Mr. KUHL of New York, Mr. FERGUSON, Mr. PAYNE, Mr. BOEHLERT, Mr. NADLER, Mr. CROWLEY, Mr. TIBERI, and Mr. TOWNS):

H. Res. 908. A resolution congratulating Italy on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup; to the Committee on International Relations.

By Mr. PRICE of Georgia (for himself, Mrs. KELLY, and Mr. SCOTT of Georgia):

H. Res. 909. A resolution encouraging the United States financial services industry to develop, test, and implement systemic plans to address the challenges and risks posed by pandemic or bioterrorism events to the national and international economies, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. TIBERI.

H.R. 354: Mr. SAXTON and Ms. PRYCE of Ohio.

H.R. 379: Mr. GRIJALVA and Mr. OWENS.

H.R. 550: Ms. BEAN.

H.R. 602: Mr. STUPAK.

H.R. 626: Mr. SMITH of Texas.

H.R. 874: Mr. BOOZMAN.

H.R. 994: Mr. REGULA and Mr. MELANCON.

H.R. 1000: Mr. PETERSON of Minnesota.

H.R. 1020: Mr. HINCHEY.

H.R. 1050: Mr. CLAY.

H.R. 1108: Mr. ROSS.

H.R. 1227: Mr. HOEKSTRA.

H.R. 1298: Ms. CARSON.

H.R. 1322: Mr. CONYERS.

H.R. 1329: Mr. JONES of North Carolina.

H.R. 1351: Mr. WALSH.

H.R. 1372: Mr. GRIJALVA.

H.R. 1376: Mr. MOORE of Kansas.

H.R. 1384: Mr. WAMP, Mr. PETERSON of Minnesota, Mr. ROGERS of Michigan, and Mr. GREEN of Wisconsin.

H.R. 1849: Mr. LIPINSKI.

H.R. 1898: Mr. WALDEN of Oregon and Mr. WHITFIELD.

H.R. 1955: Ms. HOOLEY.

H.R. 2039: Mr. UDALL of Colorado and Mr. McKEON.

H.R. 2051: Mrs. CAPPS.

H.R. 2134: Mr. OLVER.

H.R. 2178: Mr. CAPUANO and Mr. GONZALEZ.

H.R. 2206: Mr. MICHAUD, Mr. RUSH, and Mr. ALLEN.

H.R. 2393: Mr. TIAHRT.

H.R. 2421: Mr. ALLEN and Mr. HASTINGS of Florida.

H.R. 2561: Mr. PAYNE.

H.R. 2793: Mr. STUPAK.

H.R. 2808: Mr. NUNES, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. HOLT, Mr. MEEHAN, Mr. GRIJALVA, Mr. CARDIN, Mr. McCAUL of Texas, Mr. CHANDLER, Mr. CARNAHAN, Mr. SHAW, Mr. BERMAN, Mr. MILLER of Florida, Mr. HEFLEY, Mr. ETHERIDGE, Mr. DAVIS of Florida, and Mr. DeFAZIO.

H.R. 2861: Mrs. LOWEY.

H.R. 2963: Mr. KIND.

H.R. 3248: Mr. CARDIN.

H.R. 3413: Mr. LEACH.

H.R. 3427: Mr. ALLEN and Mr. KILDEE.

H.R. 3492: Mr. NADLER.

H.R. 3579: Mr. BISHOP of Georgia.

H.R. 3616: Mr. PICKERING, Mr. LoBIONDO, Ms. GRANGER, Mr. BRADY of Pennsylvania, and Mr. RAMSTAD.

H.R. 3715: Mr. BACHUS.

H.R. 3762: Mr. NEAL of Massachusetts and Mr. RANGEL.

H.R. 3795: Mr. SHIMKUS and Mrs. MILLER of Michigan.

H.R. 3875: Mr. ALLEN, Mr. CLYBURN, Mr. FILNER, and Mr. RANGEL.

H.R. 3949: Ms. HART.

H.R. 4005: Mr. SWEENEY.

H.R. 4059: Mr. BROWN of Ohio and Mr. ALLEN.

H.R. 4201: Mr. KILDEE.

H.R. 4217: Mrs. SCHMIDT.

H.R. 4264: Ms. CORRINE BROWN of Florida.

H.R. 4298: Mr. SNYDER and Mr. CROWLEY.

H.R. 4381: Ms. HART.

H.R. 4403: Mr. PETERSON of Minnesota and Mr. COSTA.

H.R. 4537: Mr. CONYERS and Mr. GRIJALVA.

H.R. 4597: Mr. LEACH, Mr. LUCAS, and Ms. WATERS.

H.R. 4772: Mr. CANNON.

H.R. 4800: Mr. ENGEL and Mr. MARKEY.

H.R. 4854: Mr. PAUL and Mr. PETERSON of Minnesota.

H.R. 4873: Mrs. JO ANN DAVIS of Virginia.

H.R. 4927: Mr. GONZALEZ, Mr. TERRY, Mr. CUELLAR, Mr. PAYNE, Mrs. LOWEY, Mr. CARDIN, and Mr. ROGERS of Kentucky.

H.R. 4961: Mr. MORAN of Virginia, Mrs. MUSGRAVE, Mrs. KELLY, and Mrs. DRAKE.

H.R. 5013: Mr. GREEN of Wisconsin, Mr. BOOZMAN, and Mr. THORNBERRY.

H.R. 5022: Mr. PAYNE, Mr. SERRANO, Mr. DOGGETT, and Ms. McKINNEY.

H.R. 5047: Mr. UDALL of Colorado.

H.R. 5050: Mr. PETERSON of Minnesota.

H.R. 5099: Miss McMORRIS.

H.R. 5102: Mr. PETERSON of Minnesota.

H.R. 5118: Mr. CUELLAR, Mr. TERRY, Mr. AL GREEN of Texas, Mr. GOHMERT, and Mr. GORDON.

H.R. 5134: Mr. WYNN and Mr. HERGER.

H.R. 5173: Mr. KUHL of New York.

H.R. 5212: Mr. ISRAEL.

H.R. 5233: Mr. RANGEL.

H.R. 5282: Mr. McKEON.

H.R. 5291: Mrs. MYRICK.

H.R. 5337: Mr. NUNES.

H.R. 5381: Mr. WHITFIELD.

H.R. 5388: Mr. JACKSON of Illinois.

H.R. 5390: Mr. McCOTTER.

H.R. 5392: Mr. SHAYS.

H.R. 5396: Ms. KAPTUR, Mr. GREEN of Wisconsin, Mr. BRADY of Pennsylvania, Mr. McCOTTER, Ms. MATSUI, Mr. ENGLISH of Pennsylvania, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5470: Mr. TERRY.

H.R. 5482: Mr. BERMAN.

H.R. 5496: Mr. PAYNE.

H.R. 5499: Mr. BISHOP of Georgia and Ms. WATSON.

H.R. 5542: Mr. COSTA.

H.R. 5551: Mr. ROGERS of Michigan.

H.R. 5555: Mr. MARSHALL.

H.R. 5563: Mr. JACKSON of Illinois.

H.R. 5584: Mr. ETHERIDGE.

H.R. 5598: Ms. SLAUGHTER.

H.R. 5615: Mr. HASTINGS of Florida.

H.R. 5623: Mr. PASCRELL, Mr. HOLDEN, and Mr. OLVER.

H.R. 5671: Mr. BISHOP of New York.

H.R. 5674: Mr. DOGGETT.

H.R. 5680: Mr. McCOTTER, Ms. WATSON, Mr. HONDA, and Mr. SMITH of Washington.

H.R. 5682: Mr. DELAHUNT, Mr. BOUSTANY, Mr. SESSIONS, and Mr. CONAWAY.

H.R. 5685: Mr. CROWLEY.

H.R. 5706: Mr. KIND.

H.R. 5733: Mr. McCOTTER, Mr. GREEN of Wisconsin, Mr. LEWIS of California, Mr. BRADY of Pennsylvania, and Ms. BORDALLO.

H.R. 5735: Ms. SLAUGHTER.
H.R. 5744: Mr. SOUDER.
H.R. 5752: Mr. LANGEVIN.
H.J. Res. 73: Mr. MEEK of Florida.
H. Con. Res. 50: Mr. HAYES and Mr. SIMPSON.
H. Con. Res. 222: Mr. MEEHAN.
H. Con. Res. 384: Mr. BOEHLERT.
H. Con. Res. 390: Mr. SESSIONS.
H. Con. Res. 401: Ms. MCKINNEY.
H. Con. Res. 420: Mr. JACKSON of Illinois.
H. Res. 533: Mr. KENNEDY of Minnesota, Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, Mr. SIMMONS, Mr. KUHL of New York, Miss MCMORRIS, Mr. KING of New York, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 745: Mr. LANTOS.
H. Res. 759: Mr. TOWNS.
H. Res. 790: Ms. PELOSI, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. FATTAH, Mr. OWENS, and Mr. WYNN.
H. Res. 859: Mr. LEWIS of Georgia.
H. Res. 863: Mr. JACKSON of Illinois.
H. Res. 880: Mr. GERLACH.
H. Res. 884: Mr. CLYBURN.

H. Res. 900: Mr. VAN HOLLEN, Mr. PASTOR, Mr. CARNAHAN, and Mr. HOLDEN.

H. Res. 901: Mr. BISHOP of New York, Mrs. CHRISTENSEN, Mr. DINGELL, Mr. HINCHEY, Mr. ISRAEL, Ms. MATSUI, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. OWENS, Mr. ROSS, Mr. RANGEL, Mr. STARK, Mr. STRICKLAND, Mr. PAYNE, and Mr. JEFFERSON.

H. Res. 903: Mr. SOUDER and Mr. SAM JOHNSON of Texas.

SENATE—*Tuesday, July 11, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The PRESIDING OFFICER. Father Daniel Coughlin, Chaplain of the U.S. House of Representatives, will lead us in prayer.

The guest Chaplain offered the following prayer:

As one Nation, indivisible, constant in vigilance, seeking liberty and justice for all, we place all our fears, anxieties, problems, and concerns under Your protection, Almighty God.

We pray for our troops, first responders in times of emergency, peacekeepers, and all who fight the war against terrorism.

This Senate Chamber also seeks Your guidance in all decisionmaking today, that we may prove ourselves worthy of the noble sacrifice offered by the men and women in uniform. Motivated by their bravery and willingness to shed their blood for our life and liberty as a Nation, all Americans ask what is it You require of us that we may become the virtuous people responsible to uphold the sound principles that wrought this Nation into being.

May law and order not only be the words echoed in the halls of government and the courts of this land, but let us give firm evidence to our promise to uphold the Constitution of this Nation by deeds.

May the ways of justice and peace flow from the way we live and by the common practice of business and the daily discourse of its people.

Lord, may we be a people truthful in our words and committed to action that will exhibit justice and lead to peace—now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PROGRAM

Mr. FRIST. Mr. President, today we have the first 30 minutes of the session set aside for a period of morning business. Following that time, we will return to the consideration of the Homeland Security appropriations bill. As I announced yesterday, we will finish that bill this week. Therefore, if Senators have amendments, they should come to the floor and offer them. The two managers were here yesterday and will be on the Senate floor shortly and ready for business. Therefore, Senators can expect some votes today relative to the Homeland Security appropriations bill, and we will alert everyone when we lock in a time certain. The Senate will also recess today from 12:30 p.m. to 2:15 p.m. for our weekly policy meetings.

DEFICIT DECLINE

Mr. FRIST. Mr. President, I wish to take a few moments to comment on some very good news the administration is releasing right now as I speak.

As required by law, the administration today releases its updated estimates for this year's Federal budget. Compared to their estimate last winter that the Federal deficit would top $423 billion, today's news that the deficit will decline to $296 billion is a testament to a dynamic and growing U.S. economy. That is 30 percent less than what had been forecast in just February.

It is an economy that exceeds $13 trillion today, the largest of any country in the world. It is an economy with an annual growth rate that has consistently exceeded that of the other advanced economies around the world—England, Japan, Germany, France, Italy, and, indeed, the entire Euro area. It is an economy that has grown $3.2 trillion since the end of 2000. It is an economy battered by corporate scandals, the terrible devastation wrought by September 11, and the worst natural disaster in centuries to visit our shores. It is an economy that has grown despite the more than tripling of oil prices in less than 5 years.

All this while fighting an ongoing battle to defeat global terrorism.

It is an economy that has grown steadily for the last 4 years and 8 months. It is an economy that has experienced job growth every month for the last 34 consecutive months and added over 5.4 million jobs since September 2003. It is an economy that provided 151 million Americans jobs just last month—the largest ever in history. It is an economy with a 4.6 percent unemployment rate last month which was below the average of the 1960s, below the average of the 1970s, below the average of the 1980s, and below the average of the 1990s.

In short, it is an economy that has grown because of the grit and spine of the American worker, whose productivity exceeds that of all others. It has also grown because of explicit policies designed to lower tax burdens on the American public, to reduce the burdens of unnecessary and costly Government regulations, to limit the growth of unnecessary Federal spending, and then to step back and let the American workers release their great entrepreneurial competitive spirit.

The result: For the first 9 months of this fiscal year, total Government receipts rose by nearly 13 percent compared to the same period last year. That increase represents the second highest rate of growth for that 9-month period in the past 25 years, surpassed only by last year's strong record. Corporate tax receipts have grown over 26 percent, and individual tax receipts have grown 14 percent the first 9 months of this year.

When this strong growth in tax receipts is laid alongside spending that has grown about half as fast, it is no wonder the estimates released today show the Federal deficit declining rapidly.

We are making progress to bring our spending and revenue into line. Despite the cost of the Global War on Terrorism, despite the drain to our Treasury from Hurricanes Katrina and Rita and increasing costs of our health care system, we are making progress.

More needs to be done, and we cannot rest on the progress made to date. We must continue to limit the growth of unnecessary, parochial spending in the

Federal budget. We must continue to find ways to lower the cost of providing health care to our seniors and to workers and their families. We must find new sources of energy for the future. We must invest the taxpayers' dollars wisely in those areas which will continue to increase our competitive advantage in a growing, competitive global economy. We must continue to lower tax burdens on families and businesses so they can plan, invest, and continue to contribute to a growing economy in the years ahead. We must do all this and more while continuing to strive to achieve fiscal balance. Today's figures confirm for me that we can and we will achieve these blessings for future generations.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

THE ECONOMY

Mr. REID. Mr. President, I was not planning on speaking today, but I must respond to the distinguished majority leader's comments about what is happening to our economy.

One need only look at a newspaper. It doesn't matter which newspaper one picks up. The one I picked up in the cloakroom is the Washington Post business section. The headline of the Washington Post business section reads:

> Tax Cuts Credited; Long-Term Outlook Still Seen as Bleak.

And you flip down through the article, it says, among other things:

> But the favorable news about the money rolling into the Treasury stems largely from shifts in the economy, including fatter corporate profits, executive bonuses and stock market gains, that reflect growing inequality, the administration's critics contend. And even the White House acknowledges that in the long run, the nation's fiscal outlook [seems very] bleak.

We need only look on the next page where the story is carried over:

> The administration's estimate was widely derided at the time; budget experts said aides to President Bush were overestimating the red ink so they could claim credit later when the actual figures came in below forecast.

This is what they did. Earlier in the year, they talked about how big the deficit would be, and they planned that because everyone knew the deficit would be smaller than that. Smaller? Mr. President, $300 billion—is that anything to brag about? I think not.

The news article further says:

> But revenue often soars or plummets unpredictably with the stock market, and a troubling story emerges from a look at the main sources of the latest revenue bonanza, according to the administration's critics.
>
> "This all relates to the widening income disparities between high-income individuals and the rest of the population. . . ."

Our economy is not in good shape. The distinguished majority leader brags about 5.5 million jobs having been created. During the administration of President Clinton, 23 million jobs were created. We went months during this administration when no new jobs were created. During the years of President Clinton, 23 million new jobs were created, and they were high-quality jobs.

During the last 3 years of the Clinton administration, we didn't have a $300 billion deficit that people are bragging about today on the Senate floor. We paid down the debt. We spent less money than we were taking in. We brought down the national debt by about a half trillion dollars.

So, please, let's not boast about a $300 billion deficit. Any statistic one looks at recognizes the rich in America are getting richer, the poor are getting poorer, and the middle class is being squeezed. I hope some reality will come to the situation we find now on the Senate floor where the majority leader is bragging about how great it is that we have a $300 billion deficit. I don't think that is good news. I think it is bad news.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Nevada.

Mr. REID. Mr. President, I yield whatever time he consumes to the distinguished Senator from Illinois.

GUANTANAMO BAY

Mr. DURBIN. Mr. President, I thank my leader on the Democratic side.

Yesterday I visited Guantanamo Bay, along with my colleague, Senator GEORGE ALLEN of Virginia. RADM Harry Harris, commander of the Joint Task Force in Guantanamo, spent most of his day giving us a very informative briefing and a tour of the facilities.

I thank the admiral, and I thank all the soldiers and sailors at Guantanamo for their service to our country. They are great Americans doing a difficult job in a dangerous place.

I met with several young men and women from Illinois. I had lunch with them. As I always do, I left with even greater respect for our men and women in uniform. They are truly our best. They deserve our gratitude every single day.

I am old enough to remember the Vietnam war. It was a divisive war politically, and our divisions were taken out on the soldiers. That should never happen again. We can debate the policies of the United States on the floor of the Senate, but we should never debate the courage and commitment of our men and women in uniform. It is beyond reproach.

For some time, I have been critical of the Bush administration's policies on interrogation and detention. I believe these policies are not true to American values. They have hurt our efforts in the war on terrorism. They put our brave men and women in uniform at even greater risk.

Let me be clear. My criticism of the administration's policies does not reflect in any way on the fine men and women in the military. In fact, I think the Bush administration's policies in many case have done a disservice to our military. The men and women serving at Guantanamo have a difficult job. The administration's confusing, conflicting, and, according to the recent Supreme Court decision, illegal policies have made their job even more difficult.

After the September 11 terrorist attacks, the Bush administration unilaterally decided to set aside treaties which the Senate had ratified and which had been followed and honored by previous administrations of both political parties—treaties that have served us well for generations.

Alberto Gonzales, who was then White House Counsel to the President, recommended to him that the Geneva Conventions should not apply to the war on terrorism. But Colin Powell, who was then Secretary of State, objected to Mr. Gonzales's recommendation. He argued that we should comply with the Geneva Conventions and that we could do so and still effectively fight the war on terrorism. In a memo to White House Counsel Gonzales, Secretary Powell pointed out the Geneva Conventions do not limit our ability to hold and question a detainee. He also noted that the Geneva Conventions do not give Prisoner of War status to terrorists. That was Secretary Powell's opinion.

In his memo, Secretary Powell went on to say that setting aside the Geneva Conventions:

> will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops. . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain.

When you look at the negative publicity about Guantanamo today, Secretary Colin Powell's words a few years ago were clearly prophetic.

Unfortunately, President Bush rejected Secretary Powell's counsel and instead stood by White House Counsel Gonzales's conclusion. On February 7, 2002, the President issued a memo dictating that thé Geneva Conventions would not apply to the war on terrorism.

After the President decided to ignore the Geneva Conventions, the administration unilaterally created its own new detention policy. They claimed the right to seize anyone, including an American citizen in the United States, and hold him until the end of the war on terrorism, whenever that might be.

They claimed that Americans and others who were detained have no legal rights. That means no right to challenge their detention, no right to see the evidence against them, and no right to even know why they are being held.

In August of 2002, the Justice Department issued its infamous torture memo. This memo narrowly redefined the meaning of torture. It said abuse only rises to the level of torture if it causes pain equivalent to organ failure or death. The memo also concluded the President had the authority to order the use of torture, even though torture is a crime under U.S. law. This became official administration policy for over 2 years before it was withdrawn under public pressure.

Relying on the President's Geneva Conventions determination and the Justice Department's torture memo, Defense Secretary Rumsfeld approved numerous abusive interrogation tactics for use against prisoners in Guantanamo Bay, including threatening detainees with dogs and forcing detainees into painful stress positions for long periods of time. The International Committee for the Red Cross has concluded that the use of these techniques is torture.

What has been the impact of the Bush administration's detention and interrogation policies? As a result of these policies, and despite the fine service of our military, Guantanamo has become a divisive, negative symbol of America around the world. Even Great Britain, our closest ally in the war on terrorism, has called for Guantanamo to be closed. This is what Lord Goldsmith, the Attorney General of Great Britain, said:

> Not only would it, in my personal opinion, be right to close Guantanamo as a matter of principle. I believe it would also help to remove what has become a symbol to many—right or wrong—of injustice. The historic tradition of the United States as a beacon of freedom, liberty, and of justice deserves the removal of this symbol.

Some people dismiss our allies' views on Guantanamo. They say it is up to the United States to decide how to fight terrorism and other countries should stay out of our business.

Of course, we need to do whatever it takes to protect America and keep us safe, whatever the international criticism. But look at the price we are paying for these administration policies. Our closest allies say it is more difficult to cooperate with the United States' efforts in the war on terrorism. As Lord Goldsmith said, Guantanamo is harming the image of the United States around the world.

It bears noting that in terms of lives committed to the cause, Great Britain was our strongest ally in the invasion of Iraq. Their judgment on Guantanamo deserves our respect.

And it is not just foreign governments that have criticized the administration's policies. It is also brave Americans who are fighting on the frontlines in the war on terrorism.

According to a publicly released FBI memo, at least 26 FBI agents have complained about abuses they witnessed at Guantanamo. According to the memo, during 2002 and 2003, 17 of these agents were complaining about "DOD [Department of Defense] approved interrogation techniques." In other words, these FBI agents were not complaining about the actions of bad apples or rogue soldiers; they were complaining about tactics that were approved by the administration and were used at that time, in 2002 and 2003, at Guantanamo. The concerns raised by the FBI are currently under investigation by the Justice Department's Inspector General.

When I raised these concerns yesterday at Guantanamo, before the men and women who are in charge of that facility, they understood what I was speaking of. They referred me to the Inspector General and said these matters are under investigation. One of the lead interrogators drew me aside and said privately to me: I don't want to ever be part of that kind of conduct. I believe him, and I respect him for what he said.

In addition to FBI agents, several military lawyers, known as Judge Advocate Generals, have also raised serious concerns about administration policies. Their concerns are found in the so-called JAG memos which have been made public. For instance, Major General Jack Rives in February 2003 said:

> We have taken the legal and moral "high road" in the conduct of our military operations regardless of how others may operate. Our forces are trained in this legal and moral mindset beginning the day they enter active duty . . . We need to consider the overall impact of approving extreme interrogation techniques as giving official approval and legal sanction to the application of interrogation techniques that U.S. forces have consistently been trained are unlawful.

Of course, the Supreme Court has weighed in now. In 2004, in two landmark decisions, the Supreme Court rejected the administration's detention policies. The Court held, as Justice Sandra Day O'Connor famously wrote for the majority in the Hamdi case:

> A state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.

Unfortunately, the administration continued to implement policies for the treatment of detainees that violate the Constitution, treaties, and laws of the United States.

Two weeks ago in the Hamdan decision, the Supreme Court again rejected the administration's policies. The Court held that the Administration's military commissions are illegal and that the President is required to comply with the Uniform Code of Military Justice and the Geneva Conventions. The Supreme Court reminded the President that no man is above the law, even during a war.

In my estimation, the fine men and women at Guantanamo are working hard to overcome the damage done by the Administration's policies. For example, they no longer use abusive interrogation techniques that the administration approved. In fact, as the chief interrogator told me yesterday, the techniques currently being used at Guantanamo comply with the Geneva Conventions. He said the Geneva Conventions provide sufficient flexibility to interrogate detainees effectively.

I asked the chief interrogator yesterday in Cuba at Guantanamo: If you were told today that you had to follow the Geneva Conventions in the way that you interrogate all of the detainees at Guantanamo, what would you have to change? He said: Nothing. I said: Do you follow the McCain torture amendment which passed the Senate 90 to 9? He said: We do.

So to argue that respecting the Geneva Conventions would in any way diminish our ability to interrogate these detainees is not right, at least not in the mind of our chief interrogator at Guantanamo. This is what Secretary of State Colin Powell told the President 4 years ago. I wish the President had followed his counsel.

According to a report in this morning's Financial Times, in response to the Hamdan decision, the Defense Department has finally acknowledged that Common Article 3 of the Geneva Conventions applies to all detainees in U.S. military custody. If this is true, it is a belated but necessary and welcome step in the right direction.

Our troops at Guantanamo are doing their best, but they have a heavy burden to carry. Every day they wake up, put on their uniforms and face the challenges of performing a very difficult job. Now they face the added burden of attempting to rehabilitate the image of Guantanamo.

Our young soldiers and sailors should not have to carry that burden alone. It is long past time for Congress to help. Congress must ask: Have we given our troops an impossible task?

I have come to the difficult conclusion that it is time to close Guantanamo. We should immediately begin phasing out the detention and interrogation operations at Guantanamo Bay, with the goal of closing the Guantanamo detention facilities before the end of this calendar year. Even President Bush has acknowledged that Guantanamo should be closed. Despite the valiant efforts of our troops, Guantanamo has become a powerful, negative symbol around the world for the failures of this administration.

As Admiral Harris told me yesterday, many of the detainees can be charged, transferred to other countries, or released. In addition, there may be a continuing need to detain a small number of individuals who cannot be charged with a crime, but who still pose a danger to our country. I do not believe that we should release anyone who is a danger to our country or a danger to our troops. It is right that we hold them, if they are such a danger, in the appropriate legal fashion.

Of course, closing Guantanamo is just the beginning of this process. There are still many serious flaws in the administration's interrogation and detention policies. An example is the signing statement the President added to the McCain torture amendment last year, which still raises questions about what the intent of the administration is when it comes to torture. The Senate spoke 90 to 9 in a bipartisan fashion. I was proud to be a cosponsor of the McCain amendment, which said that we will not engage in torture, cruel, inhuman or degrading treatment of prisoners. That should be a clear standard for the United States to follow unequivocally.

The Supreme Court, 2 weeks ago, made it clear: We are a Nation of laws, even during a war. No person in America is above the law, including the President.

It is time for Congress to make it clear to the President that he is bound by the treaties we ratify and the laws we pass, whether it is the Geneva Conventions, the Uniform Code of Military Justice or the McCain torture amendment.

It is time for us to fulfill our constitutional responsibilities. Our brave men and women in uniform are doing their job. Now it is time for Congress to do its job.

Mr. President, this trip yesterday was an important trip for me, personally, to see Guantanamo firsthand and to meet the men and women who are doing such a great job for our country. My heart goes out to them because I know the sacrifice they are making to serve our Nation. My heart goes out to them as well because, for the last several years, they have been given conflicting messages and conflicting policies from this administration. These men and women in uniform are trained to follow the rule of law and the Geneva Conventions and the Uniform Code of Military Justice, but the conflicting policies of this administration on torture and detention have created an atmosphere which is unfair to the troops and inconsistent with the values of America.

It is clear now that we must close Guantanamo. It has become a negative symbol of the United States around the world. We must transfer those prisoners to new facilities to signal to the world that the decision of the Supreme Court has charted a new course and a new direction for America, that we have received this message and we must move forward, and we must make it clear to the world that despite the threat of terrorism, the United States will still follow the rule of law, we will follow the Geneva Conventions, we will follow the Uniform Code of Military Justice, and we will follow the bipartisan McCain torture amendment. We must make it clear that we will keep America safe, and we will also protect our values in the process.

Mr. President, I yield the floor.

The ACTING PRESIDENT Pro Tempore. The minority's time has expired.

The Senator from Colorado is recognized.

STATE OF THE ECONOMY

Mr. ALLARD. Mr. President, I have in my hand a report that has been released about 12 or so minutes ago. It is a report on the fiscal year 2007 midsession review. It is on the budget of the U.S. Government, put out by the Office of Management and Budget. It says pretty much what the Congressional Budget Office has been telling us for the last 30 days: That our tax cuts are working, the economy is strong, revenues are up, and deficits are down. Let me talk a little bit about the tax cuts and how they are bringing in additional revenues.

The Republican progrowth tax policies enacted in 2003 have triggered 2½ years of economic growth, unprecedented tax revenue increases and job creation. Since the 2003 tax cuts, America has increased the size of its entire economy by 20 percent or $2.2 trillion.

A remarkable observation was made by CNBC's Larry Kudlow over the weekend, which I think helps to put this in perspective:

> This $2.2 trillion expansion is roughly the same size as the total Chinese economy, and much larger than the total economic size of nations like India, Mexico, Ireland, and Belgium.

Pursuant to the extraordinary economic growth spawned by the 2003 tax cuts, Federal revenues have rebounded sharply following several years of decline. I would attribute most of this to the fact that we targeted reducing taxes on those industries that would create more jobs and create more revenue for the Government, particularly the small business sector. I think one of the greatest incentives for the economy to grow has been the expensing provisions that we directed toward small business which allowed the small business to write off a greater percent of their operations within 1 year. It was a huge tax benefit to small business which has resulted in a lot of increase in the number of jobs and a lot more productivity and innovation from the small business sector. It is the small business sector that drives the major portion of our economy.

Revenues grew by a dramatic 14.5 percent last year and are forecast this year to grow by $245 billion or 11.4 percent.

Last week, the Congressional Budget Office reported corporate tax receipts for the first three quarters of this fiscal year hit $250 billion, nearly 26 percent higher than the same time last year. Corporate tax receipts, the taxes that corporations are paying, increased nearly 26 percent higher than the same time last year. The deficit is down. The expanding economy is good news for the budget, specifically the budget deficit.

This morning, the White House Office of Management and Budget released its annual midyear budget update. This year's budget deficit is now forecast to be $296 billion, 30 percent below the administration's February forecast of $423 billion, or 3.2 percent of gross domestic product. This deficit represents 2.3 percent of our economy, equal to the historical average. Progrowth policies, combined with ongoing efforts to restrain spending, continue to reduce the deficit and have put us on track to cut the deficit in half in 2008, a year ahead of the President's goal.

Jobs are growing. Last Friday, the Department of Labor reported that job growth continued for the 34th consecutive month in June. The economy has created about 1.85 million jobs over the past 12 months and more than 5.4 million since August of 2003. Similarly, the unemployment rate dropped from its peak of 6.3 percent in June of 2003 to 4.6 percent today. To put that in perspective domestically, at 4.6 percent, today's unemployment rate is lower than the average of the 1960s, 1970s, 1980s, and 1990s.

Let me repeat: Today's unemployment rate is lower than the average of the last four decades.

To put that in perspective globally, since 2004, the United States has created nearly twice the number of jobs as the rest of the G7 countries combined. This job growth is not isolated to just one part of the country. Employment increased in 48 States over the past 12 months, ending in May.

Not only is the number of jobs on the rise, so, too, are wages. Hourly compensation has risen 3.9 percent over the past year, while average weekly earnings have grown to 4.5 percent.

The economy is strong, strong and poised to stay strong. The gross domestic product, a broad measure of the economy, grew at an annual rate of 5.6 percent for the first quarter of this year. This is the fastest growth in 2½ years and even stronger than previous estimates. It follows economic growth of 3.5 percent in 2005, the fastest rate of any major industrialized nation.

This remarkable growth has come on the heels of the burst of the technology bubble, the devastating attacks of 9/11, corporate scandals and destructive natural disasters. Similar to the American people, the economy has weathered the storm. The economy has done so due, in large part, to the Republican tax cuts and progrowth policies instituted since 2001.

On restraining spending, the question becomes, What can we do to continue these positive trends? I believe the answer includes keeping taxes low and restraining spending. We need to work harder in holding down our excessive spending. With respect to the latter, I remain gravely concerned about the runaway growth of mandatory spending. For example, 20 years ago entitlements, or mandatory spending, comprised 45 percent of the budget. Today they comprise nearly 60 percent of our $2.8 trillion budget. If left unchecked, spending on just three entitlement programs—Medicaid, Medicare and Social Security—will consume 20 percent of our gross domestic product in just 30 years. To put that in perspective, the entire Government consumes 20 percent of gross domestic product today. Clearly, the growth is unsustainable and threatens our economic well-being, as well as that of our children and grandchildren.

I commend the Budget Committee chairman, Chairman GREGG, for his leadership on this issue and for introducing, along with myself and 24 other cosponsors, the Stop Overspending Act of 2006. This bill proposes tough measures to force Congress and the administration to adhere to a disciplined budget process.

The bill includes a line-item veto, or expedited rescission process, to allow the President to identify items of wasteful spending and send them to Congress for an up-or-down vote. It creates a new mechanism to essentially balance the budget by 2012. It reinstates discretionary spending caps in law, and it creates a bipartisan commission to identify and eliminate agency duplication and programs that have outlived their usefulness, as well as a commission to ensure the solvency of entitlement programs. It ensures a budgeting process to allow Congress to have more oversight, and it addresses the shadow budget that has developed due to emergency spending by building reasonable assumptions of emergency spending into the discretionary caps.

In conclusion, the economy is strong, progrowth economic policies have fueled robust expansion which has, in turn, increased revenues at a rapid pace. As a result, the deficit is on target to be cut in half by 2008, a year earlier than the President's schedule. To continue these positive economic trends, we need to keep taxes low and further restrain spending.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

GOP TAX POLICIES

Mr. DEMINT. Mr. President, I come to the floor amazed that our Democratic colleagues still claim that tax cuts are to blame for the budget deficit. In criticizing the President, they fail to mention that the previous administration handed this President a recession, corporate scandals, and a worldwide terror network that had gone unchallenged for 8 years. Now, similar to President Clinton, the Democrats say we need to raise taxes.

This is the same, tired argument they have used since the 1980s. Ronald Reagan answered them ably in his own humorous way when he said doing away with tax cuts in order to balance the budget was "like trying to pull a game out in the fourth quarter by punting on third down."

Now the new midsession review is answering these tax cut critics again. When we cut taxes, we invest in economic growth, which not only creates jobs but brings in new tax receipts, and that helps balance the budget. It also puts more money in the pockets of the American people.

Last year, we were happily surprised to see that the budget deficit for 2005 came in at $108 billion less than anticipated due to the unexpected rise in tax receipts stemming from economic growth. This year, we see the same trend. The midsession review states that tax receipts have produced another $127 billion in new revenues. This is exactly the opposite of what Democrats claimed would happen when we passed the jobs and growth tax cut packages in 2001 and 2003. One of my Democratic colleagues from Michigan said at the time that this bill would "create fewer jobs than what is needed" and "dramatically increase the deficit and national debt. . . ."

Another Democratic colleague from Wisconsin justified his vote against the jobs and growth package saying: "I am still looking for the part of the package that will result in jobs and economic growth."

Senators, look no further. In addition to the $235 billion total in new revenues, we have created 5.4 million jobs since August of 2003. And the Democrats still say that we can't afford tax cuts.

Republicans and the American people know better. A shrinking deficit and more Americans at work are proving we can't afford to raise taxes. I encourage my Democratic colleagues to remember what President John F. Kennedy—John F. Kennedy, one of their own—said, that "the soundest way to raise revenues in the long run is to cut tax rates now."

President Kennedy's words still ring true today. Cutting taxes allows working American families to keep more of their hard-earned dollars and encourages businesses to be competitive and invest in future growth.

Both Presidents Kennedy and Reagan understood it is business, not Government, that creates jobs and prosperity. This is why Republicans will continue to fight to stop future Democratic tax increases, to make Republican tax relief permanent, and push for comprehensive tax reform.

I am pleased that this midsession review offers yet more proof that the Republican's agenda to secure American jobs and balance the budget is working. We are making progress. It is third down and time for us to run the ball for a touchdown—not punt it away.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5441, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, we are now back on the Homeland Security bill, which is an important piece of legislation as it addresses the issues of how we protect our Nation and how we deal with border security and threats involving potential weapons of mass destruction. It also addresses the issue of the management of the Department of Homeland Security, especially in areas where there have been issues, primarily—well, almost every function of the Department has had some issues, but the ones that have been highlighted, of course, are those dealing with the Katrina catastrophe and FEMA's response to that. It is an important piece of legislation for a variety of issues, but I want to carry on a little bit with the discussion—and then I want to yield to the Senator from Louisiana, who has an amendment, but I want to continue the discussion on the issue which has been raised relative to the report that was put out today, the midsession review.

It is important for people to understand we are functioning in a Government that has fairly significant fiscal issues. We came out of the 1990s with the largest bubble in the history of this Nation, the Internet bubble—in the history of the world, honestly. And that bubble burst. That was a bubble in the tradition of the tulip bubble and the South Seas bubble, where basically people were printing money without any support behind it—called stocks. Stocks were being issued that had no value behind them. The stock value ran up, through exuberance, as Chairman Greenspan called it, irrational exuberance. When that burst, it basically took out of the economy huge amounts of liquidity. That was followed, of course, by the attack of 9/11, which was not only a catastrophic event from the loss of life and impact on our culture but also was a catastrophic event economically.

The President had the good sense to come forward with proposals which basically tried to address the economic side of the problems which we were confronting. We were headed into a very severe recession as a result of those two events. He proposed tax cuts which have been, I think vilified would be a kind word, from the other side of the aisle. He proposed those tax cuts basically on the theory that if you reduce the tax burden on the American worker to something that is fair, it will generate income because you basically create more incentive for people to be productive. It is human nature. Somebody is going to be able to take action which generates income. If they pay a very high tax on that action, they are going to have very little incentive to take that action. If they pay a reasonable and fair tax on that action, then they will take that action. The capital gains cuts is a classic example of that, where by cutting the capital gains rate we have seen massive amounts of economic activity that would not have occurred before when people would have sat on those assets, stocks, and real estate, or corporate assets. But because there was a lower and more reasonable capital gains rate, people have turned those assets over, which has had two effects.

First, it generated a taxable event which generated huge amounts of revenue to our Nation. In fact, the capital gains events have exceeded the expected baseline for those receipts by a factor of almost $100 billion over the last 2 to 3 years. Not only did they create those receipts, but it also took the assets which had been locked up in maybe productive assets but not as productive as they should have been and turned those dollars and those resources and capital investment into things which would be even more productively used because when people sell the assets, they take what they gain and reinvest it in a way which is going to produce even more income.

The practical effect of that is the dollars are working more effectively, the economy becomes more lean and more productive, and the result is even more revenue.

So the practical event is we have seen a huge increase as a result of the tax cuts which the President put in place with the support of this Congress—the Republican Congress, obviously, and not from the other side of the aisle—we have seen a huge increase in the rate of revenue growth in this country. During the last 2 years, revenue jumped 14 percent last year, and it is up almost another 13 percent in the first part of this year.

The effect of that has been that we have seen receipts coming into the Federal Treasury which have reduced the deficit dramatically from what was expected, down from $423 billion to below $300 billion. We are still continuing on that path. It is an extraordinarily positive path.

Most of those receipts, ironically, come from corporate America and the higher income quadrant of taxpayers in the American economic system. Those are the folks who are paying more in taxes today—from whom we are getting more tax receipts. We are back to basically the historical level of tax burden in this country—around 18 percent gross domestic product being raised through revenue. The problem we have today is not that we are undertaxed. In fact, we are generating a lot of revenue through overspending. What we need is control of spending.

This President has tried to do that on the nondefense discretionary side, but we still need to address the entitlement side of the picture and we need to address, obviously, how we manage catastrophes such as Katrina.

That brings me to the second point I wanted to make, and that is the Democratic response to this has traditionally been to get rid of these tax cuts. It is pretty hard to take that position any longer because tax reductions are generating so much revenue. Now their position is they are going to bring up Social Security, and they are going to talk just about Social Security. What a tired prescription that is. What a reflection of bankrupt ideas that is. They are once again trying to scare senior citizens over the issue of Social Security. That has been going on for 40 years.

When I was first elected to office, I talked to Tip O'Neill, who was Speaker of the House at that time, about what the Republicans who were serving in the House in the early 1980s were going to hear during the next campaign. He said we are going to hear about three things: Social Security and Social Security and Social Security.

That appears to be the new tactic which has been gone back to—bring out the bloody shirt of Social Security and wave it at the Republican Party while ignoring, for example, the fact that we have a very serious problem in the outyears with Social Security and other retirement benefits. The Social Security system has an unfunded liability of approximately $12 trillion over its actuarial life. That is because there are many senior citizens who are going to be taking down Social Security as the baby boom generation retires.

What is the reaction on the other side of the aisle? Before any discussion can be pursued on the issue of Social Security, they immediately bring out the bloody shirt: Republicans are going to destroy Social Security; they are going to privatize Social Security; they are going to try to eliminate—"savage" was the term used by the Democratic leader—savage Social Security. Where are their proposals to address Social Security? Where are their proposals to address any entitlement reform other than to suggest that we raise taxes through their "paygo" proposal, which is actually "taxgo." They have no proposal. You can't tax your way out of this problem.

In fact, we have the right tax policy in place because we are generating huge revenue. What you need to do is aggressively address the spending side of the ledger. Therefore, I put forward a proposal which is supported by a large number—30 cosponsors—of my colleagues on this side of the aisle which sets out eight different initiatives called "SOS"—stop overspending—the purpose of which is to get our long-term fiscal house in order. Even though the deficit is coming down probably below even what would be a balanced budget for all intents and purposes if we weren't confronted with a war which we have to fight and the Katrina situation which we are confronted with—in fact, if you took the cost of the war out, which we have to spend because we are confronted with a war on terror, which is for our survival, if we took the cost of Katrina out, we would essentially have a balanced budget next year. That is the fact.

But we also have to face the fact that in the outyears when the baby boom generation retires, that is not going to be the case. There will be a huge amount of pressure on us because the cost of sustaining the retirement benefits is going to overwhelm the younger generation's ability to pay for it. We have to put forward an aggressive program to resolve that issue, to make the cost of Government affordable for our children while still delivering quality services to those who retire.

We can do it if we think about it and start soon to address it. That is what

SOS does. There are eight different proposals to try to accomplish that.

I hope that we will take it up and at least aggressively debate it because it is an idea that basically uses the process to push policy, and the policy is what we need. We need to get on that case.

At this time, I yield the floor. I understand the Senator from Louisiana has an amendment to offer. We look forward to proceeding with the amendment process relative to the homeland security matter.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 4548

Mr. VITTER. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. NELSON of Florida, and Mr. COBURN, proposes an amendment numbered 4548.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To prohibit the United States Customs and Border Protection from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug)

On page 127, between line 2 and 3, insert the following:

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug that complies with sections 501, 502, and 505 of such Act.

Mr. VITTER. Mr. President, the goal of this amendment is very straightforward. It is about breaking down the artificial barrier that prevents many Americans, including many seniors, from obtaining safe, FDA-approved, and affordable prescription drugs.

It is no secret that Americans pay more for their medicine than any other citizen in the world, of any other industrialized country. Yet our country is the biggest marketplace for these drugs in the world. Our seniors are buying their medicine in Canada as a result of that and in some other countries simply because it is cheaper. There is no other reason. Yet we see an increasing ratcheting up by Customs and protection agents in an effort to seize these personal legal medicines from Americans who are crossing from Canada back to the United States.

That is why I bring my amendment to the floor—to stop this idiocy and lunacy. My amendment is simple. Stop that escalating practice by the Customs and Border Protection of seizing personally used, FDA-approved medicines from American citizens reentering the country. My amendment would do this by simply prohibiting funds from being used for this Customs and Border Protection activity.

Let me reiterate some very important things about this amendment.

First of all, it would do nothing more and nothing less than allow our own citizens who are reentering our own country to be able to possess FDA-approved prescription medicines for their own personal use with a legitimate doctor's prescription.

That brings up a second very important point. When we talk about prescription drug imports, there are really two types that we often talk about and deal with: commercial imports by wholesalers, huge quantities brought in for the purpose of resale in this country, and personal imports by consumers.

My amendment is simply about personal imports by consumers. We are not talking about huge quantities. We are not talking about resale within the United States.

Third, my amendment is limited to FDA-approved drugs. There is this erroneous notion that sometimes comes up in this reimportation debate that somehow we are bypassing the entire FDA approval process, that somehow we are throwing out the window that entire process by which the FDA approves certain drugs after rigorous testing and analysis. None of that is true, particularly with regard to my amendment, because, again, my amendment only applies to FDA-approved drugs.

Fourth and finally, my amendment only applies to citizens who have a valid doctor's prescription to obtain these drugs. What could be simpler and make more sense than simply allowing American citizens who possess these legal drugs that they obtain with a doctor's prescription, FDA-approved for their own personal use, not huge quantities, to allow them to possess these legal drugs as they reenter their own country, the United States of America?

This amendment would not legalize reimportation full-scale. It would not legalize wholesale reimportation. It would not get into so many of the more controversial aspects of the issue. It would simply say we are not going to allow Customs and Border Patrol to ratchet up this activity by taking away seniors' drugs as they come into our country.

I think it is very significant and noteworthy that this sort of reimportation measure has enormous support certainly in this country but also in the Congress.

I want to point out some specific legislative history that demonstrates this support.

Congress has shown support for this in numerous ways, including very recently. First of all, my amendment was passed in the House. A nearly identical version of the amendment was offered by Representative EMERSON of Missouri. That amendment was attached to this very same appropriations bill in subcommittee, and it survived the entire process going through the committee process and the floor.

That amendment is identical to the amendment which I am presenting on the Senate floor today. It passed through the entire House process with very strong support.

There are other instances that show very strong bipartisan support for this sort of measure. Recently, the House passed an Agriculture appropriations bill. There was also a significant reimportation provision put on that bill and included on the bill in the committee process, at the committee stage of consideration of the bill. That underlying bill, including that very important reimportation amendment, was passed overwhelmingly in the full Chamber by the full House by a vote of 378 to 46. I thank my House colleagues, Representative EMERSON and Representative GUTKNECHT and many others for their leadership in this regard.

Finally, an entire freestanding bill has been passed through the House before on this issue, the Pharmaceutical Market Access Act. That was in 2003, and by a vote of 243 to 186 after, I might add, the most intense lobbying in the House that I ever experienced because I was a Member of the House at that time—lobbying by the pharmaceutical companies against this bill. That freestanding bill passed the House by a very significant vote, 243 to 186.

I note that bill was far broader than the personal reimportation amendment which we have on the floor today. Again, it demonstrates the significant bipartisan support all of these reimportation measures have, certainly in the country at large, including in the Congress.

Finally, I note another victory we had not too long ago with regard to trade language. There was the very worrisome practice up until recently that the administration's U.S. Trade Representative would negotiate into many bilateral trade deals language which effectively barred reimportation from the other country—the trading partner. This was very unfortunate because it was closing the door to reimportation before it even had been opened by the Congress through trade negotiation.

Because of this very unfortunate practice, many of us in Congress, the House and the Senate, went to the administration and expressed our concern. Even more importantly, we brought language in the form of an amendment and attached it to an appropriations bill. That language said:

Stop doing this; you cannot do it; it is ridiculous to negotiate free-trade agreement barriers to reimportation. We passed that language into law. I worked with my Senate colleague from Michigan on that issue. Many like-minded House colleagues worked on it in the House. We passed that into law. Most recently, the administration has acknowledged they will end this practice once and for all of negotiating this antireimportation language in trade agreements.

There is enormous support for this type of measure in the country. There is also significant bipartisan support for this in the Congress, as has been demonstrated many previous times.

In this discussion, we should focus on the individuals—particularly the seniors—who are compelled to cross the border in many instances to get affordable prescription drugs. We should not focus on the wishes, the pleas, and the intense lobbying by the drug companies. Seniors face enormous hurdles as they face their declining years with the escalating costs of prescription drugs. We should not add this additional hurdle to the list, with Customs and Border Patrol agents forcibly seizing legal, FDA-approved medicines procured with a doctor's prescription as seniors come back across the border.

Finally, in closing, as we think about this amendment, we should also consider what the true priorities of the Customs and Border Patrol should be. We are at war. It is a different type of war than we have ever faced before—a war on terror. That war has been brought to our own shores by very evil-focused people who came into this country illegally. We face new escalating threats, including potential threats from weapons of mass destruction. Our borders are a very important battleground in that war on terror. Yet in this new post-September 11 context, we will devote significant resources, significant focus on stripping seniors of prescription drugs they have gotten with a doctor's prescription, FDA-approved drugs, for their own personal use, with no wholesalers and no resale. That is a ridiculous policy for the Customs and Border Patrol to continue.

In the post-September 11 world, we should demand that Customs and Border Patrol focus on the true priorities we face in the war on terror. Stripping these small amounts of prescription drugs from the hands of seniors, which are attained with a prescription, which are FDA approved, which are for personal use, which are not for resale, not for wholesale, not obtained by wholesalers, should not be a priority of the Customs and Border Patrol.

In closing, let me again thank my colleague from Florida, Senator NELSON, who will speak in a few minutes. Also, I thank the Senator from Oklahoma, Mr. COBURN, for cosponsoring this amendment with me, and all of my colleagues who have worked on this issue, including many House Members.

Each year, millions of Americans who cannot otherwise afford their prescription drugs go into Canada with a doctor's prescription, buy FDA-approved drugs, and take them back into our country. We should not sick the police, the Customs and Border Protection agents on them, particularly in a post-September 11 world when that agency in particular has far more important priorities.

I urge all of our colleagues in the Senate to support this simple, straightforward amendment. It is the right thing to do on this issue. It is the right thing to do with regard to setting the right priorities of Customs and Border Patrol.

Mr. GREGG. Will the Senator yield?

Mr. VITTER. I am happy to yield.

Mr. GREGG. To understand the amendment, would this amendment cover purchases over the Internet or purchases by mail order?

Mr. VITTER. It would cover any purchases which are subject to seizure by Customs and Border Patrol. I don't offhand know if those purchases are ordinarily subject to that seizure. I believe most of what we are talking about is personal seizure at border checkpoints when individuals are crossing back into the country, but the amendment would cover any potential seizure by Customs and Border Patrol.

Mr. GREGG. If the Senator will yield further, I think he may have answered the question. As I understand it, it does cover Internet purchases and purchases by mail order. Customs has jurisdiction over those should they come across the border.

Mr. VITTER. If they are subject to that seizure, yes, as I stated, the amendment would cover that.

Mr. GREGG. Mr. President, if the Senator will further yield, it would also apply to purchases that could come from any country—we are not just talking about Canada? For example, purchases from England, they could come from India, they could come from Cuba, they could come from Libya, they could come from even states that have been identified as terrorist states?

Mr. VITTER. In its present form, the amendment would cover any country. We have a change in the amendment we are submitting to the desk to exclude a certain list of countries, including most of the countries the Senator mentioned.

Mr. GREGG. I ask further, would it exclude India?

Mr. VITTER. No, it would not.

Mr. GREGG. Would it exclude Pakistan?

Mr. VITTER. No, it would not.

Mr. GREGG. Would it exclude Brazil?

Mr. VITTER. No, it would not.

Mr. GREGG. If I could ask further, the FDA position, as I understand it, is that drugs which are unapproved for sale which come across the border violate the FDA approval. The Senator, in his statement, referred many times to "FDA-approved drugs." As I understand the process today, the FDA views any drug purchased outside the United States, distributed outside the United States, as being unapproved for sale and therefore not meeting FDA standards. Is that not a correct analysis of the FDA view of how it views drugs that come into this country?

Mr. VITTER. I think it is an exactly correct analysis of the FDA view based on the fact that the FDA, at least in this administration, is completely against reimportation, so they have defined FDA approval to specifically exclude reimportation.

Mr. GREGG. That is correct. But if the Senator would yield further, the Senator is making a point in his statement that these would be FDA-approved drugs the people are purchasing when, in fact, they are not FDA-approved drugs because no drug that is imported into the United States, distributed outside the United States, can receive FDA approval under their rules because the FDA decided they cannot certify the efficacy and safety of those drugs. Isn't that the FDA position today?

Mr. VITTER. The FDA position is exactly as the Senator says. They are against reimportation, so they have defined FDA approval on technical grounds to exclude by definition anything that comes in from other countries. The point of my remarks is that these are exactly the same as FDA-approved drugs.

Mr. GREGG. If I could inquire further, that is the essence of the difference. The FDA does not deem them to be exactly the same because the FDA cannot certify their efficacy and safety. That is why the FDA has said that because they are not manufactured here, because they do not have control over the manufacturing process, because they do not know how they have been adulterated or may or may not have been adulterated or how they have been synthesized, they are not going to approve drugs coming into this country. So there is a significant difference between what someone buys overseas and what someone buys in America.

Mr. VITTER. If I could respond, in claiming my time, I disagree with that wholeheartedly.

Yes, the FDA has refused to take any action to do that. Can they? Absolutely, they can. Is it possible to do that, particularly in the modern age of packaging technology? Absolutely.

Most of the drugs we are talking about, in fact, are manufactured either in this country or in the same manufacturing points as the drugs that are bought in this country. So I disagree with the premise the Senator has laid out. But that is certainly the FDA's position, not to attempt to do any of that and to be completely, 1,000 percent opposed to reimportation.

Mr. NELSON of Florida. If the Senator will yield.

Mr. GREGG. If I could ask the Senator a few more questions, then I am happy to yield the floor.

Assuming your hypothetical is correct, that the FDA could reach beyond our borders and could effectively review these drugs, which the FDA claims it cannot do, which is why they said they will not approve this, your amendment says that Customs and Border Patrol shall not be able to stop these drugs from coming across the border.

Customs and Border Patrol does not have any control over the efficacy or safety of these drugs. This amendment should really be directed at the FDA because to put Customs and Border Patrol in this position means they have to release drugs which the FDA today is saying it does not approve. Yet there is no process for having the FDA come in and be required to approve them under the Senator's amendment.

Mr. NELSON of Florida. Will the Senator yield so this Senator can get in on this conversation?

Mr. VITTER. I am happy to yield to the Senator from Florida, and I am happy to respond to the other points at some future time.

Mr. NELSON of Florida. If I may, this is a matter which can easily be worked out. The questions the Senator from New Hampshire are raising are very legitimate questions. It is a matter that can easily be worked out if the administration is given some direction.

For example, approximately a year and a half, 2 years ago, the Acting Director of the Food and Drug Administration, Mr. Crawford, made it clear to this Senator that the FDA was not going to object to private prescriptions for Americans coming from Canada for a limited supply—such as 90 days for personal use—which is the biggest part of the objection the Senator from Louisiana and this Senator from Florida have, that senior citizens are being prohibited from getting the great discounts they can get either by ordering them from the Internet, by mail, or personally going over to Canada.

If there were an intention to work out this problem, it could be done between all of these agencies that the Senator from New Hampshire is raising.

Mr. GREGG. Mr. President, if I might renew my question, the Senator from Florida may not have been in the Senate when I asked, Does this apply to Internet purchases, and the answer is yes; does it apply to mail order purchases, and the answer is yes; does it apply to countries such as India, Brazil, Pakistan, and the answer is yes. I understand the Senator from Louisiana will modify the amendment to take off a list of countries that it would not apply to, terrorist nations such as Sudan and I guess Cuba.

I renew my question because I am not sure the Senator from Florida was dispositive on it, which is, Shouldn't this amendment be directed at the FDA because to direct it at Customs and Border Patrol means that Customs and Border Patrol will be stopped from basically taking the drug which comes into this country, which FDA has now declared it cannot certify the efficacy and safety of, taking that drug, sending it over to FDA, and having the FDA evaluate it? Customs and Border Patrol has no expertise in evaluating efficacy and safety of drugs. For all we know, the drug that is being ordered over the Internet under the Senator's amendment could be anything. It could be claimed to be Lipitor, but it could be rat poisoning. In fact, recent anecdotal studies have shown something like 80 percent of the drugs coming in through the Internet do not meet the standards they claim they do meet.

So why would you amend this bill to put Customs and Border Protection in the untenable position of having to basically release drugs to come into this country, which the FDA says it cannot claim are safe, when you have not put in the higher regime requirements of having the FDA come in and determine whether those drugs are safe?

Mr. VITTER. Mr. President, I would respond to the chairman by saying that amendment after amendment after amendment has been directed at the FDA to do the right thing and create a sensible regime with regard to this issue, and the FDA is flatout opposed to this and has made no effort in that regard, even though there is clearly the technical capability to do that through packaging technology and the like. So this is an effort to make the entire administration—all aspects that need to be involved—do the right thing.

But to say we have not asked the FDA to do this is ludicrous. We have been trying to drag them—kicking and screaming—to do the right thing for several years now. In fact, while they hide behind these safety arguments, I am afraid they are allowing safety issues to go by unaddressed.

In fact, this practice is common. Whether this amendment goes on this bill, whether this activity of Customs and Border Protection continues, one thing is certain: Seniors will import, for personal use, prescription drugs from Canada and elsewhere. That will go on, to a very significant extent.

Even if this amendment does not pass, Customs and Border Protection will never round up all of those drugs. This is a common and a growing practice because of the price issue.

So the question is: When is the FDA going to wake up and truly address these concerns that the chairman brings up with some sensible regime? This amendment is designed to force them in that direction.

But to suggest we have not asked them to do this, that we are going to the wrong agency, is a little silly because we have been asking them to do this for several years now. And we renew that request now.

Mr. GREGG. If the Senator will yield for one last question, and then, obviously, the Senator from Florida wants to be heard on the subject. But it is not silly because basically the fact pattern that is going to be created—were this amendment adopted and if it became law, without any directive to the FDA they have to step forward and actually evaluate these drugs to see if they meet safety and efficacy standards—the practical effect of this amendment would be that Customs and Border Protection could not stop any drugs coming into this country from other countries. That would include countries such as Pakistan and India and other countries which have some serious issues as to the efficacy and safety of those drugs.

In fact, if I were a creative terrorist, I would say to myself: Hey, listen, all I have to do is produce a can here that says "Lipitor" on it, make it look like the original Lipitor bottle—which is not too hard to do—fill it with anthrax and have a bunch of people from the United States order it who might be affiliated with me and import it that way into this country—or anything else they want to use in a biological way.

Here we are telling Customs and Border Protection that their job is to ratchet down on the capacity of terrorists to use entry ports into this country. And what you are saying in this amendment is: You, Customs and Border Protection, are not going to be allowed to evaluate anything that comes into this country which has a seal which makes it look like it is an FDA-type of drug. And the FDA will not have reviewed it. So nobody will have reviewed it.

So I think what you are creating in your attempt to push FDA into doing something you feel they are not doing that they should do, you have targeted the wrong agency, and you are actually creating a massive hole in our capacity to secure or borders and protect ourselves.

Mr. VITTER. Mr. President, reclaiming my time, let me respond to the chairman's remarks with two comments. First of all, the FDA—right now, today, this hour, as we speak—has all the authority it needs to take any of the actions the chairman has described. It does not need any additional directive or authority. It has that authority. So the suggestion that somehow we need to act toward the FDA to give it that authority before it can move is absolutely not the case. In fact, we have been trying to get the

FDA to act in this regard for several years because there are legitimate safety issues that should be met.

Secondly, I compliment the chairman for trying to figure out a scenario in which this is a true top priority of Customs and Border Protection in a post 9/11 world. I just do not think it adds up, though. I do not think, with all the border security and terrorist threats we face as a nation, allowing the Customs and Border Protection agents to continue—to even escalate—their practice of taking away small amounts of prescription drugs from seniors crossing back from Canada, et cetera, is the right thing to do, is a right priority for Customs and Border Protection.

With that, Mr. President, I yield back my time and look forward to the comments from my amendment cosponsor, the Senator from Florida.

The PRESIDING OFFICER (Mr. BURR). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, here is an example. If we want to solve this problem, the different agencies of the Government can come together and solve this problem. We already have it on the record, in correspondence and telephone conversation between this Senator from Florida and the FDA, that they have no objection to an up-to-90-day supply coming from Canada, ordered by American citizens, either by the Internet, by mail, or by personally going to Canada.

And what about the safety the Senator from New Hampshire has raised? Safety: It is coming from the same drug manufacturers we presently have in America; the very same drug, very same packaging, very same pharmaceutical laboratories. The big difference is our citizens—and particularly this applies to our senior citizens—can get these prescription drugs at a much lower price.

Now, I would encourage the Senator from Louisiana, in order to avoid the attacks on the amendment, as have been raised by the Senator from New Hampshire, to pare down the amendment so that those attacks cannot apply.

The safety issue of prescription drugs coming from Canada cannot be assailed because those drugs come from the very same manufacturers, in the very same places, as those prescription drugs that are, in fact, provided to our American citizens.

Mr. VITTER. Will the Senator yield on that?

Mr. NELSON of Florida. Of course.

Mr. VITTER. I appreciate the suggestion. In fact, we have been talking to the chairman's staff about additional language, which we would ask be added to the amendment by unanimous consent, to create a list of countries to which this cannot apply and would specifically ask the chairman's staff for the appropriate list of countries for us to consider, a list from their point of view.

So we will be happy to work on that and wrap this up before we end this floor debate.

Mr. NELSON of Florida. I thank the Senator.

Upon further examination, with the Senator's staff, I think they will find that in most cases we are talking about citizens from Louisiana, as well as citizens from Florida and any other State, who are ordering these prescription drugs at hugely discounted prices from Canada. So that is the major source. That clearly is the interest of this Senator, as we are looking out for our citizens.

Now, what, in fact, is happening—and this Senator sees it in great abundance because it is no secret the State of Florida has a considerably larger percentage of senior citizens than most States. We like to call it the land called paradise. It is where a lot of people come to retire. Naturally, in their retirement years, they are looking at trying to make ends meet and their budget work.

They thought they were going to get a considerable break on their prescription drugs under the Medicare prescription drug plan. And now a lot of senior citizens are suddenly finding out the drugs are costing them more than they thought they were. And those who are hitting the so-called doughnut hole—that part, once they and the Government have expended $2,250 on drugs in any one calendar year—there is no reimbursement from Medicare all the way up to $5,100.

So our senior citizens are additionally having this concern that they cannot afford the drugs. Therefore, if they want to turn to another source, where they can get prescription drugs considerably discounted, then why should the Government policy not be to allow them to do that? That is the essence of the intent of this amendment.

The Senator from Louisiana has heard from his constituents, as has this Senator. Over the last several months, our offices in Florida have received numerous calls from people who say the cheaper prescription drugs they bought from Canada have simply vanished in shipment.

For example, Mrs. Jacqueline Flick—she is from Coral Gables—relies on Lipitor to help lower her risk of heart disease. She is living on a moderate income. She cannot afford to pay the full price that she would pay at a Walgreens or a CVS. She can get it from Canada and has been. She and her husband have been getting Lipitor for years by ordering it over the Internet from Canada, and she gets it at less than half the price.

Naturally, she was outraged last month when she got a letter from Customs and Border Protection notifying her that they had confiscated her Lipitor. By the way, that letter stated reasons that had nothing to do with her particular case.

I will give you another example. Alex Zeligson is from my home county of Brevard. He is from Palm Bay. He is a patient with emphysema. He requires oxygen. He requires 13 different medications every day, including medication for his heart. A bunch of his prescription drugs from Canada were seized in February.

Naturally, with this going on—and that is just two of many examples. And it has not just happened in the last few months. This has been going on in the State of Florida for the last year and a half. Naturally, these folks are upset.

Over the years, the Government has permitted personal supplies of prescription drugs to be imported from Canada. But without adequately informing the Congress, Customs and Border Protection, last November, implemented a new and stricter policy on personal prescription drug importation.

Last November, this new policy, without informing the Congress, was quietly implemented, until hundreds of complaints from constituents across the country, press reports, and actions by various congressional offices uncovered this shift in policy.

I can tell you that 900 prescription drugs were intercepted in the city of Miami alone. The reason behind this shift remains unknown, but according to documents filed in a court case in Minnesota, there has been illegal and collusive activity to block the imports of cheaper prescription drugs from Canada. Our office has discovered that this new policy resulted in tens of thousands of prescription drug shipments being detained by Customs officials. Customs has admitted to 25,000 prescription drug shipments intercepted; 900 of those were in Miami alone.

Silently implementing a stricter policy without adequately informing the public puts the health of those who have relied on the prompt delivery of prescription drugs at risk. In response to these stepped-up seizures, this Senator from Florida requested the Department of Homeland Security Inspector General to investigate the change in policy. The Inspector General rejected my request. I have asked the Senate Homeland Security and Governmental Affairs Committee to investigate.

Meanwhile, Americans who rely on low-cost prescription drugs from Canada in order to avoid having to make a choice between prescriptions and food are kept waiting. That is why I have joined the Senator from Louisiana in this amendment. I hope he can perfect the amendment so that it meets the objections the Senator from New Hampshire raised. The intent is simply to prohibit Customs from utilizing funds to stop the importation of FDA-approved prescription drugs by American citizens. A similar provision has already passed the House in the Homeland Security appropriations bill. This amendment, as perfected, is going to ensure that Americans, especially the frail elderly or those with debilitating conditions, are going to be able to at least have a chance of affording the medications they need. It is also going to send a clear message to Customs to explain their dramatic change in policy last November. I hope we will get consensus on this, stop fighting this bureaucratic game, and get some relief for our citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I come to support the amendment, recognizing that it is not perfect, but recognizing that it has been offered only because another piece of legislation, which is more comprehensive, dealing only with FDA-approved drugs, bipartisan, a broader group of Senators supporting it, has been blocked consistently. Senator VITTER offers this because it is the only way to get this subject to the floor of the Senate.

It is pretty unbelievable to hear the spirited defense of the pharmaceutical industry. After we passed a prescription drug benefit in the Medicare bill in the first quarter of this year, the pharmaceutical industry increased the cost of brand-name drugs triple the rate of inflation.

I have been before committees on this subject. Senator SNOWE and I appeared before our committee. There was a spirited defense of the pharmaceutical industry there. This is an industry that has some of the highest profits in the world. They produce miracle, lifesaving drugs, yes, but they also produce something else. They produce a pricing pattern that says the American people should pay the highest price in the world for prescription drugs. It is unfair.

The issue is, can American citizens import FDA-approved prescription drugs, some of them made in this country and then sent to Canada or sent to some other country, can U.S. citizens have access to those drugs, drugs that are safe? The only difference between those drugs and the drugs sold here under the same name is those drugs are priced at a much less expensive price.

I ask unanimous consent to show two pill bottles. This is the issue. This is Lipitor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. The same pill, put in the same bottle, made by the same company. One is marketed in the United States; one is sent to Canada. What is the difference? The difference is, the U.S. consumer is told to pay 65 percent more for the same medicine. The same pill made by the same company, FDA approved, sent two places, to U.S. consumers and to Canadian consumers, and the U.S. consumers are told, you pay 65 percent more. Why? Because the drug industry says so.

Myself, Senator VITTER, and others propose that you ought to be able to access those lower priced, FDA-approved drugs from Canada. The pharmaceutical industry doesn't like that. I understand. I understand why they want to maximize profits. The fact is, they say: If you do that and in any way diminish our profits, we will reduce the amount of research we do on new drugs. Isn't it interesting that they spend more on marketing and promotion than they do on research? Maybe they could cut back a little bit on that advertising on television that says: Ask your doctor whether the purple pill is right for you. I don't have the foggiest idea what the purple pill does, but every time I am shaving in the morning I see the commercial: Ask your doctor whether the purple pill is right for you. Maybe we could cut back the bid on that advertising.

We have had commitments to bring this issue to the floor of the Senate. It was midnight when I believed the majority leader gave me a commitment to bring our comprehensive bill to the Senate. We put a provision in the Senate RECORD. The majority leader says he didn't make a commitment. That is not what the words say. I went to a small school, a class of nine in a small town. All of us should be able to read words and understand what they mean. I believed the majority leader. In exchange for my releasing a hold on a nominee, the majority leader made a commitment to bring prescription drug reimportation to the floor of the Senate. He says he didn't.

The fact is, the administration and the majority in the Congress have blocked this. When I say we have a bipartisan bill, I come today to support a piece of legislation offered by Senator VITTER. That is bipartisan. But there are people who have determined they will block legislation that deals with the reimportation of prescription drugs. That is why this is offered to an appropriations bill which is a funding limitation. It is perfectly appropriate to offer this to an appropriations bill.

My colleague asked Senator VITTER a wide range of questions. My colleague has been opposed to reimportation of prescription drugs. He gives as spirited a defense of the pharmaceutical industry as anybody I have heard. I believe we ought to give a spirited defense on behalf of the consumers. Why should American consumers pay double, triple, nine times as much for prescription drugs?

I had a guy sitting on a hay bale at a farmstead meeting we had. He was in his 80s. He said: My wife has been fighting breast cancer for 3 years. We have been driving back and forth to Canada to buy Tamoxifen. That is a medicine he could purchase in Canada for 80 percent less than it costs in the United States. He lived in North Dakota, so they could drive to Canada and bring it back because Immigration has traditionally allowed a limited amount for personal use to come back across the border. But now the FDA, and under Dr. McClellan some years ago and under Dr. Crawford and others, has made it their mission to describe that somehow there is a terrorist threat or there is a contamination of prescription drugs. These are FDA-approved drugs, many of them made in this country and then shipped outside. And the American people are told: You can't have access to them because they are cheaper than the drugs you have to purchase in the drugstore in the United States. That makes no sense.

I am wondering when there will be a critical mass in the Senate to stand up and give a spirited defense of the American consumer. When will that happen? Not soon, I am afraid. That is unfortunate. Perhaps we can ask once again whether we will get a commitment to bring a bill to the floor of the Senate that is bipartisan, that has broad sponsorship. The legislation that I and many others have introduced is legislation that will allow, under a broader range of circumstances, the reimportation of prescription drugs and do so without any safety issues. Perhaps the amendment offered today will stimulate and require that agreement.

No one wants to, in any way, diminish the safety of our prescription drugs. There is nothing in the reimportation of FDA-approved drugs that would, in any way, cause someone to legitimately claim there is a safety issue. That is a specious issue. There is no safety involved here. This is about pricing. It is about whether the American people will continue to be stuck by being charged the highest prices in the world for prescription drugs. Miracle drugs offer no miracles to those who cannot afford them. All of us have heard the stories. I have heard plenty of people going to the grocery store who decide that first they have to go to the pharmaceutical counter to figure out what their prescription drugs are going to cost before they can decide how much they can buy in groceries. We have all heard those stories.

This country has a lot of senior citizens. We are a country of people living longer. That is wonderful. In one sense, we have increased the lifespan by 30 years. Life expectancy has increased by 30 years this century. That means we have more older people. Senior citizens are roughly 12 percent of the population and consume one-third of all the prescription drugs, and they are the least likely to be able to afford them. We have them walking into pharmacies now paying the highest prices in the world. It is not the fault of the local pharmacist. This is the pricing practice of the pharmaceutical industry.

They get all upset when people would tarnish their industry. I am not doing that. Good for them. They produce lifesaving drugs, a fair amount of it with research paid for by the American taxpayer at the National Institutes of Health. We have every right to be tarnishing the pricing policy of an industry that says they are going to charge the highest prices in the world to the American consumer.

My colleague from Louisiana talks about reimportation with his amendment. Let me talk about what they do in Europe. In Europe they have something called parallel trading. We have actually Europeans testify on that. If you are in France and want to buy a prescription drug from Spain, that is not a problem. They have parallel trading. If you are in Germany and want to buy a prescription drug from Italy, that is not a problem. They have run that for a couple of decades, and there are not any safety issues involved. This spirited defense of the pharmaceutical industry, by raising this specious, nonsense issue of safety, is almost unbelievable. It is a Trojan horse for those who want to keep prices high for the American consumer.

Let's have a real debate on the floor, not with a funding limitation. I will support this because it is probably the only way to pry the lid off this issue. But let's have a real debate with the larger bill that we thought had been promised to be debated. Let's decide to stop blocking the ability of the American people to access FDA-approved drugs at lower prices. Let's have the market system work. If the market system works for the big interests, what about the little interests? What about the little guy?

Bob Wills of the Texas Playboys back in the 1930s had a line that applies to much of what goes on around here: The little bee sucks the blossom and the big bee gets the honey. The little guy plucks the cotton and the big guy gets the money. Isn't that always the way it goes? And doesn't that apply to this issue of charging the highest prices in the world for prescription drugs to the American people?

It is wrong. Everybody in here ought to understand it is wrong. We ought to begin to pry the lid off this issue and fix it. My colleague from Louisiana has offered an amendment. It would not be my first choice, but I will support it. He has offered it, I assume, because it is the only way to get into this issue—this issue being reimportation of prescription drugs—by using a funding limitation to get there. He can do that without requiring 60 votes on this bill.

That is the purpose, I assume, of my colleagues from Louisiana and Florida offering this amendment. I think they, too, would probably prefer that we would get an agreement from the majority leader to schedule a time for debate on a larger bill, but that has not been the case. As a result, we will consider this issue and debate this issue now for some while.

I will at some point during the deliberations on this appropriations bill ask by unanimous consent that we bring up S. 334 before the August recess and debate that bill. In the meantime, I will be here to offer support to those who are trying to pry the lid off this issue by offering a funding limitation bill, and between coming over to the floor of the Senate, I will watch the proceedings of the Senate on a television set and be entertained by the spirited defense of the pharmaceutical industry by some of my colleagues offering excuses for supporting the highest prices in the world for prescription drugs being charged to the American people, a position that is highly unsupportable, in my judgment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Dakota raised a few issues, some of which are actually subject to rule XIX. I did not make the point, but I probably should have.

The fact that under this regime one would be able to set up a process where people could ship drugs into this country which would not be reviewed by the FDA and would not be stopped by Customs and Border Patrol is not an issue of defending the drug industry. It is an issue of making sure that the person who gets that drug is actually getting what they paid for, is getting something that is safe, and that this process has not blown a gaping hole in our capacity to develop adequate security for people who might want to ship into this country biological agents which could kill thousands of Americans.

This amendment, as it was originally offered—and I just asked reasonable questions. I didn't make allegations of purpose, as was the representation of the Senator from North Dakota. This amendment, as it was originally offered, would have allowed drugs to come into this country through the Internet which would not have been reviewed by the FDA. We wouldn't know where they were manufactured, whether the label that claimed it was one drug was accurate to what was in them. It would have simply said that Customs and Border Patrol could not stop those drugs from coming into this country.

It is pretty obvious that under this amendment as it was originally drafted, there were serious health risks for the people who were receiving those drugs. FDA wasn't going to review them, and Customs and Border Patrol was not going to be able to stop them. Think about that. A drug produced in some kitchen in Indonesia could be put in a bottle that was made to look like an American product, purchased over the Internet on an alleged Canadian site, and shipped into the United States, and the person who got those drugs would take them. There was a lot of anecdotal evidence when we had this bill before our committee that said most of the drugs that were coming in over the Internet were not as represented and some of them were actually poison.

In addition, of course, there is the very serious concern of national security. Maybe the Senator from North Dakota doesn't believe it is a concern. Maybe he only thinks big drug companies are the people who are being protected when the FDA determines whether a bottle of Lipitor is really Lipitor coming from Pakistan or Afghanistan. I don't. I happen to think the people who are being protected when that bottle comes into this country are the people who are getting it and the public at large if it has an agent in it which would basically kill people.

There is no question at all but that if I were a creative terrorist—I wouldn't even have to be all that creative—I could fill hundreds, thousands of alleged prescriptions with anthrax, ship them to my cohorts in the United States, and then let my cohorts do with that anthrax as they wished, or other agents which would be even more violent and more communicable.

There is a reason why we have the safest drug delivery system in the world, why people, when they go into the local drugstore, have absolute confidence that what they are buying is what is on that label. It is because we have the FDA policing the industry and making sure that as it is manufactured, labeled, and delivered, it is what it says it is. This amendment, as it was originally offered, did not accomplish that. For the Senator from North Dakota to come down here and allege people who might oppose it do so because they simply wish to carry the water of big drug companies is a discredit to those of us who are trying to address the issue of safety for the American people, not only on specific drugs that are delivered to them but as this bill is supposed to do on our homeland security.

So let's move on to the specifics. I understand the Senator from Louisiana has a modification to the amendment that is going to basically limit it to Canada, and it is going to make sure it is structured in a way that conforms with the Cosmetic Act. I congratulate him for that modification. I appreciate him being responsive on that point. It will dramatically improve this amendment.

There is still the issue out there that has to be addressed of, if Customs and Border Patrol is charged with not looking at this stuff which is going to come in from Canada, who is going to look at it?

I have a bill which actually accomplishes this, by the way. It says FDA will have the authority to go into these foreign countries—and if you limit it to Canada, it will be very manageable—and will have the money and resources—it is more a resource issue, the Senator from Louisiana is correct. It is not really an authority issue. What they need is money to review the distribution process.

Under my bill, what would happen is a Web site would have to have FDA-certifiable approval. In other words, if you went to a site from which you can allegedly buy Canadian drugs, FDA would have reviewed that Web site, reviewed the people who are selling through that Web site, reviewed the product coming through that Web site, and the Web site would receive something like a Good Housekeeping seal on it which couldn't be forged and which would basically be monitored, so that when you were buying off a Web site from Canada or directly from Canada by mail order or going into a Canadian pharmacy, you would know that the product was what it said it was and FDA had actually reviewed it.

That is a very doable event. It takes a regime. It takes money. All that is actually going to have to be grafted on top of this amendment to make the amendment work. It is too complex to do at this level. However, if the Senator from Louisiana is going to modify his amendment, my representation would be that when we get to conference we will not take the amendment or, alternatively—which would be my druthers—put this modification on top of it which is the language I developed relative to giving FDA the regime authority and the financial authority to monitor Canadian-delivered drugs.

I understand the Senator may move in that direction. If he does move in that direction, I congratulate him and thank him for making such a constructive change in his amendment. I appreciate it. We will proceed from there.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4548, AS MODIFIED

Mr. VITTER. Mr. President, at this point I would like to revise my amendment with the language which is at the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment (No. 4548), as modified, is as follows:

On page 127, between line 2 and 3, insert the following:

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Food, Drug, and Cosmetic Act.

Mr. VITTER. Mr. President, as modified, as the subcommittee chairman indicated, this will limit the effect of the amendment to transactions involving Canada only.

Having done that, let me close with a few remarks. First, I appreciate the offer and the commitment of the Senator from New Hampshire to work on this issue because, in fact, if he truly has these safety concerns he was outlining—I tend to think the nature of some of these scenarios he outlined were overly dramatic and not very well grounded in reality, but if he thinks these scenarios are accurate, then we need to act. The FDA needs to act today because even if my amendment is defeated—and I am very hopeful it will not be; I am very hopeful it will get a resounding vote on the Senate floor—even if it is defeated, these transactions are going on every day in the thousands.

The Senator knows that Customs and Border Patrol will never stop all of these personal-use medicines from coming into the country. So this is going on every day, thousands upon thousands of cases a day. Therefore, if there are safety issues involved—and there are some—the FDA needs to act now and we need to act now to put a regime in place.

Unfortunately, many of us, including myself, including the Senator from North Dakota and others, have tried over and over and have been blocked procedurally from moving that type of legislation to the Senate floor. That, as the Senator from North Dakota indicated, is what provoked this amendment. But I welcome the offer and the commitment of the Senator from New Hampshire to work in conference to put a full-blown regime together with regard to reimportation, and I welcome us bringing, either through this vehicle or through a stand-alone measure, this important debate to the Senate floor.

There are some safety issues, but those issues exist even if my amendment is defeated. Those issues exist because those transactions are going on every day, and they are growing in number because of the huge price disparity between the cost of drugs in the United States and the cost of those same FDA-approved equivalent drugs in places such as Canada.

Defeat of this amendment will not take care of those issues. The only thing that will take care of those issues is action, long overdue action by the FDA—and they have the authority now—or action by us in the Congress to put together an entire reimportation regime. I look forward to doing that. It is long overdue. It is important because of the very safety issues the Senator from New Hampshire outlines. It is also important because of the tremendous price pressure our constituents are under because we, unfortunately, labor under the highest prescription drug prices in the world, even though we offer the manufacturers the largest marketplace for those very same drugs in the world.

I yield back my time and look forward to the adoption of this amendment.

Mr. GREGG. Will the Senator yield for a question?

Mr. VITTER. Absolutely.

Mr. GREGG. We are checking with the Democratic side, but if the Senator is agreeable, the Senator from North Dakota is going to speak for half an hour, and at the conclusion of his speech, I suggest we go to a vote, if the Senator from Louisiana wishes to have a recorded vote, or we can accept the amendment.

Mr. VITTER. I do wish to have a recorded vote.

Mr. KENNEDY. Mr. President, I support the Vitter amendment to stop the Customs and Border Protection agency from using its funds to block the personal importation of prescription drugs from Canada that comply with requirements of the Federal Food, Drug, and Cosmetic Act. We all know that drugs distributed in Canada are as safe and effective as drugs distributed in the United States.

Each of us has constituents who obtain prescription drugs from Canada. The reason is obvious. They are tired of being gouged by exorbitant U.S. prices for their medicines, when the identical drugs are available in Canada at half the price and are just as safe. Drugs from Canada are certainly a better choice for hard-pressed patients than cutting their U.S. pills in half or taking them every other day to make them more affordable or not taking needed drugs at all.

Innovative senior citizens first alerted the Nation several years ago to the opportunity available in Canada by organizing bus trips across the border from many of our Northern States.

In Massachusetts, the city of Springfield began using Canadian pharmacies to provide drugs for its city employees and retirees. Springfield's example led the way for other city and State governments across the country to do the same. The Internet revolution vastly expanded the opportunity by enabling patients across America to go to Canada on the internet and save thousands of dollars a year on their prescriptions.

The administration should not be using the Customs agency to block patients from getting safe drugs from Canada. Yet recently it has been using the Customs agency to avoid a current requirement that the Food and Drug Administration give special notice to a patient if it detains the patient's imported drug at the border. This amendment should stop that abuse, but this amendment is not the real answer on importation. It is time for Congress to allow safe imports from Canada—and from other developed countries, too.

S. 334, the Dorgan-Snowe drug importation bill, will do this, and the Senate needs to act on this bill. Patients will be able to import drugs from exporters in Canada who are registered with FDA and regularly inspected by FDA. Wholesalers and pharmacies will be able to import drugs from other developed countries if they register with FDA and agree to regular inspections by FDA. The imported drugs will fully meet FDA standards for approval and will have FDA-approved labeling.

S. 334 also prevents drug companies from blocking imports, as several major drug companies have been doing to shut down the rising tide from Canada.

The high price Americans pay today for prescription drugs is unacceptable and unfair. The bipartisan Dorgan-Snowe importation bill is a practical solution to bring drug prices down for patients at no risk to the safety of our drug supply. That is the measure we should have voted on today, but our Republican leadership keeps denying us a debate and a vote on that needed bill.

Mr. GRASSLEY. Mr. President, I wanted to take a moment to note my vote for the amendment offered to H.R. 5441 by Senator VITTER. Senator VITTER's amendment would prohibit the U.S. Customs and Border Protection from using funds to prevent individuals from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act, FDCA.

The strong support demonstrated today for Senator VITTER's amendment reemphasizes the importance of the issue of allowing Americans to import prescription drugs.

I have long advocated allowing American consumers access to safe drugs from other countries. In 2000, 2002 and 2003 I supported amendments permitting reimportation of prescription drugs from Canada. In 2004, Senator KENNEDY and I offered bipartisan legislation to authorize reimportation. And, last year, I introduced a reimportation bill with Senators SNOWE, KENNEDY, DORGAN and others. Our bill, S. 334, the Pharmaceutical Market Access and Drug Safety Act, permits the importation of prescription drugs and includes very important safeguards to help ensure that those drugs are safe and obtained from legitimate pharmacies. I look forward to continuing to pursue Senate passage of our comprehensive, bipartisan bill. Allowing importation will increase competition and keep the domestic pharmaceutical industry more responsive to consumers.

Senate approval of the Vitter amendment represents another development in an ongoing effort to help reduce the cost of life-saving drugs for American consumers. We need to do more to foster competition by allowing imported medicine and to make sure that those prescription drugs are safe. S.334 should be the next step on this issue.

Mr. BUNNING. I would like to explain my opposition to amendment No. 4548 to the fiscal year 2007 Homeland Security appropriations bill. This amendment would prohibit the U.S. Customs and Border Protection from preventing an individual not in the business of importing prescription drugs from importing an FDA-approved prescription drug. I oppose allowing uninspected pharmaceuticals to be imported into the country.

I understand some prescription drugs are expensive, and many Americans struggle to afford their medications. That is why Congress passed a bill in 2003 to create a prescription drug benefit in Medicare. The drug program has greatly reduced the amount seniors spend on prescription drugs. This Medicare prescription drug bill also includes several provisions aimed at reducing the cost of pharmaceuticals, specifically by getting generic drugs to the market faster. These are important changes aimed at reducing costs for everyone.

I have concerns about the safety of bringing prescription drugs into the United States from other countries without meeting the safety criteria currently in law. Under the current system, Americans can feel secure when they purchase pharmaceuticals in this country. They know the pills they are taking are safe and effective and that they have been approved by the Food and Drug Administration, which uses some of the highest approval standards in the world. Congress should not put the safety of our pharmaceutical supply in the hands of a foreign government which may not recognize counterfeit or expired medicines or may not have the same safety standards that we do. The last thing we want to do is to undermine the integrity of our drug supply.

In fact, in December of 2005, a Food and Drug Administration operation found that nearly half of the imported drugs FDA intercepted from four selected countries were shipped to fill orders that consumers believed they were placing with "Canadian" pharmacies. Of the drugs being promoted as "Canadian," based on accompanying documentation, 85 percent actually came from 27 countries around the globe. A number of these products also were found to be counterfeit.

I believe this amendment will put our Nation's drug supply at risk and it is not even necessary. As this year goes on, more and more seniors are getting excellent and affordable coverage under the new prescription drug plan that we passed in 2003, which means allowing potentially unsafe drugs into our country is an unnecessary risk that we do not need to take.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from North Dakota be recognized for half an hour, that no amendments be offered during his term of speaking and that at the conclusion of his speaking, 2 minutes be equally divided on the amendment of the Senator from Louisiana, that we proceed to a rollcall vote, that the yeas and nays be deemed as ordered, and no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDSESSION BUDGET REVIEW

Mr. CONRAD. Mr. President, I want to thank the managers of the bill for this time allocation. I appreciate it very much. I thank the chairman and the ranking member.

Today is the day of the so-called midsession review in which the administration takes a middle-of-the-year look at our budget circumstances. The President has already held a press conference in the White House, the Budget Director is speaking to the National Press Club, and they are heralding the improvement in the deficit outlook as proof that their fiscal plan is working. That is an interesting spin. That is an interesting way of looking at these facts.

Let me give you what I consider to be the other side of the story, or perhaps it is better described as the rest of the story. The President is saying there has been a $100 billion improvement in the deficit outlook. Well, not really because that is based on his earlier projection that many of us said, at the time, overestimated what the deficit would be, for the very purpose of later this year, when the deficit wasn't that big, to claim great success. That is exactly how things have played out. But if you compare the new deficit projection with what the actual deficit was last year, instead of getting into the projection game, the actual deficit last year was $318 billion. Now they are saying the deficit this year will be $296 billion.

Is this cause for some great celebration? Is this some dramatic improvement in the deficit? I wish it was, but I think people can reach their own conclusion. I think it is a pretty modest improvement over last year's deficit.

At the same time, the thing that is getting no attention is the real threat to our long-term economic security, and that is the debt of the country. And the debt increase last year was $551 billion. With these new numbers this morning, the debt this year will increase by $593 billion. So the amount of the debt increase is actually growing. The debt is getting bigger, and it is getting bigger than it was last year. That is even with these new numbers. This is almost a $600 billion increase in the debt.

The White House is saying: Well, there has been this dramatic improvement in revenue, and that proves that if you cut taxes, you get more revenue. No, that is not what it proves. I wish it would prove that because then we really would have the tooth fairy working for us. That would be great. Wouldn't it be wonderful? You cut taxes, you get more money. But here is what has happened. Here is the historical record.

In 2000, revenue, as a percentage of gross domestic product, was about 21 percent. It is true that this year we are getting an increase over last year's revenue, but it is still way below what it was back in 2000. If you look at it on an inflation-adjusted basis, you look at the revenues that we have received, you adjust it for inflation, what you see is now, in 2006, we are getting back to the revenue we had in 2000. So in 2000, we had over $2 trillion in revenue. We had massive tax cuts in 2001 and revenue went down. In 2003, revenue went down some more. We had another big tax cut. Revenue stayed down for 2004 and 2005. Now, only in 2006, are they projecting that revenue will go beyond what it was in 2000.

This is not proof of the theory of the tooth fairy that if you cut taxes, you get more revenue. In fact, if you look at individual income taxes, where most of the tax cuts have been, you see—and this is not adjusted for inflation; this is in nominal terms—we had $1 trillion of individual income tax revenue in 2000. You can see every year after that: 2001, 2002, 2003, 2004, 2005, every one of those years we had less revenue than we had all the way back in 2000. It was not until this year that they are now projecting that we will have somewhat of an increase over the level of revenue in 2000.

If one wants to talk about projections, if you go back to their projections in January of 2001, they said this year we would have $2.7 trillion of revenue. Instead, we are going to have $2.4 trillion in revenue. So we are far below what they projected back in 2001.

This is from the New York Times of July 9:

> Revenues are still below historical norms. One reason the run-up in taxes looks good is because the past five years looked so bad. Revenues are up, but they have lagged well behind economic growth. Compared with the size of the economy, tax revenues are still below historical norms and far below what the administration predicted as recently as 2003.

"Far below." This is not this magic supply-side epiphany that some are now claiming today. In fact, if one looks at the debt, the increase in the debt, here is what one sees. When President Bush took office at the end of his first full year—because obviously he is not responsible for the first year; he is inheriting a budget—at the end of his first full year, the debt was $5.8 trillion. At the end of this year, they are now saying it will be $8.5 trillion. And in 2011, they are now saying the debt will reach $11.5 trillion. This is an explosion of debt, and they are claiming great success. Excuse me. This is a great success? What would a failure be? They will have doubled the national debt.

When we look at foreign holdings of U.S. debt, here is what we see. It took 42 Presidents—all these Presidents pictured here—224 years to run up $1 trillion of external debt—U.S. debt held abroad. This President has more than doubled that amount in just 5 years. This is a success? I don't think so.

Looked at another way, it is stunning. Here are the world's biggest borrowers. If you look at all of the money that is being borrowed in the world, you see the United States in the No. 1 position. We are borrowing 65 percent of all of the money that is available to borrow. Let me repeat that. The United States is borrowing 65 percent of all of the money that is available to borrow. Look at this. We have the United Kingdom borrowing about 4 percent of what is available; Spain, 7 percent; Australia, 3 percent; France, about 3 percent; Italy, 2 percent; Turkey, 2 percent. And the United States is borrowing 65 percent of all of the money being borrowed in the world. This is not a sustainable course. This is not something that can be continued.

So while the White House is out bragging about their achievements, let's just remember their budget record: Four years in a row of record deficits, debt projected to soar to more than $11 trillion by 2011. They have more than doubled foreign-held debt in 5 years. There is very little real revenue growth since 2000. Revenues in 2006 are still far below original projection. And every penny of Social Security surplus is projected to be spent on tax cuts and other things over the next 10 years. Again, $2.5 trillion of Social Security money is going to be spent on other things. On the other hand, they say there is a big shortage of Social Security? Well, they are helping to create it.

A new budget process proposal has been made by our friends on the other side that would circumvent Social Security protections and fast-track a Social Security privatization plan. They have repealed and increased the spending caps for next year that they put in place last year. They have come out with a big, new plan, more spending caps, more budget points of order, but they just repealed the spending caps they put in place last year. Now we are told they will not have a budget this year at all. The country simply will not have a budget.

The Comptroller General of the United States has warned that the budget outlook is getting worse, not better. This is what he said: Our problem is our large, long-term deficit, and the sooner we deal with that, the better.

Walker, the Comptroller General, warned of a false sense of security: "We're in much worse shape fiscally today than we were just a few years ago." He said this on July 11.

Mr. President, the Comptroller General is telling the truth. Our budget situation is not getting better; our budget situation is getting much worse.

Here is what is happening to the debt. You didn't hear the President mention anything about the debt. They don't want to talk about the debt because the debt is exploding. The debt is going up, up, and away. And this is before the baby boomers retire. If the budget were to pass that has gone through both Houses of Congress—which we are now told is not going to pass, we are not going to have a budget—if it were to pass, they would add $3 trillion to the debt over the next 5 years. It is simply stunning.

The former CBO Director who, by the way, was an economic adviser to the President before he was CBO Director, said this: "The long-term outlook is such a deep well of sorrow that I can't get much happiness out of this year," said Douglas Holtz-Eakin, a former Director of the Congressional Budget Office and a former White House economist under President Bush. He is telling the truth.

This notion that there has been some dramatic decrease in the deficit just misses the fact. The fact is the deficit last year—the actual deficit—was $318 billion. Now they are forecasting it is going to be $296 billion this year. That is not some great improvement. That is an improvement, but it is very modest.

At the same time the deficit is getting a little better, the debt is getting a whole lot worse. Last year, the debt increased by $551 billion. This year, the debt is going to increase by $593 billion.

All this happy talk today from the administration about how great things are reminds me a little of somebody holding a press conference to brag about the new lifeboats on the Titanic. Yes, it is a nice thing that the deficit numbers are a little better, but it misses the larger reality. The larger reality is this ship of State is in deep trouble. We are in an ocean of red ink, and nothing substantial is being done about it under this administration. Instead, the debt is growing and growing dramatically.

Even with these new numbers, that is what is happening to the debt of our country. It is skyrocketing, and it is skyrocketing at the worst possible time—before the baby boomers retire. Remember, the baby boomers are going to start retiring—the leading edge—those eligible for Social Security, in 2008, and we are going to leave them a legacy of debt unprecedented in our Nation's history.

The President does a disservice to the country, as do members of his administration, when they talk about the fiscal circumstance dramatically improving. It is not. It is not. The deficit has improved modestly over the deficit of last year, but the debt is actually growing more rapidly than the debt grew last year. And there is absolutely no relief anywhere in sight. The President and this administration owes it to the American people to come forward with a plan to address this crisis of debt.

Mr. President, I yield back the remainder of my time, and I yield the floor.

Mr. GREGG. Mr. President, it is my understanding that we are going to proceed to vote on the Vitter amendment at 12:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, let me quickly respond to some of the points made by the Senator from North Dakota, whom I greatly admire and enjoy working with on the Budget Committee because I think the context of those comments have to be put in proper form. There is no question but that the revenues of this country dropped significantly at the beginning of this administration. There is obviously a significant argument as to why those revenues dropped. The point that I made earlier, and which I think is very valid, is that coming out of the 1990s we had experienced an explosion of growth, much of which was unsupported. It was called a bubble, the Internet bubble. What is a bubble? That is when people are speculating irrationally—as at the time Chairman Greenspan said, irrational exuberance—irrationally in a way that is basically creating stock, in this instance, which has no substance behind it but is still being sold at a higher and higher price.

That bubble burst. When a bubble bursts, the history of economics is that there is a severe contraction in the economy that is experiencing the bubble. That is what happened to us. We saw a severe recession begin.

We followed the Internet bubble bursting with the attacks of 9/11. That was a huge catastrophe for us as a nation, a vicious attack killing thousands of Americans, but it was also an attack on our economy.

These two events together would have led to a massive slowdown in our economy had not the President had the foresight to reduce the tax rates to a more fair level so that entrepreneurs, people who are willing to take risks, were willing to go out and do exactly that. The tax cuts were put in place, and the tax cuts benefitted everybody who paid taxes. It is hard to do a tax cut to benefit people who do not pay taxes, which seems to be the position of the people on the other side of the aisle. Essentially, the tax cuts benefitted all who pay taxes, but, importantly, it was to create an atmosphere where the entrepreneurs in our Nation, the people who are willing to take risks and as a result create jobs, did exactly that. They were rewarded for being risk takers and job creators. As a result a recession which should have been severe in its slope ended up being shallow.

We are now seeing ourselves coming out of that recession. Now, for 39 months, we have had a very strong recovery, a recovery which is played down by the other side of the aisle but cannot be played down by the facts—5.4 million jobs created, 39 months of economic growth, some of the strongest growth periods we have had in the post-World War II period, and that has been driven in large part by tax rates which have generated more revenues to the Federal Government.

The theory on the other side of the aisle, and their whole modus operandi for economic activity, is you should raise taxes in order to raise revenue for the Federal Government to meet spending. You can always expand spending because you can always raise taxes. That is basically the philosophy of the other side of the aisle, coined as "tax and spend," or "spend and tax." But the fact is—and it has been proven by three Presidents of both parties—that if you reduce rates to a level which gives people an incentive to go out and be productive, you actually generate more revenue for the Federal Government than if you overtax them.

Why is that? It is human nature. If you say to a person: 70 percent of the next dollar you earn, or 50 percent of the next dollar you earn is going to go to the Federal Government or to the State government or the local government or a combination, a person doesn't have a whole lot of incentive to go out there and take a risk with their money or to work harder to produce that extra dollar. But if you say to a person: We are going to tax you at a fair rate so when you go out and take risks with your money you are going to get a fair return and the Government is going to get a fair return in taxes, then a person is willing to go out and take that risk and do those things that create those jobs.

That is exactly what has happened under the tax laws that President Bush has put in place with the support of the Republican Congress. We have taken those elements of the tax law which are most related to creating economic activity—capital formation, risk-taking activity and thus resulting in job creation—and put those rates at reasonable levels, capital gains being the best example of that. The other side of the aisle wants to raise all these taxes again. What they are unwilling to acknowledge is that by having a fair rate of those taxes, at those tax levels, we have actually generated a huge increase in revenues. If you combine the last 2 years, we have the most significant increase in revenues that we have seen anytime in the post-World War II period for a 2-year period in rate of growth of revenues. It is because there has been an incentive for people to go out and be productive, create jobs, and as a result generate more income for the Federal Treasury.

There is another effect, for example, of the lower capital gains rate which I mentioned earlier today. Not only does it create economic activity. In other words, if you are sitting on some stocks or sitting on a piece of real estate or you have a small family business, you are afraid to sell it because you don't want to pay the Government 30 percent, which was the rate, or 20 percent, which was the rate. Now the rate is 15 percent, and you say: I guess I can sell that asset.

All right, you go out and sell that asset. The Federal Government would have never gotten any revenue from that asset because you were going to sit on it as long as the rates were too high, so by selling the asset the Federal Government got income it didn't expect, by having a fair rate.

But more important, or equally important, you have that cash. You are going to go out and reinvest it in something that is going to produce more money and, as a natural flow of human nature, it is going to be more productive. You are going to get more productivity out of those dollars. What does that do? It creates more jobs. It creates more economic activity which creates more jobs.

And it works. It has been proven to work by President Kennedy, by President Reagan, and now by President Bush. It worked so well that over the last 2 years, the CBO estimated that the revenues from capital gains would be half of what they actually were because they used the static model. They didn't factor in human reaction. So we generated almost $100 billion more revenue just from capital gains than we expected to get as a result of the CBO estimates. That is because human nature inherently, certainly in America at least, is entrepreneurial. It is risk taker and job creator oriented, and people who are risk takers are rewarded for that, and as a result jobs are created.

So we have had this explosion of jobs in America. We have created more jobs in this country in the last 2 years than Europe and Japan combined—I believe is the statistic. Equally important, we have generated huge amounts of new revenues for the Federal Government. That is reflected in the midterm report which came out today and which is so dismissed by the other side of the aisle.

You just can't dismiss the fact that we reduced the deficit by $126 billion, approximately, in 6 months, over what it was supposed to be, what we expected it to be. Why did it come down $126 billion? Because people were paying more in taxes because there was more job activity out there.

Interestingly enough, most of that new revenue came from the highest income taxpayers in America today. In fact, they are paying more in taxes today than they have ever paid, that group of individuals.

But the attitude of the other side of the aisle is, let's just raise taxes again.

It doesn't work. It actually reduces revenues if you get taxes too high. What we have to do is control spending. That is why this side of the aisle has been talking about a comprehensive package to accomplish that.

I see the Senator from Pennsylvania is here. I know he wished to speak. We have about 6 minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 4548, AS MODIFIED

Mr. SANTORUM. Mr. President, I rise to speak on the amendment that I understand we are going to be voting on in about 6 minutes. I am not particularly pleased we are voting on this amendment in 6 minutes, that I only have 6 minutes to talk about this amendment on the importation of prescription drugs. I think what we are potentially about to do is something that is very dangerous, something that is a risk to consumers and patients in this country.

We have seen exposes written by newspapers. We have seen reports from the Surgeon General. We have seen reports by numerous government agencies, of the risk associated with drugs coming into this country from potentially dangerous foreign sources, prescription drugs, that are being used by people in this country. There is a profound risk of them being impure, contaminated, and having potency problems. Now we are back here on a quick amendment, and a quick time agreement, and we are going to have a vote on something that I think is life threatening to potentially thousands of individuals in this country.

This is an amendment that says, to my knowledge—I have it in front of me, but I understand it has been modified, and I have not yet seen the modification—that none of the funds in this bill will be made available for the Customs and Border Protection agents to prevent individuals from importing prescription drugs.

I understand it has been modified to say just from Canada. But, of course, how do we know they are from Canada? If a border agent sees a box that says "from Canada" or "FDA approved" or whatever, does that mean they can't look at it or can't examine it?

This is a very crude attempt to try to get around an issue that we have been debating for a long time, and that is, whether it is safe to allow people to get drugs, from other countries, that do not have the FDA safety and efficacy approvals.

We have huge concern in this Chamber, huge concerns around the United States with drug safety. There is a pill called Vioxx that has a small chance of causing certain side-effects in some individuals. Yet we want to allow importation of potentially dangerous drugs from other countries.

Let's look at the reports of analysis of some so called "Canadian generics" seized at the boarder. Experts in drug safety tell us that these drugs often have problems with potency, don't dissolve correctly, or have dangerous impurities. These are potentially dangerous drugs, and the United States Senate wants to say: Go ahead and bring those drugs in, but by the way, we have to take Vioxx off the market if there is even a 1-percent chance of hurting somebody.

Drug importation done this way has a nearly 100-percent chance of hurting somebody, and we are going to come to the floor of the United States Senate and say that is a good idea because it might save a few dollars.

We addressed this issue for our most vulnerable population. We addressed it for seniors. We passed a Medicare prescription drug bill that is working. It is working very well. It is lowering costs of prescription drugs to our seniors. Providing affordable drugs of quality, FDA approved, we know they are safe, we know they are effective, they are made here in the United States.

We have folks who are going to vote for this amendment who complain night and day about exporting jobs around the world. What do you think this is? When these drugs are made in the United States they are made safe and effective. They are made by American workers. And we know they work for people who need these drugs. We are going to export these jobs to Bangladesh or Ghana or Belize—pick a country—which happens to mark the drug "from Canada"?

If you write "Canada" on there, assume a border guard, just to be safe, will say don't open it because we may be breaking the law according to this amendment.

This is a dangerous piece of legislation for potentially thousands if not more persons who are looking for a cheap prescription and could get a prescription for ineffective treatment, which could lead to more problems, or potentially lethal treatment if there are dangerous side effects from impure drugs.

We should not be voting on this amendment, in my opinion. But the vote has been locked in—without my consent, I might add. What we are to do here—let's not muddy the water—this is not about cheap drugs. We have dealt with that issue for seniors. We have dealt with that issue by putting up huge amounts of money to make sure that our seniors get good-quality, American-made drugs, made by Americans who have good-quality jobs making them. This is about hurting those Americans making these drugs as well as hurting people who are going to be consuming these drugs.

I am not happy, even though I understand we will look at this in conference and it can be striped out in conference. This is bad public policy. This is dangerous to the health of American citizens, and it hurts our economy. It says to a border guard or the Customs Service that is already overburdened, that already has too much of a job to do—how are they going to know whether it is made in Canada or not? How are they going to know whether it came from Canada or not? This is a potentially monstrous problem. This is an enforcement problem. This is going to create huge problems on a number of levels.

I hope Members vote against this. I am going to vote against it. This is not the right way to do this, No. 1, to withhold money from the Border Patrol so they don't do their job. If you want to debate the issue of whether we should adopt Canadian-style drug pricing, fine; let's do that. We did that last session of Congress, and 38 Senators voted to allow Canada to set prices for drugs in America. That is how bad things are, in my opinion, in this Chamber when it comes to this issue.

This country's pharmaceutical industry is the envy of the world. We are the envy of the world for our biotech and pharmaceutical treatments and cures. We discover over 50 percent of the new drugs in the world. We have research jobs. We employ the best and brightest scientists in the world here in the United States. What do we want to do? We want to destroy that. We want to completely go around safety and effectiveness, completely go around the FDA and bring in counterfeit, bogus drugs to let our seniors or let other people use those drugs because it is a political advantage to doing it, to saying we are for cheap drugs. You are for harming people if you vote for this amendment.

I yield the floor.

Mr. GREGG. Mr. President, I understand that the unanimous consent request did not include the yeas and nays. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided on the Vitter amendment, as modified.

Who yields time? The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise in support of this amendment. I thank Senators Nelson and Coburn and others for their support.

This is very simple and straightforward. It will simply say in the post-9/11 world to Customs and border security that they should not be spending precious time and precious resources confiscating prescription drugs from seniors as they come back into this country from Canada. That is the only thing the amendment does. It is only about Canada. It is only about the personal use of prescription drugs. It doesn't involve wholesale, and it doesn't involve large quantities which can be resold in this country. It is only about FDA-approved drugs or their equivalent or what would be FDA-approved drugs if FDA did not define their approval process to specifically exclude drugs from other countries.

I ask for strong support of this very commonsense amendment.

The PRESIDING OFFICER. Who seeks time in opposition to the amendment?

Mr. SANTORUM. Mr. President, the Senator from Louisiana said it only concerns Canadian drugs. Let's take a look at what FDA said when they looked at so-called Canadian generic drugs ordered from a website claiming to sell drugs from Canada.

Where was the website registered? China. Where was the post office address? Dallas, TX. Where was the return address? Miami, FL. Where was the credit card billed? St. Kitts. And where was the phone number listed? Belize. Canadian pharmacies, legal under this new amendment coming in from Canada. Canadian? Really? Where was this stuff made? We don't know. Probably China. Maybe not. Is it FDA approved? Is it licensed? Safe and effective? No, no, no.

This is dangerous stuff.

For U.S. Senators to stand up and say, We have concerns about Vioxx if there is even a 1-percent potential problem for somebody who uses it, but we are going to let drugs come in from God knows where, that are potentially ineffective and deadly, is a travesty.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—68

Akaka
Allard
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Burns
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Collins
Conrad
Craig
Dayton
DeMint
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Talent
Thune
Vitter
Wyden

NAYS—32

Alexander
Allen
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Coleman
Cornyn
Crapo
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
McConnell
Roberts
Santorum
Stevens
Sununu
Thomas
Voinovich
Warner

The amendment (No. 4548), as modified, was agreed to.

Mr. THUNE. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOCICH).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007—Continued

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that upon the arrival of the Senator from West Virginia, he be recognized to offer two amendments, and that upon the disposition of those two amendments, the Senator from Maine be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. BYRD. Madam President, I was just saying as I came in, I saw these young pages here—I have been around here quite a long time, but I haven't gotten used to these. Our country has put a man on the Moon and brought him back to Earth again, but it hasn't yet perfected a really good public address system. A Senator such as myself is not used to the public address system and has to learn how to use the ones we have.

As I was saying, I said the person who really introduced court reporting in the Roman Senate was Cicero, which I will discuss at another time.

AMENDMENT NO. 4557

Mr. BYRD. Madam President, when the President sent his budget to the Congress in February, it was based on a false premise. The President's budget assumed that the Appropriations Committees would raise the aviation fees on airline passengers by $1.23 billion. The President and his advisers at the Office of Management and Budget were aware that the Congress would not approve this tax increase on airline passengers because the administration tried a similar proposal last year, and the Congress responded with a bipartisan no. Thus, the President's budget is kind of a hollow one—h-o-l-l-o-w, hollow. It leaves a gaping $1.23 billion hole in the homeland security budget.

The chairman of the Appropriations Committee, Senator COCHRAN, provided the subcommittee with some additional resources, but the fact remains that this bill is still $515 million below the President's request and $350 million lower than the bill that was passed by the House of Representatives last month.

The amendment I am offering today attempts to rectify this discrepancy. My amendment provides an additional $350 million for border security infrastructure enhancements, and it is fully paid for.

I am pleased that the chairman of the subcommittee, Senator GREGG, is working with me on this amendment. As we continue to hire more Border Patrol agents and other immigration enforcement officials, we need to give them the tools they need to do their job, and we need to start paying for those tools now so they will be available as more and more Border Patrol and immigration enforcement officials are hired and trained.

The Border Patrol needs new helicopters because the average age of its helicopters is nearly 40 years. The average age of our Customs primary fixed-wing aircraft is 30 years. All of our border enforcement officials, including the newly hired officials, need more vehicles, including all-terrain vehicles, high endurance vehicles, and even more buses to transport and remove illegal aliens.

Customs and Border Protection has a requirement for 18 unmanned aerial vehicles, or UAVs. The Senate-passed immigration bill authorizes more UAVs. Yet the only one we had operating on our border crashed in the desert this past spring.

The amendment I am offering provides real dollars for our aging border infrastructure. It provides $90 million for additional fencing, tactical border infrastructure, and facilities. It provides $105 million for air and marine items, such as new helicopters, unmanned aerial vehicles, the standing up of all planned northern border air wings, and the facilities to house and maintain these aircraft. It provides $55 million for replacement vehicles for our border and immigration personnel, and it also provides $15 million for the ongoing Information Technology Modernization Program at Immigration and Customs Enforcement.

The President's budget requested $47 million in direct appropriations for the Business Transformation Program at U.S. Citizenship and Immigration Services. Because of the hollowness of the President's budget submission, these funds were not included in the bill reported out of committee. The program is a multiyear effort to modernize immigration benefits services.

So this amendment will help to reduce the rate of fraud in the program and to ensure the security and the integrity of the immigration system. This amendment provides the $47 million requested by the President for this program.

Finally, my amendment adds $38 million for fraud detection and national security activities at USCIS. This $38 million will add 100 new positions to enable FDNS to conduct benefit fraud assessments of additional immigration benefits, including training efforts necessary to further enhance the background checking process. We must have the technology and trained personnel in place now if we are to ensure that only those individuals who are legally allowed to be in this country are obtaining benefits and other privileges.

How is the amendment paid for? The amendment is fully paid for through increases in existing fees on non-U.S. citizens.

Border security in this country must be more than just a political slogan in this campaign year. Do you know this is a campaign year? I do. I am running. Border security must be one of the Nation's top priorities. The people out there watching through those lenses will agree with that. Border security must be one of this Nation's top priorities.

The United States is on track to hire over 6,500 new Border Patrol agents and immigration enforcement officers. But what happens once they are on the job? Do we send them to the border without weapons, without radios, without trucks and Jeeps? Without this amendment, without these resources, we will be telling our Border Patrol agents in essence to stem the tide of illegal immigration with little more than a polite smile—little more than a polite smile. Asking illegal immigrants to please turn around just won't cut it. Our Border Patrol must have the law enforcement resources to get the job done.

If we are truly serious about securing our borders—and not just engaging in hollow rhetoric—then we will put real dollars on the border. I commend my chairman, Senator GREGG, for his support, and I urge my colleagues to support this amendment.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. GREGG, Ms. Murray, Mr. ROCKEFELLER, and Mr. BINGAMAN, proposes an amendment numbered 4557.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional resources for border infrastructure and program integrity initiatives)

At the appropriate place in the bill insert the following:

TITLE VI

BORDER SECURITY INFRASTRUCTURE ENHANCEMENTS

SEC. 601. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Department against any non-United States citizen by notice in the Federal Register no later than January 1, 2007, to achieve not less than $350,000,000 in additional receipts by September 30, 2007: *Provided*, That the Secretary may adjust only those fees authorized under the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act: *Provided further*, That this adjustment shall be in addition to fees authorized under 8 United States Code 1356.

(b) Amounts collected under subsection (a) shall be deposited in the accounts as provided by 8 United States Code 1356: *Provided*, That of the total amount collected pursuant to subsection (a) the Secretary shall transfer the following amounts:

(1) $25,000,000 to Customs and Border Protection "Salaries and Expenses" for vehicle replacement;

(2) $105,000,000 to Customs and Border Protection "Air and Marine Interdiction, Operations, Maintenance, and Procurement" for air asset replacement and air operations facilities upgrades;

(3) $90,000,000 to Customs and Border Protection "Construction";

(4) $30,000,000 to Immigration and Customs Enforcement "Salaries and Expenses" for vehicle replacement; and,

(5) $15,000,000 to Immigration and Customs Enforcement "Automation Modernization".

(c) Of the total amount collected pursuant to subsection (a) $85,000,000 shall be made available to United States Citizenship and Immigration Services: *Provided*, That of the additional amount available, $47,000,000 shall be for Business Transformation and $38,000,000 shall be for Fraud Detection and National Security initiatives.

(d) Amounts deposited under paragraph (b) shall remain available until expended for the activities and services described in paragraphs (b) and (c).

Mr. GREGG. Mr. President, I wish to commend the Senator from West Virginia for this amendment. Everything that he is proposing to fund in this amendment is needed and is critical. There is no question but that the agencies to which he is giving these additional dollars for the purposes of refurbishing both air and vehicle fleets are in dire need of these dollars, as he cited in his statement. The aircraft owned by Customs is 30 years beyond its useful life. Helicopters are averaging 20 years beyond their useful life. The vehicles in which these folks go out to protect our borders often break down and many times they can't fulfill their missions because the vehicles are not up to the capacity that is needed.

So this is a good amendment. It is a needed amendment. I support it. Senator BYRD has found an offset which is a reasonable offset. It increases the fees for non-Americans who seek to use the Immigration Service and the Customs Service—mostly the Immigration Service, I believe. This will not raise blue slip issues. So I am in support of this amendment and urge its adoption.

Mr. President, I ask unanimous consent that amendment No. 4557 be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4557) was agreed to.

Mr. BYRD. Mr. President, I thank my chairman for his support. I ask unanimous consent that further consideration of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4559

Mr. BYRD. Mr. President, the President of the United States, in his January State of the Union Address, told America: "The enemy has not lost the desire or the capability to attack us." He was right. I am sure the President is correct about that. But some of the speech writers and policy writers for the administration seem to be living in alternative worlds.

After the administration's decision to allow Dubai Ports World to operate terminals in six major U.S. ports, the administration asserted that it has a robust, layered security system for our ports. Yet the White House has proposed for the second straight year now to eliminate the Port Security Grant Program.

How serious is the administration about port security when it decides to allow Dubai Ports World to control six major U.S. ports? How serious is the administration when it underfunds port security? How serious are they about port security when Customs and Border Protection inspects only 5 percent of the 11 million containers that come into the country each year? How serious is the administration about port security when the Coast Guard inspects only one-third of the foreign ports that trade with our country? How serious is the administration when the Coast Guard Deepwater budget for replacing its ships, planes, and helicopters will not be completed until 2026? How old will I be then, in 2026?

Well, it really doesn't matter. That is 20 years away.

How serious are they when it takes over 11 months to make grant funds available to ports for needed security measures?

My amendment would provide $648 million to fill critical gaps in our paper-thin—paper-thin—do you see how thin this paper is—our paper-thin port security programs. The amendment would provide resources for more container inspection equipment and personnel, more port inspections, more Coast Guard ships, more Coast Guard planes that are essential to securing our borders, and more port security grants.

Currently, only 5 percent of all of the cargo containers entering the United States are physically inspected by opening the containers. Now, this is paper-thin security. My amendment would fund 60 more cargo container imaging machines at our seaports and rail border crossings that can view inside a container. It will also fund the hiring of 354 additional Customs and Border Protection officers to inspect these containers and address anomalies in cargo containers that may be triggered by the radiation portal monitors deployed at the ports.

Currently, the Coast Guard has only 82 inspectors to conduct facility investment compliance at domestic ports and 34 inspectors to review security plans at foreign ports. Of the 144 countries that conduct maritime trade with our country, the Coast Guard has assessed security at only 51. At the current rate of inspections, Coast Guard inspectors will visit countries that trade with the United States only once every 4 years. Now, this is paper-thin security.

Under my amendment, the Coast Guard would complete the assessment of all 144 countries every 2 years. My amendment would also provide the Coast Guard with funding to conduct random spot checks of all domestic port facilities and assess the vulnerability of our most strategic ports here at home.

Domestically, the Coast Guard inspects the 3,064 U.S. facilities that are subject to the Maritime Transportation Security Act regulations just once per year. The Coast Guard has no funding to conduct random spot checks of these facilities. My amendment includes funding for approximately 80 new positions to establish a robust spot check program at each Coast Guard sector office, an important element in any enforcement regime, wouldn't you think so?

The Coast Guard has completed vulnerability assessments at 55 militarily and economically strategic ports. Currently, no funding is available to update these assessments which were completed 2 years ago. But my amendment would allow the Coast Guard to reassess the vulnerability of approximately 10 ports.

The condition of Coast Guard ships and planes is declining rapidly. These assets spend more and more time out of service. For example, total patrol boat hours in 2004 were 25 percent lower than in 1998. Current Coast Guard maritime patrol airplanes can only provide half of the hours required to meet operational commitments. At the same time, funding constraints require maintenance on these aging assets to be deferred more and more every year.

My amendment provides $184 million for the Coast Guard to buy new patrol boats, maintain existing cutters, buy new maritime patrol aircraft, and arm its helicopters for homeland defense in U.S. ports and harbors.

Coast Guard Patrol boats are operating in theater less today than they were in 1998. Total boat hours were only 75,000 in 2004, compared to the 1998 baseline of approximately 100,000 hours. The decline in operational hours has been the result of aging assets and the loss of 8 patrol boats deployed to the Middle East for Operation Iraqi Freedom. Under the Coast Guard's Deepwater modernization plan, this gap won't be closed until 2012 at the earliest. Funding in my amendment would enable the Coast Guard to purchase 2 additional patrol boats for a total of 5 in fiscal year 2007. This will provide the Coast Guard with 6,000 desperately needed Deepwater patrol boat hours in drug and migrant transit zones.

Finally, my amendment includes $190 million for port security grants, which would bring fiscal year 2007 funding to $400 million. The Coast Guard estimates that $5.4 billion is needed through 2012 for security at our ports. To date, only 15 percent of that amount has been funded despite the fact that United States ports handle over 95 percent of U.S. overseas trade. Last year, Homeland Security was able to fund only 24 percent of the projects requested. This is paper-thin security.

I ask unanimous consent that a letter from the American Association of Port Authorities supporting the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. BYRD. The White House knew, when it sent the budget to the Congress, that the funding relied on a tax hike on air travelers—a tax hike the Congress had already rejected. The Appropriations committees lack jurisdiction to increase the aviation passenger tax, and, of course could not do so in this bill. As a result, despite Chairman GREGG's best efforts, the bill that is before the Senate does not provide the necessary resources for port security. My amendment addresses that shortfall.

Just 2 months ago, the Senate approved my $648 million port security amendment to the supplemental. Regrettably, the President threatened to veto the supplemental unless what he characterized as low-priority spending was dropped from the bill. In conference, port security funding was stricken from the supplemental. I hope that the Senate will approve this port security amendment again and that this time, it survives in conference.

The amendment is within the allocation available to the subcommittee for fiscal year 2006.

The American people expect more than just a paper-thin security plan for our ports. I thank Chairman GREGG for his support.

I thank my illustrious chairman, Senator GREGG, for his support, and I urge the adoption of my amendment.

EXHIBIT 1

AMERICAN ASSOCIATION
OF PORT AUTHORITIES,
Alexandria, VA, July 10, 2006.

To: All Members of the United States Senate.

From: Kurt Nagle, President and CEO, American Association of Port Authorities.

Subj: Support Port Security Amendment on the Senate Floor.

As a member of the United States Senate, I am writing to urge you to support an amendment to the Department of Homeland Security's (DHS) FY '07 appropriations bill being offered tomorrow by Senator Byrd to increase funding for port security. This amendment represents a critical opportunity to make port security a higher priority for this nation. The American Association of Port Authorities (AAPA) represents the leading public ports in the U.S., handling most of the maritime cargo imported or exported from this country. We strongly endorse this amendment to provide an additional $635 million to enhance port security by providing: an increase in port security grants, additional port security inspectors at foreign and domestic ports, additional cargo container inspection equipment, and improved maritime security through expedited purchase of Coast Guard planes and boats.

Earlier this year, Congress and this nation focused its attention on the P&O Ports/Dubai Ports World transaction, which resulted in a nationwide debate on port security and calls for more security funding for this critical transportation asset. In response, the Senate and the House began working on legislation to strengthen maritime security. The Senate Greenlane Maritime Security Act (S. 2459—Collins/Murray) and the House SAFE Ports Act (H.R. 4954—Lungren/Harman) both call for significantly more funding for port security. The Senate-based emergency supplemental followed the recommendations in these bills, but much of the port security funding was eliminated due to concerns over the total spending level for the bill.

Senator Byrd's amendment is aimed at once again adopting the funding levels in the House and Senate bills and making port security a high priority for this country. AAPA is especially interested in properly funding the Port Security Grant program. The Byrd amendment would bring the funding level up to $400 million for the year. This would help pay for the very costly new regulations DHS has proposed following the Dubai Ports controversy to require all maritime workers and facilities to comply with new Transportation Worker Identification Credential or TWIC requirements. DHS estimates that 40 percent of the $1 billion cost of this regulation will fall on port facilities. By supporting this amendment, Congress will provide federal funds critical to help co-fund this new mandate.

With 99% of our international cargo by volume flowing through ports, we urge you to show the nation that port security is a priority in Congress by voting "yes" on this port security amendment tomorrow.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise again to express my appreciation to the Senator from West Virginia. He has brought forward an amendment which addresses critical needs in port security and Coast Guard retooling. He has paid for it. My druthers were to take the 2006 authorization allocation which we had and allow it to lapse and go to deficit reduction. That was my initial plan. But I have been here long enough to know that if you leave that type of money on the table, somebody else will end up spending it.

It is truly a critical need in the area of homeland security that we address the issues which the Senator from West Virginia has put into his package. The Coast Guard is especially important. An example: The Senator from West Virginia noted that he is going to fund the adding of armament to Coast Guard helicopters. Presently there are about 90 Coast Guard helicopters. Four or five are armed. The four or five that are armed have a 100-percent interception rate. In other words, when a smuggler is headed toward our shores, either with people or with contraband, if the helicopter that tracks them has armament on it, there is 100 percent interception rate. Those helicopters which do not have armament do not have anywhere near that interception rate.

There was an interesting article just a day or so ago in the Miami paper, I believe, about how smugglers are coming in and that the Coast Guard fast boat tried to catch up with the smugglers. They were in a cigarette boat. The cigarette boat turned and was on a course to ram the intercept boats, and the intercept boats called in the armed helicopter and that stopped the confrontation. The smugglers were arrested.

So it is critical that we do this type of upgrading to the Coast Guard. In this bill, we had upgraded 36 helicopters. This will upgrade another 30. We are getting pretty close to the entire Coast Guard fleet or as much as is needed to have that type of armament on it.

In addition, the fast boats are critical, the observation aircraft are critical, and then the whole major thrust toward port security is equally important.

It is a paid-for amendment. It is one that addresses needs that are there, that are obvious. They need to be addressed and were not addressed because of the tight resource situation. But, as usual, the Senator from West Virginia has been creative, and his proposal is not only reasonable but is an improvement of the bill. I am happy to support it.

I know the Senator from North Dakota wants to speak on it.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask that my amendment be called up and the clerk state it for the consideration of the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. GREGG, Mr. KOHL, Mrs. CLINTON, Mr. MENENDEZ, Mrs. MURRAY, and Mr. ROCKEFELLER, proposes an amendment numbered 4559.

Mr. BYRD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for port security enhancements in fiscal year 2006)

At the appropriate place, insert the following:

TITLE VII—SUPPLEMENTAL APPROPRIATIONS FOR PORT SECURITY ENHANCEMENTS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to enhance port security for the fiscal year ending September 30, 2006, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $251,000,000, to remain available until expended.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $23,000,000, to remain available until expended: Provided, That funding is available to accelerate foreign port security assessments, conduct domestic port vulnerability assessments, and perform unscheduled security audits of facilities regulated by chapter 701 of title 46, United States Code, commonly known as the Maritime Transportation Security Act of 2002.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $184,000,000 for the Integrated Deepwater Systems program, to remain available until expended: *Provided*, That funding is available to acquire maritime patrol aircraft and parent craft patrol boats, to provide armed helicopter capability, and to sustain the medium endurance cutter fleet.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $190,000,000 to remain available until September 30, 2007: *Provided*, That the entire amount shall be for port security grants pursuant to the purposes of subsection (a) through (h) of section 70107 of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as defined in paragraphs (2), (3), and (4) of subsection (b).

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will be very brief. I come from a landlocked State. We don't have a seaport in North Dakota. But I have taken the time to review some of the activities of seaports and learned a bit about seaports and related that to the issue of security in this new age of terrorism.

I come today to support the amendment offered by my colleague from West Virginia. He has been relentless over some long period of time, being very concerned about seaport security. Let me also commend Senator GREGG as well for his work on the underlying legislation and also for his support of the amendment of Senator BYRD.

I recall going to a seaport and being shown containers that come in. I believe between 5.5 and 6 million containers, stacked on ships that arrive at the shores of the United States. Then they are put on wheels and they are trucked around the country. I asked the question, How many of these containers are inspected? The answer at that point was around 3 percent. I believe now it is something just over 5 percent.

They were showing me, at this particular seaport, a container they had opened. It turned out to be a refrigerated container with frozen broccoli from Poland, and it had in it giant bags of frozen broccoli from Poland. I said, "What is in the middle of the container? I see you opened the back end and ripped open some bags, and there is frozen broccoli in this container. Is there anything in the middle of these bags?"

"That we don't know. We haven't unloaded it. We don't unload most of these. We don't inspect most of these."

Then they showed me the technology that exists by which they could inspect, effectively x-raying these containers. So there are ways to enhance greater inspection of these containers at seaports.

Even though my State doesn't have a seaport, we in the Senate debate and provide funding now of about $10 billion a year for the antiballistic missile system so we can create a catcher's mitt in case some rogue nation or some terrorist group would fire an intercontinental ballistic missile at us that is tipped with a nuclear bomb. The likelihood of that is very unlikely. It is one of the least likely things on the threat meter against our country, that a rogue nation or terrorist group would acquire a nuclear weapon, put it on top of an intercontinental ballistic missile, and have the means to launch it at our country, but we spent about $10 billion to try to find a way to provide a catcher's mitt and intercept a bullet, with a bullet traveling at 18,000 miles an hour.

A much more likely scenario to threaten this country will be a ship pulling up to the dock of a major American city at 3 miles an hour with a load of containers on board, one of which may contain a weapon of mass destruction. That has been my concern.

I think we have done a lot of work to try to extend the envelope and extend the line of protection, going actually to other countries. That is included, in addition, in this amendment—to have inspectors overseas at the point of departure for some of these container ships and so on. But there is so much more we must do if we really are going to assure ourselves we are not going to allow, coming in at 2 or 3 miles an hour, some large ship carrying containers, one of which—out of some 6 million—one of which could threaten to blow up a major American city. That is the reason for being concerned about port security. It has the purpose of going the extra mile and making the extra investment to make sure that we can feel as if we have done everything possible to provide security at America's seaports.

Let me again thank my colleague from West Virginia. As I said, he has been relentless. He has been on the Senate floor many times. I have tried to come and be supportive when he has offered these amendments because I feel so strongly about it. And let me again compliment Senator GREGG, the chairman of the subcommittee, for his work and also for accepting this amendment

Mr. BINGAMAN. Mr. President, I speak on behalf of an amendment being offered by Senator BYRD which would enhance funding for border security infrastructure. I am pleased to be a cosponsor of this important legislation, and I thank the Senator from West Virginia for his hard work on this important bill.

The amendment would provide an additional $350 million for critical border security needs. The amendment would allocate $105 million for customs and border protection to purchase new Border Patrol replacement helicopters, fixed wing aircraft, and additional unmanned aerial vehicles. And $25 million is added to the bill to purchase approximately 540 additional replacement vehicles for the Border Patrol.

The amendment would also provide an additional $90 million for tactical infrastructure. This funding can be used to construct vehicle barrier, fencing, and facility upgrades. This funding will be of great assistance to the state of New Mexico, where such upgrades are needed to secure our border. The underlying bill allocates about $57 million for tactical infrastructure in Arizona and about $30 million for San Diego. However, the El Paso Sector, which includes the entire State of New Mexico, is only provided about $7.5 million. The additional $90 million under this amendment will help ensure that New Mexico receives the resources that it needs.

The amendment would also prove $30 million for ICE to purchase 800 vehicles, including buses and vans, used to transport undocumented immigrants. And USCIS is allocated $38 million to enhance fraud detection systems.

These additional resources are greatly needed and I urge my colleagues to support this important measure.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from North Dakota. There is some irony in that, although neither the Senator from West Virginia nor the Senator from North Dakota has a port, unless Harpers Ferry is considered a port, they would be putting forward this concept. It is a good concept.

I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4559) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4560

Ms. COLLINS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, Mr. LOTT, and Mr. CARPER, proposes an amendment numbered 4560.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under Text of amendments.)

Ms. COLLINS. Mr. President, our amendment would strengthen the capability, stature, and effectiveness of the Federal Emergency Management Agency. The language in the amendment is largely drawn from S. 3595, the United States Emergency Management Authority Act, which we introduced in this Chamber 2 weeks ago. We believe this is the appropriate time and the right vehicle for improving our Nation's emergency management system. The wounds of Hurricane Katrina are still fresh. A new hurricane season is upon us, and the recent news on the law enforcement and military front reminds us that the terrorist threat to America continues. Bitter lessons have been learned from the experience in responding to Hurricane Katrina, but they have not yet been applied. The time for action is now.

The amendment reflects the Senate Committee on Homeland Security's 8-month investigation into the failed preparations for response to Hurricane Katrina.

As the Presiding Officer is well aware, the committee conducted an extensive and exhaustive investigation. We held some 23 hearings at which nearly 90 witnesses testified. We formally interviewed 325 individuals, and we reviewed some 838,000 pages of documents. We distilled all of this into a comprehensive report with many recommendations for improving the response at all levels of government.

Some of these recommendations have to do with how the Federal Government should be organized to effectively respond to future disasters, whether they are manmade or whether they are natural ones such as Katrina. These recommendations have been distilled in part in USEMA legislation that forms the basis for this amendment.

I note that this is the first step in implementing the committee's comprehensive recommendations. We will be introducing a subsequent bill to implement other findings and recommendations. Most significant will be a package of reforms to the Stafford Act, but that is not what we are proposing today. The amendment before us today has four key features. It seeks to restructure, reform, and strengthen the Federal Emergency Management Agency, FEMA, which we would rename as the United States Emergency Management Authority.

The four key features are as follows: First, it would give this new authority statutory protection against administrative actions that could diminish its capabilities and effectiveness, such as department-wide reorganization that could strip essential functions away from the new agency.

Second, it would ensure that the administrator has direct access to the President and serve as his principal adviser on emergency management issues.

Third, it would reunite preparedness functions with response capabilities. After all, preparedness and response are really two sides of the same coin. I believe it was a mistake when the Department decided to strip FEMA of its preparedness functions.

It would reestablish the agency's comprehensive responsibility and restore a full range of work relationships with State and local government, the essential partners in emergency response.

Fourth, the amendment would strengthen the new authority's regional focus.

I know that as a former mayor the Presiding Officer has a special appreciation for just how important it is for the Federal Government to work closely with State and local governments. That is an issue that he has brought up throughout this investigation.

We would create Federal strike teams that have representatives from all the agencies that are involved on the Federal side of the response. They would be located in regional offices to foster cooperation, coordination, and joint training with State and local emergency managers and with first responders.

A crisis, whether it is due to a hurricane, an ice storm, or a terrorist attack is the last time that people should be exchanging business cards. We should make sure the Federal, State, and local governments are training together, planning together, exercising together; that they know one another; that they know the culture, the capabilities, and the essentials.

The overarching objective of the amendment is to strengthen FEMA which, as I pledged, we would propose to rename as the United States Emergency Management Authority. The new name signals a fresh start for FEMA with new authority, including some authority that it has never had before over critical infrastructure, for example. It signifies new capabilities and new responsibilities to all-hazards emergency preparedness and response. And, surely, those of us who investigated for some months the failed response to Hurricane Katrina, as well as anyone who followed the issue peripherally, can have no doubt that FEMA urgently needs to be restructured and reformed to be more effective.

Part of this help entails giving the new people a special legal status within DHS. Our amendment's prohibition against further departmental reorganization of this agency and mission alterations affecting the authority will give USEMA exactly the same kind of protection that has already been extended to the Coast Guard and to the Secret Service.

This is something completely new. We paralleled the kind of protection, the distinct legal status that is given to the Coast Guard and to the Secret Service. I know the Coast Guard was the stellar performer in the response to Katrina. The Coast Guard, by all accounts, did an exceptional job in its preparedness and response, yet as part of the Department of Homeland Security.

I think those who think the answer is to sever FEMA or the new agency from the Department should take a hard look at the Coast Guard's experience. But in looking at the Coast Guard, I think we can also learn that it benefited from having this legal protection, and we would extend that to the newly constituted FEMA.

This protection will help achieve congressional intent that DHS be the focus for comprehensive, all-hazards Federal preparation and response to disasters.

When the Hart-Rudman Commission on National Security in the 21st Century memorandum recommended just 5 years ago a new approach to homeland security and that America establish a single department to plan, coordinate, and integrate homeland security operations, it called FEMA the necessary core of that new department. To that end, USEMA, like FEMA, needs to be a part of the DHS structure. That analysis has been confirmed by experience.

Admiral Allen of the Coast Guard explained at one of our hearings that having FEMA and the Coast Guard in the same department leads to certain synergies that do not otherwise occur, and that led in particular to a 350-percent increase in joint training exercises. That is the kind of integration that we need more of.

More generally, keeping key capabilities within a single DHS umbrella permits faster communication and response than a more formal and bureaucratic procedure required for interdepartmental requests from a setting within DHS. However, FEMA needs to have far better lines of communication.

I know the Presiding Officer was as shocked as I was to hear the former head of FEMA, Michael Brown, talk about circumventing the chain of command within the Department and his failure to order critical commodities, to order the buses, to communicate just how dire the situation was in Louisiana.

We want to make sure that we improve those lines of communication, both within the Department and between the Department and the White House and other agencies. That means giving the administrator more status.

We would upgrade the administrator so he is the equivalent of a Deputy Secretary. That gives him more clout and more stature in dealing, for example, with the Department of Defense and other departments that play important roles in responding to a disaster.

We designate the administrator of USEMA the principal adviser to the President on matters of emergency management. And we adopt a system that for the Pentagon has worked well in outlining the reporting responsibilities. We parallel the relationship between the Chairman of the Joint Chiefs of Staff to the President. So there is both a reporting relationship to the Secretary of Homeland Security, and yet the new administrator would be the principal adviser to the President on emergency management.

In addition—I think this also responds to a key weakness that our intensive investigation revealed—the administrator would be authorized to give recommendations directly to Congress. The administration would have to make sure he informs the Secretary of what he is going to say, but there is a direct link, a direct line of communication.

I know the Presiding Officer recalls that Michael Brown claims he was stifled in reporting to Congress. We don't know for a fact whether that is an accurate statement. But we put in reforms to ensure that the administrator has the ability to communicate his recommendations, his needs, his findings directly to Congress.

Our amendment, as I indicated, specifically rejects the notion that FEMA should be cut off of DHS and made a freestanding agency. The DHS needs FEMA's capability. What would happen if FEMA, a weak FEMA, were cast alone is that DHS would have to recreate many of the capabilities that FEMA has at great cost, at great duplication of effort. What we would end up having is one agency that deals with natural disasters and another agency within DHS that deals solely with disasters resulting from terrorist attacks. That makes no sense whatsoever.

Many of the challenges in the aftermath of a catastrophe, whether it is manmade or natural, are exactly the same—sheltering people, getting them food and water, an evacuation plan.

It also makes no sense from the perspective of State and local governments. We don't want them to just deal with one agency if they are planning for a natural disaster and another agency if they are planning for a terrorist attack since many of the challenges are identical. Just think, if the levees had been blown up by terrorists rather than breached by Hurricane Katrina, many of the challenges would have been exactly the same. There just would have been a stronger law enforcement component.

It is a mistake, in that the Coast Guard's stellar performance proves it is a mistake, to think the location of FEMA is the cause of the problems. Even if that duplication were cost free, a virtual impossibility, the Secretary of the Department estimates it would cost billions of dollars to duplicate the necessary capabilities within DHS if FEMA were separated. Even if that were possibly cost free, it would be destructive. Divided preparation and response systems would force State and local officials to have to engage one to prepare for natural disasters and another for terror attacks.

As one of our committee's expert witnesses, Professor Donald Kettl of the University of Pennsylvania, said: Separating response to terrorism from response to natural disasters, separating preparedness from response, separating FEMA from DHS, would inevitably bring problems.

I agree with the professor. This is consistently what we hear from those who are on the front lines, from those who know what it takes to respond to a catastrophe.

In that regard, I note that there is extraordinarily strong support from first responder groups for the Collins-Lieberman-Lott-Carper amendment. It has been endorsed by the National

Troopers Coalition, the Major Cities Chiefs Association, the Grand Lodge of the Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Association of Fire Fighters, the International Association of Fire Chiefs, the Congressional Fire Services Institute, Advocates for EMS, the International Brotherhood of Police Officers, the International Association of EMT's and Paramedics.

This is quite a list of those who truly are on the front lines when it comes to responding to a disaster. I am very proud to have their support for our amendment. They recognize we have worked very hard and consulted fully with them to come up with the right approach.

I also note the amendment we are offering has been endorsed by the Homeland Security and Defense Business Council. This is a council that provides advice to the Secretary. It is made up of very distinguished members of the private sector. They, too, have endorsed it.

I ask unanimous consent these letters from first responder groups and from the Homeland Security and Defense Business Council be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. COLLINS. Mr. President, I also note planning and response capabilities are already too weak in many States, as evidenced by the recent DHS reviews. We don't want to splinter those efforts further by needlessly multiplying their Federal points of contact. For many reasons, therefore, preserving those close working ties with other agencies within the Department, the new FEMA must stay within DHS.

Allow me to briefly summarize a few more of the provisions of the bill before yielding to my colleague from Connecticut. First, as I mentioned, it establishes a strong position for the administrator of the new USEMA. This administrator would be nominated by the President, confirmed by the Senate, and have the standing of a Deputy Secretary. Day by day, the administrator would report to the DHS Secretary, but the bill explicitly provides that direct line of communication to the President as well as the authority to make recommendations to Congress on which I have already elaborated.

The amendment provides for two directors. There was an issue on which we worked very closely with DHS. The language we have incorporates the feedback we got from the Department. Both of these individuals—which, again, would be high-level individuals within the Department—would be nominated by the President, confirmed by the Senate, and would provide the administrator and the Department with highly qualified professionals in preparedness and mitigation and in response and recovery.

Our amendment would give the administrator responsibility for managing preparedness grant programs. The Presiding Officer knows, as the former mayor, that i you control some of the money that goes out to State and local governments, if you are helping to allocate that funding, you will have a good relationship with State and local governments. Inevitably, the authority follows the money. This is going to ensure we have far better coordination. This is an important restoration of authority to this agency. It was a mistake, in my view, that authority was taken away from FEMA. That will help ensure better oversight and coordination of preparedness at all levels of government.

I have talked about how important I think these regional structures are for the new agency. It will ensure that Federal officials are familiar with the people, the vulnerabilities, the capabilities, and the resources of the regions they protect, and they won't be introducing themselves to strangers on unfamiliar ground when disaster strikes.

I could not help but be struck during our hearings by the fact that so many individuals from FEMA were sent from region 1e—the region that the Senator from Connecticut and I represent, New England—down to New Orleans. I like to believe we New Englanders can handle anything, but the fact is, the response would be far more effective if we had people who are in the area who worked every day with the emergency management officials in the area, who understood the weaknesses and the strengths of particular States rather than sending someone from the Northeast down to the hurricane region or vice versa in times of an ice storm or some other disaster.

Further recognizing the importance of multilevel governmental coordination, the bill creates a national advisory council on emergency preparedness and response that would be made up of State and local officials, emergency management professionals from the public, private, and NGO sectors to advise the administrator of USEMA. This is important. We know the critical role nonprofits and the Red Cross play. They, too, should be involved in the training, the planning, the exercising. We learned from our investigation that, too, was flawed. This will help ensure the agency's thinking does not proceed in a stovepipe, but is fortified with comments and expertise from a wide range of vitally concerned partners.

Our amendment addresses the glaring and urgent needs highlighted in our investigation of Hurricane Katrina. As I mentioned, I am very pleased we have the support of so many experts. Nothing could speak more eloquently of the need for reform or be more encouraging than to receive the words of support from those who do put their lives on the line every day to protect the American people. We also have the support of the administration for this proposal.

Amending the Homeland Security appropriations bill by adding the provisions of our USEMA bill will go far to ensuring in a timely way that we will have a far more effective structure to protect our fellow citizens' lives and livelihoods from disaster.

I am very pleased this is a bipartisan effort. I recognize the work of the Senator from Connecticut who has led, with me, the investigation of the committee and the drafting of this legislation. We are also grateful for the input of Senator LOTT who knows better than any of us—except his fellow Senators from Mississippi and Louisiana—the devastation of Hurricane Katrina. I am grateful for his input, as well as the input from Senator CARPER who also has worked very hard on this issue.

Finally, I recognize all of the participation of the Presiding Officer, Senator COLEMAN. There was no more loyal committee member who came to virtually every single hearing, participated actively, and contributed greatly to our investigation. I thank him for his work, as well

EXHIBIT 1

JULY 11, 2006.

Hon. SUSAN COLLINS,
Chairman, Committee on Homeland Security, U.S. Senate, Washington, DC.
Hon. JOSEPH LIEBERMAN,
Ranking Member, Committee on Homeland Security, U.S. Senate, Washington, DC.

DEAR CHAIRMAN COLLINS AND RANKING MEMBER LIEBERMAN: On behalf of the Homeland Security and Defense Business Council (the Council), I am writing to support S. 3595, the U.S. Emergency Management Authority Act. On behalf of the private sector, the Council is pleased to endorse this measure to reinvent, protect, and strengthen FEMA. The new FEMA, reconstituted as the U.S. Emergency Management Authority, would ensure that the nation will be better prepared to address, either, natural or man-made disasters.

The Council is a non-partisan, non-profit 501 C6 organization that comprises the major companies that serve the Department of Homeland Security (DHS). Our focus is to align private sector resources to support the mission of the Department on behalf of the nation's interests. The Council is pleased to see language that elevates the importance of FEMA within DHS and reunites preparedness functions with response capabilities.

The Council supports provisions of S. 3595 that would:

Give the new U.S. Emergency Management Authority statutory protection against actions that could diminish its capabilities and effectiveness;

Ensure that the Administrator of US–EMA has direct access to the President and serves as Principal Emergency Management Advisor, at all times;

Reunite preparedness functions with response capabilities to reestablish the agency's comprehensive responsibilities and restore the full range of working relationships with state and local government; and

Strengthen the Authority's regional focus with federal strike teams for a faster and more coordinated response and to provide better familiarity with the states in which the strike teams will operate.

Thank you for your continued commitment to improving emergency management and response and for engaging the private sector to leverage industry best practices. Should you have additional questions, please do not hesitate to contact me anytime.

Sincerely,

MICHAEL M. MELDON,
Executive Director.

NATIONAL TROOPERS COALITION,
July 11, 2006.

Hon. SUSAN M. COLLINS,
Chair, Homeland Security and Governmental Affairs Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the 40,000 state troopers and highway patrol men and women represented by the National Troopers Coalition (NTC), we are writing to commend you for your legislative efforts to ensure that law enforcement is directly involved in the continuing efforts to prevent and respond to acts of terrorism.

As an organization, NTC joins with our colleagues in other national law enforcement organizations in support S. 3595, the United States Emergency Management Authority Act of 2006. We are convinced that retaining the Federal Emergency Management Agency within the Department of Homeland Security will provide better coordination among all agencies serving as first responders to both natural disasters and terrorist attacks. Recent history has demonstrated the importance of the law enforcement community responding promptly, along with others, to both terrorism and natural disasters for the safety and well-being of our citizens.

The NTC thanks you for your leadership on this issue and your continued efforts to ensure the public that we will have the authority and resources to meet our public safety responsibilities under any and all circumstances.

Sincerely,

CASEY PERRY.

INTERNATIONAL ASSOCIATION OF
FIRE CHIEFS,
Fairfax, VA, July 13, 2006.

Hon. SUSAN COLLINS,
Chairman, U.S. Senate Committee on Homeland Security and Governmental Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN COLLINS: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to endorse your amendment to establish a U.S. Emergency Management Authority (USEMA). We believe that this amendment will resolve many of the problems with the nation's emergency management system by improving the structure and granting greater autonomy to the federal preparedness and response activities within the Department of Homeland Security (DHS).

We believe that your approach is the best way to reform the nation's emergency preparedness and response system, because it keeps these activities within DHS. The IAFC is concerned that the removal of the Federal Emergency Management Agency (FEMA) from DHS will splinter the federal government's emergency preparedness and response efforts, which will force local jurisdictions to cope with competing directives from both an independent FEMA and the other DHS agencies. In addition, it is important that the FEMA stay within DHS and continue developing relationships with the U.S. Coast Guard and the other DHS components to better leverage their collective assets.

We believe that the U.S. Emergency Management Agency established by your amendment would ensure more autonomy for the federal emergency preparedness and response activities. The USEMA Administrator would report directly to the Secretary of Homeland Security and the directors of Preparedness and Response and Recovery divisions would be Senate-confirmed. Your amendment also would insulate the USEMA from reorganization and diversion of assets, functions, or missions. The IAFC believes that USEMA's independence could be further guaranteed by ensuring that the USEMA Administrator would report directly to the President during a Stafford Act—defined "emergency" or "major disaster" to ensure that all federal assets are available without delay. We greatly appreciate the provisions in this amendment that ensure that the U.S. Fire Administrator remains at a level equivalent to an Assistant Secretary in the department.

We thank you for your continued leadership on behalf of America's fire service. Please feel to contact Ken LaSala, Director of Government Relations, at (703) 273–9815 x347, if we can be of assistance.

Sincerely,

GARRY L. BRIESE, CAE,
Executive Director.

GRAND LODGE
FRATERNAL ORDER OF POLICE®,
Washington, DC, July 10, 2006.

Hon. SUSAN M. COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

Hon. JOSEPH I. LIEBERMAN,
Ranking Member, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN COLLINS AND SENATOR LIEBERMAN, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our strong opposition to any legislation or amendment that would remove the Federal Emergency Management Agency (FEMA) from the U.S. Department of Homeland Security (DHS).

Since the terrorist attacks on the United States in September 2001, our nation has worked diligently to defend itself from future attacks and, in so doing, have also dedicated significant resources to respond to large scale critical incidents, both natural and man-made. Yet the primary mission of the Department of Homeland Security must always be the prevention of future attacks against the United States, and this mission is best entrusted to law enforcement at the local, State, and Federal levels.

However, our nation will face natural disasters which cannot be prevented, and, for these, we must be prepared to respond. Law enforcement is a critical component of this response and law, enforcement at every level of government seeks to increase the speed and effectiveness of delivering emergency services to those in need. Clearly, the mass devastation brought to the Gulf Coast by Hurricane Katrina showed that greater coordination and communication is needed to respond to incidents of such magnitude. This goal cannot and will not be achieved if FEMA is removed from DHS. Indeed, the F.O.P. believes that such a move would reduce our nation's overall level of preparedness.

The F.O.P. also strongly supports greater participation of law enforcement in planning emergency response at every level of government. We will continue our review of various legislative proposals addressing the need for emergency management reform at the Federal level. I thank you both in advance for your consideration of the positions we have laid out to date and look forward to working with you to improve our nation's ability to prevent terrorist attacks and prepare for future critical incidents. If I can provide any further information on this issue, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

MAJOR CITIES CHIEFS ASSOCIATION,
Columbia, MD, July 6, 2006.

Hon. SUSAN COLLINS,
Chairwoman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MADAME CHAIRWOMAN: On behalf of the Major City Chiefs Association, I am writing to commend you on developing legislation that will strengthen the Department of Homeland Security (DHS). S. 3595, the United States Emergency Management Authority Act, is a step in the right direction; making DHS more efficient with limited disruption and reorganization.

Prevention is the best investment in response capability. Like the President, we believe that the best way to respond to a terrorist attack, be it biological, chemical, radiological, nuclear or conventional explosive is to prevent it from happening in the first place. Intelligence, investigation, and preparedness are all law enforcement functions that will help prevent terrorists from striking again.

As you know, we feel strongly that preparedness and prevention are too dissimilar from response and recovery for these functions to operate under the same common chain of command. That is why we welcome the creation of a separate and distinct Office of the Prevention of Terrorism reporting directly to the Secretary. This structure will not permit the dilution of the prevention mission under layers of bureaucracy. We are also pleased that the bill does not break apart the Preparedness Directorate keeping it on equal footing with response and recovery. We strongly support the Preparedness Directorate and its vital role at DHS.

We look forward to working with you and supporting your efforts to ensure that DHS has a clear prevention mission. If we can be of further assistance, please do not hesitate to call on Tom Frazier.

Sincerely,

HAROLD HURTT,
President.

National Association of
Police Organizations, Inc.,
Washington, DC, July 11, 2006.

Hon. Susan Collins,
Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.
Hon. Joseph Lieberman,
Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

Dear Chairwoman Collins and Ranking Member Lieberman: On behalf of the National Association of Police Organizations (NAPO) representing more than 238,000 law enforcement officers throughout the United States, I would like to thank you for introducing S. 3595, the "United States Emergency Management Authorization Act of 2006," and advise you of our support, particularly in regards to Section 517 of the legislation. If enacted, this bill will establish within the Department of Homeland Security (DHS) an Office for the Prevention of Terrorism.

The "United States Emergency Management Authorization Act of 2006" will create an Office that would be responsible for coordinating anti-terrorism policy and operations between DHS and state and local law enforcement. The Director of the Office for the Prevention of Terrorism would have the important task of developing better intelligence sharing methods between DHS and state and local law enforcement agencies. This new Office would also ensure that vital homeland security grants are adequately focused on terrorism.

This legislation recognizes the importance of standardized coordination and communication between the country's local, state, and federal law enforcement in preventing acts of terrorism within the United States. Section 517 of the "United States Emergency Management Authorization Act of 2006" will help ensure that state and local law enforcement are properly supported, trained and informed in order to prevent terrorism before it occurs.

NAPO thanks you for your continued support of law enforcement and I look forward to working with you to get this important legislation passed. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Andrea Mournighan, at (202) 842-4420.

Sincerely,

William J. Johnson,
Executive Director.

Advocates for EMS,
July 11, 2006.

Sen. Susan Collins,
Chair, Senate Homeland Security and Government Affairs Committee, Dirksen Senate Office Building, Washington, DC.

Dear Senator Collins: Advocates for EMS, a not-for-profit organization founded to educate elected and appointed officials and the public on important issues affecting EMS providers, writes in support of S. 3595, the United States Emergency Management Authority Act of 2006. The measure establishes the U.S. Emergency Management Authority (USEMA) and creates a more autonomous agency within DHS, similar to the U.S. Coast Guard. S. 3595 also retains the Federal Emergency Management Agency (FEMA) within the Department of Homeland Security (DHS).

Advocates believes that moving FEMA out of DHS would only continue the instability that FEMA has experienced since its move to DHS. While FEMA responsibilities include natural disasters such as hurricanes, tornadoes and floods; it should also have an integrated response plan for other emerging threats. Removing FEMA from DHS would only add additional hurdles for EMS providers in terms of their ability to work with the federal government in response to a natural or man-made event.

Creating a U.S. Emergency Management Authority (USEMA) and the autonomy provided by the legislation is a step forward in making FEMA efficient and effective in providing emergency medical services responders the leadership and resources they need. In addition, Advocates also supports the establishment of the Chief Medical Officer (CMO) and its responsibilities the legislation provides. The CMO plays a key role in coordinating medical response within DHS and other federal agencies.

Advocates thanks you for your continued leadership on this issue and looks forward to working with you in the future on first responder issues.

Sincerely,

Advocates for EMS.

International Association
of Fire Fighters,
Washington, DC, July 11, 2006.

Hon. Susan Collins,
Hon. Joe Lieberman,
U.S. Senate, Washington, DC.

Dear Senators Collins and Lieberman: On behalf of the nation's more than 270,000 professional fire fighters and emergency medical personnel, I applaud you for your efforts to reform the nation's emergency preparedness and response system. We strongly support the enactment of legislation to reform FEMA within the Department of Homeland Security and appreciate your continued leadership in moving this effort forward.

Congress must enact comprehensive reforms to ensure that FEMA will be able to provide an effective response to disasters. These reforms, such as reuniting disaster preparedness and response functions within FEMA and utilizing an all-hazards approach to emergency preparedness, can and should be made within the Department of Homeland Security.

We believe that proposals to return FEMA to its status as an independent agency would hinder efforts to reform our nation's emergency response system. Removing FEMA from DHS would create competing agencies, sowing confusion among emergency responders. Furthermore, such an approach would undermine an all-hazards approach, leading to a perception that DHS deals with terrorism, while FEMA is in charge of natural disasters.

When Congress created the Department of Homeland Security, it did so with the understanding that emergency preparedness and response are at the core of our nation's homeland security. Your amendment to the Homeland Security Appropriations Act helps to fulfill this mandate by ensuring that FEMA remain an integral part of the Department of Homeland Security.

Thank you for your leadership on this vital issue. We greatly appreciate your continued support for the nation's front-line emergency responders and look forward to working with you in the coming weeks to improve the way our nation responds to disasters.

Sincerely,

Barry Kasinitz,
Director, Governmental Relations.

Congressional Fire
Services Institute,
Washington, DC, July 10, 2006.

Hon. Susan Collins, *Chair,*
Hon. Joe Lieberman, *Ranking Member,*
Senate Committee on Homeland Security and Governmental Affairs,
Washington, DC.

Dear Senators Collins and Lieberman: The response to Hurricane Katrina revealed a number of things regarding our nation's level of readiness for major disasters. On the one hand, it showed the courage and dedication of local first responders—our firefighters, law enforcement, and rescue personnel—who made many sacrifices of their own in order to respond valiantly to the greatest natural disaster in our nation's history. On the other hand, it exposed the limitations of our national response capabilities, exacerbated by failures in leadership at all levels of government.

While there is no doubt fundamental changes need to be made to our national response structure, we are greatly concerned by recent efforts in the Congress to remove FEMA from the Department of Homeland Security. The separation would diminish the resources of both FEMA and DHS, and create a duplication of critical components resulting in a bureaucratic nightmare for first responders and local governments.

In 2002, we were one of nine organizations that signed on to a white paper outlining our position on the creation of the Department of Homeland Security. The first recommendation was that FEMA "be at the core of the Department of Homeland Security." Our organization has not altered its position. FEMA can succeed but it will require strong leadership, proper resources, and better execution of the roles and responsibilities by FEMA and its partners. Your legislation, S. 3595, takes into account our recommendation. We commend you for addressing this issue and appreciate your support.

Thank you for your leadership on this issue. We certainly look forward to continuing our work with your committee to address the needs and challenges of our nation's first responders.

Sincerely,

William M. Webb,
Executive Director.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my colleague, Chairman COLLINS, for an excellent introductory statement and to say, once again, how much I am honored and pleased to work with her as the ranking Democrat on our homeland security committee, and how pleased I am to join with her today and with Senators CARPER and LOTT to introduce this amendment to make FEMA into an agency capable of responding swiftly and effectively to the most serious disasters, whether a hurricane the size and scope of Katrina, a natural disaster the likes of which we see more routinely, or a terrorist attack which, of course, our enemies hope will be even more devastating than the attacks of September 11 and for which we must be perpetually on the defensive and prepared.

This amendment would literally reinvent FEMA to give our Federal emergency preparedness and response experts the authority, the capabilities, the resources, and the integration with State and local officials needed to avoid the confused, uncoordinated, and ultimately ineffective response that the Nation and the world witnessed last August when Katrina made landfall. It would strengthen emergency preparedness and response within the Homeland Security Department which this Congress created a short time ago to prevent, prepare for, and ultimately respond to all kinds of disasters.

In doing so, this amendment would create a truly national system of emergency management that will be able to draw on the Nation's vast resources for a cohesive and complete local, State, and Federal response.

Mr. President, the Homeland Security and Governmental Affairs Committee spent 7 months in 2005 and 2006 investigating the botched Government response to that catastrophic hurricane. We found all levels of our Government were ill-equipped to deal with the massive human suffering all along the gulf coast that followed that terrible storm's landfall, suffering that shocked, angered, and embarrassed the American people who expect more support from their Government for fellow Americans in need.

These failings were caused by negligence in some cases, by a lack of resources in other cases, by a lack of capabilities in some cases, but most of all by a lack of leadership and preparation that comes with leadership from the very top to the very bottom.

We cannot legislate leadership, although as Senator COLLINS said, we can at least require the kind of experience in the people who will lead America's emergency management effort that would make it more likely they would be leaders, and we can legislate changes in Government structures to make them more sensible and better suited to protect people in times of disaster.

The homeland security committee's report had merit because we told the story of what happened and didn't happen, of the clear warnings that such a hurricane would one day strike the gulf coast, and the clear predictions that we were not ready. In telling the story, right through the weekend before landfall and then the days following the disaster itself, I believe the committee, on a truly bipartisan basis, made a contribution. Because sometimes just telling the truth and putting it before those in positions of responsibility is one of the great curatives, one of the great sources of reform. But the committee went beyond just telling the story and offered a number of recommendations about what was needed to improve our preparations, response, and recovery.

Chairman COLLINS and I will soon introduce broader legislation to encompass all of our committee report's recommendations. These include changes to the Stafford Act to address the different kinds of assistance that are needed in response to catastrophic events rather than "ordinary" disasters; provisions to ensure that communications systems can work—and that first responders can talk to each other—even in devastating disasters; requirements for the national planning for disasters and catastrophes that FEMA was never able to fully accomplish; and steps to ensure that USEMA has the kind of robust and capable workforce it needs to success. All of these are crucial pieces of the effort to remake our nations emergency response and recovery capabilities.

But we begin today with the foundation, the most important recommendation we made, which is to rejoin the functions of disaster response with disaster preparedness within a new agency, a reinvented FEMA, which we will call USEMA, the U.S. Emergency Management Authority. It would be at the very core of the Department of Homeland Security, just as FEMA was originally intended to be when we proposed the new department in 2002 based on the recommendations of the Hart-Rudman Commission the previous year.

How could one have a Department of Homeland Security, which is aimed at preparing for and responding to disasters, including terrorist attacks, without the Federal agency that is primarily responsible for emergency management? It makes no sense. Our investigation of what went wrong during Hurricane Katrina made it clear that part of the problem was caused by separate and uncoordinated Federal preparedness and response functions within the Department of Homeland Security.

In the years before Katrina, FEMA, the agency charged with coordinating our Nation's response to terrorist attacks and natural disasters, too often was out of the loop when critical decisions about how to prepare were being made. It had no say in how to spend billions of dollars in preparedness grants. Training exercises were designed and held without serious input by FEMA. Relationships with State and local officials on the front lines were not fully developed and sometimes were nonexistent. So FEMA's ability to respond was crippled because it was not working hand in glove with those making preparations for responding to disaster.

Our amendment, first and foremost, therefore, will ensure that our preparedness efforts are inseparable from the capabilities needed to respond. As Chairman COLLINS has said, preparation and response are two sides of the same coin. And the coin, which is the coin of America's emergency management in times of disaster, is stronger if those two sides are together.

USEMA will provide the resources and it will have the ability and the responsibility to plan and train with State and local emergency management officials, just as it will have the responsibility to coordinate with them at the time of a disaster.

Where FEMA has often struggled to cope with normal hurricanes, the mission of the new Authority will be to partner with State and local governments, other Federal agencies, the private sector, and nongovernmental organizations to build a national system of emergency management that can respond effectively to catastrophic incident.

Where FEMA has been slow to respond and too often reactive, the new Authority will be charged with developing a Federal response capability that can and will act rapidly and proactively when necessary to deliver assistance essential to saving lives in a disaster.

Where FEMA has not been fully integrated with DHS, the Department of Homeland Security, the new Authority will be charged with coordinating with key agencies in the Department also involved in emergency management, also on the front lines at a time of disaster, such as the Coast Guard.

Our amendment would also give the new Authority special status within the Department—the same status the Coast Guard and the Secret Service now have. With that status, changes to the agency's functions and its assets could only be made by congressional statute, not by executive action. That is a way of protecting the strength we intend to give this new authority.

We would also insist in this legislation that the administrator and other key agency officials have the necessary experience and qualifications for the job. In other words, USEMA will not be plagued by unqualified appointees, as FEMA has been in the past.

Chairman COLLINS and I also envision a new agency with robust regional offices which would focus on coordination of preparedness and response with local and State agencies. Let's take the focus away from Washington and place it where it belongs, where the real work of preparedness is done, on the front lines, in the States and in the municipalities. This will guarantee that Federal officials are familiar with regional and local threats and know their counterparts at the State and local levels. Different parts of the country face different natural disaster prospects. Unfortunately, most every part of the country is vulnerable today to terrorist attack. This regional approach will help ensure that officials are not exchanging business cards on the day the disaster strikes, that the local, State, and Federal officials are not meeting on the day or the day before the disaster or the day after the disaster.

I know some of my colleagues in the Senate believe FEMA should be removed from the Department of Homeland Security and given independent status. Bu Senator COLLINS and I, after our extensive investigation, have concluded that is not the solution to the problems we saw in response to Hurricane Katrina, but instead would compound the problems. It would be a serious mistake to separate FEMA out of the Department. Even when it was independent, FEMA never developed the capacity to respond to a catastrophe like Hurricane Katrina. So returning it to independent status, as if those were the golden days of yore, is not based on fact, and it will in no way solve the problems we saw in response to Katrina and that we face today. In fact, it will make solutions and, I would say, preparations and responses to disaster far more difficult.

Removing the agency from the Department would only create additional problems, duplications, and disconnectedness. The Department of Homeland Security, containing other emergency response agencies, such as the Coast Guard, and other components, would begin to rebuild the functions of FEMA in the Department, even though it was independent. FEMA—independent, out of the Department—would duplicate activities and functions that are in the Department resulting in a waste of money, bureaucratic inefficiencies and a lack of coordination that would not only put us at risk of repeating the inadequate response we saw to Hurricane Katrina last year but of making it even worse.

To cope with a catastrophe, the Government's chief preparations and response agency must have access to the vast resources of the Department of Homeland Security, and it needs to work seamlessly with other agencies that have critical roles to play during a catastrophe. Those working relationships are going to be much easier and more real if officials know one another and if agencies have a history with each other and, of course, if everyone ultimately serves the same Secretary of Homeland Security.

The grievous conditions of gulf coast communities in the week after Katrina's landfall embarrassed us before the world and, quite appropriately, angered us because we know that America can do better. But the gulf coast and the force of Katrina are not isolated examples. Other American communities and regions are similarly vulnerable today—whether to a natural disaster or terrorist attack. We also know significant flaws in the Nation's readiness remain. Another response like the one we saw during Katrina is simply not an option.

Our proposal is not about rearranging bureaucratic boxes. We have studied past failings and carefully considered how to improve our performance, the Federal Government performance, the next time. We have been driven by that singular goal. We have not had any thoughts in mind of protecting the status quo or favoring one bureaucratic entity over another. We have tried to come up with a recommendation that will put America's Government in the best position to protect America's people the next time disaster strikes. We are driven by the imperative to save people's lives, like the lives lost during Hurricane Katrina.

The changes embodied in this amendment, I am convinced, promise a strong response, if enacted, the next time disaster strikes. So I ask my colleagues for their support of this amendment.

I thank Senator COLLINS for her leadership and express once again my pleasure at the opportunity to work with her and in this instance to be joined by Senator LOTT and Senator CARPER in a truly bipartisan national-interest homeland security amendment.

Mr. JEFFORDS. Mr. President, I rise today in support of the amendment raised by Senator AKAKA on behalf of Senator CLINTON, and in opposition to the amendment offered by Senator COLLINS.

Mr. President, colleagues, what we are seeing today with the underlying amendment is a refusal to admit that a mistake was made when FEMA was incorporated into the Department of Homeland Security when it was created in 2002 after September 11.

Rather than correct the mistake, extract FEMA from DHS, and restore it to its former state as an independent agency reporting directly to the President, the Collins amendment makes an effort to change the way FEMA operates within the Department. I support Senator CLINTON's second-degree amendment to restore FEMA to an independent, Cabinet-level agency, and I urge my colleagues to do the same.

Over the last 200 years, we have moved from an ad hoc approach to disaster response to a coordinated, orderly approach, authorized by the Stafford Act, over which my Committee, the Environment and Public Works Committee, holds jurisdiction.

On September 11, the Nation was struck by a terrorist attack. The effectiveness of FEMA helped reduce the impact of those events.

In what I believe is an example of extremely poor judgment that failed to take into account FEMA's role in responding to natural disasters, FEMA was moved into the Department of Homeland Security.

FEMA has shown itself to be ineffective, in my opinion, largely due to the bureaucracy of the Department of Homeland Security and FEMA's lack of independence. At the time of the creation of DHS, I said:

> I cannot understand why, after years of frustration and failure, we would jeopardize the Federal government's effective response to natural disasters by dissolving FEMA into this monolithic Homeland Security Department. I fear that FEMA will no longer be able to adequately respond to hurricanes, fires, floods, and earthquakes, begging the question, who will? (November 20, 2002)

Today, unfortunately, we know the answer—no one.

With Hurricane Katrina, I believe that we witnessed the degradation of our national response system as a result of that change. We all watched the results of that free-fall on live television. As I watched the coverage of that event, I could only think of the unnecessary human suffering that was occurring, in part as a result of the bad decision made by Congress to include FEMA in DHS.

Today we have a chance to correct our mistake.

It is the very structure of the Department that makes it impossible for FEMA to be effective. In a disaster, regardless of cause, decisions need to be made quickly and resources need to be brought to bear immediately. FEMA reporting directly to the President is the only way to make this happen. During Katrina, we saw the result of having our emergency response agency buried in the bureaucracy of DHS—executive decisionmakers were isolated from the realities of the situation, preventing the quick, effective action that we saw after September 11. The only way to correct that problem is to get FEMA out of DHS and into a Cabinet-level status, reporting directly to the President.

I urge my colleagues to support the Clinton amendment and reject the Collins amendment.

I ask unanimous consent that my entire statement from 2002 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOOR STATEMENT OF SENATOR JIM JEFFORDS, HOMELAND SECURITY, NOVEMBER 20, 2002.

Mark Twain once said, "Always do right—this will gratify some people and astonish the rest." I rise today to explain why I believe voting against this bill is the right thing to do.

Of the many reasons to vote against the bill, I will focus on three—the bill's treatment of the Federal Emergency Management Agency, the bill's treatment of the Freedom of Information Act, and the process used to create this new Department.

With the passage of this Homeland Security legislation, we will destroy the Federal Emergency Management Agency, losing year's of progress toward a well-coordinated Federal response to disasters.

As it now exists, FEMA is a lean, flexible agency receiving bipartisan praise as one of the most effective agencies in government. But it hasn't always been that way.

Throughout the 1980s, FEMA's focus on Cold War's nuclear threat left the Agency ill-prepared to respond to natural disasters. The Congressional chorus of critics decried the Agency's misguided focus and reached a crescendo after bungled responses to Hurricane Hugo in 1989 and Hurricane Andrew in 1992.

One of FEMA's leading Congressional critics, then-Representative Tom Ridge said in 1988, "I was convinced that somewhere along the way, the Federal Emergency Management Agency had lost its sense of mission."

Over the last decade, refocusing the agency's mission and priorities on natural disasters has left the agency well-equipped to respond to all types of disasters. FEMA's stellar response to September 11th proved this.

I cannot understand why, after years of frustration and failure, we would jeopardize the Federal government's effective response to natural disasters by dissolving FEMA into this monolithic Homeland Security Department.

I fear that FEMA will no longer be able to adequately respond to hurricanes, fires, floods, and earthquakes, begging the question, who will?

Mr. President, also of great concern to me are the new Freedom of Information Act exemptions contained in the latest substitute.

Unfortunately, the current Homeland Security proposal chokes the public's access to information under the Freedom of Information Act. I ask, are we headed toward an Orwellian society with an all-knowing, secretive big brother reigning over an unknowing public?

The bill defines information so broadly that almost anything disclosed by a company to the Department of Homeland Security could be considered secret and kept from the public.

Although I believe current law contains an adequate national security exemption, in the spirit of compromise, I supported the carefully crafted bi-partisan Senate language contained in both the Lieberman substitute and the Gramm-Miller substitute. The current bill ignores this compromise.

Mr. President, the process by which we received this substitute seems eerily similar to the way the White House sprung its original proposal on the Congress some time ago.

Late last week we received a bill that had magically grown from an original 35 pages to an unwieldy 484 pages. There was no compromise in arriving at the current substitute, only a mandate to pass the substitute or be branded as weak on homeland security or worse yet, unpatriotic.

Still more troubling, the current bill places little emphasis on correcting what went wrong prior to September 11th or addressing future threats. Correcting intelligence failures should be our prime concern. Instead this bill recklessly reshuffles the bureaucratic deck.

Furthermore, as my colleague Senator CORZINE stated earlier this week, this bill does not address other vitally important issues such as security at facilities that store or use dangerous chemicals. Without provisions to address yet another gaping hole in our Nation's security, why are we not being more deliberate in our approach?

In closing Mr. President, I feel that it is irresponsible to divert precious limited resources from our fight against terrorism to create a dysfunctional new bureaucracy that will only serve to give the American public a false sense of security.

I will vote against this bill because it does nothing to address the massive intelligence failure that led up to the September 11th attacks. It dismantles the highly effective Federal Emergency Management Agency and creates dangerous new exemptions to the Freedom of Information Act that threaten the fundamental democratic principle of a well-informed citizenry.

Thank you.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

AMENDMENT NO. 4555, AS MODIFIED

Mr. GREGG. Mr. President, I send an amendment to the desk on behalf of Senator SALAZAR.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SALAZAR, proposes an amendment numbered 4555, as modified.

Mr. GREGG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To require the Secretary of Homeland Security to prepare a report on activities to ensure that the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service is operating effectively and to ensure that States are receiving adequate guidance)

At the appropriate place, insert the following:

SEC.   . The Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, not later than February 8, 2007.

(1) identifies activities being carried out by the Department of Homeland Security to improve—

(A) the targeting of agricultural inspections;

(B) the ability of United States Customs and Border Protection to adjust to new agricultural threats; and

(C) the in-service training for interception of prohibited plant and animal products and agricultural pests under the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service; and

(2) describes the manner in which the Secretary of Homeland Security will coordinate with the Secretary of Agriculture and State and local governments in carrying out the activities described in paragraph (1).

Mr. GREGG. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4555), as modified, was agreed to.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4556

Mrs. FEINSTEIN. Mr. President, I ask that amendment No. 4556 be called up.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KYL, Mrs. BOXER, Mr. TALENT, Ms. CANTWELL, Mr. SALAZAR, Mrs. HUTCHISON, and Mr. BINGAMAN, proposes an amendment numbered 4556.

Mrs. FEINSTEIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 2339B(g)(6)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages.".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425.".

(d) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased

penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by subsection (a).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) provide adequate base offense levels for offenses under such section;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(i) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(ii) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(D) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(E) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(F) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

Mrs. FEINSTEIN. Mr. President, this amendment criminalizes the unauthorized construction, financing, or reckless disregard which permits construction of a border tunnel that is a tunnel between American land and another country's land; namely, Canada or Mexico or any subterranean passageway along international borders.

This amendment is cosponsored by Senators KYL, BOXER, TALENT, CANTWELL, SALAZAR, HUTCHISON, and BINGAMAN. This amendment was part of the immigration bill. It was unanimously added to the immigration bill by the Judiciary Committee. I have tried to hotline this amendment. It was cleared on the Democratic side, and it was cleared on the Republican side with the exception of one Senator. I believe it is an important amendment. That is why I am offering it today as an amendment to this bill.

Believe it or not, today the act of constructing, financing, or using a tunnel between borders is not a Federal crime. This amendment changes that. In addition to criminalizing the unauthorized construction, financing, or use of a border tunnel on one's land, this amendment also doubles the criminal penalties for individuals caught using a tunnel to unlawfully smuggle aliens, goods, drugs, weapons of mass destruction, or terrorists. The amendment also allows for assets involved in the offense or any property traceable to the offense to be subject to forfeiture.

Finally, the amendment directs the U.S. Sentencing Commission to promulgate or amend Federal sentencing guidelines to provide for criminal penalties for persons convicted pursuant to the language of the amendment and to take into account the gravity of this crime when considering base offense levels.

One might ask: Why is this important? I will answer that. Since September 11, 43 tunnels and subterranean passageways into the United States have been discovered—26 tunnels along the California-Mexican border, 16 tunnels along the Arizona-Mexican border, and 1 tunnel along the Washington-Canadian border. The risk to national security that is raised by the use of these tunnels is one this body is already aware of. In fact, the Senate Appropriations Committee included report language on this topic, which reads:

> Policy on tunnels along the border: The Committee is concerned with the Department's lack of a clear policy regarding which agency is responsible for securing, closing, and ultimately filling tunnels which are discovered crossing under our land borders. It appears decisions regarding the handling of tunnels are made on an ad hoc basis, depending on which agency discovers the tunnel and has the resources to fill it. With nearly four dozen known tunnels along our borders, it is imperative a policy regarding tunnels be developed.

And it goes on. It asks that this policy be developed not later than February 8.

This report language in the appropriations bill is a good first step, but it is just that. The cosponsors of this amendment and I believe that we send a further message that border tunnels are a problem and they must be dealt with. As I mentioned, 43 border tunnels have been discovered in the United States. These tunnels range in complexity from simple gopher holes a few feet long at the border to massive drug-cartel-built megatunnels costing hundreds of thousands of dollars to construct.

I recently visited a border tunnel on the Mexican-San Diego border. Let me tell you what I found. I found a tunnel that was extraordinarily sophisticated. It was six football fields long. It went under other buildings. It went under the border. The American side was a large warehouse, brand new, huge warehouse, half a long square block, kept empty, small rooms inside the warehouse. Inside one room, which I will show you in a minute, was a hatch. Down the hatch was a tunnel, a concrete floor, ventilation, a pump to drain it, and electricity, as we can see. This was the tunnel interior.

This is a picture of the interior. We can see the concrete. At one end of the tunnel was 2,000 pounds of marijuana, and at the other end was 300 pounds of marijuana.

This was the hatch in a room, and it looked very benign. You simply lifted up two floor tiles, and under those floor tiles, you descended about 10 feet and there was this huge apparatus which clearly had been functioning for a substantial period of time. I found it just amazing.

The building, interestingly enough, was sold about a year ago to an individual who never leased it out. I have always wondered: Why wouldn't you lease out a warehouse? That question still has not been answered to my satisfaction.

I also learned there is no law against it. There is no law that says you have to do due diligence on your property if it is on the border to see that somebody doesn't come along and dig a tunnel such as this and smuggle aliens, smuggle drugs, possibly smuggle terrorists, possibly smuggle weapons. This is a way to do it. Therefore, I believe this amendment belongs in this bill.

My hope, given the importance of criminalizing this action, is that this amendment will be included in the managers' amendment. We will still be delighted if that is the case. I am not sure that is possible. I believe to allow another period of time to go by with no law that says it is illegal to build a border tunnel unless you are authorized to do so, and has some sanctions to it, is really long overdue. It would be terrible if we found out one day that a group of 15 or 16 terrorists came in from Mexico or came in from Canada to the State of Washington through a border tunnel and we had done nothing about it.

This amendment also says that the owner of property along the border must be reasonably aware, must do their due diligence to see that their property is maintained and a border tunnel is prevented.

I am hopeful this amendment will be accepted and, if not, I will certainly ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I think the Senator's amendment is a good amendment and I would like to accept it. There is an objection on our side to our accepting it at this time with which the Senator is familiar. I am hopeful we can resolve that objection.

Rather than going to the yeas and nays, let's see if we can resolve the objection.

Mrs. FEINSTEIN. Would the Senator like me to hold on the yeas and nays?

Mr. GREGG. Mr. President, I would appreciate it if the Senator from California would. I certainly assure the Senator that at some point, if we have to vote on it, we will vote on it. Right now there appears to be an objection going forward.

Mrs. FEINSTEIN. Mr. President, I thank Senator GREGG. I know Senator KYL is going to come to the floor and speak on the amendment as well. I do not see him at this time.

Mr. GREGG. The Senator has made an excellent point. It doesn't surprise me there is no criminality or law involved that restricts the ability to dig a tunnel from one country to another. It is pretty obvious that something should be done in this area. So I think the Senator has touched on a very important point, hopefully we will work it out, and we will work it out before this bill is off the floor.

Mrs. FEINSTEIN. I thank the Senator for those comments.

Mr. President, I yield the floor and ask that the amendment be set aside.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, parliamentary inquiry: What is the pending amendment?

The PRESIDING OFFICER. The amendment by Senator FEINSTEIN, No. 4556.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be set aside and we return to debate on amendment No. 4560 by Senator COLLINS.

The PRESIDING OFFICER. Is the Senator asking that it be the pending question or just to debate it?

Mr. LOTT. I am asking that the pending amendment be set aside to return to debate on amendment No. 4560.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4560

Mr. LOTT. Mr. President, I come to the floor to join in the support of amendment No. 4560 to the Department of Homeland Security appropriations bill. I thank Senator COLLINS for her leadership in this area and for her willingness to work on a solution that I think will be good for the Federal Emergency Management Administration, as it is now known, in the Department of Homeland Security, and result in a better effort by the successor to FEMA in the future.

Let me begin by saying that I appreciate the support of my colleagues in the Senate as we have gone through the aftermath of Katrina and we have come to the floor three or four times asking for help in a variety of areas to help us with the recovery, to get funds for the different Federal agencies, to get funds even to the Federal Emergency Management Administration to help us recover. A lot of progress has been made. I want to acknowledge that.

In 3 years or 5 years, we are going to look back and say that the aid we received from the Federal Government was absolutely indispensable and allowed us to get through this very difficult process.

In the immediate aftermath of the hurricane, there were wonderful stories that could be told about the actions of the Coast Guard specifically, let me point out, and by other military installations, faith-based groups, volunteer groups, charitable organizations, by corporate America that sent aid, supplies, money, people. The utilities worked laboriously to get power back on and telephones operative. It was a monumental undertaking.

For those who want to be critical of the recovery effort—and I am one of those—you have to first acknowledge that this was a devastating disaster of Biblical proportions, more than any of us could have comprehended, more than any of us who lived in the line of fire from Hurricane Katrina understood even in the immediate aftermath, including me.

I was there in the immediate aftermath. We lost our house. We are like everybody else along the coastline of Mississippi and Louisiana. It is a very difficult experience. But our people have been resilient, they have been determined, and we are making progress.

We did get through the preparations for the hurricane, saving lives immediately after, getting basics to people who needed them—just basic water and ice. We have gotten almost all of the debris removed, except in some of the swamp and water canals and channels that still has to be removed. We are seeing rebuilding start. Just yesterday, the Department of Housing and Urban Development released $3 billion for the home grants through CDBG so that people who lost their home, had no insurance, and had a mortgage and probably lost their job and their car, their truck, or their dog will have some way to get up to $150,000 to get their homes repaired or rebuilt. So we have made a lot of progress.

I think it is time that we look even more to the future: How are we going to get through the rebuilding period? We are working with elevations, heights that FEMA is requiring; we are dealing with small business loans, all that goes on with the rebuilding effort.

But I am worried about the next disaster. There were some very disappointing results at FEMA. And I want to hasten to say that FEMA, which became a dirty, four-letter word, has a lot of good people in it and has done a lot of really good things, but it could have been and it should have been better. And what troubles me so much, as a Congressman and Senator and even before that as a staff member—I have dealt with the recovery effort after five hurricanes, two major tornadoes, two major ice storms, and a flood. I have dealt with disasters. I have dealt with the emergency arm of the Federal Government, going back to 1969 after Hurricane Camille, when the disaster effort and recovery was carried out by the Office of Emergency Preparedness, OEP. Its offices are right across the street from the Old Executive Office Building, run by a general, a retired Army general, and reportable only to the President of the United States.

They did a marvelous job after Hurricane Camille. The chain of command was short. In those days, the Corps of Engineers brought in the heavy equipment, the trucks, the bulldozers, the front-end loaders, the Bobcats. They cleaned up the debris. Now you have to go through Treasury, a check goes to FEMA. FEMA goes to the Corps, the Corps of Engineers goes to the contractor—out of State probably—and the contractor goes to subcontractors, to sub-subcontractors and, meanwhile, a lot of money is frittered away as everybody takes their bite, on down the line.

Of course, one of the most difficult things was getting the trailers, the temporary housing to people in the area. The logistics of getting trailers is not a big problem, but getting them to the people turned out to be a huge problem. The insanity of how it was managed was inexplicable. I won't go through how difficult it was.

We are still dealing with that. We still have some people who are living in tents because FEMA said: We won't deliver you a trailer if you are in a flood zone. If that is all the property you have—you could bring a trailer into a flood zone, and if you had to, you could hitch it up and pull it out. But people are still living in very difficult circumstances.

I believe we made a mistake when we were creating this huge, new, mammoth Department of Homeland Security where we put all of these different entities, agencies, and bureaus into that agency that wound up having 150,000 or more people in it.

I remember when we were discussing creating this Department of Homeland Security in an office right down the hall. Senator STEVENS and Senator COLLINS and some of us raised questions about how the Coast Guard was going to be handled, and we wound up carving out a special arrangement for the Coast Guard. I won't get into the details of it at this moment. But I raised questions about FEMA, too: Are we sure we want to put our emergency management organization into this big, mammoth department and maybe become overrun by homeland security and terrorism? And the answer was: Oh, absolutely. They need to coordinate manmade disasters, natural disasters, disaster preparation, disaster recovery; it needs to be seamless and they all need to be operating under the same authority.

Well, I relented. I think it was a mistake. I think the emergency management organization has a unique responsibility in preparation for disasters. Yes, they can be manmade as well as natural disasters, but also in the recovery. But I think the chain of command was out of control. The number of officials who were meeting in a room, they would fill up the room and identify all the problems: Oh, we have a flood main broken here. We have schools where the wall is falling in. We have debris in the road. They would get through with the meeting, everybody would leave, and somebody would say: Did anybody get any assignments? Did they agree to do anything? No.

The people that did do something, though, were in the Coast Guard. They helped move people out before the hurricane, rescued people during and after the hurricane, and generally did a magnificent job. Do you know why? Because they had this carved-out, unique position, even though they were in the Department of Homeland Security. They didn't have to go through the Secretary of the Department of Homeland Security to do what was necessary.

Another example was the Seabees at Gulfport, MS. When they went to these meetings with all of these mucketymucks, all of these different agency heads, to hear the problems and do nothing about it, the Seabees would make lists of things they could do and they went out and did it. They went out and stopped the leaky water main. They went and removed the debris so you could get into a neighborhood. They went to the school and they took action to tear down or repair or fix a wall so it would at least be safe for their children. You know what. They just did it.

By the way, they could have gotten in trouble because if FEMA hadn't agreed to reimbursement, they would have had to eat the cost of what they did, and some captain in the Seabees could have been in real jeopardy. But, thank goodness, they worked through it. They got reimbursed and did well.

So I think that is part of the problem. I asked the Seabees: Why were you able to do that?

They said: Well, the chain of command was so long and laborious, we decided we would find the things we could do and we would just go out and do it.

FEMA, I think, meanwhile, had been sort of pushed back into the back 40 part of Homeland Security. They had been underfunded, undermanned, and had not been really getting the involvement and the attention they needed. Plus, I was shocked one time when I heard the Secretary of Homeland Security complaining that the head of FEMA was going around him directly to the President. Yes, he should have. You shouldn't have the emergency management and recovery people having to check with the Assistant Secretary, the Deputy Secretary, the Secretary, the Chief of Staff, the OMB, to get to the President. This is an emergency. It is a disaster, for heaven's sake. So I don't think it worked well.

I don't blame a lot of the good men and women at FEMA; I blame us. We did it. We created a system that didn't work.

So I introduced legislation to move FEMA, like its predecessors, back into a role as an independent agency with specific authorities for natural disasters, reporting only to the President. I was joined in sponsoring that legislation by the Senator from New York, Mrs. CLINTON, who knows something about how the predecessor to FEMA worked under its Administrator at the time, James Lee Witt, who also had a little experience with disasters, although the ones he dealt with on 9/11, as the Senator from New York knows, were manmade. Others joined in cosponsoring that legislation.

I still believe that is the best way to go. I think it should be independent.

In the House, you have two separate approaches. You have the independent approach and you have the approach that would keep it locked in Homeland Security. But it seemed to me that there was a third way. There is always a third way, if you will just look for it. I think that is one of the things we have lost in this institution. We get locked into the Republican position, the Democratic position, or some other division, and then we won't talk to each other.

So Senator COLLINS, to her credit, on her own initiative, said: Can I come talk to you about the proposal that Senator LIEBERMAN and I have, which was to keep it in the Department of Homeland Security, with some changes, and some recommendations I thought would have been positive but still was not the solution I thought we needed. But she came and took the time to explain it to me. It had some attractive features to it. She gave it more authority.

But then I thought about it for a while and I went back to her and I said: Let's find this third way. I think maybe the thing to do is to carve FEMA out into a position like the Coast Guard but within the Department of Homeland Security but with an independent authority, the ability to report directly to the President of the United States. Yes, they could be involved in coordinating and in the preparation for disasters of all kinds, but set them up basically independent within the Department of Homeland Security.

I think it will work. An example is the Coast Guard. So much of the language that we have in this amendment came from the Coast Guard language. I know Senator COLLINS has taken the time to explain the details of what is proposed here, and I am painting a broader picture of what is involved. But we were able to come to an agreement. Her staff was cooperative. My staff, which has had a lot of experience with this sort of thing, worked with them, and we came to an agreement. By the way, I then went to Senator CLINTON and said: I think we can get something done if we do this, rather than just having a big fight. Do you want a big fight or do you want a result? The new hurricane season is upon us.

Now, the media made it sound like on June 8, or whatever the date was that hurricane season begins, we would get hit immediately. Well, those of us who are hurricane pros know that hurricanes generally don't hit in June and July, but they will come in August and September, and this time it may not be Mississippi or Florida; it may be Maine. But it will come somewhere. I don't want to be sitting around here complaining about what it was like because FEMA did not have the authority they needed, didn't have the money, didn't have the power they needed 6 months or a year from now. So we needed to get something done.

Senator CLINTON understood what I was trying to do. It is part of the way I think we need to do things around here. It is part of being honorable with each other. She had been a cosponsor. I thought I should explain what I was working on doing. So we came to the agreement that has been produced with this amendment. I think it makes good sense. I think the House will find some wisdom in it, and the most important thing is we will get something done.

It is so difficult to move something through the Senate anymore. Do you think we could really move a whole new, freestanding bill through the Homeland Security and Government Affairs Committee, get it to the floor of the Senate, all kinds of amendments—and let me tell you, I would be one of the ones waiting here with lots of amendments. I have lots of other things stuck in my craw about the hurricanes that I am worried about for the future—or could we go with an amendment, which seems appropriate to me, to the Department of Homeland Security appropriations bill, get it to the House, get their input, and get a result. Even then, it won't be perfect, but I believe it will be better. This is something we should do.

I will be coming back, until the last day I serve in this institution—whenever that may be—to talk to my colleagues about lessons we learned and things we can do that will hopefully help our people be more secure; that will help people who will be hit with other kinds of disasters such as tornadoes, earthquakes, crickets, or whatever, but we will do it better because of what we learned from Hurricane Katrina.

So I am delighted to be here to support this amendment. In a perfect world I might do it differently, or I might still insist that it can be a separate entity. The amendment even proposes that it be renamed the Emergency Management Administration. I believe—EMA. It is something we can say, and it is not a four-letter word. I think while that is not going to cure a single problem, it is part of creating a new atmosphere and a different mindset, hopefully.

I think the Administrator of FEMA that we have in place now, Mr. Paulson, is a good man. I think he is going to move toward trying to get professional disaster-experienced people in FEMA throughout this country, and I certainly hope he will.

So I urge my colleagues to support this amendment and then support this appropriations bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank the Senator from Mississippi for his comments, for his support, and for his enormous contribution to the amendment that is before us today. He, more than any other Member of this body, has personal experience with the devastation that Hurricane Katrina caused, and he has been, along with Senator COCHRAN and the two Louisiana Senators, a fierce advocate for reforming the system to make sure that never again does government at all levels so fundamentally fail in its obligation to our citizens.

I very much appreciated the opportunity to work with Senator LOTT to strengthen the language in our bill to make sure that the exact same safeguards and protections that the Coast Guard enjoys would now apply to the new FEMA organization: USEMA. I think that was an excellent suggestion. We used the same language, and we will protect the new agency from being reorganized by the Secretary, from having its mission altered, from having it split up or dispersed or its budget cut through administrative fiat. Those kinds of changes should come to Congress, and we have put those protections in place.

As Senator LOTT recommended, we have upgraded the status of the whole agency. The head of the new agency will be the equivalent of a Deputy Secretary and will have the clout and the stature that is needed to deal with other agencies. We have done enormous reforms. This version of an emergency management agency will have authorities that the current FEMA has never had. In addition, we restored the preparedness and the grant-making functions, and I think we have come up with a very good product.

So I want to thank my colleague and friend from Mississippi for his considerable contributions to this amendment, and I am very grateful that he was willing to sit down and find—as he put it—a third way and, indeed, I believe, a far better solution. So I thank him for his support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, we are working toward getting an agreement. For the edification of Members, if we can work that out, we will have two votes in approximately an hour, but that is not necessarily going to happen.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4563

Mr. AKAKA. Mr. President, I call up amendment 4563 on behalf of Senator CLINTON, myself, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mrs. CLINTON, Mr. LEAHY, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI, proposes an amendment numbered 4563.

Mr. AKAKA. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD under "Text of Amendments.")

Mr. AKAKA. Mr. President, I rise today to propose an amendment for myself and my good friend from New York to restore the Federal Emergency Management Agency—FEMA—to its proper place as an independent agency.

Before I speak on our amendment, I would like to thank the chairman and ranking member of the Homeland Security and Governmental Affairs Committee for their hard work on this issue. We disagree on this one point, but I appreciate all they have done over the past year to ensure that the failures of Hurricane Katrina are never repeated.

As my colleagues on the Homeland Security and Governmental Affairs Committee know, the placement of FEMA in the Department of Homeland Security—DHS—is a subject that has troubled me since the concept of the Department was first debated in 2002. As a senior member of this committee, I can tell you that the structure of Federal agencies matters. Combining too many disparate functions some of which have nothing to do with homeland security into one agency can be unworkable, which is a primary reason why I voted against the creation of DHS.

Some say reinstating FEMA's independence now is brash and premature. Respectfully, I could not disagree more. To me, it was premature to place FEMA within DHS, a huge, terrorism-focused agency, where FEMA's traditional mission of responding to disasters would be neglected. The FEMA of yesterday has been downgraded, dismantled, and demoralized which I believe contributed to the muddled response to Hurricane Katrina.

DHS failed as a department during Hurricane Katrina and failed to give FEMA the opportunity to succeed. During the Committee's Katrina hearings, we heard numerous examples of information and initiative getting lost in DHS during the Hurricane Katrina response. Witnesses described sending information updates and requests out to the Department, never knowing where those messages went or if requested action had been taken. DHS was a black hole where information and accountability were lost.

Since FEMA was folded into the Department, FEMA has been deprived of funding and resources. FEMA has been forced to transfer significant resources to other parts of the Department. In 2003 and 2004, $169 million of FEMA's funding was transferred to DHS, in part because of lost programs, but also because of a so-called management tax to help pay for shared services within the Department.

Congress and the American public never knew about these funding shortfalls because FEMA was buried within DHS. Former FEMA Director Michael Brown testified that instead of taking FEMA's budget proposal to the President, he was required to clear the budget through another Undersecretary at DHS, then the Secretary, and then the President.

With a loss of funding and programs, came a loss of staff. FEMA's staff has been reduced by 500 positions since 2003. And within the existing positions at FEMA, there has been a 15 to 20 percent vacancy rate over the past few years.

FEMA needs to be an independent, Cabinet-level agency to avoid having its budget and staff siphoned off for other activities within the Department. Restoring the FEMA Director to the President's Cabinet will better serve America. Restoring FEMA's place at the table will ensure transparency and accountability while allowing the Director to present funding needs directly to the President. In 1996, recognizing the importance of emergency response, President Clinton elevated the FEMA Director position to the Cabinet level. Former FEMA Director James Lee Witt said being a member of the President's Cabinet allowed him to task other Federal agencies more effectively during disasters and provided an established and direct line of communication to the President.

There are those who argue that FEMA needs to remain in DHS so that the Department's other personnel and assets can be accessed more readily. This is a hollow argument because under the Stafford Act, FEMA has the authority to utilize resources across the Federal Government during a disaster. The Stafford Act allows FEMA to task Health and Human Services, the Department of Transportation, the Department of Defense, and many other Federal agencies during disasters. Should all those entities be incorporated into DHS as well? There is no reason the same mission assignment procedure cannot be applied to DHS assets as well.

Separating FEMA from DHS not only will improve FEMA's ability to manage preparedness and response, but it also will allow DHS to focus on its mission to prevent a terrorist attack. DHS cannot be all things to all people.

The dedicated public servants of FEMA agree. The American Federation of Government Employees—AFGE—which represents 1,200 FEMA employees, strongly endorses an independent FEMA. AFGE's June 13, 2006, letter to Congress states:

> (T)he merger of FEMA into DHS may have sounded good in theory, but in reality it has proven to be impractical and counterproductive. When Hurricane Katrina struck the U.S., the DHS structure simply imposed an extra layer of bureaucracy on top of FEMA, and wound up impeding, not assisting, the response.

Former FEMA Director Witt also believes FEMA does not belong in DHS. In a recent editorial, he stated:

> Though most agree FEMA must be mended, we don't have the luxury of gambling with another experimental restructuring of the department. And why gamble when a simple reversion to its pre-2001 incarnation would fix the problem? . . . As it stands under today's DHS structure, annual hazards such as hurricanes, floods, and tornados are allowed a 25 percent focus, even though they have a 100 percent probability of occurring at some point. An independent FEMA would again give all disasters 100 percent of its attention.

I agree with Mr. Witt. Fortunately, since DHS was created, there has not been another terrorist attack in the U.S. although there have been over 100 Presidentially-declared natural disasters. I support ensuring the U.S. is prepared for a terrorist attack, but we should not forget that natural disasters are guaranteed to occur every single year.

Mr. President, we have tried the superagency approach, and now it is time to get back to basics. I ask my colleagues to think about what is practical when they cast their vote on our amendment. Our constituents should feel confident that FEMA and its resources will be there in their time of need.

I urge support for our amendment. I yield back my remaining time.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank my colleague, the Senator from Hawaii, who has been a strong voice on behalf of our Nation's security and joins with me in putting before the Senate one of the most important issues we face: How will we manage our emergency preparedness and response?

I have the greatest respect and regard for my colleagues, Senator COLLINS and Senator LIEBERMAN. They have done an extraordinary job in leading a committee that has had so much responsibility over the last months for the well-being and the homeland security of our Nation. I respectfully disagree with the solution they are putting forth, but I know it comes after not only many hearings but incredible thought and extraordinary attention to the details about how best to rescue the situation in which we find ourselves.

We had a functioning, effective Federal Emergency Management Agency 5½ years ago. By all accounts, on all sides of the political spectrum, we had a crown jewel, an agency where performance was highly regarded not only in our own country but literally around the world. Unfortunately, that agency became a victim of the governing philosophy of the current administration.

We have seen, in stark terms, the failures of the existing Federal Emergency Management Agency, so-called FEMA. We saw it in the disastrous failures in the days and weeks, continuing until this day, along our gulf coast when people lost everything—their homes, their neighborhoods, their churches, even their loved ones. Our Nation lost something precious as well: we lost faith in our Federal Government and in the response capabilities of the organization that until 5½ years ago we could count on.

When we created the Department of Homeland Security after September 11, I warned, along with others, that moving FEMA into that large bureaucracy was a mistake. I said that on the basis of what I thought was the mission of the Department of Homeland Security, which was, first and foremost, to deal with the potential for terrorism and to deter and prevent terrorist attacks like the horrific attacks of September 11.

The decision was made to move FEMA into the Department of Homeland Security, and my worst fears came true. It became a stepchild. It became a holding pen for political cronies. It was no longer viewed as the crown jewel of the Federal Government but as a stepchild that did not really deserve the attention and the resources of this administration. Our worst fears about what would happen to FEMA in the Department of Homeland Security came true when we saw the images on television coming out of New Orleans and up and down the gulf coast.

I applaud Senator COLLINS and Senator LIEBERMAN for the extraordinarily thorough investigation they did. We got even more sickening detail of e-mails from FEMA officials at the time the disaster struck, what their concerns were—which were hardly focused on saving the people who were suffering. We have seen thousands of people displaced. We see 10,000 mobile homes sitting empty at the Hope, AR, Municipal Airport, and on and on. We have a GAO report that says there may have been up to $1 billion—yes, that is billion with a "b"—$1 billion in Federal assistance that has been misspent.

It is not only the facts about Katrina that bring me to urge we restore FEMA to an independent status, give it back Cabinet-level access, make it independent of the behemoth that the bureaucracy of the Department of Homeland Security has become, but it is also my worry about the future.

Hurricane Katrina was a foreseen disaster. We watched it on the Weather Channel. We saw it coming across the gulf. It was not a sneak attack by suicide bombers in airplanes, it was a huge storm. I worry, as incompetent as FEMA has become, how would they handle the unforeseen?

It is tragic to me that we have come to this position, and I think the new leadership at FEMA is laboring mightily to try to turn the situation around. But I worry it will be impossible, if FEMA stays within the Department of Homeland Security. If it stays within the Department and is renamed and reconfigured, I do not think that eliminates the primary problem, which is that it is stuck in a department with a focus and mission that cannot help but be to try to prevent and deter terrorist attacks. Believe me, I am all for that. We are about to come up on the fifth anniversary year of the attacks of 9/11.

Although I really respect what Senators COLLINS and LIEBERMAN are trying to do, I think they are trying to fit a square peg into a round hole. They are stuck with the Department of Homeland Security, and so they are trying to figure out a way to shoehorn it in, to detour around the dysfunctional organization and leadership that the Department has. And I do not think that will work.

The amendment Senator AKAKA and I and others have offered would do three things: first, reinstitute FEMA as an independent Cabinet-level agency; second, require the Director and Deputy Director to have the appropriate emergency service qualifications; and third, require the FEMA Director to report directly to the President of the United States.

During Katrina, who was in charge? Was it our President? Was it the Secretary of the Department of Homeland Security? Was it the FEMA Director? I do not know who it was. And one of the problems is that no one was. If we just sort of move the deck chairs on the Titanic, I do not think that solves the problem.

FEMA's response capabilities have been degraded since Katrina even, because people are not there. They are not able to have the same sense of morale and commitment. When you look at all the reports that have been done—one from the White House, one from the Senate, one from the House, as well as the various reports from the Government Accountability Office—you can see all of the things that went wrong. Unfortunately, these reports have not been coordinated, and it is very difficult to figure out how we are going to get ourselves back on the right track with a functioning world-class FEMA, and I just do not believe the answer is for it to operate as a subagency within the Department.

Now, I know there are those who are rightly concerned that if we take FEMA back to an independent status, then we will have duplicative efforts, we will not have coordination. I think the amendment tries to specifically say this does not detract in any way from the Department of Homeland Security's mission to secure the homeland. But I believe having it back in an independent status, with full accountability to the President, statutory authority under the Stafford Act to carry out all of the necessary mitigation, response, and recovery actions, is the way to go. If under our amendment we make FEMA report directly to the President, then the FEMA Director will have more authority under Stafford Act designation than if he is a sub-Cabinet official within DHS.

My bottom line is we should get FEMA back to a functioning, effective agency again, and there is a difference of opinion about how best to do that. Obviously, we are back in hurricane season. We do not want to do anything, either within a reorganization or an independent status, that would further disable FEMA from responding. But if we reempower FEMA, restore its independence, and staff it with qualified people, we will be back on the right track.

We have a regional structure for FEMA, and it is not clear from the proposal from the committee how that will work, who appoints those regional directors, who has to be in charge. I do not want people exchanging business cards at the site of a disaster, which is what has been happening. I believe we have to build on the strong track record FEMA had during the 1990s.

I know the committee has said this would be comparable to the Coast Guard, but I think that is a slightly different role and mission. The Coast Guard is a military, multimissioned maritime service. It is one of our Nation's five armed services. Its mission is to "protect the public, the environment, and U.S. economic interests—in the nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security."

They did a superb job with respect to Katrina and Rita. But FEMA has a different role. It is supposed to be managing dollars of considerable numbers in advance of catastrophic events, coordinating Federal agencies, carrying out the President's statutory authority for emergency response. It is supposed to be the go-to entity for full management.

I believe we have a better chance of getting back the FEMA we should have, that the people should be able to count on, that can work with State and local governments, that can help to mitigate disasters, by returning it to independence.

So, Mr. President, I ask our colleagues to support the amendment to restore FEMA to an effective, independent, Cabinet-level agency once again and send a message to the country that FEMA is back—it is back, it is ready for business, and people can have trust in it once again.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, in deciding how to vote on this issue, I would encourage our colleagues to consult the experts, the first responder organizations that overwhelmingly support the Collins-Lieberman-Lott-Carper approach and do not support the amendment that has been proposed by my colleagues from New York and Hawaii.

For example, the International Association of Fire Fighters, which represents 270,000 professional firefighters and emergency medical personnel, has endorsed the Collins-Lieberman-Lott-Carper amendment and says this about the alternative approach we have just heard described:

> We believe that proposals to return FEMA to its status as an independent agency would hinder efforts to reform our nation's emergency response system. Removing FEMA from DHS would create competing agencies, sowing confusion among emergency responders. Furthermore, such an approach would undermine an all-hazards approach, leading to the perception that DHS deals with terrorism while FEMA is in charge of natural disasters.

That is what the International Association of Fire Fighters says.

Other groups, such as the Major Cities Chiefs Association, say something very similar; the National Troopers Coalition, the National Association of Police Organizations, Advocates for EMS—the list goes on and on and on. The fact is, those who put their lives on the line, who are on the front lines of emergency response, say it would be a colossal mistake to take FEMA out of DHS, to sever that connection.

Does the Senator from New Hampshire wish for me to yield the floor?

Mr. GREGG. If the Senator would yield so we could enter into a unanimous consent agreement. I believe we have reached an agreement where we can proceed to lock in the vote on the Senator's amendment and the amendment offered by Senator AKAKA and Senator CLINTON.

Mr. President, the request is as follows: I ask unanimous consent that at the conclusion of the Senator's remarks, Senator LAUTENBERG be recognized for 15 minutes, and that at the conclusion of his remarks, we would go to a vote on Senator COLLINS' amendment, with no second degrees being in order—and there would be 2 minutes equally divided prior to that vote—and that at the conclusion of the vote on Senator COLLINS' amendment, we would go to a vote on the amendment offered by Senator AKAKA and Senator CLINTON, with 2 minutes equally divided prior to that vote——

Mrs. MURRAY. With no second degrees.

Mr. GREGG. With no second degrees and no points of order against either amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. That would mean—how long will the Senator probably be speaking?

Ms. COLLINS. Fifteen minutes.

Mr. GREGG. So that would mean the votes would begin at around 6:15, one would presume.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, those who are on the front lines—our police associations, our firefighters associations, the emergency medical personnel organizations—have all endorsed the approach we have suggested. This approach would strengthen FEMA but leave it within the Department of Homeland Security so we can establish a comprehensive all-hazards approach to emergency management.

We do not want to take FEMA out of the Department in the way particularly that Senator CLINTON's and Senator AKAKA's amendment would entail. I refer my colleagues to page 7 of their amendment, section 612, "Transfer Of Functions." This provision says the functions FEMA has as of the date of enactment should be transferred to the new agency. Well, let me tell you what that means. That means that preparedness would still be separate from response despite the fact that the experts agree that one of the reasons for FEMA's weak performance was the separation of preparedness from response—two sides of the same coin that should be together in one agency. Yet the Clinton-Akaka amendment keeps preparedness within the Department of Homeland Security and only has the response functions going to the new independent agency that they would propose.

Our bill consolidates the grant-making for preparedness—that is billions of dollars of preparedness grants—we would put in the new FEMA. Infrastructure protection, the national communications system, the chief medical officer, the cybersecurity office all would be in this new agency which we call the U.S. Emergency Management Authority. So we are not simply leaving FEMA within the Department of Homeland Security; we are strengthening, reforming, and upgrading FEMA so it can be effective.

I must say, I am at a loss why the proponents of the alternative approach want to take a FEMA that everyone deems is inadequate and has poorly performed, take this shell of an agency that has been stripped of many of its essential functions and cast it adrift by making it an independent agency. That approach makes absolutely no sense at all.

If the problem were FEMA's location, then why did the Coast Guard do such a stellar job in performing in response to Hurricane Katrina? By all accounts, the Coast Guard's preparedness and its response were superb. It pre-positioned its assets, it responded quickly, and it rescued some 35,000 people.

If the problem, in fact, were the location of the agency, then how did the Coast Guard manage to do such a good job? It is part of the Department of Homeland Security. Obviously, that is not the issue.

What we have done in our proposal is give the new emergency management agency the same kinds of protections that the Coast Guard has within DHS. No longer could the agency's mission be altered or its assets stripped away or could it be reorganized. You would have to come to Congress to do that. The issue is how can we best create a strong emergency management agency. That is the question that our proposal answers. It stresses giving FEMA back the authorities that were stripped away. It emphasizes giving it new authority so that it can be a strong, all-hazards agency. It elevates the stature of the appointees. It requires them to have relevant experience for those positions. It gives it the tools to do the job effectively. It protects it from reorganization. It makes the head of the new agency the principal adviser to the President on emergency management, but it allows it to have all the advantages of being part of the Department of Homeland Security; the advantage of a close relationship with the Coast Guard, a close relationship with the law enforcement agencies that are within DHS.

Taking the weakened version of FEMA and casting it adrift and thinking that somehow that is going to solve the problem flies in the face of the 23 hearings that we held to get to this solution, the 838,000 pages of evidence, the 325 people we interviewed, and the expertise of the first responder community. It would be a terrible mistake.

The Hart-Rudman commission 5 years ago said FEMA is the essential core of DHS, and they are right. If FEMA were pulled out of DHS, DHS would be forced to create a very similar, costly, duplicative agency in order to handle a response to terrorist attacks. It makes no sense to have one agency that deals with natural disasters and another agency within DHS that deals with the response to terrorist attacks. If the levees in New Orleans had been bombed rather than breached, the same challenges of evacuation, sheltering, and caring for individuals would have been present. It makes no sense and will be extremely costly—to the tune of billions of dollars, according to Secretary Chertoff—for us to have to recreate within DHS essential capabilities that DHS will need if FEMA is taken out of the Department.

I am reminded during this debate of a saying by H.L. Mencken that for every problem there is a solution that is neat, plausible, and wrong. Taking FEMA out of the Department of Homeland Security is wrong. At first blush it may look like the easy solution. But after looking at this issue for more than 8 months, it is not the solution. I hope our colleagues will listen to the true experts, our first responders and their organizations warning that this would be a disaster, that it would force them and State and local emergency managers to have to deal with two agencies, two sets of regulations, depending on whether or not this was the result of a terrorist attack or a natural disaster. That is contrary to the all-hazards approach that the experts have encouraged us to take.

The Homeland Security Council, a very prestigious group of private sector businesses and experts, conducted its own 6-month review of what went wrong with the preparedness and response to Hurricane Katrina. It, too, concluded that DHS preparedness assets and FEMA need to be more closely aligned, not split apart into two separate agencies.

I am going to reserve the remainder of my time. It is my understanding Senator LAUTENBERG will be speaking on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, since Senator LAUTENBERG has not arrived, I am going to continue to expound on why the Collins-Lieberman-Lott-Carper amendment should be agreed to and the Clinton-Akaka amendment should be rejected.

As I look at this issue, I realize that people look back at FEMA with rose-colored glasses. There is this myth of the golden age of FEMA. Indeed, FEMA in the past has had some talented leaders which proves my point that this really is about leadership more than anything. Clearly, Michael Brown was an abysmal failure as FEMA's leader. There is unanimity on that as well. But the fact is, when FEMA was an independent agency, it also experienced severe problems dealing with major disasters.

If you look at the GAO and other reports, and, indeed, the hearing records before the committee I now chair back after Hurricane Andrew in 1992, you could take out the word "Andrew" and substitute "Katrina," and you would get exactly the same indictment. In the hearing after Hurricane Andrew, my colleague, Senator AKAKA, noted the difficulties that FEMA has had with response to catastrophic disasters. It is those catastrophic disasters, the fact is, that FEMA has never been able to handle, both when it was independent and when it was in DHS.

Our committee's bipartisan recommendation seeks to correct that problem by creating an agency with the capabilities for the first time to manage catastrophic disasters.

The Government Accountability Office found that FEMA's response to Hurricane Andrew in 1992 "raised serious doubts about whether FEMA is capable of responding to catastrophic disasters." This is when FEMA was an independent agency. In particular, the GAO said that "the Federal strategy for response lacked provisions to assess damage, the needs of victims, to provide food, shelter, and other essential services when the needs of victims outstrip State and local resources."

You could apply exactly the same words to what happened after Katrina. What we need is to build an agency that does have the capacity to respond to not just small- and medium-sized disasters but to true catastrophes. That is what our bill would do. We would have a stronger agency, better led, better organized, with new authorities and powers that FEMA has never had. We would give it the resources to be effective.

Another important part of our amendment that, again, the Clinton-Akaka amendment completely lacks is the creation of regional strike teams that would be located in regions of the country and have representatives of all the Federal agencies that are involved in responding to a disaster. These strike teams would plan, train, and exercise with their State and local counterparts and with private sector groups that are involved in responding to a disaster such as the Red Cross and the Salvation Army. That is the kind of approach we need to be effective. We should have people in the region who already know the local officials, the vulnerabilities, the weaknesses, the strengths, the capabilities of the State and local systems, and can make sure that there are effective plans in place. We don't have that now.

When Katrina struck, people were sent from region 1 in New England down to New Orleans and Mississippi to help out. They didn't know the people. They didn't know the geography. They didn't know the culture. They didn't have that much experience in dealing with hurricanes. That doesn't make any sense at all. We should have regionally based teams that can work with their partners at the State and local level and in the private sector. I am talking about working not just with the nonprofits such as the Red Cross and Salvation Army but also with the private sector, such as the local utility companies. That is an important partner as well. Instead, what we found with Katrina were problems in credentialing utility workers and other private sector workers so they couldn't, in some cases, gain access to the disaster area.

We have given a lot of thought to how to do this right. This wasn't cobbled together overnight. It avoids the simplistic solution, which is no solution at all, of just saying: Let's take this weak, dysfunctional agency, this discredited agency, cut it loose from DHS, and somehow all will be well.

All will not be well. In fact, it would be a disaster to have FEMA, with its very limited current authorities, cast off as a separate agency.

Thad Allen said it well when he pointed out that since FEMA and the Coast Guard have been part of the same Department, there has been a 350-percent increase in joint training. That is what we want. We don't want a bureaucratic structure. We want people to plan, train, and exercise together. If they are in different agencies, that is not going to happen. FEMA is not going to have the advantage of working closely with those relevant agencies within the Department.

Another problem of the Clinton-Akaka amendment is that it would leave the preparedness functions in the Department of Homeland Security. I suspect I know why they did that. They did that because they realize the Department of Homeland Security has to have those preparedness functions. It needs to be able to prepare to respond to a terrorist attack. So they kept that function there.

But how does it make sense for FEMA to be only a response agency? That is what led us to the failed response to Katrina. Preparedness had been stripped off from FEMA. So this makes no sense at all.

Another criticism has been that FEMA lacks right now the authority to award preparedness grants. Yet the Clinton-Akaka amendment keeps that problem. It would keep the preparedness grants that go to State and local governments in the Department of Homeland Security, and yet would have this agency, FEMA, which is supposed to be working with State and local governments, with no authority over the funding for preparedness. That doesn't make any sense either.

I hope this body will recognize that the Homeland Security Committee has done a great deal of work. I hope they will listen to these first responder groups who say: Keep FEMA within DHS, but make it work. That is exactly what our amendment would do.

I see that the Senator from Connecticut has come to the floor. I would like to yield to him, if that is acceptable with the manager of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, as I understand the time agreement, the Senator from Maine had no limitation on her time, but at the conclusion of her remarks, the Senator from New Jersey was to be recognized for 15 minutes. If her remarks are completed, the time will begin to run against the Senator from New Jersey. It will take a new unanimous consent request, I suspect, to yield to the Senator from Connecticut.

How much time does the Senator from Connecticut wish?

Mr. LIEBERMAN. I would just say amen to everything Senator COLLINS has said, but I will speak for 5 minutes.

Mr. GREGG. If there is no objection, I ask unanimous consent that the Senator from Connecticut be recognized for 5 minutes, then the Senator from New Jersey be recognized for 15 minutes, and then the vote occur 20 minutes from now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I come to the floor to quite literally say amen to everything Senator COLLINS has said on behalf of our amendment and in respectful opposition to the amendment that Senator CLINTON has proposed.

We had a disaster, a catastrophe last year in Hurricane Katrina that was natural, and then we had a manmade disaster which was the shockingly inadequate response of the Federal, State, and local governments to that catastrophe that was called Katrina. So our committee spent months investigating, told the story, and considered what we could do to make sure nothing like the Federal Government's inadequate, incompetent reaction and response ever occurred again.

We considered the responsibility that some have raised of taking FEMA, or a replacement agency such as we are proposing, out of the Department and making it independent again. But it made no sense to us. If you have a Department of Homeland Security, which is supposed to be our major Department to prepare for and respond to disasters, natural and manmade, then why would we want to take the emergency management agency, which is all about responding to disasters, natural and terrorist, out of that Department? It would be, as I said at one of our hearings, like taking the U.S. Army out of the Department of Defense because you were not happy with the management of the U.S. Army, so you take it out. Or you had memories that there used to be a Chief of the Army who was good in a different time way back when it was independent, and you make it independent. It makes no sense. It is inefficient. I am afraid it would compromise the ability of our Government to prepare for and respond to another disaster.

In some ways, this is a comparison between James Lee Witt and Michael Brown. I will be real specific about it. I am happy to say in public that James Lee Witt did a great job, and Michael Brown did not, particularly in Katrina. That shouldn't lead us to think that going back to the time when FEMA was independent and James Lee Witt was the Director would solve all of our problems.

FEMA, under James Lee Witt, as good as he was—and he was very good—never faced a catastrophe such as Katrina. We heard testimony to this effect from people in the Department, from inspectors general, from outside authorities that FEMA never, no matter how good James Lee Witt was, could have independently given an adequate response to a catastrophe such as Hurricane Katrina or, God forbid, a catastrophe such as a significant terrorist attack. That is why we kept FEMA, our new USEMA, in the Department of Homeland Security.

We have strengthened it considerably. Senator LOTT, who was an initial cosponsor of the amendment to take FEMA out of the Department of Homeland Security, is now with us on keeping it in the Department because we made some significant changes. We gave the U.S. Emergency Management Agency that we would create, USEMA, the special legal status that only the Coast Guard and Secret Service have within the Department of Homeland Security. That means it cannot be changed except by statute. No executive action can change its status.

We also made clear that during a time of crisis, though the head of the U.S. Emergency Management Authority normally reports to the Secretary of Homeland Security, that person reports directly to the President of the United States.

I happen to have joined with Senator SPECTER, my friend and colleague from Pennsylvania, in introducing the original legislation to create the Department of Homeland Security. We did it a month or two after 9/11 because we felt we had entered a new age. We had been attacked here at home, innocent citizens were killed by terrorists, and we needed a whole new structure to prepare to defend the American people against similar attacks in the future—our enemies are still obviously out there—and to respond to those attacks.

We built our proposal on the work of an independent commission headed by our former colleagues Warren Rudman and Gary Hart. They said loudly and clearly that FEMA must be the heart of this new Department if it is to adequately protect the American people from disaster or terrorism.

It would be a profound mistake to take it out. That is why I urge my colleagues to support the amendment that Senator COLLINS and I are offering with Senator CARPER and Senator LOTT, and to oppose the amendment of Senator CLINTON.

I thank the Chair, and I yield the floor.

Mr. President, I saw Senator LAUTENBERG come into the Chamber. I do not see him now, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized for 13 minutes 25 seconds.

Mr. LAUTENBERG. Mr. President, I listened with interest to the Senator from Maine, the chairperson of the committee on which we both serve. I am trying to figure out why a name change might be part of the plan to try to make FEMA a more efficient agency. I think we are chasing our tail around the tree because I don't see how we can do it under the present structure.

I want to start at the beginning. I don't plan to take all the time that is available. I would like to go back a little bit.

When we look at the structure of DHS, the Department of Homeland Security, we see the complications that exist even today with its general functioning: Are the screeners doing an effective job? Do we have too many? They were once publicly owned groups across the country, and they were doing a poor job. Then we brought them into the Government and their performance improved substantially. Now there is talk about whether we ought to put them back into private hands.

I think about the task of Secretary Chertoff—and Secretary Chertoff is someone I know very well and for whom I have a great deal of respect—when we look at the assignment—22 Departments, 180,000 people, budgets that are insufficient to start with, and then the squabbling, the arm wrestling that has to take place within the Department to try and get FEMA enough money. It just doesn't make sense to have this Department of Government surrounded by the rest of the structure that is so complicated within DHS.

There was a time when FEMA was called upon to act as a result of natural disasters, and they did it very well. James Lee Witt was the head of FEMA. In 1993, we had what was the equivalent of a 100-year flood in Mississippi, and FEMA acted professionally and efficiently and got the job done. Then we had the Northridge earthquake which was one of the worst disasters we have seen. Once again, FEMA stood up to the task and did it efficiently and responded very promptly to get that done.

I, for one, believe, as does the Senator from New York, Mrs. CLINTON, that FEMA ought to be removed, ought to be independent, and to give it a chance to fight for its own budget, to make its own case, to be able to have direct contact with the President's office.

When we think about it, we worry an awful lot about a terrorist attack on our soil, and we should, and we should fight to protect our citizens from the consequences of that kind of an event. But, also, when we look at what happened with natural disasters and the significant—just look at Katrina and see what has happened there. There is a whole sector in our country that has yet to recover.

We are going to be at the first anniversary of Katrina in less than 2 months, and there are still people living in unacceptable conditions, still the restoration has not taken place—the theft, the waste, the fraud that has taken place there, and we look and we say: What has happened here? Why isn't it better? It isn't better because the structure doesn't permit it to get better with any degree of ease. In my view, FEMA has to be a separate department, as it once was, to be able to function as it once did under a different kind of leadership.

Who can forget the consequences of the first strike of the storm when the President of the United States was busy in California. He didn't visit the scene until a couple of days had passed, and he did that from 30,000 feet in the air and called it a devastating sight and gave congratulations to Mr. Brown: Brownie, heck of a job.

Did the President not know what he was saying or did he make a mistake? The fact is, there was so much confusion with the communications links that it was almost impossible to decipher what was going to happen, who was responsible, who was out to dinner when they were crying for help in the various communities, until someone reached over the top, went past the organizational structure, and got to the President's office. Then things began to happen. And they didn't happen very efficiently, nor did they happen thoroughly.

I think if we separated FEMA from the Department of Homeland Security, it would give our new director—who holds high hope, I think, for all of us; he is a competent person. He has experience before he came to FEMA. He has a very positive background for this kind of job. He is new on the job, and I think it would give him a much stronger hand in the annual battle over the agency's budget and appropriations. Obviously, then, it would free FEMA of several layers of bureaucracy at DHS and make it easier for the agency to do its job.

We talk so often around here about the bureaucracy and how tough it is to work your way through it. But here we have this critical agency, the agency that has more direct responsibility for our national security within our boundaries, on our land, than any other agency, and we keep it as a part of a total mechanical structure that says: OK, make sure you get A, B, C, and D. I think that is the wrong approach to having FEMA do the job we want it to do.

It is obvious that FEMA was weak and ineffective and showed a great deal of incompetence. What we want to do is streamline the agency as much as we can, and this is an opportunity to do just that. We are not going to rely on picking friends—cronies, if I can use the term, political campaign workers—to do this job and expect to have it succeed. That is not the way you take a position like this and have it be able to do its job, the job of jumping in there in the middle of a natural disaster of people searching for relatives, searching for a way out. What do you do to replace a reasonable living condition for them? It is a very tough job.

I think FEMA's subservient position inside DHS has contributed to low morale and the loss of qualified professional staff, and it is difficult attracting experienced personnel back to the agency. The agency has lost so much of its former excellent reputation that people are not anxious to go to an agency like that.

So I think the way we have to do it is the way Senator CLINTON and I and others are supportive of, which is the separation of FEMA from the Department. Separate FEMA. Let it stand on its own two feet. Let it strive for its own budget. Let it hire its personnel under its own structure and give it the responsibilities that it deserves and the resources that it needs.

So I hope at this point that people will vote against the amendment Senator COLLINS has presented and support the Clinton amendment that calls for FEMA to be separated from DHS, stand alone, and let it make its case.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I urge my colleagues to support the approach offered by the Senator from Connecticut, Mr. LIEBERMAN, and Senator LOTT, Senator CARPER, and myself, and reject the approach offered by Senator CLINTON and Senator AKAKA.

Senator CLINTON said earlier that we are rearranging the deck chairs on the Titanic but, in fact, that is what her amendment does. It takes the weak FEMA that we have now and moves it outside of the Department with no new personnel, no new function, no new authorities, no new funding, no infrastructure protection responsibilities, no new communications assets, no new medical assets, no new cyber-security assets.

That is exactly contrary to the approach that we have taken. We have built a new FEMA within the Department with strong authorities—authorities that FEMA has never had—to allow it to respond effectively to a disaster, regardless of its size. We create a new regional structure that will improve the management and the relationship with State and local governments. That is why the first responder groups are all supporting the Collins-Lieberman amendment, and I hope my colleagues will, too.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. Mr. President, I yield back the time in opposition, and I ask for the yeas and nays on the Collins amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN) and the Senator from Pennsylvania (Mr. SANTORUM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—87

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—11

Akaka
Boxer
Bunning
Clinton
Inhofe
Jeffords
Kerry
Lautenberg
Leahy
Pryor
Schumer

NOT VOTING—2

Ensign
Santorum

The amendment (No. 4560) was agreed to.

AMENDMENT NO. 4563

The PRESIDING OFFICER. There is 2 minutes equally divided on the Clinton amendment.

The Senator from New York.

Mrs. CLINTON. Mr. President, the recently passed amendment did try to improve upon the status quo, and I commend Senators COLLINS and LIEBERMAN for attempting to do so. But the answer is we need to restore the independence of FEMA. We need to give back to it Cabinet-level status with a direct line to the President. My amendment will allow us to do that. I urge you to vote for this amendment even if you voted for the last amendment because it improves the status quo vote which gets us back to the kind of independent FEMA that can actually respond to disasters and mitigate and help us prepare for them.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. COLLINS. Mr. President, the Clinton-Akaka amendment does nothing to strengthen FEMA. It takes a weak FEMA and casts it adrift as an independent agency. It is not the answer. My colleagues, you have just voted for the right reform. I urge opposition to the Clinton amendment, as do all the first responder groups.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. CLINTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN) and the Senator from Pennsylvania (Mr. SANTORUM).

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 66, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—32

Akaka
Baucus
Boxer
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Inhofe
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Lincoln
Menendez
Mikulski
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow

NAYS—66

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Isakson
Johnson
Kyl
Levin
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Ensign
Santorum

The amendment (No. 4563) was rejected.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, parliamentary inquiry: Is the Feinstein amendment the pending business?

The PRESIDING OFFICER. The Feinstein amendment is the pending question.

AMENDMENT NO. 4577 TO AMENDMENT NO. 4556

Mr. CORNYN. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4577 to amendment No. 4556.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for immigration injunction reform)

At the end of the amendment, add the following:

SEC. 541. IMMIGRATION INJUNCTION REFORM.

(a) SHORT TITLE.—This section may be cited as the "Fairness in Immigration Litigation Act of 2006".

(b) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term "consent decree"—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion under subsection (b)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (b)(2)(B). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (b)(2)(B)(iv).

Mr. CORNYN. Mr. President, this amendment is designed to end a decades-old, obsolete Federal court injunction designed to impede the Department of Homeland Security's use of expedited removal and enforcement of our immigration laws.

In 1988, a Federal court in Los Angeles issued a permanent, nationwide injunction that requires immigration authorities to afford detained Salvadorans a host of substantive and proposal rights—rights afforded to literally no other immigrant group.

Largely as a result of this 1988 Orantes injunction, Salvadorans have now become the single largest component of what is known as OTMs or "other than Mexican" immigrants.

Both the border tunnel amendment that Senator FEINSTEIN has offered and my immigration injunction second-degree amendment deal with illegal immigration and are designed to deal with criminal activity. They go together well because they both close border vulnerabilities that are being exploited by gangs and smugglers.

The injunction amendment passed as an amendment in committee, and there has been little opposition. It is currently in the compromise bill endorsed by a majority of Senate Democrats.

The amendment requires courts to narrowly tailor injunctive relief orders against the Government in immigration cases and to take into account national security, border security, public safety, and immigration enforcement concerns.

Decades-old, obsolete Federal court injunctions continue to impede the Department of Homeland Security's efforts to enforce our immigration laws.

For example, if you look at June of 2005 through February of 2006, you can see why this specific injunction, which impedes the use of expedited removal when it comes to immigrants from El Salvador, is such a problem and why this amendment is necessary.

For example, in June of 2005 there were some 4,181 Brazilians subject to apprehension. At the same time, there were roughly the same number of El Salvadorans: 4,011. But because of the improvements in expedited removal and immigration law enforcement inso far as it relates to Brazilians—not subject to the Orantes injunction that impedes the use of this important procedure—we saw the number of Brazilians drop from 4,181 in June of 2005 to 72 in February of 2006.

During the same time period, because of the impediment created by the Orantes injunction, which prohibited the use of expedited removal when it came to Salvadorans who illegally immigrated into the United States, we saw, in June of 2005, 4,011 Salvadorans: and in February of 2006, that number has virtually not changed at all, to 3,906.

So, clearly, the impediment created by this Orantes injunction, that would be overturned and remedied by this amendment, creates an impediment for the Department of Homeland Security when it comes to enforcing our immigration laws.

This amendment, it is important to note, would not eliminate injunctive relief but would require that any injunction granted be narrowly tailored and to not unnecessarily impede on enforcement of our immigration laws.

Specifically, it would provide that injunctions must be narrowly tailored to precisely address the actual harm identified. It would require that injunctions do not extend forever and must end on a date certain. It provides that an injunction is suspended unless a court acts within 30 days of the date when the Government moves to vacate an injunction. And for any injunction in which the Government has already filed a motion to vacate—and which remains pending 10 days after enactment of this bill—that injunction is automatically stayed on that 10th day.

Mr. President, I conclude by saying, in my conversations with the Secretary of the Department of Homeland Security, he regards this amendment as important to providing the Department of Homeland Security the tools it needs in order to enforce our immigration laws and to make sure the use of expedited removal, which is so important in terms of the deterrence that it provides, be uniform across populations that would be affected.

So, as he told me, if this amendment passes, he would be able to end catch-and-release, which is a de facto policy of this Government, within a matter of months.

I would think this is an issue we can all support, and I ask my colleagues to support this amendment.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4579

Mr. GREGG. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. BYRD, proposes an amendment numbered 4579.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, strike line 7 through page 119, line 2 and insert in lieu thereof the following:

SEC. 524. Using funds made available in this Act:

(a) Within 60 days of enactment of this Act, the Secretary of the Department of Homeland Security shall revise DHS MD [Management Directive] 11056 to provide for the following:

(1) that when a lawful request is made to publicly release a document containing information designated as SSI, the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code;

(2) that sensitive security information that is four years old shall be subject to release upon request unless:

(A) the Secretary or his designee makes a written determination that identifies a rational basis why the information must remain SSI;

(B) the information is covered by a current sensitive security information application guide approved by the Secretary or his designee in writing; or

(C) such information is otherwise exempt from disclosure under applicable law.

Any determination made by the Secretary under clause (a)(2)(A) shall be provided to the party making a request to release such information and to the Committees on Appropriations of the Senate and House of Representatives as part of the annual reporting requirement pursuant to section 537 of the Department of Homeland Security Appropriations Act, 2006 (Pub. L. 109–90; 119 Stat. 2088);

(3) common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b) (1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking; and

(b) Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the remaining requirements of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Pub. L. 109–90; 119 Stat. 2088), including information on the current procedures regarding access to sensitive security information (SSI) by civil litigants and the security risks and benefits of any proposed changes to these procedures.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4579) was agreed to.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2006 budget through June 30, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $11.873 billion in budget authority and by $4.060 billion in outlays in 2006. Current level for revenues is $6.589 billion above the budget resolution in 2006.

Since my last report dated May 19, 2006, Congress has cleared and the President has signed the following acts which have changed budget authority, outlays, or revenues: the Native American Technical Corrections Act of 2006, Public Law 109–221; the Heroes Earned Retirement Opportunities Act Public Law 109–227; the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Relief, 2006, Public Law 109–234; and the Mine Improvement and New Emergency Response Act of 2006 Public Law 109–236.

I ask unanimous consent that the accompanying letter and material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 10, 2006.

Hon. JUDD GREGG,
Chairman Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through June 30, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter dated May 18, 2006, the Congress has cleared and the President has signed the following acts which have changed budget authority, outlays, or revenues: the Native American Corrections Act of 2006 (Public Law 109-221); the Heroes Earned Retirement Opportunities Act (Public Law 109-227); the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Relief, 2006 (Public Law 109-234); and the Mine Improvement and New Emergency Response Act of 2006 Public Law 109-236).

Sincerely,

DONALD B. MARRON,
Acting Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF JUNE 30, 2006

[In billions of dollars]

	Budget Resolution [1]	Current Level [2]	Current level over/under (−) resolution
On Budget:			
Budget Authority	2,094.4	2,082.5	−11.9
Outlays	2,099.0	2,094.9	−4.1
Revenues	1,589.9	1,596.5	6.6
Off-Budget:			
Social Security Outlays [3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	*

Note: * = Less than $50 million.

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50.0 billion in budget authority and $62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109-176, Public Law 109-208, and Public Law 109-234 (see footnote 2 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are also off budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES OF FISCAL YEAR 2006, AS OF JUNE 30, 2006

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	n.a.	n.a.	1,607,180
Permanents and other spending legislation [1]	1,296,134	1,248,957	n.a.
Appropriation legislation	1,333,823	1,323,802	n.a.
Offsetting receipts	−479,868	−479,828	n.a.
Total, enacted in previous sessions:	2,150,089	2,092,891	1,607,180
Enacted This Session:			
Katrina Emergency Assistance Act of 2005 (P.L. 109-176)	250	250	0
An act to make available funds included in the Deficit Reduction Act for the Low income Energy Assistance Program for 2006 (P.L. 109-204)	1,000	750	0
Native American Corrections Act of 2006 (P.L. 109-221)	23	23	3
Tax Increase Prevention and Reconciliation Act of 2006 (P.L. 109-222)	0	0	−10,757
Heroes Earned Retirement Opportunities Act (P.L. 109-227)	0	0	−1
Emergency Supplemental Appropriations Act for Defense, the Global War . II on Terror, and Hurricane Recovery, 2006 (P.L. 109-234)	−111	143	55
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109-236)	0	0	1
Total, enacted this session:	1,162	1,166	−10,699
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−68,740	879	n.a.
Total Current Level,[1 2 3 4]	2,082,511	2,9094,936	1,596,481
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirement [4]	−50,000	−62,424	n.a.
Adjusted Budget Resolution	2,9094,384	1,098,996	n.a.
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	6,589
Current Level Under Adjusted Budget Resolution	11,873	4,060	n.a.

Notes: n.a. = not applicable; P.L. = Public Law.

[1] P.L. 109-171 was enacted early in this session of Congress, but is shown under "enacted in previous sessions" as requested by the Committee on the Budget. Included in current-level totals for P.L. 109-171 are $980 million in budget authority and −$4,847 million in outlays.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude the following amounts:

	Budget authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	−7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109-1 E6)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109-208)	2,275	2,275	0
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109-2B4)	94,541	24,184	0
Total, enacted emergency requirements	174,547	138,882	−7,111

[3] Excludes administrative expenses of the Social Security Administration, which are off budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50,000 million in budget authority and $62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109-176, Public Law 109-208, and Public Law 109-234 (see footnote 2 above) budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Source: Congressional Budget Office.

THE HIGHWAY WATCH® PROGRAM

Mr. ISAKSON. Mr. President, I rise today to offer my strong support for the Highway Watch® program.

Highway Watch® is a national program to enhance the security and overall preparedness on our Nation's highways through training highway professionals to be the "eyes and ears" of our highways. The Highway Watch® program, managed by the American Trucking Associations, recruits and trains professional truck drivers to identify and report security and safety situations on our Nation's roads.

Highway Watch® has enrolled more than 330,000 highway professionals and expects to enroll more than 1,000,000 by March, 2007. In my State of Georgia, the training is mandatory for the more than 300,000 commercial drivers licensed in Georgia. To date, the State of Georgia has enrolled more than 18,000 participants.

I share with you two of the successes of the program. An instructor at a Michigan truck-driving school grew suspicious when ten students showed up to verify their safety and driving skills. The individuals had little knowledge about driving a commercial vehicle and could not verify their commercial driver's licenses. It turned out that the individuals were illegal immigrants and some were on a terrorist watch list.

In another example, Highway Watch® members reported a man photographing and videotaping fuel tanker trucks and asking questions. Forty-eight hours after a "Be On the Look Out" (BOLO) notice was issued by Highway Watch®, the man was in custody.

This program has fostered a good working relationship between the public and private sector, and is a model for how corporations can teach vigilance to their employees. I encourage the Department of Homeland Security to place the requisite monies for this important program in the Department of Homeland Security annual budget, and encourage the appropriators to continue their commitment to the program.

I look forward to working with my colleagues and ask for continued support of the Highway Watch® program to help ensure that our Nation's highways are safe and secure.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF THE FOUNDING OF MITCHELL, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the 125th anniversary of the founding of one of South Dakota's great cities, Mitchell. Located along I–90, Mitchell serves as the county seat of Davison County and is one of the State's most thriving communities. Mitchell is home to a strong economy, first-rate hospital, a 4-year university and a technical institute, as well as numerous tourist destinations, art, culture, shopping, and outdoor recreation.

The site of Mitchell was originally platted in 1879 and then incorporated in 1881. Mitchell may be best known as the home of the Corn Palace. Build in 1897 to showcase South Dakota's healthy agriculture climate, the Corn Palace attracts over a half million visitors annually. Each year a new theme and new murals are chosen and the Corn Palace is redecorated with corn, other grains, and native grasses. It is a great venue for displaying the variety of South Dakota agriculture. Additionally, the Corn Palace is more than a visitor's attraction; it serves as a host for state basketball tournaments, dances, meetings, banquets, and other civic events.

Also in Mitchell are historical and cultural attractions such as the Prehistoric Indian Village, Enchanted Doll Museum, and the Dakota Discovery Museum. Mitchell's economy is also boosted by the hunting and fishing industries. The community is served by the Mitchell Republic newspaper. Perhaps Mitchell's most famous resident is George McGovern, former Representative and Senator of South Dakota and 1972 Democratic nominee for President.

Mitchell boasts one of South Dakota's oldest and finest educational institutions, Dakota Wesleyan University. DWU is a 4-year university with 26 majors and 30 minors available. The latest addition to the campus, the George and Eleanor McGovern Library and Center for Leadership and Public Service, is expected to be completed in August of 2006. Mitchell is also home to Mitchell Technical Institute, a post-secondary technical school employing cutting edge technology in five occupational areas.

The Avera Queen of Peace Hospital, one of the most advanced medical centers in the region, is also located in Mitchell. Especially noteworthy is the recently finished Avera Queen of Peace Cancer Center. The hospital employs over 700 people from the Mitchell area.

Even 125 years after its founding Mitchell remains a vital community and a great asset to South Dakota. I am pleased to honor this progressive city and offer my congratulations to the residents of the city on this historic milestone.•

60TH ANNIVERSARY OF THE PHOENIX SYMPHONY ORCHESTRA

• Mr. McCAIN. Mr. President, I am pleased to congratulate the Phoenix Symphony Orchestra, which will launch the celebration of its diamond jubilee for the 2007/2008 season on December 30, 2006.

The Phoenix Symphony Orchestra is embarking on its 60th year of having a profound cultural and educational effect in the State of Arizona. Founded in 1947, the Phoenix Symphony proudly serves Phoenix and the surrounding metropolitan area, the State of Arizona, and the southwestern United States. What began as an occasional group of musicians performing a handful of concerts each year—in a city of fewer than 100,000 people—today serves more than 300,000 people annually, with 275 concerts and presentations throughout the greater Phoenix area and beyond.

Under the artistic leadership of Michael Christie as the Virginia G. Piper Music Director and administrative leadership of President Maryellen H. Gleason, the orchestra is overseen by the nonprofit Phoenix Symphony Association under Board Chairman Gerald W. Murphy.

The 76-member Phoenix Symphony presents an annual season from September through the beginning of June, featuring full-length classical and pops concerts at Symphony Hall in downtown Phoenix, in Scottsdale, in Prescott, in several Native American communities and throughout central Arizona. The symphony performs for more than 50,000 students and children, representing over 260 different schools, helping to introduce music to new generations through a variety of education and youth-engagement programs including programs at the Salt River Pima Indian Nation, Chicanos por la Causa, and Phoenix Elementary School District No. 1.

Again, I congratulate the Phoenix Symphony Orchestra for its remarkable achievements and contributions to Arizona.•

RETIREMENT OF GEORGE GULSON

• Mr. JOHNSON. Mr. President, today I wish to recognize the achievements of Mr. George Gulson, who spent 43 years working in the Brandon Valley School System, including 13 years as superintendent. Throughout his career, Mr. Gulson has exhibited a true commitment to excellence in education by creating positive learning environments for his students.

Mr. Gulson started with Brandon Valley as the band director, a position he held for 11 years. Though he has always loved music, Mr. Gulson did not originally plan on being a teacher. Initially, he had planned on going into pharmacy, but found that his lab classes at South Dakota State University conflicted with the band schedule. Rather than stop playing in the band, he decided to go into education instead. He had several options following his graduation, but after seeing the Brandon Valley band perform at a contest, he was so impressed that he contacted the superintendent. He signed a teaching contract a few weeks later.

In 1974, Mr. Gulson accepted a position as a junior high school principal in Brandon Valley. Though being an administrator was quite different from teaching, it was a job he came to appreciate. He found that he was able to influence youth at a time in their lives when they were still learning who they are and how to interact with the world. In addition to helping students find themselves, the post also put Mr. Gulson in a position to start thinking about ways to change the school. He spent his last 3 years as principal readying the school to change from the junior high to the middle school philosophy.

Then in late 1993 came the call from the Brandon Valley School Board asking him to become superintendent. It was a job Mr. Gulson would excel at for 13 years. Among the issues Mr. Gulson faced during his tenure were a growing student population, building projects, No Child Left Behind provisions, curriculum, and funding. Brandon Valley's

Performing Arts Center was built on his watch, a particularly impressive accomplishment.

George Gulson has shown unequivocal dedication to quality education throughout his stellar career. As a teacher, principal, and superintendent Mr. Gulson has helped generations of students to become lifelong learners. It is my pleasure to publicly recognize such a tireless advocate of education as Mr. Gulson. Though Mr. Gulson's day to day presence will be missed by students, parents, and the community at large, I congratulate him on his years of service and wish him the best in his retirement.●

MESSAGE FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 122. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project.

H.R. 2563. An act to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes.

H.R. 3462. An act to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

H.R. 3897. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

H.R. 5061. An act to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

H.R. 5232. An act to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes.

H.R. 5589. An act to direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 427. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 122. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Energy and Natural Resources.

H.R. 2563. An act to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3462. An act to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3897. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply and Groundwater Enhancement Project; to the Committee on Energy and Natural Resources.

H.R. 5061. An act to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia; to the Committee on Environment and Public Works.

H.R. 5232. An act to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

H.R. 5589. An act to direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3637. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7442. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7443. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7444. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Semiannual Report of the Inspector General and the Executive Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7445. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7446. A communication from the Director of the Peace Corps , transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7447. A communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7448. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board of Governor's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7449. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7450. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7451. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7452. A communication from the Chair, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7453. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, a report entitled "Fiscal Year 2005 International Mail Volumes, Costs and Revenues"; to the Committee on Homeland Security and Governmental Affairs.

EC–7454. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2006-15 relative to the suspension of limitations under the Jerusalem Embassy Act; to the Committee on Foreign Relations.

EC-7455. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of proposed legislation entitled "R.M.S. Titanic Maritime Memorial Preservation Act of 2006" received on July 6, 2006; to the Committee on Foreign Relations.

EC-7456. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Chemical Weapons Convention Implementation Act of 1998; to the Committee on Foreign Relations.

EC-7457. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Department of State Acquisition Regulation" (RIN1400-AB90) received on July 6, 2006; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. OBAMA:

S. 3631. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 3632. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. WARNER, Mr. GRAHAM, Mr. DEWINE, Mr. STEVENS, Mr. MARTINEZ, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. THOMAS, Mr. DEMINT, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. ISAKSON, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. SMITH, Mr. COCHRAN, Mr. GREGG, Mr. BURNS, Mr. TALENT, Mr. BURR, Mr. ALLEN, and Mrs. DOLE):

S. 3633. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes; to the Committee on Foreign Relations.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3634. A bill to amend the Nuclear Waste Policy Act of 1982 to improve the material control and accounting and data management systems used by civilian nuclear power reactors to better account for spent nuclear fuel and reduce the risks associated with the handling of those materials; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3635. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Indian Affairs.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 3636. A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 3637. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003; read the first time.

By Mrs. FEINSTEIN:

S. 3638. A bill to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 94

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 94, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 718

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 718, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1283

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2419

At the request of Mr. HAGEL, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2754

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2754, a bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

S. 2827

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2827, a bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes.

S. 2916

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2916, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 3274

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3274, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 3495

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3495, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

S. 3603

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3603, a bill to amend the Internal Revenue Code of 1986 to provide economic incentives for the preservation of open space and conservation of natural resources, and for other purposes.

S.J. RES. 38

At the request of Mr. MCCONNELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S.J. Res. 38, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the names of the Senator from Montana (Mr. BURNS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. CON. RES. 101

At the request of Mr. REID, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Con. Res. 101, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 420

At the request of Mr. SMITH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 420, a resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Res. 494, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 500

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

AMENDMENT NO. 4548

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4548 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 4548 proposed to H.R. 5441, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BENNETT):

S. 3632. A bill to provide for the sale of approximately 25 acres of public land to the Turn-About Ranch, Escalante, Utah, at fair market value; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise to introduce legislation that would correct a property trespass question involving a 25-acre parcel of Bureau of Land Management, BLM, land in Garfield County, UT. The parcel is part of the Turn-About Ranch, which hosts a successful and popular program to rehabilitate troubled youth.

The trespass conflict is the result of an erroneous survey at the time that Congress approved a major land exchange—Public Law 105–335—between the State of Utah and the BLM in January 1999. The legislation at hand would grant the owners of the ranch the opportunity to purchase the erroneously surveyed land at fair market value so that this very important program for at-risk youth can continue unimpeded.

Since 1995, Turn-About Ranch has graduated some 500 troubled and at-risk teenagers through an intense program of training and rehabilitation. The ranch employs some 35 Garfield County residents, and the Turn-About Ranch program has strong support from the local community and the local civic leaders in the area.

Historically used for agriculture and grazing purposes, it was purchased by the Townsend Family and leased to Turn-About Ranch, Inc., for the purpose of restoring dignity and self-esteem to wayward teenagers. Because Government-owned land administered by the BLM surrounds the private land, the only way to resolve the trespass is to ask for the blessing of Congress.

Mr. President, this legislation offers a simple and fair solution to a fairly technical problem on our public lands. I hope Congress can use this legislation to resolve this problem in the very near future.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. WARNER, Mr. GRAHAM, Mr. DEWINE, Mr. STEVENS, Mr. MARTINEZ, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. THOMAS, Mr. DEMINT, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. ISAKSON, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. SMITH, Mr. COCHRAN, Mr. GREGG, Mr. BURNS, Mr. TALENT, Mr. BURR, Mr. ALLEN, and Mrs. DOLE):

S. 3633. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes; to the Committee on Foreign Relations.

Mr. INHOFE. Mr. President, today I introduce to you a bill to prevent the imposition of global taxes on the United States. The current efforts of the United Nations and other international organizations to develop, advocate, endorse, promote, and publicize proposals to raise revenue by instituting international taxes are unacceptable.

The United Nations is not a sovereign nation and, therefore, does not have the legal capacity to levy taxes. Furthermore, paying taxes to an international organization like the UN would impair global commerce, hinder the defense capabilities of the United States, and continue to line the pockets of an organization that has historically been replete with mismanagement and corruption, especially in recent years. In order to avoid these consequences, the bill I bring before you will withhold 20 percent of dues from the United Nations and other international organizations if they continue to promote global taxes. Its passage will help preserve the sovereignty of our Nation and save American taxpayers from potentially paying billions of dollars every year to international organizations.

The United Nations' record of developing and advocating global taxation goes back for more than a decade. Usually the organization's efforts have been done quietly so as not to elicit the ire of the United States. However, in 1996 Secretary General Boutros-Boutros Ghali delivered a speech at Oxford University in which he openly embraced the concept of global taxes and authoritarian world government. Specifically, the Secretary General expressed a desire for the United Nations to "not be under the daily financial will of the member states." Though the U.N. had tried to circumvent the Security Council and avoid member state scrutiny for many years by borrowing from international financial institutions, assuming control of bonds issued by Member States, and imposing fees on an extensive range of transactions, goods and services, this was the first time the concept of global taxation was so explicitly advocated.

In response to the United Nations' actions, Senator Bob Dole and Representative Gerald Solomon introduced bills in both Houses of Congress in January of 1996 to put a stop to the United Nations' antics. These bills prohibited any voluntary or assessed contributions from the United States to the United Nations if the United Nations continued to develop and promote proposals for international taxes and fees. That legislation passed through the 104th and the 105th Congresses to become public law.

Still, the United Nations continued to pursue global taxation. Later in 1996, the United Nations Economic and Social Council fully debated international taxation. After that, a United Nations Development Programme research project resulted in the publishing of a text entitled "The Tobin Tax," which proposed a currency transaction tax. Global taxation was discussed in "The Human Development Report" in 1999 as well as at the United Nations Preparatory Committee for the International Conference on Financing for Development in 2001. Also in 2001, Ernesto Zedillo published a report which concluded "there is a genuine need to establish, by international consensus, stable and contractual new sources of multilateral finance." Dialog arose at the Conference on Sharing Global Prosperity in Helsinki in 2003. In 2004, the United Nations University-World Institute for Development Economics Research issued a study on global taxation.

Recently, the 2005 "Human Development Report" discussed proposals to levy international taxes in order to fund the U.N.'s Millennium Development Goals. Some of the taxes the United Nations proposed in this report were taxes on aviation fuel, an airline passenger tax, and a currency transaction tax like the Tobin tax. At other points in time the U.N. has considered a global environmental levy, an ocean freight tax on international trade, and a military expenditures and arms tax.

Innovative development financing mechanisms were the primary topics of discussion at a conference held in Paris on February 28 and March 1 of 2006. As a result of this conference and other discussions, various nations, most notably France, are already implementing an international tax on airline travel, with the approval of Kofi Annan. Plans for global taxes on currency transactions, energy use, and United States companies are also being considered. An official U.N.-sponsored book, "New Sources of Development Finance," says that a proposed tax on oil, gas, coal and other carbon-based fuels could produce $750 billion a year in revenue for the U.N. and other global purposes.

We have frequently reminded the United Nations of our sentiments regarding global taxation after legislation formally passed through Congress in 1996 and 1998. Recently, on August 30, 2005, the U.S. representative to the United Nations, John R. Bolton, clearly stated "the United States does not accept global aid targets or global taxes." Shortly after, on September 13, 2005, 16 Senators joined with me in sending a letter to Kofi Annan which reiterated Mr. Bolton's message. Still, the United Nations has continued to research and promote different forms of international taxation.

Since the United Nations is not listening to the United States, now it is time for Congress to back up our words. The bill I am introducing along with 31 colleagues states that if the United Nations or other international organizations continue to pursue global taxation, the United States will withhold 20 percent of assessed contributions to the regular budget of these organizations. This measure would last until certification is given by the President to Congress that neither the United Nations nor any other international organization has legal taxation authority in the United States, that no taxes or fees have been imposed on the United States, and that no taxes have been proposed by any of these organizations.

The fascination of the United Nations and other international organizations with international taxation has gone on too long. Please join me in taking a stand for the sovereignty of our Nation by supporting this bill.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3634. A bill to amend the Nuclear Waste Policy Act of 1982 to improve the material control and accounting and data management systems used by civilian nuclear power reactors to better account for spent nuclear fuel and reduce the risks associated with the handling of those materials; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, today I am introducing the Spent Nuclear Fuel Control and Accounting Act of 2006. I am pleased to be joined by the Senior Senator from Vermont, Mr. LEAHY, in introducing this legislation. In the other body, our colleague from Vermont, Congressman SANDERS, is introducing a companion measure. This legislation is designed to improve the safety and security of spent nuclear fuel generated by our Nation's nuclear powerplants.

Approximately 2,000 metric tons of spent nuclear fuel are generated by the Nation's 103 nuclear powerplants each year. Spent nuclear fuel is no longer able to generate power but is still intensely radioactive and continues to generate heat for tens of thousands of years. Radiation produced by the fuel can kill a person within minutes if they are directly exposed.

Terrorist attacks in the U.S. have heightened public concern generally about whether this highly radioactive material could be stolen and used maliciously. Although the Nuclear Regulatory Commission, NRC, argues that spent nuclear fuel is "self-protecting" because of its high radioactivity, the potential for harm to human health and the environment warrants close attention to the control and accounting of this material.

I am introducing this legislation because there have been several instances of lost spent nuclear fuel at operating plants in the past few years, including in my own home State. Such losses have eroded public confidence in the job the NRC is doing. Following the loss of spent fuel rod fragments at Vermont Yankee in 2004, I requested that GAO study the issue of how the NRC controls such material. In its April 2005 report, the GAO recommended that the NRC establish requirements for the control of individual fuel rods and fragments and develop inspection procedures to verify plants' compliance.

NRC currently has no regulations that specifically deal with the tracking and recordkeeping of spent nuclear fuel of this type. While the NRC generally has regulations requiring plant operators to maintain records of their spent nuclear fuel they do not specify how individual fuel rods and fragments should be tracked. Additionally, the NRC requires plant operators to inventory spent fuel at least once a year, but does not specify how that inventory should be conducted. Because of this lack of specificity in its regulations, there is considerable variation among nuclear powerplants in how regulations are implemented. Plus, the NRC no longer monitors plants' compliance with its tracking and accounting regulations.

While the NRC has been working administratively to address the issues identified in the GAO report, the proposed legislation would require the NRC to more effectively control and account for spent nuclear fuel. The NRC needs to redouble its efforts to shore up public confidence in its regulatory efforts. This is a difficult task, but one that is critically important.

This bill will focus on the safe operation and management of existing nuclear powerplants. The NRC and the nuclear industry are planning for a "nuclear renaissance" with the construction of new nuclear plants. The NRC estimates that it will receive 18 new license requests between now and the year 2012. But, we must maintain continued oversight over existing plants and pay particular attention to the safe management of spent nuclear fuel. The public needs to be confident that the current system operates well, or they will likely not accept a new generation of plants.

The Spent Nuclear Fuel Control and Accounting Act of 2006 directs NRC to develop regulations which would improve the current system of control and accounting for spent nuclear fuel and would help prevent incidents like the one which occurred at Vermont Yankee.

In the case of Vermont Yankee, operated by Entergy, the plant's operators discovered that two pieces of a radioactive fuel rod were missing from the plant's storage facilities on April 21, 2004. During a scheduled fuel outage, the plant conducted a special inspection requested by the NRC to document the location of its fuel rods, both spent and unspent.

The documentation of the pieces' location was requested by the NRC as part of a follow up to the loss of two complete spent fuel rods at the Millstone plant in Connecticut in 2000. At Vermont Yankee, the missing pieces were 7 and 17 inches long, and came from a fuel rod sent to the Vermont Yankee plant by General Electric in 1979 that arrived broken. When the rod broke, the pieces were placed in a lead bucket at the bottom of the spent fuel pool, in which low-level waste was periodically also stored. Later it was learned that a special storage container was ordered from General Electric to house these pieces, and that they were stored in a different part of the fuel pool.

The NRC was involved in Entergy's efforts to use a remote-control camera to see if the misplaced rod pieces were among the spent fuel rods in the plant's spent fuel pool. Entergy also reviewed paper records to see if two missing fuel rods from the plant were shipped to waste storage facilities in South Carolina or the State of Washington. The spent fuel rods were eventually located on July 15, 2004, after a search in which Entergy estimates company employees and outside contractors had spent between 9,000 and 10,000 hours involved in the search.

A similar event occurred at the Millstone nuclear powerplant in Connecticut in 2000 and at the Humboldt Bay plant in California in July 2004. Pacific Gas and Electric officials searched for three missing uranium components of a used nuclear fuel rod in the reactor pool at the decommissioned Humboldt Bay nuclear powerplant near Eureka, CA. Each of the pieces of the missing Humboldt Bay fuel rod is 18 inches long, has the width of a pencil and contains uranium fuel encased in steel. The rods from the Humboldt Bay and Millstone plants are still missing. The Millstone plant paid a $288,000 fine for the loss of its fuel.

When the Millstone incident occurred, the NRC said that fuel rods had never before gone missing in the history of commercial nuclear power in the United States. While I know that the materials at Vermont Yankee were found to be missing due in part to a special inspection the NRC instituted after Millstone, the sad fact is that fuel again went missing. I do not want missing fuel to become the norm. It is not enough to tell the public that we "think" it is likely that highly radioactive material went to storage. Certainly it is poor government management not to look carefully at how the utilities conducted these searches for missing fuel rods, draw out lessons, develop best management practices, and safeguard and protect the existing paper trail we have for the waste stored at our Nation's nuclear power plants. We must improve our nuclear materials accounting system, and my legislation is the first step in doing so.

This legislation calls for NRC to pay special attention to loose individual spent fuel rods and rod fragments like those lost at the Vermont Yankee plant. It requires NRC to report when loose fuel rods and fragments result and requires NRC to conduct an annual inspection to make sure that plants are complying with waste tracking requirements. Additionally, the bill instructs NRC to develop best management practices for the safe storage of individual rods and fragments and for the inventory of spent nuclear fuel. The legislation will require NRC to modernize its data management systems by developing an updated electronic system for storing data and for tracking the location of spent nuclear fuel. The creation of an electronic database of spent fuel storage records would help secure this important information from aging plants that are being uprated and relicensed and also require the new fleet of plants to use a uniform electronic system. Finally, this bill would track the movement of spent nuclear fuel onsite at nuclear powerplants and offsite to other facilities by requiring that manifests indicate whether shipments contain fuel rods or fragments.

I believe that this bill will be an important step towards improving security related to one of the most hazardous materials made by humans—spent nuclear fuel. This bill would increase the scrutiny on the tracking of this material and ensure that spent nuclear fuel remains safely stored in appropriate facilities and does not end up in the wrong hands.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spent Nuclear Fuel Control and Accounting Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) several incidents involving missing or unaccounted-for spent nuclear fuel have occurred at civilian nuclear power reactors, including—

(A) the Vermont Yankee Nuclear Power Plant;

(B) the Humboldt Bay Nuclear Power Plant (California); and

(C) the Millstone Nuclear Power Station (Connecticut);

(2) weaknesses in the accounting and control of spent nuclear fuel have been identified at several other civilian nuclear power reactors;

(3) data provided by the Nuclear Regulatory Commission indicate that—

(A) operators of most civilian nuclear power reactors have removed spent fuel rods from their fuel assemblies; and

(B) those rods are stored onsite in spent fuel pools or dry casks or have been shipped offsite to a storage facility;

(4) individual spent fuel rods and fragments may also result from the loading of a new assembly and therefore may be new fuel;

(5) individual spent fuel rods, and especially fragments of spent fuel rods, are—

(A) highly radioactive; and

(B) much smaller and lighter than fuel assemblies;

(6) while regulations promulgated by the Nuclear Regulatory Commission require civilian nuclear power reactors to control and account for spent nuclear fuel, they do not cover—

(A) individual spent fuel rods that have been removed from an assembly; and

(B) fragments of spent fuel rods;

(7) the storage and oversight of individual spent fuel rods at civilian nuclear power reactors have not been managed in a consistent manner;

(8) the lack of specific guidance in the regulations promulgated by the Nuclear Regulatory Commission relating to how civilian nuclear power reactors should conduct physical inventories has resulted in inconsistent compliance with those regulations;

(9) the Nuclear Regulatory Commission does not evaluate the compliance of civilian nuclear power reactors with the material control and accounting regulations promulgated by the Commission;

(10) the Nuclear Regulatory Commission has much to do to implement the recommendations listed in the report published by the Government Accountability Office titled "NRC Needs to Do More to Ensure that Power Plants Are Effectively Controlling Spent Nuclear Fuel"; and

(11) the effective implementation of material control and accounting regulations by civilian nuclear power reactors is of great importance to the United States because of the potential safety and security consequences for failing to manage spent nuclear fuel, especially in the aftermath of terrorist attacks in the United States.

SEC. 3. MATERIAL CONTROL AND ACCOUNTING OF DISMANTLED FUEL ASSEMBLY.

The Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) is amended by adding after section 137 the following:

"SEC. 138. MATERIAL CONTROL AND ACCOUNTING OF INDIVIDUAL RODS AND FRAGMENTS FROM A DISMANTLED FUEL ASSEMBLY.

"(a) PROMULGATION OF REGULATIONS.—The Commission shall promulgate regulations to require each civilian nuclear power reactor to provide to the Commission a report that contains a detailed record of each individual spent fuel rod, and each fragment of a spent fuel rod, that results from the loading or dismantling of a fuel assembly.

"(b) ANNUAL INSPECTION.—The Commission shall promulgate regulations to require an annual inspection by the Commission of each civilian nuclear power reactor to determine the compliance of the civilian nuclear power reactor with regulations relating to the material control and accounting of spent nuclear fuel promulgated by the Commission.

"SEC. 139. GUIDANCE FOR STORING INDIVIDUAL FUEL RODS AND FRAGMENTS.

"The Commission shall develop and make available to each civilian nuclear power reactor guidance that describes—

"(1) best management practices relating to—

"(A) the procedures that a civilian nuclear power reactor should use to store individual fuel rods and fragments on site; and

"(B) the selection of suitable locations for the storage of individual fuel rods and fragments; and

"(2) suitable inventory practices relating to—

"(A) the manner in which a civilian nuclear power reactor should conduct an annual inventory of any spent nuclear fuel, including individual fuel rods and fragments; and

"(B) the manner in which a civilian nuclear power reactor should catalogue each item of spent nuclear fuel, including individual rods and fragments located at the civilian nuclear power reactor.

"SEC. 140. ELECTRONIC DATA MANAGEMENT AND WASTE TRACKING SYSTEM.

"(a) DEVELOPMENT OF SYSTEM.—The Commission shall develop an electronic data management and waste tracking system—

"(1) to store and access the records of each civilian nuclear power reactor; and

"(2) to track the location of spent nuclear fuel including individual rods and fragments.

"(b) ADOPTION OF ELECTRONIC DATA MANAGEMENT AND WASTE TRACKING SYSTEM BY CIVILIAN NUCLEAR POWER REACTORS.—The Commission shall promulgate regulations to require each civilian nuclear power reactor—

"(1) in the case of a civilian nuclear power reactor that is licensed before the date of enactment of this section, to digitize the existing records of the civilian nuclear power reactor; and

"(2) in the case of a civilian nuclear power reactor that is licensed on or after the date of enactment of this Act, to implement and use the electronic data management and waste tracking system described in subsection (a).

"(c) EVALUATION OF EXISTING ELECTRONIC DATA MANAGEMENT AND WASTE TRACKING SYSTEMS.—The Commission may evaluate existing electronic data management and waste tracking systems to determine whether those systems could be modified for purposes of complying with subsection (a).".

SEC. 4. MANIFEST REQUIREMENT FOR SPENT NUCLEAR FUEL.

The Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) is amended by inserting after section 180 the following:

"SEC. 181. MANIFEST REQUIREMENT FOR SPENT NUCLEAR FUEL.

"(a) DEVELOPMENT OF MANIFEST.—The Commission shall develop a detailed manifest form for the onsite transportation of spent fuel that indicates whether the package containing the spent fuel contains individual rods or fragments.

"(b) PROMULGATION OF REGULATIONS.—The Commission shall promulgate regulations to require each civilian nuclear power reactor to provide to the Commission a completed detailed manifest form developed under subsection (a) to identify and track any spent fuel rod or rod fragment that is transported within the premises of the civilian nuclear power reactor.

"SEC. 182. IDENTIFICATION OF SPENT FUEL OR ROD FRAGMENTS TRANSPORTED OUTSIDE PREMISES OF CIVILIAN NUCLEAR POWER REACTORS.

"The Commission, in consultation with the Department of Transportation, shall identify any spent fuel rod or rod fragment that is transported outside the premises of the civilian nuclear power reactor through use of manifests used by the Department of Transportation.".

SEC. 5. CONFORMING AMENDMENTS.

The table of contents of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 note; 96 Stat. 2201) is amended—

(1) by adding after the item relating to section 137 the following:

"Sec. 138. Material control and accounting of dismantled fuel assembly.
"Sec. 139. Guidance for storing spent nuclear fuel.
"Sec. 140. Electronic data management and waste tracking system.".

and;

(2) by adding after the item relating to section 180 the following:

"Sec. 181. Manifest requirement for spent nuclear fuel.
"Sec. 182. Identification of spent fuel or rod fragments transported outside premises of civilian nuclear power reactors.".

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3635: A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pubelos on the State of New Mexico; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the Albuquerque Indian Schools Act of 2006. I want to thank Senator BINGAMAN for joining me as a cosponsor of the bill.

The Albuquerque Indian Schools—AIS—Act of 2006 seeks to consolidate two parcels of federal land and take this land into trust for the 19 pueblos—Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni. I believe this property, if transferred, would receive greater utilization and benefit the economic development of the 19 pueblos.

In 1981, the 19 New Mexico pueblos petitioned the United States for the transfer of 44 acres from the Albuquerque Indian School site for the purpose of economic development and in 1984 the Assistant Secretary of the Interior conveyed the 44 acres to the pueblos. This land is currently under development by the 19 New Mexico pueblos. They have constructed a 150,000 square foot Department of the Interior building which houses the southern regional office of the Bureau of Indian Affairs, BIA, and a 150.000 square foot Department of the Interior office building that houses the National BIA Training Center and the BIA Data Center. In addition, the pueblos are starting construction on a hotel and are preparing to begin several retail projects.

In 2003, the 19 pueblos requested conveyance of the two remaining tracts of land that are located south of Interstate 40. This land contains various metal buildings, which have deteriorated to the point that they have no value at this time.

The return of these two properties to the 19 pueblos is supported by the southwestern regional office of the BIA. With the addition of these two tracts, the 19 pueblos will be able to continue their successful economic development of the Albuquerque Indian School property, which will benefit not only the 19 New Mexico pueblos, but each individual tribal member.

Mr. President I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Albuquerque Indian School Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) 19 PUEBLOS.—The term "19 Pueblos" means the New Mexico Indian Pueblos of—

(A) Acoma;
(B) Cochiti;
(C) Isleta;
(D) Jemez;
(E) Laguna;
(F) Nambe;
(G) Ohkay Owingeh (San Juan);
(H) Picuris;
(I) Pojoaque;
(J) San Felipe;
(K) San Ildefonso;
(L) Sandia;
(M) Santa Ana;
(N) Santa Clara;
(O) Santo Domingo;
(P) Taos;
(Q) Tesuque;
(R) Zia; and
(S) Zuni.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior (or a designee).

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) (including any improvements and appurtenances to the land) for the benefit of the 19 Pueblos.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 18.3046 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) TRACT B.—The approximately 5.9211 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the map entitled "Site Map of the Albuquerque Indian School Property" (including attachments).

(2) TRACT D.—The approximately 12.3835 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the map entitled "Site Map of the Albuquerque Indian School Property" (including attachments).

(c) USE OF LAND.—The land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(d) LIMITATIONS AND CONDITIONS.—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

SEC. 4. EFFECT OF OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this section, land taken into trust under section 3(a) shall be subject to Federal laws relating to Indian land.

(b) GAMING.—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 3(a).

Mr. BINGAMAN. Mr. President, I'm pleased today to join my colleague Senator DOMENICI in sponsoring the Albuquerque Indian School Act. This bill would direct the Secretary of Interior to take lands no longer being used by the Bureau of Indian Affairs in Albuquerque and hold them in trust for the benefit of the 19 pueblos. The bill disallows gaming on the property.

In addition to being a good thing for the pueblos, this transfer promises to be beneficial to the surrounding community, as several deteriorating structures will be renewed and new jobs brought in. Since the bill would not alter the standard public process for taking the lands into trust, I hope this will result in a consensus among all concerned on the best uses of the property.

I am pleased we are taking the first step today on a process that should be beneficial to the pueblos, the Federal Government, and local residents.

By Mr. KENNEDY:

S. 3637. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003; read the first time.

Mr. KENNEDY. Mr. President, I am introducing legislation on an intelligence issue, p. 3637.

The legislation requires the administration to provide the prewar Presidential daily briefs on Iraq to the Senate Intelligence Committee for its investigation on the way the administration's policymakers used this intelligence in its decision to go to war.

I introduced an identical bill, S. 2175, on December 22 last year, but it has not yet been reported out of the Intelligence Committee.

It is essential that the Intelligence Committee have access to all the information about prewar intelligence in Iraq for its investigation. With threats looming in North Korea and Iran, we need to learn from the mistakes of the past to ensure that we do not repeat them. The PDBs are extremely relevant to this issue, and Congress should have access to them.

By Mrs. FEINSTEIN:

S. 3638. A bill to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize water recycling and other water supply projects by the Inland Empire Utilities Agency, the Cucamonga Valley Water District, the Western Municipal Water District, the Yucaipa Valley Water District, and the City of Corona Water Utility. These projects will produce approximately 161,000 acre-feet of new water annually in one of the most rapidly growing regions in the United States, reducing the need for imported water from the Colorado River and northern California through the California Water Project.

This legislation is intended to be the companion to two House of Representatives bills: H.R. 802, sponsored by DAVID DREIER, GRACE NAPOLITANO, KEN CALVERT, JOE BACA, and GARY MILLER; and H.R. 1008, sponsored by KEN CALVERT, JERRY LEWIS, JOE BACA and DARRELL ISSA. H.R. 802 and H.R. 1008 have each passed the House of Representatives twice, in both this Congress and the previous Congress.

Environmental groups such as the Mono Lake Committee, Environmental Defense, Clean Water and Natural Resources Defense Council strongly support the water recycling and groundwater remediation projects in this bill. Business leaders such as Southern Cal Edison and Building Industry Association also support these projects.

I would like to describe the projects in this bill:

The Inland Empire Regional Water Recycling Initiative would authorize two project components. The first will be constructed by the Inland Empire Utilities Agency—IEUA—and will produce approximately 90,000 acre feet of new water annually. The second of these projects, to be constructed by the Cucamonga Valley Water District—CVWD—will produce an additional 5,000 acre feet of new water annually.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana—through the Fontana Water Company—Ontario, Upland, Montclair, Rancho Cucamonga—through the Cucamonga Valley Water District—and the Monte Vista Water District.

The next project is Western Municipal Water District's Riverside-Corona Feeder. Western provides supplemental water to a 510 square mile area of growing western Riverside County and serves a population of more than one-half million people. As a member of the Metropolitan Water District of Southern California—MWD—Western provides supplemental water to the cities of Corona, Norco, and Riverside and the water agencies of Elsinore Valley and Rancho California. Western also serves customers in the unincorporated areas of El Sobrante, Eagle Valley, Temescal Creek, Woodcrest, Lake Mathews, and March Air Reserve Base.

The purpose of the Riverside—Corona Feeder water supply project is to capture and store new water in wet years in order to increase firm water supplies, reduce water costs, and improve water quality. The project will include about 20 wells and 28 miles of pipeline. Studies have shown the safe annual yield of the aquifer is about 40,000 acre-feet.

The project would allow locally stored water to replace imported water from Colorado River and the State project sources in times of drought or other shortages. The project proposes to manage the ground water levels by the construction of ground water wells and pumping capacity to deliver the pumped ground water supply to water users. A new water conveyance pipeline is also proposed that will serve western Riverside County.

There are also very important environmental remediation aspects of the project. Up to half of the wells could be placed within plumes of VOCs and perchlorate. These wells would remediate about 20,000 acre-feet of currently contaminated water per year.

Next, the city of Corona Water Recycling and Reuse Project will consist of three reservoirs and two pump stations along with retrofitted user irrigation systems.

Additionally, 27 miles of pipelines will separate recycled water from drinking water. The reclamation system will enable the city of Corona to provide recycled water to parks, landscape maintenance districts, schools, landscaped freeway frontages and any other project that does not require potable water. It will also reduce the need for increased water imports and construction of additional drinking water infrastructure.

Finally, the Yucaipa Valley Water Supply Renewal Project will maximize the various water resources in the Yucaipa Valley. Federal funds would be used to provide federal assistance for planning, designing, and constructing the new Yucaipa Valley Regional Water Filtration Facility that is part of the renewal project. The new facility will contain a reverse osmosis system and a brine pipeline to remove salinity, contaminants, and organic compounds from the water supply in the Yucaipa Valley. The brine pipeline will extend nearly 20 miles to the existing Santa Ana Regional Interceptor brine pipeline.

This project will minimize the amount of water imported from northern California, maximize the use of higher quality water, reduce withdrawals from ground water supplies, and provide a long-term, drought-proof water supply. The full project is expected to reduce demands on the California State Water Project by over 4 billion gallons per year, which is a sufficient quantity of water for 27,000 families.

I want to say a few words about the importance of water recycling projects.

The development of recycled water can bring significant amounts of water "on line" in a relatively short period of time. Recycled water provides our State and region with the ability to "stretch" existing water supplies significantly and in so doing, minimize conflict and address the many needs that exist. According to the State of California's Recycled Water Task Force, water recycling is a critical part of California's water future with an estimated 1.5 million acre-feet of new supplies being developed over the next 25 years.

Water recycling is also a bipartisan initiative in California, as witnessed by the many Republican and Democratic House cosponsors of the House versions of the bill I introduce today.

It also has a long history. In 1991, the Secretary of the Interior in President George H.W. Bush's administration, Manual Lujan, recognized that California would need an alternative water supply source because it was receiving more water from the Colorado River than its allocation.

In a bold and farsighted maneuver, in August 1991, Secretary Lujan launched the Southern California Water Initiative, a program to evaluate and study the feasibility of water reclamation projects. Mr. Lujan's vision was to build replacement water capacity to offset the anticipated Colorado River water supply reductions.

Congress, in 1992, was completing work on major water legislation saw the wisdom of the Lujan initiative too. Lujan's proposal, a year after it was first announced, became title XVI, the Bureau of Reclamation water recycling program that today serves the entire West, not just California. Today, water recycling is the essential water supply element in Albuquerque, Phoenix, Denver, Salt Lake City, Tucson, El Paso, San Antonio, Portland, and other western metropolitan areas.

I urge my colleagues to support this bill to help meet the West's water supply needs and to reduce our dependence on the Colorado River. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "The Water Recycling and Riverside-Corona Feeder Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—THE INLAND EMPIRE REGIONAL WATER RECYCLING INITIATIVE

Sec. 102. Short title.
Sec. 103. Inland Empire and Cucamonga Valley recycling projects.

TITLE II—PROJECTS IN RIVERSIDE AND SAN BERNARDINO COUNTIES

Sec. 201. Planning, design, and construction of the Riverside-Corona Feeder.
Sec. 202. Project authorizations.

TITLE I—THE INLAND EMPIRE REGIONAL WATER RECYCLING INITIATIVE

SEC. 102. SHORT TITLE.

This title may be cited as the "The Inland Empire Regional Water Recycling Initiative".

SEC. 103. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS.

(a) RECYCLING PROJECTS.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, Title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1637. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"SEC. 1638. CUCAMONGA VALLEY WATER RECYCLING PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.".

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the item relating to section 1636 the following:

"Sec. 1637. Inland Empire Regional Water Recycling Program
"Sec. 1638. Cucamonga Valley Water Recycling Project".

TITLE II—PROJECTS IN RIVERSIDE AND SAN BERNARDINO COUNTIES

SEC. 201. PLANNING, DESIGN, AND CONSTRUCTION OF THE RIVERSIDE-CORONA FEEDER.

(a) In General.—The Secretary of the Interior, in cooperation with the Western Municipal Water District, may participate in a project to plan, design, and construct a water supply project, the Riverside-Corona Feeder, which includes 20 groundwater wells and 28 miles of pipeline in San Bernardino and Riverside Counties, California.

(b) Agreements and Regulations.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

(c) Federal Cost Share.—

(1) Planning, design, construction.—The Federal share of the cost to plan, design, and construct the project described in subsection (a) shall be the lesser of 35 percent of the total cost of the project or $50,000,000.

(2) Studies.—The Federal share of the cost to complete the necessary planning study associated with the project described in subsection (a) shall not exceed 50 percent of the total study cost.

(d) In-Kind Services.—In-kind services performed by the Western Municipal Water District shall be considered a part of the local cost share to complete the project described in subsection (a).

(e) Limitation.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

SEC. 202. PROJECT AUTHORIZATIONS.

(a) In General.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 163x. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

"(a) Authorization.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed described in the report submitted under section 1606.

"(b) Cost Sharing.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) Limitation.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20.000.000.

"SEC. 163x. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

"(a) Authorization.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

"(b) Cost Share.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) Limitation.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.".

(b) Conforming Amendments.—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the item relating to section 163 the following:

"Sec. 163x. Yucaipa Valley Regional Water Supply Renewal Project
"Sec. 163x. City of Corona Water Utility, California, water recycling and reuse project".

AMENDMENTS SUBMITTED AND PROPOSED

SA 4550. Mr. SPECTER (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4551. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4552. Mr. KERRY (for himself, Ms. Snowe, and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4553. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4554. Mr. SALAZAR (for himself and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4555. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4556. Mrs. FEINSTEIN (for herself, Mr. Kyl, Mrs. Boxer, Mr. Talent, Ms. Cantwell, Mr. Salazar, Mr. Bingaman, Mrs. Hutchison, Mr. Allen, Mr. Domenici, and Mr. Brownback) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra.

SA 4557. Mr. BYRD (for himself, Mr. Gregg, Mrs. Murray, Mr. Rockefeller, Mr. Bingaman, and Mr. Lieberman) proposed an amendment to the bill H.R. 5441, supra.

SA 4558. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4559. Mr. BYRD (for himself, Mr. Gregg, Mr. Kohl, Mrs. Clinton, Mr. Menendez, Mrs. Murray, Mr. Rockefeller, Mr. Lieberman, Mr. Lautenberg, and Mr. Schumer) proposed an amendment to the bill H.R. 5441, supra.

SA 4560. Ms. COLLINS (for herself, Mr. Lieberman, Mr. Lott, Mr. Carper, and Mr. Salazar) proposed an amendment to the bill H.R. 5441, supra.

SA 4561. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4562. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4563. Mrs. CLINTON (for herself, Mr. Akaka, Mr. Leahy, Mr. Jeffords, Mrs. Boxer, Mr. Lautenberg, and Ms. Mikulski) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra.

SA 4564. Mrs. CLINTON (for herself, Mr. Akaka, Mr. Leahy, Mr. Jeffords, Mrs. Boxer, Mr. Lautenberg, and Ms. Mikulski) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4565. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4566. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4567. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4568. Mr. DEMINT (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4569. Mr. FEINGOLD (for himself and Mr. Sununu) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4570. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4571. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4572. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4573. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4574. Mr. COLEMAN (for himself and Mr. Schumer) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4575. Mr. SANTORUM (for himself and Mr. Kyl) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4576. Mrs. CLINTON (for herself, Mr. Schumer, Ms. Mikulski, Mr. Menendez, Ms. Cantwell, Mr. Kennedy, Mr. Kerry, Mr. Lieberman, Mr. Reed, and Mr. Lautenberg) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4577. Mr. CORNYN proposed an amendment to amendment SA 4566 submitted by Mrs. MURRAY and intended to be proposed to the bill H.R. 5441, supra.

SA 4578. Mr. WARNER (for himself, Mr. Allen, Mr. Sarbanes, Ms. Mikulski, Mr. Voinovich, and Mr. Akaka) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4579. Mr. GREGG proposed an amendment to the bill H.R. 5441, supra.

SA 4580. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4550. Mr. SPECTER (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for, the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 2, strike the semicolon and insert the following: ": *Provided*, That $25,000,000 shall be available until expended for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such Code (in this subparagraph referred to as "nonprofit organizations")) determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack, and that these determinations shall not be delegated to any Federal, State, or local government official: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall make available to nonprofit organizations the requirements for an application for a grant under the preceding proviso, which application shall be submitted not later than 45 days after the date of the grant announcement, and the Office for Grants and Training shall take action on such an application not later than 15 days after the date of receiving such application: *Provided further*, That the Secretary of Homeland Security shall submit an annual report to the Committee on Appropriations of the Senate and Committee on Appropriations of the House of Representatives on the threat or potential threat to each nonprofit organization receiving a grant under this subparagraph: *Provided further*, That the Secretary shall distribute any unallocated funds to assist nonprofit organizations determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack provided for in title III of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2075) under the heading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" under the terms and conditions in this subparagraph: *Provided further*, That in determining the allocation of funds to nonprofit organizations under this subparagraph the Secretary shall consider—

(i) potential threats from any organization designated as an international terrorist organization by the Department of State or a separate network or cell that may operate domestically or internationally against any group of United States citizens who operate or are principal beneficiaries or users of a nonprofit organization;

(ii) prior attacks, within or outside the United States by an organization described in clause (i) against a nonprofit organization or entities associated with or similarly situated as a nonprofit organization;

(iii) symbolic value (including whether a nonprofit organization is a highly recognized national, cultural, or historic institution);

(iv) the role of a nonprofit organization in responding to an international terrorist attack;

(v) any previously conducted threat or vulnerability assessments; and

(vi) any increased threats to specific sectors or areas;

On page 92, line 19, before the comma insert "other than grants to nonprofit organizations as provided for under that subparagraph".

SA 4551. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act may be used to temporarily or permanently seize any firearm the possession of which is not prohibited under Federal or State law, other than for forfeiture in compliance with Federal or State law or as evidence in a criminal investigation.

SA 4552. Mr. KERRY (for himself, Ms. SNOWE, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SA 4553. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike "$2,393,500,000" and insert "$3,493,500,000".

On page 91, line 22, strike "$1,172,000,000" and insert "$2,272,000,000".

On page 92, line 13, strike "$150,000,000" and insert "$1,250,000,000".

On page 92, line 16, before the semicolon, insert the following: ", of which—

(i) $670,000,000 shall be for tunnel upgrades along the Northeast corridor;

(ii) $250,000,000 shall be for passenger and freight rail security grants;

(iii) $100,000,000 shall be for research and development of bomb detection technology; and

(iv) $65,000,000 shall be for intercity passenger rail security upgrades, of which $25,000,000 shall be used—

(I) to provide a 25 percent salary increase for existing Amtrak Police personnel; and

(II) to expand the Amtrak police force by 200 officers

SA 4554. Mr. SALAZAR (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives with an assessment of short-term (defined as within 2 years after the date of enactment of this Act), intermediate-term (defined as between 2 years and 4 years after such date of enactment), and long-term (defined as more than 4 years after such date of enactment) actions necessary for the Department of Homeland Security to take in order to assist Federal, State, and local governments achieve communications interoperability, including equipment acquisition, changes in governance structure, and training.

SA 4555. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. The Secretary of Homeland Security shall prepare a report for submission to Congress by the President with the budget for fiscal year 2008 transmitted under section 1105(a) of title 31, United States Code, that—

(1) identifies activities being carried out by the Department of Homeland Security to improve—

(A) the targeting of agricultural inspections;

(B) the ability of United States Customs and Border Protection to adjust to new agricultural threats; and

(C) the in-service training for interception of prohibited plant and animal products and agricultural pests under the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service; and

(2) describes the manner in which the Secretary of Homeland Security will coordinate with the Secretary of Agriculture and State and local governments in carrying out the activities described in paragraph (1).

SA 4556. Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mr. TALENT, Ms. CANTWELL, Mr. SALAZAR, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. ALLEN, Mr. DOMENICI, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

"(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

"(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

"(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 2339B(g)(6)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 554. Border tunnels and passages.".

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting "554," before "1425,".

(d) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by subsection (a).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) provide adequate base offense levels for offenses under such section;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(i) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(ii) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(D) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(E) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(F) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

SA 4557. Mr. BYRD (for himself, Mr. GREGG, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BINGAMAN, and Mr. LIEBERMAN) proposed an amendment to the bill1 H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

TITLE VI

BORDER SECURITY INFRASTRUCTURE ENHANCEMENTS

SEC. 601. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Department against any non-United States citizen by notice in the Federal register no later than January 1, 2007, to achieve not less than $350,000,000 in additional receipts by September 30, 2007: *Provided*, That the Secretary may adjust only those fees authorized under the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act: *Provided further*, That this adjustment shall be in addition to fees authorized under 8 United States Code 1356.

(b) Amounts collected under subsection (a) shall be deposited in the accounts as provided by 8 United States Code 1356: *Provided*, That of the total amount collected pursuant to subsection (a) the Secretary shall transfer the following amounts:

(1) $25,000,000 to Customs and Border Protection "Salaries and Expenses" for vehicle replacement;

(2) $105,000,000 to Customs and Border Protection "Air and Marine Interdiction, Operations, Maintenance, and Procurement" for air asset replacement and air operations facilities upgrades;

(3) $90,000,000 to Customs and Border Protection "Construction";

(4) $30,000,000 to Immigration and Customs Enforcement "Salaries and Expenses" for vehicle replacement; and,

(5) $15,000,000 to Immigration and Customs Enforcement "Automation Modernization".

(c) Of the total amount collected pursuant to subsection (a) $85,000,000 shall be made available to United States Citizenship and Immigration Services: *Provided*, That of the additional amount available, $47,000,000 shall be for Business Transformation and $38,000,000 shall be for Fraud Detection and National Security initiatives.

(d) Amounts deposited under paragraph (b) shall remain available until expended for the activities and services described in paragraphs (b) and (c).

SA 4558. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY

SEC. . No amount appropriated by this or any other Act may be used to enforce or comply with any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, and no amount appropriated by this or any other Act may be used to enforce or comply with any administrative rule or regulation imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, except to the extent that enforcement or compliance with that limitation does not prevent the Secretary of Homeland Security from recruiting and hiring such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of 10 minutes.

SA 4559. Mr. BYRD (for himself, Mr. GREGG, Mr. KOHL, Mrs. CLINTON, Mr. MENENDEZ, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. SCHUMER) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE VII—SUPPLEMENTAL APPROPRIATIONS FOR PORT SECURITY ENHANCEMENTS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to enhance port security for the fiscal year ending September 30, 2006, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $251,000,000, to remain available until expended.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $23,000,000, to remain available until expended: Provided, That funding is available to accelerate foreign port security assessments, conduct domestic port vulnerability assessments, and perform unscheduled security audits of facilities regulated by chapter 701 of title 46, United States Code, commonly known as the Maritime Transportation Security Act of 2002.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $184,000,000 for the Integrated Deepwater Systems program, to remain available until expended: *Provided*, That funding is available to acquire maritime patrol aircraft and parent craft patrol boats, to provide armed helicopter capability, and to sustain the medium endurance cutter fleet.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $190,000,000 to remain available until September 30, 2007: *Provided*, That the entire amount shall be for port security grants pursuant to the purposes of subsection (a) through (h) of section 70107 of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as defined in paragraphs (2), (3), and (4) of subsection (b).

SA 4560. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. LOTT, Mr. CARPER, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—UNITED STATES EMERGENCY MANAGEMENT AUTHORITY

SEC. 601. SHORT TITLE.

This title may be cited as the “United States Emergency Management Authority Act of 2006”.

SEC. 602. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) by striking the title heading and inserting the following:

“TITLE V—NATIONAL PREPAREDNESS AND RESPONSE”;

(2) by striking sections 501 through 503;

(3) by striking sections 506 and 507;

(4) by redesignating sections 504, 505, 508, and 509 as sections 521, 522, 523, and 524, respectively;

(5) by redesignating section 510 (relating to procurement of security countermeasures for the strategic national stockpile) as section 525;

(6) by redesignating section 510 (relating to urban and other high risk area communications capabilities) as section 526; and

(7) by inserting before section 521, as so redesignated by this section, the following:

“SEC. 501. DEFINITIONS.

“In this title—

“(1) the term ‘all-hazards-plus’ means an approach to preparedness, response, recovery, and mitigation that emphasizes the development of capabilities that are common to natural and man-made disasters, while also including the development of capabilities that are uniquely relevant to specific types of disasters;

“(2) the term ‘Authority’ means the United States Emergency Management Authority established under section 502;

“(3) the term ‘Administrator’ means the Administrator of the Authority;

“(4) the term ‘Federal coordinating officer’ means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

“(5) the term ‘National Advisory Council’ means the National Advisory Council on Emergency Preparedness and Response established under section 508;

“(6) the term ‘National Incident Management System’ means the National Incident Management System as described in the National Response Plan;

“(7) the term ‘National Response Plan’ means the National Response Plan prepared under Homeland Security Presidential Directive 5 or any presidential directive meant to replace or augment that directive;

“(8) the term ‘Nuclear Incident Response Team’ means a resource that includes—

“(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

“(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions;

“(9) the term ‘Regional Advisory Council’ means a Regional Advisory Council on Preparedness and Response established under section 503;

“(10) the term ‘Regional Administrator’ means a Regional Administrator for Preparedness and Response appointed under section 507;

“(11) the term ‘Regional Office’ means a Regional Office established under section 507; and

“(12) the term ‘surge capacity’ means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing, including disaster assistance employees, and other resources necessary to save lives and protect property during a catastrophic incident, or other natural or man-made disaster.

“SEC. 502. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

“(a) IN GENERAL.—There is established in the Department the United States Emergency Management Authority, headed by an Administrator.

“(b) MISSION.—The mission of the Authority is to—

“(1) lead the Nation's efforts to prepare for, respond to, recover from, and mitigate the risks of natural and man-made disasters, including catastrophic incidents;

“(2) partner with State and local governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to a catastrophic incident or other natural or man-made disaster;

“(3) develop a Federal response capability that, when necessary and appropriate, can act effectively, rapidly, and proactively to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural or man-made disaster;

“(4) fuse the Department's emergency response, preparedness, recovery, mitigation, and critical infrastructure assets into a new, integrated organization that can effectively confront the challenges of a natural or man-made disaster;

“(5) develop and maintain robust Regional Offices that will work with State and local governments and emergency response providers to identify and address regional priorities;

“(6) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department that can be brought to bear in preparing for and responding to a natural or man-made disaster;

“(7) carry out the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

“(8) provide funding, training, exercises, technical assistance, planning, and other assistance, to build local, State, regional, and national capabilities, including communications capabilities, necessary to respond to a potential natural or man-made disaster;

“(9) implement an all-hazards-plus strategy for preparedness that places priority on building those common capabilities necessary to respond to both terrorist attacks and natural disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation; and

“(10) promote, plan for, and facilitate the security and resiliency of critical infrastructure and key resources, including cyber infrastructure, against a natural or man-made disaster, and the post-disaster restoration of such critical infrastructure and key resources.

“(c) ADMINISTRATOR.—

“(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—The Administrator shall have not less than 5 years of executive leadership and management experience in the public or private sector, significant experience in crisis management or another relevant field, and a demonstrated ability to manage a substantial staff and budget.

“(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

“(4) PRINCIPAL ADVISOR ON EMERGENCY PREPAREDNESS AND RESPONSE.—

“(A) IN GENERAL.—The Administrator is the principal emergency preparedness and response advisor to the President, the Homeland Security Council, and the Secretary.

“(B) ADVICE AND RECOMMENDATIONS.—

“(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency mitigation, preparedness, response, and recovery options with respect to that matter.

“(ii) ADVICE ON REQUEST.—The Administrator, as an emergency preparedness and response advisor, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

“(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency preparedness and response as the Administrator considers appropriate.

“(C) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

“SEC. 503. AUTHORITIES AND RESPONSIBILITIES.

“(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for and respond to a natural or man-made disaster, including—

“(1) carrying out the mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency preparedness and response program of—

“(A) mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

“(B) preparedness, by planning, training, and building the emergency preparedness and response workforce to prepare effectively for, mitigate against, respond to, and recover from any hazard;

“(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

"(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

"(E) critical infrastructure protection, by establishing an inventory of, and protections for, public and private sector critical infrastructure, including cyber and communications assets;

"(2) increasing efficiencies, by coordinating efforts relating to mitigation, preparedness, response, recovery, and infrastructure protection;

"(3) helping to ensure the effectiveness of emergency response providers in responding to a natural or man-made disaster;

"(4) providing the Federal Government's response to a natural or man-made disaster, including—

"(A) managing such response;

"(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department under this title) the Nuclear Incident Response Team;

"(C) overseeing the Metropolitan Medical Response System; and

"(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a natural or man-made disaster;

"(5) working with Federal, State, and local government personnel, agencies, and authorities to build a comprehensive national incident management system to respond to a natural or man-made disaster;

"(6) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department under this title)—

"(A) establishing standards and certifying when those standards have been met;

"(B) conducting joint and other exercises and training and evaluating performance; and

"(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

"(7) helping to ensure that emergency response providers acquire interoperable and sustainable technology;

"(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(9) administering homeland security emergency management, first responder, and other preparedness grants;

"(10) administering and implementing the National Response Plan, including monitoring, evaluating, and ensuring the readiness of each emergency support function under the National Response Plan;

"(11) coordinating with the National Advisory Council;

"(12) ensuring the protection of critical infrastructure by—

"(A) carrying out the responsibilities under paragraphs (2) through (6) of section 201(d);

"(B) helping ensure the protection and resiliency of key resources and critical infrastructure, including cyber infrastructure, against a natural or man-made disaster; and

"(C) planning for, assisting with, and facilitating, the restoration of key resources and critical infrastructure, including cyber infrastructure, in the event of a natural or man-made disaster;

"(13) establishing in each Regional Office a Regional Advisory Council on Preparedness and Response, to advise the Regional Administrator of that Regional Office on emergency preparedness and response issues specific to the region; and

"(14) otherwise carrying out the mission of the Authority as described in section 502(b).

"(b) ADDITIONAL RESPONSIBILITIES RELATED TO CATASTROPHIC INCIDENTS.—

"(1) IN GENERAL.—The Administrator, in consultation with the Secretary and other senior Department officials, shall develop a national emergency management system that is capable of responding to catastrophic incidents.

"(2) IDENTIFICATION OF RESOURCES.—

"(A) IN GENERAL.—The Administrator shall develop and submit to Congress annually an estimate of the resources of the Authority and other Federal agencies needed for and devoted specifically to developing local, State, and national capabilities necessary to respond to a catastrophic incident.

"(B) CONTENTS.—Each estimate under subparagraph (A) shall include the resources both necessary for and devoted to—

"(i) planning;

"(ii) training and exercises;

"(iii) Regional Office enhancements;

"(iv) staffing, including for surge capacity during a catastrophic event;

"(v) additional logistics capabilities;

"(vi) other responsibilities under the Catastrophic Incident Annex of the Catastrophic Incident Supplement of the National Response Plan; and

"(vii) State and local catastrophic preparedness.

"(c) ALL-HAZARDS-PLUS APPROACH.—In carrying out this section, the Administrator shall implement an all-hazards-plus strategy that places priority on building those common capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of terrorist attacks and natural disasters, while also building the unique capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of specific types of incidents that pose the greatest risk to the Nation.

"SEC. 504. AUTHORITY COMPONENTS.

"There are transferred to the Authority the following:

"(1) Except as provided in title III of the Department of Homeland Security Appropriations Act, 2007, regarding the transfer of the National Disaster Medical System, the Federal Emergency Management Agency, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.

"(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel assets, components, and liabilities, and including the functions of the Under Secretary for Preparedness relating to the Directorate, as constituted on that date.

"SEC. 505. PRESERVING THE UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

"(a) DISTINCT ENTITY.—The Authority shall be maintained as a distinct entity within the Department.

"(b) REORGANIZATION.—Section 872 shall not apply to the Authority, including any function or organizational unit of the Authority.

"(c) PROHIBITION ON CHANGES TO MISSIONS.—

"(1) IN GENERAL.—The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Authority or the capability of the Authority to perform those responsibilities, except as otherwise specifically provided in an Act enacted after the date of enactment of the United States Emergency Management Authority Act of 2006.

"(2) CERTAIN TRANSFERS PROHIBITED.—No asset, function or mission of the Authority may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Authority to perform its missions.

"SEC. 506. DIRECTORS.

"(a) IN GENERAL.—There shall be in the Authority a Director for Preparedness and a Director for Response and Recovery, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall report to the Administrator.

"(b) QUALIFICATIONS.—

"(1) IN GENERAL.—A Director shall have—

"(A) not less than 5 years of—

"(i) executive leadership and management experience in the public or private sector; and

"(ii) significant experience in crisis management or another relevant field; and

"(B) a demonstrated ability to manage a substantial staff and budget.

"(2) CONCURRENT EXPERIENCE.—Service during any period of time may be used in meeting the requirements under both clause (i) and (ii) of paragraph (1)(A).

"(c) INITIAL DIRECTORS.—The individual serving as the Under Secretary for Preparedness and the individual serving as the Under Secretary for the Federal Emergency Management Agency on the effective date of the United States Emergency Management Authority Act of 2006, may serve as the Director for Preparedness and the Director of Response and Recovery, respectively, until a Director for Preparedness or a Director of Response and Recovery, as the case may be, is appointed under subsection (a).

"SEC. 507. REGIONAL OFFICES.

"(a) IN GENERAL.—

"(1) REGIONAL OFFICES.—The Administrator shall establish 10 Regional Offices of the Authority.

"(2) ADDITIONAL OFFICE.—In addition to the Regional Offices established under paragraph (1), the Administrator may designate the Office for National Capital Region Coordination under section 882 as a Regional Office.

"(b) MANAGEMENT OF REGIONAL OFFICES.—

"(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator for Preparedness and Response, who shall be appointed by the Administrator. Each Regional Administrator for Emergency Preparedness and Response shall report directly to the Administrator.

"(2) QUALIFICATIONS.—Each Regional Office shall be headed by an individual in the Senior Executive Service qualified to act as a senior Federal coordinating officer to provide strategic oversight of incident management when needed.

"(c) RESPONSIBILITIES.—

"(1) IN GENERAL.—The Regional Administrator shall work in partnership with State and local governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

"(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

"(A) ensuring effective, coordinated, and integrated regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development);

"(B) coordinating and integrating regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development), which shall include—

"(i) providing regional and interstate planning assistance;

"(ii) organizing, in consultation with the Administrator, regional training and exercise programs;

"(iii) providing support and coordination officers for State and local government training and exercises;

"(iv) participating in emergency preparedness and planning activities by State, regional, and local governments;

"(v) assisting in the development of regional capabilities needed for a national catastrophic response system; and

"(vi) helping to coordinate and develop interstate agreements;

"(C) establishing and overseeing 1 or more strike teams within the region under subsection (e), which shall serve as the focal point of the Federal Government's initial response efforts for a natural or man-made disaster within that region, and otherwise building Federal response capabilities to respond to a natural or man-made disaster within that region;

"(D) working with the private sector to assess weaknesses in critical infrastructure protection in the region and to design and implement programs to address those weaknesses;

"(E) coordinating all activities conducted under this section with other Federal departments and agencies; and

"(F) performing such other duties relating to such responsibilities as the Administrator may require.

"(d) AREA OFFICES.—The Administrator shall establish an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

"(e) REGIONAL OFFICE STRIKE TEAMS.—

"(1) ESTABLISHMENT.—In coordination with other relevant Federal agencies, each Regional Administrator shall establish multiagency strike teams that shall consist of—

"(A) a designated Federal coordinating officer;

"(B) personnel trained in incident management;

"(C) public affairs, response and recovery, and communications support personnel;

"(D) a defense coordinating officer;

"(E) liaisons to other Federal agencies;

"(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and

"(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan, including the following:

"(i) Transportation.

"(ii) Communications.

"(iii) Public works and engineering.

"(iv) Emergency management.

"(v) Mass care.

"(vi) Housing and human services.

"(vii) Public health and medical services.

"(viii) Urban search and rescue.

"(ix) Public safety and security.

"(x) External affairs.

"(2) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily at the Regional Office that corresponds to that strike team.

"(3) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State and local governments and private sector and nongovernmental entities which the strike team shall support when a natural or man-made disaster occurs.

"(4) PREPAREDNESS.—Each Regional Office strike team shall be trained, equipped, and staffed to be well prepared to respond to natural and man-made disasters, including catastrophic incidents.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this subsection.

"SEC. 508. NATIONAL ADVISORY COUNCIL ON EMERGENCY PREPAREDNESS AND RESPONSE.

"(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the United States Emergency Management Authority Act of 2006, the Secretary shall establish an advisory body under section 871(a), to be known as the National Advisory Council on Emergency Preparedness and Response.

"(b) RESPONSIBILITIES.—The National Advisory Council shall advise the Administrator on all aspects of emergency preparedness and response.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of State and local government officials and emergency managers, and emergency response providers, from State and local governments, the private sector, and nongovernmental organizations, including as appropriate—

"(A) members selected from the emergency preparedness and response fields, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency preparedness and response personnel;

"(B) health scientists, emergency and inpatient medical providers, and public health professionals;

"(C) experts representing standards setting organizations;

"(D) State and local government officials with expertise in terrorism preparedness and emergency preparedness and response;

"(E) elected State and local government executives;

"(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

"(G) representatives of the disabled and other special needs populations; and

"(H) such other individuals as the Administrator determines to be appropriate.

"(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

"(1) IN GENERAL.—Notwithstanding section 871(a) and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Advisory Council.

"(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

"SEC. 509. NATIONAL INCIDENT MANAGEMENT SYSTEM INTEGRATION CENTER.

"(a) IN GENERAL.—There is in the Authority a National Incident Management System Integration Center.

"(b) RESPONSIBILITIES.—

"(1) IN GENERAL.—The Administrator, through the National Incident Management System Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, any other document or tool in support of Homeland Security Presidential Directive 5, or any other Homeland Security Presidential Directive relating to incident management and response.

"(2) SPECIFIC RESPONSIBILITIES.—The National Incident Management System Integration Center shall—

"(A) periodically review, and revise, as appropriate, the National Incident Management System and the National Response Plan;

"(B) review other matters relating to the National Incident Management System and the National Response Plan, as the Administrator may require;

"(C) develop and implement a national program for National Incident Management System and National Response Plan education and awareness;

"(D) oversee all aspects of the National Incident Management System, including the development of compliance criteria and implementation activities at Federal, State, and local government levels;

"(E) provide guidance and assistance to States and local governments and emergency response providers, in adopting the National Incident Management System; and

"(F) perform such other duties relating to such responsibilities as the Administrator may require.

"SEC. 510. NATIONAL OPERATIONS CENTER.

"(a) DEFINITION.—In this section, the term 'situational awareness' means information gathered from a variety of sources that, when communicated to emergency preparedness and response managers and decision makers, can form the basis for incident management decisionmaking.

"(b) ESTABLISHMENT.—There is established in the Department a National Operations Center.

"(c) PURPOSE.—The purposes of the National Operations Center are to—

"(1) coordinate the national response to any natural or man-made disaster, as determined by the Secretary;

"(2) provide situational awareness and a common operating picture for the entire Federal Government, and for State and local governments as appropriate, for an event described in paragraph (1);

"(3) collect and analyze information to help deter, detect, and prevent terrorist acts;

"(4) disseminate terrorism and disaster-related information to Federal, State, and local governments;

"(5) ensure that critical terrorism and disaster-related information reaches government decision-makers; and

"(6) perform such other duties as the Secretary may require.

"(d) Responsibilities.—The National Operations Center shall carry out the responsibilities of the Homeland Security Operations Center, the National Response Coordination Center, and the Interagency Incident Management Group, as constituted on September 1, 2005.

"SEC. 511. CHIEF MEDICAL OFFICER.

"(a) In General.—There is in the Authority a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate. The Chief Medical Officer shall report directly to the Administrator.

"(b) Qualifications.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

"(c) Responsibilities.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural and man-made disasters, including—

"(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

"(2) coordinating the biosurveillance and detection activities of the Department;

"(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

"(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

"(5) serving as the Department's primary point of contact for State and local government, the medical community, and others within and outside the Department, with respect to medical and public health matters;

"(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield:

"(7) establishing doctrine and priorities for the National Disaster Medical System, consistent with the National Response Plan and the National Incident Management System, supervising its medical components, and exercising predeployment operational control, including—

"(A) determining composition of the teams;

"(B) overseeing credentialing of the teams; and

"(C) training personnel of the teams;

"(8) establishing doctrine and priorities for the Metropolitan Medical Response System, consistent with the National Response Plan and the National Incident Management System;

"(9) managing the Metropolitan Medical Response System, including developing and overseeing standards, plans, training, and exercises and coordinating with the Office of Grants and Training on the use and distribution of Metropolitan Medical Response grants;

"(10) assessing and monitoring long-term health issues of emergency managers and emergency response providers;

"(11) developing and updating, in consultation with the Secretary of Health and Human Services, guidelines for State and local governments for medical response plans for chemical, biological, radiological, nuclear, or explosive weapon attacks;

"(12) developing, in consultation with the Secretary of Health and Human Services, appropriate patient tracking capabilities to execute domestic patient movement and evacuations, including a system that has the capacity of electronically maintaining and transmitting the health information of hospital patients;

"(13) establishing and providing oversight for the Department's occupational health and safety program, including workforce health; and

"(14) performing such other duties relating to such responsibilities as the Secretary or the Administrator may require.

"(d) Long-Term Health Assessment Program.—The Chief Medical Officer, in consultation with the Director of the National Institute for Occupational Safety and Health, shall establish a program to assess, monitor, and study the health and safety of emergency managers and emergency response providers, following Incidents of National Significance declared by the Secretary under the National Response Plan.

"SEC. 512. PUBLIC AND COMMUNITY PREPAREDNESS.

"The Administrator shall promote public and community preparedness.

"SEC. 513. SAVER PROGRAM.

"(a) In General.—In the Department there is a System Assessment and Validation for Emergency Responders Program to provide impartial evaluations of emergency response equipment and systems.

"(b) Requirements.—The program established under subsection (a) shall—

"(1) provide impartial, practitioner relevant, and operationally oriented assessments and validations of emergency response provider equipment and systems that have not already been third-party certified to a standard adopted by the Department, including—

"(A) commercial, off-the-shelf emergency response provider equipment and systems in all equipment list categories of the Standardized Equipment List published by the Interagency Board for Equipment Standardization and Interoperability; and

"(B) such other equipment or systems as the Secretary determines are appropriate;

"(2) provide information that enables decision-makers and emergency response providers to better select, procure, use, and maintain emergency response provider equipment or systems;

"(3) assess and validate the performance of products within a system and subsystems; and

"(4) provide information and feedback to emergency response providers through the Responder Knowledge Base of the National Memorial Institute for the Prevention of Terrorism, or other appropriate forum.

"(c) Assessment and Validation Process.—The assessment and validation of emergency response provider equipment and systems shall use multiple evaluation techniques, including—

"(1) operational assessments of equipment performance on vehicle platforms;

"(2) technical assessments on a comparative basis of system component performance across makes and models under controlled conditions; and

"(3) integrative assessments on an individual basis of system component interoperability and compatibility with other system components.

"(d) Personal Protective Equipment.—To the extent practical, the assessment and validation of personal protective equipment under this section shall be conducted by the National Personal Protective Technology Laboratory of the National Institute for Occupational Safety and Health.

"SEC. 514. NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.

"(a) National Search and Rescue Response System.—There is established in the Authority an emergency response system known as the National Search and Rescue Response System that provides a national network of standardized search and rescue resources to assist State and local governments in responding to any natural or manmade disaster.

"(b) Administration of the System.—

"(1) Task force participation.—The Administrator shall select eligible search and rescue teams that are sponsored by State and local government entities to participate as task forces in the National Search and Rescue Response System. The Administrator shall determine the criteria for such participation.

"(2) Agreements with sponsoring agencies.—The Administrator shall enter into an agreement with the State or local government entity that sponsors each search and rescue team selected under paragraph (1) with respect the team's participation as a task force in the National Search and Rescue Response System.

"(3) Management and technical teams.—The Administrator shall maintain such management and other technical teams as are necessary to administer the National Search and Rescue Response System.

"SEC. 515. METROPOLITAN MEDICAL RESPONSE SYSTEM.

"(a) In General.—There is in the Authority a Metropolitan Medical Response System. Under the Metropolitan Medical Response System, the Assistant Secretary for Grants and Planning, in coordination with the Chief Medical Officer, shall administer grants to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively to a public health crisis or mass-casualty event caused by a natural or man-made disaster.

"(b) Use of Funds.—The Metropolitan Medical Response System shall make grants to local governments to enhance any of the following activities:

"(1) Medical surge capacity.

"(2) Mass prophylaxis.

"(3) Chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities.

"(4) Emergency communications capabilities.

"(5) Information sharing and collaboration capabilities.

"(6) Regional collaboration.

"(7) Triage and pre-hospital treatment.

"(8) Medical supply management and distribution.

"(9) Fatality management.

"(10) Such other activities as the Secretary may provide.

"SEC. 516. EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

"(a) In General.—The Secretary, acting through the Administrator, may make grants for the purposes of administering and improving the Emergency Management Assistance Compact consented to by the Joint Resolution entitled 'Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact' (Public Law 104-321; 110 Stat. 3877).

"(b) Uses.—A grant under this section shall be used to—

"(1) carry out recommendations identified in after-action reports for the 2004 and 2005 hurricane season issued under the Emergency Management Assistance Compact;

"(2) coordinate with the Department and other Federal Government agencies;

"(3) coordinate with State and local government entities and their respective national associations;

"(4) assist State and local governments with credentialing emergency response providers and the typing of emergency response resources; or

"(5) administer the operations of the Emergency Management Assistance Compact.

"(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each of fiscal years 2007 through 2010. Amounts appropriated under this section shall remain available for 3 fiscal years after the date on which such funds are appropriated.

"SEC. 517. OFFICE FOR THE PREVENTION OF TERRORISM.

"(a) Establishment.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

"(b) Director.—

"(1) Reporting.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

"(2) Qualifications.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other anti-terrorist functions.

"(c) Assignment of Personnel.—

"(1) In general.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

"(2) Liaisons.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act a liaison between that component and the Office for the Prevention of Terrorism.

"(d) Responsibilities.—The Director of the Office for the Prevention of Terrorism shall—

"(1) coordinate policy and operations between the Department and State and local government agencies relating to preventing acts of terrorism within the United States;

"(2) serve as a liaison between State and local law enforcement agencies and the Department;

"(3) in coordination with the Office of Intelligence, develop better methods for the sharing of intelligence with State and local law enforcement agencies;

"(4) work with the Assistant Secretary of the Office of Grants and Training to ensure that homeland security grants to State and local agencies, including the Law Enforcement Terrorism Prevention Program, Commercial Equipment Direct Assistance Program, grants for fusion centers, and other law enforcement programs are adequately focused on terrorism prevention activities; and

"(5) coordinate with the Authority, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to develop national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

"(e) Pilot Project.—

"(1) In general.—The Director of the Office for the Prevention of Terrorism, in coordination with the Director for Response, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

"(2) Function.—The law enforcement deployment teams participating in the pilot program under this subsection shall form the basis of a national network of standardized law enforcement resources to assist State and local governments in responding to a natural or man-made disaster.

"(f) Construction.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

"SEC. 518. DEPARTMENT OFFICIALS.

"(a) Cybersecurity and Telecommunications.—There is in the Department an Assistant Secretary for Cybersecurity and Telecommunications.

"(b) United States Fire Administration.—The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.

"SEC. 519. CREDENTIALING.

"(a) Definitions.—In this section—

"(1) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

"(2) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created in this section and assigning such individual a qualification under the standards developed in this section; and

"(3) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this section.

"(b) Requirements.—

"(1) In general.—The Administrator shall enter into a memorandum of understanding to collaborate with the Emergency Management Assistance Compact and other organizations to establish, in consultation with the Authority, nationwide standards for credentialing all personnel who are likely to respond to an emergency or major disaster.

"(2) Contents.—The standards developed under paragraph (1) shall—

"(A) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State and local government;

"(B) be compatible with the National Incident Management System; and

"(C) be consistent with standards for advance registration for health professions volunteers under section 319I of the Public Health Services Act (42 U.S.C. 247d-7b).

"(3) Timeframe.—The standards developed under paragraph (1) shall be completed not later than 6 months after the date of enactment of the United States Emergency Management Authority Act of 2006.

"(c) Credentialing of Department Personnel.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel) who are likely to respond to an emergency or major disaster are credentialed.

"(d) Integration With National Response Plan.—

"(1) Distribution of standards.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority shall provide the standards developed under subsection (b) to all Federal agencies that have responsibilities under the National Response Plan.

"(2) Credentialing of agencies.—Not later than 180 days after the date on which the standards are provided under paragraph (1), each agency described in paragraph (1) shall—

"(A) ensure that all employees or volunteers of that agency who are likely to respond to an emergency or major disaster are credentialed; and

"(B) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

"(3) Leadership.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in paragraph (1) to facilitate the credentialing process of that agency.

"(e) Documentation and Database System.—

"(1) In general.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Authority shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to an emergency or major disaster.

"(2) Accessibility.—The documentation and database system established under paragraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to an emergency or major disaster.

"(3) Considerations.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a major disaster.

"(f) Guidance to State and Local Governments.—Not later than 6 months after the date of enactment of this Act, the Administrator shall—

"(1) in collaboration with the Emergency Management Assistance Compact provide detailed written guidance, assistance, and expertise to State and local governments to facilitate the credentialing of State and local emergency response providers and typing of assets commonly or likely to be used in responding to an emergency or major disaster; and

"(2) in coordination with the Emergency Management Assistance Compact and appropriate national professional organizations, assist State and local governments with credentialing the personnel and typing the resources of the State or local government under the guidance provided under paragraph (1).

"(g) Report.—Not later than 6 months after the date of enactment of this Act and annually thereafter, the Director of the Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this section, including the number and level of qualification of Federal personnel trained and ready to respond to an emergency or major disaster.

"(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"SEC. 520. TYPING OF RESOURCES AND ASSETS.

"(a) Definitions.—In this section—

"(1) the term 'typed' means an asset or resource has been evaluated for a specific function under the guidelines created under this section; and

"(2) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

"(b) Requirements.—

"(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding to collaborate with the Emergency Management Assistance Compact and other organizations to establish, in consultation with the Authority, nationwide standards for typing of resources and assets commonly or likely to be used in responding to an emergency or major disaster.

"(2) CONTENTS.—The standards developed under paragraph (1) shall—

"(A) be applicable to Federal, State and local government; and

"(B) be compatible with the National Incident Management System.

"(c) TYPING OF DEPARTMENT RESOURCES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall ensure that all resources and assets of the Department that are likely to be used to respond to an emergency or major disaster are typed.

"(d) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

"(1) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority shall provide the standards developed under subsection (b) to all Federal agencies that have responsibilities under the National Response Plan.

"(2) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 180 days after the date on which the standards are provided under paragraph (1), each agency described in paragraph (1) shall—

"(A) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are likely to be used to respond to an emergency or major disaster are typed; and

"(B) submit to the Secretary a list of all typed resources and assets

"(3) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in paragraph (1) to facilitate the typing process of that agency.

"(e) DOCUMENTATION AND DATABASE SYSTEM.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets likely to be used to respond to an emergency or major disaster.

"(2) ACCESSIBILITY.—The documentation and database system established under paragraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to an emergency or major disaster.

"(f) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority, in collaboration with the Emergency Management Assistance Compact, shall—

"(1) provide detailed written guidance, assistance, and expertise to State and local governments to facilitate the typing of the resources and assets of State and local governments likely to be used in responding to an emergency or major disaster; and

"(2) assist State and local governments with typing the resources and assets of the State or local governments under the guidance provided under paragraph (1).

"(g) GRANTS.—The Secretary may make grants to the party states of the Emergency Management Assistance Compact to develop and maintain a database of typed resources and assets of State and local governments.

"(h) REPORT.—Not later than 6 months after the date of enactment of this Act and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this section, including the number and type of Federal resources and assets ready to respond to an emergency or major disaster.".

SEC. 603. CONFORMING AMENDMENTS.

(a) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Administrator of the United States Emergency Management Authority.".

(2) DIRECTORS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Directors, United States Emergency Management Authority.".

(3) FEMA OFFICERS.—

(A) FEDERAL INSURANCE ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking "Federal Insurance Administrator, Federal Emergency Management Agency." and inserting "Federal Insurance Administrator, United States Emergency Management Agency.".

(B) INSPECTOR GENERAL.—Section 5315 of title 5, United States Code, is amended by striking "Inspector General, Federal Emergency Management Agency." and inserting "Inspector General, United States Emergency Management Agency.".

(C) CHIEF INFORMATION OFFICER.—Section 5315 of title 5, United States Code, is amended by striking "Chief Information Officer, Federal Emergency Management Agency." and inserting "Chief Information Officer, United States Emergency Management Agency.".

(b) OFFICERS OF THE DEPARTMENT.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by striking paragraph (5) and inserting the following:

"(5) An Administrator of the United States Emergency Management Authority.";

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) through (10) (as amended by this subsection) as paragraphs (2) through (9), respectively.

(c) REFERENCES.—Any reference to the Federal Emergency Management Agency, or the Director thereof, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this title shall be considered to refer and apply to the United States Emergency Management Authority and the Administrator thereof, respectively.

(d) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the items relating to title V and sections 501 through 509 and inserting the following:

"TITLE V—NATIONAL PREPAREDNESS AND RESPONSE

"Sec. 501. Definitions.
"Sec. 502. United States Emergency Management Authority.
"Sec. 503. Authorities and responsibilities.
"Sec. 504. Authority components.
"Sec. 505. Preserving the United States Emergency Management Authority.
"Sec. 506. Directors.
"Sec. 507. Regional Offices.
"Sec. 508. National Advisory Council on Emergency Preparedness and Response.
"Sec. 509. National Incident Management System Integration Center.
"Sec. 510. National Operations Center.
"Sec. 511. Chief Medical Officer.
"Sec. 512. Public and community preparedness.
"Sec. 513. SAVER Program.
"Sec. 514. National Search and Rescue Response System.
"Sec. 515. Metropolitan Medical Response System.
"Sec. 516. Emergency Management Assistance Compact.
"Sec. 517. Office for the Prevention of Terrorism.
"Sec. 518. Department officials.
"Sec. 519. Credentialing.
"Sec. 520. Typing of resources and assets.
"Sec. 521. Nuclear incident response.
"Sec. 522. Conduct of certain public health-related activities.
"Sec. 523. Use of national private sector networks in emergency response.
"Sec. 524. Use of commercially available technology, goods, and services.
"Sec. 525. Procurement of security countermeasures for strategic national stockpile.
"Sec. 526. Urban and other high risk area communications capabilities.".

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made by this title.

SEC. 605. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on January 1, 2007.

SA 4561. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Any reports required in this Act and accompanying reports to be submitted to the Committees on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public website not later than 48 hours after such submission unless information in the report compromises national security.

SA 4562. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 5441 shall also be included in the conference report or joint statement accompanying H.R. 5441 in order to be considered as having been approved by both Houses of Congress.

SA 4563. Mrs. CLINTON (for herself, Mr. AKAKA, Mr. LEAHY, Mr. JEFFORDS, Mr. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill

H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE VI—FEDERAL EMERGENCY MANAGEMENT AGENCY

Subtitle A—Establishment

SEC. 601. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.

(a) ESTABLISHMENT.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Federal Emergency Management Agency.".

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—The Deputy Director of the Federal Emergency Management Agency shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Director of the Federal Emergency Management Agency.".

SEC. 602. FUNCTIONS.

(a) IN GENERAL.—The functions of the Federal Emergency Management Agency include the following:

(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program of—

(A) mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

(B) planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

(E) increased efficiencies, by coordinating efforts relating to mitigation, planning, response, and recovery.

(b) NATIONAL RESPONSE PLAN.—

(1) ROLE OF FEMA.—Notwithstanding any provision of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Federal Emergency Management Agency shall remain the lead agency for the National Response Plan established under Executive Order No. 12148 (44 Fed. Reg. 43239) and Executive Order No. 12656 (53 Fed. Reg. 47491).

(2) REVISION OF RESPONSE PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the National Response Plan to reflect the establishment of the Federal Emergency Management Agency as an independent establishment under this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 507 of the Homeland Security Act of 2002 (6 U.S.C. 317) is repealed.

(2) OTHER PROVISIONS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 430(c)—

(i) in paragraph (7), by adding "and" at the end;

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8); and

(B) in section 503—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(3) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 507.

SEC. 603. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to detract from the Department of Homeland Security's primary mission to secure the homeland from terrorist attacks.

Subtitle B—Transfer and Savings Provisions

SEC. 611. DEFINITIONS.

In this subtitle, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

SEC. 612. TRANSFER OF FUNCTIONS.

There are transferred to the Federal Emergency Management Agency established under section 601 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title.

SEC. 613. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 614. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

SEC. 615. REORGANIZATION.

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 612 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

SEC. 616. RULES.

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

SEC. 617. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 618. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 619. EFFECT ON PERSONNEL.

(a) In General.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) Executive Schedule Positions.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 620. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Proceedings Not Affected.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) Suits Not Affected.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) Administrative Actions Relating to Promulgation of Regulations.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

SEC. 621. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 622. TRANSITION.

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 623. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

SEC. 624. ADDITIONAL CONFORMING AMENDMENTS.

(a) Recommended Legislation.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this title.

(b) Submission to Congress.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

SA 4564. Mrs. CLINTON (for herself, Mr. Akaka, Mr. Leahy, Mr. Jeffords, Mrs. Boxer, Mr. Lautenberg, and Ms. Mikulski) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—FEDERAL EMERGENCY MANAGEMENT AGENCY

Subtitle A—Establishment

SEC. 601. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.

(a) Establishment.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) Director.—

(1) In general.—The Director of the Federal Emergency Management Agency shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) Qualifications.—The Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) Executive schedule position.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Director of the Federal Emergency Management Agency.".

(c) Deputy Director.—

(1) In general.—The Deputy Director of the Federal Emergency Management Agency shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Qualifications.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) Executive schedule position.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Director of the Federal Emergency Management Agency.".

SEC. 602. FUNCTIONS.

(a) In General.—The functions of the Federal Emergency Management Agency include the following:

(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program—

(A) of mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

(B) of planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) of response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

(D) of recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

(E) of increased efficiencies, by coordinating efforts relating to mitigation, planning, response, and recovery.

(b) National Response Plan.—

(1) Role of FEMA.—Notwithstanding any provision of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Federal Emergency Management Agency shall remain the lead agency for the National Response Plan established under Executive Order No. 12148 (44 Fed. Reg. 43239) and Executive Order No. 12656 (53 Fed. Reg. 47491).

(2) Revision of Response Plan.—Not later than 60 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the National Response Plan to reflect the establishment of the Federal Emergency Management Agency as an independent establishment under this Act.

(c) Technical and Conforming Amendment.—

(1) Repeal.—Section 507 of the Homeland Security Act of 2002 (6 U.S.C. 317) is repealed.

(2) Table of Contents.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 507.

SEC. 603. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to detract from the Department of Homeland Security's primary mission to secure the homeland from terrorist attacks.

Subtitle B—Transfer and Savings Provisions

SEC. 611. DEFINITIONS.

In this subtitle, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

SEC. 612. TRANSFER OF FUNCTIONS.

There are transferred to the Federal Emergency Management Agency established under section 601 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title.

SEC. 613. PERSONNEL PROVISIONS.

(a) Appointments.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) Experts and Consultants.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 614. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

SEC. 615. REORGANIZATION.

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 612 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

SEC. 616. RULES.

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

SEC. 617. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 618. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 619. EFFECT ON PERSONNEL.

(a) In General.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) Executive Schedule Positions.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 620. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Proceedings Not Affected.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) Suits Not Affected.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

SEC. 621. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 622. TRANSITION.

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 623. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

SEC. 624. ADDITIONAL CONFORMING AMENDMENTS.

(a) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this title.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

SA 4565. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, line 20, after "2007:" insert the following: "Provided further, That not less than $2,000,000 of unobligated balances under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory:".

SA 4566. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike "$166,456,000" and insert "$163,000,000".

On page 83, line 9, after "facilities;" insert the following: "of which $3,456,000 shall be available until September 30, 2009, to acquire 33-foot Special Purpose Craft—Law Enforcement ('SPC-LE') vessels;".

SA 4567. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 9, after "facilities;" insert the following: "of which $3,631,000 shall be available until September 30, 2009, to acquire 33-foot Special Purpose Craft—Law Enforcement ('SPC-LE') vessels;".

On page 83, line 9, strike "$993,631,000" and insert "$990,000,000".

SA 4568. Mr. DEMINT (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table: as follows:

At the appropriate place, insert the following:

TITLE ___ —NATIONAL ALERT SYSTEM

SEC. _100. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 100. Table of contents.
Sec. 101. Short title.
Sec. _102. National Alert System.
Sec. _103. Implementation and use.
Sec. _104. National Alert Office
Sec. _105. National Alert System Working Group.
Sec. 106. Research and development.
Sec. 107. Grant program for remote community alert systems.
Sec. _108. Public familiarization, outreach, and response instructions.
Sec. 109. Essential services disaster assistance.
Sec. _110. Definitions.
Sec. _111. Existing interagency activities.
Sec. _112. Funding.

SEC. _101. SHORT TITLE.

This title may be cited as the "Warning, Alert, and Response Network Act"

SEC. 102. NATIONAL ALERT SYSTEM.

(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) FUNCTIONS.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section 103 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) CAPABILITIES.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) may not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and shall incorporate existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, land satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section 107(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) RECEPTION OF ALERTS.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) EXISTING FEDERAL WARNING SYSTEM COORDINATION.—The director shall work with the Federal Communications Commission and other relevant Federal agencies to ensure that the National Alert System—

(1) complements or incorporates, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(f) Emergency Alert System.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) complete its proceeding Review of the Emergency Alert System, EB Docket No. 04–296;

(2) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(3) ensure that the Emergency Alert System can transmit in languages other than English.

SEC. 103. IMPLEMENTATION AND USE.

(a) Authority To Access System.—

(1) In general.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System. The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) Requests for credentials.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) Scope and limitations of credentials.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) Periodic training.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) Allowable Alerts.—

(1) In general.—Any alert transmitted via the National Alert System, other than an alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) Event Eligibility Regulations.—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) Opt-in procedures for optional alerts.—The director of the Office may establish a procedure under which licensees who elect to participate in the National Alert System as described in paragraph (d), may transmit localized traffic, weather, community, or other non-emergency alerts via the National Alert System in a manner that enables them to be received only by individuals who take appropriate action to receive such alerts.

(c) Access Points.—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) Election To Carry Service.—

(1) Amendment of license.—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) Election to carry service.—

(A) In general.—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) Participation.—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) Advertising.—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) Withdrawal from or later entry into system.—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) Consumer choice technology.—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) Expansion of class of licensees participating.—The Commission, in consultation with the National Alert Office, may expand the class of the licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) Digital Television Transmission Towers.—

(1) Retransmission capability.—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittee to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) Compensation.—The National Alert Office established by section 104 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) FCC Regulation of Compliance.—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this Act except to regulate compliance with this Act by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) Limitation of Liability.—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user;

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert; or

(3) the licensee's or provider's withdrawal from or election not to participate in the National Alert System.

(h) Testing.—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

SEC. 104. NATIONAL ALERT OFFICE.

(a) Establishment.—

(1) IN GENERAL.—The National Alert Office is established within the Department of Homeland Security.

(2) DIRECTOR.—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) STAFF.—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing with or without reimbursement, of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) FUNCTIONS AND RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall administer, operate, and manage the National Alert System.

(2) IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.—The Office shall be responsible for implementing the recommendations of the Working Group established by section—105 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) TRANSMISSION OF ALERTS.—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section—103 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of the National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) REPORTS.—

(1) ANNUAL REPORTS.—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-YEAR PLAN.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO AUDITS.—

(1) IN GENERAL.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, the House of Representatives Committee on Transportation and Infrastructure.

(2) RESPONSE REPORT.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

SEC. _105. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) MEMBERSHIP.—

(1) APPOINTMENT; CHAIR.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) FEDERAL AGENCY REPRESENTATIVES.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS.—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of

Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GRANTS AND GRANTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

SEC. 106. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—IN CARRYING OUT SUBSECTION (A) THE UNDERSECRETARY FOR SCIENCE AND TECHNOLOGY AND THE DIRECTOR SHALL—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

SEC. 107. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

SEC. 108. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. _109. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ESSENTIAL SERVICE PROVIDERS.

"(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

"(1) provides—

"(A) telecommunications service;

"(B) electrical power;

"(C) natural gas;

"(D) water and sewer services; or

"(E) any other essential service, as determined by the President;

"(2) is—

"(A) a municipal entity;

"(B) a nonprofit entity; or

"(C) a private, for-profit entity; and

"(3) is contributing to efforts to respond to an emergency or major disaster.

"(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

"(c) COMPENSATION.—

"(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

"(2) CRITERIA.—The mechanism established under paragraph (1)—

"(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

"(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

"(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

"(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that those regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.".

SEC. 110 DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "director" means the director of the National Alert Office.

(2) OFFICE.—The term "Office" means the National Alert Office established by section—104.

(3) NATIONAL ALERT SYSTEM.—The term "National Alert System" means the National Alert System established by section—102.

(4) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term "Non-Commercial Sustaining Announcement Program" means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign's sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(5) WORKING GROUP.—The term "Working Group" means the National Alert System Working Group on the established under section—105.

SEC. 111. EXISTING INTERAGENCY ACTIVITIES.

Nothing in this title shall be construed to require the termination of existing interagency programs or activities, or cooperative or consultative arrangements, related to the provision of notice or information to the public about emergency situations that may require a public response.

SEC. 112. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

SA 4569. Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. DATA-MINING.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual's personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available via

the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2007.

SA 4570. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 4, strike "Act." and insert the following: " Act; *Provided further*, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated: *Provided further*, That the Department of Homeland Security Inspector General may request the assistance of the Attorney General and the Department of Justice in conducting such investigation and may reimburse the costs of the Attorney General and the Department of Justice in providing such assistance from such funds; Provided further, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation."

SA 4571. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, strike lines 6 through 15.

SA 4572. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

(1) the findings of the report received from the Inspector General; and

(2) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(e) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SA 4573. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 6, before the period insert the following: "*Provided further*, That the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment of the models used by the Louisiana family assistance call center and the National Center for Missing and Exploited Children in assisting individuals displaced by Hurricane Katrina of 2005 in locating members of their family to determine how these models may be modified to assist individuals displaced in a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in locating members of their family: *Provided further*, That the Secretary of Homeland Security shall submit to the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate and the chairman and ranking member of the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives regarding the assessment conducted under the previous proviso: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable".

SA 4574. Mr. COLEMAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—

(1) IN GENERAL.—Not latter than 90 days after the date of the enactment of this Act,

the Secretary of Homeland Security (referred to in this section as the "Secretary") shall designate 3 foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

(b) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and the National Targeting Center for evaluation and analysis;

(3) resolve every radiation alárm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(c) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeted System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an valuation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

(d) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

SA 4575. Mr. SANTORUM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 3, strike "$5,285,874,000; of which" and insert "$5,459,135,000; of which $459,863,000 shall be for 1,500 additional Border Patrol Agents and the necessary operational and mission support positions, information technology, relocation costs, and training for those agents; of which".

On page 127, between lines 2 and 3, insert the following:

"SEC. 540 (a) Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking 'established under section 203(b)(2)' and all that follows through 'located' and inserting 'limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'; and

(2) in subsection (i)(1)(C), by striking 'limitations' and inserting 'limitation'.

(b) The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this section. The notice shall take effect upon issuance."

SA 4576. Mrs. CLINTON (for herself, Mr. SCHUMER, Ms. MILKULSKI, Mr. MENDENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. REED, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike "$2,393,500,000" and insert "$3,183,500,000, of which $790,000,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234".

On page 91, line 8, strike "$500,000,000" and insert "$1,100,000,000".

On page 91, line 9, strike "$350,000,000" and insert "$400,000,000".

On page 91, line 22, strike "$1,172,000,000" and insert "$1,312,000,000".

On page 92, line 1, strike "$745,000,000" and insert "$885,000,000".

SA 4577. Mr. CORNYN proposed an amendment to amendment SA 4566 submitted by Mrs. MURRAY and intended to be proposed to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. 541. IMMIGRATION INJUNCTION REFORM.

(a) SHORT TITLE.—This section may be cited as the "Fairness in Immigration Litigation Act of 2006".

(b) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term "consent decree"—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion under subsection (b)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (b)(2)(B). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (b)(2)(B)(iv).

SA 4578. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, Mr. VOINOVICH, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 15, strike "of which $8,000,000" and insert "of which no less than $2,741,000 may be used for the Office of National Capital Region Coordination, and of which $8,000,000".

SA 4579. Mr. GREGG proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 118, strike line 7 through page 119, line 2 and inset in lieu thereof the following:

SEC. 524. Using funds made available in this Act:

(a) Within 60 days of enactment of this Act, the Secretary of the Department of Homeland Security shall revise DHS MD [Management Directive] 11056 to provide for the following:

(1) that when a lawful request is made to publicly release a document containing information designated as SSI, the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code;

(2) that sensitive security information that is four years old shall be subject to release upon request unless:

(A) the Secretary or his designee makes a written determination that identifies a rational basis why the information must remain SSI;

(B) the information is covered by a current sensitive security information application guide approved by the Secretary or his designee in writing; or

(C) such information is otherwise exempt from disclosure under applicable law.

Any determination made by the secretary under clause (a)(2)(A) shall be provided to the party making a request to release such information and to the Committees on Appropriations of the Senate and House of Representatives as part of the annual reporting requirement pursuant to section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2088);

(3) common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking; and

(b) Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the remaining requirements of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088), including information on the current procedures regarding access to sensitive security information (SSI) by civil litigants and the security risks and benefits of any proposed changes to these procedures.

SA 4580. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8 strike "$3,740,357,000; of which" and insert "$3,780,357,000; of which $40 million shall be authorized for 1,150 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds; of which".

SEC. . At the appropriate place in the bill, insert:

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by adding at the end the following new subsection:

"(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE—

"(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1-to 4 family dwelling in which the mortgagor will occupy or occupies one of the units.

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.".

NOTICE OF INTENT

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 5441 amendment No. 4568.

(The amendment is printed in today's RECORD under "Text of Amendments".)

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 11, 2006, at 10 a.m., to conduct a hearing on "Insurance Regulation Reform."

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 2:30 p.m. The purpose of this hearing is to receive testimony relating to implementation of the Energy Policy Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 9 a.m., to hold a briefing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 2 p.m. to hold a Subcommittee hearing on Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 11: 2006, at 10 a.m. to consider the nominations of the Honorable Anna Blackburne-Rigsby to be Associate Judge, District of Columbia Court of Appeals; Phyllis D. Thompson to be Associate Judge, District of Columbia Court of Appeals; and Jennifer M. Anderson to be Associate Judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Hamdan V. Rumsfeld: Establishing a Constitutional Process" on Tuesday, July 11, 2006, at 9:30 a.m. in Hart Senate Office Building Room 216. Witness list:

Panel I: Mr. Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, United States Department of Justice, Washington, DC.

Mr. Daniel Dell'Orto, Principal Deputy General Counsel, United States Department of Defense, Washington, DC.

Panel II: The Honorable Theodore Olsen, Former Solicitor General, Partner, Gibson, Dunn & Crutcher, Washington, DC.

Professor Harold Koh, Dean, Yale Law School, New Haven, CT.

Mr. Paul "Whit" Cobb, Former Deputy General Counsel, United States Department of Defense, Washington, DC.

Lt. Commander Charles Swift, Office of Military Commissions, Office of Chief Defense Counsel, United States Department of Defense, Washington, DC.

Professor Scott L. Silliman, Former Judge Advocate General, USAF, Center on Law, Ethics and National Security, Duke University School of Law, Durham, NC.

Mr. Daniel Collins, Former Associate Deputy Attorney General, Partner, Munger, Tolles & Olson, Los Angeles, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, July 11, 2006, at 2:15 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: Members of Congress.

Panel II: William James Haynes, II to be United States Circuit Judge for the Fourth Circuit.

Panel III: Frances Marie Tydingco-Gatewood to be United States District Judge for the District of Guam.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 11, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDNG, OFFICE. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 100TH ANNIVERSARY OF THE NATIONAL AUDUBON SOCIETY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 448, S. Res. 301.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 301) commemorating the 100th anniversary of the National Audubon Society.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Environment and Public Works without amendment and an amendment to the preamble, as follows:

(The part intended to be stricken is shown in boldface brackets.)

S. RES. 301

Whereas the welfare of the citizens of the United States is greatly enriched by the purposeful endeavors of individuals and organizations committed to the preservation and protection of our environment, and the enhancement of, and appreciation for, our natural surroundings;

Whereas the National Audubon Society, the Nation's largest bird conservation organization, is celebrating its Centennial year in 2005, having been incorporated on January 5, 1905, by dedicated women and men eager to save from extinction the Great Egret and other bird species killed for their feathers to support the fashion industry;

Whereas it is the intent of the Senate to recognize and pay tribute to the National Audubon Society upon the occasion of its 100th anniversary:

Whereas the founders of the National Audubon Society withstood violence and opposition to organize one of the longest-lived and most successful conservation groups in the United States, dedicated to the protection of birds, other wildlife, and their habitats through advocacy of environmental policy and education based on sound science;

Whereas the dedicated efforts of Audubon volunteers, members, and staff in support of landmark bird protection legislation have aided in the rescue efforts of the following species from the threat of extinction: Bald Eagles, Egrets, Ibis, Herons, Flamingos, Whooping Cranes, Peregrine Falcons, Brown Pelicans, Roseate Spoonbills, Atlantic Puffins, and Condors;

Whereas the National Audubon Society lent critical support to the protection of wildlife habitats through the passage of legislation, such as the Alaska National Interest Lands Conservation Act and the Act popularly known as the Everglades Restoration Act, the identification of 1,800 habitats critical to the survival of bird species through Audubon's Important Bird Areas Program, and the establishment of private bird sanctuaries;

Whereas the National Audubon Society played a critical role in the establishment of the Nation's first wildlife refuge, Florida's Pelican Island, in 1903, and the subsequent protection of Pelican Island and other refuge areas in the National Wildlife Refuge system: *and*

[Whereas birds are excellent indicators of environmental health, as impacted by such factors as pollution, climate change, toxins, and habitat loss, as well as our own long-term well being, and it is in our best interest to heed such indicators, which may ultimately affect human populations; and**]**

Whereas recognizing that the national network of community-based nature centers and chapters, scientific and educational programs, and advocacy of the National Audubon Society, engages millions of people of all ages and backgrounds in positive conservation experiences, and are integral to maintaining the health and beauty of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the National Audubon Society:

(2) congratulates the National Audubon Society on this milestone; and

(3) encourages the National Audubon Society to continue its important work to ensure that the next 100 years of conservation are a success.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to; the resolution, as amended, be agreed to; the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The resolution was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 301

Whereas the welfare of the citizens of the United States is greatly enriched by the purposeful endeavors of individuals and organizations committed to the preservation and protection of our environment, and the enhancement of, and appreciation for, our natural surroundings;

Whereas the National Audubon Society, the Nation's largest bird conservation organization, is celebrating its Centennial year in 2005, having been incorporated on January 5, 1905, by dedicated women and men eager to save from extinction the Great Egret and other bird species killed for their feathers to support the fashion industry;

Whereas it is the intent of the Senate to recognize and pay tribute to the National Audubon Society upon the occasion of its 100th anniversary;

Whereas the founders of the National Audubon Society withstood violence and opposition to organize one of the longest-lived and most successful conservation groups in the United States, dedicated to the protection of birds, other wildlife, and their habitats through advocacy of environmental policy and education based on sound science;

Whereas the dedicated efforts of Audubon volunteers, members, and staff in support of landmark bird protection legislation have aided in the rescue efforts of the following species from the threat of extinction: Bald Eagles, Egrets, Ibis, Herons, Flamingos, Whooping Cranes, Peregrine Falcons, Brown Pelicans, Roseate Spoonbills, Atlantic Puffins, and Condors;

Whereas the National Audubon Society lent critical support to the protection of wildlife habitats through the passage of legislation, such as the Alaska National Interest Lands Conservation Act and the Act popularly known as the Everglades Restoration Act, the identification of 1,800 habitats critical to the survival of bird species through Audubon's Important Bird Areas Program, and the establishment of private bird sanctuaries;

Whereas the National Audubon Society played a critical role in the establishment of the Nation's first wildlife refuge, Florida's Pelican Island, in 1903, and the subsequent protection of Pelican Island and other refuge areas in the National Wildlife Refuge system; *and*

Whereas recognizing that the national network of community-based nature centers and chapters, scientific and educational programs, and advocacy of the National Audubon Society, engages millions of people of all ages and backgrounds in positive conservation experiences, and are integral to maintaining the health and beauty of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the National Audubon Society;

(2) congratulates the National Audubon Society on this milestone; and

(3) encourages the National Audubon Society to continue its important work to ensure that the next 100 years of conservation are a success.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc to Calendar No. 471, S. 1509; Calendar No. 465, S. 2041; Calendar No. 497, S. 2430.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bills as amended, if amended, be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPTIVE PRIMATE SAFETY ACT OF 2005

The bill (S. 1509) to amend the Lacey Act Amendments of 1981 to add nonhuman primates to the definition of prohibited wildlife species, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Primate Safety Act of 2005".

SEC. 2. ADDITION OF NON-HUMAN PRIMATES TO THE DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2(g) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(g)) is amended by inserting "or any non-human primate" before the period at the end.

ED FOUNTAIN PARK EXPANSION ACT

The bill (S. 2041) to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ed Fountain Park Expansion Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE SITE.—The term "administrative site" means the parcel of real property identified as "Lands to be Conveyed to the City of Las Vegas; approximately, 7.89 acres" on the map entitled "Ed Fountain Park Expansion" and dated November 1, 2005.

(2) CITY.—The term "City" means the city of Las Vegas, Nevada.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE ADMINISTRATIVE SITE, LAS VEGAS, NEVADA.

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the administrative site for use by the City—

(1) as a park; or

(2) for any other recreation or nonprofit-related purpose.

(b) ADMINISTRATIVE EXPENSES.—As a condition of the conveyance under subsection (a), the Secretary shall require that the City pay the administrative costs of the conveyance, including survey costs and any other costs associated with the conveyance.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines that the City is not using the administrative site for a purpose described in paragraph (1) or (2) of subsection (a), all right, title, and interest of the City in and to the administrative site (including any improvements to the administrative site) shall revert, at the option of the Secretary, to the United States.

(2) HEARING.—Any determination of the Secretary with respect to a reversion under paragraph (1) shall be made—

(A) on the record; and

(B) after an opportunity for a hearing.

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 2006

The Senate proceeded to consider the bill (S. 2430) to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Fish and Wildlife Restoration Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

(6) the Great Lakes Fish and Wildlife Restoration Act (16 U.S.C. 941 et seq.) allows Federal

agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.

SEC. 3. DEFINITIONS.

Section 1004 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941b) is amended—

(1) by striking paragraphs (1), (4), and (12);

(2) by redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), (13), and (14) as paragraphs (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), and (12), respectively;

(3) in paragraph (4) (as redesignated by paragraph (2)), by inserting before the semicolon at the end the following: ", and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin"; and

(4) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

"(8) the term 'regional project' means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;".

SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

Section 1005 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941c) is amended to read as follows:

"SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.

"(a) In General.—Subject to subsection (b)(2), the Director—

"(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects based on the results of the Report; and

"(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

"(b) Identification of Proposals and Regional Projects.—

"(1) Request by the director.—The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

"(2) Requirements for proposals and regional projects.—A proposal or regional project under paragraph (1) shall be—

"(A) submitted in the manner and form prescribed by the Director; and

"(B) consistent with—

"(i) the goals of the Great Lakes Water Quality Agreement, as amended;

"(ii) the 1954 Great Lakes Fisheries Convention;

"(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

"(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

"(v) the North American Waterfowl Management Plan and joint ventures established under the plan; and

"(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

"(3) Sea lamprey authority.—The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

"(c) Review of Proposals.—

"(1) Establishment of committee.—There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

"(2) Membership and appointment.—

"(A) In general.—The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

"(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

"(ii) 1 representative shall have expertise in wildlife management.

"(B) Appointments.—Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

"(C) Observer.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

"(D) Recusal.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

"(3) Functions.—The Committee shall—

"(A) meet at least annually;

"(B) review proposals and special projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and special projects in fulfilling the purposes of this title; and

"(C) recommend to the Director any of those proposals and special projects that should be funded and implemented under this section.

"(d) Implementation of Proposals and Regional Projects.—

"(1) In general.—After considering recommendations of the Committee and the goals specified in section 1006, the Director shall—

"(A) select proposals and regional projects to be implemented; and

"(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

"(2) Selection criteria.—In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

"(e) Cost Sharing.—

"(1) In general.—Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

"(2) Regional projects.—Regional projects selected under subsection (d) shall be exempt from cost sharing if the Director determines that the authorization for the project does not require a non-Federal cost-share.

"(3) Exclusion of federal funds from non-federal share.—The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

"(4) Effect on certain indian tribes.—Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).".

SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

Section 1006 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941d) is amended by striking paragraph (1) and inserting the following:

"(1) Restoring and maintaining self-sustaining fish and wildlife resources.".

SEC. 6. ESTABLISHMENT OF OFFICES.

Section 1007 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941e) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Great Lakes Coordination Office.—

"(1) In general.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the 'Great Lakes Coordination Office'.

"(2) Functional responsibilities.—The functional responsibilities of the Great Lakes Coordination Office shall include—

"(A) intra- and interagency coordination;

"(B) information distribution; and

"(C) public outreach.

"(3) Requirements.—The Great Lakes Coordination Office shall—

"(A) ensure that information acquired under this Act is made available to the public; and

"(B) report to the Director of Region 3, Great Lakes Big Rivers.";

(2) in subsection (b)—

(A) in the first sentence, by striking "The Director" and inserting the following:

"(1) In general.—The Director";.

(B) in the second sentence, by striking "The office" and inserting the following:

"(2) Name and location.—The office"; and

(C) by adding at the end the following:

"(3) Responsibilities.—The responsibilities of the Lower Great Lakes Fishery Resources Office shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes."; and

(3) in subsection (c)—

(A) in the first sentence, by striking "The Director" and inserting the following:

"(1) In general.—The Director";.

(B) in the second sentence, by striking "Each of the offices" and inserting the following:

"(2) Name and location.—Each of the offices"; and

(C) by adding at the end the following:

"(3) Responsibilities.—The responsibilities of the Upper Great Lakes Fishery Resources Offices shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Upper Great Lakes.".

SEC. 7. REPORTS.

Section 1008 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941f) is amended to read as follows:

"SEC. 1008. REPORTS.

"(a) In General.—Not later than December 31, 2011, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

"(1) actions taken to solicit and review proposals under section 1005;

"(2) the results of proposals implemented under section 1005; and

"(3) progress toward the accomplishment of the goals specified in section 1006.

"(b) Public Access to Data.—For each of fiscal years 2007 through 2012, the Director shall

make available through a public access website of the Department information that describes—

"(1) actions taken to solicit and review proposals under section 1005;

"(2) the results of proposals implemented under section 1005;

"(3) progress toward the accomplishment of the goals specified in section 1006;

"(4) the priorities proposed for funding in the annual budget process under this title; and

"(5) actions taken in support of the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

"(c) REPORT.—Not later than June 30, 2006, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before the date of enactment of the Great Lakes Fish and Wildlife Restoration Act of 2006.".

SEC. 8. CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.

The Director of the United States Fish and Wildlife Service—

(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

(2) may reassess and update, as necessary, the findings and recommendations of the report entitled "Great Lakes Fishery Resources Restoration Study", submitted to the President of the Senate and the Speaker of the House of Representatives on September 13, 1995.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1009 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g) is amended to read as follows:

"SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Director for each of fiscal years 2007 through 2012—

"(1) $18,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 1005(e), of which—

"(A) not more than the lesser of 33⅓ percent or $6,000,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 1005(e); and

"(B) the lesser of 5 percent or $600,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

"(2) $2,000,000, which shall be allocated for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 1007.".

The Committee amendment in the nature of a substitute was agreed to.

The bill (S. 2430), as amended, was ordered engrossed for a third reading, read the third time, and passed.

FREE NEWSPAPER ACCESS FOR BLIND AND OTHER PERSONS WITH DISABILITIES ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of S. 2918 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2918) to provide access to newspapers for blind or other persons with disabilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2918) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Free Newspaper Access for Blind and Other Persons with Disabilities Act".

SEC. 2. AUTHORIZATION OF PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Librarian of Congress is authorized, subject to the availability of appropriations, to pay telecommunications costs for blind and other persons with disabilities to have interstate free access to electronic editions of periodicals and newspapers, disseminated in specialized audio and electronic text formats and available contemporaneously with their print editions, from a multi-State nonprofit source described in paragraph (2).

(2) MULTI-STATE NONPROFIT SOURCE.—The multi-State nonprofit source referred to in paragraph (1) shall be an entity that obtains content from publishers for free distribution of 1 or more periodicals or newspapers to blind and other persons with disabilities in each State in which eligible persons receive books and other publications supplied by the Librarian of Congress under the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U.S.C. 135a).

(b) DEFINITION OF BLIND AND OTHER PERSONS WITH DISABILITIES.—In this section, the term "blind and other persons with disabilities" means individuals who are eligible or who may qualify, in accordance with the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U.S.C. 135a), to receive books and other publications produced in specialized formats.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Library of Congress to carry out this Act $750,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.

PERMITTING USE OF CAPITOL ROTUNDA FOR 75TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 427, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 427) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 427) was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Chairman of the Committee on Commerce, Science, and Transportation, and pursuant to Title 46, Section 1295b(h), of the U.S. Code, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Mississippi, Mr. LOTT, from the Committee on Commerce, Science, and Transportation, and the Senator from Hawaii, Mr. INOUYE, from the Committee on Commerce, Science, and Transportation.

MEASURE READ THE FIRST TIME—S. 3637

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3637) to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003.

Mr. FRIST. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

RECOGNIZING SENATOR JOHN THUNE FOR 100 HOURS OF PRESIDING

Mr. FRIST. Mr. President, I wish to take a moment to recognize the Presiding Officer, Senator John Thune, for tonight reaching 100 hours of presiding. Senator THUNE should be commended for his perseverance. He often rushes to the floor to preside for only 10 minutes as we close our business for the day, making 100 hours seem almost unattainable. Congratulations to our Presiding Officer.

ORDERS FOR WEDNESDAY, JULY 12, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 12. I further ask unanimous consent that the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 5441, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will continue its work on the Homeland Security appropriations bill. Today we had several votes relating to the bill, and tomorrow we can expect additional votes throughout the day. We will finish the bill this week. Therefore, I expect tomorrow to be a busier voting day than today. Senators should be working with the two managers if they intend to offer amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Wednesday, July 12, 2006, at 9:30 a.m.

EXTENSIONS OF REMARKS

FOURTH OF JULY TRIBUTE TO COMMUNITY SOLDIERS AND THEIR FAMILIES

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize some of the brave men and women of our community and their families on the Fourth of July 2006.

On this day, our forefathers stood up to oppose tyranny, and these men were willing to fight for freedom and liberty. These men made difficult sacrifices for these principles. Today the battle for freedom is not over, and those tough sacrifices are still being made. It is only fitting that today we show our support and honor these patriots.

From the United States Air Force: SrA Crystal Lynn Chatham and CPT John Matthews; from the United States Air Force Reserves: MSgt James E. Schlieper; from the United States Army: SPC Bruce Liptak, SP1 John Moan, SPC Scott Meehan, E–4 David Michael Hallwirth, and SGT Eric Klemm; from the United States Marines: PFC Michael J. Powell II, COL Michael Naylor, and Colonel Naylor's son PFC Paul Naylor; from the United States National Guard: CAP Edward Bartsch; from the United States Navy: Seaman Christopher Jazbinsek and 1LT Anthony DiBucci.

I ask my colleagues in the United States House of Representatives to join me in honoring these courageous soldiers on this day of celebrating our Independence. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute these great Americans.

PAYING TRIBUTE TO ROXANNE BOYCE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Roxanne Boyce for her long and distinguished career as an educator and librarian.

Roxanne received her undergraduate degree in music from Indiana University of Pennsylvania and then went onto to earn a masters in music from Carnegie Mellon University. Utilizing the lessons learned at those fine academic institutions, Roxanne began her teaching career as an elementary school music specialist. She taught elementary school for 11 years in Pennsylvania and 1 year in Arizona before moving to Las Vegas in 1980. Over the course of her 26-year career with the Clark County School District, Roxanne has served as a reading specialist and librarian at the elementary, middle and high school level. After having outstanding success opening the libraries at several new schools in our growing district, Roxanne accepted a position at Boulder City High School to revamp the ailing library in 1999. While at Boulder City High School, she successfully brought the library into the 21st century.

Mr. Speaker, I am proud to honor the career of Roxanne Boyce for devoting her career to advancing the quality of education. Her innovative approach and her passion for education have inspired countless students, teachers and community members. She has truly been an asset to Boulder City High School and to the entire community. I wish her the best in her retirement.

CONGRATULATING GERALD D. BANTOM, ON HIS RETIREMENT FROM THE UAW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. CONYERS. Mr. Speaker, I rise today to recognize and congratulate United Auto Workers International Union Vice President Gerald Bantom on the occasion of his retirement. Having joined the UAW in 1964, Mr. Bantom's career is a testament to hard work and dedication. While excellent leaders are waiting in the wings to continue the work Gerald started, his leadership in negotiating for quality benefits in these trying times with Ford Motor Company will certainly be missed.

A Detroit native, Bantom joined UAW Local 600 in 1964 when he started at the Specialty Foundry at Ford Motor Company's River Rouge complex. Quickly gaining the respect of his peers in Local 600, in 1971 he was elected to the bargaining committee of the Specialty Foundry Unit of the local. Having excelled in this he was reelected to a second term in 1975 and as chairperson in 1978.

When the Specialty Foundry was closed in 1980, Mr. Bantom transferred to the Dearborn Engine Plant where his leadership abilities were immediately recognized. He was appointed as a district committeeman in 1980, and the next year he won election to the plant bargaining committee.

In 1982 Gerald was appointed as an international representative and was assigned to the UAW-Ford National Development and Training Center where he stayed in varying capacities until 1986.

Beginning in 1988 Mr. Bantom served as an administrative assistant to two successive UAW vice presidents and directors of the union's National Ford Department, Stephen P. Yokich and Ernest Lofton. During this time, when Ford Motor Co. was earning record profits and had hired more than half its current workforce, Gerald played an integral role in negotiating landmark collective bargaining agreements.

Following this hard work he was elected and served as director of UAW Region IA—a position he would represent with distinction until the UAW's 33rd Constitutional Convention on June 5, 2002 in Las Vegas, NV, where he was elected vice president.

After becoming vice president, Gerald Bantom immediately faced the difficult task of negotiating supplemental agreements for workers at Visteon and Automotive Components Holdings, changes in the UAW-Ford health care plan, and early retirement packages for UAW's Ford workers.

While his retirement leaves a void in the UAW leadership that will be difficult to fill, his work in mentoring a new generation of UAW leaders means that a significant part of his legacy has yet to be written. Regardless of how Gerald Bantom's final story will be, the leadership and passion he has brought to the UAW has provided a sterling role model for future labor leaders. On behalf of working Americans and a grateful Congress, Mr. Bantom, I thank you.

IN HONOR AND REMEMBRANCE OF JUDGE JOHN MANOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge John Manos, devoted father, grandfather, veteran, community leader and outstanding jurist.

Judge Manos grew up in Cleveland, OH, the son of Greek immigrants. He attended Lincoln High School followed by the Case School of Applied Sciences. There, he was captain of the football team and earned a degree in metallurgical engineering. Judge Manos served in the Navy for 2 years before returning to Cleveland to become an engineer. Over the next 4 years, he earned a law degree from Cleveland Marshall Law School. Judge Manos practiced law for 13 years before then Governor James Rhodes selected him to fill a vacancy in the Cuyahoga County Court of Common Pleas. He remained at the court until 1969 when he was appointed to the Eighth Ohio District Court of Appeals, and finally to United States District Court for the Northern District of Ohio by President Ford in 1976.

Judge Manos developed a solid reputation for preparedness and fairness during his tenure in the courtroom. Even through extreme illness and hospitalization, Judge Manos continued hearing legal matters and continued to render thoughtful and poignant decisions. His commitment to quality lawyers and judges

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

went beyond the bench when he set up an intern program where students witnessed proceedings and then performed research in order to grasp the multifaceted prism that is the American legal system. Aside from his professional achievements, Judge Manos was an active member and leader in numerous civic and legal organizations, including the Cleveland Chapter of the American Hellenic Educational Progressive Association, Federation of Community Planning, the visiting committee for physical education and athletics of Case Western Reserve University, and a member of the Board of Overseers at Cleveland-Marshall Law School.

Mr. Speaker and colleagues, please join me in honor and remembrance of Judge John M. Manos. Please also join me as I offer my deep condolences to his companion Gloria Donahue; to his sons, Michael and Keith; to his daughters, Donna and Christine; to his son-in-law, Patrick; to his 12 grandchildren; and to his extended family members and many friends. Although he will be greatly missed, his steadfast devotion to family and friends and unwavering focus on legal equality and justice highlighted his life, and his memory and impact will live on within the hearts of his family and friends, today and for all time, and he will never be forgotten.

HONORING MRS. MARILYN PINSKY'S RETIREMENT AS COMMISSIONER OF THE ONONDAGA COUNTY DEPARTMENT OF AGING AND YOUTH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to Mrs. Marilyn Pinsky. On June 30, 2006 Mrs. Pinsky retired as commissioner of the Department of Aging and Youth for Onondaga County, NY. Mrs. Pinsky's career with Onondaga County spanned over 35 years, starting in the Data Processing Department in 1971. She has worked her way up to commissioner of the Department of Aging and Youth, where she has ably served since 1993.

Mrs. Pinsky is a graduate of Syracuse University and earned a masters of public administration from the Maxwell School. She is a member of many community boards, including the Central New York Community Foundation, Success by Six Policy Council, and the Board of Visitors of the Syracuse University College of Human Services and Health Professions. She is a past president of the Interreligious Council of Central New York, and was a member of the boards of the Syracuse Symphony, Syracuse Stage, and the Freedom Trail Commission. She has been a dedicated employee, leader, and mother.

She is a recipient of the Temple Adath Citizen of the Year Award, a Post-Standard Woman of Achievement, the Hannah G. Solomon Award and the New York State Intergenerational Network Award, among others.

Mrs. Pinsky's service has made a lasting positive impact upon my hometown community. Most recently, she spearheaded an effort in Onondaga County to educate and assist in enrolling area seniors in the new Medicare Part D Prescription Drug Program. For its efforts, her department recently received commendation from the U.S. Department of Health and Human Services.

Mrs. Pinsky's dedication, knowledge and leadership are unparalleled and much appreciated. I wish her well in retirement and thank her for a job well done.

TRIBUTE TO CRANBERRY TOWNSHIP

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize Cranberry Township and the celebration of Community Day on the 4th of July 2006.

Cranberry Township's Community Day began over 100 years ago and as a celebration of the United States' Bicentennial in 1976. The events of this celebration included a parade, musket shoot, battle of the barrels contest, bonfire, sing-along, and fireworks.

Cranberry Township's Annual Community Day has evolved into an opportunity to highlight a number of local non-profit organizations. It has continued to grow and change to include, not only non-profits, but also businesses and vendors throughout the region. The annual festivity has expanded to include over 100 booths, activities, and events throughout the entire Cranberry Community Park with over 20,000 people attending.

I ask my colleagues in the United States House of Representatives to join me in honoring these courageous soldiers on this day of Independence. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute these great Americans.

PAYING TRIBUTE TO DR. CHARLES "CHARLIE" RUGGEROLI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Dr. Charles "Charlie" Ruggeroli, who passed away on Saturday, June 24, 2006.

Charlie was a lifetime resident of Southern Nevada, a 12-letter man at Bishop Gorman, in football, basketball, and baseball. He would later watch his four sons play football and basketball at Bishop Gorman during the late 1970s and early 1980s. Charlie went on to the University of San Francisco on a basketball scholarship and subsequently earned his medical degree from Creighton University in Omaha, Nebraska. Charlie served in the Air Force and did residencies in Northern California before returning to Las Vegas to open his practice in 1974 and joining the staff at Valley Hospital.

No matter how busy Charlie was, he always took the time to explain everything to his patients and make sure all their questions were answered. In over 30 years of medical practice, his patients included Elvis Presley and Sugar Ray Leonard. Charlie also served on the Nevada State Athletic Commission.

Mr. Speaker, I am proud to honor the life of Dr. Charles "Charlie" Ruggeroli. He will be greatly missed by the community.

CONGRATULATING JAMES SETTLES, JR. ON HIS ELECTION TO THE UAW VICE PRESIDENCY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. CONYERS. Mr. Speaker, on June 14, 2006, James Settles, Jr. was elected first vice president of the United Automobile Workers International Union at its 34th Constitutional Convention in Las Vegas, Nevada. My colleagues, today I rise to honor this fellow Detroiter on his elevation to the post and wish him the best of luck in his new position. While James is joining the union's national leadership at a critical juncture in its history I believe he has the necessary motivation and determination to guide the UAW into a prosperous future.

In some ways one could argue that James Settles, Jr. was a born labor leader. A third generation Ford Motor Company employee and son of James Settles, Sr., a well-known Detroit civil rights activist and labor leader, Settles' involvement with the UAW began in 1968, when he joined Local 600 after being hired at Ford's Dearborn Iron Foundry and Michigan Casting Center.

Just two years later, in 1970, he was elected to the General Council of Local 600 and in 1973 he was elected District Committeeman and Unit Recording Secretary. Over the next decade, he served in a variety of union posts and as a delegate to three UAW conventions. In 1982, he took a staff position at Local 600 and later was elected its first vice president in 1987.

As James Settles earned the respect and loyalty of his UAW brothers and sisters he has quickly and continuously risen through the UAW ranks. In 1992 he was first appointed to UAW International Staff and in 2002 he was elected director of Region 1A.

Having been a member of the UAW-Ford National Negotiating Committee since 1990, Mr. Settles brings a good deal of contract negotiating experience to the post of Vice President. This experience is especially important today given the current attack many workers are seeing on their collectively bargained contracts.

I firmly believe that this expertise will help him in his job of overseeing several of the national organizations that operate in conjunction with the UAW and the over 115,000 technical and professional workers he will represent. These workers come from all across the country from a range of industries and professions, including the healthcare industry, individual universities and university systems, an array of professional service and non-profit agencies. 20,000 of these workers are employed by the State of Michigan.

While Mr. Settles is a prominent leader in the UAW, his involvement in the community extends far beyond the factory walls. James is active in a wide range of community and civic organizations. He is a member of the Detroit-Wayne County Board of Authority, the Trade Union Leadership Council, the Coalition of Black Trade Unionists and a Life member of the NAACP. He serves on the boards of the Henry Ford Community College Employment and Training Development Center, the Detroit Public School Compact Association at McMichael Middle School and the North Rosedale Park Civic Association. He is a former member of the board of the Rouge Employees Credit Union.

In conclusion, Mr. Settles I congratulate your election and once again wish you the best of luck.

IN HONOR AND REMEMBRANCE OF ANNA CHATMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Anna Chatman, devoted wife, mother, grandmother, great-grandmother, businesswoman, community activist and friend and mentor to many.

Mrs. Chatman lived her life with great joy and in endless commitment to her faith, family and community. Together, she and her beloved husband, the late Reverend Marcellus Chatman, raised their daughters, Marcella Caffie and Ruby Alexander. Her devotion to family extended outward into the community, where she touched the lives of countless individuals through her focus on social justice and political empowerment. In 1969, Mrs. Chatman founded the Harvest Day Care Center. As owner and operator, she secured funding in order to provide quality day care for mothers on welfare, which enabled numerous parents to break through the wall of poverty by having a safe and affordable place to bring their children while they worked. The Harvest Day Care Center remains in operation today, run by Mrs. Chatman's daughter, Ruby Alexander.

Mrs. Chatman's inner light, dynamic personality and her ability to connect with people created lasting impressions on those around her and served to forever change the landscape of the Democratic Party in Cuyahoga County. Even though she had no prior experience in politics, then U.S. Congressman Louis Stokes asked Mrs. Chatman to accept the role of executive director of the 21st District Caucus (which became the 11th District Caucus), knowing she could rally the support of African-Americans who felt overlooked by the Democratic Party. Mrs. Chatman inspired and guided countless individuals to become empowered and involved in the caucus. Under her direction, the caucus evolved to become one of the most powerful political organizations in the Nation, attracting up to 50,000 people to the caucus's annual Labor Day picnic and existing as a catalyst of political action and societal justice.

Mr. Speaker and colleagues, please join me in honor and remembrance of Anna Chatman, whose joyous life reflected great joy and an unwavering focus on lifting the lives of others. I offer my deep condolences to her daughters, Marcella and Ruby; to her grandchildren, great-grandchildren and great-great grandchildren, and to her extended family members and many friends. Although she will be greatly missed, her singular life, framed by love, integrity, conviction and strength, will shine forever in the hearts of her friends and loved ones and will forever illuminate the soul and hope of our entire community.

HONORING MR. FREDERICK MURPHY'S RETIREMENT AS DIRECTOR OF THE SYRACUSE HOUSING AUTHORITY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to Mr. Frederick Murphy. On June 30, 2006, Mr. Murphy retired as director of the Syracuse Housing Authority in Syracuse, NY.

A graduate of Ithaca College, Mr. Murphy's career in local community development began in 1965 when he went to work for the city of Syracuse Urban Renewal Agency under then Mayor William F. Walsh. Later, he headed the city's Code Enforcement Division until he was appointed executive director of the Syracuse Housing Authority on February 18, 1971.

As the director of the SHA, Mr. Murphy successfully oversaw the administration of a $35 million annual budget operating 2,500 apartments and also managed the section 8 housing program. He helped secure more than $180 million in Federal grants to modernize every public housing development and oversaw great growth and expansion of the program, building 550 new apartments of public housing during his tenure.

Mr. Murphy's service has made a lasting positive impact upon my hometown community. Throughout his career he has worked with many mayors and HUD secretaries to greatly improve Syracuse's public housing.

Mr. Murphy's dedication, knowledge and leadership are unparalleled and much appreciated. I wish him well in retirement, and thank him for a job well done.

TRIBUTE TO NATRONA BOTTLING COMPANY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Natrona Bottling Company as they celebrate the anniversary of their founding.

From their beginning in 1904, The Natrona Bottling Company has a long and rich history of serving the needs of the people of Allegheny County and beyond. Beginning in 1939, the torch was passed to the Bowser family, and they carry on the tradition today with Mr. Paul Bowser currently serving as the CEO.

Natrona Bottling Company is the last remaining soda bottling company in Allegheny County, and all of their formulas are microcrafted. They produce a multitude of delicious beverages, including: Red Ribbon Cherry Supreme, Red Ribbon Root Beer, Pennsylvania Punch, Jamaica's Finest Ginger Beer, and Champayno.

I ask my colleagues in the United States House of Representatives to join me in congratulating the Natrona Bottling Company. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute this wonderful company.

PAYING TRIBUTE TO COMMAND SERGEANT MAJOR JOSEPH LAPLANTE, JR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Command Sergeant Major Joseph LaPlante, Jr., who will retire on July 21, 2006, after 29 years of service in the United States Army.

Born in Worcester, Massachusetts, Command Sergeant Major LaPlante completed his basic training and advanced individual training at Fort Jackson, South Carolina, and Fort Sill, Oklahoma in September, 1977. He then served as a Fire Support Specialist, Armorer, and Career Counselor for the B Battery's 1st Battalion, 29th Field Artillery from 1978 to 1980 at Fort Carson, Colorado.

In October 1981, Command Sergeant Major LaPlante completed the Army Recruiter Course and was assigned as a Field Recruiter to the New Bedford, Massachusetts, Boston Recruiting Battalion. In April of 1984, he was the Station Commander of the Fall River Recruiting Battalion. In July of 2000, Command Sergeant Major was selected to attend the United States Sergeant Major Academy, Class 51, at Fort Bliss, Texas. On June 25, 2001, he assumed the position of Command Sergeant Major of the New England Recruiting Battalion.

After 27 years of service, Sergeant Major LaPlante assumed the position of the 6th Recruiting Brigade Command Sergeant Major in Las Vegas, Nevada.

Command Sergeant Major LaPlante has received many awards including the Gold Recruiter Badge with three Star Sapphires, the Recruiter Ring, the Glenn E. Morrell Award, the Career Counselor Badge, the Army Achievement Medal 3rd Award, the Army Commendation Medal 3rd Award, the Army Meritorious Service Medal 7th Award, Legion of Merit 2nd Award, National Defense Service Medal, the Non-commissioned Officer Professional Development with Numeral #4, the Army Service Medal, the Army Good Conduct 8th Award, and the Army Superior Unit Citation 2nd Award.

To add to all of his outstanding accomplishments, Command-Sergeant Major LaPlante has a wonderful family including his wife, Patti, and his daughters, Crystal and Heather.

Mr. Speaker, I am proud to honor Command Sergeant Major Joseph LaPlante, Jr. for his distinguished record of service and his commitment to the United States Army. I wish him the best in his retirement and all future endeavors.

HONORING THE GIFT OF LIFE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. BISHOP of New York. Mr. Speaker, in these challenging times, it is refreshing to hear uplifting anecdotes of kindness and hope. I rise to recognize a tremendous source of these qualities on Long Island: the non-profit organization known as Gift of Life, Inc., whose exemplary work benefits underprivileged children by helping uninsured and low-income families meet the cost of life-saving surgery.

Since Gift of Life was founded in 1975 by members of the Rotary Club of Manhasset, this truly remarkable organization has raised money for medical care and transportation of more than 3,000 children from across the United States and around the world whose families would not otherwise be able to afford such prohibitively expensive medical care. With 44 participating hospitals in the United States, I am proud to note that three are located on Long Island, including Stony Brook University Hospital, which has performed 450 of the heart surgeries.

Recently, Stony Brook partnered with the Suffolk County chapter of Rotary International and Gift of Life to help the family of Markus Dejong, a six-year-old boy from Farmingville who required an expensive operation to repair a defective valve in his heart. His father, an Iraq war veteran, was not insured or able to afford the cost of the operation and treatment. Fortunately, Gift of Life was there to help, and I am delighted to report that Markus' operation was successful. Following a recent visit to my office with his family, I am confident that he will grow up to be healthy and strong, with a normally functioning heart, thanks in large part to Gift of Life.

Mr. Speaker I strongly agree with Dr. Steven Whitman when he said, "We never stand so tall as when we stoop to help a child." Indeed, we would be hard-pressed to find more selfless and devoted Americans who could stand as tall as the Rotarians, translators, host families, medical professionals, surgeons, sponsors and other volunteers who have given so much to this premier life-saving program. I am privileged to recognize Gift of Life and every individual associated with its truly outstanding and inspiring contributions to our community and in support of those children who need our help the most.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on July 10, 2006 during rollcall votes No. 358 and No. 359 during the second session of the 109th Congress. Rollcall vote No. 358 was on the motion to suspend the rules and pass H.R. 2563. Rollcall vote No. 359 was on the motion to suspend the rules and pass H.R. 5061. I would have voted "yes" on both of these rollcall votes.

TRIBUTE TO SHALER AREA HIGH SCHOOL LADY TITANS AAAA VARSITY SOFTBALL TEAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Shaler Area High School Lady Titans AAAA Varsity Softball Team.

These young women displayed both skill and tenacity on the field, and they should be commended not only for their ability, but also their good sportsmanship. The Lady Titans' hard work and determination took them to the 2006 WPIAL Quad A where they were runners up and made them the 2006 Quad A PIAA State Champions.

I would like to recognize the following players: Lia Sorce, Erin Boyle, Megan Daley, Julie Stampfle, Megan Lynch, Joci Delaney, Val Smolter, Kristin Devlin, Kristen Lynch, Melissa McQuade, Jen Simile, Lisa Huber, Erin Fieldhouse, Heather Elstner, Stevie Stanek, Jenna Conrad, Sarah Knaus, and Becca Lynch. I would also like to recognize Head Coach Skip Palmer, Assistant Coaches Tom Haser and Brad Stone, Athletic Trainer Bill Couts, Athletic Director Paul Holszhu, and Principal William Suit.

I ask my colleagues in the United States House of Representatives to join me in congratulating the Lady Titans Varsity Softball Team. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such an outstanding group of athletes.

RECOGNIZING EDGEWOOD INDEPENDENT SCHOOL DISTRICT'S EFFORTS TO INCREASE STUDENT INTEREST IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today in support of Edgewood ISD's efforts to increase student interest in science, technology, engineering, and mathematics (STEM) careers.

It has become apparent that in this increasingly globalized world, our Nation's foothold as a global economic leader is becoming less stable everyday. Furthermore, in today's economy, jobs in technical fields are growing at five times the rate of other occupations, and they pay better. For these reasons, it is imperative that our young people develop the math and science skills that are instrumental in allowing them to become world leaders in technology and innovation, thus enabling the United States to maintain its global economic edge.

I am very proud of the efforts that Edgewood ISD is making to prepare its students with such skills. In 2001, Edgewood entered a team in the FIRST (For Inspiration and Recognition of Science and Technology) robotics competition as part of its Engineering Principles class. The Toltechs, also known as robotics team #499, have excelled in the FIRST competitions that require high school teams to design, assemble; and test a robot capable of performing a specified task. The students have shown great enthusiasm as they have gained proficiency in engineering and research. This excitement will no doubt encourage many of them to pursue careers in STEM fields.

Edgewood ISD has recognized the importance of this type of learning by supporting the development and growth of the Toltechs over the years. The team has also received generous support from and strong partnership with a number of private industries in their community. The evolution of the Toltechs demonstrates how schools and private industry can work together effectively to make a significant positive impact upon the lives of students.

More recently, Edgewood ISD has adopted another program to develop student's STEM skills. The Space TEAMS pilot in San Antonio targets middle school students from low income families, particularly girls, through a robotics competition called Botball. This exciting new program promises to also yield enthusiasm about STEM fields.

I recognize and honor the important opportunities that Edgewood ISD has provided to its students through programs such as FIRST and Space TEAMS. The skills and knowledge that these experiences provide, not to mention the sense of confidence and pride that they create, will benefit participants long after they have finished their primary education. I wish them continued success in their competitions and hope to see these types of programs flourish in our Nation's schools as we acknowledge the importance of arming our kids with STEM skills.

TRIBUTE TO MS. KATHRYN GENE SALEM

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mrs. CAPITO. Mr. Speaker, I rise today in honor of my good friend, Ms. Kathryn Gene

Salem, Director of Mason County Action Group.

Ms. Salem has lovingly guided and nurtured the Mason County Action Group, molding it into an effective and productive agency in my congressional district. Ms. Salem's passion is shown in her desire to make seniors' lives better. Her selfless dedication to the community is evident through efforts coordinating and providing health, educational, recreational, and intergenerational services.

Ms. Salem's positive impact on the community will be felt for many years to come.

I join with the residents of Mason County and West Virginia in commending Ms. Salem for her outstanding ability to give to others for the past 28 years. Mr. Speaker, I urge my colleagues to join me in honoring Ms. Salem's retirement.

INTERNATIONAL GAUCHER AWARENESS MONTH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, once again I want to call attention to the important work of the National Gaucher Foundation, a group of very dedicated people who are as they describe their work engaged "in an ongoing endeavor to spread the word and help educate others about Gaucher Disease." September will be International Gaucher Awareness Month, and because it is important that people know more about this disease and how to combat it, I take the occasion to insert here an article from the publication Spotlight On Health that provides important information about this disease.

Gaucher Disease predominately affects Jewish people of Eastern European descent—Ashkenazim—and the foundation notes that a large majority of those most susceptible to the disease remain unaware of it. This makes their work particularly important as part of our overall effort to give people the tools with which they can protect their health, and I ask that the article from Spotlight On Health about Gaucher Disease be printed here, in time for International Gaucher Disease Awareness Month.

GAUCHER DISEASE: LEARNING THE TRUTH

(NAPS)—A simple test could help diagnose and treat a genetic disease that can cause severe debilitation. Yet nine out of 10 people most at risk for the condition do not even know it exists.

The condition, called Gaucher disease, can affect all people, but is primarily seen in Jewish populations of Eastern European descent. The carrier rate for these people may be as high as one in 15 and the rate of the disease in the general population is believed to be about one in 100 to 200 people. If both parents carry the disease, the odds of a child being born with it are one in four.

Gaucher disease is passed down from parent to child and can occur at any age. Signs and symptoms can include:

Fatigue
Unusual bruising
Bleeding episodes
An enlarged abdomen
Bone pain.

Although the disease can be devastating, it can often be managed. However, people must first be aware of the condition, which many are not. "A survey showed that 90 percent of the Jewish population is unaware of Gaucher disease. That means many people may be symptomatic and have no idea that they even have the disease," says Rhonda Buyers, National Gaucher Foundation Executive Director. "The good news is that, unlike other genetic conditions, Gaucher disease is treatable and can be diagnosed with the use of a simple blood test."

Buyers says that lack of awareness about Gaucher disease extends to physicians as well. In fact, a survey found that four of five blood specialists suspected leukemia or lymphoma when presented with the signs and symptoms of Gaucher disease.

Her group is working to change that. Not only does The National Gaucher Foundation fund research intended to cure Gaucher disease, it also works to promote physician and community awareness about the condition (September is Gaucher Awareness Month). At the same time, the foundation helps meet the needs of patients and families affected by Gaucher.

People interested in information on Gaucher disease testing or who want to learn more about the disease's symptoms can visit the group's Web site, www.gaucherdisease.org.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. BECERRA. Mr. Speaker, on Monday, July 10, 2006, I was unable to cast my floor vote on rollcall numbers 358 and 359. The votes I missed included motions to suspend the rules and pass H.R. 2463 and H.R. 5061 respectively. The former authorizes the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, while the latter is the Paint Bank and Wytheville National Fish Hatcheries Conveyance Act.

Had I been present for the votes, I would have voted "aye" on rollcall votes 358 and 359.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. REICHERT. Mr. Speaker, on July 10, 2006, I missed the following rollcall votes due to an emergency landing in Denver, CO, en route to Washington DC:

(1) Rollcall vote No. 358, H.R. 2563: To authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes.

(2) Rollcall vote No. 359, H.R. 5061: Paint Bank and Wytheville National Fish Hatcheries Conveyance Act (15 minutes).

Had I been present, I would have voted "yes" to rollcall vote No. 358, and "yes" to rollcall vote No. 359.

HONORING THE SERVICE OF COMMANDER WILLIAM MILNE OF THE UNITED STATES COAST GUARD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. COBLE. Mr. Speaker, I rise today to honor Commander William J. Milne for his service to the United States House of Representatives and his continued service to our country in the United States Coast Guard.

Commander Milne was assigned as the Coast Guard liaison officer to the United States House of Representatives in July 2003, and I am proud to have had the opportunity to work closely with him. In my leadership roles on the Coast Guard and Maritime Transportation Subcommittee and in numerous other venues, my staff and I have often relied on Commander Milne's knowledge and understanding of the operational missions, the current day-to-day challenges, and the roles and responsibilities of the United States Coast Guard.

While Commander Milne began his House career 3 years ago as the chief of the Coast Guard's House Liaison Office, his Coast Guard career began more than three decades earlier as a 1975 graduate of the Recruit Training Center in Alameda, CA.

In 1975, Seaman Apprentice Milne was assigned to his first unit working as a Search and Rescue communications watchstander and a Motor Life Boat coxswain. During this assignment he also became one of the few distinguished registered SURFMAN in the Coast Guard while being promoted quickly to the rank of boatswain's mate first class and accepting the duties as executive petty officer of Station Umpqua River in Winchester Bay, OR. Commander Milne received five promotions within his first 3½ years in the United States Coast Guard.

In 1983, he was promoted to chief petty officer and transferred to the Second Coast Guard District in St Louis, MO, serving in the Rescue Coordination Center overseeing search and rescue and bridge operations in a 22-State area throughout the MidWest before being selected to attend Officer Candidate School in Yorktown, VA, in 1986. Later that year, he was promoted to the rank of ensign, thus beginning his commissioned career.

During his 31-year career, Commander Milne has been assigned to seven coast Guard cutters and has commanded the cutters *Cape Cowin, Redwood* and *Juniper*. His shore assignments have included the Professional Development staff at the Coast Guard Academy, Office of Financial Management at Coast Guard Headquarters, and as Surface Operations Assignment officer at the Personnel Command.

This week, Commander Milne will leave his post as the Coast Guard's House liaison and head off to the Naval War College in Newport, RI. He will be missed in the United States House of Representatives.

It has been my pleasure to work with Commander Milne. On behalf of all who have also been fortunate to work with him, we wish Commander Milne and his wife Martina the best in all of their future endeavors.

A TRIBUTE TO GEORGE UPTON, JR.

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Mr. George Upton, Jr. for his remarkable 50 years of service in the Sampson County Agricultural Extension Service. George's tremendous spirit, dedication and work in the agricultural industry has greatly helped the citizens of Sampson County and the State of North Carolina, and George should be commended for his service.

George demonstrated a strong work ethic and commitment to improving the agricultural industry from an early age. After receiving his degree in Animal Science from North Carolina State University in 1959, George began his career as a 4–H agent with the Sampson County Agricultural Extension Service. Later, George went on to become a livestock agent and is now the Sampson County Cooperative Extension director.

George has brought exemplary service and visionary leadership to every position he has held throughout his career. Not only has he served as an educator and mentor, but George has helped make significant advancements in agriculture during the last 50 years. For instance, George has helped implement innovative programs, contributed to the utilization of new technologies in the livestock area, and he has been instrumental in obtaining additional funding for agriculture. George has been essential to the creation of the Sampson County Friends of Agriculture.

George has received numerous awards recognizing his contribution to agriculture and to Sampson County. He has received awards from the Cooperative Extension Service, has been recognized by the beef and pork industry, and he has been inducted into the Sampson County Hall of Fame. In addition, the Sales Arena and Show Ring at the Sampson County Livestock Facility are named in his honor.

There may be no greater tribute to George, however, than the recent creation by his friends and colleagues of the George Upton, Jr., Livestock Endowment for Sampson County. This endowment honors George's outstanding 50 years of service and brings together his commitment to Sampson County and its people with his passion for the livestock program. The endowment will be housed by the North Carolina Cooperative Extension Service Foundation and will provide programmatic funding for adult and youth livestock programs, awards and recognition for competitive activities, and educational scholarships in animal science. This endowment will help ensure that George's commitment to providing improvement to and opportunities for livestock programs in Sampson County will continue for generations to come.

We thank George, on behalf of the citizens of Sampson County, NC, and the Nation for his remarkable service to agriculture. May God's strength, joy and peace be with him always.

HONORING THE STATE OF HAWAII FOR COMBATING UNDERAGE DRINKING

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. ABERCROMBIE. Mr. Speaker, I rise today to commend the Hawaii State Legislature for increasing penalties for adults who supply alcohol to persons under the legal drinking age of 21. I believe this is one important step toward attacking the supply chain that fuels the national problem of underage drinking.

According to authorities, adults are by far the main source of alcohol for underage drinkers. A report to Congress by the National Academy of Sciences identified friends and adult purchasers as the most frequent sources of alcohol among college students and older adolescents. Family members were cited as the most frequent source for younger adolescents. The Century Council, a not-for-profit educational organization dedicated to fighting drunk driving and underage drinking, found that 65 percent of underage drinkers get their alcohol from family and adult friends.

Hawaii's new law is among 7 bills that have passed into law and nearly 20 that have been introduced in States throughout our great Nation that link underage drinking and providing alcohol to those under 21 with a penalty relating to the revocation of driving privileges for the offender. Diageo, a large beverage alcohol company, in an example of enlightened corporate citizenship, is among the firms that have led the effort to move this type of legislation in state legislatures throughout the country. As such, many have referred to bills like Hawaii's new law as a "Diageo Bill."

The American Legislative Exchange Council has made the "Diageo Bill" one of their model pieces of legislation for 2006. I urge all States to pass this type of measure.

While only one piece of this important puzzle, the State of Hawaii along with the people at Diageo and those of similarly committed companies should be commended for being a leader in the fight against underage drinking.

TEXAS RANGER DREW CARTER—TEXAS LAWMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. POE. Mr. Speaker, it was a scene out of an old western movie: The villainous outlaw, realizing his defeat, surrenders in the hot sun to the valiant lawman. For Texas Ranger Drew Carter however, there was no mistaking that this scenario was not some Hollywood fantasy, but a dangerous reality. On July 13, 1999, Ranger Carter was waiting, with a knot in the pit of this stomach, at the center of a bridge connecting El Paso, TX to Mexico. He was waiting for true evil to show his face.

This tale begins 2 years earlier when a series of brutal murders occurred in homes along the railroad tracks in Texas. Texans were paralyzed with fear by a serial killer dubbed the "Railroad Killer." He baffled law enforcement because it seemed as if he randomly chose his victims and the times of the attacks, making it impossible to know who and when he would strike next. He used any weapon available: a pickax, a sledgehammer, a tire iron, a shotgun. The only common factor was that each victim lived by railroad tracks.

Slowly, through cooperation of local, State, and federal agencies, Angel Resendez Ramirez, an illegal Mexican immigrant would be wanted for the brutal slayings. He was elusive, slipping back and forth across the U.S./Mexican border more than a dozen times, and evading several FBI arrest traps. It would finally take the unyielding efforts of Texas Ranger Drew Cater to end Ramirez's violent reign.

The Texas Rangers are the most well-known and respected law enforcement officers in the World, more famous than Scotland Yard itself. Established in 1823 by Stephen F. Austin, the Rangers were the protectors of new settlers in the untamed Spanish Province, of what is now Texas. They have done battle with horse thieves, bank robbers, "Indians," outlaws, and were even instrumental in the U.S.' success in the Mexican-American War. Over the next 150 years, the responsibilities of Texas Rangers grew to include investigations, fugitive apprehension, and assisting other law enforcement across the State. They are elite; there are only 118 commissioned Rangers, and Drew Carter had the aspiration of becoming one. He had dreamed of being nothing but a Texas Ranger since he was a small child. He was proud to wear that gleaming silver badge, white Stetson hat, and cowboy boots. Little did Ranger Carter know that he would make history.

As law enforcement combed Texas for Ramirez in 1999, Ranger Carter conceived an idea for Ramirez's apprehension. He knew that Ramirez was close to his sister and thought maybe she would be willing to convince him to surrender. Carter's instinct proved to be correct: Ramirez's sister was more than willing to convince Ramirez to surrender. She was worried he would be killed by law enforcement, or worse, that he would kill again. Over several weeks, Carter worked out a deal with Ramirez's sister. If Ramirez would surrender, Carter would make sure that he was protected in jail, could be visited by family and friends, and would receive a psychological evaluation.

Ranger Carter's terms were agreed to by Ramirez's sister, as well as by the district attorney of Harris County, TX, one location where Ramirez was wanted. The agreement was struck that Ramirez would peacefully surrender to Ranger Carter, and only Ranger Carter, on the middle of the bridge connecting

Mexico and Texas. So on July 13, 1999, the demonic killer who had brutally terrorized the good citizens of Texas for nearly 2 years quietly shook the hand of Ranger Drew Carter and surrendered.

On June 27, 2006 Angel Resendez Ramirez was put to death for his crimes, effectively ending his reign of terror forever. Had Ranger Carter not acted with the intelligence and diplomacy of a Texas Ranger, this justice may have never been carried out. He is a humble man, stating that he did not apprehend Ramirez on his own. Mr. Speaker, Ranger Carter was aided by other Texas lawmen and federal agents; but it was because of his particular heroism and determination, a dangerous killer faced the justice he deserved. Today, I am honored to pay him this tribute.

That's just the way it is.

TRIBUTE TO MERCY FLIGHT OF WESTERN NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Mercy Flight of Western New York and their commitment in providing life-saving services to the community on this, their 25th anniversary. On September 27, 1981 Mercy Flight flew its first mission and since then has transported more than 13,000 patients for emergency care.

Mercy Flight was the pioneer of air-medical service in New York State and one of the first operations of its kind in the United States. Its nine guiding principles include: patient focus, integrity and honesty, neutrality, clinical excellence, safety, readiness, respect, community partnership, and fiduciary obligation. By relying on these principles Mercy Flight has proven their dedication to their life-saving mission.

Mercy Flight is independent of any hospital and instead puts their patients first and chooses the hospital that will best suit their medical needs, honoring a simple goal: to save lives. Mercy Flight has provided an exemplary service to Western New York during emergencies when every second matters. They provide fast, safe, and cost-effective air-medical emergency services to over 600 people every year.

Today, Mr. Speaker, I thank you for allowing me to pay tribute to Mercy Flight, an organization that has devoted 25 years of service to the community and one that will be deeply valued by Western New York for decades to come.

IN RECOGNITION OF FLOYD WEAVER

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. CARDOZA. Mr. Speaker, it is with the greatest sincerity and respect that I rise today to honor Floyd Weaver, longtime community activist and icon in Stockton, California. He has recently been honored by the Stockton Chapter of the National Association for the Advancement of Colored People with a Lifetime Achievement Award. Mr. Weaver has taught in the Stockton Unified School District for 39 years, with over 20 years of experience in city government. It truly is an honor to join the NAACP in recognizing his notable contributions and dedication to our community.

Floyd Weaver is an innovative thinker, a highly respected leader and an individual with an unwavering commitment to the Stockton community. Throughout his career, Mr. Weaver has distinguished himself as a pioneer in the education realm, starting out as one of few African American males to teach in the Stockton Unified School District and later becoming the first African American Male Principal in the school district. After 39 years with the Stockton Unified School District, Mr. Weaver moved into the realm of city politics. While serving on the Stockton City Council, he founded and chaired the Dr. Martin Luther King, Jr. Recognition ad hoc Committee and later developed a Dr. Martin Luther King, Jr. Trust for charitable events. The then City Councilmember became a two term Vice Mayor, another first for African Americans in our community. During his tenure as Vice Mayor, Mr. Weaver witnessed the realization of one of his proudest achievements, the Martin Luther King Jr. Plaza in the heart of downtown Stockton.

Floyd Weaver's service has reached beyond the City to Stockton to the county and state levels. In 1997 Mr. Weaver began serving on the Board of Directors for San Joaquin Regional Transit District, including two terms as Chair and three terms as Vice Chair. In October 2003, he was appointed to the California State Reclamation Board by Governor Gray Davis. More recently, he has been recognized for his efforts in renaming part of Charter Way in Stockton to honor civil rights leader Martin Luther King Jr. In addition, Mr. Weaver serves on several local advisory boards and committees and continues to be recognized with numerous awards for his ongoing involvement and unmatched devotion to the community.

Mr. Speaker, the recognition that I am offering today before the House of Representatives for Mr. Floyd Weaver is clearly deserved and well overdue. He is an esteemed member of our community, a lifelong activist for all people young and old, and an outstanding human being who will leave behind a legacy to be admired for generations to come. I ask my colleagues to join me in honoring him for his remarkable career and untiring dedication to a vision for a better tomorrow for the people of our community.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. LEE. Mr. Speaker, on Monday, July 10, 2006, I missed rollcall votes Nos. 358 and 359. Had I been present, I would have voted "aye" on H.R. 2563 and H.R. 5061.

PAYING TRIBUTE TO MARK JAGET

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mark Jaget, who recently competed in the Gobi March, a 7 day 150-mile footrace across China's Gobi Desert.

Mark Jaget is a chiropractor who owns three Spinal Rehabilitation Centers in Southern Nevada with his brother, David. He and his wife Clare have two children, Sebastian, who is 7, and Tristan, who is 5. Mark enjoys endurance running and has competed in several marathons over the years. This year, Mark chose to further challenge himself by competing for the first time in the rigorous Gobi March.

The Gobi March is a 6-stage, 7-day trek across some of the world's most severe terrain, which includes salt flats, sand dunes, rivers, slot canyons and mountain ridges. To add to the challenge of the race, competitors in the Gobi March are required to carry a 7 day supply of food and the supplies necessary to survive on the trek. Despite confronting intense temperatures, 60 mile-per-hour winds and a stress fracture in his foot, Jaget crossed the finish line on June 3, 2006. Although he competed against nearly one hundred experienced endurance runners and ultra marathoners from around the world, Jaget finished the race an impressive 9th place, with a time of 32 hours and 56 minutes.

I applaud Mark Jaget for his unparalleled determination and will to succeed. His resolve to compete at such an outstanding level is an inspiring example of what a person can accomplish when committed to physical preparation and personal fortitude. What is truly inspiring, however, is that Mark chose to race in this grueling competition on behalf of several charities that are devoted to providing for veterans disabled in the War on Terror and to honoring the men and women who serve in the United States Military. I cannot think of a more commendable way to show appreciation for those who serve and sacrifice for our great country and for the cause of freedom.

Mr. Speaker, I am honored to recognize Mark Jaget on the floor of the House for his extraordinary accomplishment. I commend him for his overwhelming determination to achieve personal excellence and I appreciate his commitment to honoring the United States Military. Mr. Jaget has set a wonderful example for his family and his community and I wish him well in all his future endeavors.

IN SUPPORT OF SUBSIDIZED GUARDIANSHIP

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. FATTAH. Mr. Speaker, across America, too many children remain in the foster care system for far too long. Through efforts known as subsidized guardianship, though, the amount of time from entrance into foster care to permanent placement is being slightly reduced.

Currently, there are more than six million children living in households headed by grandparents or other relatives. The reasons vary, some children enter due to the death of a parent, others have been neglected while others have suffered abuse and still more live in foster care because of poverty or the military deployment of a parent. Whatever the reason, these children lack the security that permanent residency affords. I celebrate grandparents and other relatives who unselfishly and at great financial sacrifice provide safe, stable homes for these children. There are compassionate programs such as subsidized guardianship, that permit children to transition from the foster care system into the permanent custody of loving and supportive relatives in a comparatively short period of time.

In my State of Pennsylvania, 7 percent of the children live with non-parent relatives. Grandparents and other relative caregivers are often the best chance for a stable childhood for the children in their care, but their hard work and dedication often go unnoticed. I appreciate and congratulate those who put the interest of our Nation's children first. Future generations will be better because of those who provide the continuing services of subsidized guardianship.

IN RECOGNITION OF DR. BEN SMITH'S RETIREMENT FROM LAKELAND BAPTIST CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Dr. Ben Smith for his thirty-two years of service as the pastor of Lakeland Baptist Church in Lewisville, Texas which is my hometown. I am particularly grateful to the service Dr. Smith has provided not only the church but also to those less fortunate in North Texas.

Lakeland has always had a strong emphasis on outreach to the community, and Dr. Smith as sought to strengthen this ministry during his tenure as pastor. He is largely responsible for the congregation's in-depth outreach strategies, such as F.A.I.T.H. Under his leadership Lakeland has grown from less than 200 to over 2,700 members, with 22 full time staff. There have been 14 missions started and of those 7 are now strong churches.

Mr. Speaker, it is with great honor that I stand here today to honor Dr. Ben Smith. He is a strong, moral voice in the community; an actively involved citizen; and a role model to us all. I am proud to serve as his representative in Washington.

HONORING GAY GAMES VII

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize Gay Games VII, which will take place next month in Chicago. On behalf of the people of Chicago I welcome the athletes and spectators from around the world who will participate in this year's games.

The Gay Games will bring nearly 12,000 people together for seven days of celebration and competition in 30 sports, as well as music performances, nightly medal ceremonies, and a week-long arts festival. I am proud that Chicago will serve as the host for this historic event.

In the spirit of participation and inclusion, there are no qualifying events and no minimum or maximum requirements. The games are open to all, regardless of age, ability or sexual orientation.

The Gay Games were founded in 1982 by Dr. Tom Waddell, a 1968 Olympic decathlete. Since its inception, over 50,000 people have participated in the Games. Through the years this event has emphasized global unity and universal participation under the slogan "Where the World Meets."

The City of Chicago is an ideal for these games, with a proud tradition of diversity and a strong gay and lesbian community. From Wrigley Field to Soldier Field, the Windy City is ready to welcome the world on July 15th.

Mr. Speaker, it is with great pride that I honor the Gay Games. I wish all of the participants the best of luck in their respective events, and I thank everyone who has worked to make Gay Games VII a reality.

TRIBUTE TO JUNE ALLYSON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. ENGEL. Mr. Speaker, I rise today to pay honor to June Allyson, an actress and spokeswoman who represented America's image of the ideal sweetheart during her film career in the 1940's and 50's. In addition to her work as an entertainer, Allyson vocally advocated the importance of research concerning various senior health issues.

Born Eleanor Geisman in 1917, she was raised in the Bronx by her mother, who worked two jobs to support her family. At age 8, a tree branch fell on Geisman while she was bicycling, breaking several bones. She was confined to a wheelchair and doctors said she would never walk again. Defying the odds, she fought to regain her health through months of therapy and eventually achieved a full recovery.

Finding her inspiration in Ginger Rogers and Fred Astaire, Geisman auditioned for the Broadway show "Sing out the News." The director not only offered her a part, but gave her a stage name as well: June Allyson. Allyson went on to dance in several musicals, including "Very Warm for May" and "Higher and Higher." Her performance in the 1941's "Best Foot Forward" led to her feature film debut by reprising her role in the MGM musical, which starred Lucille Ball. Allyson's film career consisted mainly of playing the wife of many of Hollywood's leading men, including James Stewart and Van Johnson. Her sunny disposition and youthful optimism particularly resonated with U.S. servicemen overseas, making her an icon for the "ideal girl" to bring home to Mom.

Later in life Allyson worked to raise awareness concerning urological and gynecological diseases in seniors. In appreciation of her efforts, the June Allyson Foundation was formed in partnership with the American Urogynecologic Society as a non-profit research and education foundation. Allyson was also recognized in 1988 when President Reagan appointed her to the Federal Council on Aging, a position she remained extremely proud of for the rest of her life.

June Allyson is a wonderful example of an icon that could both entertain and educate the American people. Her contribution to the film industry will not soon be forgotten, and her devotion to the cause of senior health issues will sorely be missed.

PERSONAL EXPLANATION

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. MCHENRY. Mr. Speaker, I would like to submit the following as an extension of my remarks regarding the series of votes for Thursday, June 29, 2006. I was detained from votes due to a scheduled event in my district.

Rollcall votes: No. 350, vote "aye", Previous question on the Rule for H. Res. 895; No. 351, vote "aye", Adoption of the Rule for H. Res. 895; No. 352, vote "aye", Previous question on the Rule for H.R. 4761; No. 353, vote "aye", H. Res. ___ Providing for the adjournment of the House Information Resources; No. 354, vote "no", Markey Amendment; No. 355, vote "no", Bilirakis Amendment; No. 356, vote "aye", Final Passage of H.R. 4761, Deep Ocean Energy Resources Act; and No. 357, vote "aye", Adoption of H. Res. 895, Supporting Terrorist Finance Tracking Program.

ALZHEIMER'S DISEASE: A LOOMING EPIDEMIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to call attention to a crucial challenge that our generation will face. In the June 27, 2006 edition of the Washington Post, an opinion editorial titled, "Open the Door to Curing Alzheimer's" by Robert Essner describes the urgency that exists in declaring research on Alzheimer's disease as a top priority for the Food and Drug Administration (FDA). In the meantime, Alzheimer's has been accepted as an inevitable phase of aging. However, this needn't be the case because with enough research, more successful treatment can be discovered, and this research can easily deliver a cure.

However, it is not only the mere personal and emotional burden caused by this degenerative disease that should be of concern to all of us as legislators. This disease will also cause a serious economic drain on our funds. With the baby-boomer generation quickly approaching as a risk group for Alzheimer's, it is estimated that this disease will claim 1 in every 10 people of this sizeable population; that is, about 14 million baby-boomer elders will have Alzheimer's. Essner estimates that with such an immense population of Alzheimer's patients, the costs of care for this disease will "drain—if not bankrupt" the federal and state health care budgets.

Given these approximations, a vast majority of us are at risk for either becoming Alzheimer's patients, caring for one in our immediate family, or at least know a patient in our extended family. The article emphasizes how costly Alzheimer's truly is. Today, a whopping one third of all of Medicare funds are directed towards care for Alzheimer's patients. Last year alone, $91 billion in Medicare dollars was spent on those suffering from this disease. Furthermore, Alzheimer's incurs $19,000 a year in "out-of-pocket" costs for the families of patients.

Therefore, it is crucial that entities from the science, regulatory, and industry fields join forces to work as quickly as possible to thwart this disease and the imminent epidemic that Alzheimer's is bound to cause. If not enough financial support is provided for research and a cure for this possibly avoidable illness, we will continue to risk delaying the discovery of an effective treatment for Alzheimer's and this will potentially adversely impact on millions and millions of people. Essner says it best when he asserts, "we could make my generation the last to dread Alzheimer's," and I believe this is a matter of obligation, not option.

OPEN THE DOOR TO CURING ALZHEIMER'S—WHY THIS RESEARCH MUST BECOME AN URGENT PRIORITY

(By Robert Essner)

JUNE 27, 2006.—America is getting serious about preparing for the possibility of an outbreak of avian flu. Would that it could muster the same sense of urgency for a disease that is already here and is certain to become epidemic. The disease is Alzheimer's. It will claim one in 10 baby boomers, create a personal and fiscal nightmare for their families, and drain—if not bankrupt—state and federal health-care budgets. Medicare now pays one-third of all its health-care funds for some 4.5 million Alzheimer's patients. Are we ready for three times that number?

Alzheimer's doesn't have to be an inevitable part of aging. It is a disease for which research can find a cure, or at least a more effective treatment. In that way, it could be like HIV–AIDS—a disease that, for most sufferers, went from a lethal diagnosis to a treatable chronic condition within six years of its discovery. One breakthrough AIDS drug rapidly led to another, because we mobilized pandemic-strength muscle against it. In addition, the Food and Drug Administration created review and approval processes that helped new therapies for AIDS reach people who needed them years ahead of what would have otherwise been possible.

The FDA now needs to give the same priority status to drugs for Alzheimer's as it has for AIDS and cancer treatments. And, the federal government needs to designate Alzheimer's as a No. 1 research priority.

If we don't do these things, the projections are staggering. Within the next five years, nearly a half-million new Alzheimer's cases will be diagnosed annually, as 78 million baby boomers reach age 65. Given those numbers, most of us will either become an Alzheimer's patient, care for one in our home or know a patient in our extended family. By robbing victims of memory, Alzheimer's strips away individuality, dignity and independence.

Alzheimer's is expensive. It requires $19,000 a year in out-of-pocket costs for each caregiver family. Last year Medicare spent $91 billion for Alzheimer's. That figure will nearly double in just four years—and keep soaring as 14 million cases are diagnosed in boomers' lifetimes.

Within the pharmaceutical industry, there are 28 Alzheimer's compounds in development. But progress on all fronts is unconscionably slow considering the looming shadow of this epidemic. And, given the complexity of the disease, no single research organization has the resources to research all its facets as quickly as we must.

At Wyeth alone, we've committed hundreds of millions of dollars to this research. We are moving in a promising direction by testing eight innovative approaches. Right now no one can say that any one of them will work. But we believe that, through taking multiple "shots on goal" in our research labs, a treatment can be found.

In October 2001 Wyeth started its Alzheimer's research program with a vaccine approach designed to stimulate the body to stop the buildup of beta-amyloid plaque in the brain—thought to be a critical part of the disease process. While that initial effort proved unsuccessful, it did not deter us from moving ahead with another vaccine approach. This new vaccine program is in the clinic. Furthest along in development at Wyeth is a pill—a potent serotonin receptor antagonist that may enhance cognition in moderate cases and significantly enhance the quality of life. Another promising approach is an antibody directed against beta-amyloid. By removing these plaques, we hope to stop the disease from progressing.

But it is imperative for industry, scientists and regulators to work together to help us reach our goal even faster. We need a sense of urgency, a commitment to collaboration that will lead to a concerted, focused effort to prevent this impending epidemic.

A TV journalist who cares for a husband diagnosed with the disease wrote in a recent issue of the scientific journal Alzheimer's & Dementia: "Right now the majority of Alzheimer's victims and their caregivers are our parents. Their plight is our future. . . . We are desperately in need of access to new therapies instead of being left with only agonizing decisions."

For every month we hesitate, we will find ourselves spending down the nation's health-care budget to care for the demise of millions of people. We should be preparing to cure them. We could make my generation the last to dread Alzheimer's. It is time to accelerate the pace of our efforts and take the battle to a level on par with our hope.

THE AMIA BOMBING REMEMBERED

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. CROWLEY. Mr. Speaker, I rise today in commemoration of the 12th anniversary of the Argentine Israelite Mutual Association (AMIA) bombing in Buenos Aires, Argentina. We cannot forget the 86 individuals who were killed and the hundreds who were wounded on July 14, 1994 in a terrorist bombing of the AMIA building.

This largest single incident of terrorism against Jews since World War II was an affront to humanity and the principle of freedom that our country so dearly values. As the home of the largest Jewish community in Latin America, Argentina's Jewish community center was leveled and reduced to rubble along with nearby buildings.

Unfortunately, nobody has yet to be convicted for the bombing although many allegations have been made. It is therefore all the more important that we memorialize this day.

The heinous assault sent shock waves throughout South America, and the international community.

As American citizens we share a common bond with Argentinians as being victims of terror ourselves. September 11 has only reaffirmed that terrorism in any form or any place will not be tolerated. By remembering those whose lives were affected or taken by terror we affirm the value that life and security serves in a functional society.

I commend Congressman TOM LANTOS and Congresswoman ILEANA ROS-LEHTINEN for their work in commemorating the victims of the AMIA bombing and the individual lives lost to hatred and terror. The Latino and Latin American Institute of the American Jewish Committee deserves much credit and praise for initiating this important remembrance of an attack that affected the international community.

TRIBUTE TO PATRICIA LEWIS OF WORCESTER, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. McGOVERN. Mr. Speaker, it is with great pleasure and pride that I rise today to pay tribute to a long-time friend, Patricia Lewis, or "Patsy," as she is affectionately known in my community. Patsy will be honored in the City of Worcester tonight for her outstanding work and unyielding service to the citizens of Massachusetts and our Nation. For 20 years Patsy has served as the Executive Director of the Worcester Community Action Council, Inc., an agency that was started in 1965 as the locally designated "community action" agency for the Economic Opportunity Act under the Johnson Administration. Today, WCAC serves as an umbrella agency for 25 education and social service programs.

Since her arrival, Patsy devoted most of her time fighting the good fight, serving as an advocate for the poor and the needy with dignity and respect. She and her staff along with the Board of Directors are a force to reckon with in the fight against poverty.

Mr. Speaker, Patsy's list of accomplishments is long. She doubled WCAC's annual budget; added and expanded services into Southern Worcester County; initiated new programs throughout WCAC's service area, including fuel assistance, Head Start, Americorps/Cityworks, Individual Development

Accounts and Food Stamp outreach. Today, WCAC serves more than 11,000 households in Central and Southern Worcester County with an emphasis on developing self-sufficiency for low-income families.

Patsy has served on numerous human service organizations, including the Greater Worcester Community Foundation, United Way Women's Initiative, and the YWCA. She has been a joint faculty member of Worcester State College and Clark University. She is an alumna of Manchester College, Ohio State University, and Boston University.

Mr. Speaker, my friend Patsy is an individual who cares about people and I am truly appreciative of the work she has done for the residents of the 3rd Congressional district. As a result of her leadership and vision our community is a better place. For her outstanding service I ask my colleagues in the United States House of Representatives to join me in honoring Patricia "Patsy" Lewis.

WORLD CUP VICTORY OR COLLEGE GRADUATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, with the disappointing ending of the quest for the World Cup through a loss to Ghana last week, I find it appropriate to bring to the attention of Congress an article written by David Brooks, a columnist with the New York Times, entitled "Our World Cup Edge." The article discusses our country's apparent disadvantage in skill and experience in this worldwide soccer competition, but touts the American university system, which produces most of the players on the U.S. team, as being the best.

While the U.S. team unfortunately was eliminated in the first round of the competition, our team can boast having the most college graduates. American athletes go to college to foster their athletic abilities, whereas Europeans are removed from school at a young age and placed in specialized training programs.

The article maintains that the higher level of education American athletes receive helps to boost our economy. American universities greatly contribute to a sense of community. Such a phenomenon dates back to the founding of these schools as autonomous, devoid of government intervention. Such a lack of government involvement allows American universities to remain competitors in the ideas market. By contrast, the European university system is controlled by the government and is therefore not very competitive. European governments encourage equality amongst their universities.

American universities are at the top. As Mr. Brooks cites, not only have our schools fostered strong sports programs, but they also build camaraderie through extracurricular activities. American universities also lead to business and cultural centers, while the European system does not have nearly as large an effect. With globalization, American universities have become increasingly more desirable, further benefiting our society.

I commend Mr. Brooks' analysis of the importance and success of our American universities. However, I would like to push Congress even further in identifying the challenge presented by the need to produce more engineers and scientists in today's increasingly competitive technological age. Our country has done an admirable job in ensuring our universities are the best, but we must continue working to keep up with technology by educating our students in the scientific fields.

I thank Mr. Brooks for his thorough comparison of university systems. I therefore submit for the RECORD Mr. Brooks' column in the June 22nd issue of the New York Times.

[From the New York Times, June 22, 2006]

OUR WORLD CUP EDGE

(By David Brooks)

Going into today's World Cup match against Ghana, no American player has managed to put a ball into the back of the net, but the U.S. team does lead the world in one vital category: college degrees.

Most of the American players attended college. Eddie Pope went to the University of North Carolina. Kasey Keller attended the University of Portland and Marcus Hahnemann went to Seattle Pacific.

Many of the elite players from the rest of the world, on the other hand, were pulled from regular schools at early ages and sent to professional training academies. Among those sharp-elbowed, hypercompetitive Europeans, for example, Zinedine Zidane was playing for A.S. Cannes by age 16, Luis Figo was playing for Sporting Lisbon at 17, and David Beckham attended Tottenham Hotspur's academy and signed with Manchester United as a trainee at 16.

The difference in preparation is probably bad for America's World Cup prospects, but it's good for America's economic and political prospects. That's because the difference in soccer training is part of a bigger phenomenon. American universities play a much broader social role than do universities elsewhere around the world. They not only serve as the training grounds for professional athletes, unthinkable in most other nations, they also contribute more to the cultures and economies around them.

The American university system was born with expansionist genes. As early Americans spread out across the frontier, they created not only new religious sects, but new colleges, too. The Dartmouth College case of 1819 restricted government's efforts to interfere in higher education. As the centuries rolled on, government did more to finance higher education, starting with the Morrill Land Grant College Act of 1862, but the basic autonomy of colleges and universities was preserved. They remained, and remain, spirited competitors in the marketplace of ideas, status, talent and donations.

The European system, by contrast, is state-dominated and uncompetitive. During the 19th century, governments in Spain, France and Germany abolished the universities' medieval privileges of independence. Governments took over funding and control, and imposed radical egalitarian agendas. Universities could not select students on merit, and faculty members became civil servants.

The upshot is that the competitive American universities not only became the best in the world—8 out of the top 10 universities are American—they also remained ambitious and dynamic. They are much more responsive to community needs.

Not only have they created ambitious sports programs to build character among students and a sense of solidarity across the community, they also offer a range of extracurricular activities and student counseling services unmatched anywhere else. While the arts and letters faculties are sometimes politically cloistered, the rest of the university programs are integrated into society, performing an array of social functions.

They serve as business incubation centers (go to Palo Alto). With their cultural and arts programs, they serve as retiree magnets (go to Charlottesville). With their football teams, they bind communities and break down social distinctions (people in Alabama are fiercely loyal to the Crimson Tide, even though most have not actually attended the university).

State-dominated European universities, by contrast, cast much smaller shadows. A Centre for European Reform report noted "a drab uniformity" across the systems. Talented professors leave. Funding lags. Antibusiness snobbery limits entrepreneurial activity. Research suffers. In the first half of the 20th century, 73 percent of Nobel laureates were based in Europe. Between 1995 and 2004, 19 percent were.

The two systems offer a textbook lesson in how to and how not to use government. In one system, the state supports local autonomy and private creativity. In the other, the state tries to equalize, but merely ends up centralizing and stultifying. This contrast might be worth dwelling upon as we contemplate health care reform, K-12 education reform and anything else government might touch.

The dynamic American university system is now undergoing yet another revolution—globalization. More foreign students are coming to the U.S., and more want to stay after they get their degrees.

This is bound to be great for American society. It will probably do almost nothing for our future World Cup prospects.

HONORING DR. GILBERT R. MASON, ACTIVIST AND PHYSICIAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of an African-American unsung hero, Dr. Gilbert R. Mason, a civil rights activist and family physician, who made waves on the Mississippi Gulf Coast to eliminate racial discrimination in the state.

Dr. Mason was born in Jackson, MS, on October 7, 1928. He earned his B.S. degree from Tennessee State University in 1949 and his M.D. from Howard University Medical School in 1954. In 1955, Dr. Mason moved to Biloxi, MS, where he started his family practice and shortly thereafter began to challenge racial boundaries. He contested and protested the "whites only" section of Federally funded Gulf Coast beaches by leading a nonviolent "wade in".

Jim Crow laws and intimidation tactics hindered and denied blacks the right to beaches, hotels, schools, restaurants, and jobs that whites enjoyed. Dr. Mason confronted racial injustices, and his commitment to civil rights spearheaded a movement in one of the first areas of the Magnolia State to see organized direct action. On April 17, 1960, Dr. Mason took a solitary swim at the "whites only" beach and was arrested. Hearing of his arrest, the following Sunday, student volunteers were outraged and joined in the "wade in". Dr. Mason and others were met by Klansmen and angry mobs that attacked them with chains, iron pipes and whatever else they could grab while burning wooden crosses. The "wade-ins" eventually led to one of the bloodiest riots in Mississippi's history.

Dr. Mason successfully filed the first anti-discrimination lawsuit against the State of Mississippi and school desegregation lawsuit in the history of Biloxi.

Dr. Gilbert R. Mason collaborated with the Mississippi NAACP to create a stance for civil rights partnering with CORE, SNCC, and SCLC. Dr. Mason worked closely with Medgar Evers, NAACP field secretary until he was gunned down in front of his home in 1963, fighting racial discrimination and championing equality for all mankind.

In 1970, he became the first African American to be admitted to the Mississippi Academy of Family Physicians. In 1992, he helped Harrison County elect its first African American and female supervisor. In 1998, he published a book detailing the struggle in, "Beaches, Blood and Ballots: A Black Doctor's Civil Rights Struggles".

The wave Dr. Gilbert Mason began on the coast of Mississippi will never be forgotten. Please join me today in honoring a true civil rights pioneer, Dr. Gilbert R. Mason.

WORLD PEACE THROUGH WORLD LAW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to a truly remarkable man, Mr. Louis B. Sohn passionate supporter of the United Nations, Mr. Sohn has made a significant mark on both our country and the world. On June 7 at his home in Falls Church, Virginia, we lost Mr. Sohn to complications of a stroke. He was 92 years old.

Born March 1, 1914, right at the start of World War I, in Lwow, Poland, Louis showed tremendous passion right from the beginning. He earned both his undergraduate and law degrees from John Casimir University. A mere two weeks before the invasion of Poland during World War II, a Harvard law professor who had been impressed by Mr. Sohn's treatises, invited him to be a research fellow at Harvard School of Law. Soon after his arrival, he met Betty Mayo, who became his wife and is now his only survivor.

Serving as an assistant to Manley O. Hudson, a Harvard Law professor and a judge on the Permanent Court of International Justice at the Hague, Mr. Sohn traveled to San Francisco for the United Nations charter conference. With his help, the International Court of Justice was established. Then when Mr. Hudson retired as the Bemis Professor of International Law at Harvard, Louis Sohn was awarded the honor.

Professor Sohn was well known for his book "World Peace Through World Law," which he co-authored with Grenville Clark, a prominent Wall Street attorney. Their book delved into various proposals to transform the U.N. into a world government.

Throughout his 50 year career in the field of law, which culminated at the University of Georgia School of Law, Professor Sohn was a champion for disarmament and the creation of a permanent U.N. peace force. He hoped that through such a peace force, the U.N. could use their military budget alternatively to relieve poverty. Mr. Sohn commendably spent his life working hard for a more powerful United Nations.

I enter into the RECORD an article published in the New York Times on June 23, 2006 titled "Louis B. Sohn, Passionate Supporter of the U.N., Dies at 92." The article provides a more in depth commentary of Professor Sohn's esteemed accomplishments. He is a truly remarkable man who has left an everlasting imprint on society. We must keep his legacy alive and continue to fight for disarmament and human rights.

[From the New York Times, June 23, 2006]

LOUIS B. SOHN, PASSIONATE SUPPORTER OF THE U.N., DIES AT 92

(By Dennis Hevesi)

Louis B. Sohn, a professor of international law who helped draft parts of the United Nations Charter in 1945 and was a leader in subsequent efforts to turn the United Nations into a true world government, died on June 7 at his home in Falls Church, Va. He was 92.

The cause was complications of a stroke, said Paige Otwell, a friend.

For nearly 50 years, while at the Harvard School of Law and then the University of Georgia School of Law, Professor Sohn served on commissions and organized conferences around the world, championing disarmament, human rights and increased powers for the United Nations.

He called for the creation of a permanent United Nations peace force. He wanted nations with nuclear arsenals to hand them over to the United Nations and use their military budgets for relieving poverty. He campaigned to have the 1948 United Nations Declaration of Human Rights accepted as a legally binding document, rather than a statement of principles. In 1968, the General Assembly adopted that premise.

Those proposals and others were seized upon by American isolationists to attack the United Nations. Professor Sohn called them "the minimum requirements for peace, not a utopian scheme for a perfect world community."

Louis Bruno Sohn was born on March 1, 1914, in what was then Lwow, now Lviv, then part of Poland but now in Ukraine. He graduated from John Casimir University there and then earned a law degree in 1939.

Professor Sohn's parents, Isaak and Fredericka Sohn, were doctors. His father, taken to an internment camp after the invasion of Poland, barely survived World War II. His mother died of pneumonia that first winter.

Two weeks before the invasion, at the invitation of a Harvard law professor who read one of his legal treatises, Professor Sohn had boarded a ship to the United States to become a research fellow. In 1941, he married Betty Mayo, a Radcliffe student; she is his only survivor.

At Harvard, he became an assistant to Manley O. Hudson, a judge on the Permanent Court of International Justice at the Hague, which was established by the League of Nations but suspended during the war. Judge Hudson was the Bemis Professor of International Law at Harvard. Professor Sohn succeeded to the Bemis chair in 1961 and held it until 1981.

In the summer of 1945, Judge Hudson and his assistant traveled to San Francisco for the United Nations charter conference. There, they helped draft the statute establishing the International Court of Justice, or World Court, as the successor to the Permanent Court of International Justice.

In an interview in 1977, Professor Sohn recalled how Harvard had asked him to teach a course on the United Nations after his return from the charter conference, "because nobody else would teach anything so crazy."

In 1958, Professor Sohn was a co-author, with Grenville Clark, of "World Peace Through World Law" (Harvard University Press), which examined proposals to transform the United Nations into a world government. The book envisioned a time when the United Nations budget, then $55 million, would surpass $35 billion, with $25 billion set aside to mitigate "the worst economic disparities between nations."

The authors also called for the elimination of all armaments in 12 years and envisioned that the United Nations would then have a monopoly on military force and would maintain a peace force of 400,000 soldiers.

In 1967, Professor Sohn wrote a report for a committee of international law experts, urging the United Nations to study the threat to individual freedom posed by computers, eavesdropping devices and genetic engineering. The report, submitted to the United Nations as part of the 20th anniversary of the Universal Declaration of Human Rights, said the concept of national data banks "raises the specter of a government which knows all."

"Arrangements have to be devised," it said, "to control the precious few who run the machines, and on whose wisdom and impartiality the fate of mankind may depend."

In 1977, Professor Sohn was a delegate to a United Nations-sponsored conference that drafted the Convention on the Law of the Sea, which the General Assembly adopted in 1982.

In 1981, after 35 years at Harvard, Professor Sohn accepted an invitation from Dean Rusk, who had been secretary of state under President John F. Kennedy, to join him in teaching international law at the University of Georgia.

TRIBUTE TO THOSE KILLED BY BOMB ATTACKS ON INDIAN COMMUTER TRAINS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. HOLT. Mr. Speaker, I rise today to express my condolences to the families of those who were killed in today's terrible bomb attacks on several Indian commuter trains. Reports indicate that these deadly attacks have claimed the lives of at least 135 people and injured more than 250 Indian citizens. My thoughts and prayers and those of many Americans are with the families of those affected. These attacks were perpetrated for an unknown reason but, of course, there can be no good reason or justification. I hope that United States officials will assist the Indian Government in tracking down those who are responsible.

It was just over a year ago that a deadly terrorist bombing shut down London's transportation system. In March of 2004, similar bombing attacks ripped apart the morning commute in Madrid, killing 192 innocent civilians. We have been fortunate in the United States not to experience similar terrorist attacks on our railways. We must not be lulled, however. It is long past time to take the steps necessary to keep the traveling public as safe as possible.

In this moment of grief, we must stand with our longtime friend and support her and all the Indian people.

WAR RESISTER NORMA BECKER FOUGHT FOR PEACE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to a truly outstanding woman, Ms. Norma Becker. A teacher, civil rights activist, and promoter of peace, Norma touched the lives of everyone who came in contact with her. On June 17, 2006, at the age of 76, we lost Ms. Becker to lung cancer.

Norma Becker started out her tremendous career as a schoolteacher in New York City. However, she soon moved to the South to teach, after hearing about Birmingham, AL, Sheriff "Bull" Connor's use of dogs against civil rights protesters. During that time, Norma could not help but feel the growing anti-Vietnam war sentiment that surrounded her. But instead of idly watching others, Ms. Becker took some of the biggest steps a single person could. She helped to start the Peace Parade Committee, a peace protesting movement in New York City.

Norma's efforts did not die with the Vietnam war, but rather her energy and intensity rose. In 1977, she helped create the Mobilization for Survival, which helped to bridge the broad antiwar movement with the intensifying antinuclear power sentiment.

However, Norma's favorite endeavor was the War Resisters League, of which she served as chairwoman from 1977 to 1983. Staff members of the league have praised Ms. Becker for her outstanding leadership. Others commended her always present energy. She had an innate ability to work well with everyone.

Peace activists across the country are devastated by this loss. But Norma's spirit remains with us and encourages us to continue the fight for peace. I enter into the RECORD with pleasure a piece by the War Resisters League as a reminder of the tremendous impact Norma Becker has had on our country. It is critical that we keep her memory alive so that many generations to come will know who Ms. Becker was as well as all the great things she accomplished. She set an example that we should all be proud to mimic.

ANTIWAR LEADER NORMA BECKER DIES

Norma Becker, teacher, civil rights activist, and towering figure of the peace movement during the Vietnam War, died of lung cancer in her New York City home June 17. She was 76.

A founder of the Fifth Avenue Vietnam Peace Parade Committee, which drew tens of thousands to protest the Vietnam War, and a founder of the Mobilization for Survival coalition, she was crucial to the antiwar movement. She served as chair of the pacifist War Resisters League from 1977 to 1983.

"One of the truly great has passed," said longtime War Resisters League staffer David McReynolds on hearing of her death. "As much as any, and more than most, she provided leadership in hard times and for the long and horrific years of [the Vietnam] conflict."

Becker was a New York City schoolteacher in 1963, when, as she said later, she was "recruited into the civil rights movement by Sheriff 'Bull' Connor of Birmingham [AL]." Appalled by media accounts of Connor's use of dogs to subdue civil rights demonstrators, Becker went South to teach in the summer Freedom Schools.

Over the next couple of years, Becker—and the burgeoning movement against the war in Vietnam—found that she was as gifted an organizer as she was a teacher. In 1965, she helped to start the Peace Parade Committee, which organized massive antiwar protests in New York City. Wendy Schwartz, a younger WRL activist who came to the antiwar movement during those years, adds, "It was Norma's energy, intelligence, and charm that helped make those demonstrations so large and so peaceful. She worked as well with the disparate peace movement factions as she did with the police."

In 1977, after the Vietnam War had ended, Becker helped create the Mobilization for Survival, which linked the emerging movement against nuclear power to opponents of nuclear weapons and the wider antiwar movement.

But whatever other organizations she worked with, Becker also remained involved with the War Resisters League. Only a week before she died, at the annual WRL dinner, the organization paid tribute to Becker's profound influence on the struggle for peace. WRL and peace activists across the country mourn her loss and send condolences to her daughter and son-in-law, Diane and Stephen Tosh, her daughter-in-law Anita Becker, and her four grandchildren Sarah, Nicholas, and Katrina Tosh and Alicia Becker.

A TRIBUTE TO REVEREND WILLIAM J. SHAW

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to an enduring and rightfully honorable man, Dr. William J. Shaw. His dedication as pastor to the White Rock Baptist Church has provided the community with exemplary guidance for 50 years. His commitment to preaching is recognized both nationally and internationally.

Reverend Dr. Shaw will be honored as a true Living Legend July 2006 in Dallas, TX, by The E.K. Bailey Ministry. A well-respected pastor and family man, Dr. Shaw has most recently been a recipient of the Unitas Award given by Union Theological Seminary and the T.B. Maston Foundation Christian Ethics Award given by Southwestern Baptist Theological Seminary.

The Reverend has continually provided outstanding leadership with consistent community involvement throughout his lifetime. A native Texan, Dr. Shaw was baptized by the age of seven. He gave his first sermon at the youthful age of 11 and was ordained as a Pastor of the Oak Hill Baptist Church in Texas by the age of 17.

Presently, Dr. Shaw is serving a second term as President of the National Baptist Convention, USA, Inc. In addition, he has served on a multitude of boards, allowing him to guide the convention's efforts.

On behalf of the Dallas, TX, community, I commend the Reverend's many years of exceptional service.

ECONOMIC REVIVAL OF FLUSHING: ALL DUE TO IMMIGRANTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce an article titled Changing Face of Queens: From Small Asian Shops to High-End Stores from the June 28 edition of the New York Times. The article, by Alison Gregor, describes the economic development of Flushing and the large-scale mixed use condominiums that are being built in the area. It is evident that ethnic tradition and culture are the driving force behind these developments.

There is a huge Asian population in Flushing that has disposable income that is currently shopping in Manhattan or even in Manhasset on Long Island. The retail potential of the neighborhood has attracted commercial developers and big-name businesses. The presence of the thriving immigrant community is the lure that is drawing the developers and spurring the revival of the desolate West Flushing neighborhood.

In fact, Queens Crossing, a 12-story office condominium project, is being built by Mr. Michael Lee, president and CEO of TDC Development L.L.C. and a longstanding resident. With the added convenience that Flushing has to offer, Queens Crossing is going to be a destination for shopping, food, entertainment, education, medical and business services. Queens Crossing is only the first in the line of many development projects that are going on in Flushing. The Flushing Commons, under the direction of TDC Development and the Rockefeller Development Corporation, an even more ambitious project, is expected to be completed in about four years. Lastly there is the Flushing Town Center of the Muss Development Company, the largest mixed-use development project in New York City.

The United Nations has recently reported on the beneficial effects of the immigrant population to their newly adopted countries. The renewal of Flushing is a real example of such an effect, repeating what the immigrants are doing to all our New York City to improve our communities. We are experiencing a wonderful revitalization of New York City because of our traditional role as a welcoming city for the pursuit of the American dream.

I wish to draw the attentions of my colleagues to the redevelopment of Flushing neighborhoods and remember the positive aspects of immigration.

CHANGING FACE OF QUEENS: FROM SMALL ASIAN SHOPS TO HIGH-END STORES

(By Alison Gregor)

If you're looking for cafes serving bubble tea or herbalists offering dried lotus blossoms or purveyors of waving-cat trinkets, downtown Flushing, the city's second-biggest Chinatown and the largest urban center in Queens, has them in large quantity. But in the next few years, the area may also welcome a host of more mainstream retailers.

Almost 1.3 million square feet of retail space is planned in at least three major mixed-use developments—about the same area as at the renowned Mall at Short Hills in New Jersey—and a few hundred thousand feet of office space is also being developed. The first new stores are to open by the end of this year.

Flushing is already a pan-Asian enclave that is a first stop for many immigrants from China, Korea and Malaysia, among other countries.

Developers are hoping it will soon be a stop for American shoppers. "You have to make this area a destination," said Michael Meyer, president of TDC Development L.L.C., which is involved in two of the mixed-use projects.

Mr. Meyer is relatively new to the community. But the chairman and chief executive of TDC, Michael Lee, an immigrant from Taiwan, arrived in Flushing two decades ago and has purchased a substantial portion of the area's properties. TDC is a subsidiary of the F&T Group, a real estate company.

Mr. Lee owns the Flushing Mall, a longstanding collection of boutique shops and restaurants on 39th Avenue, where signs are in Chinese and Korean. He also developed the nearby Prince Center in 2003; it is a complex of ground-floor retail space, now full of restaurants, and office condominiums that netted about $500 a square foot.

Office condos are fairly unusual for New York City, but the market is receptive in Flushing. "What drives a lot of this is the whole ethnic tradition and culture; the Chinese mentality is very much an ownership mentality," Mr. Meyer said.

Mr. Lee is building another office condominium project: Queens Crossing, a 12-story building being framed at the corner of Main Street, Flushing's main shopping artery, and 39th Avenue. It will have 190,000 square feet of office space in about 80 office condominiums, and 86,000 square feet of parking.

The building has a waiting list of more than 200 businesses, Mr. Meyer claimed. "Queens Crossing sales, on a net square footage basis, are now estimated at $750," he said.

The development will also have about 110,000 square feet of retail space, which has not yet been leased. It will open by the end of this year. "We're looking for mainstream retailers like bookstores and health clubs and restaurants and apparel stores," Mr. Meyer said.

But Queens Crossing would be dwarfed by another proposed development a block away called Flushing Commons, which envisions having a total of almost two million square feet. Flushing Commons is expected to be completed in about four years on the site of a municipal parking lot that now has space for about 1,100 vehicles.

That development, with 500 residential units and about 350,000 square feet of retail space, will aim to attract more upscale retailers than currently operate in Flushing. While the city has given approval to the general concept of this project, it is still going through public hearings.

Thus far, the developers of Flushing Commons—Mr. Lee and a partner, the Rockefeller Development Corporation—envision that much of the retail space will be used by a multiscreen cinema, a national-chain bookstore and a supermarket like Whole Foods, along with some smaller stores. Roughly 15,000 square feet of space dedicated to office condominiums is being envisioned for professionals like doctors and lawyers.

Flushing Commons will also include a 200-room hotel, where developers would like to see a Westin, Mr. Meyer said.

Alan L. Stein, a senior vice president at Rockefeller, said the developers, which won a bid to develop the city-owned property a year ago, had promised not to introduce any "big box" stores into the complex.

Robin Abrams, an executive vice president of the Lansco Corporation, a commercial real estate brokerage firm that consulted on the project, said she envisioned retailers like Scoop, Cole Haan and Sephora setting up shop in the development.

Stores like those "are all over Manhattan, but don't have a presence in Flushing," Ms. Abrams said. "Frankly, the thought is there's a huge Asian population that has disposable income that is currently shopping in Manhattan or even in Manhasset" on Long Island.

Mr. Meyer said that some retailers might be intimidated by the ethnic nature of the market, but that the developers believed they could convince them that they had nothing to fear.

Also, retailers that already have outlets in Asia would be comfortable in downtown Flushing, said Josh Segal, owner of the Segal Realty Group, a commercial real estate firm that also consulted on Flushing Commons. "It's like Shanghai on the Flushing River," he said.

Already going in alongside the Flushing River is one of the largest mixed-use developments. The Muss Development Company is building 1,000 residential units in several towers on a 14-acre site. The $800 million project will also include an 800,000 square-foot shopping center anchored by national retailers.

The first phase of the project will not be completed until 2008 at the earliest, said Jim Jarosik, a senior vice president at Muss.

Flushing residents are watching the explosion of commercial development closely. Real estate professionals say Home Depot and Target are rumored to be anchor tenants at the Muss project, which is called Flushing Town Center, although the developer would not identify the stores it was negotiating with.

Some Flushing residents say they believe that if retailers of that sort go into the development, there may be traffic backups along Roosevelt Avenue, said Chuck Apelian, vice chairman of Community Board 7, which represents downtown Flushing.

Downtown Flushing, a transportation hub that has 24 bus lines and the terminus of the No. 7 subway, is an area that is used by nearly 100,000 commuters daily, according to the Downtown Flushing Transit Hub Business Improvement District, and has become synonymous with traffic congestion. A group called Save Our Flushing Community has formed to protest the Flushing Commons project. Others maintain that additional traffic snarls would not hurt business.

Even if retail rents head far north of the $100 a square foot paid at certain locations on Main Street, the owner of Pho Vietnamese on Prince Street, Tai Ma, who has lived and worked in Flushing for 29 years, said he welcomed the new commercial development. "The rent here is going high anyway," he said. "If you want to develop Flushing, you need something big."

HONORING CAPTAIN JAMES MAES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, on Friday, July 14, 2006 the Coast Guard Sector Miami will be holding a Change of Command ceremony. The event will also be the retirement ceremony for Captain James Maes who will be retiring after 26 years of distinguished service in the United States Coast Guard. The Coast Guard represents the best in public service and selfless sacrifice for our fellow Americans, and I am proud to be a strong supporter of the Coast Guard's vital missions.

An occasion such as this serves to remind us of the important role the Coast Guard serves in defending our national security, ensuring public safety, facilitating commerce, and protecting the environment. Many have contributed for the benefit of protecting our shores, for the safety of those who travel to and from our coastlines, and for the general support our law enforcement and maritime communities gain from key cooperation with the Coast Guard.

Coast Guard Sector Miami is the first Sector in the history of the Coast Guard. It was established in Miami Beach on July 12, 2004. Sector Miami is one of the busiest and most dynamic operational units in the Coast Guard. The 650 active duty, reserve and civilian, men and women, and 1000 Auxiliary volunteers who make up Sector Miami continue in the long tradition of dedicated service in South Florida. That tradition dates back to 1876 when the U.S. Lifesaving Service established the Biscayne House of Refuge at a location near what is now 72nd and Collins on Miami Beach.

Under Captain Maes' leadership, Coast Guard Sector Miami units saved hundreds of lives, and seized thousands of pounds of illicit drugs. Sector Miami implemented and enforced new port security requirements under the Maritime Transportation Security Act of 2002, the most sweeping regulatory changes for the Coast Guard since World War II. He fully integrated the Coast Guard into regional security operations during the Free Trade Area of the Americas in 2003, and the Organization of American States General Assembly in 2005. Captain Maes was the incident commander for rescue and recovery operations after the tragic Chalk's Flight 101 crash, the largest loss of life aviation disaster in the United States since 9/11. During the devastating 2004 and 2005 hurricane seasons, Coast Guard Sector Miami made critical decisions to restore essential ports for commercial traffic, and open waterways for recreational boaters, as quickly and safely as possible.

That is why I am pleased to call myself a supporter of the United States Coast Guard. I congratulate Captain Maes on his distinguished service, particularly the past 3 years in South Florida where he will leave a legacy of trust and cooperation among federal, state, local, volunteer, and marine industry partners. I would also like to welcome Captain Karl Schultz and look forward to the continued success of Sector Miami.

IN TRIBUTE TO ANNE FORRESTER, ACTIVIST AND AMBASSADOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Anne Forrester, a tireless advocate who gave her life so that others could understand and appreciate the freedoms we exercise daily in America. Ambassador Anne Forrester, who served our Nation as head of the office of Ambassador Andrew Young in the Department of State and then as Ambassador to Mali during the administration of Jimmy Carter, succumbed to pancreatic cancer on June 23, 2006 at her home in New York City. She was memorialized at a service at the National Cathedral in Washington on Saturday, July 8, 2006. A woman of sound moral character and grace, Anne Forrester lived for others and irreversibly changed everyone she met.

Born in Philadelphia in 1941, to a widowed social worker in a country very divided among race lines, Mrs. Forrester knew from experience what it felt to be denied, pushed aside and undervalued. She was a woman, a colored woman with an intellect and courage that extended beyond her small delicate frame. However, despite all of these challenges, she became a pioneer being among one of the first African American women appointed to serve as a United States Ambassador.

Mrs. Forrester is noted not only as one of the first African American women appointed to ambassadorship in 1979 by President Jimmy Carter to Mali but for her contributions to the great movements of the 1960s and 1970s, the struggle for the attainment of civil rights and the resistance to the folly of our engagement in Vietnam. She channeled her displeasure with America's domestic policies to produce change in government through direct action. Later in her career, Anne became the staff director of the House Foreign Affairs subcommittee on Africa. Her desire to share the hard-won freedoms gained by blacks in America with those in Africa laid the groundwork for a career of service to the people of Africa which replicated her commitment to equality and justice for Blacks in the U.S.

Mrs. Forrester had a special relationship with the continent of Africa. As a young child, she vividly recalled various pleas from missionaries in her church describing a world and place she would later explain and describe in her own words and from her own personal experience. As a student in Bennington College in Vermont, Mrs. Forrester in 1962 made her first trip to Africa, traveling to Uganda with a summer cultural exchange program. She later earned her Masters Degree in African Studies from Howard University in 1968 and her Ph.D from the Union Institute & University in Cincinnati in 1975.

Ambassador Forrester served as a Resident Representative of the United Nations Development Program (UNDP). Her work for the U.N. was exemplary, exhibiting the true qualities of a humble yet determined civil servant. As an official observer for the U.N., Mrs. Forrester traveled abroad to a variety of locales. Also as a mother and advocate for reform and peace, Mrs. Forrester was a doer whose work in the U.N.'s regional bureau for Africa under Ellen Johnson-Sirleaf, now President of Liberia and as a guest scholar at the Smithsonian Institution's Woodrow Wilson International Center for Scholars garnered a lot of praise and attention.

We all mourn the loss of such a true pioneer, who took positions and voiced her opinion at times when voices of opposition were not welcomed. What I hope people will gain from her life is that anything is truly possible and that you can aspire to achieve no matter how dire the situation or circumstances. Her selfless acts should be remembered and praised.

I enter into the CONGRESSIONAL RECORD to illustrate to my colleagues Anne's special qualities the obituary published in the Post on July 3, 2006 which provides an insight into Anne Forrester's humanitarian efforts and accomplishments. She has truly left her mark on our society and she will always be remembered for that. We must keep her memory alive in our hearts and minds so that generations after us will know who she was and what she did. One will not be able to speak about the progress made in the struggle of people of color during the 1960's and 1970's for civil rights and equality of opportunity in the U.S. and for self determination and freedom in Africa and the Caribbean without bringing up her name, for she has without a doubt made great contributions to both areas.

[From the Washington Post, July 3, 2006]

ANNE FORRESTER, AMBASSADOR TO MALI

(By Patricia Sullivan)

Anne Forrester, 65, former ambassador to Mali who had an abiding professional interest in Africa and the African diaspora, died of pancreatic cancer June 23 at her home in New York City.

Ms. Forrester was appointed to the ambassadorship in 1979 by President Jimmy Carter and was one of the first African American women to hold the post. A scholar and activist in the 1960s, she made the transition into a position of power in government and diplomacy.

"What I represent is the generation that learned traditional values in the 1950s, was cast into turbulent changes in the 1960s, learned a new vocabulary and had to integrate the changes," she told The Washington Post in 1979.

Ms. Forrester served as ambassador until 1981, then returned to Washington to work as staff director for the House Foreign Affairs subcommittee on Africa, where she laid the groundwork for the anti-apartheid bill that passed Congress in 1986.

She helped Randall Robinson as he launched the TransAfrica Forum, which lobbies on African issues. Ms. Forrester joined the United Nations staff in 1985, a decade after working as staff director for Andrew Young at the State Department, when he was the U.S. ambassador to the United Nations.

A small, delicate woman who joked about her reputation as a forceful advocate, Ms. Forrester carried memories of segregation and civil rights fights with her into the rulebound world of diplomacy. Born in Philadelphia to a widowed social worker, she attended public schools and remembered sitting in Philadelphia's historic St. Thomas Episcopal Church, listening to the pleas for missionaries in Africa.

"Knowledge of Africa, from a positive and enriching approach, was very evident in our home," she said.

She was bright and left home early to attend the majority-white Northfield Mount Hermon School in Massachusetts. She also graduated from Bennington College in Vermont.

In 1962, she made her first trip to Africa, traveling to Uganda with a summer cultural-exchange program, Operation Crossroads Africa. She taught at her old prep school for a few years, then, seeking an experience in a majority-black environment, moved to Washington to work on a master's degree in African studies at Howard University, which she received in 1968.

She met and married Marvin Holloway, and they became involved in Washington's Drum and Spear Bookstore and Press, a center of black nationalist activism.

During this period, she directed the Black Student Fund; worked part time for Young, then a Democratic member of the House from Georgia; started her doctoral work that culminated in a 1975 degree from Union Institute & University in Cincinnati; was an official observer at a U.N. conference; and traveled abroad a couple of times, all while her twin girls were going through their "terrible twos."

She ran Young's State Department office when he was the U.N. ambassador, successfully finding her way through the labyrinths of Foggy Bottom diplomacy. After her ambassadorship and work on Capitol Hill, she became a guest scholar at the Smithsonian Institution's Woodrow Wilson International Center for Scholars and an adjunct professor in the African studies department at Georgetown University.

Her work for the U.N. Development Program took her to Lesotho and Ghana and later to Barbados and the eastern Caribbean. She worked in the U.N. regional bureau for Africa under Ellen Johnson-Sirleaf, now president of Liberia. Ms. Forrester became a senior adviser to the administrator in charge of launching the U.N. Foundation and in her first year raised $20 million.

Ms. Forrester retired from the United Nations in October 2001 but continued to work as senior policy adviser on Africa, Afghanistan and HIV–AIDS matters for Rep. Juanita

Millender-McDonald (D–Calif.) for a year. She returned to New York and continued to work as an international consultant on African and Caribbean development issues.

Her marriage ended in divorce.

Survivors include two daughters, Camara Holloway of New York and Kandia Holloway of Charlotte, N.C.

HOUSE OF REPRESENTATIVES—*Wednesday, July 12, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 12, 2006.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Michael Jackson, Pastor, New Life Assembly of God, Janesville, Wisconsin, offered the following prayer:

Our Father, which art in heaven, hallowed be Thy name. We need You here, today, now. Help us, we pray. Confer upon us Your wisdom; grant to us Your favor.

Lord, those who serve in this esteemed Chamber are people created by You to be extensions of You. Touch their bodies. Give them Your strength. Be with their families as well as their constituents. Grant to them Your peace, O God.

Their job is not easy. The weight of their many responsibilities has to weigh heavily upon them. Help them to run and not be weary; to walk and not faint. May the pressures of the day squeeze grace and goodness out of them. May the challenges of the day wring patience and humility out of them. Theirs is a noble task; may they be noble as they carry it out.

In the name of Jesus my Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. RYAN) come forward and lead the House in the Pledge of Allegiance.

Mr. RYAN of Wisconsin led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 427. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1509. An act to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species.

S. 2041. An act to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada.

S. 2430. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

S. 2918. An act to provide access to newspapers for blind or other persons with disabilities.

The message also announced that pursuant to section 1295b(h) of title 46, United States Code, the Chair, on behalf of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the United States Merchant Marine Academy:

The Senator from Mississippi (Mr. LOTT), from the Committee on Commerce, Science, and Transportation.

The Senator from Hawaii (Mr. INOUYE), from the Committee on Commerce, Science, and Transportation.

WELCOMING REVEREND MICHAEL JACKSON

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, it is my great pleasure to honor and welcome Pastor Michael Jackson here today as our guest chaplain. He has come all the way from my hometown of Janesville, Wisconsin, to lead us in prayer today, and we are blessed to have his guidance as we begin our legislative day.

Since November of 1999, Pastor Jackson has served as the senior pastor of New Life Assembly of God in Janesville, Wisconsin, and he has used his many talents to reach out to our entire community and help more and more people open their hearts to the Lord's grace.

While the church itself has grown and produced offshoots throughout nearby communities, as well as New Life Hispanic Church and the Korean Fellowship in Janesville, Pastor Jackson has not only served as a leader of a thriving church body, he has been a leader throughout our whole entire area.

Just one example of this is the annual Freedom Fest Patriotic Rally that the New Life Assembly of God has during the 4th of July. My wife and our kids enjoy this every single year. It is simply one of the many gifts that New Life Assembly of God gives to area residents.

The church has also helped initiate a Day of Compassion in Janesville, which provides those in need with access to free food, health screening, spiritual counsel, and other assistance.

Pastor Jackson brings 36 years of experience as a pastor to his work in the church, the community, and to the House floor today.

Pastor, thank you so much for sharing your wisdom and praying with us this morning.

LYME AND TICK-BORNE DISEASE PREVENTION, EDUCATION, AND RESEARCH ACT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to urge passage of the Lyme and Tick-borne Disease Prevention Act. I have co-introduced this bill because a more coordinated Federal effort to fight Lyme disease is long overdue.

Lyme disease is one of the most mysterious and misunderstood illnesses that our families, including our children, face every day. Our health care community faces extremely difficult challenges in diagnosing and treating Lyme disease.

The epicenter of Lyme disease is in my district in the Hudson Valley, but incidence rates have increased dramatically throughout the country in the past few years. There are 49 States that have experienced Lyme disease cases.

It is time for the Federal Government to assume greater Lyme fighting

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☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

responsibilities. Our bill will help develop a realistic and reliable diagnostic test, it will help increase Lyme disease research, and it will create an advisory committee of patient advocates and specialized physicians to help Health and Human Services develop and implement a vastly improved national strategy to fight Lyme disease.

We can't leave the burden of controlling Lyme disease to our local health agencies alone. By passing this bipartisan legislation, more work will be done at the Federal level to help our local communities. Please help me pass this legislation.

NATIONAL HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, at least 30 percent of the $3.2 trillion spent annually for health care in the United States goes to the for-profit system while 50 million Americans, many of them working, are without health insurance. About $660 billion goes for corporate profits, executive salaries, stock options, advertising, marketing, and the cost of paperwork.

If we took all that money and we put it into a public health system, a national health care plan, we would have enough money to cover everything for everyone, all medically necessary care, including dental care, vision care, mental health care, prescription drug and long-term care.

Health care is a big money maker for corporate America, however, and people we know can't afford necessary health care because premiums, co-pays, and deductibles keep going up. About half of the bankruptcies in America are health-care related.

It is time for this country to break free of the shackles of the insurance companies, and we can do that by Members of Congress supporting H.R. 676, the Conyers-Kucinich-McDermott bill, which calls for a universal health care plan where all people are conferred and, finally, we meet the moral challenge that this country has of providing health care for all.

REPUBLICANS VICTORIOUS IN ANNUAL CONGRESSIONAL BASEBALL GAME

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I am proud to announce that the Republican baseball team once again was victorious in the annual congressional game by a 12–1 score on June 29.

I particularly want to thank our sponsors. We were able to raise over $100,000 for charities. Once again, the charities were the big winners, the Boys and Girls Clubs of the Washington area as well as the Adult Literacy Council.

I want to also congratulate my counterpart, MIKE DOYLE, the manager of the Democrat team, JOE BACA, the pitcher and the most valuable player on the part of the Democrats, with KENNY HULSHOF the MVP on the Republican side, and JOHN SHIMKUS, our extraordinary pitcher, who came back from heart surgery this year to pitch a complete game.

So congratulations to everybody for a wonderful evening of camaraderie and a good time and a nice victory as well. This is my last opportunity to do a little bit of bragging here as the manager.

Also, I want to congratulate the long-time manager of the Democrats, MARTIN OLAV SABO, who is retiring this year. He turned over the reins to MIKE DOYLE, but he was inducted into the Roll Call Hall of Fame, well deserved for a great sportsman and a great individual, MARTIN OLAV SABO.

Again, thank you, everybody. It was a great victory.

LESSONS LEARNED

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday, the President said we would continue to be wise about how we spend the people's money. Now, this is true. We actually have a Director of Lessons Learned at the White House, who is paid over $100,000.

Maybe I can save the taxpayers $100,000 by running through a few lessons this White House should have learned:

Lesson 1. When the Army Chief of Staff and the Secretary of State say you are going to war without enough troops, you are going to war without enough troops.

Lesson 2 learned. When $8 billion is missing from Iraq's reconstruction and $2 billion disappears from Katrina relief, you need a little accountability.

Lesson 3 learned. When you have turned the corner in Iraq more times than Danica Patrick at the Indy 500, it means you are going in circles.

Lesson 4 learned. When the National Weather Service tells you a category 5 hurricane is heading for New Orleans, a category 5 hurricane is heading for New Orleans.

I would also ask the President why we are paying for two Ethics Advisors and a Director of Fact Checking. They must be the only people in Washington who get more vacation time than the President. Maybe the White House can consolidate these positions into a Director of Irony.

It is time for a new direction.

SELLING OUR NATIONAL FORESTS

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, the bureaucrats are at it again. First, they came up with the idea of selling off 300,000 acres of our precious national forest lands, including 1,000 acres of the Ocala National Forest in my district. They made this reckless budget proposal without any input whatsoever from Members of Congress or the American public.

After the fact, 130,000 Americans wrote in to oppose this proposal. This week, the United States Department of Agriculture bureaucrats arrogantly told the press they want to move forward anyway, despite Congress and the American public. The pathetic attempt of the Department of Agriculture bureaucrats to sell our national forests is financially short-sighted and environmentally reckless.

You can lead a bureaucrat to water, but you can't make him think. Well, we are going to do the thinking for you and reject this insane proposal.

REPUBLICANS NOT SERIOUS ABOUT SECURING OUR BORDERS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, for 5 years now Washington Republicans have refused to fund border security programs. But it is not only our effort at our borders, Republicans refuse to go after employers who break the law. Under their leadership, work site enforcement was cut back by 95 percent. As a result, the government prosecuted four employers in 2003 as opposed to 182 in 1999.

Securing our borders doesn't happen magically. It takes funding and it takes agents at the border, two things seriously lacking right now. Under pressure to act earlier this year, President Bush vowed to have 2,500 National Guard troops on our border by June 30, but all he could muster was 248. The administration claims the rest of the Guardsmen are now going through training. So much for keeping promises.

Now the House Republicans are seriously jeopardizing any real attempts to sign a border security bill into law this year. House Republicans simply refuse to negotiate a final bill, choosing instead to hold hearings on a bill they already passed.

The time for talking is over. It is time for House Republicans to join us to secure our borders.

THE HOUSE OF AMERICA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Joe Carcamo, an illegal El Salvadoran, had 17 driving violations when he drunkenly was drag racing down a Michigan street and hit two teenagers. He was driving 75 miles an hour. He cracked the skull of one of them and the other girl lost both her legs.

We could have stopped this reckless illegal after his first violation, which was breaking and entering into our country, but politics stops local law enforcement from making these arrests. Not so with Sheriff Joe Arpaio from Maricopa County. He is using an Arizona law that locks up smugglers and their customers, too, for conspiring to break the law.

The Mexican Government wants to help illegals break out of his jail by suing Sheriff Joe for just enforcing American law. The word is out: Coyote smugglers avoid Maricopa County and the High Sheriff Joe Arpaio.

Mr. Speaker, our sheriffs and Border Patrol do as good a job as we let them do, and our Nation must send out the word: Enter the House of America legally, or you will enter the jailhouse.

And that's just the way it is.

MINIMUM WAGE

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, over the past decade, the cost of living in our Nation has risen sharply and continues to grow. Gas prices have doubled, college costs are up by 38 percent, fuel prices up 20, housing costs another 25 percent, and health care costs are up a whopping 75 percent, yet the millions of Americans who work full time struggling to support their families have just been dealt another blow.

Last month, the Republicans in this body defeated a measure to raise the minimum wage, which has not been increased in an appalling 9 years. Instead of voting with Democrats to give a much needed pay raise to these workers, Republicans once again turned their backs on more than 6 million workers. You didn't see Republicans turning their backs on the wealthiest few last month when they repealed the estate tax that only impacts our Nation's wealthiest families.

Mr. Speaker, it isn't too late for House Republicans to change their minds. Today, we will have another vote here on the House floor to give these hardworking Americans a much deserved raise. House Republicans know that the minimum wage is at its lowest level in 50 years. Today, we will see if Republicans are interested in expanding economic opportunity to all.

□ 1015

BUDGET UPDATE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the White House Office of Management and Budget just released its annual midyear budget update. Under article I of the Constitution, the House of Representatives has no higher priority than to see to the wise expenditure of the resources of the American people, and the word is, the news is good.

This year's budget deficit is now forecast to be $296 billion, 2.3 percent of our economy, essentially equal to a historic average. The really good news is, the deficit is 30 percent below the administration's February forecast. Revenues grew by a dynamic 14.5 percent last year and are forecast to grow this year by $245 billion, or 11.4 percent.

Revenues to the Federal Government are increasing because of the progrowth tax cuts that President Bush and this Republican majority brought forward. The tax cuts are working. The economy is growing. Revenues to the government are up. The deficit is down.

All in all, not a bad day's work.

INCREASE THE MINIMUM WAGE

(Mr. BAIRD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAIRD. Mr. Speaker, because of Republican inaction, minimum-wage workers have not been making a living wage for years now, and are forced to work 40 hours a week for wages that don't give enough money to afford increased housing, food, health care or gas costs. Gas prices are so high right now that it takes a minimum-wage worker an entire 8-hour shift just to afford one tank of gas.

Americans should be aware that CEOs in the first 4 hours they work make more in those 4 hours than a minimum-wage worker would earn in an entire year. The American people know that $5.15 an hour is not enough to support a family, not by a darn sight.

Today, House Republicans have another chance to support expanding economic opportunity to millions of workers they have ignored for 9 years now. It is time the House Republicans think of someone other than their wealthy special interest friends and support average working Americans. Increase the minimum wage.

BROADCAST DECENCY ENFORCEMENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it has been less than a month since President Bush signed the Broadcast Decency Enforcement Act into law, and it is already working. By increasing fines tenfold, this law seeks to deter broadcasters from breaking indecency laws.

And yesterday, The Washington Post reported that this deterrent is working. Orders for electronic editing equipment used to filter on-air obscenities have spiked. Some radio stations are requiring their DJs to either clean up or pay fines out of their own pockets. Radio giant Clear Channel has adopted a zero-tolerance policy for their on-air personalities, allowing them to be fired for using offensive language.

Some claim this is creating a chilling effect on free expression. Mr. Speaker, this is not a chilling effect, it is enforcing the law. Decency standards have not changed, but the incentive for obeying them has changed significantly, and that is exactly what the President and this Congress intended when we passed this important legislation.

For the sake of parents and children across the Nation, I am glad to see this law having an impact on cleaning up the airwaves.

RENEW VOTING RIGHTS ACT

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I rise today with my colleagues to impart some history and context relative to the right to vote in America, an essential part of the democratic process. I thank each of my colleagues for joining me to discuss this issue.

Today, a series of Members will come to the floor to tell you the truth about the barriers, both past and present, that have prevented Americans from voting.

The Voting Rights Act is one of the most important laws enacted by our government in the history of our democracy, because it allows the people to address past and present disenfranchisement as well as disparate conditions that will affect the ability to exercise voting rights in the future.

Passage of H.R. 9 to reauthorize and renew the 1965 Voting Rights Act is critical to our democracy and our democratic form of government and the free exercise of the voting rights of all Americans.

Mr. Speaker, the stories that you and America will hear today will underscore why the Voting Rights Act is so important and must be renewed. You will hear stories from Members of Congress who were voting age prior to the Voting Rights Act of 1965 that recount some of the extreme difficulties and egregious legal impediments that constrained their right to vote, and you will hear other stories about real people denied the right to vote.

NORTH KOREA'S MISSILE TESTS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, last week shortly after the July 4 fireworks dwindled from the sky, the North Korean Government put the entire world on the edge of its seat when it hosted a much scarier fireworks show of its own.

I rise today in strong opposition to the test firing of missiles by the North Korean Government. This test firing amounts to little more than an attempted show of force by the North Koreans, and it must not be tolerated.

I support President Bush's proposal for multilateral discussions aimed at maintaining peace and stability in the region and urge the international community to stand alongside America in denouncing this threatening act.

These tests represent a grave threat to the entire global community, and North Korea must act responsibly and adhere to a moratorium on missile testing if peace is to be maintained. I trust that diplomatic discussions coupled with the international outrage following the missile tests will be enough to convince the North Korean Government to abandon its dangerous path.

RENEW VOTING RIGHTS ACT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as one who grew up in the rural South where my parents and their neighbors and friends had to pay a poll tax to vote, and as one who lives in an urban inner city community where polling places are oftentimes moved without proper notification and where unsuspecting voters are intimidated, especially those with language and education barriers, the Voting Rights Act is one of the best safeguards of our democracy that we have seen.

Mr. Speaker, I urge its renewal, I urge its passage.

GUN CONTROL DOESN'T WORK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I find it extremely ironic that on the same day Washington Police Chief Charles Ramsey declared a crime emergency, The Washington Post has published another misguided editorial promoting the failed efforts of gun control.

The editorial attacked Members of Congress for failing to further restrict Americans' second amendment rights. The Post specifically criticized my statement that "responsible and law-abiding citizens do not need the government to tell them to be safe."

Perhaps they forgot, while the District of Columbia has some of the most restrictive gun laws in our country, it also has one of the highest murder rates in the Nation. Thirteen people have been killed in Washington in only the past 12 days.

Instead of petitioning Congress to place additional restrictions upon law-abiding citizens, perhaps The Post should push for tougher laws to help keep criminals off the streets of America.

In conclusion, God bless our troops and we will never forget September 11.

RENEW VOTING RIGHTS ACT

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, the rules of the House won't allow me to do what George H. White did in 1901 when he rose to address an agriculture bill for 5 minutes and ended up speaking for an hour and a half, giving his farewell to Congress and saying these words: "Mr. Speaker, this perhaps may be the temporary farewell of minorities and African Americans from this body, but some day we will rise up and come again."

Well, it took 92 years from that point in 1901 until 1993 when Eva Clayton and I returned to Congress as African American Members from North Carolina.

And thank God the laws won't allow the exclusion of African Americans and other minorities from this democracy any longer because of the Voting Rights Act.

We have got to renew it and extend it. We need to do it today in the House.

KEVIN ESTEP, VOLUNTEER HERO

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to recognize an outstanding West Virginian, Kevin Estep, from Apple Grove, West Virginia. A volunteer with the National Service Agency, Kevin is the recipient of the 2006 Learn and Serve America Spirit of Service Award.

Kevin received his honor at the 2006 National Conference on Community Volunteering and National Service, which was held in Seattle, Washington, because of his service with HI-Y, a YMCA-affiliated leadership organization.

He has volunteered as a camp counselor, helped 7-to-12-year-old, low-income, at-risk boys and girls at the Governor's Youth Opportunity Camps at the YMCA Camp Horseshoe. He encourages children to read, try new things, build skills, and set goals for a better life.

A leader in his school, Kevin is an honor student with a 3.9 GPA, a member of the school band, and has two part-time jobs. As a graduate of Point Pleasant High School, he plans to attend Marshall University in Huntington in the fall. Kevin is a leader in his community at a young age, and he is a role model for his peers and younger West Virginians.

I commend him on his service to his community, State, Nation, and fellow citizens.

PASS VOTING RIGHTS ACT

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise to call on my Republican colleagues to bring up and pass the renewal of the Voting Rights Act.

On March 7, 1965, our colleague, JOHN LEWIS, and 500 civil rights activists marched from Selma to Montgomery, Alabama. They paved the way for the Voting Rights Act.

My grandmother, Bella Russell, lives in Warren County, North Carolina. She is 98 years old. She knows all about the need for the Voting Rights Act. She experienced literacy tests and intimidation and other barriers to voting.

We needed the Voting Rights Act then and we need it today. We need it today because in my State of Maryland, people are still being told you have to pay all of your late fees on your rent in order to vote; you have to pay your parking tickets to vote.

Don't forget to vote on Wednesday. People are still being intimidated. We need the Voting Rights Act as an effective check on those who would deter other Americans from exercising their important right to vote.

There are those who would challenge the preclearance provision, but I maintain if you are not doing anything wrong, if you are not impeding the right to vote, then preclearance is not a burden. In America, we need to encourage more people to vote, not less.

STRONG STAND AGAINST NORTH KOREA

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to emphatically encourage the

United Nations to take a strong stand against North Korea.

Last Tuesday, North Korea shocked the world by test-firing missiles, including a long-range Taepodong-2, that could one day be capable of reaching the western United States. Japanese and United States satellite photography have shown movement at North Korean bases that indicate preparations for even further missile launches.

Mr. Speaker, the carrot approach of previous administrations has done nothing to deter Kim Jong-il's erratic and irresponsible behavior.

In 1994, North Korea agreed to freeze and ultimately dismantle its existing plutonium-based nuclear program. However, in December 2002, we learned the North Korean regime was pursuing a nuclear weapons program based on enriched uranium in violation of that agreement.

Mr. Speaker, we must learn from our previous efforts. We cannot stake our national security on meaningless agreements with an unpredictable and maniacal dictator.

Mr. Speaker, I ask that you join me in imploring the United Nations to condemn North Korea's actions as a threat to stability around the globe.

SUPPORT H.R. 9, VOTING RIGHTS ACT

(Mr. SCOTT of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, there is no civil rights legislation more important or effective than the Voting Rights Act. The right to vote is the very foundation of our democracy, and as the Supreme Court noted in 1964, other rights, even the most basic, are illusory if the right to vote is undermined.

The Voting Rights Act has made that right a reality. In Virginia, my home State, because of all sorts of schemes and barriers, there were no African American State legislators or Federal legislators, not a single African American State or Federal judge in 1964.

After four decades of the Voting Rights Act which prohibited those schemes and removed those barriers, we now have 18 legislators and over 40 judges serving in Virginia.

We do not need to return to the days before 1965. We do need to extend the expiring provisions of the Voting Rights Act. We should support H.R. 9 without amendment.

□ 1030

IMMIGRATION REFORM

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, the American people expect us to stop the flood of illegal immigrants coming to this country. In order to do that we need to secure our borders. We need to crack down on employers that hire illegals and preserve American jobs for Americans. We need to reject all forms of amnesty.

Many talk about a guest worker program. I think most reasonable people believe that a guest worker program in the farming industry, perhaps in the gardening and landscape industries, is reasonable. Beyond that we need to look at what the need of America is, not the need of foreign countries and where they want to place their people. We need to absolutely reject again all forms of amnesty. We need to increase enforcement on current immigration laws.

Today, currently, business owners can go out and find out if the person they are hiring is eligible to work here or if they are not. We need to think about how we are impacting workers. In 1973 the average manufacturing jobs paid $15.24 an hour. In 2004 it paid $15.26 an hour. An American worker should not expect his pay to be cut because somebody comes to this country illegally and is willing to work for less than he or she should be paid. We need to protect Americans and protect their jobs.

VOTING RIGHTS ACT REAUTHORIZATION

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, the Voting Rights Act has been and continues to be necessary. In 1965, we had approximately 300 African Americans holding office. Now we have more than 9,100.

In 1965, only a handful of Latinos held office. Now, more than 6,000.

In 1965, six Members of Congress were African American. Now 43.

But among the many beneficiaries is Hubert Vo. Hubert Vo was born in Vietnam. Hubert Vo came to the United States at the age of 19, fleeing communism. Hubert Vo graduated from the University of Houston, but more importantly, Hubert Vo, in 2004, became the very first Vietnamese American elected to the State House of Texas. Hubert Vo was elected because the ballot in District 149 is in Vietnamese. Hubert Vo won by 16 votes.

The Voting Rights Act has made, continues to make a difference. We need to maintain it. We need to keep it. It protects the rights of minorities.

VOTING RIGHTS ACT REAUTHORIZATION

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, it is really with a deep sense of gratitude to Fannie Lou Hamer, Rosa Parks, Coretta Scott King and our great warrior, Congressman JOHN LEWIS, that I rise in support of the renewal of the Voting Rights Act.

There is no way that I would be standing on this floor today as a Member of Congress had it not been for the bloodshed and the sacrifices and oftentimes the deaths of so many fighting for all Americans for their right to vote.

And I vividly remember the days of Jim Crow and segregation and the insidious poll tax growing up in Texas. The humiliation and the discrimination and the degradation of African Americans will always be a scar on America's history.

The Voting Rights Act of 1965 was passed just 1 year after I graduated from high school. And unfortunately, we still need to renew these expiring provisions, and we shouldn't weaken any of the protections in this legislation.

We still witness voter intimidation and voter suppression in our country. But I am reminded of the tremendous progress and the march to freedom and equality, but also of the unfinished business of America during the very powerful civil rights pilgrimages that some of us go on to Selma and to Birmingham and to Montgomery, Alabama. In memory of all of those who paid the supreme price for our democracy, let us pass this bill today and let's pass it on a bipartisan basis.

VOTING RIGHTS ACT REAUTHORIZATION

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today in support of the Voting Rights Reauthorization Act of 2006.

Many brave men and women have fought against bigotry, injustice, inequality to secure the voting rights for all Americans. Many of our veterans who serve now and in the past, of all colors, of all races, have fought for the freedom that we enjoy today. They have sacrificed their lives so that every individual has the right to exercise their voting right.

The Voting Rights Act of 1965 is one of the greatest achievements of Congress because it has torn down arbitrary barriers to voting participation. The VRA gave dignity, pride and hope to many who have been historically shut out of the democratic process and oppressed by the Jim Crow legacy.

I can remember my dad, a U.S. citizen, born here in the United States, when he first cast his first vote and told us the importance of voting. It was during that period of time that we knew the importance of voting and that every person, regardless of the limited English that they had, and my dad spoke very little English, but voted.

I encourage all of us to vote for the Voting Rights Act on a bipartisan basis, and both Republicans and Democrats are here to support a strong Voting Rights Act that extends the protection for the future generations.

RENEW THE VOTING RIGHTS ACT

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, the Voting Rights Act reauthorization appropriately carries the names of civil rights pioneers Fannie Lou Hamer, Rosa Parks, and Coretta Scott King.

Along with the Civil Rights Act of 1964, the Voting Rights Act was the major legislative expression of that great movement that inspired and challenged so many of us, whites and blacks alike, and that brought the liberty and justice that our Nation professes closer to realization.

Now, many Republicans say the Voting Rights Act is too burdensome or that pre-clearance is no longer needed. But listen to the testimony of North Carolina election officials.

"I would hate to operate without it," says one.

"Pre-clearance requirements are routine, and do not occupy exorbitant amounts of time, energy or resources," adds another.

"The history of X County causes our operations to be scrutinized and rightfully so," says a third official.

And a fourth adds, "The Voting Rights Act allows us an opportunity to assure the public that minority rights are being protected and that someone is independently validating those decisions."

Mr. Speaker, the Voting Rights Act works, and we must pass it at full strength.

VOTING RIGHTS ACT

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the right to vote is precious, almost sacred. During the 1960s, working to get a Voting Rights Act, many of us were arrested, jailed and beaten. I was arrested and jailed more than 40 times during the sixties. We stood in unmovable lines on the courthouse steps in Selma, Alabama. We were beaten with nightsticks, bull whips and trampled by horses trying to register to vote or to get others to register to vote.

But many of my friends, many of my colleagues died. I will never forget Andy Goodman, James Chaney and Mickey Schwerner, who were beaten, shot and killed in Philadelphia, Mississippi. Jimmie Lee Jackson was killed in Alabama. Viola Liuzzo was killed on Highway 80 between Selma and Montgomery.

Because of the Voting Rights Act of 1965, we don't have to risk our lives anymore. We don't have to pass a so-called literacy test. On one occasion a man in Alabama was asked to count the number of bubbles in a bar of soap. On another occasion a man was asked to count the number of jelly beans in a jar. On one occasion there was a man in Tuskegee, Alabama who had a Ph.D. degree and he was told that he could not read or write well enough. He failed the so-called literacy test.

The Voting Rights Act was good in 1965. It is still good today.

VOTING RIGHTS ACT REAUTHORIZATION

(Mr. CLAY asked and was given permission to address the House for 1 minute.)

Mr. CLAY. Mr. Speaker, I rise today to support the reauthorization of one of the most critical pieces of legislation that this House has ever produced, the Voting Rights Act.

Today we have heard firsthand accounts of how this act changed America, and recent research confirms that the Voting Rights Act is as essential today as it was in 1965.

The Lawyers Committee for Civil Rights Under the Law concluded that there is still a shocking continuing reality of racial discrimination in voting that is pervasive, and these problems are nationwide.

Their three key findings were especially disturbing. First, records from the U.S. Department of Justice confirm that the actual number of documented complaints to Federal officials have increased between 1982 and 2004.

Second, polling places and voting hours in minority neighborhoods were routinely changed shortly before elections.

And finally, election officials were found to have illegally purged voters from registration lists and to have refused to translate election materials.

Mr. Speaker, it is time that people in power stop playing with that basic essential right to vote in this country.

JUST DO IT

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise in the spirit of "Just Do It." Congress must reauthorize the Voting Rights Act this week. No more delays, no more excuses. Just do it. Do it now. I say this with no degree of exaggeration. The Voting Rights Act is the essence of democracy.

Mr. Speaker, many of us, including myself, would not be here on the floor of the House of Representatives if it were not for the original Voting Rights Act of 1965. It is, quite simply, one of the most important laws in the history of our Nation. Accordingly, previous Congresses have consistently reauthorized and renewed the Voting Rights Act in a deliberative, bipartisan manner. We must do the same. Don't empathize. Just reauthorize. Just do it.

Mr. Speaker, as much progress as we made since the 1960s, we still must be vigilant. We still must strive for universal enfranchisement. For all of our successes, too many Americans face barriers to the basic right to vote.

Mr. Speaker, don't apologize. Just reauthorize. Just do it. No more delay. Let's get this work done and get it done today.

VOTING RIGHTS ACT REAUTHORIZATION

(Mr. BISHOP of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in strong support of the Voting Rights Act and the legislation before us this week which extends the Voting Rights Act for 25 years. It has been reauthorized and upheld for more than four decades. But several key provisions are set to expire next year if not reauthorized by Congress.

The Voting Rights Act is one of the most important civil rights initiatives ever enacted, protecting minority voters from discrimination and ensuring for all Americans the right to vote in a fair and equal voting process. We must protect this right. It is sacred. It stops practices such as those that allowed every African American to be expelled from the Georgia legislature between 1866 and 1900. It stops poll taxes, racial gerrymanders that dilute minority voting power. It stops moving polling places without notice. It stops hanging chads. It is the reason, after 100 years, that I was finally able to follow Jefferson Long as the first African American to represent my area of Georgia in Congress. It has empowered descendants of slaves like me to participate fully in America's political process. We should not, we must not, we cannot go back. We must renew the Voting Rights Act today.

VOTING RIGHTS ACT REAUTHORIZATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. JOHN LEWIS, you bring tears to my eyes. Fannie Lou Hamer, Coretta Scott King and Rosa Parks, all who have made the ultimate sacrifice and yes, exhibited enormous courage. And today I ask this House to exhibit courage, to vote for a bill that gives credence to America's dream. We all are created equal.

The Voting Rights Act is not an act of color. It is an act of reputation and integrity of America to allow all Americans to vote. The honorable Barbara Jordan, whose words were "we the people," would not have been elected to the United States Congress as the first holder of this seat had it not been for the 1965 Voter Rights Act.

And Lyndon Baines Johnson, a southern Democrat President, called upon all of his colleagues, all of the Members of Congress, whether they were from the South, from the North, stand up for what is right.

And so today, we will be on the steps of the United States Congress, on the East steps, to join us for a vigil of petitioning to say to this Congress, be of good courage.

JOHN LEWIS, you bring tears to our eyes, for "Bloody Sunday" will be always in our minds, the sacrifices that have been made for the Voter Rights Act. Don't give up on us now. Pass the Voter Rights Act. Show us courage. Have a shining moment of history today. Yes, America can do it.

VOTING RIGHTS ACT

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, I would like to associate myself with all the comments that have been shared with this country on this floor this morning.

My mother is a U.S. citizen. She was born in 1916. My father was born in 1914. Both U.S. citizens. My father was a linguist, so English, Japanese, Cantonese, Filipino were not a difficult thing for him.

My mother was born in a family of farmers who believed that women should stay home and raise families, did not have the opportunity for the education that my father had. Her experiences are not much different from those who come to this country and choose to be U.S. citizens and would like to use their primary language as a way to understand and comprehend fully that which is before them.

Prior to 1964, poll taxes, intelligence, literacy and property tests were used to sabotage the rights of voting citizens and circumvent the Constitution. Voting franchise came haltingly and very, very piecemeal to Asian Americans.

Reauthorizing the Voting Rights Act will continue the franchise and the guarantee of votes for all people and all citizens of this country.

□ 1045

THE VOTING RIGHTS ACT

(Mr. THOMPSON of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Mississippi. Mr. Speaker, in 2001 one of the most shameful and shocking reminders of voting rights discrimination occurred in Kilmichael, Mississippi, my congressional district.

An all-white city council cancelled city elections 3 weeks before they were to be held because it appeared that African Americans would control the majority of the council's seats. Section 5 of the Voting Rights Act, which requires covered jurisdiction, like my home State of Mississippi, to obtain preclearance from the Justice Department before they can change voting practices or procedures, protected the voting rights of the people of Kilmichael. When elections were finally held, three African Americans were elected to the board of aldermen and the town elected its first African American mayor.

As elected leaders, it is our obligation to look beyond what is good for any one of us to what is good for the whole country and its future.

Mr. Speaker, the Voting Rights Act is reverent, relevant, and must be renewed.

PROTECT AGAINST INTIMIDATION AND VOTER FRAUD BY PASSING THE VOTING RIGHTS ACT

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, the Voting Rights Act was passed to put an end to intimidation of poor and black voters.

Sadly, acts of intimidation and voter fraud directed at black and Latino voters are not just a thing of the past. In 2000, Florida's blacks were intimidated and illegally removed from the voter rolls. In 2002, in my district in Georgia, we learned that crossover voting can be used as effectively as the all-white primaries once were. In 2004, Ohio's black voters faced intimidation and fabricated long lines by misallocating the voting machines. Tom DeLay's Texas redistricting was ruled by this Supreme Court to violate Latino voting rights. And just last week, the Georgia legislature's second Voter ID bill got smacked down by the courts a second time.

The Voting Rights Act is relevant and necessary to protect our precious right to vote.

CONGRESS MUST PASS THE VOTING RIGHTS ACT

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me just say, Mr. Speaker and Members of the House, if there is any question as to whether or not we still need the Voting Rights Act, remember the Florida 2000 election and the coup d'etat where 27,000 ballots were disregarded, simply thrown out right in my congressional district, precincts 7, 8, 9 and 10, that vote 98 percent Democratic. Yes, it is still clear that the Voting Rights Act today is needed just as much as it was 40 years ago.

Another reason: When I was elected to Congress in 1992, it had been 129 years since an African American was elected in Florida to the United States Congress. Let me repeat, 129 years. If it was not for the Voting Rights Act, the State of Florida would still likely be without an African American Representative.

We still have a ways to go, and Congress must pass the Voting Rights Act, and not some watered-down version of it, to guarantee that millions of minorities' votes around the Nation and 3 million minorities in the State of Florida will have their voices heard and have their votes counted.

Remember the coup d'etat 2000 election.

IN SUPPORT OF THE REAUTHORIZATION OF THE VOTING RIGHTS ACT

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, I rise today in support of the reauthorization of the Voting Rights Act. I believe that this is a high-stakes test for the world's democracy that is the focus of efforts all around the globe to promote democracy. Right here at home, we still need to move towards a more perfect Union.

In my home city of Philadelphia, where the Constitution was written, we, some 150 years after that, saw the death of a young African American male, Octavius Catto, who was just going to go vote and was beaten to death by a white mob that was upset about his exercising his franchise.

The question of the Voting Rights Act is not just a question for the South; it is a question across our Nation. And the benefits and the protections of the Voting Rights Act, as we seek its reauthorization, and we seek it today, suggests to the world whether this is a democracy truly that the world should seek to emulate.

URGING PASSAGE OF THE VOTING RIGHTS ACT

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, in 1965 when the Voting Rights Act was first passed, Martin Luther King said, "This represents a shining moment in the conscience of man."

What a wonderful opportunity for Democrats and Republicans to come together and reignite that shining light in the conscience of man.

The Voting Rights Act does two things: It does not allow jurisdictions to discriminate against any United States citizen that wants to exercise the most sacred of all rights, and that is the right to vote. That gives you some control over your own destiny. But it does something else. It encourages and accommodates all other United States citizens that may have some sort of obstacle to overcome in order to exercise the most precious of all rights. That is what the Voting Rights Act accomplishes.

And I am hoping that tomorrow we will have this wonderful opportunity to follow in the footsteps of those true giants in 1965 that came together on both sides of the aisle to pass the original Voting Rights Act.

PROTECT VOTER RIGHTS BY PASSING THE VOTING RIGHTS ACT

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, the genesis of the Voting Rights Act lies in that period of American history just after the Civil War when various creative devices were put in place to prevent and dilute the impact of black voters and votes.

The 1965 act did away with many of those devices, many of which were used in my home State, devices such as full-slate voting, where in order for your vote to count, you had to vote for your choice once and against that choice for as many times as there were vacancies on the ballot, numbered posts which set up racially polarized voting, at-large voting which diluted the impact of black votes. All of these creative devices were gotten rid of with the 1965 Voting Rights Act.

But, Mr. Speaker, I used to teach history, and I always told my students that if a thing has happened before, it can happen again. And I do know that if we do not have the protection of the Voting Rights Act, we can see our States revisiting many of those creative devices.

HEAL THE WOUNDS OF RACISM BY PASSING THE VOTING RIGHTS ACT

(Mr. SCOTT of Georgia asked and was given permission to address the House for 1 minute.)

Mr. SCOTT of Georgia. Mr. Speaker, this Voting Rights Act is the most important piece of legislation that has been passed in this modern time in our Congress.

As I stand here, I am reminded of the words that we used so much as we would go through the South, going up against the Bull Connors, going up against the night riders, going up against the Ku Klux Klan with the courage that was taken and that is still needed today because, unfortunately, discrimination still exists throughout this Nation in various places.

And for those who want to say, why punish the South or why punish the State, why is it that you would think of the Voting Rights Act as a punishment? The Voting Rights Act is not a punishment. It is a liberator of those who have been punished, where all they have had was to sing that song: "Sometimes I feel discouraged, feel my work's in vain; but then the Holy Spirit revives my soul again. There is a balm in Gilead to heal the sin-sick soul. There is a balm in Gilead that makes the wounded whole."

This balm in Gilead for us today is the Voting Rights Act to heal the wounds of racism that have been inflicted on this country and that we still, unfortunately, suffer from.

Let us vote to pass this Voting Rights Act this day and this week and send a resounding message that America is for everybody, black as well as white, rich as well as poor, all of us.

THE TRAGEDY IN INDIA

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Florida. Mr. Speaker, my colleagues have made the case for the extension of the Voting Rights Act, and I echo their sentiments. When this matter comes to the floor, if it comes, and it should today be made in order as a rule, then I will have an opportunity to speak more in that regard.

But today I rise, in addition to asking in the world's oldest democracy that we extend the Voting Rights Act, that we recognize that on yesterday the world's largest democracy was attacked in a significant and condemnatory way.

These events seem to take place on days of the 11th, and yesterday in India, despicable acts took place by those who would take the lives of innocents. In Madrid, in London, in Bali, the same thing happened.

I do acknowledge the fact that hurriedly yesterday the foreign minister of Pakistan condemned those bombings, and I commend him in that regard.

It was said earlier and reported today in one of our newspapers that in Europe it was said after September 11, "We are all Americans now." Today, after yesterday in India, "We are all Indians now."

PROVIDING FOR CONSIDERATION OF H.R. 2990, CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 906 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 906

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2990) to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1100

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume.

Last night, the Rules Committee granted a structured rule for H.R. 2990, the Credit Agency Duopoly Relief Act of 2006. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; waives all points of order against consideration of the bill. The rule also provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. It also provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in the report and provides one motion to recommit, with or without instructions.

During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a fair rule, making all germane amendments that were offered in the Committee on Rules in order.

The underlying legislation is an important, commonsense approach to providing greater transparency for credit rating agencies. Who can forget the scandals following the bankruptcies of Enron and WorldCom? Even more shocking is the fact that both corporations were given investment grade ratings by credit rating agencies just before their financial collapse. This misrepresentation resulted in the loss of millions of dollars for investors.

The root of the problem lies with the current process of recognizing statistical rating organizations by the Securities and Exchange Commission. The current process stifles competition and fosters an environment that has led to two rating agencies holding 80 percent of the market share.

A level playing field is needed so smaller companies with expertise in specific areas can enter the market. H.R. 2990 clearly lays out the registration requirements for rating agencies replacing the current opaque designation process by the SEC. By injecting the current system with competition and greater transparency, the quality of ratings will be enhanced.

This act will also provide greater investor protection, including provisions requiring rating agencies to be in the business of issuing credit ratings for at least 3 years prior to filing an application for registration as a nationally recognized statistical ratings organization, ensuring better quality assessments for investors.

Mr. Speaker, the economy is booming due in part to greater participation by investors in the various markets. Greater transparency, accountability and competition among credit ratings agencies will provide investors with better information and encourage future investment. The underlying legislation is a step in the right direction towards ensuring this success.

Finally, this legislation will improve the quality of information provided to investors. It is no secret that a little competition improves quality and expands services offered. Armed with more reliable and accurate credit ratings, investors will continue to drive the economy and foster a more innovative environment.

I would like to remind all Members that the rule makes in order all germane amendments presented to the Committee on Rules.

I urge all Members to support this fair rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman from West Virginia for yielding me the time.

Mr. Speaker, the issue we are debating today may not be glamorous, but I want to emphasize for our constituents its importance. H.R. 2990 will significantly affect the guidance investors receive on the soundness of all kinds of investments.

The type of debt rating that a company or municipality receives is an essential guidepost for investors, and the degree to which that rating is accurate has far reaching consequences. So by reforming the way that firms receive the stamp of legitimacy to offer these ratings, Congress is making a significant change.

As we have seen during the past few years, financial investments can have a huge impact on our constituents. Just ask anyone who held stock in Enron or WorldCom. This is about protecting investors, whether you manage your own portfolio or you rely on a pension for your retirement.

So we need to tread carefully as we consider how we determine which firms should be deemed nationally recognized statistical ratings organizations. Established in the 1970s, only credit agencies that receive this designation have the legitimacy to assess the likelihood of a company or a municipality to default on its debt. In other words, they tell investors whether they are likely to get paid back.

Today, there are only five firms that are nationally recognized by the Securities and Exchange Commission. The purpose of H.R. 2990 is to add to that number, increasing competition in the credit ratings market. This is a worthy goal. I know the Financial Services Committee has been exploring the best way to achieve it. Unfortunately, in its pursuit of quantity, this bill will sacrifice quality. This is a risky proposal that I do not believe the House should accept.

H.R. 2990 would allow virtually any firm to be considered a nationally recognized credit rating agency. The SEC would no longer be able to ensure that such firms are producing reliable and credible ratings. Under this new voluntary regime, any ratings agency that has been around for 3 years and discloses its performance data can become nationally recognized. That is a pretty low bar.

I know the majority will argue that H.R. 2990 would allow market forces to sift the good credit rating agencies from the bad. While Democrats do not object to letting the market play a role in ensuring quality, why not let the experts at the SEC also evaluate the quality of the ratings firms? Congress needs to strike a balance between quantity and quality, but this bill falls short of that goal.

Under this bill anyone can open up shop and 3 years later be nationally recognized. That means we may be allowing firms that will offer an investment grade rating to anyone willing to pay, regardless of whether that rating is based on sound facts. As long as a rating firm continues to provide certain disclosures, it will still be nationally recognized, even if it issues credit ratings of the lowest possible quality.

Additionally, this bill could lead to a series of unintended consequences. Federal, State and local agencies, as well as many private sector entities, rely on the current definition of a nationally recognized credit rating agency. By undermining the credibility of this established benchmark, this bill could impose a significant burden on all of these groups, possibly increasing risks and imposing new costs for a wide swath of Americans.

Certainly, the House can increase competition in a more responsible way. Representative KANJORSKI, the ranking member on the Capital Markets Subcommittee, with the support of Ranking Member FRANK, has offered a logical substitute. It will ensure quality while moving to increase competition in the credit ratings market. I am pleased that the rule will allow a vote on this commonsense proposal.

The Kanjorski substitute would direct the SEC to expeditiously complete rulemaking on nationally recognized statistical ratings organizations. In doing so, the SEC would, for the first time, publicly define what constitutes a nationally recognized credit rating agency. It would also direct the SEC to design a process to identify new nationally recognized credit rating agencies. These steps would bring an unprecedented level of transparency and scrutiny to the selection process. The result will increase competition in the credit ratings market without the negative consequences associated with H.R. 2990.

The Kanjorski substitute will also encourage the establishment of a voluntary framework for industry self-regulation. This will further protect investors from conflicts of interest and other abusive practices.

To ensure that all of these reforms are effective, the Kanjorski amendment will require annual hearings on this topic for the next 5 years.

So Members have two options today. Both will increase competition in the credit ratings market. However, only the Kanjorski substitute will ensure that investors continue to receive credible and reliable credit ratings from nationally recognized agencies.

I urge my colleagues to support this wise approach.

Mr. Speaker, another responsible policy that Members will have an opportunity to support today is an increase in the minimum wage. Just as the credit rating bill seeks to safeguard average Americans in the long term, so should Congress protect their immediate financial needs by increasing the minimum wage.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), the sponsor of the bill.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I thank my friend from West Virginia for providing me the time to speak on behalf of the Credit Rating Agency Duopoly Relief Act, H.R. 2990, the bill that I have introduced.

I am here today in support, and strong support, of the rule. Mr. Speaker, it is vital that Congress bring transparency, competition and accountability to the credit rating industry, and the time to do it is now.

Mr. Speaker, it is extremely disturbing that the two largest nationally recognized statistical rating organizations, known as NRSROs, in the industry, Moody's and Standard & Poor's, both rated Enron at investment grade just immediately prior to their bankruptcy filings. Essentially, Moody's and Standard & Poor's told the market that Enron was a safe investment.

Credit rating agencies claim that they are not in the business of detecting fraud, but they are most certainly in the business of impacting the bottom line of companies, municipalities and also school districts. The better the credit rating, the lower the interest rate the borrower must pay to expand its operations, construct a road or build a school.

Enron was not their only blunder. Moody's and Standard & Poor's also rated WorldCom as investment grade just prior to their bankruptcy filing, but there are other options throughout the marketplace.

Mr. Speaker, there are over 130 credit rating agencies in the financial market. However, only five are designated as nationally recognized statistical rating organizations by the Securities and Exchange Commission. This label, I would submit, is the root of the problem. To receive the elusive SEC distinction, companies must be nationally recognized; that is, their ratings must be widely used and generally accepted in the financial markets. This artificial barrier to entry has created a chicken and the egg situation for non-NRSRO credit rating agencies trying to enter this industry, thus forcing a duopoly that we have heard about.

Moody's and S&P have over 80 percent of the market share, and they are rating 99 percent of all debt issued. The lack of competition in the credit rating industry has lowered the quality of ratings, inflated prices, stifled innovation and allowed anti-competitive industry practices and conflicts of interest to go unchecked.

Mr. Speaker, in the wake of Enron and WorldCom, we must ensure integrity in the credit ratings process. H.R. 2990 would inject greater competition, transparency and accountability in the credit rating industry by eliminating the SEC staff's anti-competitive NRSRO process. This legislation replaces the current SEC staff designation process for credit rating agencies as NRSROs with a registration process like that for other market participants, such as investment advisors and broker-dealers.

In addition, H.R. 2990 would require each rating agency to disclose relevant information so that investors would have the information they need to select the rating agencies that they want to use. As a result, prices and anti-competitive practices will be reduced, credit ratings quality will improve, and firms will innovate.

Many organizations whose opinions matter support this legislation: The Bond Market Association, the Association for Financial Professionals, the Investment Company Institute, the Association for Financial Professionals, and the well-regarded Financial Services Roundtable, who opposes Moody's and Standard & Poor's.

Mr. Speaker, I urge a "yes" vote on the rule.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my colleague on the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I have no problem with the rule before us. All germane amendments were made in order, but I rise because I do have a serious problem with the way this House is being run.

There is something very, very wrong with this Congress when the Republican leadership refuses to recognize and appreciate the important contributions of workers in this country, and consistently, and I would add callously, refuses to raise the Federal minimum wage.

The Federal minimum wage is $5.15 an hour. A full-time minimum-wage worker's annual pay is $10,712 a year. The last time Congress raised the minimum wage was 9 years ago, and during that same period of time, Congress has voted to increase its own salary nine times, totaling nearly $35,000.

I would say to my colleagues on the other side of the aisle. Have a heart. Minimum-wage workers work every bit as hard as any Member of this Congress.

Mr. Speaker, if the Republican leadership continues to block a minimum-wage increase, then it should repeal the congressional pay raise.

□ 1115

Congress should not have a pay raise until low-income workers get a pay raise as well.

Mr. Speaker, there is no reason whatsoever for us not to raise the minimum wage. I have heard some of my colleagues on the Republican side say that increasing the minimum wage will hurt job growth. Yet, according to the Fiscal Policy Institute, since 1998, States with higher minimum wages experienced better job growth than States paying only the Federal minimum wage.

Among small retail businesses in those higher minimum-wage States, job growth was double the rest of the country. Mr. Speaker, even Wal-Mart, even Wal-Mart, hardly the champion of workers' rights, has come out in support of increasing the minimum wage, but not the Republican-controlled Congress.

Republican priorities, in my opinion, are messed up. You pass tax cut after tax cut after tax cut after tax cut for millionaires, but you give a cold shoulder to millions of American workers. You give billions of dollars in tax breaks and subsidies to big oil companies that are gouging Americans at the gas pump, but you will not do a thing for workers who can no longer afford to fill their gas tanks.

And while all your giveaways to the rich and powerful add greatly, hugely to our out-of-control deficit, increasing the minimum wage costs nothing; and if anything, will help workers spend more and, in turn, will help improve our economy.

Mr. Speaker, does any Member of this House believe that the Federal minimum wage, which is at $5.15 an hour, is enough for a family to live, pay their bills, pay for gas, pay for health care, and get above the poverty line? Is the majority of this House so out of touch that they do not realize the urgency of this issue? Is corporate greed part of your Family Values Agenda?

It is time for this Congress to do what is right, to raise the Federal minimum wage.

Let us make a statement that we value all working Americans, not just the ones that contribute to your campaigns. You will have an opportunity today to make a difference by voting against the previous question so that we can bring an increase in the minimum wage up for a vote.

I urge my Republican colleagues to demonstrate to the workers of this country that you get it, that you care. The American people are tired of the indifference of your callousness, of your blatant disregard for their needs. This is supposed to be a government of the people, for the people, and by the people. It is time for this Congress to start acting like that.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind my colleagues that the vote that we are discussing is the rule on the duopoly bill, which will increase the number of credit rating agencies so that we can have more transparency, more accountability, so that not only investors will be protected, but also those folks who work for those businesses who have 401(k)s who have their savings invested in the company that they work for.

This will provide for them better protections, better transparency, and better accountability.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, let me just emphasize that there is no conflict between what the gentlewoman from West Virginia said and our approach. We are not trying to displace the underlying bill. We are seeking to defeat the previous question so we can also have a vote on the minimum wage.

Let me say first with regard to the underlying bill that the gentleman from Pennsylvania, who is the ranking member of our relevant subcommittee, who is a very thoughtful student of these matters, has a substitute; and I appreciate that it was made in order, which I think addresses the issue in a far more thoughtful fashion.

Interestingly, as he has noted, the approach we are taking here does not wait for input from the SEC, the Securities and Exchange Commission. I have found them to be in recent years a very thoughtful contributor to the process. So I will be strongly supporting the substitute the gentleman from Pennsylvania has put forward.

But none of that says that there is any conflict between that and the minimum wage. The amendment we will make, if the previous question is defeated, will not diminish any consideration of the underlying bill, it will simply give the House a chance to vote on the minimum wage.

Now, that is what the majority objects to. They do not believe sufficiently in the democratic process to allow a vote on it. Now, here is the reason. It certainly is not time. We finished up about 3 o'clock yesterday afternoon. We are going to finish about 3 o'clock this afternoon. We will be out Friday. We do very little those days.

The reason is very simple. There are two sets of issues around today. One set are issues that the American public favors and the majority does not. They do not come up, because the majority is afraid they might pass.

The other set of issues are those that the majority favors and the American public does not. They do not come up either. So we do very little because the majority has had to confront the fact that its agenda is unpopular with the American people. As Members of the majority are running for reelection, as are we, they are trying very hard to avoid those votes which would be unpopular with their voters. What other justification is there for the House of Representatives not voting on the minimum wage?

If Members are opposed to it, let them vote "no." I must say that the evidence, the last time we raised the minimum wage in 1996, was overwhelmingly that the minimum-wage increase caused no negative effect on employment.

In fact, in those areas of the economy at that time where the minimum wage is relevant, there were job shortages because the minimum wage, if anything, may have influenced some people to enter the economy. So there is no economic reason to vote against it.

By the way, it is particularly relevant, and I speak here as a member of the Financial Services Committee, for us to bring it up in this context, because we have a bill that I have introduced into the Financial Services Committee supported by people on our side to give stockholders the right to vote on CEO salaries.

We have this extraordinary disparity in this country between hardworking people doing difficult and unpleasant jobs, 40 hours a week, for a pittance, $5.15 an hour, too little to support their families; and then we have CEOs getting tens and hundreds of millions of dollars when there is no connection between their work and the success of their companies that anybody has been able to measure.

I will say, the majority is consistent. They do not want us to vote to raise the minimum wage, they do not want to vote to do anything about CEO salaries. By the way, we do not want Congress to set CEO salaries, we want to let the stockholders vote on them.

Well, the majority is consistent. They do not think that Congress ought to vote on the minimum wage, they do not think that stockholders ought to vote on how CEOs get paid with the stockholders' money.

I guess we should take some comfort from the fact that the majority does not want to allow a vote on this. The problem is that they understand that it is popular with the American people, and they are afraid that it might pass, or alternatively, it would fail only after, what, a 3-or-4-hour roll call, in which enough Members were pressured not to vote for it, so it would fail by one vote.

We are really here talking about not just economic fairness, but democracy. This bill is the only opportunity we have to get a vote on the minimum wage because the majority has refused to allow democracy to function.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it rather ironic that the bill before us today is a bill that I think would help go a long way towards bringing more transparency and accountability to credit rating agencies. They agree with the principles behind the bill, which would avert and help the working people of America to make not only better investment decisions, but to know that the company that they are working for and entrusting their savings with is going to have a fair and balanced look at their books.

We have no disagreement in terms of the rule. We have two different approaches to this, and I think we would really be well served to keep the debate looking towards how we can best protect those working people under the realm of the bill that we are discussing today.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I am generally pleased that the passage of this rule will make in order a substitute to H.R. 2990. I nevertheless rise to express some concerns about the rule, as well as to articulate some of my apprehensions about the underlying bill.

Regarding the rule itself, the 20 minutes of debate for the substitute should have been longer in considering H.R. 2990. We also have a classic debate here on quantity versus quality.

At its core, 2990 seeks to promote competition among nationally recognized credit raters by increasing the quantity of approved agencies. Critics of the present designation system have raised legitimate concerns about competition. I agree with the supporters of 2990 that increasing competition in the credit ratings used for regulatory purposes is a desirable goal.

We, however, should not seek to increase quantity of raters by sacrificing the quality of their ratings. In this debate, the issue of quality of ratings is at least equally important as the issue of quantity of raters. We, therefore, should have had an equal amount of time to debate this quantity-quality question on the floor. An equally balanced debate between the substitute and the general debate on the bill would have allowed for a more thorough vetting of these important matters.

Now, let me turn to the bill itself. I would like to use the remainder of my time to make some observations.

First, a robust, free market for trading debt securities relies on an independent assessment of financial strength provided by credit rating agencies, entities like Moody's, Fitch and Standard & Poor's.

I have deep concerns and reservations about considering H.R. 2990, because it dramatically alters the way in which we identify the bodies that issue the credit ratings used for essential regulatory purposes and undermines the integrity of credit ratings. More significantly, I am concerned that 2990 could allow history to repeat itself.

Under the worst case scenario, the bill would allow financial institutions to hold debt instruments in their portfolios that would not truly be investment grade, causing another taxpayer bailout similar to the savings and loan crisis. Moreover, the area of rating agency oversight is very technical. We should have thus worked with the experts of the Securities and Exchange Commission on these specialized matters.

The failure to work with our Nation's primary securities regulator on H.R. 2990 is unexplainable, and a poor way to develop public policy. Instead of taking a hard approach with the Securities and Exchange Commission and guiding the legislation for the best interests of the public, we do neither.

Mr. Speaker, this is important, not necessarily to the wealthiest or most sophisticated investors in America; this is important to the average investors in America, their pension funds and other investment instrumentalities. These nationally recognized statistical rating organizations are not just some dealership; they rate quality of portfolios that affect trillions of dollars in our economy.

If we open up for purposes of quantity and competition this registration without addressing the question of quality, we run the risk that the misusers of this proposal will file, will register as a nationally recognized statistical rating organization, and will literally be able to sell their ratings to portfolios in the future and to instruments in the future.

What will happen and what is the weakness here? This bill can pass today, open up those loopholes and the reality will not be known for 5, 10 or 15 years, until the next financial crisis in this country.

We have no need to make this rush today. We should do it right. I ask that the substitute be supported.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlewoman from California for yielding me time.

Mr. Speaker, today we are considering legislation brought by the majority party that will help investors invest and help Fortune 500 companies increase their bottom line. I want to talk about 15 million people who will not be affected by this bill, who will not be investing any money this year, the 15 million people trapped by the low level of the Federal minimum wage.

Mr. Speaker, we should be discussing legislation today to increase the Federal minimum wage. The Federal minimum wage has not been brought to a vote on the House floor because the majority party will not allow it to be brought. And yet millions of people are stuck at a low minimum wage of $5.15 an hour.

Just think about it. You do not have to have a vivid imagination to understand how hard it is for a family, and many families we are talking about, not just high school kids, many families trying to get by on $5.15 an hour, the lowest level in purchasing power in 50 years.

We will have a recorded vote in a few minutes on the previous question. This is not an arcane parliamentary procedure. Every editorial board, every citizen group, every voter ought to understand what this vote means. It means, will we have a vote on the floor about raising the minimum wage to something that is tolerably humane?

☐ 1130

We have the time to do it. Mr. FRANK pointed out, yesterday we finished legislative business midafternoon, today we will finish in the midafternoon. Friday we won't even be in. We have time. We could do it.

But I ask the majority party, do you think we have no time? Has the majority party no heart? Have they no brain? The evidence is clear: Raising the minimum wage makes economic sense.

It is not just a matter of compassion and heart, although that should be reason enough to raise the minimum wage, but it is also good economic practice.

We have the opportunity to do it. The minimum wage has been frozen for nearly 9 years at this low, inhumane rate. The vote on the previous question is a very clear vote; it is whether or not we are going to leave these people stranded at the low, inhumane, minimum-wage rate, or whether we, on the floor, are going to consider raising it. That is what the vote means.

Mrs. CAPITO. Mr. Speaker, it is my honor to yield 4 minutes to Mr. BAKER of Louisiana, a champion of the Financial Services Committee.

Mr. BAKER. I thank the gentlewoman for yielding time.

Mr. Speaker, I rise today to express concern about where we are and where we have been with our current credit rating agency methodologies.

Many have come to the well today to express concern that we will be sacrificing quality for the sake of quantity. Let us simply go back a few short months, a few short years, and think about the irate comments made on the floor of this House with the disclosures of WorldCom and Enron and Global Crossing; and you make your own list. Guess what, the keepers of the gate were on duty when all that happened.

We can go back a little further to the tragic loss of taxpayer resources in the S&L crisis. Guess who was on duty.

It is the structure that some stand before the House today to defend and decry that we are going to sacrifice quality. Well, gentlemen, if that is your definition of quality, we have had enough. It is time to make a change.

What do we suggest? Just lightly opening the doors and let someone run down the hall and say, now I am an NSRSO, I am qualified? No, you have to be in business for 3 years. That is a pretty long internship to spend money and resources to establish you have the ability to issue credit ratings on which the market invests its confidence.

Let us think one more step, Fannie Mae and Freddie Mac. Some may be surprised to know that after a multiyear, multibillion dollar restatement, Fannie Mae cannot issue financials that meet their auditing requirements for the public benefit. Today, they can't.

Others may be surprised to learn that 43 percent of America's financial institutions have 100 percent of their tier one capital requirement invested in Fannies and Freddies. Now, some people rush to say, oh, no, it is not all Fannies and Freddies. Oh, great, it is Farm Credit System; that is even better.

The point is, we have the financial security of our Nation and our financial system invested for the money in the sock drawer when things go bad, the tier one capital requirement, so if they hit a bump in the road, they can reach in the drawer and pull out a few bucks and pay off the loan. That money is tied up in Fannie and Freddie securities that this enterprise, S&P and Moody's, have said are great, they are fine, notwithstanding the fact that for 5 years corporate executives paid themselves $250 million in bonuses on financials where they cooked the books. Boy, we have got a great system; I am going to fight to the death over preserving this.

Look at what it has done for America's taxpayers and American investors. Man, if there ever was a clear-cut case to make a change, why aren't we making the change? If you don't believe me, go to McGraw-Hill's Web page. Go to McGraw-Hill's Web page and look at the income from S&P, which is a subsidiary of McGraw-Hill. In 2005, their operating revenue was 2.4 billion; their operating profit was 1 billion. Now, friends, a 42.5 percent rate of return on your operating expense is a pretty hefty rate of return; it represents 68 percent of McGraw-Hill's entire operating profit. McGraw-Hill is only one of 34 companies to have increased its dividend payments for 33 consecutive years.

Put it in perspective. In looking at the first quarter performance in 2005 versus the similar quarter in 2004, McGraw-Hill actually lost money in its educational activities. It had in its information and media arena, down 65 percent; but financial services, which is S&P, it was up $222,512,000.

I think I figured out 222 million reasons why this bill is controversial. It is a fight about money. Let's get it right this time.

Ms. MATSUI. I yield 5 minutes to the gentleman from Wisconsin, my friend, Mr. OBEY.

Mr. OBEY. Mr. Speaker, we are being asked why we are raising the issue of the minimum wage on this legislation. The answer to that is very simple: The way this House works, absolutely nothing can be brought to the floor for a House vote unless we have the permission of the majority party leadership to do so. And the fact is that for the last month they have been absolutely stonewalling every single effort to bring an increase in the minimum wage to this floor. So that is why we are raising this question on this rule.

This President and this Congress, this year, are going to provide $50 billion in tax cuts for people who make more than $1 million a year. This year, the Congress has virtually voted to repeal the inheritance tax on the wealthiest 1 percent of people in this society. This year, the Congress has also voted to make further cuts in capital gains, a huge portion of which go to the wealthiest 10 percent of the people in this country. This year, the Congress is apparently willing to allow the cost-of-living increase to go through for Members of Congress, but for those stuck at the bottom of our economy on the minimum wage, they are being told, "sorry, suckers, you have got to wait for the ninth year in a row without an adjustment in your wages."

That is not right, it is not fair, and it is not moral.

The value of the minimum wage is at a 51-year low. The gap between the wealthiest 1 percent of people in this society and everybody else has never been broader than it is today. It is far worse than it is in merry olde England with its monarchy and its House of Lords and its House of Commons.

This economy is working fabulously well for the Shaquille O'Neals of this society or the CEOs of our Fortune 500 corporations. They are making at least 200 times as much as the average workers do in this country. Under Jack Kennedy, that ratio was about 16 times as much. That shows you what has happened over the past generation.

A minimum-wage increase can help make this economy work for everybody, not just those at the top of the ladder. It can help lift all boats, not just the yachts.

This Congress has had time to name dozens of post offices, it has found time to tell Terry Schiavo's family in Florida how to handle their own private business, but somehow the Republican leadership of this House can't find the time to respond to the needs of people on life's underside.

It is about time we have a change in direction on that score in this country. It is about time we have a change of heart in this place. It is about time that we do something about the wage needs of the poorest people in this society. And that is why I would urge people to vote against the previous question in protest to the Republican leadership's stonewalling of this issue.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland, the Democratic whip, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding, and I rise and I certainly adopt the remarks of Mr. OBEY from Wisconsin.

We are talking about a credit bill. We are talking about making it in order. In order to have credit, you have to have resources. In order to have resources in our country, we think you need to work. And when you work, we ought to pay you. We ought to pay you a decent, fair wage for working hard and playing by the rules.

Now, some would say, well, we ought not to put this on this credit bill. If we defeat the previous question, we are going to offer an increase in the minimum wage to $7.25 over three increments starting with January 1, the Miller-Owens bill. We are going to offer that because we think it is the right thing to do. We are going to offer it because we think the overwhelming majority of Americans think it is the right thing to do. In fact, in polling data, they show that 86 percent of Americans think it is fair and right and timely to increase the minimum wage.

If, in 1968, we applied simply the same cost-of-living adjustment we provided for Social Security recipients, minimum-wage workers would be earning $9.05 today. Now, what would that do? That would take them above the poverty line. Right now, if you work hard and play by the rules and you are one of 6.6 million Americans, 75 percent of whom are adults, and you take them and pay them fully the minimum wage, they are living in poverty. That is not right in America.

In Florida, they put this issue on the ballot, and 72 percent of Floridians went to the polls and not only increased the minimum wage, but included in it a cost escalator for inflation. 72 percent of Floridians.

Ladies and gentlemen, this is the fair thing to do, it is the right thing to do, it is the timely thing to do.

And, very frankly, those on the minimum wage, mired in poverty and hopelessness, we talk about an opportunist society. There is no opportunity living in poverty. If you believe in an opportunist society, you believe in paying people a decent wage so in the richest Nation on the face of the Earth they have an opportunity to survive.

This President talks about an ownership society. Which one of you thinks that on $5.15 an hour you can own anything, your car, your home, your hope?

What defeating the previous question will do is it will give hope to 6.6 million people, and indeed many more, because those 6.6 million people live in families that are struggling as well, and they are participating in trying to make it with those families.

Ladies and gentlemen, defeat the previous question. Let us pass the minimum wage. It is far past the time when we should have done that, but it is time today that we do do that. Let's be fair. Raise the minimum wage.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I have no further speakers. And since the gentlewoman has no further speakers, I will go to closing.

The SPEAKER pro tempore. The gentlewoman from California has 3½ minutes remaining.

Ms. MATSUI. Mr. Speaker, I will be asking Members to vote "no" on the previous question so I can amend the rule and provide this House with an opportunity to vote on legislation to increase the Federal minimum wage, something that has not happened in almost 10 years.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, my amendment to the rule provides that immediately after the House adopts this rule, it will bring H.R. 2429 to the House floor for an up-or-down vote.

This bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 an hour after about 2 years.

This bill has 136 cosponsors and a discharge petition to bring to the House, the bill to the floor, and has the signatures of 190 Members of the House. This bill is also identical to language as included in the Labor-HHS appropriations bill that was blocked by the leadership just last month.

Mr. Speaker, it is unconscionable that this Congress has refused to help America's low-income workers and their families by increasing the minimum wage. Somehow there is always time for another tax break for multimillionaires who don't need the money, but nothing to ease the financial struggle that low-income families face each day.

The minimum wage is now at its lowest level in 50 years. A full-time, minimum-wage earner earns just $10,700 a year, an amount that is $5,000 below the poverty line for a family of three. It takes a full day's pay just to pay for a tank of gas.

□ 1145

Mr. Speaker, I urge all Members to vote "no" on the previous question so that we can help millions and millions of American workers who would directly benefit from an increase in the minimum wage.

I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, let me conclude my remarks by reminding my colleagues that defeating the previous question is nothing more than an exercise because the minority wants to offer an amendment that would otherwise be ruled out of order as nongermane. So the vote is without substance.

The previous question vote itself is a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

At this point in the RECORD, Mr. Speaker, I insert an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT DOES IT MEAN?

House Rule XIX ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, I would like to say that the underlying legislation is an important step towards improving transparency in the credit rating industry and the quality of information provided by the agencies. The industries receiving credit ratings are wide-ranging, from information technology, healthcare, manufacturing, financial services, and the list goes on.

I would also like to remind my colleagues that many, many workers in America and investors in America are heavily reliant on the full health of the companies that they work for and invest in, all up and down the economic ladder. Allowing smaller industry specific credit rating agencies to enter the market will improve the information provided to investors.

We cannot forget those workers of Enron and WorldCom who were saving for colleges, saving for retirement, and basically left penniless. With the ever-increasing importance placed on these ratings by investors, it is important that clear requirements for registration of credit rating agencies be created, and this legislation is a giant step towards that goal.

I would like to remind my colleagues that this fair rule makes in order all germane amendments that were presented to the Committee on Rules.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION ON H. RES. 906, RULE FOR H.R. 2990 CREDIT RATING AGENCY DUOPOLY RELIEF ACT

At the end of the resolution add the following new section:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling on January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R09Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does not have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

THE PAPER AND INK USED IN THE ORIGINAL
PUBLICATION MAY AFFECT THE QUALITY OF
THE MICROFORM EDITION.

CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2005

Mr. McKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Carl D. Perkins Career and Technical Education Improvement Act of 2005”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Purpose.
Sec. 4. Definitions.
Sec. 5. Transition provisions.
Sec. 6. Limitation.
Sec. 7. Authorization of appropriations.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

Sec. 101. Career and technical education assistance to the States.
Sec. 102. Reservations and State allotment.
Sec. 103. Within State allocation.
Sec. 104. Accountability.
Sec. 105. National activities.
Sec. 106. Assistance for the outlying areas.
Sec. 107. Native American program.
Sec. 108. Tribally controlled postsecondary career and technical institutions.
Sec. 109. Occupational and employment information.
Sec. 110. State administration.
Sec. 111. State plan.
Sec. 112. Improvement plans.
Sec. 113. State leadership activities.
Sec. 114. Distribution of funds to secondary school programs.
Sec. 115. Distribution of funds for postsecondary career and technical education programs.
Sec. 116. Special rules for career and technical education.
Sec. 117. Local plan for career and technical education programs.
Sec. 118. Local uses of funds.
Sec. 119. Tech-Prep education.

TITLE II—GENERAL PROVISIONS

Sec. 201. Redesignation of title.
Sec. 202. Fiscal requirements.
Sec. 203. Voluntary selection and participation.
Sec. 204. Limitation for certain students.
Sec. 205. Authorization of Secretary; participation of private school personnel.
Sec. 206. Student assistance and other Federal programs.
Sec. 207. Table of contents.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

SEC. 3. PURPOSE.

Section 2 (20 U.S.C. 2301) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in paragraph (1), by striking “standards” and inserting “and technical standards, and to assist students in meeting such standards, including student academic achievement standards, especially in preparation for high skill, high wage, or high demand occupations in emerging or established professions”;

(3) in paragraph (2), by inserting “challenging” after “integrate”;

(4) in paragraph (3), by striking “and” after the semicolon;

(5) in paragraph (4)—

(A) by inserting “conducting and” before “disseminating national”;

(B) by inserting “disseminating information on best practices,” after “national research,”; and

(C) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

“(5) promoting leadership, initial preparation, and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors;

“(6) supporting partnerships among secondary schools, postsecondary institutions, baccalaureate degree granting institutions, area career technical centers, local workforce investment boards, business and industry, professional associations, and intermediaries; and

“(7) developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.”.

SEC. 4. DEFINITIONS.

Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraphs (29) and (30);

(2) by redesignating paragraphs (5), (6), (7) through (12), (13) through (16), (17) through (22), and (23) through (28), as paragraphs (10), (12), (14) through (19), (21) through (24), (26) through (31), and (33) through (38), respectively;

(3) in paragraph (2), by inserting “, including employment statistics and information relating to national, regional, and local labor market areas, as provided pursuant to section 118, and career ladder information, where appropriate” after “to enter”;

(4) in paragraph (3)—

(A) in the paragraph heading, by striking “VOCATIONAL” and inserting “CAREER”; and

(B) by striking “vocational” each place the term appears and inserting “career”;

(5) by striking paragraph (4) and inserting the following:

“(4) ARTICULATION AGREEMENT.—The term ‘articulation agreement’ means a written commitment—

“(A) that is approved annually by the relevant administrators of—

“(i) a secondary institution and a postsecondary educational institution; or

“(ii) a sub-baccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and

“(B) to a program that is designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree, and linked through credit transfer agreements.”;

(6) by inserting after paragraph (4) (as amended by paragraph (5)) the following:

“(5) CAREER AND TECHNICAL EDUCATION.—The term ‘career and technical education’ means organized educational activities that—

“(A) offer a sequence of courses (which may include work-based learning experiences) that—

“(i) provides individuals with the challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers in emerging and established professions; and

“(ii) may lead to technical skill proficiency, a credential, a certificate, or a degree; and

“(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

“(6) CAREER AND TECHNICAL EDUCATION STUDENT.—The term ‘career and technical education student’ means a student who enrolls in a clearly defined sequence of career and technical education courses (which may include work-based learning experiences) leading to attainment of technical skill proficiency, a credential, a certificate, or a degree.

“(7) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

“(A) IN GENERAL.—The term ‘career and technical student organization’ means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

“(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

“(8) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term ‘career guidance and academic counseling’ means providing access to information regarding career awareness and planning with respect to an individual's occupational and academic future that shall involve guidance and counseling with respect to career options, including baccalaureate degree programs, financial aid, and postsecondary options.

“(9) CAREER PATHWAY.—The term ‘career pathway’ means a coordinated and nonduplicative sequence of courses (which may include work-based learning experiences) and associated credits that—

“(A) shall identify both secondary and postsecondary education elements;

“(B) shall include challenging academic and career and technical education content that adequately prepares students to pursue the postsecondary education element identified under subparagraph (A);

“(C) may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits; and

“(D) culminates in technical skill proficiency, an industry-recognized credential, a certificate, a degree, or completion of a recognized apprenticeship program.”;

(7) in paragraph (10) (as redesignated by paragraph (2)), by striking “5206” and inserting “5210”;

(8) by inserting after paragraph (10) (as redesignated by paragraph (2)) the following:

“(11) COMMUNITY COLLEGE.—The term ‘community college’—

“(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a baccalaureate degree; and

“(B) includes tribally controlled colleges or universities.”;

(9) in paragraph (12) (as redesignated by paragraph (2))—

(A) by striking “method of instruction” and inserting “method”; and

(B) by striking “vocational” and inserting “career”;

(10) by inserting after paragraph (12) (as redesignated by paragraph (2) and amended by paragraph (9)) the following:

“(13) CORE ACADEMIC SUBJECTS.—The term ‘core academic subjects’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that under this Act such subjects included in such term shall be only those subjects in a secondary school context.”;

(11) in paragraph (16) (as redesignated by paragraph (2)), by striking “vocational” both places the term appears and inserting “career”;

(12) in paragraph (17) (as redesignated by paragraph (2))—

(A) in subparagraph (A), by striking “an institution of higher education” and inserting “a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree”; and

(B) in subparagraph (C), by striking “vocational” and inserting “career”;

(13) in paragraph (18)(A) (as redesignated by paragraph (2)), by striking “agency, an area vocational” and inserting “agency (including a public charter school that operates as a local educational agency), an area career”;

(14) by inserting after paragraph (19) (as redesignated by paragraph (2)) the following:

“(20) GRADUATION AND CAREER PLAN.—The term ‘graduation and career plan’ means a written plan for a secondary career and technical education student, that—

“(A) is developed with career guidance and academic counseling or other professional staff, and in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education;

“(B) is reviewed annually and modified as needed;

“(C) includes relevant information on—

“(i) secondary school requirements for graduating with a diploma;

“(ii) postsecondary education admission requirements; and

“(iii) high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions, and labor market indicators; and

“(D) states the student’s secondary school graduation goals, postsecondary education and training, or employment goals, and identifies 1 or more career pathways that correspond to the goals.”;

(15) by inserting after paragraph (24) (as redesignated by paragraph (2)) the following:

“(25) LOCAL WORKFORCE INVESTMENT BOARD.—The term ‘local workforce investment board’ means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832).”;

(16) in paragraph (26) (as redesignated by paragraph (2))—

(A) in the paragraph heading, by striking “TRAINING AND EMPLOYMENT” and inserting “FIELDS”; and

(B) by striking “training and employment” and inserting “fields”;

(17) in paragraph (27) (as redesignated by paragraph (2)), by striking “the Commonwealth” and all that follows through the period and inserting “and the Commonwealth of the Northern Mariana Islands.”;

(18) by inserting after paragraph (31) (as redesignated by paragraph (2)) the following:

“(32) SELF-SUFFICIENCY.—The term ‘self-sufficiency’ means a standard that is adopted, calculated, or commissioned by a local area or State, and which adjusts for local factors, in specifying the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.”;

(19) in paragraph (33) (as redesignated by paragraph (2))—

(A) in subparagraph (C), by striking “training and employment” and inserting “fields”; and

(B) in subparagraph (F), by striking “individuals with other barriers to educational achievement, including”;

(20) in paragraph (35) (as redesignated by paragraph (2)) by striking “, and instructional aids and devices” and inserting “instructional aids, and work supports”;

(21) by striking paragraph (36) (as redesignated by paragraph (2)) and inserting the following:

“(36) TECH-PREP PROGRAM.—The term ‘tech-prep program’ means a program of study that—

“(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

“(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning where appropriate and available;

“(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

“(D) builds student competence in technical skills and in core academic subjects, as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses (which may include work-based learning experiences);

“(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

“(F) leads to placement in high skill, high wage employment or to further education; and

“(G) utilizes career pathways, to the extent practicable.”; and

(22) in paragraph (38) (as redesignated by paragraph (2))—

(A) in the paragraph heading, by striking “VOCATIONAL” and inserting “CAREER”;

(B) in the matter preceding subparagraph (A)—

(i) by striking “vocational” and inserting “career”;

(ii) by striking “paragraph (2)” and inserting “subsection (a)(2)”; and

(iii) by striking “paragraph (5)(A)” and inserting “subsection (a)(5)”; and

(C) in subparagraph (F), by striking “vocational” and inserting “career”.

SEC. 5. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended by striking “the Carl D. Perkins Vocational and Applied Technology Education Act” and all that follows through the period and inserting “this Act, as this Act was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. Each eligible agency shall be assured a full fiscal year for transition to plan for and implement the requirements of this Act.”.

SEC. 6. LIMITATION.

Section 6 (20 U.S.C. 2305) is amended by striking the second sentence.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 8 (20 U.S.C. 2307) is amended—

(1) by striking “title II” and inserting “part D of title I”; and

(2) by striking “1999 through 2003” and inserting “2006 through 2011”.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

SEC. 101. CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES.

Title I (20 U.S.C. 2321 et seq.) is amended by striking the title heading and inserting the following:

“TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES”.

SEC. 102. RESERVATIONS AND STATE ALLOTMENT.

Section 111(a) (20 U.S.C. 2321(a)) is amended—

(1) in paragraph (1)(C), by striking “2001 through 2003,” and inserting “2006 through 2011,”; and

(2) by striking paragraphs (3) and (4) and inserting the following:

“(3) MINIMUM ALLOTMENT.—Subject to paragraph (4), no State, other than the United States Virgin Islands, shall receive for a fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 8 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

“(4) HOLD HARMLESS.—

“(A) FISCAL YEARS 2006 THROUGH 2008.—Notwithstanding paragraph (3), no State shall receive an allotment under this section for each of the fiscal years 2006 through 2008 that is less than the allotment the State received under this part (as this part was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005) for fiscal year 2005.

“(B) FISCAL YEARS 2009 THROUGH 2011.—Notwithstanding paragraph (3), no State shall receive an allotment under this section for each of the fiscal years 2009 through 2011 that is less than 95 percent of the allotment the State received under this section for the preceding fiscal year.

“(C) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the requirements of subparagraph (A) or (B), the payments to all States under such subparagraph shall be ratably reduced.”.

SEC. 103. WITHIN STATE ALLOCATION.

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding “and” after the semicolon; and

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) not more than 15 percent or $750,000, whichever is greater, for—

“(A) State leadership activities described in section 124, of which—

“(i) an amount determined by the eligible agency shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

“(ii) not less than $60,000 shall be available for services that prepare individuals for nontraditional fields; and

“(B) administration of the State plan, which may be used for the costs of—

“(i) developing the State plan;

“(ii) reviewing the local plans;

“(iii) monitoring and evaluating program effectiveness;

“(iv) assuring compliance with all applicable Federal laws;

“(v) providing technical assistance; and

“(vi) supporting and developing State data systems relevant to the provisions of this Act.”;

(2) in subsection (b), by striking “subsection (a)(3)” both places the term appears and inserting “subsection (a)(2)(B)”; and

(3) by striking subsection (c) and inserting the following:

“(c) RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may—

“(1) award grants to eligible recipients, or consortia of eligible recipients, for career and technical education activities described in section 135 in—

“(A) rural areas; or

“(B) areas with high percentages or high numbers of career and technical education students;

“(2) reserve funds, with the approval of participating eligible recipients, for—

“(A) innovative statewide initiatives that demonstrate benefits for eligible recipients, which may include—

“(i) developing and implementing technical assessments;

“(ii) improving the initial preparation and professional development of career and technical education teachers, faculty, principals, administrators, and counselors; and

“(iii) establishing, enhancing, and supporting systems for accountability data collection or reporting purposes; or

“(B) the development and implementation of career pathways or career clusters; and

“(3) carry out activities described in paragraphs (1) and (2).”.

SEC. 104. ACCOUNTABILITY.

Section 113 (20 U.S.C. 2323) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)—

(A) by striking “a State performance accountability system” and inserting “and support State and local performance accountability systems”; and

(B) by inserting “and its eligible recipients” after “of the State”;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “paragraph (2)(A)” and inserting “subparagraphs (A) and (B) of paragraph (2)”; and

(ii) in subparagraph (B), by striking “(2)(B)” and inserting “(2)(C)”;

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) CORE INDICATORS OF PERFORMANCE FOR SECONDARY CAREER AND TECHNICAL EDUCATION STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for secondary career and technical education students that include, at a minimum, measures of each of the following:

“(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

“(ii) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the academic assessments described in section 1111(b)(3) of such Act, consistent with State requirements.

“(iii) Student rates of attainment of—

“(I) a secondary school diploma;

“(II) the recognized equivalent of a secondary school diploma;

“(III) technical skill proficiency;

“(IV) an industry-recognized credential;

“(V) a certificate; and

“(VI) a degree.

“(iv) Placement in postsecondary education, military service, apprenticeship programs, or employment.

“(v) Student participation in, and completion of, career and technical education programs that lead to employment or self-employment in nontraditional fields.”;

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(iii) by inserting after subparagraph (A) the following:

“(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY CAREER AND TECHNICAL STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for postsecondary career and technical education students that include, at a minimum, measures of each of the following:

“(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

“(ii) Student attainment of technical skill proficiency, an industry-recognized credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program.

“(iii) Placement in military service, apprenticeship programs, or employment.

“(iv) Student participation in, and completion of, career and technical education programs that lead to employment or self-employment in—

“(I) nontraditional fields; and

“(II) high skill, high wage, high demand occupations or professions.

“(v) Increase in earnings, where available.”;

(iv) in subparagraph (C) (as redesignated by clause (ii) of this subparagraph), by striking “the title.” and inserting “this title, such as attainment of self-sufficiency.”;

(v) in subparagraph (D) (as redesignated by clause (ii) of this subparagraph), by inserting “career and technical education” after “developed State”;

(vi) in subparagraph (E) (as redesignated by clause (ii) of this subparagraph)—

(I) by striking “this paragraph” and inserting “subparagraphs (A) and (B)”;

(II) by striking “solely”; and

(III) by striking “recipients.” and inserting “recipients, and shall meet the requirements of this section.”; and

(vii) by adding at the end the following:

“(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of identifying core indicators of performance and additional indicators of performance, States shall, to the greatest extent possible, define the indicators so that substantially similar information gathered for other State and Federal programs, or any other purpose, is used to meet the requirements of this section.”;

(C) in paragraph (3)—

(i) in the paragraph heading, by striking “LEVELS” and inserting “STATE LEVELS”;

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking “paragraph (2)(A)” and inserting “subparagraphs (A) and (B) of paragraph (2)”;

(bb) by inserting “after taking into account the local adjusted levels of performance and” after “eligible agency,”; and

(cc) by striking subclause (II) and inserting the following:

“(II) require the eligible recipients to make continuous and significant improvement in career and technical achievement of career and technical education students, including special populations.”;

(II) in clause (v)—

(aa) in the clause heading, by striking “3RD, 4TH, AND 5TH” and inserting “SUBSEQUENT”;

(bb) by striking “third program year” and inserting “third and fifth program years”; and

(cc) by striking “third, fourth, and fifth” and inserting “corresponding subsequent”;

(III) in clause (vi)(II), by inserting “and significant” after “continuous”; and

(IV) in clause (vii), by striking “or (vi)” and inserting “or (v)”; and

(iii) in subparagraph (B), by striking “(2)(B)” and inserting “(2)(C)”; and

(D) by adding at the end the following:

“(4) LOCAL LEVELS OF PERFORMANCE.—

“(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

“(i) IN GENERAL.—Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performance, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

“(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

“(II) require the eligible recipient to make continuous and significant improvement in career and technical achievement of career and technical education students.

“(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

“(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

“(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

“(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

“(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

“(II) the extent to which the local adjusted levels of performance involved promote continuous and significant improvement on the core indicators of performance by the eligible recipient.

“(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factor described in clause (v)(II), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

“(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

“(C) REPORT.—Each eligible recipient that receives an allocation under section 131 shall publicly report, on an annual basis, its progress in achieving the local adjusted levels of performance on the core indicators of performance.”; and

(4) by striking subsection (c)(1)(B) and inserting:

“(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance disaggregated for postsecondary institutions, by special populations and gender, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.”.

SEC. 105. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)(1), by striking “, including an analysis of performance data regarding special populations” and inserting “, including an analysis of performance data that is disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual”;

(3) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

“(2) INDEPENDENT ADVISORY PANEL.—

“(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

“(B) MEMBERS.—The advisory panel shall consist of—

“(i) educators, principals, administrators, and chief executives (including State directors of career and technical education), with expertise in the integration of academic and career and technical education;

“(ii) experts in evaluation, research, and assessment;

“(iii) representatives of labor organizations and businesses, including small businesses, economic development entities, and State workforce investment boards established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) or local workforce investment boards;

“(iv) parents;

“(v) career guidance and academic counseling professionals; and

“(vi) other individuals and intermediaries with relevant expertise.

“(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary and to the relevant committees of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3).

“(D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.”;

(B) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—From amounts made available under subsection (d), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2005, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.”;

(ii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

“(iii) the preparation and qualifications of teachers and faculty of career and technical education, as well as shortages of such teachers and faculty;”;

(II) by striking clause (v) and inserting the following:

“(v) academic and career and technical education achievement and employment outcomes of career and technical education students, including analyses of—

“(I) the number of career and technical education students and tech-prep students who meet the State adjusted levels of performance established under section 113;

“(II) the extent and success of integration of challenging academic and career and technical education for students participating in career and technical education programs;

“(III) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations, or participation in postsecondary education; and

“(IV) the number of career and technical education students receiving a high school diploma;”;

(III) in clause (vi), by inserting “, and career and technical education students’ preparation for employment” after “programs”; and

(IV) in clause (viii), by inserting “and local” after “State” both places such term appears; and

(iii) in subparagraph (C)—

(I) in clause (i)—

(aa) by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”; and

(bb) by striking “2002” both places it appears and inserting “2009”; and

(II) in clause (ii), by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”;

(C) in paragraph (4)(B), by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”;

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “higher education” and all that follows through “centers” and inserting “higher education offering comprehensive graduate programs in career and technical education that shall be the primary recipient and shall collaborate with a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies, to establish a national research center”;

(II) in clause (i)—

(aa) by inserting “and evaluation” after “to carry out research”; and

(bb) by inserting “, including special populations,” after “participants”;

(III) by redesignating clauses (ii), (iii), and (iv), as clauses (iii), (iv), and (v), respectively;

(IV) by inserting after clause (i) the following:

“(ii) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the needs of employers in high skill, high wage business and industry, including evaluation and scientifically based research of—

“(I) collaboration between career and technical education programs and business and industry;

“(II) academic and technical skills required to respond to the challenge of a global economy and rapid technological changes; and

“(III) technical knowledge and skills required to respond to needs of a regional or sectoral workforce, including small business;”;

(V) in clause (iii) (as redesignated by subclause (III) of this clause), by inserting “that are integrated with challenging academic instruction” before “, including”; and

(VI) by striking clause (iv) (as redesignated by subclause (III) of this clause) and inserting the following:

"(iv) to carry out scientifically based research, where appropriate, that can be used to improve preparation and professional development of teachers, faculty, principals, and administrators and student learning in the career and technical education classroom, including—

"(I) effective in-service and pre-service teacher and faculty education that assists career and technical education programs in—

"(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

"(bb) promoting technical education aligned with industry-based standards and certifications to meet regional industry needs;

"(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical education skills, State academic standards, and related materials; and

"(III) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and";

(ii) in subparagraph (B)—

(I) by striking "or centers" both places the term appears; and

(II) by striking "Committee on Education" and all that follows through "Senate" and inserting "relevant committees of Congress";

(iii) in subparagraph (C), by striking "or centers"; and

(iv) by adding at the end the following:

"(D) INDEPENDENT GOVERNING BOARD.—

"(i) IN GENERAL.—An institution of higher education that desires a grant, contract, or cooperative agreement under this paragraph shall identify, in its application, an independent governing board for the center established pursuant to this paragraph.

"(ii) MEMBERS.—The independent governing board shall consist of the following:

"(I) Two representatives of secondary career and technical education.

"(II) Two representatives of postsecondary career and technical education.

"(III) Two representatives of eligible agencies.

"(IV) Two representatives of business and industry.

"(V) Two representatives of career and technical teacher preparation institutions.

"(VI) Two nationally recognized researchers in the field of career and technical education.

"(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.";

(E) in paragraph (6)(B)(ii), by striking "or centers"; and

(F) by striking paragraph (8); and

(4) by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.".

SEC. 106. ASSISTANCE FOR THE OUTLYING AREAS.

Section 115 (20 U.S.C. 2325) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "the Republic of the Marshall Islands, the Federated States of Micronesia,";

(B) in paragraph (1), by striking "training and retraining;" and inserting "preparation;";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following:

"(2) professional development for teachers, faculty, principals, and administrators;"; and

(3) in subsection (d)—

(A) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and"; and

(B) by striking "2001" and inserting "2007".

SEC. 107. NATIVE AMERICAN PROGRAM.

Section 116 (20 U.S.C. 2326) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (a)(5), by adding a period at the end;

(3) in subsection (b)—

(A) in paragraph (1), by striking "(d)" and inserting "(c)"; and

(B) in paragraph (2), by striking "(other than in subsection (i))";

(4) in subsection (d), by striking "section an" and inserting "section, an";

(5) in subsection (e), by striking "paragraph" and inserting "section"; and

(6) in subsection (h), by striking "which are recognized by the Governor of the State of Hawaii".

SEC. 108. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

Section 117 (20 U.S.C. 2327) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.";

(2) by striking "vocational" each place the term appears and inserting "career";

(3) in subsection (g)—

(A) in paragraph (1), by striking "The Secretary" and inserting "On an annual basis, the Secretary";

(B) in paragraph (2)(B), by striking "2000" and inserting "2007"; and

(C) in paragraph (3)(C), by striking "beginning" and all that follows through the period and inserting "beginning on the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005.";

(4) by redesignating subsections (h) and (i) as subsections (j) and (k), respectively;

(5) by inserting after subsection (g) the following:

"(h) APPEALS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide a tribally controlled postsecondary career and technical institution with a hearing on the record before an administrative law judge with respect to the following determinations:

"(A) A determination that such institution is not eligible for a grant under this section.

"(B) A determination regarding the calculation of the amount of a grant awarded under this section.

"(2) PROCEDURE FOR APPEAL.—To appeal a determination described in paragraph (1), a tribally controlled postsecondary career and technical institution shall—

"(A) in the case of an appeal based on a determination that such institution is not eligible for a grant under this section, file a notice of appeal with the Secretary not later than 30 days after receipt of such determination; and

"(B) in the case of an appeal based on a determination regarding the calculation of the amount of a grant awarded under this section—

"(i) file a notice of appeal with the Secretary not later than 30 days after receipt of the Secretary's notification of the grant amount; and

"(ii) identify the amount of funding that gives rise to such appeal.

"(3) WITHHOLDING OF AMOUNT.—If a tribally controlled postsecondary career and technical institution appeals a determination described in paragraph (1), the Secretary shall withhold the amount in dispute from the award of grant funds under this section until such time as the administrative law judge has issued a written decision on the appeal.

"(i) RESTRICTED INDIRECT COST.—Notwithstanding any other provision of law, the Secretary shall not request the use of a restricted indirect cost rate for grants awarded under this section."; and

(6) by striking subsection (k) (as redesignated by paragraph (4) of this section) and inserting the following:

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 109. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

Section 118 (20 U.S.C. 2328) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(f)" and inserting "(g)";

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "(b)" both places it appears and inserting "(c)";

(ii) in subparagraph (B), by striking "(b)" and inserting "(c)"; and

(iii) in subparagraph (C), by striking "(b)" and inserting "(c)"; and

(C) in paragraph (2), by striking "(b)" both places it appears and inserting "(c)";

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

"(b) STATE APPLICATION.—

"(1) IN GENERAL.—Each State desiring assistance under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

"(A) a description of how the State entity designated in subsection (c) will provide information based on labor market trends to inform program development; and

"(B) information about the academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965.";

(4) in subsection (c) (as redesignated by paragraph (2) of this section)—

(A) in paragraph (1), by striking "individuals" and all that follows through the semicolon and inserting "students and parents, including postsecondary education and training, including academic and technical preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging or established professions;";

(B) in paragraph (2), by inserting "academic and career and technical" after "relate";

(C) by striking paragraph (3) and inserting the following:

“(3) to equip teachers, faculty, administrators, and counselors with the knowledge, skills, and occupational information needed to assist parents and all students, especially special populations underrepresented in certain careers, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and nontraditional fields, including occupations and fields requiring a baccalaureate degree;”;

(D) in paragraph (4), by striking “such entities;” and inserting “such entities, with an emphasis on high skill, high wage, or high demand occupations in emerging or established professions;”;

(E) in paragraph (5), by striking “and” after the semicolon;

(F) in paragraph (6), by striking the period and inserting “; and”; and

(G) by adding at the end the following:

“(7) to provide information, if available, for each occupation, on—

“(A) the average earnings of an individual in the occupation at entry level and after 5 years of employment;

“(B) the expected lifetime earnings; and

“(C) the expected future demand for the occupation, based on employment projections.”;

(5) in subsection (d)(1) (as redesignated by paragraph (2) of this section), by striking “(b)” both places it appears and inserting “(c)”;

(6) in subsection (e)(1) (as redesignated by paragraph (2) of this section), by striking “(b)” and inserting “(c)”;

(7) in subsection (f)(1) (as redesignated by paragraph (2) of this section), by striking “an identification” and inserting “a description”; and

(8) in subsection (g) (as redesignated by paragraph (2) of this section), by striking “1999 through 2003” and inserting “2006 through 2011”.

SEC. 110. STATE ADMINISTRATION.

Section 121 (20 U.S.C. 2341) is amended—

(1) by redesignating subsection (a)(2) as subsection (b) and indenting appropriately;

(2) by redesignating subparagraphs (A) through (D) of subsection (a)(1) as paragraphs (1) through (4), respectively, and indenting appropriately;

(3) by redesignating clauses (i) and (ii) of paragraph (4) (as redesignated by paragraph (2) of this section) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(4) by striking the following:

“(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

“(1) IN GENERAL.—The responsibilities” and inserting the following:

“(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities”;

(5) in subsection (a)(1) (as redesignated by paragraph (2) of this section), by striking “training and employment” and inserting “fields”;

(6) in subsection (a)(2) (as redesignated by paragraph (2) of this section)—

(A) by inserting “teacher and faculty preparation programs,” after “teachers,”; and

(B) by inserting “all types and sizes of” after “representatives of”; and

(7) in subsection (b) (as redesignated by paragraph (1) of this section), by striking “paragraph (1)” and inserting “subsection (a)”.

SEC. 111. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “5” and inserting “6”; and

(ii) by adding at the end the following: “Each eligible agency may submit a transition plan during the first full year of implementation of this Act after the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. The transition plan shall fulfill the eligible agency’s State plan submission obligation under this section.”; and

(B) in paragraph (2)(B), by striking “5 year State plan” and inserting “6-year period”;

(3) by striking subsection (b)(1) and inserting the following:

“(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, eligible recipients, parents, students, the State tech-prep coordinator and representatives of tech-prep consortia (if applicable), the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)) and carried out by one-stop partners, the State workforce investment board, interested community members (including parent and community organizations), representatives of special populations, representatives of business and industry (including representatives of small business and economic development entities), and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.”;

(4) by striking subsection (c) and inserting the following:

“(c) PLAN CONTENTS.—The State plan shall include information that—

“(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

“(A) how the eligible agency will support eligible recipients in developing or implementing career pathways for career and technical education content areas that are designed to meet relevant workforce needs, including how the eligible agency will—

“(i) support eligible recipients in developing articulation agreements between secondary and postsecondary institutions;

“(ii) support eligible recipients in using labor market information to identify career pathways that prepare individuals for high skill, high wage, or high demand occupations;

“(iii) make available information about career pathways offered by eligible recipients; and

“(iv) consult with business and industry and use industry-recognized standards and assessments, if appropriate;

“(B) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality technology in career and technical education programs;

“(C) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will—

“(i) promote higher levels of academic achievement;

“(ii) promote higher levels of technical skill attainment; and

“(iii) identify and address workforce needs;

“(D) how programs at the secondary level will prepare career and technical education students, including special populations to graduate from high school with a diploma;

“(E) how such programs will prepare career and technical education students, including special populations, both academically and technically, for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in emerging or established occupations, and how participating students will be made aware of such opportunities; and

“(F) how funds will be used to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations that are aligned with business needs and industry standards, as appropriate—

“(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

“(ii) at the postsecondary level that are relevant and challenging;

“(2) describes how career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors will be provided comprehensive initial preparation and professional development, including through programs and activities that—

“(A) promote the integration of challenging academic curricula and career and technical education curricula, including opportunities for teachers to jointly develop and implement curriculum and pedagogical strategies with appropriate academic teachers;

“(B) increase the academic and career and technical education knowledge of career and technical education teachers and faculty;

“(C) are high-quality, sustained, intensive, focused on instruction, directly related to industry standards, and includes structured induction and mentoring components for new personnel, with an emphasis on identifying and addressing the needs of local businesses, including small businesses;

“(D) ensure an increasing number of career and technical education teachers and faculty meet teacher certification and licensing requirements reflecting the needs of their subject area or areas;

“(E) equip career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors with the knowledge and skills needed to work with and improve instruction for special populations;

“(F) assist in accessing and utilizing data, including labor market indicators, student achievement, and assessments;

“(G) enhance the leadership capacity of principals and administrators;

“(H) are integrated with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965; and

“(I) include strategies to expose all career and technical education students to comprehensive information regarding career options that lead to high skill, high wage, or high demand occupations and nontraditional fields;

“(3) describes efforts to improve—

“(A) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and

“(B) the transition to teaching from business and industry, including small business;

“(4) describes efforts to improve the capacity of programs and faculty at postsecondary institutions to effectively prepare career and technical education personnel, including, as appropriate, through electronically delivered distance education, and articulation agreements between 2-year technical programs and postsecondary education programs;

“(5) describes efforts to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

“(A) statewide articulation agreements between sub-baccalaureate career and technical education programs and baccalaureate degree programs;

“(B) postsecondary dual and concurrent enrollment programs;

“(C) academic and financial aid counseling; and

“(D) other initiatives to encourage the pursuit of a baccalaureate degree and to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

“(6) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, local businesses (including small- and medium-sized businesses and business intermediaries), State workforce investment boards, local workforce investment boards, economic development entities, and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

“(7) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

“(A) among secondary school career and technical education, or postsecondary and adult career and technical education, or both, including the rationale for such allocation; and

“(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

“(8) describes how the eligible agency will—

“(A) use funds to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations—

“(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

“(ii) at the postsecondary level that are challenging and aligned with business needs and industry standards, as appropriate;

“(B) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic, and career and technical, components of career and technical education programs through the integration of academics with career and technical education to ensure learning in the core academic subjects and career and technical education subjects, and provide students with strong experience in, and understanding of, all aspects of an industry;

“(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students; and

“(D) encourage secondary school students who participate in such career and technical education programs to enroll in challenging courses in core academic subjects;

“(9) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describes, to the extent practicable, how the eligible agency is coordinating such programs to promote relevant lifelong learning and ensure nonduplication with other existing Federal programs;

“(10) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

“(A) will be provided with equal access to activities assisted under this title;

“(B) will not be discriminated against on the basis of their status as members of the special populations; and

“(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

“(11) how the eligible agency will collaborate in developing the State plan with—

“(A) the entity within the State with responsibility for elementary and secondary education;

“(B) the entity within the State with responsibility for public institutions engaged in postsecondary education;

“(C) State institutions such as State correctional institutions and institutions that serve individuals with disabilities; and

“(D) all other relevant State agencies with responsibility for career and technical education and training investment, and economic and workforce development;

“(12) describes what steps the eligible agency will take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

“(13) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

“(14) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

“(15) describes how the eligible agency will measure and report data relating to students participating in and completing career and technical education within specific career clusters in order to adequately measure the progress of the students, including special populations, at—

“(A) the secondary level, disaggregated by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual; and

“(B) the postsecondary level, disaggregated by special populations, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual;

“(16) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

“(17) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

“(18) describes how career and technical education relates to State and regional occupational opportunities;

“(19) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education and workforce investment programs;

“(20) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions;

“(21) describes how funds will be used to serve individuals in State correctional institutions;

“(22) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

“(23) contains the description and information specified in sections 112(b)(8) and 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(8) and 2841(c)) concerning the provision of services only for postsecondary students and school dropouts.”;

(5) by striking subsection (d) and inserting the following:

“(d) PLAN OPTIONS.—

“(1) SINGLE PLAN.—The eligible agency may fulfill the plan or application submission requirements of this section, section 118(b), and section 141(c) by submitting a single State plan. In such plan, the eligible agency may allow eligible recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 143 by submitting a single local plan.

“(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of the Workforce Investment Act of 1998 (20 U.S.C. 9271), if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.”; and

(6) by striking subsection (f).

SEC. 112. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended to read as follows:

“SEC. 123. IMPROVEMENT PLANS.

“(a) STATE PROGRAM IMPROVEMENT PLAN.—

“(1) PLAN.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

“(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

"(3) FAILURE.—

"(A) IN GENERAL.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet more than 1 of the State adjusted levels of performance for the same performance indicator for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in financial resources of the State.

"(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

"(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

"(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

"(b) LOCAL PROGRAM IMPROVEMENT.—

"(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

"(2) PLAN.—

"(A) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, the eligible agency shall—

"(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies, including the performance of special populations;

"(ii) enter into an improvement plan with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include instructional and other programmatic innovations of demonstrated effectiveness, and, where necessary, strategies for appropriate staffing and professional development; and

"(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance, as described in section 113(b)(4), and progress on implementing the improvement plan.

"(B) CONSULTATION.—The eligible agency shall conduct the activities described in subparagraph (A) in consultation with teachers, principals, administrators, faculty, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

"(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist the eligible recipient in carrying out the improvement activities consistent with the requirements of this Act. An eligible recipient, in collaboration with the eligible agency, may request that the Secretary provide additional technical assistance.

"(4) FAILURE.—

"(A) IN GENERAL.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet more than 1 of the local adjusted levels of performance for the same performance indicator for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as organizational structure, or a natural disaster or a precipitous and unforeseen decline in financial resources of the eligible recipient.

"(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purpose of this Act.".

SEC. 113. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (a), by striking "112(a)(2)" and inserting "112(a)(2)(A)";

(3) in subsection (b)—

(A) in paragraph (1), by striking "further learning" and all that follows through the semicolon and inserting "further education, further training, or for high skill, high wage, or high demand occupations;";

(B) in paragraph (2), by striking subparagraphs (A) through (C) and inserting the following:

"(A) training of career and technical education teachers, faculty, principals, career guidance and academic counselors, and administrators to use technology, including distance learning;

"(B) encouraging schools to work with technology industries to offer voluntary internships and mentoring programs; or

"(C) encouraging lifelong learning, including through partnerships that may involve institutions of higher education, organizations providing career and technical education, businesses, workforce investment entities, and communications entities;";

(C) by striking paragraph (3) and inserting the following:

"(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

"(A) provide in-service and pre-service training in career and technical education programs and techniques, effective teaching skills based on promising practices and, where available and appropriate, scientifically based research, and effective practices to improve parental and community involvement;

"(B) improve student achievement in order to meet the State adjusted levels of performance established under section 113;

"(C) support education programs for teachers and faculty of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that such personnel—

"(i) stay current with the needs, expectations, and methods of industry;

"(ii) can effectively develop challenging, integrated academic and career and technical education curriculum jointly with academic teachers, to the extent practicable; and

"(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

"(D) are integrated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;";

(D) in paragraph (4), by striking "support for" and inserting "supporting";

(E) in paragraph (5), by striking "nontraditional training and employment" and inserting "nontraditional fields in emerging and established professions, and other activities that expose students, including special populations, to high skill, high wage occupations";

(F) in paragraph (6)—

(i) by inserting "intermediaries," after "labor organizations,"; and

(ii) by inserting ", or complete career pathways, as described in section 122(c)(1)(A)" after "skills";

(G) in paragraph (7), by striking "and" after the semicolon;

(H) in paragraph (8), by striking "wage careers." and inserting "wage, or high demand occupations; and"; and

(I) by adding at the end the following:

"(9) technical assistance for eligible recipients.";

(4) by striking subsection (c) and inserting the following:

"(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

"(1) improvement of career guidance and academic counseling programs that assist students in making informed academic, and career and technical education, decisions, including encouraging secondary and postsecondary students to graduate with a diploma or degree, and expose students to high skill, high wage occupations and nontraditional fields in emerging and established professions;

"(2) establishment of agreements, including articulation agreements, between secondary and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech-prep programs;

"(3) support for initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

"(A) statewide articulation agreements between sub-baccalaureate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

"(B) postsecondary dual and concurrent enrollment programs;

"(C) academic and financial aid counseling; and

"(D) other initiatives—

"(i) to encourage the pursuit of a baccalaureate degree; and

"(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

"(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

"(5) support for public charter schools operating secondary career and technical education programs;

"(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

"(7) support for family and consumer sciences programs;

"(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

"(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance learning, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

"(10) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on local performance indicators, as described in section 113, in accordance with previously publicly disclosed priorities;

"(11) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.);

"(12) providing assistance to individuals, who have participated in services and activities under this title, in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(13) developing valid and reliable assessments of technical skills that are integrated with industry certification assessments where available;

"(14) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

"(15) improving—

"(A) the recruitment and retention of career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

"(B) the transition to teaching from business and industry, including small business; and

"(16) adopting, calculating, or commissioning a self-sufficiency standard."; and

(5) in subsection (d), by striking "112(a)(2)" and inserting "112(a)(2)(A)".

SEC. 114. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

(4) in subsection (a) (as redesignated by paragraph (3) of this section)—

(A) in the subsection heading, by striking "Special Distribution Rules for Succeeding Fiscal Years" and inserting "Distribution Rules"; and

(B) by striking "for fiscal year 2000 and succeeding fiscal years";

(5) in subsection (b) (as redesignated by paragraph (3) of this section)—

(A) by striking "subsection (b)" and inserting "subsection (a)"; and

(B) in paragraph (1), by striking "9902(2))" and inserting "9902(2)))";

(6) in subsection (e) (as redesignated by paragraph (3) of this section), in the subsection heading, by striking "Vocational" and inserting "Career"; and

(7) in subsection (g) (as redesignated by paragraph (3) of this section), by striking "subsections (a), (b), (c), and (d)" and inserting "subsections (a), (b), and (c)".

SEC. 115. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 132 (20 U.S.C. 2352) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.";

and

(2) in subsection (a)—

(A) in paragraph (1), by inserting "for career and technical education programs leading to a technical skill proficiency, an industry-recognized credential, a certificate, or an associate's degree" before the period; and

(B) in paragraph (2), by inserting "leading to a technical skill proficiency, an industry-recognized credential, a certificate, or an associate's degree and" after "enrolled in programs".

SEC. 116. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

Section 133 (20 U.S.C. 2353) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.";

and

(2) by striking "vocational" each place such term appears and inserting "career".

SEC. 117. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 134 (20 U.S.C. 2354) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.";

(2) in subsection (a), by inserting "and workforce investment" after "such other educational"; and

(3) in subsection (b), by striking paragraphs (1) through (10) and inserting the following:

"(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

"(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

"(3) describe how the eligible recipient will—

"(A) offer the appropriate courses of not less than 1 of the career pathways described in section 122(c)(1)(A);

"(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of challenging academics with career and technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects, and career and technical education subjects;

"(C) provide students with strong experience in and understanding of all aspects of an industry; and

"(D) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

"(4) describe how comprehensive professional development will be provided that is consistent with section 122;

"(5) describe how parents, students, academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, representatives of tech-prep consortia (if applicable), representatives of the local workforce investment board (if applicable), representatives of the local economic development entity (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in, understanding, the requirements of this title, including career pathways;

"(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

"(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

"(8) describe how the eligible recipient—

"(A) will review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

"(B) will provide programs that are designed to enable the special populations to meet the local adjusted levels of performance and prepare for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency;

"(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

"(10) describe how funds will be used to promote preparation for nontraditional fields;

“(11) describe how career guidance and academic counseling will be provided to all career and technical education students, including linkages to the information and services available through the one-stop delivery system established under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841), as appropriate; and

“(12) describe efforts to improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession, and the transition to teaching from business and industry.”.

SEC. 118. LOCAL USES OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended—

(1) in subsection (a), by striking “vocational” and inserting “career”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “vocational” and inserting “career”; and

(B) by striking paragraphs (1) through (8) and inserting the following:

“(1) strengthen the academic and career and technical education skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career pathways described in section 122(c)(1)(A), to ensure learning in the core academic subjects and career and technical education subjects;

“(2) link secondary career and technical education and postsecondary career and technical education, including by—

“(A) offering the relevant elements of not less than 1 career pathway described in section 122(c)(1)(A);

“(B) developing and supporting articulation agreements between secondary and postsecondary institutions; or

“(C) supporting tech-prep programs and consortia;

“(3) provide students with strong experience in and understanding of all aspects of an industry;

“(4) develop, improve, or expand the use of technology in career and technical education, which may include—

“(A) training of career and technical education teachers, faculty, principals, and administrators to use technology, including distance learning; or

“(B) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

“(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, principals, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

“(A) in-service and pre-service training—

“(i) in career and technical education programs and techniques;

“(ii) in effective integration of challenging academic and career and technical education jointly with academic teachers, to the extent practicable;

“(iii) in effective teaching skills based on research that includes promising practices; and

“(iv) in effective practices to improve parental and community involvement;

“(B) support of education programs that provide information on all aspects of an industry;

“(C) internship programs that provide relevant business experience; and

“(D) programs dedicated to the effective use of instructional technology;

“(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

“(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

“(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

“(9) provide activities to prepare special populations, including single parents and displaced homemakers (if enrolled in the program), for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency.”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “vocational” and inserting “career”; and

(B) by striking paragraphs (2) through (15) and inserting the following:

“(2) to provide career guidance and academic counseling that is based on current labor market indicators, as provided pursuant to section 118, for students participating in career and technical education programs that—

“(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

“(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

“(3) for partnerships between or among the eligible recipient and a business (including a small business or business intermediary), a local workforce investment board, or a local economic development entity, including for—

“(A) work-related experience for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

“(B) adjunct faculty arrangements at the secondary and postsecondary levels; and

“(C) industry experience for teachers and faculty;

“(4) to provide programs for special populations;

“(5) to assist career and technical student organizations;

“(6) for mentoring and support services;

“(7) for leasing, purchasing, upgrading, or adapting instructional equipment, including support for library resources, such as business journals, publications, and other related resources designed to strengthen and support academic and technical skill achievement;

“(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

“(9) to develop and expand postsecondary program offerings at times and in formats that are convenient and accessible for working students, including through the use of distance education;

“(10) to develop initiatives that facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

“(A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

“(B) postsecondary dual and concurrent enrollment programs;

“(C) academic and financial aid counseling for sub-baccalaureate career and technical education students that inform the students of the opportunities for pursuing a baccalaureate degree and advise the students on how to meet any transfer requirements; and

“(D) other initiatives—

“(i) to encourage the pursuit of a baccalaureate degree; and

“(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

“(11) for improving or developing new career and technical education courses, including entrepreneurship and development of new career pathways;

“(12) to develop and support small, personalized career-themed learning communities;

“(13) to provide support for family and consumer sciences programs;

“(14) to provide career and technical education programs for adults and school dropouts to complete their secondary school education or upgrade their technical skills;

“(15) to provide assistance to individuals who have participated in services and activities under this title in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(16) to support activities in nontraditional fields, such as mentoring and outreach; and

“(17) to support other career and technical education activities that are consistent with the purpose of this Act.”.

SEC. 119. TECH-PREP EDUCATION.

(a) Redesignation.—Title II (20 U.S.C. 2371 et seq.) is amended—

(1) by striking the title heading and inserting the following:

“PART D—TECH-PREP EDUCATION”;

(2) by striking sections 201, 202, 206, and 207; and

(3) by redesignating sections 203, 204, 205, and 208, as sections 141, 142, 143, and 144, respectively.

(b) State Allotment and Application.—Section 141 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking “section 206” and inserting “section 144”; and

(2) by striking subsection (c) and inserting the following:

“(c) State Application.—Each eligible agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall describe how activities under this part will be coordinated, to the extent practicable, with activities described in section 122.”.

(c) Tech-Prep Education.—Section 142 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “section 203” and inserting “section 141”;

(ii) by striking "title" and inserting "part";

(iii) by striking "vocational" both places the term appears and inserting "career"; and

(iv) in subparagraph (A), by inserting ", educational service agency," after "intermediate educational agency"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and";

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) employers, including small businesses, or business intermediaries; and

"(D) labor organizations.";

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

"(2) consist of not less than 2 years of secondary school with a common core of technical skills and core academic subjects preceding graduation and 2 years or more of higher education, or an apprenticeship program of not less than 2 years following secondary instruction, designed to lead to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field:";

(B) in paragraph (3)(B), by inserting "including through the use of articulation agreements, and" after "career fields,";

(C) by striking paragraph (4) and inserting the following:

"(4) include in-service professional development for teachers, faculty, principals, and administrators that—

"(A) supports effective implementation of tech-prep programs;

"(B) supports joint training in the tech-prep consortium;

"(C) supports the needs, expectations, and methods of business and all aspects of an industry;

"(D) supports the use of contextual and applied curricula, instruction, and assessment;

"(E) supports the use and application of technology; and

"(F) assists in accessing and utilizing data, including labor market indicators, achievement, and assessments;";

(D) in paragraph (5)—

(i) by striking "training" and inserting "professional development";

(ii) in subparagraph (B), by inserting ", which may include through the use of graduation and career plans" after "programs";

(iii) in subparagraph (D), by striking "and";

(iv) in subparagraph (E), by inserting "and" after the semicolon; and

(v) by adding at the end the following:

"(F) provide comprehensive career guidance and academic counseling to participating students, including special populations:";

(E) in paragraph (6)—

(i) by inserting "(including pre-apprenticeship programs)" after "programs"; and

(ii) by striking "and" after the semicolon;

(F) in paragraph (7), by striking the period at the end and inserting "; and"; and

(G) by adding at the end the following:

"(8) coordinate with activities conducted under this title."; and

(3) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

"(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.".

(d) CONSORTIUM APPLICATIONS.—Section 143 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking "title" and inserting "part";

(2) in subsection (b)—

(A) by striking "5" and inserting "6"; and

(B) by striking "title" and inserting "part";

(3) in subsection (d)—

(A) in paragraph (1), by inserting "or advanced" after "baccalaureate";

(B) by striking paragraph (4) and inserting the following:

"(4) provide education and training in areas or skills, including emerging technology, in which there are significant workforce shortages based on the data provided by the entity in the State under section 118:";

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C."; and

(4) in subsection (e), by striking "title" and inserting "part".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 144 (as redesignated by subsection (a) of this section) is amended—

(1) by striking "title (other than section 207)" and inserting "part"; and

(2) by striking "1999 and each of the 4" and inserting "2006 and each of the 5".

TITLE II—GENERAL PROVISIONS

SEC. 201. REDESIGNATION OF TITLE.

(a) FEDERAL ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 311 through 318 as sections 211 through 218, respectively.

(b) STATE ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 321 through 325 as sections 221 through 225, respectively.

(c) TITLE HEADING.—The title heading of title III (20 U.S.C. 2391 et seq.) is amended to read as follows:

"TITLE II—GENERAL PROVISIONS".

SEC. 202. FISCAL REQUIREMENTS.

Section 211 (as redesignated by section 201 of this Act) is amended—

(1) by striking "vocational" each place the term appears and inserting "career"; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) DETERMINATION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for activities authorized under title I unless the Secretary determines that the average fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the 3 fiscal years preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs, for the 3 fiscal years preceding the fiscal year for which the determination is made.

"(B) COMPUTATION.—In computing the average fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

"(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the average fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the 3 preceding fiscal years shall be decreased by the same percentage as the percentage decrease in the amount so made available."; and

(B) in paragraph (2), by striking "fiscal effort" both places the term appears and inserting "average fiscal effort".

SEC. 203. VOLUNTARY SELECTION AND PARTICIPATION.

Section 214 (as redesignated by section 201 of this Act) is amended by striking "vocational" both places the term appears and inserting "career".

SEC. 204. LIMITATION FOR CERTAIN STUDENTS.

Section 215 (as redesignated by section 201 of this Act) is amended by striking "vocational" and inserting "career".

SEC. 205. AUTHORIZATION OF SECRETARY; PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

Part A of title II (as redesignated by section 201 of this Act) is amended—

(1) by striking section 217;

(2) by redesignating section 218 as section 217; and

(3) in section 217 (as redesignated by paragraph (2) of this section)—

(A) by inserting "principals," after "for vocational and technical education teachers,";

(B) by inserting "principals," after "of vocational and technical education teachers,"; and

(C) by striking "vocational" each place the term appears and inserting "career".

SEC. 206. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

Section 225(c) (as redesignated by section 201 of this Act) is amended—

(1) in the subsection heading, by striking "VOCATIONAL" and inserting "CAREER"; and

(2) by striking "vocational" both places the term appears and inserting "career".

SEC. 207. TABLE OF CONTENTS.

Section 1(b) (20 U.S.C. 2301 note) is amended to read as follows:

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:.

"Sec. 1. Short title; table of contents.
"Sec. 2. Purpose.
"Sec. 3. Definitions.
"Sec. 4. Transition provisions.
"Sec. 5. Privacy.
"Sec. 6. Limitation.
"Sec. 7. Special rule.
"Sec. 8. Authorization of appropriations.

"TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION

"Sec. 111. Reservations and State allotment.
"Sec. 112. Within State allocation.
"Sec. 113. Accountability.
"Sec. 114. National activities.
"Sec. 115. Assistance for the outlying areas.
"Sec. 116. Native American program.
"Sec. 117. Tribally controlled postsecondary career and technical institutions.
"Sec. 118. Occupational and employment information.

"PART B—STATE PROVISIONS

"Sec. 121. State administration.
"Sec. 122. State plan.
"Sec. 123. Improvement plans.
"Sec. 124. State leadership activities.

"PART C—LOCAL PROVISIONS

"Sec. 131. Distribution of funds to secondary school programs.
"Sec. 132. Distribution of funds for postsecondary career and technical education programs.
"Sec. 133. Special rules for career and technical education.
"Sec. 134. Local plan for career and technical education programs.
"Sec. 135. Local uses of funds.

"PART D—TECH-PREP EDUCATION

"Sec. 141. State allotment and application.
"Sec. 142. Tech-prep education.
"Sec. 143. Consortium applications.
"Sec. 144. Authorization of appropriations.

"TITLE II—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

"Sec. 211. Fiscal requirements.
"Sec. 212. Authority to make payments.
"Sec. 213. Construction.
"Sec. 214. Voluntary selection and participation.
"Sec. 215. Limitation for certain students.
"Sec. 216. Federal laws guaranteeing civil rights.
"Sec. 217. Participation of private school personnel.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"Sec. 221. Joint funding.
"Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.
"Sec. 223. State administrative costs.
"Sec. 224. Limitation on Federal regulations.
"Sec. 225. Student assistance and other Federal programs.".

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to strike all after the enacting clause of S. 250 and insert in lieu thereof the text of H.R. 366 as passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 250, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 250, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. George Miller of California moves to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 250 to include in the conference substitute recommended by the committee of conference the following: In section 3(2) of the bill, after the phrase "high wage" insert "(in no case less than $7.25 an hour)".

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise as we consider going to conference with the Senate on the Vocational Education Improvement Act, something that I think we should do and which I support and have been working with my colleagues on the other side of the aisle in the House and in the Senate to bring that conference to a successful conclusion, but I also rise not just in support of going to conference but also in support of a motion where we will have the ability to stand up for the dignity of 6.5 million workers in the United States making the minimum wage or near minimum-wage pay.

This motion instructs the conferees to make it clear that when the bill states its purpose is to prepare students for highways jobs, that in no event should those jobs pay less than $7.25 an hour. The minimum wage today is just $5.15 an hour, and for nearly 10 years the Republican leadership has stood in the way of a raise for America's lowest wage workers. That is a shame, it is an insult, and it is a moral outrage. This is the year when Members of Congress from both parties should come together and show how serious they are about raising the minimum wage and that they are serious about valuing hard work.

Mr. Speaker, I want to remind my colleagues that the Fair Standards Labor Act, containing the minimum wage, was passed in 1938 to alleviate poverty. Yet now the minimum wage condemns workers to a life of poverty for themselves and for their children. That is what we do when we fail to raise the minimum wage. We put the Federal stamp of approval, the congressional stamp of approval, if you will, on the wages of those individuals, so that even though they go to work every day, every week, every month, and all year long, they will not be able to raise themselves out of poverty.

That is just unacceptable for this Nation, which is the beacon to the world about economic opportunity, which is the beacon to the world about understanding what it means to have every citizen participate in our society. If they work those 52 weeks a year, they will only earn $10,700, which is $5,000 per year below the poverty line for a family of three. The current minimum wage will not even support a single worker and a single child above poverty. Raising the minimum wage to $7.25 an hour will mean an additional $4,370 a year to help minimum-wage earners support their families.

I don't have to tell you, Mr. Speaker, because I know you support this act, but here are the facts. Here are the facts. Those workers today are stuck at 1997 wages. By Federal law, their wage is $5.15 an hour. That wage was secured by the Congress of the United States on a bipartisan vote to raise that wage to $5.15. Since that time, the Republican Congress has refused to entertain an increase in that minimum wage.

Now, what do we have here? We have the fact that the price of milk since that time has gone up 24 percent, bread is up 25 percent, college is up 77 percent, health insurance is up 97 percent, and regular gasoline is up 136 percent. The fact of the matter is that this minimum-wage worker, after 1 hour's work, cannot stop alongside a gas station and get a gallon of gas and a gallon of milk at the same time. Their wages simply will not support that.

That is the problem that we have, is that we have people stuck at a federally mandated minimum wage from the year 1997. None of us are in 1997 today. This is 2006. And the fact of the matter is that these people who have made a conscious decision to go to work every day are so badly disadvantaged that they cannot raise themselves above the poverty line.

Now, I know that this Republican conference is led by Mr. BOEHNER, a very good friend of mine, and he is proud of this statement: "I have been in this business for 25 years, and I have never voted for an increase in the minimum wage. I am opposed to it, and I think a vast majority of our conference is opposed to it." Well, that may be true, but I do not believe that a vast majority of this Congress is opposed to it. And what we have been asking is to have a vote on the floor on the minimum wage.

If this Congress continues to listen to Leader BOEHNER, and the fact is he has always been opposed to it, so if they had listened to him workers would be back to wages set in 1973. They would be working for $3.35 an hour as the minimum wage and paying 2006 prices for bread and for milk and for gasoline and for health coverage and all the rest of that. That is why this is imperative.

This is not a simple economic decision. This is a decision of values. This is a decision about our country and about these people, about 6 million people, many of whom are supporting children, many who are making major contributions to the total income of their families. This is about whether or not we value their work and we value them as full participants in American society.

This is also about understanding that you cannot build a strong and rich country on the backs of poor people. It simply will not work. Around the country we see where democracy flags and lags because of the fact there is such a disparity in those countries between rich and poor. We know. We have charted it. And when you get to the levels of disparity that America is starting to approach now between rich and poor, basic fundamental democracy is threatened. That doesn't mean it will disappear in America, but we have to understand what it does to the institutions of freedom and liberty and democracy when people aren't full participants in our society.

Again, these people have made the decision that they are going to go to work every day and they are going to try their darnedest to support their families, to support their children and to meet their needs. It has been said for a long time by business that if you do this, you will kill jobs; that you will hurt the people you are trying to support. Well, let us again remember what we are doing here. We are trying to bring a wage that is stuck in 1997 forward to 2006, and we are going to do it over a 2-year period.

It has gotten to such a point that the business community is starting to be divided on this. Here you have the largest employer, I believe in the United States, Wal-Mart, and not a company that I am used to quoting, but Wal-Mart has said that America needs a raise in the minimum wage for these people who are earning too little; so little that even shopping at Wal-Mart, at every day low prices as they advertise, these people cannot purchase the basic necessities for their families. They are unable to do that. That is the kind of economic situation these people find themselves in.

Again, they do not find themselves in that situation because they are working at a minimum wage that was increased in the year 2000 or 2003, 2004, or 2005, and now we want to update it to 2006 and 2007. This is a minimum wage which these people are earning which was set in 1997.

So that is the reason that I make this motion to instruct the conferees, because vocational education is becoming an ever more important part of a pathway for students to career opportunities, to increased earnings opportunity, and in the Senate bill we can make sure that the purpose of this bill is to achieve high wages. In the House bill we have no such language, and I am asking that we instruct that there be language that what we mean is that in no event should this lead to wages that are less than $7.25 an hour, which would be the case if the bill that was voted on in the Health and Human Services Appropriation Act, offered by Mr. HOYER and Mr. OBEY, if that became law, because then in two jumps we would get to $7.25.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

I guess it is no secret we are in an election year. As we just saw in the debate just before this debate, a lot of talk about the minimum wage. The motion before the House today is nothing but a political ploy. Nothing in the Vocational Education bill before us has anything to do with the minimum wage, nor has there been any discussion of the minimum wage among the conferees, because this is neither the time nor the place to consider an increase.

Let me just talk a little about what we have done.

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A little over a year ago, the House passed the vocational education reauthorization bill, a bill that has been a law for 30 or 40 years. And the process is that a bill is introduced, it is brought before the subcommittee, the full committee, and finally passed by the House. The Senate passed a similar bill. We have been meeting with the Senate for almost a year trying to work out, resolve the differences between the bills so we can get a bill finally passed and to the President's desk.

Today, we are naming conferees so we can get this bill finalized and finished up. And about 15 minutes ago the Democrats gave us this motion to instruct conferees that says: "In section 3(2) of the bill, after the phrase 'high wage' insert '(in no case less than $7.25 an hour)'."

Let me read what we have agreed on. "Building on the efforts of the States and localities to develop challenging academic and technical standards, and to assist students in meeting such standards, including preparation for high-skill, high-wage or high-demand occupations in current or emerging professions."

Now that is a good thing that we should be working on. That is what we should be trying to do, educate our young people and prepare them for high-skill, high-wage and high-demand occupations.

If we took this motion to instruct that they are giving us, we would change that to say, in meeting such standards, "including preparation for high-skill, high-wage, $7.25-an-hour, or high-demand occupations in current or emerging professions."

So it sounds like they are talking about minimum wage, but what they are doing is defining a high wage as $7.25 an hour. I have a little disagreement with that. I don't think that $7.25 an hour is a high wage, but that is what they are wanting us to do.

The Democratic leadership is trying to play politics with what, to this point, has been a bipartisan effort to craft a strong bill that benefits millions of Americans. The vocational education reforms that we include in our bill will help students and workers build their academic and technical skills and equip them with the knowledge to proceed with postsecondary education or pursue other opportunities that will pay them much more than $7.25 an hour.

I am disappointed that my colleagues on the other side of the aisle would, at the 11th hour, actually 11th hour and 45 minutes, or 11th hour and 55 minutes, just before we walk onto the floor, give us something that changes the definition of high wage to $7.25 an hour and ends up tainting good work with bad politics.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

I would just say, only my Republican colleagues would think that $7.25 an hour is a high wage for working people. In fact, in the motion to instruct he knows it is "not less than $7.25 an hour."

My colleague has also said that this is neither the time nor the place. We haven't been able to find out since 1997 where is the time and where is the place to raise the minimum wage for 6 million American workers. That is what the American public wants to know, that is what the American public supports our doing, but we have been unable to find out from the Republican leadership. All we get from the Republican leadership is "no."

When it passed in the Appropriations Committee, the bill has not come to the floor because it has the minimum wage in it. Then when those same people had to vote in another Appropriations Committee, the Republican leadership got them to change their votes against the minimum wage.

Our committee has had no hearings and they are not reporting the bill. Where is the time and where is the place? Where do these 6 million poor workers, where do they go to make their case to this Republican Congress? Where is that time and where is that place?

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from California for yielding me time, but even more for bringing this issue to the floor.

Yes, where is the time and place?

Since 1997, the minimum wage has been frozen and millions of people have been stranded. I don't know of a better word to use. During that time we have seen congressional pay increase by several times the total amount that a minimum-wage earner would earn in a year. We have seen CEO compensation raised many times what a minimum-wage earner would earn in a year. I mean, the increase is that much.

Mr. MILLER talked about the 6 million people who are stranded. It is more like 15 if you consider all of the people who are indirectly affected by this also. The chairman said that there has been no discussion of minimum wages, and so why should we bring it up with this bill at this time. That is right, there has been no discussion. We are trying to find a place to have that discussion.

Indeed, $7.25 is not a high wage. In fact, if the minimum wage were to be paid at the purchasing power that it used to have, it would be $9.05, still not a high wage, but considerably better than the minimum wage of $5.15.

The chairman says this is a political ploy. Try to tell that to someone who is trying to buy gas, to buy food. You know, since the minimum wage was pegged, the price of bread has gone up, oh, at least 25 percent. The price of milk, at least 25 percent, the price of gas a couple hundred percent. The price of health care 100 percent, but I am not sure why we are discussing health care because no one on minimum wage can afford it.

This is not a political ploy; this is about the ability of people to make ends meet and to feed their families. Yes, we are talking about families. The other side often says minimum wage, that only applies to kids on summer jobs. Try to tell that to the millions of people who are trying to feed families, children, pay for rent and buy gas to get to work.

I ask the majority party, who has not found a time or place to discuss the minimum wage: Have they no imagination? We are supposed to be Representatives here. One of our challenges is to put ourselves in the shoes of the hundreds of thousands of people whom we represent. Have they no imagination? It shouldn't take much imagination to figure out how difficult it is to get by on today's minimum wage. Do they think that we don't have time to discuss it here on the floor? Of course, we do.

They will say it is going to kill jobs. There is no evidence of that. In fact, the best evidence we can find, and this goes back to the days when Henry Ford increased the wages for his workers, the best evidence we can find is that increasing the salaries of hourly workers helps the economy. In States that have higher minimum wages, they have better job creation.

So don't give us that, that this is going to hurt the economy. No, what it is going to hurt if we don't raise the minimum wage is 15 million people.

We have the opportunity with this motion to instruct because the Vocational Improvement Act has the purpose of creating high-skill, high-wage jobs. All we are saying is that there ought to be a floor. If you are going to talk about wages, there ought to be a floor. For more than half a century, for three-quarters of a century almost now, it has been deemed appropriate for the Federal Government to set that floor. That is what we are asking to do now, to set it at least at a barely humane level rather than the inhumane level at which the minimum wage now stands.

I urge support of the Miller motion to instruct.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I compliment the gentleman on his eloquent speech on the minimum wage. However, this bill before us is not a minimum-wage bill.

As I said earlier, what it does is change high-skill, high-wage to $7.25 an hour. That is what I read from their motion to instruct.

One of the things I would like to say is that I appreciate Mr. CASTLE, chairman of the Subcommittee on Education Reform, for his leadership in producing a good House bill in support of educators and supported by nearly every Member of this Chamber.

I would also like to thank the committee and the subcommittee ranking members, Mr. MILLER and Ms. WOOLSEY, for working with us in a bipartisan manner both on the House bill and in our preliminary discussions with the Senate to get us to this point. Their willingness to work with us toward our mutual goal of improving and modernizing our career and technical education programs has allowed us to get to this point today.

I am confident that our negotiations with the Senate will produce a measure that will be widely supported by Members of the House on both sides of the aisle. I would like to see us move forward quickly to get to conference to finalize this bill so we can have a vote on it before we adjourn for the summer recess.

Again, I thank all those who have worked so hard to bring us here today, and reemphasize again, aside from all of the rhetoric about the minimum wage, this is not a vote on the minimum wage bill, it is a vote on reauthorizing the Vocational Education Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman and I thank Mr. MILLER for his motion to instruct.

With all due respect to the chairman, the Miller motion to instruct establishes in the language that in no case shall the wage be less than $7.25 an hour. It is not a cap. It actually establishes a floor, not a ceiling.

We all understand that for many people even $7.25 may not be enough, but the Miller amendment creates some progress in an area where the American people haven't seen much progress. Think about it. Do you know, if the minimum wage had kept pace with increases in corporate executive compensation over the last dozen years, do you know what the minimum wage would be today? It would be over $16. That is how far and fast the top executive salaries have gone up.

But those people who provide the service for those executives and for all of us, those people who work in restaurants, who work in hotels, those people who are humble working people, $5.15 an hour, and it has been frozen there while the cost of everything keeps going up.

My constituents talked to me over the July 4 break about the high cost of gasoline. If you are making $5.15 an hour and gasoline goes up to $3 or more a gallon, what does that do to your family budget? We have some practical considerations we need to look at here and we are not looking at them.

That is why I am rising in support of the Miller motion to instruct conferees, because vocational education and training are vital parts of workforce development in America, and they help to provide the highly trained, skilled workers that our Nation needs.

But you can get training and you can get education, but that doesn't assure you of a decent wage. That is because full-time, year-round, minimum-wage earnings of $5.15 an hour leaves a family of three 31 percent below the poverty line.

We are all told in this country that if you work hard, you will get ahead; if you get a good education, you will get a decent job. What is happening in America, people are working hard and they are not getting ahead. They are getting an education and they are not getting a decent job, they are not getting decent pay. Seven million Americans have been frozen at this $5.15 minimum wage.

How do people survive? How do they feed their families? How do they have health care? How do they pay the rent and the mortgage on $5.15 an hour?

There is a moral dimension to this as well. How can we, in a country which has such enormous wealth, turn our backs on our brothers and sisters who are frozen at $5.15 an hour and say, No, no, you can't have more money to feed your family. No, you can't have more money to pay the rent. No, you can't have more money to pay for gasoline. No, you can't have more money because if we give you more money, the whole economy is going to be in trouble. Come on, we all know that is not true.

We all know that America has the capacity to create even more wealth, but there is a maldistribution of the wealth, and the proof of the fundamental maldistribution of the wealth is the fact that we are not able to raise this minimum wage to a level that presents a living wage.

It is estimated that over 7 million workers would receive an increase in their hourly wage if the minimum wage were raised to just $7.25 an hour as Mr. MILLER's legislation, the Fair Minimum Wage Act, proposes. An additional 8.2 million workers earning up to a dollar above the new minimum wage would also benefit.

This country has always been about our aspirations to lift everyone up. When we stop doing that, we become less than America. When we forget those who have less, what does it matter who we are? The Scriptures command us. Whatever you do for these, the least of our brethren, you do for the Lord.

Whose work are we doing here? Are we doing the Lord's work when we turn around and cast out those who are the humble workers in our society? No, we are not.

It is time to remember where we came from as a Nation. It is time to remember our higher aspirations. Vote for the Miller amendment.

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Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to congratulate my good friend from Ohio for his very eloquent speech on the minimum wage.

Let me again remind those who are watching what we are debating today, and that is the reauthorization of the Vocational Education Act, their motion to instruct changes the language about building on the efforts of the States and localities to developing challenging academic and technical standards to assist students in meeting such standards, including preparation for high-scale, high-wage, or high-demand occupations. And they are saying after "high wage" insert the language "in no case less than $7.25 an hour."

And again, I think that when we are saying high-wage, high-demand jobs we are looking at a lot more than $7.25 an hour.

I came from a business background when I came here, and we were in the retail business and we hired a lot of people, and in most cases they would start out at the minimum wage and after a short period of training they moved up quickly to high paying jobs.

Minimum wage is not a cap. It is an entry level job. And again, though, we are not here to debate that. We are here to talk about the vocational education bill, and we want to go to conference so we can get this bill finished up with the Senate, get it to the President and move on.

This bill enhances the Perkins program by ensuring both secondary and post-secondary students participating in the program will acquire rigorous academic technical skills and have the opportunity to transition into further education and/or successful employment.

I meet with lots of people having to do with education around the country. I met with the head of the Association of Truck Drivers school. He says, we could provide 40,000 truck drivers a year if we could get the people. There is lots of demand for high paying jobs, and we can't get people trained.

We need to get this bill passed and get it so that the President can sign it into law and move forward.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentleman for joining us in the debate on the minimum wage. And with that I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, first I want to thank Representative MILLER for offering this motion and for his continued leadership in fighting for America's workers.

Thirty-eight years ago I was a single, working mother with three small children. In fact, my children were 1, 3 and 5 years old at the time. Receiving no child support, earning just above the minimum wage, even though I was working, I was earning so little that my family was forced to go on Aid for Dependent Children, welfare, to provide for the child care, the health care and the food that we needed to make ends meet. Even though I had a good education and I had good job skills, I still wasn't earning enough from my job to fully support my children. And believe me, I worked hard and I worked full time.

My personal story bears repeating because too many families today are in the exact same predicament I was in 38 years ago. So this Congress, if it wants to, can do something to seriously address poverty in this country. And we can do it by increasing the minimum wage, paying working parents enough to support their families and enough to take care of their kids. But increasing the minimum wage is absolutely, absolutely necessary in getting that going.

The Bush administration continues to repeat that profits are up. They may be up, but working Americans aren't experiencing this benefit. They don't see it in their daily lives because their wages are stagnant. In fact, the Federal minimum wage has not been increased since 1997.

You know, a rising tide should lift all boats, not just the yachts. Mr. Speaker, it is time for American workers to share in the fruits of their labor, and it is time to raise the minimum wage.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to thank the gentlewoman for her great talk on minimum wage, and remind people that that is not what we are talking about today. We are working on going to conference on passing the vocational education bill.

The emphasis on academics in this bill will be assessed through an alignment with No Child Left Behind and through enhanced accountability, which strengthens the bill, which makes it better for us to be able to help people train for good, high paying jobs. The House-passed bill strengthens accountability by requiring that locals establish adjusted levels of performance to complement the State-adjusted levels of performance already in current law. In turn, the State agency will evaluate annually whether the local recipient is making substantial progress toward achieving these goals. This, along with many other things, strengthens the Vocational Education Act and helps us to train young people for good, high paying, high wage jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today to call for a vote on raising the minimum wages. I thank Mr. MILLER for being an advocate on behalf of the poor, disadvantaged and trying to equate equality and job opportunities and wages.

I just heard from the leader on the other side talk about leave no child behind. But we want to make sure that no child is left behind, and that every child has an opportunity to progress and advance, and that means employment and an opportunity. When you leave a child behind, that means that you have not given them the appropriate wages to go to school, to obtain wages to pay for the schools.

Right now we see in America today the cost of health has increased. Energy, college are rising. People can't even afford to buy homes. We have two or three or four or five different families that are working. We have individuals that have two or three different kinds of jobs. Why? Because the minimum wages have not increased.

It is time that we look at working families and provide them with that opportunity. Across America we need this minimum-wage increase. Don't complain about immigration and then refuse to pay the American families a living wage. The minimum wage is not only for teenagers in summer jobs or working families. It is for all Americans. Adults over the age of 20 make up the largest share of workers who would benefit from minimum wages increase, and many parents are with children under the age of 18. We are talking about under 18. Forty percent of minimum-wage workers are the sole breadwinners in their families. Too many working families in my district have had to turn to minimum-wage jobs after Norton was closed and Kaiser closed. And we don't have major industries such as some of our cities in the urban communities like us. We depend on those jobs that give them those kind, whether it is a McDonald's, whether it is a commercial store, whether it is an industrial store. It is important that they have those minimum wages increased because they also need to put food on the table.

In this country, in the United States, many people are starving right here. Yes, they are literally starving. They can't put food on the table. They can't afford to pay for their gas prices that continues to go up. You fill a tank of gas and it costs you anywhere between 50 to 60 to $75. We need to increase the minimum wages so therefore they can afford to buy gas, go to work and have something to provide for their families.

I ask that we support the minimum wage. It is time that we deal with the American people here in the United States and we take care of them. We owe it to them.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to my good friend from New York (Mr. BOEHLERT), chairman of the Science Committee.

Mr. BOEHLERT. Mr. Speaker, I am watching with a great deal of interest this debate, and I notice the previous gentleman in the well was talking about the need to increase the minimum wage.

Guess what? He is exactly right. And I refuse to cede the issue to one side or the other. There are a lot of us who have looked at that and realized that we haven't had an increase in the minimum wage in 9 years.

Consider the purchasing power of the minimum wage. It is inadequate. We ought to increase the minimum wage. And I am proud to say that I have sponsored a bill that has been in the hopper for 2 years now to increase the minimum wage. It would go up to $7.15 an hour in January of 2007. We should do it. That is not a one-party or another party's issue. It is an issue that makes sense for all thinking Americans.

But I don't think this is the correct vehicle, the right bill to address that subject. I can just tell you, in my capacity as a chairman of a committee I meet on a weekly basis with the other committee chairmen and our majority leader, and I make it clear in no uncertain terms my very strong feeling. And it is not just me, or it is not just one Republican. There are a lot of us who are strongly in favor of increasing the minimum wage. And that is very much on the table, as it should be. It is the right thing to do for the right reasons. But this is the wrong vehicle to carry forward that battle.

And Mr. MILLER, for whom I have a high regard and I have worked with on a number of occasions over the years, sometimes to his detriment and mine, but this is the sort of comity that should be more prevalent in this institution. We are in general agreement on what we should do with the minimum wage. So let's get on with the debate on this very important legislation brought by a committee after thorough deliberation, dealing with a very important subject. Let's deal with this subject here and now, and let's reserve our effort on the minimum wage. And I am redoubling mine, and I am sure Mr. MILLER and his associates are redoubling theirs. We need it. We need it this year to be effective come January 1 of 2007.

Mr. GEORGE MILLER of California. Mr. Speaker, I have the right to close. I have no further speakers.

Mr. McKEON. Mr. Speaker, I thank the gentleman for his comments. And as you can see, there are supporters for minimum wage on both sides of the aisle. But that is not what we are talking about today. We are not talking about minimum wage. What the other side is asking that we do is put in a rate, $7.25 an hour, in a Federal bill. We don't usually set wages in a Federal bill. What we do try to do in this bill is encourage the training, vocational educational training for young people so that they can qualify for good, high paying jobs and move on to a successful career.

One of the unique attributes of vocational and technical education programs is their ability to show students a path that could end in a certificate, a credential, employment, military service or post-secondary education. It opens up lots of opportunities.

The House-passed bill requires States to establish model sequences of courses to emphasize further student academic career and technical achievement. These sequences of courses will incorporate a progression of both secondary and post-secondary elements, which would include academic, career and technical content. Local recipients of both the secondary and post-secondary level would adopt at least one model sequence of courses as developed by the State. I believe this will help drive program improvements by ensuring that States clarify the progression of academic, vocational and technical courses needed for post-secondary education and the training or employment of a student's choice.

The House version of S. 250 builds upon reforms made in past reauthorizations and seeks to enhance this popular program to ensure its success in years to come. As a result of changes in the House bill, S. 250 would help States, community colleges and other post-secondary education institutions and local school districts better meet the needs of the students participating in career and technical education.

I look forward to working with Members of both sides of the aisle in both Chambers to complete work on this critical legislation.

I just want to further emphasize so that everybody listening to this debate understands that this is not a vote on the minimum wage. This is a vote on going to conference on vocational education so that we can get this bill to the President's desk and take care of a lot of work that has been done to this point to make a good bill better.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, and Members of the House, we are down to a very critical point. We are down to a point whether or not this Chamber, the House of Representatives, the People's House as it is known, whether or not we will represent the people or whether we will represent narrow special interests that have a huge economic interest in keeping the minimum wage at the 1997 level of $5.15 an hour.

□ 1230

That is a decision that we have to make.

We have been trying now for a number of years to force a vote on the minimum wage. I find it rather interesting that the Republicans, who control the Senate, control the House, control the White House, cannot find the time and the place, although apparently they are now sort of for it, to find the time and the place where we could have a vote on the minimum wage.

What is wrong with your leadership? Name the time, name the place. We will be there with our votes. And if your leadership will not cooperate, come on down and sign a discharge petition. Mr. BOEHLERT and others who are supporting the minimum wage, come on down and sign a discharge petition, and then we will be assured that the American people will get the vote that they strongly desire to have.

Over 80 percent of the American people believe that raising the minimum wage from the 1997 wage level of $5.15 to, today, of $7.25 an hour is, in fact, the right thing to do, the fair thing to do, and the moral thing to do. The only thing that prevents that from happening is the Republican leadership in the House of Representatives.

Even the Senate allowed a vote to take place, but only in the Senate can you pass something by a majority vote. It got 52 votes, a bipartisan vote, and it still does not pass because they say you have got to get 60 votes. But in the House you cannot even get that vote. You cannot even get that vote.

We had a vote in the Appropriations Committee on a bipartisan basis. The members of that committee voted to increase the minimum wage. Under the leadership of Mr. HOYER and Mr. OBEY, they voted to increase the minimum wage. Since that has happened, that bill has been prevented from coming to the floor of the House of Representatives where we could vote, up or down, on increasing the minimum wage. So, apparently, this time and place that the Republicans say they are prepared to go is a mystery to everyone.

Maybe we could have a national contest like they are doing for the Johnny Depp's pirates movie. We could bury the time and the place somewhere in the United States, and we could let people decide and play a game and try to figure out where it is. Where is that time and place? Is it in the gentleman's district in California? Is it in my district?

We all know where that time and place is. The time is now and the place is the House of Representatives on the floor of the Congress of the United States. That is where we are supposed to be doing the people's business.

There is nothing else in this country that is at 1997 levels, not gasoline, not bread, not milk. Do you know what else is not at 1997 levels, where the Congress found the time and the place?

Do you want to know what else is not at 1997 levels? Congressional pay. Because we found six times and six places to give ourselves the cost-of-living increase while we insisted that the lowest paid people in this country could not have more than $5.15 an hour, the same wage they were making in 1997. Apparently, it wasn't good enough for Congress, so we increased our COLA.

I agree with that increase, but think about the message and the morality that you are reflecting when you cannot reach back, after we receive these COLAs, and say to these people who are struggling to support their families, Here, let us give you a hand, let us help you; you have made that decision to participate in the American economic system by going to work every day. But somehow this Congress just does not value their work.

We give tax breaks to CEOs. A guy at Exxon walks out after several years with $400 million in guaranteed pension benefits, $400 million. He made more money brushing his teeth than people make on the minimum wage all year long.

What is the justice of this? What is the equity of this? What is the fairness of this? It cannot be what America is about, about the intentional decision by the Republican leadership that 6 million American people will simply be poor, and they will be relegated to the class of poverty and they will be there by edict of the Federal law. The Federal law will keep them in poverty.

We ought to also tell the taxpayers that when you make that decision, you are also making the taxpayers of this country part of their employment because when they work at those poverty wages, the taxpayers pay for the school lunches and they pay for the housing and they pay for the healthcare and they pay for the utility bills when it is cold and when it is hot. We end up subsidizing those employers who insist that they cannot make a profit unless they pay 1997 wages.

Let me tell you something about those employers. They are not long for this world because there is something very wrong with their business plan that they can only succeed if they pay 1997 wages. Think about that. Think about what you are embracing. You are embracing an economic model that says that success is dependent upon being able to pay forever 1997 wages to my employees. Have we lost our minds here? Do we understand the injustice of this?

Again, these are people working 40 hours a week every day. They drive mostly old cars that consume more gas that costs them more to commute to that job. They still do it.

America has already said it. It is just the Congress, just the Republican leadership. America says, give these people a raise. They know that struggle. They know that struggle. They know it themselves. Middle-class people know what it means to drive up to a station today and say, Fill it up. Most people do not say, Fill it up. They say, How much do I need to get to Friday? That is what they say to themselves.

Well, think about what poor people are thinking.

We value work. We changed the welfare laws to encourage people to go to work. Should we not encourage them to get out of poverty? Should we not help them to get out of poverty instead of sticking them at 1997 levels?

This is fundamental. This vote is fundamental. This debate is fundamental. And the time and the place to have it is now in the halls of the Congress of the United States. We cannot continue to have a Republican leadership that says, this is not right, that is not right, this is not the bill, this is not the subject matter.

Just bring us a bill. Let us vote up or down. You have the majority. You control it. Either you believe in the dignity of these people, in the dignity of their children, in the dignity of their work, or you don't, because you cannot have that and then insist upon these wages.

I ask for an "aye" vote on the motion to instruct.

The SPEAKER pro tempore (Mr. BOOZMAN). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 906, by the yeas and nays; adopting H. Res. 906, if ordered; instructing conferees on S. 250, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 2990, CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 906, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 223, nays 197, not voting 12, as follows:

[Roll No. 364]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)

Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Davis, Jo Ann
Evans
Hinojosa
McNulty
Northup
Payne
Poe
Ros-Lehtinen
Sessions
Slaughter
Tiahrt
Watson

□ 1304

Ms. BERKLEY changed her vote from "yea" to "nay."

Mr. BLUNT and Mr. LEWIS of California changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 364, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 113, not voting 11, as follows:

[Roll No. 365]

YEAS—308

Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Ackerman
Andrews
Baldwin
Barrow
Becerra
Berry
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Clay
Clyburn
Conyers
Cooper
Costello
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Doyle
Edwards
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Hinchey
Hinojosa
Hoyer
Israel
Jackson (IL)
Jefferson
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Markey
McCollum (MN)
McDermott
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Oberstar

Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Price (NC)
Rahall
Rangel
Reyes
Rothman
Rush
Ryan (OH)
Sabo
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shadegg
Solis
Stark
Stearns
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Velázquez
Visclosky
Waters
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—11

Davis, Jo Ann
Evans
King (IA)
McNulty
Northup
Payne
Ros-Lehtinen
Sessions
Slaughter
Tiahrt
Watson

□ 1312

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 250, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

THE SPEAKER pro tempore. The pending business is the vote on the motion to instruct on S. 250 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 260, nays 159, not voting 13, as follows:

[Roll No. 366]

YEAS—260

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—159

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Lewis (CA)
Linder
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOT VOTING—13

Carter
Davis, Jo Ann
Evans
Harris
McNulty
Northup
Payne
Ros-Lehtinen
Rush
Sessions
Slaughter
Tiahrt
Watson

□ 1321

Mr. GINGREY and Mr. WHITFIELD changed their vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees: Messrs. MCKEON, CASTLE, SOUDER, OSBORNE, Mrs. MUSGRAVE, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. KIND.

There was no objection.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter on H.R. 2990, the Credit Rating Agency Duopoly Relief Act of 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 906 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2990.

□ 1323

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2990) to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Ohio (Mr. OXLEY) and the gentleman from Pennsylvania (Mr. KANJORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the largest corporate scandals in U.S. history, Congress passed the Sarbanes-Oxley Act strengthening the role of gatekeepers such as auditors, boards of directors, audit committees, and equity analysts. We now turn our attention to another gatekeeper, the credit rating agency, and Congressman FITZPATRICK's H.R. 2990, the Credit Rating Agency Duopoly Relief Act.

Credit ratings serve a vital function in our capital market system, providing investors with an understanding of the creditworthiness of corporations and municipalities with respect to debt and other securities. As evidenced by the failures in the rating of Enron and WorldCom, who were given investment grade ratings by Moody's and Standard & Poor's just days before declaring bankruptcy, the credit rating industry is in drastic need of increased competition and improved transparency.

Currently, the SEC designates ratings agencies as nationally recognized statistical ratings organizations, or NRSROs, through an opaque process that provides applicants little guidance on the substance and procedure by which they will be evaluated. Currently, only five rating agencies are designated as NRSROs by the SEC. Understandably, many more aspire to attain that designation, as NRSRO status confers a significant competitive advantage. However, new applications often languish for years without an up or down vote on admission into this elite club. In fact, the Department of Justice commented upon the SEC designation process in 1998, calling it a "nearly insurmountable barrier to entry."

The SEC's opaque designation process has created an artificial government-sponsored barrier to entry that has stifled competition and helped the two top rating agencies, Moody's and Standard & Poor's, garner some 80 percent of the market share. Without true competition of this industry, fees have skyrocketed and ratings quality has deteriorated. To put it mildly, this is not a transparent and efficient mark with robust competition.

Wanting to understand an industry with such a significant impact on the markets, Congress directed the SEC to examine credit rating agencies as part of the Sarbanes-Oxley Act. Since the release of the SEC's report on rating agencies in January 2003, the Committee on Financial Services and its Subcommittee on Capital Markets, Insurance and Government-Sponsored Enterprises through its chairman, RICHARD BAKER, have held five hearings on this subject, two of those hearings focused on H.R. 2990. Witnesses from the SEC, industry, academia, think tanks, and the rating agencies themselves echoed the problem areas highlighted by the SEC; namely, barriers to entry leading to a lack of competition, conflicts of interest, poor transparency of agencies' rating methodologies, and a lack of accountability. Mr. FITZPATRICK's bill is the product of this comprehensive examination.

In his testimony of this past May before the Committee on Financial Services, our former colleague, SEC Chairman Cox, expressed support for the goals of H.R. 2990, and requested enhanced authority in this area. In a June 2006 letter to Ranking Member KANJORSKI, Mr. Cox stated, "You also asked whether the quality of credit ratings concerns me. My answer is most assuredly yes. In fact, transparency, competition, and greater oversight, the principles I mentioned during my testimony before the House Financial Services Committee on May 3, 2006, are, in my view, important means to achieve the end of ensuring the high quality of credit ratings." The principles cited by Mr. Cox are the very principles of Mr. FITZPATRICK's legislation before us.

In addition, SEC Commissioners Paul Atkins and Cynthia Glassman have expressed their disapproval with the current designation system, and Mr. Atkins has expressed support for a registration approach like the one embodied in this bill. SEC Commissioner Roel Campos has also expressed a need for legislation that deals with conflicts, increased transparency, and provides for SEC examination.

Mr. FITZPATRICK's bill follows the regulatory regimes applied to broker-dealers and investment advisors. In doing so, it rejects regulation controlled by the SEC in favor of the market-based approach that has driven our securities laws since the 1930s.

H.R. 2990 removes the SEC's designation process, and in its place gives rating agencies who have issued ratings for 3 years the option of registering as NRSROs. A voluntary registration system will level the playing field for all rating agencies and inject much needed competition into this industry. As we have seen time and time again in other markets, true competition begets lower prices and better performance. When dealing with investor protection, it is all the more critical to ensure that healthy competition exists, yielding more accurate and reliable ratings.

In addition, H.R. 2990 promotes transparency and empowers investors by requiring registrants to disclose the methodologies by which they generate ratings. It requires rating agencies to provide short, medium, and long-term performance statistics, and to make all information and documents submitted to the SEC publicly available. This will give the market a clearer understanding of the agencies that are rating debt. The bill also requires that rating agencies maintain a chief compliance officer to oversee compliance with the securities laws and protects market stability, providing that the voluntary regime will not go into effect until January 2008.

To insulate the rating agencies from overreaching legislation, H.R. 2990 affirms that the Federal Government may not intrude into rating agencies' methodologies or the ratings process.

Finally, I have concerns about the conflicts of interest which plague this industry. Ratings firms have expanded into new areas which, many commentators have suggested, further compromise their objectivity.

□ 1330

In addition, it has been alleged that leading rating agencies engage in certain abusive practices to the detriment of smaller market players. H.R. 2990 requires disclosure of conflicts of interest and prohibits such anti-competitive practices.

The many hours that the Committee on Financial Services and Mr. FITZPATRICK have spent on this issue have shown the problems cited by the SEC report are best rectified through a system of voluntary registration open to all eligible rating agencies. This will eliminate barriers to entry, promote competition, and do so using the least restrictive means of regulation.

I urge all Members to support this important bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our capital markets rely on the independent assessment of financial strength provided by credit raters. The bill before us, however, would decrease the quality of credit ratings because it would dramatically alter the way in which government identifies entities to issue the credit ratings used for essential regulatory purposes. I therefore oppose H.R. 2990.

In the 1970s, the Securities and Exchange Commission created nationally recognized statistical rating organizations. It is not a very sexy term and not well understood, but those are the little fellows that are called in to evaluate bonds and all types of instruments of debt and other materials that are sold throughout our financial system to pension funds and all others. They created these organizations in a rulemaking on the capital levels that brokers and dealers must hold. Since then, the term, with its inference to quality, credible, and reliable ratings has become embedded in numerous Federal, State, and local statutes, rules, and regulations.

Many private parties have also included references to "nationally recognized" agencies in the terms of their contracts, corporate bylaws, and pension trust agreements. Foreign governments and international bodies have used the concept in their accords and codes, too. In considering any bill to modify the process for identifying "nationally recognized" agencies, we must, therefore, keep in mind the need to maintain high quality ratings. It is this credible and reliable standard on which investors rely. We should not lightly abandon this standard.

Critics of the present designation system have raised legitimate concerns about competition. I agree with the supporters of H.R. 2990 that increasing competition in the credit ratings used for regulatory purposes is a desirable goal. I further agree that the current designation process should be improved.

To achieve its objectives of greater competition, however, H.R. 2990 seeks to make statutory changes that will come at a dangerous cost. The bill, through its voluntary registration regime, will increase the number of "nationally recognized" agencies without providing sufficient authority to assure the issue ratings are credible and reliable. We must achieve equilibrium in these matters by balancing the desire to increase the quantity of approved credit raters with the need to ensure that their ratings are of a consistently high quality.

The minimum standard set forth in H.R. 2990 that allows any credit rater to obtain the "nationally recognized" designation after 3 years of experience are akin to granting a driver's license to anyone who meets a 3-year residency requirement. We know, however, to keep our roads safe, every potential driver must pass one or more quality assurance tests administered by a third party before getting a license. Why should we hold those rating agencies that serve as gatekeepers to our capital markets to a lower oversight standard?

Investor advocates have also concluded that quality should be an important factor in identifying "nationally recognized" agencies. The AFL–CIO, for example, has noted that replacing the concept of approved raters, "with a mere registration process without substantive oversight will be harmful to investors," and "ultimately to the functioning of our credit markets."

In a recent letter, the Consumer Federation of America has additionally observed that the central provision of H.R. 2990 is "fatally flawed." In competitive markets, "some credit rating agencies will invariably compete based on the leniency of their ratings methodology. That is not good for investors or for the integrity and efficiency of the markets."

Moreover, H.R. 2990 could allow history to repeat itself. In the wake of the savings and loan crisis, we required that the debt securities held in portfolios by financial institutions must be of investment grade as determined by a "nationally recognized" agency.

I may point out, in response to my colleague, the chairman of my subcommittee, Mr. BAKER, he seemed to indicate that the cause of the S&L disaster was that the rating agencies made mistakes. Quite to the contrary. The disaster was that the rating agencies were not used to determine investment grade instruments held in their portfolios, and that only occurred after the S&L disaster.

This bill's failure to ensure that such ratings continue to be credible and reliable could one day create another regrettable situation whereby the taxpayers need to finance a bailout of the deposit insurance funds. Moreover, this legislation threatens the strength of the Securities Investors Protection Corporation, which protects investors against fraud.

Less than 4 years ago, Congress wisely adopted the standards in the Sarbanes-Oxley Act to strengthen financial reporting, restore investor confidence, and assure the integrity of our capital markets. In an effort to promote competition, however, H.R. 2990 would weaken the quality of our ratings, thereby damaging investor confidence and the integrity of our markets going forward. It is, in other words, a step backwards.

In sum, Mr. Chairman, I find such developments are highly regrettable today and I urge my colleagues to reject H.R. 2990.

In response to the chairman of our committee's quoting from a letter addressed to me by Chairman Cox, our former colleague, he failed to read the second paragraph of Mr. Cox's letter, under part B. He properly read the first phase, and I won't repeat that, but Mr. Cox said, "In the weeks and months ahead, the commission," speaking of the Securities and Exchange Commission, "and its staff will continue to consider potential ways by which we can help facilitate the issuance of high quality ratings using our existing regulatory authority, including the adoption of an existing rulemaking proposal in some form or other approaches," thus indicating that the SEC has not had the opportunity to fully address this problem.

The SEC has not been called to testify before the committee on the consideration of this bill, and the fact is that of the five hearings held by this committee, at least four of the five occurred without the concept of the piece of legislation we are considering today.

I sympathize with the makers of this. I know they want to do the right thing. But speed to get a bill passed, to create an on-demand registration of a new entity that is so critical to trillions of dollars of instruments of debt should not pass this House without realizing the potential consequences, and they are great.

I concede rating agencies that exist today have made mistakes in Enron and WorldCom, but I recall, and I guess I have served on the committee a little longer than most, but Mr. OXLEY was certainly in the Congress, not on the committee at the time, but during the S&L disaster, I recall a very famous American, who is an economist and served in very high appointive office in the Federal Reserve, testifying before our committee that he had evaluated, for a professional fee, 20 entities, S&Ls, and had found them to be sound. Many of them failed within 4 months of his evaluation. Actually, 19 of the 20 he evaluated failed.

This is not kid's play. This is not a bean bag. This is very serious rating information that investors across the country, indeed across the world rely upon. Quality is clearly as important as quantity. We can have both. Just taking a greater consideration and using the expertise and availability of the Securities and Exchange Commission may do us well.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I am now pleased to yield 2 minutes to the gentleman from Georgia (Mr. PRICE), a valuable member of the committee.

Mr. PRICE of Georgia. Mr. Chairman, I want to thank the chairman and the subcommittee chairman for their leadership on this issue, and I want to thank Mr. FITZPATRICK, the gentleman from Pennsylvania. I appreciate his leadership on this and on so many other issues. The citizens of Pennsylvania are truly fortunate to have you fighting for them, and I am honored to call you a colleague and a friend.

Mr. Chairman, this bill, H.R. 2990, addresses credit ratings, or judging the financial worthiness of companies. Credit ratings play a real and significant role in our economy. Investors rely on these ratings to determine risks of default of companies, both large and small, as well as governmental entities. Currently, these ratings are often the determining factor as to whether companies and, hence jobs, will expand, or whether local governments are able to finance major municipal improvement projects.

Presently, competition is severely lacking among credit rating agencies, as there are only five companies designated by the SEC. The current process fails to provide a reasonably clear path for potential new rating agencies. H.R. 2990 solves this problem by establishing an unambiguous registration process with appropriate oversight to ensure integrity and reliability in the rating process.

In addition to facilitating competition, the legislation would provide critically important information currently not available to investors. The bill would require disclosure of ratings processes so investors can better evaluate the quality of the ratings themselves. Further, rating organizations would be required to publicly disclose their policies relating to conflicts of interest and their organizational structure. Finally, they would be held accountable for ratings they issue if they don't follow their disclosed policies.

Mr. Chairman, these are all extremely important advances and improvements for our entire economy, and I urge adoption of H.R. 2990.

Mr. KANJORSKI. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding and for his leadership, and I rise in opposition of the underlying bill, H.R. 2990, and in support of the Kanjorski substitute.

I believe that all of us in this body support the promotion of healthy competition and improved transparency and accountability and independence in the rating agency industry. I certainly am concerned about the transparency and accountability of the industry. However, I believe that this particular bill will do more harm than good.

While the bill has been somewhat improved through various manager's amendments, I still have serious concerns regarding the bill that is before us. The bill contains a free-for-all in the ratings market without the usual market protections against abuse. For example, the bill allows almost anyone to register as a rating agency and issue ratings, but insulates rating agencies from lawsuits.

The fact that the bill does not provide adequate rating quality assurance is of grave concern to me for safety and soundness. Taking away the SEC's seal of approval for rating agencies will cause investors to possibly lose confidence in the markets because they are rightly concerned about ratings shopping or simply inaccurate ratings. We spent the last several years working to overcome the crisis in investor confidence caused by corporate governance scandals, and this is absolutely not the time for taking risks in this area.

□ 1345

Mr. Chairman, I also have procedural concerns regarding how this bill was advanced through the committee on which I serve. As you know, the SEC was not asked to participate in either of the two hearings that this committee held on this legislation. And given the role that the SEC plays now in effectively overseeing rating agencies and the role it will play in administering this legislation, I think we should receive testimony from them before taking legislative action.

This is a very complicated issue that could have a tremendous effect on the capital markets both here and abroad. I note that other international regulators have recently taken a very different approach than the one advocated by this bill.

While I am not prepared today to say which approach is better, I think it would be prudent for us to learn more from the SEC and other international regulators on credit rating agencies, and to determine whether we want to move towards greater international harmonization of standards, as opposed to going forward with this new change.

Simply put, before rushing to judgment, we need to better understand all of the impacts that could result from our actions here today. Rushing this bill to the floor is not the way to reach sound public policy. We need to understand all of the consequences of this change and the effect it will have on the quality of our rating agencies.

So I urge my colleagues to oppose H.R. 2990 and to support the Kanjorski amendment.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time.

I had been a member of the Financial Services Committee, the gentleman's committee, and have worked on a number of different issues with him. I respect the work he has done on this issue, and also the sponsor, Mr. FITZPATRICK's work, and I rise in support of the bill.

The Credit Rating Agency Duopoly Relief Act will provide more transparency. For far too long only two rating agencies have had 80 percent of the market share. That is because they have an advantage under the current system. This bill will bring more competition and innovation into the credit rating agencies. This is extremely important. In the markets of today where we have had questions about the veracity of reported information, we need more competition among agencies and more transparency.

While there are 130 credit rating agencies in the financial markets, only five are designated as nationally recognized statistical rating organizations. Blocking competition in the marketplace and stifling innovation is never a good thing. Our laws should encourage open competition and a fair marketplace.

The basic principles of competition and fairness make our marketplace dynamic, and credit rating agencies should not be immune to these principles. By blocking entry to the market, mistakes have been made. The current certified agencies listed Enron as a safe investment and WorldCom as investment grade quality right before they filed for bankruptcy.

As a former member of the Financial Services Committee, I have worked closely on these issues surrounding both Enron and WorldCom after the collapse, and I am pleased we are taking this commonsense approach to strengthen our markets and provide consumers with more choice, more transparency and more responsible information.

Specifically, this bill will open the credit rating agency market by ensuring that more agencies will be able to get this national rating, ending the current requirement to specific business models. Encouraging competition and transparency in this industry will improve quality, and that is always better for the market.

Mr. KANJORSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Committee on Financial Services.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member of the subcommittee for his leadership on this. The goals here do not divide us; the methods do. Maybe it is a little bit of a role reversal, but I think, as the gentleman from Pennsylvania has made clear, we believe that the SEC ought to be relied on more fully here.

I understand the SEC supports the goals of this. We support the goals of this. The critical question is the implementation. We think this prematurely takes some decision-making that we ought to await for SEC input. We are talking about a very tough decision to make here. It is a lot of power to give an entity to be a rating agency.

People have alluded to the great power the two existing ones have. It is important that we have complete assurance for ourselves that the process we put in place for new rating agencies be very thoroughly checked out and very much prevented against abuse. Competition is a good thing, but not competition that could be a race to the bottom; and we regard SEC as an important part of this.

That is why the substitute that my friend from Pennsylvania has holds off on making some of these decisions, we believe, too hastily, and instead more deeply involves us with the SEC. We are not talking about waiting 5 or 10 years, but it seems imprudent to go forward without waiting for a full deliberation from the SEC.

There are other companies eager to get into the business, but the fact that other companies are eager to get into the business should not be driving us any more than the reluctance of the existing companies to have new people in the business. Both sets of considerations should not be driving us, neither to protect the existing businesses nor to enable the new ones.

What we ought to be doing is focusing on the public policy process for deciding who gets to do this, and we do not believe we are yet at the point where we can do that in the ideal fashion, and we will be better off if we wait for the SEC to give us its guidance.

Mr. OXLEY. Mr. Chairman, I yield 8 minutes to the author of the legislation, the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I thank Chairman OXLEY and subcommittee Chairman BAKER for their considerable leadership on this issue.

There have been no less than five hearings over the last two terms of Congress, dozens of witnesses and approaching 1,000 pages of transcribed testimony, all pointing to the unavoidable conclusion, which is that it is vital that Congress bring competition, transparency and accountability to the credit rating industry in this Nation.

Mr. Chairman, credit rating agencies have been issuing ratings on the likelihood of an issuer's default on debt payments since the early 20th century. Today, credit rating agencies rate companies, countries and bonds. Despite being often underestimated and overlooked, their power is immense. Credit rating agencies have a great impact on the bottom line of companies, municipalities and school districts. The better the credit rating, the lower the interest rate that the borrower must pay.

This expansive influence finally came into question because of the recent corporate scandals and the fact that the two largest NRSROs, Standard & Poor's and Moody's, rated Enron and WorldCom at investment grade just prior to their bankruptcy filings. Essentially, they told the market that Enron and WorldCom were safe investments, even though their problems were very apparent in the marketplace. As a result, reforming the rating agency industry has been the subject of much debate in the House Committee on Financial Services.

S&P's and Moody's monitoring and reviewing of Enron and WorldCom fell far below the careful efforts one would have expected from organizations whose ratings hold so much importance. And Enron and WorldCom were not their only problems. But what are the other options that are out there?

There are 130 credit rating agencies in the financial market; however, only five are rated and designated as NRSROs by the SEC. This label is the root of the problem. The SEC coined the term NRSRO without defining it in its 1975 rule on net capital requirements when it obligated broker-dealers to hold more capital for those bonds rated junk by a NRSRO. Since then, other regulators in the private investment community have taken up the term, but also without defining it. As a result, credit ratings matter only if they are issued by an NRSRO.

The commission still has never defined the term, and it has been over 30 years. It is more than naive to assume that the SEC will actually define it now. Their track record is not encouraging.

To receive the illusive distinction, companies must be nationally recognized. This artificial barrier to entry has created a chicken-and-the-egg situation for non-NRSRO credit rating agencies trying to enter this industry. As a result of the artificial barrier to entry, there are only five NRSROs. Reputable credit rating firms have been unable to receive this distinction after trying for as long as a decade. Firms like Egan Jones in my home State of Pennsylvania receive no explanation from the SEC because no process actually exists.

This SEC-imposed barrier to entry has consolidated the industry, thus fostering a duopoly. Moody's and S&P enjoy over 80 percent of the market share and rate 99 percent of the debt in the market. As a result, Moody's and S&P are raking in record fees. Since 2000, Moody's and S&P have earned average annual returns on assets of 37 and 39 percent respectively over a 6-year period. This compares to the average return on assets over the same period earned by U.S. manufacturing firms of less than 5 percent per year.

These excessive profits are government-granted to those two NRSROs by virtue of the special status granted to them by the government. As a result of this lack of competition, the quality of ratings has decreased, prices are inflated, innovation has been stifled, and anticompetitive industry practices have been allowed in conflicts of interest, like tying, notching and unsolicited ratings, have gone unchecked.

Mr. Chairman, in the wake of the seminal failure by S&P and Moody's in the WorldCom and Enron scandals, we must ensure integrity in the credit rating process. H.R. 2990 would inject greater competition, transparency and accountability in the credit rating industry. As a result, prices and anticompetitive practices will be reduced, credit rating quality will improve, and firms will be forced to innovate.

This view is shared by the Bond Market Association, the Association for Financial Professionals, the Financial Executives International, Investment Company Institute, and The Financial Services Roundtable, and I will submit their letters of support for the RECORD.

Mr. Chairman, there is a lot of talk in this town about reform and transparency and managing conflicts of interest. This bill, I would submit, meets each of those challenges, and I would like to leave you with a quote right from the horse's mouth.

The SEC stated: "The greater competition in the market for credit ratings and analysis could provide for more credible and reliable ratings, and greater competition could also stimulate innovation in the technology and methods of analysis for issuing credit ratings, which could further lower barriers to entry."

I submit H.R. 2990 would do just that. I strongly urge a "yes" vote on H.R. 2990 to ensure integrity in the credit rating industry.

THE BOND MARKET ASSOCIATION,
July 10, 2006.

Hon. MICHAEL FITZPATRICK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FITZPATRICK: I applaud your efforts on legislation to reform the credit rating agency industry. The significant growth in the global capital markets in recent years has increased the importance of credit quality analysis. Boosting competition among credit rating agencies, as your legislation, the Credit Rating Agency Duopoly Relief Act (H.R. 2990), seeks to do, assures this critical industry will remain robust and innovative.

I appreciate that the version of H.R. 2990 approved last month by the House Financial Services Committee addresses concerns of Association members with an earlier version of the legislation. Specifically, the bill would no longer compel registration of a credit rating agency with the Securities and Exchange Commission. The amended version of H.R. 2990 also expands the definition of credit rating agency to include any person in the business of issuing credit ratings on the Internet or other readily accessible means for free or for a reasonable fee. Association members viewed the previous legislation as both too narrow—deeming a rating public only if it was disseminated on the Internet—and too broad—including companies who produce ratings not used for regulatory purposes. The changes included in the new legislation will help foster competition in the industry.

Again, I commend your leadership on this important issue. We support H.R. 2990 and look forward to speedy action on the bill in the House.

Sincerely,

JOHN R. VOGT,
Executive Vice President.

ASSOCIATION FOR FINANCIAL PROFESSIONALS,
Bethesda, MD, July 10, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND MADAM LEADER: On behalf of the 15,000 members of the Association for Financial Professionals (AFP), I urge the House to approve the "Credit Rating Agency Duopoly Relief Act" (H.R. 2990) that the House Financial Services Committee recently approved by voice vote.

Credit rating agencies and investor confidence in the ratings they issue are vital to the efficient operation of global capital markets. AFP's research has consistently shown that confidence in rating agencies and their ratings is low and has continued to diminish over the past few years.

One of the root problems with this market is the U.S. Securities and Exchange Commission's Nationally Recognized Statistical Rating Organization (NRSRO) designation, which has erected an artificial barrier to competition. This barrier has led to a concentration of market power among the recognized rating agencies and has removed the incentives for needed innovation in the global credit ratings market. The "Credit Rating

Agency Duopoly Relief Act" (H.R. 2990), would eliminate this regulatory barrier by reforming the process that the SEC uses to designate Nationally Recognized Statistical Rating Organizations. H.R. 2990 establishes a new registration process setting a clear path to NRSRO designation. In addition, the legislation would provide prudent oversight to ensure that registered credit rating agencies continue to issue credible and reliable ratings.

As approved by the House Financial Services Committee, H.R. 2990 will foster competition in the global credit ratings market. This competition will stimulate innovation and improve the quality of information available to investors and, as a result, restore confidence in the credit ratings market.

Thank you for your support on this important issue.

Sincerely,

JIM KAITZ,
President and CEO.

INVESTMENT COMPANY INSTITUTE,
Washington, DC, July 10, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND MADAM LEADER: The Investment Company Institute urges the House to approve H.R. 2990, the "Credit Rating Agency Duopoly Relief Act of 2005," legislation introduced by Rep. Michael Fitzpatrick (R-PA) and reported by the Financial Services Committee. The legislation will benefit investors and the securities markets by paving the way for increased competition in the credit ratings industry.

The SEC's current "Nationally Recognized Statistical Rating Organization" (NRSRO) designation process stifles competition and presents barriers for new entrants to compete with currently designated NRSROs. H.R. 2990 establishes a registration process through which additional rating agencies become NRSROs, while simultaneously granting the Commission appropriate authority to ensure the integrity and quality of credit ratings. The bill also brings much needed sunlight to credit ratings by requiring disclosure of an NRSRO's rating criteria, its methodologies and policies, how an NRSRO addresses conflicts of interest (as well as the conflicts themselves), and the organizational structure of an NRSRO.

The Institute and its members have a longstanding interest in credit ratings. Mutual funds employ credit ratings in a variety of ways—to help make investment decisions, to define investment strategies, to communicate with their shareholders about credit risk, and to inform the process for valuing securities. Most significantly for Institute members is the role of credit ratings in the operation of money market mutual funds, which currently have some $2.1 trillon in assets. Money market funds are governed by Rule 2a-7 under the Investment Company Act, which limits these funds to investing in securities either rated in the two highest short-term rating categories by an NRSRO, or determined by the fund board to be of comparable quality.

Given the importance of credit ratings to mutual funds and fund shareholders, we greatly appreciate the work of the Financial Services Committee on this issue. Accordingly, we urge Members to support this important reform legislation and vote aye on final passage. Please do not hesitate to contact me directly, or Dan Crowley in the Institute's Office of Government Affairs, (202) 326-5962, if we can provide you with any additional information.

With very best regards.

Sincerely,

PAUL SCHOTT STEVENS.

THE FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, July 10, 2006.

Hon. MICHAEL G. FITZPATRICK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FITZPATRICK: On behalf of the members of The Financial Services Roundtable, I urge you to vote for H.R. 2990, "The Credit Rating Agency Duopoly Relief Act of 2006." It would facilitate the creation of much needed competition in the credit ratings industry. Additionally, we believe that increased competition for credit rating agencies will lower the costs to financial institutions, add integrity to the credit rating process, and increase earnings for investors.

Congressional action in the credit rating industry is necessary. H.R. 2990 will help facilitate structural reform at the Securities and Exchange Commission (SEC) concerning the oversight of credit rating agencies with greater competition premised on a competitive market place philosophy.

H.R. 2990 should be enacted into law this year, specifically, for the following reasons:

There is a lack of competition among credit rating agencies. This is evidenced by the SEC designating only five companies as Nationally Recognized Statistical Recognized Organizations (NRSROs)—two of which control approximately 80% of the market. The current designation process is outdated and inefficient. H.R. 2990 would address this problem by establishing an unambiguous SEC registration process with commensurate oversight to ensure integrity in the ratings process. Moreover, to be an NRSRO, a credit rating agency must have been in business for at least three consecutive years and be registered under section 15E of the Securities Exchange Act of 1934.

This legislation would require increased disclosure of the ratings process, thus enabling the investor to make better informed decisions.

Many NRSROs have a conflict of interest concerning the independence and quality of their ratings. H.R. 2990 resolves this issue by requiring companies to publicly disclose any conflicts of interest relating to the issuance of credit ratings.

The Financial Services Roundtable represents 100 of the largest integrated financial services companies providing banking, insurance, and investment products and services to the American consumer. Member companies participate through the Chief Executive Officer and other senior executives nominated by the CEO. Roundtable member companies provide fuel for America's economic engine, accounting directly for $50.5 trillion in managed assets, $1.1 trillion in revenue, and 2.4 million jobs.

In conclusion, we urge all members to vote for final passage of H.R. 2990, "the Credit Rating Agency Duopoly Relief Act of 2006." If you or your staff have any questions or would like to discuss these issues further, please call me or Irving Daniels at 202-289-4322.

Best regards,

STEVE BARTLETT,
President and CEO.

ASSOCIATION FOR
FINANCIAL PROFESSIONALS,
July 10, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND MADAM LEADER: The undersigned associations, representing a broad array of financial services firms, support H.R. 2990, the Credit Rating Agency Duopoly Relief Act, and urge its passage by the House. As associations representing mutual funds, corporate issuers, broker/dealers and institutional investors, we all agree that H.R. 2990 would facilitate much needed competition in the credit ratings industry.

Credit ratings play a significant role in the securities markets as well as the economy as a whole. Investors rely on ratings to measure relative default risks of large and small companies, as well as government entities. Ratings produced by Nationally Recognized Statistical Rating Organizations (NRSROs) are often the determining factor as to whether companies will expand or local governments can finance major municipal projects. Furthermore, ratings assigned by NRSROs play a significant role in determining the permissible instruments that certain institutional investors can hold.

Currently, competition is severely lacking among credit rating agencies as the SEC has designated only five companies as NRSROs—two of which overwhelmingly dominate the market. The current process for attaining the NRSRO designation fails to provide a reasonably clear path for potential new aspirants to follow. H.R. 2990 solves this problem by establishing an unambiguous SEC registration process with commensurate oversight to ensure integrity in the ratings process.

In addition to facilitating competition, the legislation would provide critically important information, currently unavailable to investors, about the methodologies NRSROs use to assign ratings. The bill would not dictate how NRSROs must operate but instead require disclosure of ratings processes so investors can better evaluate the quality of ratings. Additionally, NRSROs would be required to publicly disclose their policies relating to conflicts of interest and their organizational structure. Finally, NRSROs would be held accountable for ratings they issue in contravention to their disclosed policies.

We thank the Financial Services Committee for its work on NRSRO reform over the past two Congresses. H.R. 2990 significantly reforms the credit ratings industry by increasing competition, providing appropriate SEC oversight, enhancing transparency, and heightening accountability—reforms that will greatly benefit investors and securities markets as a whole. Accordingly, we urge Members to support this much-needed legislation and vote aye on final passage.

Respectfully,

Association for Financial Professionals.
Investment Company Institute.
The Financial Services Roundtable.

Mr. KANJORSKI. Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. BAKER), the chairman of the Capital Markets Subcommittee.

Mr. BAKER. Mr. Chairman, I thank the gentleman for yielding and wish to compliment him for his leadership in this matter, as well as that of Mr. FITZPATRICK who has put many hours into this subject matter and, I think, has helped to produce legislation worthy of this House's consideration.

I wish to enter into the RECORD the statement of administration policy issued July 12 of this year regarding the passage of H.R. 2990, the relevant portion being: "This legislation would enable more credit rating agencies to qualify nationally under Securities and Exchange Commission regulation. The bill requires credit rating agencies to disclose their performance records, methodologies and any conflicts of interest. The administration looks forward to working with Congress as we move towards these goals."

It is clear the administration and the members of the Committee on Financial Services have found H.R. 2990 not only to be good legislation but necessary to be adopted; and why is that so?

If one were to ask how could you become a credit rating agency and get a part of this lucrative business today, the process is unclear. It is much like the old adage relative to identifying art, "I know it when I see it."

It has been some 30 years since the SEC adopted its current methodology for establishing this recognition, and yet we do not know today how one can successfully become an NRSRO, much less once you are one, who is it that looks over your shoulder, and should they find inappropriate behavior, how is one unregistered or decommissioned. That process is also unclear.

What we do know from the record is that very lucrative companies have engaged in a government-granted business operation, have garnered significant profits, and have not on all counts met their professional fiduciary duties.

The bill at hand provides for resources to register, oversee and, yes, even unregister, decommission, provide for someone losing their license should they be found not meeting appropriate financial and fiduciary standards. For that reason alone the bill should be adopted.

But let me give one more example of past practice which I found troublesome. In the past, a rating agency could select a corporation on which it could engage in its credit analysis and issue an unsolicited credit rating. Unsolicited means the company didn't ask for it, but in some cases the rating agency would forward a bill to the corporation. Now why would the corporation pay that bill? Well, if a corporation, a public operating company, is going to issue public debt, they have to have the rating of at least two independent credit rating agencies.

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Since two of the credit rating agencies perform about 99 percent of the ratings, it would become pretty evident that you would pay the bill because some time in the future your corporation would need to enter the public debt markets.

This bill will provide the authority for the SEC to prohibit such activity in the future, I think a highly appropriate reform. Certainly, there could be other matters brought to the attention of the House on the subject of value, but the underlying essential reforms contained in this bill should be adopted and adopted today.

STATEMENT OF ADMINISTRATION POLICY, JULY 12, 2006

H.R. 2990—CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

The Administration supports House passage of H.R. 2990, the Credit Rating Agency Duopoly Relief Act of 2006. This legislation would enable more credit rating agencies to qualify nationally under Securities and Exchange Commission (SEC) regulations. In addition, the bill requires credit rating agencies to disclose their performance records, methodologies, and any conflicts of interest. This bill would improve competition and transparency in the credit rating industry, which ultimately would benefit individual investors. The Administration looks forward to working with Congress to accomplish these goals.

Mr. KANJORSKI. Mr. Chairman, I think there are good intentions on both sides of this issue, and unfortunately, I find it to be an extremely complicated issue and, most of all, not a sexy issue, as you can see by attendance on the floor.

I doubt whether 5 percent of our viewing audience out there understands what a nationally recognized statistical rating organization really is, and probably not a great deal more really care about it. Except, when you look at what they do and the effect they have on all of our lives in some very big ways, they are an important entity and we have to get this right.

And I want to point out that when this entity was constructed by rule, as Mr. FITZPATRICK pointed out, in 1975, there were originally three agencies that were granted this nationally recognized statistical rating organization nomenclature. Since that time, six have been added, for a total of nine.

Existing today, there are only five because there has been consolidation in the industry. But what that indicates is that this has not been a prohibitive area for qualified organizations to gain the recognition of a nationally recognized statistical rating organization.

I think, and I agree with our friends on the other side, that competition would be good, and the availability to enter this field would be much better if we can find a methodology to do that. It does not necessitate, however, a regimentation regime, and it certainly doesn't justify the thinking process that the marketplace, through competition, will cure all ends, and particularly if you look at the cost of competition and what it means.

Certainly, when we are dealing with hundreds and billions and trillions of dollars in instruments to be evaluated by these organizations, whatever the cost of getting that down is infinitesimal to the importance of getting the quality of the organization correct and the rating correct to protect investors.

I think that what we have a tendency to do is to think competition in and of itself is such a wonderful thing that it is going to solve all purposes. Well, I could suggest to my colleagues on the other side that if brain surgery is expensive we could entertain the idea that any doctor can register after 3 years of practice to be a brain surgeon, and that would qualify him to be a brain surgeon. And in many instances, in many places it clearly may, although I don't want him operating on my brain, and I assure you most of the Members of this House wouldn't want that process used to qualify one's self as a brain surgeon.

This organizational structure and the methodology used in the rating agency are analogous to the complications of brain surgery in the financial field. There aren't many organizations that have the capacity to do it. Those that do should have methodologies of being tested as to quality, transparency and methodology, and they should have increased competition. That we agree upon.

What we disagree upon is the nature of this bill and the regime of registration is not sufficient to guarantee quality. What may very easily happen is one or two rogue organizations, after 3 years, may apply, be designated as a nationally recognized statistical rating organization, and then do what Mr. BAKER referred to, actually bid down the value by getting business and offering to give good ratings to get business. They may actually deteriorate the value and the quality of the ratings. We don't know that for certain. We don't want to suggest that. We want to make sure that we structure a methodology and means of designating nationally recognized statistical rating organizations so we don't have deterioration in quality just to get quantity. What we wish to have is quantity and quality, and both are equally important.

I urge my colleagues in the House to consider that when they vote on this measure. I am offering a substitute which we will debate for 20 minutes immediately after the close of this debate.

I think that this is premature. At the very least, the committee and the Congress should have received legitimate critiques from the Securities Exchange Commission with all the expertise that they have. I am sure most of us don't feel fully qualified to view the structure of these organizations and their ability to perform on the basis of what we know individually. We are relying on expertise evaluation that is contained in very limited areas, one of which is certainly an independent agency of the United States Government, the Securities and Exchange Commission.

I would urge, at this time, a "no" vote on passage of this when we get to that point in the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, in closing, let me first of all recognize the gentleman from Pennsylvania, Mr. FITZPATRICK. He has been a real bulldog on this issue. The committee has worked its will passing this bill on a voice vote in the committee. His leadership has been extraordinary. The committee has had numerous hearings. We have had input from all of the usual sources, and then some, to craft this legislation.

If somebody were to tell you or anybody in this body that there was an industry out there where 80 percent of that business was controlled by two companies, whether it was in the steel industry or the auto industry, the health care field, I would suggest that particularly my friends on the other side of the aisle would be particularly upset and call it restraint of trade and ask for all kinds of investigations and to try to induce more competition and new entries into that marketplace. And that is exactly what we have got here. We have got credit rating agencies that for the last 35 years have basically had a duopoly on this very lucrative business. And as in the case with any other kind of business, when you have a duopoly or an oligopoly, you have lack of competition. You have a situation where you have conflicts of interest almost guaranteed, and you have a lack of transparency at the same time. That is what we attack in the Fitzpatrick legislation.

Now, I have been chairman of this committee for 6 years. Even before I was chairman of this committee this was an issue. The SEC would always come up before the committee, testify, well, we are working on it. We are trying to open this up. And yet, a frustrated member of the committee said, when are you ever going to get around to it?

This legislation is a wakeup call to the SEC, to the industry that, at least from our perspective, we are tired of waiting for this to happen. Everybody likes competition, but nobody likes competitors. Everybody wants to go to heaven, but nobody wants to die.

It is time that we provide the kind of competitive structure in this critical area that is long due coming.

There is a reason why, Mr. Chairman, in the Sarbanes-Oxley Act that we requested this study, because we knew that part of the problem going forward with Enron and WorldCom and the like was lack of competition and the abysmal ratings effect that two members of the duopoly created right before Enron and WorldCom collapsed. Just think about the credit rating that they gave to Enron and WorldCom just weeks before they collapsed, and it tells you a lot about the lack of competition, the lack of transparency and a potential conflict of interest in the existing status quo.

This bill is anti-status quo. It is far reaching. It is visionary, and MIKE FITZPATRICK's leadership on this cannot be overestimated. And so I think that every Member should take a look at this. This is part of the ongoing process to make our markets more competitive, more transparent, and this bill is a natural follow-up on what this Congress and what this committee has done over the years to create better confidence in the markets by investors to provide more competition therein. This legislation gets the job done, and all Members should support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Credit Rating Agency Duopoly Relief Act of 2006".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

SEC. 2. FINDINGS.

Upon the basis of facts disclosed by the record and report of the Securities and Exchange Commission made pursuant to section 702 of the Sarbanes-Oxley Act of 2002 (116 Stat. 797), hearings before the House Committee on Financial Services during the 108th and 109th Congresses, comment letters to the concept releases and proposed rules of the Securities and Exchange Commission, and facts otherwise disclosed and ascertained, the Congress finds that—

(1) credit rating agencies are of national concern, in that, among other things—

(A) their ratings, publications, writings, analyses, and reports are furnished and distributed, and their contracts, subscription agreements, and other arrangements with clients are negotiated and performed, by the use of the mails and means and instrumentalities of interstate commerce;

(B) their ratings, publications, writings, analyses, and reports customarily relate to the purchase and sale of securities traded on securities exchanges and in interstate over-the-counter markets, securities issued by companies engaged in business in interstate commerce, and securities issued by national banks and member banks of the Federal Reserve System;

(C) the foregoing transactions occur in such volume as substantially to affect interstate commerce, and securities markets, the national banking system, and the national economy; and

(D) their regulation serves the compelling interest of investor protection; and

(2) the Securities and Exchange Commission—

(A) has, through its designation of certain credit rating agencies as nationally recognized statistical rating organizations, created an artificial barrier to entry for new participants; and

(B) will, in its latest proposed rule defining nationally recognized statistical rating organizations, codify and strengthen this barrier.

SEC. 3. DEFINITIONS.

Section 3(a) (15 U.S.C. 78c(a)) is amended by adding at the end the following new paragraphs:

"(60) CREDIT RATING.—The term 'credit rating' means an assessment of the creditworthiness of an obligor as an entity or with respect to specific securities or money market instruments.

"(61) CREDIT RATING AGENCY.—The term 'credit rating agency' means any person—

"(A) engaged in the business of issuing credit ratings on the Internet or through another readily accessible means, for free or for a reasonable fee;

"(B) employing either a quantitative or qualitative model, or both, to determine credit ratings; and

"(C) receiving fees from either issuers, investors, or other market participants, or a combination thereof.

"(62) NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION OR NRSRO.—The term 'nationally recognized statistical rating organization' means a credit rating agency that—

"(A) has been in business for at least three consecutive years; and

"(B) is registered under section 15E.

"(63) PERSON ASSOCIATED WITH A NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—The term 'person associated with a nationally recognized statistical rating organization' means any partner, officer, director, or branch manager of such nationally recognized statistical rating organization (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such nationally recognized statistical rating organization, or any employee of such nationally recognized statistical rating organization.".

SEC. 4. REGISTRATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

(a) AMENDMENT.—The Securities Exchange Act of 1934 is amended by inserting after section 15D (15 U.S.C. 78o-6) the following new section:

"SEC. 15E. REGISTRATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

"(a) REGISTRATION PROCEDURES.—

"(1) FILING OF APPLICATION FORM.—A credit rating agency that elects to be treated as a nationally recognized statistical rating organization for the purposes of Federal statutes, rules, and regulations may be registered by filing with the Commission an application for registration in such form and containing such of the following and any other information and documents concerning such organization and any persons associated with such organization as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors:

"(A) any conflicts of interest relating to the issuance of credit ratings by a nationally recognized statistical rating organization;

"(B) the procedures and methodologies such nationally recognized statistical rating organization uses in determining credit ratings;

"(C) credit ratings performance measurement statistics over short-term, mid-term, and long-term periods of such nationally recognized statistical rating organization;

"(D) policies or procedures adopted and implemented by such nationally recognized statistical rating organization to prevent the misuse in violation of this title (or the rules and regulations thereunder) of material, non-public information; and

"(E) the organizational structure of such nationally recognized statistical rating organization.

"(2) Review of Application.—

"(A) Initial Determination.—Within 90 days of the date of the filing of such application (or within such longer period as to which the applicant consents) the Commission shall—

"(i) by order grant such registration; or

"(ii) institute proceedings to determine whether registration should be denied.

"(B) Conduct of Proceedings.—Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within 120 days of the date of the filing of the application for registration. At the conclusion of such proceedings the Commission, by order, shall grant or deny such registration. The Commission may extend the time for conclusion of such proceedings for up to 90 days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the applicant consents.

"(C) Grounds for Decision.—The Commission shall grant such registration if the Commission finds that the requirements of this section are satisfied. The Commission shall deny such registration if it does not make such a finding or if it finds that if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (b).

"(3) Public Availability of Information.—Subject to section 24, the Commission, by rule, shall require a nationally recognized statistical rating organization, upon the granting of registration under this section, to make the information and documents filed with the Commission in its application for registration, or in any amendment filed under subsection (b)(1) or (2), publicly available on the website or comparable readily accessible means of such nationally recognized statistical rating organization.

"(b) Update of Registration.—

"(1) Update.—Each nationally recognized statistical rating organization shall promptly amend its application for registration under this section if any information or documents provided therein become materially inaccurate, except that a nationally recognized statistical rating organization is not required to amend the information required to be filed under subsection (a)(1)(C) by a filing under this paragraph, but shall amend such information in such organization's annual filing under paragraph (2) of this subsection.

"(2) Certification.—Not later than 90 days after the end of each calendar year, each nationally recognized statistical rating organization shall file with the Commission an amendment to its registration, in such form as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) certifying that the information and documents in the application for registration of such nationally recognized statistical rating organization continue to be accurate; and

"(B) listing any material changes that occurred to such information or documents during the previous calendar year.

"(c) Accountability for Ratings Procedures.—

"(1) Authority.—The Commission shall have the authority under this Act to take action against any nationally recognized statistical rating organization if such nationally recognized statistical rating organization issues credit ratings in contravention of those procedures, criteria, and methodologies that such nationally recognized statistical rating organization—

"(A) includes in its application for registration under this section; or

"(B) makes and disseminates in reports pursuant to section 17(a) or the rules and regulations thereunder.

"(2) Limitation.—The rules and regulations applicable to nationally recognized statistical rating organizations the Commission may prescribe pursuant to this Act shall be narrowly tailored to meet the requirements of this Act applicable to nationally recognized statistical rating organizations and shall not purport to regulate the substance of credit ratings or the procedures and methodologies by which such nationally recognized statistical rating organizations determine credit ratings.

"(d) Censure, Denial, or Suspension of Registration; Notice and Hearing.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding 12 months, or revoke the registration of any nationally recognized statistical rating organization if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or revocation is in the public interest and that such nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, whether prior to or subsequent to becoming so associated—

"(1) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (H), or (G) of paragraph (4) of section 15(b), has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

"(2) has been convicted during the 10-year period preceding the date of filing of any application for registration, or at any time thereafter, of—

"(A) any crime that is punishable by imprisonment for 1 or more years, and that is not described in section 15(b)(4)(B); or

"(B) a substantially equivalent crime by a foreign court of competent jurisdiction; or

"(3) is subject to any order of the Commission barring or suspending the right of the person to be associated with a nationally recognized statistical rating organization.

"(e) Withdrawal From Registration.—A nationally recognized statistical rating organization registered under this section may, upon such terms and conditions as the Commission may establish as necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any nationally recognized statistical rating organization is no longer in existence or has ceased to do business as a credit rating agency, the Commission, by order, shall cancel the registration of such nationally recognized statistical rating organization.

"(f) Representations.—

"(1) Representations of Sponsorship by United States or Agency Thereof.—It shall be unlawful for any nationally recognized statistical rating organization registered under this section to represent or imply in any manner whatsoever that such nationally recognized statistical rating organization has been designated, sponsored, recommended, or approved, or that such nationally recognized statistical rating organization's abilities or qualifications have in any respect been passed upon, by the United States or any agency, any officer, or any employee thereof.

"(2) Representation as NRSRO of Unregistered Credit Rating Agencies.—It shall be unlawful for any credit rating agency to represent or imply in any manner whatsoever that such credit rating agency has been designated, sponsored, recommended, or approved, or that such credit rating agency's abilities or qualifications have in any respect been passed upon, by the United States or any agency, any officer, or any employee thereof. It shall be unlawful for any credit rating agency that is not registered under this section as a nationally recognized statistical rating organization to state that such credit rating agency is a nationally recognized statistical rating organization under this Act.

"(3) Statement of Registration Under Securities Exchange Act of 1934 Provisions.—No provision of paragraph (1) shall be construed to prohibit a statement that a nationally recognized statistical rating organization is a nationally recognized statistical rating organization under this Act, if such statement is true in fact and if the effect of such registration is not misrepresented.

"(g) Prevention of Misuse of Nonpublic Information.—Each nationally recognized statistical rating organization shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of such nationally recognized statistical rating organization's business, to prevent the misuse in violation of this title, or the rules or regulations thereunder, of material, nonpublic information by such nationally recognized statistical rating organization or any person associated with such nationally recognized statistical rating organization. The Commission, as it deems necessary or appropriate in the public interest or for the protection of investors, shall adopt rules or regulations to require specific policies or procedures reasonably designed to prevent misuse in violation of this title (or the rules or regulations thereunder) of material, nonpublic information.

"(h) Management of Conflicts of Interest.—Each nationally recognized statistical rating organization shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of the business of such nationally recognized statistical rating organization and affiliated persons and affiliated companies of such nationally recognized statistical rating organization, to address and manage the conflicts of interest that can arise from such business. The Commission, as it deems necessary or appropriate in the public interest or for the protection of investors, shall adopt rules or regulations to prohibit, or require the management or disclosure of, any conflicts of interest relating to the issuance of credit ratings by a nationally recognized statistical rating organization including, without limitation, conflicts of interest relating to—

"(1) the manner in which a nationally recognized statistical rating organization is compensated by the obligor, or any affiliate of the obligor, for issuing credit ratings or providing related services;

"(2) the provision of consulting, advisory, or other services by a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, to the obligor, or any affiliate of the obligor;

"(3) business relationships, ownership interests, or any other financial or personal interests between a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, and the obligor, or any affiliate of the obligor; and

"(4) any affiliation of a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, with any person that underwrites the securities or money market instruments that are the subject of a credit rating.

"(i) PROHIBITED CONDUCT.—

"(1) PROHIBITED ACTS AND PRACTICES.—The Commission may adopt rules or regulations to prohibit any act or practice relating to the issuance of credit ratings by a nationally recognized statistical rating organization that the Commission determines to be unfair, coercive, or abusive, including any act or practice relating to—

"(A) seeking payment for a credit rating that has not been specifically requested by the obligor—

"(i) from an obligor; or

"(ii) from an affiliate of an obligor, unless—

"(I) the organization is organized under subsection (a)(1)(E) to receive fees from investors or other market participants, or a combination thereof; and

"(II) the affiliate is such an investor or participant;

"(B) conditioning or threatening to condition the issuance of a credit rating on the obligor's, or an affiliate of the obligor's, purchase of other services or products, including pre-credit rating assessment products, of the nationally recognized statistical rating organization or any person associated with such nationally recognized statistical rating organization;

"(C) lowering or threatening to lower a credit rating on, or refusing to rate, securities or money market instruments issued by an asset pool unless a portion of the assets within such pool also is rated by the nationally recognized statistical rating organization;

"(D) modifying or threatening to modify a credit rating or otherwise departing from its adopted systematic procedures and methodologies in determining credit ratings, based on whether the obligor, or an affiliate of the obligor, pays or will pay for the credit rating or any other services or products of the nationally recognized statistical rating organization or any person associated with such nationally recognized statistical rating organization.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1), or in any rules or regulations adopted thereunder, shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For the purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in the first section of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.

"(j) DESIGNATION OF COMPLIANCE OFFICER.—Each nationally recognized statistical rating organization shall designate an individual responsible for administering the policies and procedures that are required to be established pursuant to subsections (g) and (h), and for ensuring compliance with the securities laws and the rules and regulations thereunder, including those promulgated by the Commission pursuant to this section.

"(k) STATEMENTS OF FINANCIAL CONDITION.—Each nationally recognized statistical rating organization shall, on a confidential basis, file with the Commission, at intervals determined by the Commission, such financial statements, certified (if required by the rules or regulations of the Commission) by an independent public accountant, and information concerning its financial condition as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(l) ELIMINATION OF COMMISSION DESIGNATION PROCESS FOR NRSRO'S.—

"(1) CESSATION OF DESIGNATION.—Within 30 days after the enactment of the Credit Rating Agency Duopoly Relief Act of 2006, the Commission shall cease to designate persons and companies as nationally recognized statistical rating organizations, as that term is used under rule 15c3-1 of the Commission's rules (17 CFR 240.15c3–1).

"(2) PROHIBITION ON RELIANCE ON NO-ACTION RELIEF.—The no-action relief that the Commission has granted with respect to the designation of nationally recognized statistical rating organizations, as that term is used under rule 15c3–1 of the Commission's rules (17 CFR 240.15c3-1), shall be void and of no force or effect.

"(3) NOTICE TO OTHER AGENCIES.—Within 30 days after the date of enactment of the Credit Rating Agency Duopoly Relief Act of 2006, the Commission shall give notice to the Federal agencies which employ the term 'nationally recognized statistical rating organization' (as that term is used under rule 15c3–1 of the Commission's rules (17 CFR 240.15c3–1)) in their rules and regulations regarding the actions undertaken pursuant to this section.

"(4) REVIEW OF EXISTING REGULATIONS.—Within 180 days after the date of enactment of the Credit Rating Agency Duopoly Relief Act of 2006, the Commission shall review its existing rules and regulations which employ the term 'nationally recognized statistical rating organization' or 'NRSRO' and promulgate new or revised rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.".

(b) CONFORMING AMENDMENTS TO THE 1934 ACT.—

(1) Section 15(b)(4)(B)(ii) (15 U.S.C. 78o(b)(4)(B)(ii)) is amended by inserting "nationally recognized statistical rating organization," after "transfer agent,".

(2) Section 15(b)(4)(C) (15 U.S.C. 78o(b)(4)(C)) is amended by inserting "nationally recognized statistical rating organization," after "transfer agent,".

(3) Section 21B(a) (15 U.S.C. 78u-2(a)) is amended by inserting "15E," after "15C,".

(c) OTHER CONFORMING AMENDMENTS.—

(1) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following new paragraph:

"(53) The term 'credit rating agency' has the same meaning as given in section 3 of the Securities Exchange Act of 1934.".

(2) Section 9(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(a)) is amended by inserting "credit rating agency," after "transfer agent,".

(3) Section 9(a)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(a)) is amended by inserting "credit rating agency," after "transfer agent,".

(4) Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended by adding at the end the following new paragraph:

"(28) The term 'credit rating agency' has the same meaning as given in section 3 of the Securities Exchange Act of 1934.".

(5) Section 203(e)(2)(B) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended by inserting "credit rating agency," after "transfer agent,".

(6) Section 203(e)(4) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(e)) is amended by inserting "credit rating agency," after "transfer agent,".

(7) Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended by striking "effectively" and all that follows through "broker-dealers" and inserting "that is a nationally recognized statistical rating organization, as such term is defined in section 3(a) of the Securities Exchange Act of 1934".

(8) Section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2) is amended in subsection (r)(15)(A) by striking "means any entity recognized as such by the Securities and Exchange Commission" and inserting "means any nationally recognized statistical rating organization as that term is defined under the Securities Exchange Act of 1934".

(9) Section 601(10) of title 23, United States Code, is amended by striking "identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization" and inserting "registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization as that term is defined under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.)".

SEC. 5. ANNUAL AND OTHER REPORTS.

Section 17(a)(1) (15 U.S.C. 78q(a)(1)) is amended by inserting "nationally recognized statistical rating organization," after "registered transfer agent,".

SEC. 6. GAO STUDY AND REPORT REGARDING CONSOLIDATION OF CREDIT RATING AGENCIES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study—

(1) to identify—

(A) the factors that have led to the consolidation of credit rating agencies;

(B) the present and future impact of the condition described in subparagraph (A) on the securities markets, both domestic and international; and

(C) solutions to any problems identified under subparagraph (B), including ways to increase competition and the number of firms capable of providing credit rating services to large national and multinational business organizations that are subject to the securities laws;

(2) of the problems, if any, faced by business organizations that have resulted from limited competition among credit rating agencies, including—

(A) higher costs;

(B) lower quality of services;

(C) anti-competitive practices;

(D) impairment of independence; and

(E) lack of choice; and

(3) whether and to what extent Federal or State regulations impede competition among credit rating agencies.

(b) CONSULTATION.—In planning and conducting the study under this section, the Comptroller General shall consult with—

(1) the Securities and Exchange Commission;

(2) the Department of Justice; and

(3) any other public or private sector organization that the Comptroller General considers appropriate.

(c) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study required by this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 7. EFFECTIVE DATE.

The amendments made by sections 4 and 5 shall take effect on January 1, 2008, except as otherwise provided in paragraphs (1), (3), and (4) of subsection (l) of section 15E of the Securities Exchange Act of 1934 (as added by such amendments), and except that the Securities *and Exchange Commission is authorized to prescribe rules and regulgtions to carry out such amendments beginning on the date of enactment of this Act.*

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-550. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OXLEY

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–550.

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OXLEY:

Page 3, line 20, insert "staff" after "its".

Page 4, line 1, strike "will" and insert "would".

Page 4, line 16, insert "but does not include a commercial credit reporting company" after "fee".

Page 5, line 3, strike "for at least three" and insert "as a credit rating agency for at least the past 3".

Page 6, line 1, strike "FILING" and insert "FURNISHING".

Page 6, line 5, strike "filing with" and insert "furnishing to".

Page 6, line 21, insert "(as applicable)" after "periods".

Page 7, line 9, strike "filing" and insert "furnishing".

Page 7, line 20, strike "filing" and insert "furnishing".

Page 8, line 11, strike "subsection (b)" and insert "subsection (d)".

Page 8, line 17, strike "filed with" and insert "furnished to".

Page 8, line 18, strike "filed" and insert "furnished".

Page 8, line 19, strike "the website or" and insert "its website or through another".

Page 8, beginning on line 20, strike "of such nationally recognized statistical rating organization".

Page 9, line 4, strike "filed" and insert "furnished".

Page 9, line 5, strike "a filing" and insert "an amendment furnished".

Page 9, line 7, strike "filing" and insert "amendment furnished".

Page 9, beginning on line 11, strike "file with" and insert "furnish to".

Page 11, line 20, strike "filing of" and insert "furnishing".

Page 12, line 12, strike "filing a written notice of withdrawal with" and insert "furnishing a written notice of withdrawal to".

Page 18, line 23, strike "file with" and insert "furnish to".

Page 19, line 5, insert "STAFF'S" after "COMMISSION".

Page 19, line 9, insert "staff" after "Commission".

Page 19, line 15, insert "staff" after "Commission".

Page 20, line 6, strike "180 days" and insert "360 days".

Page 23, strike lines 3 through 6 and insert the following:

SEC. 5. ANNUAL AND OTHER REPORTS.

Section 17(a)(1) (15 U.S.C. 78q(a)(1)) is amended—

(1) by inserting "nationally recognized statistical rating organization," after "registered transfer agent,"; and

(2) by adding at the end the following: "Any report a nationally recognized statistical rating organization may be required by Commission rules under this paragraph to make and disseminate to the Commission shall be deemed furnished to the Commission."

The CHAIRMAN. Pursuant to House Resolution 906, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to H.R. 2990, the Credit Rating Agency Duopoly Relief Act. This amendment makes certain clarifying and technical changes to Mr. FITZPATRICK's rating agency reform legislation.

Specifically, the amendment clarifies that there is no private right of action for rating agencies registered as nationally recognized statistical rating organizations, or NRSROs, under the Securities Exchange Act of 1934. Neither is there an express or an implied private right of action with respect to rating agencies registered as NRSROs under the Securities Exchange Act. The Securities and Exchange Commission will retain its enforcement authority over registered rating agencies.

In addition, the amendment allots to the Securities and Exchange Commission an additional 6 months, for a total of 1 year, to review and, if necessary, revise its regulations that use the term "NRSRO." The additional time will allow the SEC and industry participants more time to properly assess regulations using the NRSRO technology.

This amendment also makes a number of technical amendments, clarifying definitions, findings and disclosure requirements.

I urge all Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN (Mr. SWEENEY). The gentleman is recognized for 5 minutes.

Mr. KANJORSKI. Mr. Chairman, I rise in order to express some thoughts on the amendment, but I do not intend to oppose the manager's amendment itself.

The manager's amendment, Mr. Chairman, makes a number of technical changes in the bill, improving its precision, fixing drafting errors and extending the implementation time frames. These changes are acceptable and appropriate.

The manager's amendment also makes a set of larger and more significant changes; namely, it alters the bill's wording in multiple places in an attempt to address recently raised concerns about the possible creation of explicit and implicit private rights of action under the bill.

Regardless of one's position on whether these changes are needed, and whether they accomplish their intended purposes, the fact is that these modifications are coming late in the legislative process and indicates that the legislation is not well thought out.

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Moreover, this is precisely the type of issue on which getting the views of the experts at the Securities and Exchange Commission would have been helpful and invaluable.

That said, Mr. Chairman, I do not intend to object to the manager's amendment.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KANJORSKI

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109-550.

Mr. KANJORSKI. Mr. Chairman, I offer a substitute amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KANJORSKI:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This act may be cited as the "Credit Ratings Accountability and Transparency Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Credit rating agencies play an important role in the United States capital markets by opining on the creditworthiness of certain entities, securities, and money market instruments.

(2) Institutional and retail investors utilize ratings issued by credit rating agencies in connection with evaluating credit risk and making investment decisions.

(3) The Securities and Exchange Commission staff, through the no action letter process, has identified certain credit rating agencies as Nationally Recognized Statistical Rating Organizations or NRSROs.

(4) Many Federal and State regulators and legislatures require the use of NRSRO ratings in regulations and statutes, including those concerning capital requirements for regulated financial institutions and portfolio quality standards, to ensure the utilization of high quality ratings.

(5) The Commission staff's process for identifying NRSROs should be more transparent

and efficient, while maintaining a high level of quality among NRSROs.

(6) Increased competition among credit rating agencies seeking to be identified as a NRSRO is desirable, so long as it is consistent with efforts to ensure high quality ratings.

SEC. 3. RULEMAKING ON NRSRO DEFINITION.

(a) NRSRO DEFINITION.—Within 60 days after the date of enactment of this Act, the Commission shall finalize its proposed rulemaking to define a NRSRO, published in the Federal Register on April 25, 2005 (70 Fed. Reg. 21306 et seq.).

(b) PUBLICATION OF GUIDELINES.—Within 180 days after the date of enactment of the Act, the Commission shall publish guidelines concerning the process by which Commission staff issues no-action letters regarding NRSROs, including guidelines concerning the staff's determinations in such no-action letters.

SEC. 4. SENSE OF CONGRESS ON NRSRO VOLUNTARY FRAMEWORK.

(a) FINDINGS.—Congress finds the following:

(1) The existing NRSROs in the United States have entered into discussions to improve current oversight of their activities via the adoption of a voluntary framework.

(2) These discussions have sought to apply the self-regulatory model approved by the International Organization of Securities Commissions (in this section referred to as "IOSCO") of which the Commission is a participant.

(3) The European Commission policy on credit rating agencies set out in December 2005 used compliance with the IOSCO code as a central component in ensuring the proper functioning of rating agencies in the capital markets.

(4) The Chairman of the Commission has testified before the Financial Services Committee of the House of Representatives that Commission staff are continuing to review drafts of a voluntary framework developed by the NRSROs and offer advice about its provisions and contents.

(5) The adoption of a voluntary framework by NRSROs in the United States based on the IOSCO self-regulatory model and paralleling the regulatory regime adopted by the European Commission would enhance market discipline, advance investor protection, and facilitate the harmonization of international standards in the area of credit ratings.

(b) SENSE OF CONGRESS.—In light of the findings set forth in subsection (a), it is the sense of the Congress that—

(1) all interested parties involved in establishing a voluntary framework for self-regulation in the United States, which is similar to the self-regulatory regime recently adopted by the European Commission that is based upon the IOSCO-approved code for overseeing credit rating agencies, should complete discussions and implement a self-regulatory model as soon as practicable;

(2) such voluntary framework should be developed in consultation with the Commission and include adoption of any and all rules, regulations, policies, and practices deemed necessary and appropriate for the protection of investors and in the public interest, including the disclosure of written policies and procedures of NRSROs in the United States designed to—

(A) address conflicts of interest relating to—

(i) relationships between NRSROs and rated entities;

(ii) relationships between NRSROs and underwriters; and

(iii) fee structures of the NRSROs;

(B) prevent the misuse of confidential information by a NRSRO or any person associated with a NRSRO;

(C) ensure compliance with all relevant Federal securities laws;

(D) ensure that each NRSRO is capable of issuing independent, predictive, consistent, and reliable ratings; and

(E) provide performance data, including default rates for its ratings, for the immediately preceding 4 years, or if in existence less than 4 years, for the life of the entity.

SEC. 5. ANNUAL TESTIMONY ON IMPROVING THE CREDIT RATING INDUSTRY.

The Chairperson of the Commission, or a designee of the Chairperson, shall annually provide oral testimony beginning in 2007, and for 5 years thereafter, to the Committee on Financial Services of the House of Representatives regarding efforts to improve the transparency and accountability of the credit rating industry, including—

(1) the designation of NRSROs;

(2) the status and the effectiveness of the voluntary framework described in section 4;

(3) the quality of ratings issued by NRSROs;

(4) the state of competition among NRSROs; and

(5) the appropriateness, need, and form of any potential legislation in the area of credit ratings.

SEC. 6. DEFINITIONS.

As used in this Act—

(1) the term "Commission" means the Securities and Exchange Commission; and

(2) the term "NRSRO" means a Nationally Recognized Statistical Rating Organization as determined by the Commission.

The Acting CHAIRMAN. Pursuant to House Resolution 906, the gentleman from Pennsylvania (Mr. KANJORSKI) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume.

While the supporters of H.R. 2990 have tinkered with and somewhat improved the bill since its introduction, the central provision of the legislation, in the words of the Consumer Federation of America, is "fatally flawed." I am likewise very concerned that this bill sacrifices the quality of independent assessments of financial strength provided by the "nationally recognized" credit raters that help our capital markets remain vibrant.

As a result, I am offering a substitute. Unlike H.R. 2990, which creates an untested system for establishing nationally recognized agencies, this alternative expedites and builds upon existing regulatory, private sector, and international reform efforts.

The voluntary registration regime of H.R. 2990 will increase the number of nationally recognized agencies without assuring the credibility and reliability of the issued ratings. We must seek equilibrium, balancing the desire to increase the quantity of approved agencies with the need to ensure high-quality ratings. The substitute addresses this shortcoming.

Moreover, H.R. 2990 ignores ongoing reform efforts. The Securities and Exchange Commission has a rulemaking pending on these matters. Currently, approved raters are also developing a voluntary, robust self-regulatory regime based on the industry code established by the International Organization of Securities Commissions. Moreover, the European Commission recently relied on this global code to oversee its approved rating agencies.

Congress should build upon these domestic, private sector, and international reform efforts rather than creating chaos by forging a new regulatory plan. To ensure the advancement of good public policy in this area, we need to recognize the work of others. We also ought to provide for the continued legislative oversight of these matters and minimize unintended consequences.

Specifically, the substitute would require the commission to complete its definitional rulemaking on what constitutes an approved rating agency within 60 days of enactment. It would also require the commission to establish public guidance about the process used to identify new, nationally recognized agencies within 180 days of enactment.

The substitute would additionally encourage participating parties to expedite and complete their discussions over the voluntary framework to improve market discipline and enhance rating quality. Finally, it would require annual hearings before the Financial Services Committee to explore the need for further action.

In short, the substitute establishes a globally consistent market-based approach. It protects the quality of ratings, enhances competition, and injects transparency into the process for determining nationally recognized agencies. It also promotes international harmonization; ensures that Congress stays focused on these matters; and gives the commission, which has the foremost expertise on these issues, a seat at the table in developing any future bill.

In Monday's Bond Buyer, the head of JPMorgan's rating advisory group opined that efforts related to the rulemaking to defined approved rating agencies and to establish a voluntary framework consistent with global standards offers a "positive solution" to present concerns. We should heed his advice to balance quality and quantity concerns in order to ensure that investors benefit from the best thinking and the best opinions by passing this substitute.

In sum, Mr. Chairman, the substitute pursues a more prudent course that accelerates and adds to ongoing domestic, private sector, and international reform efforts instead of creating an untested system for establishing nationally recognized agencies. This alternative would also protect investors by ensuring high-quality ratings.

It is the better approach, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. BAKER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Louisiana is recognized for 10 minutes.

Mr. BAKER. Mr. Chairman, I yield myself such time as I may consume.

I want to make clear that there is a difference of opinion as to the appropriate method to move forward and establish that the committee's work product is not frivolously or expeditiously constructed. The committee has worked many long hours and heard from many experts in the field as to the most sound recommendations that could be adopted to effect the changes both sides agree need to be made. In studying the gentleman's substitute, I think it is important to recognize, however, the consequences if the House were to adopt this specific recommendation.

The Kanjorski amendment would establish by sense of Congress that the SEC should continue to negotiate with the NRSROs to form some sort of unidentified self-regulatory model. What has been suggested in the proposal is that offered by the International Organization of Securities Commissions, the acronym IOSCO. The IOSCO code provides for a rating agency disclosure regime, but those who have studied it who do not share its goals point out there is the lack of a meaningful enforcement provision that is so essential, we believe, that is contained in H.R. 2990. It is important that if we do identify conduct that is inappropriate financial behavior, violating one's fiduciary obligation, that the regulatory structure have a mechanism to take away the right to practice. H.R. 2990 would provide that certainty.

And, further, Mr. KANJORSKI's amendment requires the SEC to testify annually for a period of 5 years on the SEC's efforts to improve the transparency of the credit rating agency. Therein, I think, generally not giving much attention on the question of reporting by an agency represents the real thrust of the amendment. It is to continue the dialogue for another 5 years.

Well, we have identified the sufficient problems to bring to the Congress's concern. There is time for action. The time is now. And adoption of the Fitzpatrick recommendation, H.R. 2990, is essential and justified and, I think, essential and justified for us to act today.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I rise both as a Representative of North Dakota and also as a former State insurance regulator, a solvency regulator, to speak in favor of the substitute and against the underlying legislation.

Let me talk about the underlying legislation first. This essentially "go to a laissez-faire, let the market determine rating agency credibility" is a very different departure from the long-established course we have been on with national registered statistical rating agencies.

Just a little textbook lesson here: Transparency is generally regarded as essential to the free function of financial markets. But transparency depends upon the ability of those participating in the markets to know the credit worthiness of the players. These statistical rating agencies make an assessment of the credit worthiness of the players and put the information out so the market can employ it.

Now what they would do is move away from a guaranteed assessment of credibility by a national registry on these statistical rating agencies, and they would let you have this designation for an outfit that has been in existence 3 years, with no evaluation of the competence and the credibility underlying the assessments made by these credit rating agencies. The result, of course, is predictable: widely different quality in the credit assessment brought forward by the rating agencies.

This is very bad business. Very bad business for virtually all involved. For the investors: Well, you want to make an investment, but they say the Humpty Dumpty rating agency gives this a triple star, grade A rating. Well, you don't really know a lot about Humpty Dumpty rating agency, but it sounds pretty good. They are one of these statistical rating agencies because they have been around 3 years, and you make your investment accordingly.

The competence of the Humpty Dumpty rating agency matters, which is why the present approach to the national registry matters. Deregulating it is bad for investors and people will lose money.

Now, if it is bad for investors, you might say, well, that must really be a boon, then, to companies that want to fleece investors by raising capital on noncredit-worthy enterprises. Not necessarily. I think this is bad for companies too. And let me tell you about an experience I encountered as an insurance commissioner.

We had standard rating agencies, and then there was a startup rating agency. It got a lot of press. Inevitably, they kept coming up with more alarming rating assessments of the insurance companies, and that got widely reported in the financial press because it was newsworthy. It was a bit of the "sky is falling" rating agency.

And yet here is how that rating agency made money: If you wanted to call in and get their rating of an insurance company, you had to pay them money to get that information. They made money for every call into their office. So they put out a fancy press release on an insurance company or on insurance company ratings at large, drum up free media coverage, get people calling in, and by the calls, make a lot of money. In the process, I believe they were often very unfair in their ratings and giving a falsely ominous impression of the solvency status of the insurance companies.

So this thing, while bad for investors, it may be bad for companies too because in this proliferation of unregulated rating agencies, you are going to have some rating agencies that just love to tell a terrible story, irrespective of whether it is fair or whether it is not.

So really disconnecting from the Securities and Exchange Commission and to have the majority in the House run this deregulation of rating agencies, ultimately so critical to the function of our financial markets, is, frankly, just a little nutty, not well founded, not well thought out; and it is an idea that ought to be cured by the passage of the substitute, which basically brings it back in line with the quality assurance of nationally registered statistical rating agencies.

I thank the gentleman for yielding.

Mr. BAKER. Mr. Chairman, I yield 3 minutes at this time to the primary sponsor of the legislation, Mr. FITZPATRICK.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, as the bill's sponsor, I rise in opposition to the substitute amendment offered.

It is vital that Congress bring competition, transparency, and accountability to the credit rating industry. And H.R. 2990 would accomplish just that. However, Congressman KANJORSKI's substitute amendment retains the anticompetitive status quo and provides no transparency and no accountability.

The subcommittee amendment offered today has three key components: It requires the SEC to complete its definitional rulemaking; it encourages completion of the voluntarily framework; and it calls for hearings on rating agencies before the Committee on Financial Services.

☐ 1430

First, the SEC has never defined the term "NRSRO," and it has been over 30 years. I doubt that the SEC's illustrious track record on this issue deserves this much faith. H.R. 2990 replaces this vague and undefined system with a registration system and is consistent with the free market principles of our Federal securities laws. The substitute amendment makes no change to this ambiguous and anticompetitive system.

Second, a voluntary agreement offers no real accountability. The SEC cannot enforce violations of the voluntary agreement by rating agencies that sign it, let alone those agencies that are not signatories. H.R. 2990 holds credit rating firms accountable and requires adherence to the credit rating firm's stated methodologies.

Third, there already have been numerous hearings in the Financial Services Committee in the 108th and 109th Congresses. No less than five, dozens of witnesses have been called to testify before the committee, and close to 1,000 pages of recorded and transcribed testimony. The Financial Services Committee has been diligent in holding hearings on this important issue.

Mr. Chairman, in the wake of a seminal failure by S&P and Moody's in the Enron and WorldCom scandals, we must ensure integrity in the credit ratings process. This bill would inject greater competition, transparency and accountability in the credit rating industry. As a result, prices and anticompetitive practices will be reduced, credit ratings quality will improve, and firms will innovate.

Mr. Chairman, I strongly urge a "no" vote on the substitute amendment.

Mr. KANJORSKI. Mr. Chairman, may I inquire as to how many speakers are on the other side.

Mr. BAKER. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from Pennsylvania (Mr. KANJORSKI) has 1½ minutes remaining. The gentleman from Louisiana (Mr. BAKER) has 5½ minutes remaining.

Mr. BAKER. Mr. Chairman, we will have two.

Mr. KANJORSKI. Then I will reserve my time.

Mr. BAKER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY), a valuable member of the Financial Services Committee.

Mr. MCHENRY. Mr. Chairman, I first want to begin by thanking my colleague from Pennsylvania for offering this substitute. I think it is important that on large issues coming before Congress that both sides are heard.

We dealt with this issue in committee. This bill, sponsored by my colleague from Pennsylvania (Mr. FITZPATRICK) was voted out of committee by a voice vote, certainly not a very controversial piece of legislation. Mr. KANJORSKI's amendment, offered in the nature of a substitute as well in the committee, which is substantially the same as he is offering here today, was voted down. So we have already dealt with this and wrestled with this issue in committee.

I also want to talk about the substance of his amendment today. What it does is retain the status quo. In essence, the SEC has endorsed an anticompetitive model for credit rating agencies. There are two dominating credit rating agencies that control 80 percent of the marketplace, and this is because of SEC regulation.

What Mr. FITZPATRICK's bill does is enable the private sector to come forward and actually increase the number of credit rating agencies in the marketplace so investors can decide. So it is a free market piece of legislation.

What Mr. KANJORSKI's bill does is retain the status quo that is anticompetitive, and beyond that, it has no accountability. It is a voluntary regime which Mr. KANJORSKI endorses, without any real mechanism of enforcement, and beyond that, it codifies this chicken and egg problem within the credit rating agencies today.

You have to be a nationally recognized credit rating rated agency in order to be a national recognized credit agency. Now here is the deal. You can operate all you want and call yourself a nationally recognized credit rating rated agency, but unless you are recognized by the SEC you cannot operate.

So, therefore, you are codifying in law a very complicated procedure that the SEC has put in place. It says you cannot actually function in the marketplace without the SEC endorsing it, but in order to get the SEC to endorse you, you have to be in the marketplace and operating. So, in essence, we have a very complicated piece of procedure that the SEC's put in place that is anticompetitive.

Beyond that, Mr. Speaker, in conclusion, I would say that what the gentleman from Pennsylvania is offering in the nature of a substitute is a question of who, not what. This is truly about politics today. I think it is a question of who is sponsoring the legislation, who is moving the legislation, not what the underlying legislation does.

I would ask my colleague to vote with us on final passage, to move forward past this substitute and let us do the business of the House and the business of the people and endorse a free market solution.

Mr. KANJORSKI. Mr. Chairman, I think I have the right to close, so I will reserve my time.

The Acting CHAIRMAN. The gentleman from Louisiana (Mr. BAKER) has the right to close.

Mr. KANJORSKI. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I listened to the last speaker with somewhat dismay. He tended to quote a lot of votes. Yes, there was a vote that passed this on from the committee to the floor, and after the preceding vote that was held by the committee on the substitute he failed to inform the House that there were 35 against the substitute, 31 in favor of the substitute. This did not come out of the committee without contention. It came out on the voice vote because we saw the count was 35–31. We did not call for a vote.

Secondly, the gentleman charges my suggestion of the substitute as a definition to define and maintain the status quo. Either he has not looked at the substitute or we define the status quo in different proportions because this substitute does several things.

First and foremost, it would require the Securities and Exchange Commission to complete its definitional rulemaking of what constitutes an approved rating agency within 60 days of enactment. That does not give them unlimited time to continue to pursue. Within 60 days they have to have the definition.

The second position, it would require the commission to establish public guidelines about the process used to identify new nationally recognized agencies within 180 days of enactment, within 6 months. That is hardly the status quo.

Then, finally, we would encourage continuation and participation of the parties to expedite and complete a voluntary framework to improve the discipline and enhance rating quality.

This substitute accomplishes several things, moves the process along but does not create an entire new entity and process which is contradictory to international agreements and other conditions held throughout the world.

I urge the adoption of the substitute.

Mr. BAKER. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, it is appropriate, I think, to perhaps review the subject matter at hand from a little higher altitude than the debate has taken us.

We have an obligation in this House to ensure that hardworking American families who invest their money in the markets can do so in the most safe and sound manner possible. What we now know about the function of the credit rating agencies over the past decade is their performance has been less than what we should expect. In fact, days before corporate failures, they continued to report the highest investment grade analysis on many troubled companies. We know that we must act to ensure that pension fund investors, managers of perhaps rather large public schoolteacher or public employee investment funds have the best tools available to ensure that innocent third parties are not harmed by abhorrent actors in the capital markets.

I can assure my colleagues that this proposal moves us in an improved direction. Certainly, any legislation can be improved upon, but the bill we have before us is fully warranted, fully justified, and it is now timely for this House to act.

I commend Chairman OXLEY for his continued leadership in trying to bring out fiscal accountability in the capital markets. I commend Mr. FITZPATRICK for his hard work on this measure. But I ask this House to turn down the Kanjorski substitute and adopt H.R. 2990 as recommended by the Financial Services Committee.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 222, not voting 12, as follows:

[Roll No. 367]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Culberson
Davis, Jo Ann
Evans
McNulty
Northup
Peterson (PA)
Platts
Ros-Lehtinen
Sessions
Slaughter
Tiahrt
Watson

□ 1503

Mr. CARTER and Mr. HEFLEY changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHUGH) having assumed the chair, Mr. SWEENEY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2990) to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry, pursuant to House Resolution 906, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OXLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2990 will be followed by a 5-minute vote on the motion to suspend the rules on H.R. 5646.

The vote was taken by electronic device, and there were—ayes 255, noes 166, not voting 11, as follows:

[Roll No. 368]

AYES—255

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter

Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof

Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering

Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—166

Abercrombie
Ackerman
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan

Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle

Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Israel

Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)

Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta

Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—11

Davis, Jo Ann
Evans
Fattah
McNulty

Northup
Platts
Ros-Lehtinen
Sessions

Slaughter
Tiahrt
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1521

Mr. COSTELLO, Ms. CORRINE BROWN of Florida, and Mr. MEEKS of New York changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TO STUDY AND PROMOTE THE USE OF ENERGY EFFICIENT COMPUTER SERVERS IN THE UNITED STATES

The SPEAKER pro tempore (Mr. SWEENEY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5646, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 5646, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 4, not voting 11, as follows:

[Roll No. 369]

YEAS—417

Abercrombie
Ackerman

Aderholt
Akin

Alexander
Allen

Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro

Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)

Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne

Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Flake
Jones (NC)
Paul
Pickering

NOT VOTING—11

Davis, Jo Ann
Evans
Fattah
McNulty
Northup
Ros-Lehtinen
Sanders
Sessions
Slaughter
Tiahrt
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

☐ 1530

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2990, CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2990, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WE MUST DO BETTER FOR OUR SENIORS

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, the Government Accountability Office recently released a report showing that Medicare providers are failing our seniors when it comes to providing information about their prescription drug coverage. The GAO report says that the phone centers operated by private Medicare providers gave accurate and complete answers only one-third of the time when people called. On more than half of the calls, inaccurate or incomplete information was given, and in 15 percent of the calls, no information was given.

It is absolutely inexcusable that providers seem to be incapable or unwilling to provide beneficiaries with good information. Our seniors should not be treated like this. Medicare must guarantee that these providers give accurate and complete information.

But this also points out another problem. If Medicare providers do not yet understand these plans, how can our seniors? Congress must act to give seniors more time to sign up for a drug plan without the lifelong penalty they are now facing. Seniors should also be given a chance, if they have a plan that is not working for them, to immediately change that plan. We see there are many problems with this program. Seniors need to be given more time.

Mr. Speaker, we must do better for our seniors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JINDAL). The Chair will remind all persons in the gallery that they are here as guests of the House and any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SILENT BACK DOOR OF ILLEGAL ENTRY—PUERTO RICO

Mr. POE. Mr. Speaker, I ask unanimous consent to take Mr. OSBORNE's time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, more news from the front: The border war continues. Our terrorist field hearings last week proved one thing: The vulnerabilities on our southern border are monumental. But it is not just our southern border coming under attack. It is Puerto Rico, that silent back door of illegal entry into America.

This is something that we should be concerned with. Border agents there report a staggering lack of security. In fact, you can count on one hand the number of field agents that they have in Puerto Rico on patrol at any given time. Only four active patrol agents patrol this island at once, and they only have 23 agents on the whole island assigned to patrol an island with 363 miles of coastline. These field agents find themselves isolated with these limited resources. Our government even cherry-picks border agents there to send them to other spots, like our southwestern border.

What could be more vulnerable than one agent patrolling 90 miles of coastline? Even the Blackhawk helicopters that they used to use are so broken down they don't even fly anymore.

While we watch the southern border, the human smugglers, narcotics traffickers; and terrorists are not only watching our southern border, they are watching Puerto Rico, knowing it is an easy, back door gateway to America.

With rumors of amnesty spreading throughout the world, especially Latin America and Asia, human smugglers are seizing the moment, causing crime and violence at the borders to skyrocket.

This year Federal immigration officials say the waters off of Puerto Rico are filled with more human cargo than they have ever seen before. The tiny island just off Puerto Rico's coast, Mona Island, is a jumping-off spot for people who wish to illegally enter America.

Last year, it was the site of more than 6,500 arrests of illegals traveling on rickety wooden boats called yolas. They storm Puerto Rico's beaches as if they were troops landing at Normandy or the Marines in World War II as they island-hopped in the Pacific.

Out of 10 illegals that are crammed on one of these boats, border agents say they are lucky if they are able to capture two of them. And the smugglers who arrange these deadly and illegal invasions into Puerto Rico have seen a spike in their business.

In 2001, for example, less than five Cubans were captured on Mona Island illegally entering the United States. But in the past 9 months, almost 600 have arrived; and they pay between $1,500 and $2,000 apiece to their human smugglers, and the human smugglers have yet to be prosecuted. It is so lucrative smuggling humans in the United States that it pays even more than trafficking drugs.

But the most dangerous cargo are possible terrorists from Middle Eastern countries, China and Korea, that are easily masked by the thousands who rush the border monthly, thousands who rush the beaches; and Puerto Rico's leaders are worried that the island's drug traffickers could collaborate with terrorist organizations. Because, you see, once people get to Puerto Rico, they are home free to the rest of America if they do not stay in the Puerto Rico vicinity. They could stay there and destroy vital infrastructure that we have in Puerto Rico. For example, one of the two insulin plants that exist in the whole world is in Puerto Rico.

And, of course, Puerto Rico is unique because it has a cruise business. We don't have much of a cruise business down on the Texas-Mexico border with the Rio Grande River, but they certainly have a cruise business in Puerto Rico. It makes a unique security problem for the United States, so we certainly need to beef up border security in this area.

Once in Puerto Rico, illegal immigrants easily obtain false identification like birth certificates and driver's licenses. They fraudulently claim on these birth certificates and driver's licenses that they are U.S. citizens. So once they have convinced individuals at the border they are U.S. citizens, they easily assimilate into America. One official says getting a fake document in Puerto Rico is like getting a candy out of a candy jar.

And airport security is not an obstacle either. At the airport on the northwest portion of the island, the 4:00 a.m. flight to the mainland of the United States, it is always full of people, but the Border Patrol is never there because they don't have enough agents to cover that portion and time zone.

Mr. Speaker, Puerto Rico is an important part of America. It enjoys a unique relationship with the continental United States. It is part of America's homeland, and it is worth protecting from the sea of invasion by illegals.

It is important that we have more border agents in Puerto Rico, and Puerto Rico needs the services of the U.S. Coast Guard. It cannot become the silent back door of illegal entry into the United States. It is a homeland security problem, it is a border security problem, and it is a national security problem.

And that's just the way it is.

IRAQ OCCUPATION

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim Mr. BROWN's time.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, the bodies of 20 kidnapped and murdered bus drivers were found in Iraq today. That occurred just before a suicide bomber walked into a Baghdad restaurant and blew himself up, killing seven people.

Then Secretary of Defense Don Rumsfeld arrived on an unannounced visit and said: "Each time I come to Iraq, I see progress." That is a direct quote from the UPI.

Iraq is convulsed by sectarian violence. It is a nation disintegrating into homicidal chaos. It is a killing zone where Iraqi citizens purchase fake documents in hopes of staying alive if confronted by militias. It is a place where the killing has moved from the streets to inside the homes of Iraqi citizens. It is a country whose leaders acknowledge it is on the brink of all-out civil war, and the President's secretary of war, the man controlling the fate of 129,000 U.S. soldiers in Iraq stands up and flat out misleads the troops who don't get to go home to the United States at the end of the day like Mr. Rumsfeld does.

America's independent government watchdog agency, the Government Accountability Office, just released a report that confirmed what everyone except the President and his political appointees already know: There is no adequate plan to stabilize Iraq, and the occupation by U.S. forces is fueling the sectarian violence.

Rumsfeld can claim things are getting better to reporters while standing inside a fortified U.S. base, but that flies in the face of the facts. U.S. troop strength in Baghdad has been increased from 40,000 to 55,000 people. The Los Angeles Times reported on Sunday about rampant corruption inside the Iraqi security forces, including direct ties to the insurgents.

Our soldiers are becoming surrounded by a growing insurgency, and the civilian leader says things are getting better.

Secretary Rumsfeld was going to meet with Iraqi government leaders to tell them how to deal with the crisis. He told reporters he was going to tell the Iraqi leaders to do this: "They are going to have to persuade as many people as possible that it is in their interest to support the government and participate in the political process." He went on to say, "And anyone who doesn't want to, they're going to have to go find and do something about."

He neglected to say that plan was tried and failed last month. It was called Operation Forward Together, and it didn't work. How could it?

The presence of an occupying force is fueling the violence. And despite the fact there are 267,000 Iraqi security forces, the American people are told repeatedly that they cannot defend Iraq on their own.

Three years later, the only plan the President and the secretary of war can articulate is to "stay indefinitely." Our military generals know full well this so-called plan guarantees more needless U.S. casualties, and Iraqi leaders know it guarantees more sectarian violence.

In the past, I and others have called for the resignation of the Defense Secretary, Mr. Rumsfeld. Today, I offer a better plan. The President should keep his political appointee. In fact, the President should transfer Secretary Rumsfeld to Iraq. He should be stationed there until every last U.S. soldier leaves the Nation we are now occupying.

□ 1545

The Secretary says he sees progress every time he visits. Imagine what he might see by actually living and working there.

There is no higher priority for the President, the U.S. military and America these days than Iraq. It stands to reason that the President's military appointee should be directly able to report for duty in Baghdad. Rumsfeld could personally work with the leaders of the Iraq government and show them how to implement his plan. By working in Iraq, the Secretary could accept direct responsibility for generating more of what he calls progress every time he visits Iraq. He could show America and the rest of the world the progress that only he and the President pretend to see.

The only true thing we can say about Iraq today is that it is on the brink of dissolving into unspeakable violence.

We cannot pretend our way out of Iraq, and we cannot pretend that the Iraqi people believe that our presence is stabilizing the country.

Iraq needs a plan that does not include the occupation of that country by foreign soldiers, including U.S. soldiers. Until this administration admits that it cannot shoot its way to victory, Iraq will grow more and more violent.

If Defense Secretary Rumsfeld was stationed there, America might finally get an honest assessment of the war and a road map to peace.

HONORING "DOC" LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to honor Mr. William Henry "Doc" Long, a decorated World War II veteran and a successful businessman. He has dedicated his life to serving his country, his community and his family, and that is why I honor him today.

Long before Doc owned many successful family businesses in North Carolina, he served in the highly decorated 79th Infantry Division in the U.S. Army. Every living American directly benefits from the actions of the men of the 79th, and the many military units of the World War II era.

While in France, Doc was wounded when he was hit in the left side of his chest. As he lay in the cold night for 18 hours, he was wounded again. When he was found the next morning and taken to the aid station, his clothes and shoes had been cut off. But his personal belongings, just a wallet and a small pocket New Testament with his name inscribed on the front, were saved.

After a few days, Doc noticed that his Bible, which was given to him by his aunt, had been hit by a piece of shrapnel which went through the entire Bible but caught the outer binding. Doc stated that the Bible, which he kept close to his heart, was a gift of life because it prevented the shrapnel from piercing his heart.

After he was wounded Doc was awarded the Purple Heart with the Oak Leaf Cluster, in addition to numerous other medals, including the Bronze Star, European-African-Middle Eastern Campaign Medal, Good Conduct Medal, American Campaign Medal, World War II Victory Medal, and the Combat Infantryman Badge.

After the war, Doc started his first trucking and construction business, Long Brothers of Summerfield, with his brother James. In 1952 the brothers started Long's Asphalt Paving of Greensboro. Later Doc and his brother split the companies. Since then, Doc's children have joined their father in his business and, with Doc's help, have owned or started their own businesses.

Doc and his late wife, Doris Westmoreland Long, were married for 44 years. Doris died in 1990, at the age of 66. Together the Longs have three children, Gurney Long, Patty Long-Hill and Charles, who passed away unexpectedly last year. They also have a number of grandchildren and great-grandchildren.

Today, at 82, Doc still loves to participate in the business decisions and operations of his founding companies. In 2003, Doc helped two of his grandchildren start a business, and they proudly adopted his original company name, Long Brothers. This company is now located in Winston-Salem, where they successfully operate 20 trucks and employ 23 full-time employees. These endeavors are commendable because only 3 percent of family-owned businesses ever make it to the third generation.

I ask my colleagues to join me in honoring Doc for his devotion to his family, his perseverance in all his business ventures and his honest and faithful service to his country during World War II. His story should be an inspiration for us all.

CLOSING OF CIA'S BIN LADEN UNIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the more President Bush entangles this country of ours in the Iraq occupation, the less committed it seems he is to the real national security threat we face, global terrorism, al Qaeda and Osama bin Laden.

Over the holiday weekend, when few people were paying attention, it was reported that the CIA has closed down "Alec Station," its special unit that was charged specifically with tracking down and capturing Bin Laden.

We've sure come a long way since the immediate aftermath of 9/11, when the President promised to get him, dead or alive. So much for Sheriff Bush. The tabloids are doing a better job of hunting down Tom Cruise's baby than this administration is at finding bin Laden. But this latest decision is of a piece with the Bush approach to bin Laden.

In the fall of 2001, he had bin Laden cornered at Tora Bora, but the President let him get away by relying on local warlords rather than moving American troops in to finish the job.

And a few months later, at a White House press conference, the President's cavalier approach to bin Laden was on full display. "I don't know where he is," the President said. "I just don't spend that much time on him. I truly am not concerned about him."

Well, 300 million other Americans are concerned, and they want to know why we can spend hundreds of billions of dollars to occupy and foment civil war in Iraq, but we can't maintain a single intelligence operation office devoted to apprehending the man responsible for the murder of thousands of Americans. And this from a President who has never missed an opportunity to wave the flag of 9/11, to exploit that tragedy in order to score political points and justify the reckless use of American power in Iraq.

The evidence is clear. This President is not serious about fighting terrorism. If he were, he wouldn't have diverted energy and resources away from the struggle in order to chase this white whale in Iraq.

Saddam Hussein, as we know by now, was not an ally of bin Laden's and was not a threat to U.S. security. But by invading Iraq, President Bush has turned that devastated country into a jihadist breeding ground and made all of us less safe. The Iraq war has created terrorists rather than stopping them.

There is only one answer. It is time to bring the troops home and end the occupation of Iraq. Then we can redirect our resources, military and otherwise, toward finding bin Laden and pursuing a true counterterrorism strategy, a counterterrorism strategy that instead of invading countries willy-nilly, makes use of multilateral partnerships and strong intelligence capabilities.

That, in addition to toppling the Taliban, would be the proper way to respond to 9/11. That would be the right strategy to meet the national security challenge of our time.

RAIL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. First of all, Mr. Speaker, I want to thank Congressman BENNIE THOMPSON for his hard work on the Homeland Security Committee and for working with the Transportation Committee in developing very important and long overdue rail and transit security legislation.

Yesterday, in India, bomb blasts ripped through their commuter rail network, killing 142 people and injuring over 350. This is a terrible tragedy and again raises the serious question as to whether we are prepared in this country for a similar attack. Sadly, the answer is no. No.

When it comes to rail and transit security in this country, this administration, the Bush administration, and this Congress deserve an F for failing to develop a plan to protect our daily transit and rail commuters from harm.

It has been over 2 years since the train bombing in Madrid, 3/11/04, and just last week the 1-year anniversary of the transit bombing in London. Yet the Bush administration has done nothing to protect this Nation's freight and transit rail system and its millions of passengers.

We spend over $1 billion a week in Iraq. Let me repeat that. We are spending over $1 billion a week in Iraq. We are spending over $1 billion a week in Iraq, and yet the Bush administration can only come up with a measly $136 million to protect this Nation's rail and transit system for an entire year. That is pathetic. But that is the kind of fuzzy math that this administration is famous for, and it needs to stop before American citizens pay the price for this stupidity.

We can't keep treating our rail infrastructure as second class citizens. We have dedicated billions of dollars to the airline industry and created a grants program for the ports. But we have done little to invest in the security upgrade of our rail infrastructure needs.

Fortunately for the traveling public, the legislation introduced by Congressman THOMPSON and myself and other Democratic Members require comprehensive security plans. And let me just say, security should not be a Democratic issue or a Republican issue. It should be an American issue. Clear up the red tape. Improve training and exercise programs, improve communications and intelligence, share authority and $400 million in security improvement grants per year and add $26 million for additional rail inspectors.

Most important, it will help make sure our community, our first responders and our rail workers are safe. These are the concerns I hear over and over again as ranking member of the Railroad Subcommittee. And I believe that this legislation takes the necessary steps to create a rail security program that protects passengers and keeps the trains running on time. The millions of Americans who use trains and transit for travel each year deserve no less.

RAIL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Mr. Speaker, last week marked the first anniversary of the London subway and bus bombing, which killed 56 people and injured more than 700 others.

Yesterday, we were reminded again of the terrorist threat to rail and public transportation systems when terrorists attacked trains in Mubai, India, killing over 100 and injuring far more.

The victims of these attacks were ordinary people, not that different from many Americans who are going about their usual routine of commuting to work, school or terrorist sites.

After the London bombing, Congress called on the administration to move quickly to reinforce our Nation's rail and public transportation systems to prevent such an attack from happening on American soil. Just last month, we learned that this threat is real when it announced that al Qaeda had planned to attack New York subways using poisonous gas.

Yet, nearly a year after the London attacks, Mr. Speaker, the Bush administration has failed to produce a comprehensive strategy to secure America's rail and mass transit systems.

The administration also continues to focus almost exclusively on aviation security, spending $9 per air passenger, compared to only one penny per rail and public transportation passenger.

The administration has also failed to ensure the front line employees of rail and public transportation systems are trained on how to prevent, prepare for and respond to a terrorist event.

Finally, Mr. Speaker, the administration has failed to devote significant resources to rail and mass transit research and development.

□ 1600

Yet we all know that the only way we can truly secure subways and buses, which carry millions more passengers than airplanes, is through new technologies.

To close these security gaps, last month Congresswoman BROWN, myself, and other Democrats introduced the Rail and Public Transportation Security Act of 2006. This bill will require the Department of Homeland Security to secure rail and public transportation systems using many of the same tools it is already using to secure ports.

First, this bill requires a National Rail and Public Transportation Security Plan. Second, the bill requires rail and public transportation systems to submit vulnerability assessments and security plans for approval. Third, the bill requires rail and public transportation systems to train their employees on how to prevent, prepare for, and respond to terrorist attacks. Finally, the bill provides the resources and manpower needed to truly increase security.

First of all, we plan to provide $400 million in authorized expenditures for a grant program dedicated to rail and public transportation security. Secondly, we authorize $150 million over the next 3 years for advanced research and development to uncover new solutions to the security threats faced by rail and public transportation systems. Finally, Mr. Speaker, $26.4 million per year is authorized over the next 6 years to hire 1,200 new rail security inspectors. For the record, there are only 100 rail inspectors in the country as we speak.

This Democratic bill provides genuine solutions to the security threats faced by rail and public transportation systems here in America. I urge my fellow Members on both sides of the aisle to support it.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 9, FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–554) on the resolution (H. Res. 910) providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965, which was referred to the House Calendar and ordered to be printed.

IRAQ

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that I be allowed to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LYNCH. Mr. Speaker, lately it seems that the national debate over the next move in Iraq has become bogged down in a way that really reflects the military struggle itself. The administration has dug in, believing that simply staying the course, we can simply outlast the military insurgency.

Conversely, there are some in my party who, angered understandably by war under false pretenses, are seeking a pell-mell evacuation complete with a publicly announced evacuation date, which I think makes the withdrawal of 136,000 troops more dangerous and more difficult.

But, Mr. Speaker, drawing upon the lessons of history, I would like to propose a third way: creating a mechanism to more effectively empower the new elected Iraqi Government, which will allow for a gradual but permanent U.S. troop reduction.

Mr. Speaker, I would like to take a moment to talk about a process that we went through in my office after five visits to Iraq to try to find a model that would allow us to shift the governmental operations in Iraq away from the U.S. military and to their new government. And the example that we came up with, that has been used by this government in the past, is actually the model that was developed during the Second World War.

In 1944, after driving Japanese forces from the Philippines with the help of the Filipino resistance, the United States military, like today in Iraq, found itself in complete control of the Philippines, over 7,000 islands. It found itself in complete control of the basic services that government would provide in the Philippines. And because of the recent occupation by Japanese forces, there was no incumbent government in the Philippines that could take the responsibilities for these government operations.

So, by default, the U.S. military took over these government operations; and while U.S. policy at the time strongly supported Filipino independence, the military had no choice but to temporarily exercise control under the fragile circumstances.

Clearly, that situation could not endure indefinitely. And what Congress did next, in 1944, under the tutelage of John W. McCormack and the Franklin Delano Roosevelt administration, and later the Truman administration supported, was instructive and I think worth repeating.

In 1944, this Congress passed and the President signed the Filipino Rehabilitation Act, which created a national commission comprised of three appointees each from the White House, the Senate, and the House, and their mission was to plan and coordinate and oversee the transition of government operations away from the U.S. military and over to the newly forming Filipino government.

Of course, there are certain arguable differences between the situation in the Philippines in 1944 and Iraq in 2006. However, after my five visits to Iraq and dozens of meetings with General George Casey and top generals in his office and in the field, as well as Iraqi President Jalal Talabani and members of the Iraqi Council of Representatives. I believe the critical weakness in our current strategy is this persistent inability to empower the new Iraqi Government.

With this in mind, I recently introduced the Iraq Transition Act of 2006, H.R. 5716, drawing from the Philippines model. And I give credit to those in 1944 who devised this. This is not original thought; this is borrowed from their example.

I have proposed the establishment of a national bipartisan commission comprised of appointees, again from the White House, the Senate, and this House, whose specific and targeted purpose would be to help facilitate the orderly, deliberate, and expeditious transition from U.S. military control to Iraqi civilian control of operations of government in Iraq. It is important to remember that the transition to civilian control in Iraq is a political process, and while I have many times witnessed the excellence with which our military has performed in Iraq, I also believe it is a strategic disservice to the military for us to add political reconciliation to the massive burdens of security and reconstruction that they are now shouldering.

Simply put, the newly created Commission on Iraqi Transition would be held directly responsible for working with the military leadership and the Department of State to accomplish the transition to Iraqi civilian control of government operations in Iraq and to regularly report its progress to the Congress, the President, and the American people.

While this approach may not satisfy the "stay the course" advocates or those who would prefer to announce a specific date for withdrawal, I believe it offers a responsible and workable plan for two important reasons.

In closing, firstly, this bill introduces a level of direct accountability to the political transition process that does not now exist and has made measuring progress extremely difficult. And secondly and lastly, it has precedent and success to support it and offers the best opportunity for the earliest withdrawal of U.S. forces, while leaving the Iraqi people with the greatest chance for preserving their newly found democracy.

I look forward to working with my colleagues.

TRADE BALANCING ACT OF 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, newspapers across the world today carry the story that China has hit a new record in terms of its exports to countries like the United States. Surges in exports all over the world demonstrate that since last year, the Chinese have actually increased their exports by over 25 percent, and since the beginning of this year by 55 percent.

Truly, this Nation is the dump market of the world. We are absorbing everybody else's imports, and nations like China are not taking as many exports as they could from us in order that we have a balanced trade account. Newspapers like the Toronto Star indicate that this new record surpasses the record that was set last month in May.

As you think about the outsourcing of jobs in the United States of America, going to Mexico, going to China, it is very interesting that the United States is cashing itself out in order to float its currency and its borrowings during this period of time when the Bush administration and its allies here in the Congress are driving us into deeper and deeper debt, more and more borrowing. This is a reciprocal of that kind of phony economy here at home.

In China, even the Chinese admit that that country needs to rely more on domestic demand, selling things inside their own country rather than exporting everything to the United States. And if China's industrial boom, and they grew about 10 percent since the beginning of this year, is to be sustained, they have to start selling to their own people.

Years ago, they said the answer to the trade issues with the Asian countries, the Asian tigers, is to manipulate the currency rate. So you hear a lot of discussion in this country about the Treasury trying to rig the relationship between the yuan in China and the U.S. dollar. But the facts are that the United States is in a huge trade deficit with almost every other industrial country in the world, and we are having to borrow in order to float the borrowings that we are doing on the trade accounts in order to sustain the hollowing out of our economy.

Recently Maytag announced its closure in the State of Iowa. All the way back to when Goodyear first closed in Los Angeles, we have a reborn steel industry. Our steel industry was killed back in the 1980s, but guess what. It has been reborn all through foreign ownership. We don't even own it anymore.

Won't the American people recognize what is happening to the real wealth creation of this country?

I do not want America to be owned by transnational corporations that have no loyalty to the United States of America and the values for which we stand.

This is the latest example of why we never should have had permanent normal trade relations passed with China, because it only digs us deeper and deeper and deeper into debt. Our people do not have good middle-class jobs. They cannot hang on to their pensions. Their health benefits increase in cost. And we literally are making our children, as graduates of the colleges across this country, debtors, because we cannot even pay the educational bills of the next generation. What a sorry state to begin this new millennium and this 21st century here in the United States of America.

I am deeply distraught by these latest numbers from China, and surely, at a minimum, Members of Congress should sponsor my Trade Balancing Act of 2006, which basically says to any Presidential administration, if we have more than $10 billion of debt in trade with any nation in the world, we ought to go back and figure out why we do and then renegotiate those trade agreements.

We cannot depend on fiddling around with currency manipulation because they told us if we did that with Japan back in the 1980s, our accounts would just look terrific. If the dollar and the yen came into balance, the trade accounts would heal. But guess what. They never did because you know why? Japan never opened its market to our goods. And neither will China. So you have to deal with the Asian tigers in a different way.

Surely, surely this should be a wake-up call to the American people. Surely, surely this should be a wake-up call to the Members of this Congress who could change the trade laws of this country in order to create a balanced trading environment, a level playing field where our businesses, where our workers, where our communities have a chance to compete again.

Mr. Speaker, I will include in the RECORD this article from the Toronto Star, the title of which is "China's Trade Surplus Hits New High."

And I would have to say as it hits a new high, America's economy hits a new low here at home.

[From the Toronto Star, July 11, 2006]

CHINA'S TRADE SURPLUS HITS NEW HIGH

(By Elaine Kurtenbach)

SHANGHAI—Month after month, China's export-driven economy pushes its trade surplus with the rest of the world to new heights.

June was no exception. Yesterday, China reported that its global trade surplus rose to a record monthly high of $14.5 billion (U.S.), after a record $13 billion surplus in May.

The data from China's Commerce Ministry is sure to raise the likelihood of more tension over Beijing's currency controls, especially with the U.S., which is one of China's $202 billion in 2005, has fanned antagonism over the persistent imbalance between the two countries. That figure is bigger than China's global trade gap because China has trade deficits with some nations.

June's increase raised the trade surplus for the first half of the year to $61.5 billion, a 55 per cent jump over last year's first-half surplus of $39.7 billion.

The surge in exports also has worried China's economic planners, who say the country needs to rely more on domestic demand than on exports and Investment to fuel growth if its industrial boom is to be sustained.

The economy grew at an annual rate of 10.3 per cent in the first quarter of the year.

First-half figures have yet to be released but state media reports, citing authoritative government officials, have said it likely would remain at about 10 per cent.

But he added "these numbers suggest that the PBOC is fighting back effectively."

The latest trade figures were likely to ratchet up complaints over China's currency controls, which its trading partners say keep the value of the yuan artificially low, making the country's exports cheap in overseas markets.

China still limits daily movement in the yuan's value to just 0.3 per cent above and below its daily official rate. Chinese officials have pledged to make trading more flexible, but have shied away from setting a timetable.

In the meantime, the yuan has risen about 1.5 per cent since it was revalued by 2.1 per cent against the dollar to 8.11 yuan per dollar.

THE FEDERAL DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, with very much fanfare yesterday, the President held a press conference to claim vindication for his economic stewardship and his fiscal policies. He announced, and I just now calmed down, that the United States Government would only have a $3 billion Federal deficit for the fiscal year 2006.

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By this administration's standards, this qualifies as a monumental achievement? $300 billion deficit and the President wanted applause for what he had done because after creating the three largest deficits in history, you are making progress if you do not set any standards or any records.

This time it is only the fourth largest deficit ever in the United States. In the Nation's capital, the President's budget is becoming known as the "World of Diminished Expectations." Let us go back a little.

In 2001, President Bush inherited a surplus of $284 billion, and it was predicted by the year 2006 we would have a surplus of $516 billion, and they are only off by $800 billion. By Washington's standards, that is just a rounding error. So it makes sense to put away the champagne glasses for a while.

In addition to celebrating the fourth highest deficit ever, the President touted the significance of his tax increases. What he did not know is, in his administration, we have added $3 trillion to the Nation's debt, $3 trillion in 5 years, the largest increase in the Nation's debt in the shortest period of time ever in American history, $3 trillion, and on the present course, with Iraq spending and spending by the Federal Government and the revenue structure, we are on course to add another $1 trillion in 5 years.

Now, here is what Greg Mankiw, the President's former Chief Economic Adviser, said about the President's claim that his tax cuts can be paid for and actually help on the economy: "There is no credible evidence" that "tax revenues rise in the face of lower tax rates." That is the President's own economic adviser. He went on to compare an economist who says that tax cuts can pay for themselves to a "snake oil salesman trying to sell a miracle cure."

The Economist magazine recently wrote, "Even by the standards of political boosterism, this is extraordinary. No serious economist believes President Bush's tax cuts will pay for themselves."

Not only have they not paid for themselves, they have left a huge burden on the middle class families and their children for generations to come to pay for.

Let us look at what is also happening in the President's economic stewardship.

In July of 2001, 5 years ago, under President Bush gas was $1.33 a gallon. Today, in Chicago, my district, it is $3.40. It has more than doubled. Health care costs have gone up 73 percent in premiums to $11,000 a year for a family of four. College costs for a 4-year college education at a public school is up 38 percent. And incomes, the median income in this country has declined 2.3 percent.

So while college costs have gone up, energy costs have gone up, health care costs have gone up, the savings rates in this country are down in negative territory for the first time since World War II. Median incomes are flat, and the President wants your applause for a $300 billion deficit because it is so good.

So while the prices have spiraled out of control for middle class families and the standard of living is coming under increasing pressure from the global economy, energy costs, health care costs, college costs, savings rates, incomes have not gone up, in fact they are flat to declining. The American people need a raise. It is that simple.

Now, the well-to-do are doing well. It is time we make sure that this government is working on behalf of the American people, not the American people working on behalf of their government. We do not have to go back so far as to remind people what happened in the past when we had an economic strategy that put our fiscal house in order and invested in the education, health care and energy independence of this country. We created 22 million jobs in the 1990s, record unemployment. We had low inflation, below 2 percent, a balanced budget and a surplus 3 years in a row, and we began to pay down the debt. Welfare rolls declined. Poverty went down. Children's health care coverage went up. All the while we also provided the middle class a tax cut so they could send their kids to college known as a HOPE scholarship and the lifetime earning credit. Anytime you want to go back to college, you got a tax cut to do so. So you had the skills and the capability to do what you needed to do to compete in a global economy.

That is when your government is putting its fiscal house in order, being responsible for your dollars and investing in education and health care independence. It is time for new economic priorities. It is time for a change. It is time to put the government back on the side of the American people.

FAILED FISCAL POLICY OF THE BUSH ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Well, following up on the theme of the failed fiscal policy of the Bush administration, I would like to emphasize two points made by my colleague.

The President's bragging on a $300 billion deficit. That means the government's borrowing about $800 million a day, $800 million a day to run the government, and they are handing the bill to future generations. He is bragging on that as great achievement, but that is not the whole story. He is also borrowing $182 billion from the Social Security surplus this year. So he is also borrowing from present and future generations. The total borrowing by the Federal Government this year will be $482 billion, and the President's bragging on it, and that means we are borrowing $1.3 billion a day to run the government, borrowing against the future, sending the bill to working Americans because we do not want to tax the rich people anymore, and the corporations are moving offshore to avoid taxes.

It is an extraordinarily fiscally irresponsible position for this government, and it is just part of the many failures of this administration, but I am going to talk about another failure today, one where the President has said we are also setting new records, trade policy.

America, month after month after month, is running larger and larger trade deficits. We are hemorrhaging jobs overseas to countries that exploit labor, countries like China where people work for 25 cents an hour they are so desperate, where they are not allowed to form labor unions, where U.S. capital is feeding their technological investment from corporations who are moving away from our country but want to sell their goods here.

Our trade deficit with China was $17.7 billion last month. One month, we borrowed $500 million a day from China to buy stuff from them that we used to make here in the United States of

America. That is not sustainable. We are losing the jobs and we are mortgaging our future, and someday that debt is going to be called in by the Chinese and others.

The trade deficit overall went up to $63.8 billion. We are on track to have a trade deficit of $765 billion this year. Now, that is a lot of numbers. What does that mean? We are borrowing over $2 billion a day, $2 billion a day from foreign interests, number one being China, number two Japan, and others, to buy stuff made overseas that we used to make here. And the Bush administration touts this as a great success, free trade. Why?

Well, because the corporate CEOs, who have outsourced their jobs to China, are getting huge and growing compensation, an average of $12 million. They live in gated communities. They send their kids to private schools. They fly on private jets. They go to private resorts. They do not care about public infrastructure or public education. They do not care about the rest of us in this country. They do not even care about the American workers anymore because they are making stuff overseas. All they do is hope our credit cards hold up a little bit longer so we can buy more of the stuff they made over there that might be a tiny bit cheaper and put it on the credit card and they can cash in and get out of town before this house of cards collapses.

So we are borrowing over $1.4 billion a day to run the government. We are borrowing $2 billion a day to buy stuff made overseas, and President Bush is telling the American people that things are great and getting better, but on Main Street, America, they know that is not true.

Now, in the country clubs and in the boardrooms, sure, better than ever. Corporate CEO pay went up last year about 10 percent, about $1 million on average, which happens to be 100 times what a minimum-wage earner earns in this country. That was just their increase. The minimum wage has not gone up in 9 years. The Republicans refuse to bring it to the floor of the House because they are favoring these corporate CEOs. God forbid, they should pay more in taxes, and God forbid, they should have to pay the minimum-wage people who wait on their tables, who park their cars and who mow their lawns any more money. It would be a hardship for those rich folks.

So this is the Bush economic success. We are borrowing from overseas. We are borrowing from the Social Security Trust Fund. We are borrowing from other investors. We are financing it on the credit card, and they tout this as great for our country and a strong economy. What a lie.

GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, as Congress prepares to leave for the August recess, American families are being forced to make significant sacrifices just to be able to afford to drive to work, let alone try to take their family vacation this summer. I find it appalling that this body has not properly addressed high gas prices.

Over the Fourth of July, the national average price for a gallon of gas was approximately $3.00. Gas prices in my northern Michigan district exceeded $3.00, with many areas seeing a 20 to 25 percent increase in gas prices in 24 hours from July 2 to July 3, just in time for the July 4th holiday.

For almost a year now, we Democrats have been calling on the Republican leadership to allow a real price gouging bill to be passed into law.

One hundred thirty-five Members of this body have signed a discharge petition requesting that my legislation, the Federal Response to Energy Emergencies Act, the FREE Act, be brought to the floor for a vote.

After continuing lobbying from Democrats, Republicans finally introduced their own legislation, which was called price gouging, and it was a price gouging bill in theme only. That bill was passed by this body in May, and it has been stalled in the other body, controlled by the Republicans.

Unlike the Republican price gouging legislation, my bill, the FREE Act, would specifically set guidelines for the Federal Trade Commission to use to define price gouging, including provisions that would make it illegal to have unconscionable pricing, providing false price information, and market manipulation.

The FREE Act also contains a provision that would promote price transparency, helping consumers to understand whether or not oil and gas prices are fair and reasonable.

The FREE Act would also apply to natural gas and propane. Neither natural gas nor propane is addressed by the Republican bill.

Despite efforts to sugar coat the Federal Trade Commission's report recently released, called Invasion of Gasoline Price Manipulation and Post-Katrina Gas Price Increases, the Federal Trade Commission did find price gouging. Twenty-three percent of the refineries, 9 percent of the wholesalers and 25 percent of the retailers charged significantly higher prices. In other words, they gouged the American people. And these prices were not attributable to either increased costs or national or international market trends.

Mr. Speaker, the American people are fed up. They know price gouging when they see it and they are being gouged. The Federal Government has responsibility to protect consumers from price gouging.

Price gouging legislation is long overdue. Congress needs to pass legislation to allow the Federal Trade Commission to prosecute price gouging.

Just as we must continue to work to protect consumers from gouging and predatory pricing at the pump, we must also investigate the effect that energy futures trading can have on gas prices.

Traditionally, trading of energy commodities such as crude oil, gasoline, diesel fuel and natural gas has taken place on the New York Mercantile Exchange, NYMEX, with oversight by the Commodities Future Trading Commission. However, an increasing amount of trading does not occur on NYMEX but in off-market deals known as over-the-counter trading.

According to the bipartisan Senate Homeland Security Committee report on oil and gas market speculation released on July 27, it says: "As an increasing number of U.S. energy trades occurs on unregulated over-the-counter electronic exchanges or through foreign exchanges, the trading reporting system becomes less and less accurate, the trading data becomes less and less useful, and its market oversight program becomes less comprehensive."

It is estimated that up to 75 percent of all energy trades are now over-the-counter, where speculation occurs without any regulation or oversight by the Federal Government.

Without effective oversight, there is no way to know whether energy speculators are basing their trades on market realities or instead taking advantage of the system to make money at the expense of hardworking Americans. Unregulated trades based on speculation, fueled by fear, result in greed, as we can see from the record profits of the oil companies.

In fact, a recent Justice Department investigation had led to charges against traders for the energy conglomerate, British Petroleum. It is alleged that several traders attempted to corner the market on propane in a pipeline network that serves the Midwest and the Northeast in order to drive up the price for propane in these areas. Court documents show that they were at least temporary successful in driving up artificially the price of propane.

Investigations into additional civil and criminal violations are ongoing.

When speculators, motivated by greed, take advantage of markets to drive up energy prices, the Federal Government must intervene to prevent this manipulation from being passed on to the American consumer.

Due to these concerns, I have introduce the Prevent Unfair Manipulation of Prices (PUMP) Act, H.R. 5248 to bring Over the Counter trading under the oversight of the Commodity Futures Trading Commission.

The PUMP Act would require off-market speculators to play by the same rules as on-market traders. This increased oversight will improve confidence in the market and help eliminate the unreasonable inflation of crude oil prices. The legislation would also increase penalties for speculators found to be unfairly manipulating the oil futures market.

Some economists estimate that oversight over all futures trades would lower the price of a barrel of crude oil by as much as $20.

Unfortunately, rather than proposing real solutions to bring down energy prices, Republicans have instead continued to propose bills to eliminate environmental standards, provide more tax breaks for bill oil, and promote the Republicans' favorite solution: drill, drill, drill.

I find it appalling that anyone could suggest that big oil needs more breaks, given their exorbitant profits. And we can not drill our way towards solving our addiction to oil.

Only by ensuring fair markets for American consumers and the promotion of alternative fuels can we truly reduce energy prices.

Our constituents are looking to us, to Congress, for relief. It is our duty to approve legislation that would provide real solutions, to protect Americans from the increased financial hardship that price gouging and high gas prices artificially created during the summer tourism months.

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A MESSAGE FROM THE NORTH CAROLINA GENERAL ASSEMBLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, I am here to deliver a message from the North Carolina General Assembly. It is a bipartisan, nearly unanimous message from our State House: Stop underfunding our schools.

Last week, 52 Republicans joined all voting Democrats in the North Carolina House of Representatives in passing a resolution that, "urges the President of the United States and Congress to make a serious commitment to improving the quality of the Nation's public schools by substantially increasing the funding for the No Child Left Behind Act, the Higher Education Act, the Individuals With Disabilities Education Act, and other education-related programs."

This resounding call from both sides of the aisle in my State is a sign that North Carolinians are exasperated with a President and a Congress that refuse to follow through on their commitments. They are simply fed up, Mr. Speaker.

By consistently underfunding No Child Left Behind, the Federal Government has failed to hold up its share of the bargain it made with our schools when No Child Left Behind was signed into law 4 years ago. In passing the law, the government promised to help improve failing schools by targeting the areas that needed support and providing that assistance.

By failing to come through on promised funding, the administration has turned No Child Left Behind into a program that punishes our schools instead of supporting them.

Two of the resolution's clauses tell the story more fully. "Whereas the Federal government has decreased funding to North Carolina for No Child Left Behind in fiscal year 2006 by almost $11 million, and overall funding for public education by almost $12 million, including a deduction of $759,012 from programs that serve students with disabilities, and, whereas, in addition the Federal Government has cut almost $11 million from postsecondary education programs in North Carolina."

Mr. Speaker, since No Child Left Behind was signed into law in 2002, counting the President's latest budget proposal, the Bush administration and the Republican Congress have underfunded this law by some $55 billion. In fact, the House is expected to debate an appropriations bill for the Department of Education soon that will cut the program by another $500 million as compared to last year.

And what about other Federal education programs? The story is much the same. The government is not fulfilling its promises. Since the passage of the Individuals With Disabilities Education Act in 1975, the Federal Government has failed to fully fund the education of children with special needs to the tune of $217 billion.

And this President and the leadership of this House have dropped the ball on making college more affordable for students and parents. Student loan rates are going up and Federal support for aspiring students is stagnant or decreasing while the cost of education continues to rise.

To put this in perspective, our alternative Democratic budget would invest far more in education smartly and strategically while at the same time balancing the budget sooner.

Mr. Speaker, North Carolina schools are no strangers to accountability. The teachers and parents and administrators in my State want our students to succeed like none other. They are simply asking that our Federal Government be a reliable partner and live up to its promise of support for the education of our children.

Mr. Speaker, I will insert at this point in the RECORD House Resolution 1811 from the North Carolina General Assembly adopted on July 5th, 2006.

A HOUSE RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR THE NO CHILD LEFT BEHIND ACT, THE HIGHER EDUCATION ACT, AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Whereas, the State of North Carolina under the Standards of Learning Accountability System has long pursued the goal of improving the academic performance of all students, especially students of racial and ethnic backgrounds, lower economic status, and limited English proficiency, and with learning disabilities or challenges; and

Whereas, the State of North Carolina, therefore, applauds the President and United States Congress for putting forth the same goals in the No Child Left Behind Act of 2001 and emphasizing the urgency in closing these achievement gaps and improving the performance of these students; and

Whereas, the No Child Left Behind Act of 2001 has encouraged some needed changes in public education and was initially accompanied with relatively large increases in federal funding for public elementary and secondary education; and

Whereas, however, the increases in federal funding since the first year of the No Child Left Behind Act have been minimal and insignificant; and

Whereas, the federal government has decreased funding to North Carolina for No Child Left Behind Act in fiscal year 2006 by $10,777,346 and overall funding for public education by $11,931,500, including a deduction of $759,012 from programs that serve students with disabilities; and

Whereas, in addition, the federal government has cut almost $11,000,000 from postsecondary education programs in North Carolina; Now, therefore, Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives urges the President of the United States and Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing the funding for the No Child Left Behind Act, the Higher Education Act, the Individuals with Disabilities Education Act, and other education related programs.

SECTION 2. The House of Representatives requests the President, Congress, and the United States Department of Education to offer states waivers, exemptions, or whatever flexibility possible through regulations from the requirements of the No Child Left Behind Act in any year that federal funding for public elementary and secondary education is decreased to prevent states from spending state and local resources on activities that are not proven effective in raising student achievement and may not be the priority of an individual state.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the President, the members of the North Carolina Congressional Delegation, and the United States Department of Education.

SECTION 4. This resolution is effective upon adoption.

SUPPORT THE VOTING RIGHTS ACT REAUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, the Voting Rights Act was good for America in 1965 and it is good and necessary in 2006. We must strengthen our resolve and complete the job that we began almost a year ago in a bipartisan way and pass the reauthorization of the Voting Rights Act tomorrow without amendment.

The struggle for voting rights was not so long ago. It was not 75 or 100 years ago. It was 41 years ago that this Voting Rights Act was passed. This is not ancient history. Yet so many Members of the House are too young to remember our very dark history of segregation and voting discrimination.

The history of the right to vote in America is a history of conflict, of violence, of struggle for the right to vote. Many people died trying to gain that right. I was beaten and jailed because I stood up for it. The experience of minorities today tell us that the struggle is not over, and that the special provisions of the Voting Rights Act are still necessary.

We do not want to go back to our dark past, and we must not go back. Forty-one years ago it was almost impossible for people of color to register to vote in many parts of the American South, in Georgia, in Alabama, and in Mississippi. Forty-one years ago, the State of Mississippi had a black voting-age population of more than 450,000, and only about 16,000 blacks were registered to vote.

Just 41 years ago, people of color had to pay a poll tax, pass a so-called literacy test in some States in the South. There were black men and women who were professors in colleges and universities, black lawyers and black doctors who were told they could not read or write well enough to register to vote.

They were asked to interpret certain sections of the Constitution in southern States. Some were asked to count the number of bubbles in a bar of soap, others were asked to count the number of jelly beans in a jar.

People stood in unmovable lines for the opportunity to register to vote. In some States voters could register only on 1 or 2 days a month; but those lines never moved, and those would-be voters were never registered. People were beaten, arrested, jailed, people even shot and killed for attempting to register to vote. It was a matter of life and death.

On March 7, 1965, about 600 of us black men and women and a few young children attempted to peacefully march from Selma, Alabama, to Montgomery to the State capitol to dramatize to the Nation and to the world that people of color wanted to register to vote. The world watched as we were met with nightsticks, bullwhips, we were trampled by horses, and teargassed.

Eight days after what became known as Bloody Sunday, President Johnson came to this podium and spoke to a joint session of Congress and began by saying, "I speak tonight for the dignity of man and for the destiny of democracy." And during that speech, President Johnson condemned the violence in Selma and called on the Congress to enact a Voting Rights Act. He closed his speech by quoting the rights of the civil rights movement saying, "And we shall overcome."

I was sitting next to Martin Luther King, Jr., in the home of a local family in Selma, Alabama, as we listened to Lyndon Johnson say, "And we shall overcome." Tears came down his face. And we all cried. Dr. King said, "John, the Voting Rights Act will be passed, and we will make it from Selma to Montgomery."

Congress did pass the Voting Rights Act. On August 6, 1965 it was signed into law.

There was an elderly black man who lived in Selma, Alabama, who after Johnson had signed the Voting Rights Act became registered to vote for the first time. He was 91 years old. He said, "I am registered now. I can die and go home to my Lord."

Today, people no longer meet attack dogs and bullwhips and fire hoses as they demonstrate or attempt to register to vote. Today, the tools of discrimination are not poll takes and literacy tests. But make no mistake, discrimination still exists. Look at Florida in 2000. Look at Ohio.

The tools of discrimination are much more difficult, but just as dangerous. Today, the discrimination comes in the form of redistricting and annexation plans, at-large elections, polling place changes.

In my own State of Georgia, the legislation went back to a period in our dark history by passing a voter ID law that would make it more difficult for the elderly, the poor and minorities to vote. Both a State and a Federal court jurist have called the law unconstitutional and stopped it from taking effect.

We can do better. We must do better, and pass the Voting Rights Act without amendment tomorrow.

ARMY BUDGET PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, "Help is on the way." That was the promise this administration made to our country and to our servicemembers before the election in 2002. And look what it has come to mean.

The Army cannot pay its utility bills, defense workers are on the unemployment lines, and equipment readiness is slipping to historic lows. So I ask, exactly who is being helped? I am sure that the administration will blame the Army's money problems on the war. There is no doubt that the $350 billion excursion into Iraq has placed stress on the Army as well as the other services.

But this Congress has continually provided these supplemental funds the administration has requested to wage the war, and has even increased the defense budget by 19 percent since 2001.

So I ask, how can it be that the Army is closing or curtailing the family support programs and laying off employees? The answer is clear. The administration is not requesting sufficient funds to provide for the national defense beyond the war in Iraq. This Congress has already provided $166 billion to the Army in 2006. That is $2 billion more than the administration requested.

Obviously it is not enough. Because I am hearing of reports in the media about bases like Fort Sam Houston where the utility bills have not been paid since March. The Army knows it has a problem. They even requested more money, but the President's Office of Management and Budget cut $4.9 billion from the Army's request for the 2006 war supplemental before it was presented to Congress.

So now the Army is trying to pinch pennies by closing libraries, reducing trash pickup, closing dining facilities, and reducing support for vital training activities. This is a move that is certain to damage morale and sends the wrong message to our troops. This is not the way to reward the courage and sacrifice of our soldiers and their families.

Several weeks ago, I spoke here on the floor about the dismal readiness posture of the Army's equipment. Readiness rates for equipment have fallen so far that I fear that they will now present a strategic risk to our ability to respond to contingencies beyond our current commitments in Iraq and Afghanistan.

In addition to this problem, the Army is now laying off engineers working on some of the high priority modernization programs in order to pay bills elsewhere in the Army.

The needs of the current and future Army are being neglected. As a candidate in 1999, President Bush said that "The previous administration wanted to command great forces without supporting them, to launch today's new causes with little thought of tomorrow's consequences."

Unfortunately, it appears that the words now apply to his own administration. He is failing to request the funds the military needs to fight the war on terror, the war in Iraq, and also remain ready to defend the Nation if other needs arise.

This country is at war. Americans have a right to expect the administration to realistically budget for national defense. That is not happening, and every day it continues to put this country at greater risk.

□ 1645

RAILWAY SECURITY

Mr. NADLER. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. NADLER. Mr. Speaker, the Bush administration constantly crows about protecting us from terrorists, but when you get down to nuts and bolts it is clear that the administration and the Republican leadership of this Congress have no idea what they are doing. Just yesterday, terrorists killed more than 180 people by attacking the mass transit system in Mumbai, India. You had better believe that every one of the 4 million subway riders in New York took a deep breath before getting on the train this morning. New Yorkers know that, when terrorists strike, they go after high density, high profile targets. Every time you read in the newspapers that a terrorist abroad has been apprehended, you find the plans to strike at the United States are of Washington or New York, the maps in their possession or on their computers are of New York. Evidently this is yet to dawn on the Department of Homeland Security. Their ignorance is nothing short of disgusting.

We need to step up not only the distribution of funds to the right places, to the targets in this country, we need to step up rail security protections in this country. The Democratic Rail and Transportation Security Act proposes to appropriate $400 million a year for the next 6 years for a grant program to beef up the rail and public transportation security on our mass transit systems in the country as a whole, New York and elsewhere, but the administration and the Republicans in Congress say no.

The Democrats propose to spend $150 million over the next 3 years for advanced research and development to find more advanced solutions to the security threats faced by rail and public transportation systems. Again, the Bush administration and the Republicans in this Congress say no. We ought to be spending roughly $26 million a year over the next 6 years to hire 200 new rail security inspectors per year. Is this really necessary? You bet. Right now there are only 100 rail security inspectors for the whole country.

We need to increase our intelligence efforts to prevent attacks, develop plans to respond to attacks, and ensure the timely restoration of our rail infrastructure should an attack occur. The Democrats have advanced plans to do this, while the Republican leadership of this Congress and this administration waste their time designating insect zoos and bean festivals as terror targets as was revealed in the front page of the New York Times today from the list of targets on the Homeland Security target list.

Is there no end to their incompetence? First they cut funding for the prime target in this country, New York, by 40 percent. Then they declare an excuse that New York contains no national landmarks or icons, and now we learn they are designating a kangaroo conservation center as a key terrorist target. There is no excuse for short-changing this country's top targets. As the Inspector General has wisely determined, folksy appeal cannot be the chief criterion for the allocation of anti-terrorist funding.

It has been over 1 year since terrorists struck London's mass transit system, over 2 years since the rail bombings in Madrid, yet little has been done in the United States to protect our rail and mass transit systems. This administration, the leadership of this Congress must open its eyes to reality and put our resources where they are really needed before we have another catastrophe, a preventable catastrophe, on our hands. And then it will be little comfort to know that the blame lies with the administration and the Republican leadership of this Congress.

We don't want to be laying blame. We don't want to be saying it is their fault. We want to prevent it. So let us learn a little, and let us pray that the administration and the Republican leadership of this Congress has their heads examined and opened their eyes.

HOMELAND SECURITY FUNDING FOR NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from New York for his remarks.

I rise today to express my continuing frustration with the Department of Homeland Security and its inability or unwillingness to focus our limited resources of time, money, and attention on the real risks that we face as a Nation. Yesterday, the bombing of railways in India reminded us not only that terrorists remain committed to senseless and horrific violence, but that they remain attracted to certain types of targets.

Mr. Speaker, in 2001, terrorists attacked New York and Washington. Two years ago, terrorists attacked commuter trains in Madrid. Last year, terrorists attacked subways in the heart of London. Two days ago, rail systems in Mumbai were bombed. There have also been rail and transit attacks in Japan, South Africa, and Israel, and so far unsuccessful plans for attacks on New York's transportation system.

On the streets of Iraq, insurgents are perfecting the use of IEDs against our troops. When those terrorists look to transfer their skills to the United States, where will they look to use them? The pattern is clear, the message is deafening: High density, high profile targets are the most attractive targets for terrorists, and rail and transit systems remain dangerously vulnerable.

Like many of the Members of this House, I was pleased when Secretary Chertoff took office and stressed in his first public speech that DHS must base its actions on threat, vulnerability, and consequence. Unfortunately, action has not measured up to that rhetoric. Last month, the Department cut by 40 percent for New York and Washington, D.C., cut funding by 40 percent, two cities that have been attacked and the two cities that remain the most likely targets for future attacks.

We are all looking for the best way to spend the limited money that has thus far been allocated to homeland security. The Department perfected the art of allocating funds the wrong way.

In addition to ignoring the plain facts about risk and vulnerability, DHS has sat on the sidelines in developing standards for safety and security. This void is being met in some areas such as New York where the Metropolitan Transit Agency has added 200 officers and 25 K-9 bomb detection units since September 11. New York City has 1,000 counterterrorism officers. The city and the MTA are working to develop and install state-of-the-art air monitoring devices in the transit system.

We knew that communications interoperability presented a problem for first responders in Oklahoma City. Those problems turned deadly on September 11. Nearly 5 years after September 11, first responders are still waiting for the administration to issue an actual interoperability plan. This abdication of responsibility has forced many cities and States to dig their own deficits deeper to put national security measures in place. That is not a plan, it is not a strategy, it is a failure of leadership that we are seeing again and again.

Mr. Speaker, our homeland security efforts are a race against the clock. We have received several wakeup calls. We don't need another study or another office or another Under Secretary; we need action. And next week I hope the House Committee on Homeland Security markup of the Department of Homeland Security authorization bill will provide us a real opportunity to strengthen our homeland security and spur DHS to act more quickly to protect the American people.

INCREASING THE MINIMUM WAGE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, earlier today we had a motion to instruct on the vocational education conference, and the motion to instruct was about the minimum wage and about the need of 6 million people who work at the minimum wage for an increase in that minimum wage. These individuals have been stuck at $5.15 since 1997. They are earning 1997 wages in the year 2006.

Over 80 percent of Americans from all across the country, obviously if it is 80 percent of Americans, from every walk of life, from every social economic strata, believes that these people are entitled to an increase in their wages, and they believe that out of fairness, they believe that out of a sense of fair play for these individuals. They know when they look at their own life, be they middle class or be they rich, the fact of the matter is they recognize that costs have gone up, that the cost of food has gone up, that the cost of bread has gone up, that the cost of milk has gone up, that the cost of education has gone up, that the cost of utilities has gone up, the cost of gasoline of course has soared. And these people in many ways are dependent, whether it is on public transit or whether it is on their own automobiles, it costs them more to go to work.

And so America understands this very clearly. But the critical piece to getting these people the minimum wage is to get the Republican leadership in the House of Representatives to understand the morality of this decision to provide for a minimum wage, because these people are working under a Federal minimum wage that was imposed in 1997. And until the Republican leadership decides to go forward, these people will not get that increase in the wages that they so desperately need.

Now, there is a glimmer of hope, because today 64 Republicans made the decision to support the motion to instruct. I assume they understood that this motion to instruct will not become law. I hope they didn't vote for it because it won't become law; I hope that it wasn't about posturing. I talked to many of them before the vote and after the vote, and they told me that they wanted to speak and vote on the minimum wage and to send a message. And they did that today. Hopefully that message will start to be received by the Republican leadership in the House of Representatives and they will schedule a minimum-wage bill for an up or down vote on this House floor, and we will get to speak our wills and hopefully we will reflect what the American people want us to do, and that is to give these people an increase in the minimum wage.

So I would hope that this vote that was taken today will be the beginning of the Republican leadership walking toward that decision to provide for an increase in the minimum wage. I would hope that they would do that because it is the right thing to do. I would hope that they would do that without tricking up the bill, without making the bill so that it can pass the House but it can't get passed in the Senate or it won't get done in conference. I hope they will do it soon enough so that it can become the law of the land.

We all understand the political games that can be played, but these political games are tragically almost lethal to these families. These people go to work every day for a whole year and they end up with $10,700, and out of that $10,700 not only are they substantially below the official poverty line, so you are making a decision that the official minimum wage in this country will keep these individuals locked in poverty.

That is not the only part of it. It means that those people, those people will have more difficulty in providing the necessities for their families, for their children, because many of these minimum wage workers have children who rely on that wage as a means of holding the household together. So as rents have continued to go up and energy has continued to go up and telecommunications has gone up, all of these things have gone up, these people struggle with this every day.

I dare say most of us in Congress, we work an 8-hour day or 10-hour day or 12-hour day, but when we go home we are done. These people have a second job. They have to figure out how to economically hold their household together, how to provide for their children, how to provide food and rent and health care and all of these things together on $10,700 a year. That is difficult. That is tough.

I hope that today's vote with 64 Republicans sending a message to their leadership that they want to speak out, they want to vote on the minimum wage, that the Republican leadership will respond in kind and give the House of Representatives the vote that the American people desire.

☐ 1700

RAIL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, we face a grave and growing threat. The safety of America's rails and subways is on shaky ground almost five years after September 11th. We need to take a hard, honest look at the issue of rail security and give America's rail passengers the same level of confidence that airline passengers get everyday.

In recent years, we have experienced an annual average of 30 terrorist attacks on passenger rail across the world. The past three years have seen the sadness and heart-wrenching agony caused by three major attacks on rail systems in Madrid, London and disturbingly yesterday in India. These three attacks alone have led to some astonishing numbers, 22 bomb blasts, 15 trains destroyed, 390 people dead and over 1,650 injuries and countless lives forever altered. The shock, horror and loss of life resulting from these acts of terrorism are reminders that the United States must do more to strengthen rail security.

Our passenger rail systems are vulnerable potential targets for terrorists. The 9/11 Commission's final report noted that "surface transportation systems such as railroads and mass transit remain hard to protect because they are so accessible and extensive." Throughout the country, there are over 300,000 miles of freight rail lines and over 10,000 miles of commuter and urban rail system lines. On a typical weekday, 11.3 million passengers use rail or mass transit, and at any given time, hazardous materials are transported throughout the country.

Yet we still do not have a comprehensive national strategy for rail security. The Transportation Security Administration has not yet implemented adequate security guidelines for rail and mass transit systems similar to those required for airports. The Department of Homeland Security does not even require rail and mass transit systems to complete vulnerability assessments or submit security plans to the Department. Nor are we providing adequate funding for rail security. Over the past four years, the Department of Homeland Security and the Transportation Security Administration have spent on average $9 per air passenger, as compared to only one penny for each rail or mass transit passenger. One penny to prevent bombs, chemical and biological agents does not go far enough for tools, prevention and training.

It is clear that many of our rail and mass transit employees lack adequate security training. In a 2005 survey of the International Brotherhood of Teamsters, 84 percent of those surveyed said they had not received "any training" or "additional training" related to terrorism prevention and response in the previous twelve months. We in Congress must have a frank discussion about our rail system, from AMTRAK, to the Metro in DC, the L in Chicago and the T in Boston and of course the subway in New York City. It is time for the U.S. to implement a coordinated national strategy for rail security, to provide adequate security training for rail and mass transit employees, and to fully fund rail security programs.

I commend my colleagues for introducing the Rail and Public Transportation Security Act. The reforms in this bill are long overdue. We have seen over and over again the pain these terrorist acts have brought to ordinary citizens. We cannot afford to wait until tragedy strikes again to improve this country's rail security.

REAUTHORIZATION OF THE VOTING RIGHTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the passage of the 1965 Voting Rights Act was our greatest accomplishment in the long struggle against discrimination and oppression. It has changed the face of this Nation and enabled millions of Americans the opportunity to vote.

During the 1960s, we saw many brave men and women rise up against the oppression of Jim Crow and demand an equal voice in our democracy. In this battle for the most basic of rights, many heroic Americans were beaten and imprisoned, saw their churches burned or bombed, or were killed in the name of freedom and justice. I am proud to serve alongside Congressman JOHN LEWIS, whose bravery and presence during that historic march in Selma changed this Nation.

There are many young people who may not know of this battle towards equality. It is imperative we recognize and celebrate our great accomplishments as a nation. We cannot develop future policies or laws without applying the lessons we have learned from the past.

This August will mark the 41st anniversary of the Voting Rights Act. There are many who say there is no longer a need for the Voting Rights Act. Unfortunately, this is not the case. It is true that we have made remarkable progress since 1965, however, there is still much work to be done.

Minorities continue to face an uphill battle of misinformation over polling locations, the purging of voter rolls, scare tactics, and inaccessible voting locations. Prior to the 2004 elections, students at Prairie View A&M were told they could no longer register to vote in Waller County, Texas. The fear was that the eight thousand students at this Historically Black College would elect someone the local District Attorney didn't want.

The Voting Rights Act helped protect these students from becoming disenfranchised voters. This change in voter registration was not pre-cleared by the Department of Justice, as required by Section 5. Ultimately, the Texas Attorney General and the Department of Justice intervened and provided these students with the access and opportunity to vote. This is just one example of why we still need Section 5 and the Voting Rights Act.

Section 5 is current, necessary and protects the rights of millions of Americans. The reality is that there are still some people out there who don't want minorities to vote.

As part of the backlash against illegal immigration, there have been calls to eliminate bilingual voting assistance. I feel that Americans should be able to speak English; however, I do not endorse testing language abilities as a prerequisite to vote. Those who receive bilingual voting assistance are American citizens. They weren't required to pass a language test to pay taxes or serve in the military, so they shouldn't have to prove their language skills in order to vote.

The Voting Rights Act was not and never will be about special rights—it is about equal rights. Our democracy and our values as Americans are contingent upon the idea that every person should have the right to vote and have that vote counted.

We have made amazing progress since the enactment of the Voting Rights Act, but progress does not mean that we stop trying. Now is the time to reauthorize this historic cornerstone of civil rights. It is imperative to our rights, our freedom and our democracy.

SUPPORTING SERGEANT FIRST CLASS TREVOR J. DIESING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to honor Sergeant First cLass Trevor J. Diesing of Plum City, WI. Trevor rose to the call to serve his country in her time of need, and gave the ultimate sacrifice in her defense. He was killed in Iraq when an improvised explosive device detonated near his position. Today, I bear witness that Trevor's efforts and the efforts of all our service men and women will forever be remembered. This Friday at the courthouse in Prescott, Wisconsin a plaque will be dedicated in Trevor's memory.

Trevor is a true national hero. Born to Debbie and Lonnie Diesing in Plum City, WI, Trevor felt a call early in life to serve his country and to help make the world a better place. After marrying his wife Lori and raising three beautiful children, Trevor's passion to defend what he loved was only strengthened. Friends and family described him as someone you always wanted on your side— a hard working and caring person who was always willing to lend a hand. When we step back and realize the incredible service of our men and women in uniform, we must always remember Trevor, for he was one of our finest.

The presence of men and women from Wisconsin serving in Iraq is a great blessing to our country as a whole. They all are doing a terrific job under very difficult and dangerous circumstances. We will be forever grateful for the sacrifice made by Sergeant First Class Trevor J. Diesing. Trevor was in essence a true patriot, serving his country selflessly while giving to the Iraqi people the greatest gift of all, their freedom. He also gave the children of America a great hope, the chance to grow up in a world that is a little more safe.

As a husband, father, son, and friend, Trevor will live on in our hearts as a hero and his legacy will never be forgotten. I pledge to do all that I can to ensure that Trevor's life was not lost in vain.

Perhaps President Franklin Delano Roosevelt said it best: "He stands in the unbroken line of patriots who have dared to die, that freedom might live, and grow, and increase its blessings. Freedom lives, and through it, he lives—in a way that humbles the undertakings of most men."

May God bless Trevor, and take him into his care. And may God's special blessing bring comfort to Trevor's family and friends always.

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I wanted to address this House about an issue that, at least as I travel around my district, as I travel around my State, is one of the defining issues of our time, and that is the issue which we are hearing about every day: What are we going to do about the immigration policy and the immigration influx into this country?

I thought I would come down here today and see if we could not analyze this the way we sort of like to analyze evidence as we do in the courtroom. We need to take a look at what is the problem that brings us to this point that we have to address this thing, and I would propose first and foremost we need to look at the big problem and decide where is the crisis today as we stand here on this floor on July 12.

Where would the American public define the crisis to be as we deal with people who are coming into this country from other countries? And when I say other countries, I mean many, many other countries but predominantly I am addressing today the crossing of our southern border out of Mexico. Where are we concerned and why are we concerned?

Many people say, let us look at the big picture of this issue, which is that we have an estimate that is somewhere between 12 million and 15 million people that have come into this country since we granted amnesty back in 1986 or 1987 under the Reagan administration and opened the doors to the people who are here and gave them a fast track to American citizenship. We then said that we would go to the border and protect our borders and crack down on those people who would offer employment to folks who wanted to come in here illegally and we would prevent that. Mr. Speaker, the number, and whatever it may be but it is in the millions, clearly above 10 million and less than 20 million by most estimates, that are here in this country, as some like to say hiding in the shadows of our economy today, they are here. Now, why are they here?

Did we enforce the border? No. Did we crack down on employers that were employing these people? No. Did we do what we promised the American people we would do when we basically granted amnesty to 3 million people back in the 1980s? And that 3 million, by the way, grew in great proportion, because when those people received amnesty they were also able to bring in their families, their children and their wives and their extended families, until that number grew to substantially more than what was estimated.

We will not go into that today, but did we do our job? Did we, as Democrats for a long time and as Republicans for a long time, did we do our job? I submit to you that the evidence shows we did not. And because the great prize of being forgiven of your sins, if you will, was granted in the 1980s, millions more came.

So is that the crisis? Those people, are they the crisis that have people so concerned across the country today? It is of interest. People are somewhat concerned, but I would submit, Mr. Speaker, that is not the crisis that people are concerned about and that is on their minds when they sit down to breakfast in the morning or when they talk to their families at night or when they visit with their neighbors or when they go out in public. That is not the concern. The concern is that border and those people coming across.

Mr. Speaker, we hear from people in this country, and there is certainly a valid economic argument for it, that we need these folks to come in here and take the jobs that Americans don't want. And there is some validity to that argument. There is some validity to many of these diligent hardworking people who have come to this country to take really tough jobs out there, working in the heat in Texas in the summertime, which is, believe me, having done it, it is a hard job. No matter where you are, if you are out digging post holes, laying asphalt, or putting a roof on in Texas, you are earning your pay. It is hot, tiring, almost thankless work. So we say we need these folks to build those fences, put those roofs down, and lay that asphalt. We need them. We have to have them. And there are those who can present evidence to that effect and make an argument for it.

But is that the crisis that people are worried about in this country? Is that what people, your neighbors, are visiting with you about? Is that what you are talking about when you gather in your community: Oh, we have such a shortage of workers here. We have so many jobs that people are not doing. We are just really in such desperate need of help, it is a crisis in our country. Mr. Speaker, I would also submit that is not the crisis that the American people are concerned about.

So then let's examine this picture further. Let's say, well, the statistics seem to show us that pretty regularly 1,000 people cross the Mexican-U.S. border into the United States every single day. That probably on many days is a very conservative estimate, but the average that both the Border Patrol and those who are down there that are trying to determine what is happening, that is pretty much what everybody agrees to, that at least 1,000 people a day are crossing our border, at least 30,000 to 31,000 people a month are crossing this border, or 365,000 people a year are crossing the southern border of the United States into our country. And they are doing it, Mr. Speaker, no matter what you want to call it, they are doing it illegally.

The law says you can't do that, that it is against the law. You can call it whatever you want to call it, but it is breaking the laws of these United States, and these people are coming in at least in those numbers. And in addition to those people, or as a part of those people, who else is coming across our southern borders? Do we know?

Well, we know a little bit. We know that last year we caught 68,000 what we call OTMs. Those are people that are "other than Mexicans." And that is a term that has been adopted to define people from any other country but Mexico that have been caught and apprehended crossing our southern border. The Border Patrol and the immigration authorities have determined to call them OTMs, "other than Mexicans."

We have heard in testimony at hearings, just as recently as last week, that 30,000 Brazilians were shipped home a short time ago; that people from the Middle East, people from China, people from all over the Southern hemisphere have come into this country illegally crossing the Mexican border into the United States. Mr. Speaker, I would submit that that is the crisis.

Mr. Speaker, I would submit that when people discuss what they are very concerned about, what they think has the potential to change their lives, to threaten their lives, it is who is coming across our southern border in these huge volumes. That is what the American people see as a crisis.

Now, we are called upon, as we look at what is going on here in Congress, we are called upon to address these issues, and I submit to you, Mr. Speaker, that what we are called upon to do is to address the crisis first. I have used this example before, but if a series of wreck victims is brought in from a car wreck out on the highway outside of Washington, DC, today, and brought into the emergency room of the hospital, and we have one man who has a broken arm and we have one man who is skinned up because he slid on the pavement and maybe he has a broken hand and maybe a sore back, and then we have one man who has arterial bleeding from the throat, where is the crisis? The man with the arterial bleeding from the throat is going to bleed out and die in seconds if the emergency room does not immediately go and stop the bleeding where it is occurring because it doesn't take long for the heart to pump the body dry out of a main artery. Of course, our well-trained medical professionals in this country would recognize to go to the crisis and meet the crisis where the bleeding is.

The bleeding, Mr. Speaker, is at the border. That is where the bleeding is. We have to do what we have to do to address how to stop the bleeding on the issue of immigration.

Right now we have two bills that are about to be discussed in conference committee that supposedly the two Houses of Congress are looking at what is important to take care of so that we can start down the road of having a responsible immigration process.

I would submit to you, Mr. Speaker, that after three trips to the border in the last 9 months, I am absolutely convinced that not only is the need most important that we secure our borders, but what the American people want us to do is secure our sovereignty and our borders, both on the southern border and the northern border of these United States, but the bleeding right now and the numbers coming across are clearly in the south.

I think the bill which has passed the House of Representatives is a bill that deals with the issue that is in crisis in America today on the issue of immigration. And I am going to submit to you, Mr. Speaker, that if any of our Members, and many of them have, and so I want to praise them for doing so, but if any of them will travel to the border towns of Texas, and I would highly recommend a trip to Laredo, Texas, or El Paso, Texas, or Del Rio, Texas, or Brownsville, Texas, or McAllen, Texas, or any of the other border crossings, but this day I recommend Laredo, Texas, and if you are not frightened about what you learn from the Nuevo Laredo citizens and from the Border Patrol immigration and ICE as to what is going on in Laredo, Mexico today, then your wood is mighty wet because you just don't see it.

The fact is there is a drug war raging in Nuevo Laredo. That is a cartel war going on with people firing automatic weapons at both civilians and members of the police force and the army in Mexico right across the Texas border. Live fire is received across the Texas border constantly. Ask the Border Patrol, they will tell you about it. They know about it.

Congressman JOHN CULBERSON and I were there, with our colleague Mr. CUELLAR, visiting on the southern border. JOHN was walking out on the bridge and his foot slipped on something on the international bridge, a bridge, by the way, that being a native Texan who spent at least 45 years of his life in the central Texas area. I have crossed as many times as there are Members of the House of Representatives I would certainly venture to say, because I have a great love for the country of Mexico.

I have visited Nuevo Laredo on numerous occasions. I have taken my wife Erica, my mother-in-law and father-in-law from the Netherlands. German visitors that have visited us from Germany, my wife's nieces and nephews from Germany. I have taken all these people across that border to have a good meal, to go shopping for souvenirs from Mexico, which are very, very cherished in Europe, and enjoyed a camaraderie with the Mexican people that was wonderful. It was a good place to take people to show them the fellowship between Texas and Mexico.

Mr. Speaker, I wouldn't recommend anybody crossing that international bridge today. Not one soul. Because what JOHN CULBERSON stepped on on that bridge was a spent round of a nine millimeter automatic weapon that had been fired at our Border Patrol. Not because they were shooting at them, just because they were shooting in that direction. It had pock marks, where we could see on the international bridge that it had ricocheted off and ended up on the ground, and Mr. CULBERSON stepped on it.

Mr. CULBERSON can show you that spent round, and I'm sure, Mr. Speaker, you have seen it.

☐ 1715

We asked the Border Patrol, what's this?

Oh, that is a 9 millimeter. About 3 days ago they kind of sprayed the bridge a little bit. It happens a lot. We kind of just duck and then keep the traffic moving.

What kind of world are those people living in there? And then that night and every night before and every night thereafter, 1,000 breakers of the law cross that international line from San Diego to Brownsville and break the laws of the United States.

Mr. Speaker, as we analyze the evidence here, it is pretty clear. We have a crisis on our southern border. Now, how are we going to deal with that crisis? The House bill says, let's go and target sealing up our borders as best we can. Nobody in their right mind who has ever been to south Texas or west Texas and seen those miles and miles of Texas that we are all so proud of, they all know it is going to be a tough job to secure Texas borders alone.

And Arizona is just the same desert. It is the same wide-open country. And God bless Arizona and New Mexico and California, they don't have the ankle-deep Rio Grande to protect their borders. All they have is a barbed wire fence. So it is not an easy job for us to secure that border.

But, Mr. Speaker, we have the technology and the know how. We have the people who can do the job. If we provide the resources, we can make it much more secure and move towards making it secure so those law-breakers who want to enter our country find it very difficult to enter our country. They find themselves being detained, being deported.

Those people who come into this country from other countries find themselves not with a get-out-of-jail-free pass as they can wander among the populace of the United States as it used to be with our catch-and-release program, but under the House bill we would detain these people, these OTMs coming into this country. The Mexicans we would take back to Mexico and we would enforce the law.

The people say to me in my district, when we start talking about immigration, at least 20 percent of the questions I have in my town hall meetings are, What's wrong with enforcing the laws we already have? I can't say a word because I agree with them. I agreed with them when I sat on the bench as a district judge and we would call Immigration to ask them to come pick up people who were clearly illegally in this country and have reluctance to do so.

I saw it with a number of our people sitting in our jails in Williamson County, Texas, who were illegal aliens, taking up jail space that our taxpayers are spending good, hard-earned dollars for. I saw them at the emergency rooms in our little local hospitals and in our big metropolitan hospitals, overwhelming our medical system; and we could not get the response we needed.

We have neglected our job, and now the House is saying we are ready to get the job done and we are submitting the resources and the ideas and the manpower and the technology to the Border Patrol and those agencies, including our Texas sheriffs and other law enforcement people in Texas and Arizona and New Mexico and California, so we can start to meet the crisis at the border and stop the bleeding. That is what our House plan says.

And it says, this is a start. We will back this up with action. We will do the job and we will support the laws that exist, and we will make better laws on the books.

Now the Senate has another plan. The Senate sees all those things that I listed in our evidence that we were looking at as to what is the crisis in immigration. The Senate is sitting there saying, We have to address all of them. In fact, they seem to be more interested in those things that our evidence shows are not bleeding than they seem to be interested in where the bleeding is at the border.

Now, they have some things in what I would like to call the Reid-Kennedy bill, and I will explain that in a minute, but the bill that came out of the Senate. What they have done, they have some border enforcement provisions. I don't want to deny that. But they spend a lot of time trying to deal with what are we going to do with these people that are here, that are already here illegally, and what are we going to do about a work program.

So they come up with a convoluted plan that, I am going to title part of this plan as the "illegal document industries job security plan," all right, because one of the things we know, and I know that the Speaker knows this from his past experience, and others know, that most of the people, in fact, all of the people who are illegal aliens working in the United States, our employers 90 percent of the time are making sure that they have some documentation to show at least on their books that that person is legally in the country. And they are taking this documentation and putting it into files.

But there is a real, solid industry along the borders of the United States producing false documents, false Social Security cards, false driver's licenses, false pay stubs, pretty much anything you want. It is interesting to note that part of that industry grew up and got its birth out of what, out of amnesty in the 1980s because it took some documentation to show that you had been in this country for awhile so we could give you that fast track to citizenship. So those people who came over last night were quickly out there looking for somebody to mass produce for them documents to show they have been here for a period of time.

Now the Senate gives us a plan that says if you have been here so many years, you have to do this. So many other years, you have to do this, but you are on track for citizenship; and if you have been here 10 years or whatever their number is, you are in line, but you are behind everybody else. But you are in line for citizenship. We are going to require proof that you have been here that period of time, and the illegal document printing presses are rolling today in anticipation of the Reid-Kennedy bill, and it is now approaching a several million dollar industry.

These poor people who came here to work are paying sometimes a month's pay just to get a false Social Security card or get a false document showing that you have been here for a certain period of time to meet this deadline. Or here are 20 paychecks dating back 10 years so you get in that other good line so you can become an American citizen.

This provision of the Senate bill is a Federal Government boost to an illegal industry producing illegal documentation for the United States.

Mr. Speaker, why do we know that? Because we have experience to prove it. The few cases that have been prosecuted, we find all kinds of fraud and illegal documentation on Social Security cards.

Something that is interesting in my district. I have a lady who got a call from the IRS. I am going to say something on this. I am going to say the IRS seems to be doing at least some thinking outside of the box. The Social Security system, obviously everything must be computerized because there don't seem to be any human beings with common sense in the Social Security system. If you have a Social Security card, and I heard a number today of the billions of dollars of money that comes into Social Security, and everybody says it is all on ten Social Security cards and it is coming from 100 different sources on one Social Security card. They know it is there. They say, Hmmm, that's interesting.

But I have a lady in my district who gets a call from the IRS. They said we looked at your last tax return and we show three sources of unreported income for you that you did not declare on your tax return.

She said that is impossible because I am a stay-at-home mother and wife. My husband is the only source of income in our family.

The IRS said, No, ma'am, according to our records you have three jobs in Arkansas working in chicken processing plants in three different cities. You would think that the man would realize just by his very statement that didn't make any sense.

She said, How can I work in three different cities in three different processing plants every day? How would that work?

He said, Yes, I guess that is right. Maybe we better take a look at this. It looks like somebody is using your Social Security number.

They tracked down that Social Security number. A little stink was raised to try to get it done. Guess what. Not only did these three people have that Social Security number, but, lo and behold, they had gotten a valid copy of a Texas birth certificate to go along with it because as it turns out, all it takes to get your birth certificate is a Social Security number.

So these people have been running up her income and reporting it on that Social Security number by the employers, and they thought they were going to hold her responsible for that income.

Mr. Speaker, that kind of false documentation is all over America today. So the Senate in that one section is creating, I would argue, another illegal industry in this country.

Mr. Speaker, I have a background, and many of you in the House know, and I know you know this, Mr. Speaker, I spent 20 years as a judge on the bench in what I would argue, and you won't get much argument back in Texas, in the toughest county in the State on criminals. I spent 20 years putting people in prison for illegal behavior.

We have prosecutors who do their jobs. We have law enforcement officers who do their jobs, and we have judges and juries who tell people: You do crime, and you do time in Williamson County, Texas. This is the world I grew up in, and it is the world I believe in, and it is the reason that today and for the last 10 to 12 years at least that I know of, the lowest crime rate in the State of Texas was in Williamson County, Texas. It is because criminals knew if you want to go into the criminal business, find some other county because in Williamson County, the cost of doing business is high. And I am proud to say my colleagues that were on the bench with me are maintaining that kind of standard in Texas today.

But why do we do that? Because we want the citizens of our county and I want the citizens of my entire district to feel like they live and raise their children and go to work in a safe community, a community that respects the rule of law and does not tolerate unlawful behavior.

And yet we have created an immigration system that for the vast, vast majority of people coming into this country, they are coming in illegally.

There are good, hardworking, honest people who are doing it right to come into the United States. We are that beacon of freedom, liberty and opportunity. We are the same beacon we have always been. But the difference is, these people wait in line.

If you are from the Philippines, they tell me you wait 16 years to come into the United States. It took my district director 18 months to bring his wife and two children. His wife was educated at the University of Texas in El Paso. To bring them in from Canada, he did it legally, and it took 18 months; the woman never even had a parking ticket.

So there are honest, hardworking people that are doing it the right way, and those are the immigrants that we reference when we say: We are a nation of immigrants. That is right, we are a nation of immigrants that came here legally and came here to be Americans and to be part of America and to contribute to America and to learn to be part of our society. They didn't come in to live in the shadows of our Nation. That's the kind of immigrants we need to encourage. But our system now is so overwhelming that it is 50-to-1 illegal-to-legal people coming into this country today.

Some of the other interesting things that the bill will do, the amnesty part of the bill that the Senate has passed, as a result of the amnesty provisions they have created, over 60 million new immigrants will be allowed in this country over the next 20 years. Do we need 60 million new people? I don't know, but it is an overwhelming number.

Mexico, under the Senate bill, would have to be consulted before we built any barriers on our borders, protecting our sovereignty. We have to call up the President of Mexico and say, Excuse me, we are thinking about building a fence.

☐ 1730

We are thinking about building a wall. We are thinking about building barriers where you can't drive your vehicles loaded with dope across our border. Would that be okay? Oh, it's not? Sorry. We will call you later. What kind of thinking is that, Mr. Speaker?

And then, you know, whether you believe the rhetoric that went on in the Social Security system argument that took place in this House a year ago or not, all logical thinking people will tell you our Social Security system has got some real problems meeting its obligations. Once the baby boomers are in the system it is going to be a problem. But the Senate doesn't see a problem because they are wanting to guarantee Social Security benefits would be provided to illegal immigrants. For the time they were in this country illegally we are going to give them Social Security benefits in this country. I hope the teachers back in Texas who don't get their Social Security benefits, and should, are hearing this message, that the Reid-Kennedy bill thinks they should have Social Security benefits, but unfortunately, Texas teachers don't get it.

Also, I happen to have been blessed with four beautiful children and I am real proud of them. But when you get ready to send them to college you have got to be proud of them because they cost a lot of money, okay? And my wife and I can testify that sending four kids to college is one of the great experiences of life. Of course it is not going to be too bad an experience for illegal immigrants because rather than being out-of-state tuition payers like anybody from any other State or country that would come into this country, oh, no, the bill will guarantee them in-state tuition. And believe me, in Texas the difference between in-state and out of state, as you well know, Mr. Speaker, is a substantial plus for these illegal immigrants, these people who broke the law. Some of them crossed that border, Mr. Speaker, 10 or 15 times before they dodged that Border Patrol.

You know, you meet with those Border Patrolmen out there in the bushes and you talk to those guys and when you get them to kind of open up with you, they say, you know, kind of one of the frustrating things is some of these guys I know them by their first name. I catch these guys every other day until they finally slip past me. I know who their kids are just about. I have visited with them so much. But they ultimately get by and they ultimately get in, and then we don't find them.

And I am just touching on a few points. So we are also going to create a worker program under the Senate bill to bring people in here. So let's see, we are going to deal with, somehow deal with the citizenship aspect of 12 to 15 million people who are already here.

Then we are going to have a program that is going to bring in, I don't know the number, 250, 300,000 a year under a work program.

Let me tell you something, Mr. Speaker, and I know you have experienced this in your part of the country too and your part of the State. People who are waiting to do this thing legally, waiting to get their background checks, waiting to do the right thing, you know, to have sponsors that will vouch for them so they won't be a burden on our welfare system, this is what people who come in here legally do. They have to have a background check. The FBI checks them to make sure they are not terrorists, make sure they are the kind of people we want here. Someone has to stand up for them and say when they come here I will make sure they are not a burden on our society; I will guarantee that they will have a place to be and a job and these type of things. That is how it works legally. Of course these illegal people, none of that is done.

So as we are going to process these people, at a minimum, and I would argue much more, but at a minimum, we put 15 million people into the system, all of whom are going to need background checks. If not, then how do we know that the one we don't give a background check to is not a terrorist? Because we know for a fact, we have caught people coming across our border from Iraq, from Iran, from Afghanistan, from Pakistan, and from areas that have harbored terrorists all over the Middle East have crossed our southern border. We know that because we have caught them, and we have actually caught some that are on the terrorist lists.

Now, does that mean we are just going to, for this 15 million that are already here because they have been here for at least a couple of days, up to maybe 10 or 15 years, how do we know what their background is if we don't do a background check?

So we are going to dump that 15 million people into the system. Then each year, in addition to that, we are going to dump 350,000 guest workers into a system, into a system, Mr. Speaker, my office that works in my part of the State of Texas in San Antonio, into a system where right now people who are trying to get clearances on their visas or trying to get clearances to become citizens of the United States. The San Antonio office is working on the years 1998, 1999, 2000 and 2001, with just the normal legal immigration issues that are in the system now.

How are those folks going to deal with that 10 million or 150 million people that we are going to have to do all that processing on that we are going to all of a sudden anoint with some kind of route to citizenship? How are those people going to do in San Antonio, Texas with that 350,000 people that cross the border and have to have those things?

Mr. Speaker, I would submit that the evidence of what has happened in the United States since amnesty, back in the 1980s, the evidence is overwhelming that when the system becomes overwhelmed by its burden, the system breaks down to where the system doesn't work. And I find nobody even thinking out just that little simple part of this as to how in the world are you going to be able to make this thing work without overwhelming people that are in the immigration and naturalization business? How are you going to do it?

I would submit, Mr. Speaker, that is exactly what is going to happen to those folks if the Senate bill passes. I want to tell you, I keep calling this the Reid-Kennedy bill and it has a different title. But I think that is an appropriate title because this is actually a bill that was pushed through the Senate by the Democrats.

And let me tell you just a couple of examples. Among the many Democrat amendments to the bill that was submitted when they started out with the Senate immigration legislation, our friend Mr. KENNEDY offered one that would allow illegal immigrants who have worked less than 40 days to be eligible for green cards. The amendment was adopted with the support of 42 Democrats. 41 Republicans opposed it.

The Senate legislation included a provision to award Social Security benefits, which I have already talked about, to illegal immigrants. The Republicans offered an amendment to strip this provision from the bill. Mr. KENNEDY led the fight, the Democrats cast their vote, and now, under their bill, we are giving Social Security benefits to illegal immigrants.

An amendment sponsored by Senators HARRY REID and TED KENNEDY rejected English as our national language and supplanted a Republican amendment that would have required those seeking citizenship to learn English. And guess what? That is the law. You are supposed to.

You know, when my wife became an American citizen, and that is something I ought to tell everybody and all of the Members of the House ought to know this, and I think many of them do. I certainly am not anti-immigrant. I am married to one, and she gave me four beautiful children, and she is a great American and proud to be a naturalized American citizen of the United States. But she had to demonstrate a proficiency in English to become an American citizen, as did those soldiers that I was at a ceremony where we swore them in who have served their country and earned the right to American citizenship less than a month ago when I was with a bunch of soldiers at Fort Hood, Texas who became American citizens because of their service in our United States Army. They have proficiency in English. And yet, the Democrats in the Senate don't think you need proficiency in English.

This issue, this is one I want to talk about just a little bit. This creates a lot of turmoil. Proficiency in English, English as the language.

Now, folks, if you don't know English is the national language of the United States, you are brain dead, and that is all I can say. Anybody speaking any other language than English in here today, when you respond to me, Mr. Speaker, I expect you will respond in English, and my colleagues over on this side of the aisle will respond in English, although many of them are probably multi-lingual, and some over here are, but English is the language our society functions in, and it has functioned in since we created this country.

This issue was debated by the Continental Congress. This issue was voted on by the Continental Congress, and at least the stories I have heard told is that what happened was German lost by like two votes or we would all be speaking German today. The whole face of the world might have changed. But we didn't. We selected English as the national language.

Now, are there people in this country that want to create a whole society of second class citizens who don't speak our language, so they will always be kept down on that lower rung of a society, an English speaking society?

I would submit that is a question that ought to be asked because I don't want any of our colleagues in this country, any American citizen to be a second class citizen.

We heard a very impassioned speech about the Voting Rights Act today, and I highly respect that. And let me say, I don't want anybody of any color, any background, any language, to be a second class citizen. And in order to be a first class citizen in this country you have got to be able to function in the economy and the world we live in, and that function is in English.

So you are not discriminating against people. You are giving them a lift up by saying, we need you to know how to function in an English speaking society.

But not the Senate. They don't think that is a good idea. And our Democratic colleagues in the Senate made sure that the provision that we recognize America as an English speaking land was not in there. The majority of the Democrats in the Senate voted for the Reid-Kennedy immigration bill. The majority of Republicans in the Senate voted against the Reid-Kennedy bill. So that is why I am calling it the Reid-Kennedy bill, because this is the Democrats' version of the solution for what we need to do in America today on immigration.

Now, I have talked probably way longer than I should, but I am now very happy to be joined by one of my colleagues who wanted to also be heard on this issue today, so I am going to yield to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a very distinguished Congresswoman from that fine State, and I am proud to say a member of my class in this Congress, as much time as she wishes to consume.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from Texas for yielding me some time.

I come to the floor this evening to speak out against the Senate's amnesty plan because, let's be honest, that is really what it is.

Since the Senate decided to forego sensible, I am repeating, sensible border security and grant a sweeping amnesty program to illegal immigrants, everyday citizens have had to virtually consider taking matters into their own hands.

Some of my constituents have actually been sending bricks, and why they are sending bricks to us is to send a message to finish the wall, to build the wall so that we have a secure border. That, ladies and gentlemen, is what our constituents want. Obviously, if they feel so compelled to be sending these bricks to Members of Congress, they feel very strongly about it.

Mr. Speaker, our borders are hemorrhaging with Americans looking on daily in disgust at the Senate's bill and wondering what is going on here in Washington. Instead of tougher border security that Judge Carter has said should be an absolute first step, and enforcing current laws, our constituents saw the Senate granting a free pass to law breakers.

The Senate bill is fundamentally unfair as it applies only to those who broke our laws instead of those who applied legally to come to our country. The Senate bill should be called the "No Illegal Alien Left Behind Act," because it gives aliens, for example, instate tuition rates at colleges, and it prohibits local law enforcement from working in cooperation with border patrol to make sure that our borders are secure and that illegal aliens are apprehended.

The bill in the Senate also counts time illegally in our country toward the 10 years, or 40 quarters, that a person must work to be in the Social Security system.

□ 1745

That is just wrong. They were here working illegally.

Even their attempt to get it right is kind of wimpy. They cited English as the "common and unifying language" instead of making it the official language that we all know that it is. The Senate also says that they want a fence, but their language provides one that is too small to really do any good.

Further, in the Senate bill, it would allow 217 million new immigrants over the next 20 years. That is two-thirds of our current population. That is just not an acceptable public policy.

When I was back home over the break, I believe it was during Memorial Day, a young man asked for an appointment. And, Judge, I am sure that when people ask for an appointment, they usually want something, they want us to support something. And I always meet with people who want to meet with me who feel that compelled that they want to spend the time to give me their opinions.

And this young man was from Bosnia. And like every Member of Congress, we have people whom we will never forget, who truly touch our hearts. He was 17 years old when we went into Bosnia, and he went over to the American consulate, and he asked for the ability to come to this country as a political prisoner. And he told me a story, that he loves America so much, he actually has applied to become a naturalized citizen. And, of course, I am thinking, Okay, this is where he asks me for something.

He did not ask me for anything. He put in his application in 2001 in August. He knew that they were only up to February. But his comment was so poignant, he said, I did everything right. I didn't come here illegally. I came here under political asylum. I applied for the right to be a citizen in your great country, to be a naturalized citizen in your great country. And he said, What really worries me is that we are going to let all of these other people in line, people who came here illegally. People who truly do not love our country.

And his comment, I just will absolutely never forget. His comment was so poignant and he was so passionate. He said, As everyone here, we don't object to their applying to come to this country, but let them do it legally. Do not let it be a back-door pass to get in the front of the line to become a citizen.

I am sure that every Member of Congress's caseload is very similar to mine. You have upwards of probably 200 immigration cases, 200, 300 immigration cases, that every single office is trying to help. These are people who came here legally. These are people who are trying to stay here legally and/or to bring over some of their relatives. And to count time illegally in our country towards Social Security is something that our forefathers must be turning over in their grave, Judge. I can only assume that.

So with the bill that the Senate passes, I am so pleased that Americans can differentiate between the Senate giveaway bill and the House bill that says we need to secure our borders first. When I am back in the district, I tell my constituents, I do not believe government can multitask. I do not believe that we can do both. I think we need to secure our borders and then look at some sort of a guest worker program that really works.

Certainly, like every Member of Congress, I have businesses in my district who are using immigrant labor. Hopefully, they are legal immigrants, but we want to have a guest worker program that truly works. But first and primarily, we must secure our borders.

I do not think that my constituents are any different than the gentleman from Texas's constituents. Actually, they probably feel even more passionately about it.

I was recently down at the border in El Paso and spoke to some sheriffs there who say, No, secure border, finish the fence. Where we were, there actually was a fence, but they are concerned about all the other areas on the border where there are no fences. And most of the sheriffs along the southern border have joined together and are working cooperatively with our Border Patrol. And that is a good thing. That is a very good thing. Under the Senate bill, they would be prohibited from doing that.

That is not what we want. If we ask our citizens back home what they really believe we should do, they want the borders secured.

I was over in my office, and I heard the good judge talking about the fact that other than Mexicans are coming over. So this obviously is not just an issue of border security and immigration. It is a national security issue. Keeping our borders secure is so important. If you do not know who is coming and going across those borders, that is where a danger to our country, to our security, actually exists.

Those of us who are parents know that you do not reward bad behavior. I am just not certain that that is the slogan in the Senate, because it appears as if they are rewarding bad behavior. You break the law, you come here, you stay here, we do not know anything about your criminal background, and we are going to reward you. That just is not in the American tradition of fairness. That is not what our citizens want. If the Senate bill only benefits those who came here illegally, overstayed their visa or violated their visa terms, that is not what our citizens want.

Do we really want these law-breakers as new citizens of our great Nation? Should we cave to law-breakers who take to our streets waving other countries' flags and demanding rights?

Mr. Speaker, I am not opposed to legal immigration in any way, shape, or form. As a matter of fact, everyone here, their ancestors were immigrants. I have certainly come to respect the process that people go through to become Americans. Obviously, we in Florida, in particular, have a lot of immigrants who came here from a very dictatorial country, Cuba, and these people are some of the most passionate people about the rights of citizenship in America and how the illegals should go through the process legally. They want to make sure that their neighbor, the person who may be driving their children on a school bus, that they have had some sort of a background check. They are angry at people who kind of sneak in the back door and that those people might get preference to those patiently waiting in line.

And you know what? They are right to be angry. Toying with mass amnesty is a slap in the face to those who are fighting to keep our borders secure. If Congress condones the crime of crossing our borders illegally, then what have we been fighting for? If we do not mean what we say and illegal entry is okay, why even have immigration laws at all?

The Senate bill is kind of like some fashionable religions that think that the Ten Commandments are just suggestions because they totally ignore the fact that these people have broken the law. So many of us in this House believe that the key to our homeland security is border security; and I cannot agree with and I cannot support the Senate plan that pits border security against a free-for-all amnesty plan. We do not have the resources to hold back the tide of illegal immigrants, and promising amnesty will only bring millions more rushing to our shores.

The gentleman from Texas and I worked and spoke very favorably about the bill that we passed in this House, H.R. 4437. And it is a good bill that secures our borders. It is a bill that sends a very strong message that we are not going to tolerate illegal aliens, and one that does not give away citizenship like free candy.

When I started receiving these bricks, I initially wrote back to my constituents suggesting that they send them over to the Senate. But I am afraid that once the Senate passed that bill, they will not be sending them. They might be throwing them.

Judge Carter, I appreciate the opportunity that you have given me this evening to join you in discussing the differences between the Senate and the House plan.

Mr. CARTER. Mr. Speaker, I thank the gentlewoman from Florida for joining me here and giving a very good presentation of what a Representative of another State besides Texas feels about this, one that is not on the border, but sees the crisis on the southern border of the United States. And, again, I thank the gentlewoman for joining me.

It is my understanding, Mr. Speaker, that my time is about to run out. I want to tell you that one of the things we all in the House should be proud of, and we over on this side of the aisle, the word I am hearing is we are going to stand fast and we are not going to reward unlawful and illegal behavior by giving a free ride to anybody. We are going to say we will enforce our border, and then we will take a hard, studied, intelligent look at what we need to do to deal with the rest of these, part of the big picture, but not crisis issues that are addressing our country today.

And we have got great thoughts and great ideas, biometric identification on your Social Security. Many, many great ideas, all of which we should take our time, do it right, because with all I have talked about, about enforcement of the law, which is my background, I still remember we are talking about human beings. And if we do not plan right, with compassion, do it to where it makes sense, then a couple of questions come to mind. If our bureaucrats get overwhelmed, what happens to the people that are here? They are going to be overwhelmed too. And what are they going to do? Stay in the shadows.

I hear so many people using the rhetoric, "You can't deport them all." I have not heard anybody in this House talk about deporting them all. But if they do not get in the program because it is so overwhelming and it is not well planned and they stay in the shadows, then what do we do with them? Nobody has even talked about it. They assume everybody is just going to just step up and say, It works like a clock, no problem, we will all be processed in 30 to 60 days, hallelujah, praise God, we are Americans.

Mr. Speaker, it has not been thought out. The plan submitted to us, the Reid-Kennedy bill, it does not have any of these hard questions thought out. And it will bring worse chaos to a chaotic system that has laws in place we could enforce today.

I hope that our friends across the country will contact our friends in the Senate and say, please, let us think this national issue out long and hard and right, always promising we are going to resolve it. I am not saying run from it, but let us go where the bleeding is.

Go to the border. Stop the bleeding. Enforce the House bill, border security first. And with that, Mr. Speaker, we will be walking down the road to making a better life for all those who wish for liberty, freedom, and economic security of the greatest Nation on Earth.

I thank the Speaker for giving me the time to address this House tonight.

☐ 1800

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. McCAUL of Texas). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, we appreciate the opportunity again for the 30-something Working Group to be down here to talk about issues that are pressing not only to the country but to those people who are in their 20 somethings or 30 somethings and how some of the policies here in Washington, D.C., are playing out in their day-to-day lives.

The previous speakers talked a lot about making sure that we secure our border, and the Democratic Party has been very supportive of trying to fund Border Patrol and take different measures that we are going to make sure that we did actually secure the border. I think all Americans can agree that if we do not secure the border, any policy that we try to deal with afterwards will not be effective until we actually do secure the border.

I would like to go through a list here of different amendments that Democrats have tried and tried and tried to get passed since 2001 that the Republican majority has voted against. Now, this is not a partisan issue. You would think it is an issue all Americans should be concerned about, but sometimes when you get one-party control of the House and the Senate and the White House, you get obstruction and this is what happened. These are all dated and these can all be found on our Web site.

In 2001, vote 454, November 28, Republicans voted against consideration of an amendment that would have added $223 million for border security. In 2003, another one, Republicans voted against consideration of an amendment that would have added $300 million for border security. 2003, vote 305, Republicans once again voted against consideration of an amendment that would have added $300 million to enhance border security, adding border agents and inspectors along our border. June 16, 2004, vote 243, Republicans voted against consideration of an amendment that would have added $250 million, Mr. Speaker, in order to meet the promises that the Republican majority made regarding the PATRIOT Act. Again in 2005, vote 160. Republicans again voted against a motion to send a report back to conference with instructions to add $284 million. And for fiscal year 2006 and 2007, Republicans have repeatedly broken the promises they made on border security in the intelligence reform bill, the 9/11 Act of 2004, which included 2,000 additional border patrol agents, 800 additional immigration agents and 8,000 additional detention beds per year from fiscal year 2006 to 2010.

Democrats have consistently tried to increase border security, and the Republican majority has consistently voted against it. I am not done. Again, 2005, vote 174, Republicans voted against consideration of an amendment that would have added $400 million for border security to meet the promises that Congress made for the 9/11 Act, again increased immigration agents, increased border patrol agents.

2005, vote 187, Republicans voted against a Democratic substitute to the homeland security authorization bill that was designed to fulfill the promises again in the 9/11 Act, and it goes on and on, again vote 188, in 2005; vote 56 in 2006; vote 210 in 2006 in May, where the Republicans finally voted against consideration of an amendment that would have added $2.1 billion for border security.

We have tried and tried and tried to put the proper legislation and the proper funding in place, Mr. Speaker, to secure our border, and that needs to be the message. Before we get on to any other discussion regarding immigration in the United States of America, if we do not secure that border then nothing will matter, and that is exactly what we have been trying to do.

I think, Mr. Speaker, when you look around the world, and it hit me as I was reading the Sunday Times from this past Sunday, why it is so important for the United States to maintain a strong position in the world, promoting peace and democracy and liberty and freedom and capitalism, all of the basic tenets of our society, all the basic structures of our society. If America does not do it, it will not happen, and it will not happen.

All you have to do, if you do not believe me, we like the third party validators here, look what is happening in Russia. We hear a lot about what is happening in China, crackdown, dissent, human rights abuses. We hear a lot about what is going on, currency manipulation, suppression of religious freedom, but look what is going on in, quite frankly, state-run enterprises that are putting American businesses into bankruptcy.

We also see what is happening in Russia. Russia offered to help North Korea protect their nuclear weapons with technology, and then this is a special report in the paper, the Kremlin tightens reins on free market, where President Putin is having a Cabinet meeting and those major members of the Cabinet are also running major enterprises in the state.

It is imperative for the United States of America to maintain this position of strength, and it is nice to see that I have been joined here by my friends from Florida and from Boston and our other friends who made it here, too, to have this discussion about why it is so important for America to maintain this position. The Democrats have consistently tried to take this country into a new direction, into another direction and get ourselves out of this wageless recovery and this endless occupation that we are in.

I would be happy to yield to my good friend from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I thank Mr. RYAN for yielding the time.

As I was waiting to come over, I had an opportunity to watch our friends and colleagues on the other side of the aisle speak about immigration, and I discovered something tonight, and that is that they really have a great sense of humor.

Now, we know individual Members over there that are friends of ours, we enjoy them, and they have a sense of humor, but collectively they have a sense of humor. They were eloquent in their comments and their observations, and I noted that they continued to refer to the Senate bill, Mr. Speaker, as the Reid-Kennedy bill. Well, I guess we must be playing some sort of funny game because I am going to ask my colleagues to help me.

Whatever happened to JOHN McCAIN? Did he just disappear? I thought it was Senator McCAIN, who there is a rumor, Mr. Speaker, that he might be a candidate for the Republican nomination for President, that he had something to do with that Senate bill. Has anybody seen Senator McCAIN? Congresswoman WASSERMAN SCHULTZ, have you seen Senator McCAIN?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am going to have to get out the bloodhound.

Mr. DELAHUNT. Congressman RYAN, have you seen Senator McCAIN? It used to be the McCain bill, and now it is the Reid-Kennedy bill. I mean, who is kidding who?

Now, you have a Senator, I believe, from Florida by the name of MARTINEZ, Senator MARTINEZ. I thought that he was involved in the amended version of the Senate bill that eventually passed. Am I correct?

Ms. WASSERMAN SCHULTZ. My understanding, Mr. DELAHUNT, is it was Senator HAGEL, Senator MARTINEZ, Senator McCAIN. So how this became the Reid-Kennedy bill——

Mr. DELAHUNT. Do you think it has anything to do with politics?

Ms. WASSERMAN SCHULTZ. No.

Mr. DELAHUNT. You are all silent. I mean, can you help me, please? I am just confused, Mr. Speaker. Whatever happened to JOHN McCAIN? Does he still support this bill, this possible candidate for the Republican nomination for the presidency in 2008? Whatever happened to Senator McCAIN?

Mr. MEEK of Florida. Mr. Speaker, well, let me just say that it is an honor being here tonight with my colleagues and 30-something Working Group, and I am so glad that Mr. RYAN was here to catch the hour. I notice that he has taken the high road here or the high ground here tonight, and it is so good to be in the well.

But I just want to say to Mr. DELAHUNT, it goes back to our discussion the last two evenings. Our Republican colleagues on the Republican side of the aisle, which is the majority, what is not a great value of that majority and the leadership is being straight with the American people.

Mr. DELAHUNT. Well, yeah.

Mr. MEEK of Florida. So this is a consistent theme of not being straight with the American people. They take value in not being straight with the American people, need it be deficit spending, record breaking borrowing. I read an article just last night or the night before as it relates to the President saying that we have to send a message to Congress that we want control on spending and their appetite on spending the taxpayers' dollars, to let the American people know that we are fiscally responsible. Then the next day signing the largest pork barrel bill, transportation bill in the history of the republic. Being straight with the American people. Not a week later, but the next day.

Telling us here on this floor that a prescription drug program costs one thing, find out a week or two later that it has doubled in costs, and then months later, several hundred million dollars more.

So when we start looking at being straight with the American people, and I think that is the frustration of Republicans and Democrats and Independents, and voters, period, out there is the fact that the Republican majority has decided that being straight with the American people and leveling with them is not a value. Oil prices, price gouging, protecting special interests, K Street Project, a number of other issues that are here on this floor with the special interests takes the high ground, and they are protected and the American people are not.

When we talk about the minimum wage, Mr. RYAN has the charts over there, 1997, there has not been an increase in the minimum wage since 1997, and on that chart we have the Republican leadership saying not over my dead body is this going to happen, in so many words, that we are not going to allow it to happen.

Here on this chart you have the minimum wage down here, Mr. DELAHUNT is familiar with this, 1997, you know, starting with the oil, starting with the minimum wage here, zero. Here in 2006, it has been that way since 1997. Whole milk has gone up 24 percent; 25 percent, bread has gone up; 4-year public college has gone up 77 percent; health insurance has gone up 97 percent; and regular gas has gone up 136 percent and still climbing.

We have folks here that are saying, hey, give us a pay raise. I am going to tell you right now, if someone has to keep two homes and travel between and do all of those things, yeah, I would like a pay raise, but at the same time I have a conscience about this.

Our leadership has said, and we have said that we are not going to take a pay raise unless the American people get a pay raise.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I interrupt only because I want you to read the quote from the Republican majority leader about where he is and his conference is on the minimum wage increase.

Mr. MEEK of Florida. Well, he is a good friend of mine, but I am just going to read this because I think it is important. I guess this is the position here: I have been in this business for 25 years and I have never voted for an increase in the minimum wage. I am opposed to it, and I think that a vast majority of our conference is opposed to it. That was just June 20 of 2006.

I mean, obviously this is the philosophy that has been picked up all the way from the former Member of this House who was the majority leader because it has not been increased federally since that time.

Mr. DELAHUNT. Mr. Speaker, I have to get back to the point that you made when I yielded to you about the missing JOHN McCAIN. Since tonight listening to their remarks about immigration, somehow they want to put it on the Democrats that the problem is and was created by Democrats.

☐ 1815

Well, nothing could be further from the truth. I mean, if you want to give this Senate bill a label, the truth is, it is supported by President Bush. Now, can you help me? Is President Bush a Republican, Mr. MEEK, or is he a Democrat?

Mr. MEEK of Florida. I think the President and some members of his party are struggling to know what his party affiliation is. Because I know some Republicans that are very concerned about what the President has done and what he is doing. But he says he is a Republican under the line that he is a fiscal conservative, but that is not the case.

So we do not know what to believe. Ideological wise, he is a Republican President, but at the same time some of the stuff we hear here on the floor would say that it is some other kind of party or philosophy that is out there.

But to the answer your question, yes, he is a Republican President.

Mr. DELAHUNT. So he is a Republican. So why do not we refer to it then as the Bush-McCain bill that is distinct from the other bill?

Mr. MEEK of Florida. I personally, I am representing the 17th Congressional District of Florida, you know Dade and Broward County. But, you know, I do not want to be them, Mr. DELAHUNT. I do not want to come to this floor and start talking about what they are saying, so we are going to rebut what they are saying. I do not want to be them. I want to make sure that we are who we are.

We are being straight with the American people. If it is the Bush-McCain or it is the Kennedy-Martinez bill II, Arlen Specter bill II, so that if someone sees us here on the floor and they heard, well, they call it the Bush-McCain bill, they say, well, they left the Democrats out, and then we have just done what they have done. I know how that can be contagious sometimes because it happens so much here on this floor.

Mr. DELAHUNT. I am not going to refer to it again as the Bush-McCain bill.

Mr. MEEK of Florida. I know you are just making a point, sir.

Mr. DELAHUNT, I am so glad that you were witnessing that. I was in the oversight committee and I could not see it.

Mr. DELAHUNT. I know that we worked hard. And I will yield to the gentlewoman in a moment. That we have worked hard to secure the borders. That is what we have been trying to do for the past 6 years.

I am going to refer to my notes here for a minute.

We, as a party, have filed amendment after amendment as appropriations bills have come to the floor. If they had been adopted, there would be 6,600 more Border Patrol agents today patrolling our border, 14,000 more detention beds, and, Mr. Speaker, 2,700 more immigration agents along our borders than now exist. But those amendments were not adopted because the Republican majority voted against them. That is why. That is why we have the problem today that is causing this contentious atmosphere in this Chamber and in the other Chamber.

But let's speak to the truth. Let's not just simply politicize this debate. Let's put the facts out. Who has been in charge of this institution for the past 12 years? It is the majority Republican party, Mr. Speaker. And across this Capitol building, who has been in charge, Mr. Speaker? It is the Republican Party, and George Bush has been the President of the United States since January of 2001.

Today we have a problem with illegal immigration. Who is responsible?

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, let's play a game. Let's see which caucus is really for border security and which conference is playing "let's pretend." And we will deal just with facts here, just with factual information, unlike what they do, which is either, A, make it up as they go along; or, B, say something that is not true enough times so that people believe it; or, C, just pick and choose the numbers that work best for them and represent that they are doing something when they are really not. So any of those three things is what happens on the other side.

Here is the reality on border security. Democrats versus Republicans: From 1993 to 2000, under the Clinton administration, on average, 642 new Border Patrol agents were added every year. Despite the fact that 9/11 highlighted the need for more border security, in its first 5 years the Bush administration added, on average, only 411 new Border Patrol agents.

Under the Clinton administration, 642 new Border Patrol agents were added every year. Under this administration, since 2001, since 9/11, only 411.

It gets better. Between 1999 and 2004, we are talking about enforcement, you know what, the Republicans talk a good game about it, we have got to increase enforcement, we have got to make sure that we crack down on illegal immigration, we have got to make sure that employers are not harboring illegal immigrants and breaking the law in hiring them. Well, let's see if they really mean that.

Between 1999 and 2004, work site immigration enforcement operations against companies were scaled back 99 percent by INS. Subsequently, INS was merged into the Department of Homeland Security and now it is called CIS. But in 1999, the United States, this is the year before President Bush took office, the United States of America initiated fines for hiring illegal immigrants against 417 companies. Mr. DELAHUNT, in 2004, it issued fine notices to three companies. Three.

1999, the year before President Bush took office, the United States initiated fines against 417 companies for hiring illegal immigrants. In 2004 they initiated three.

Mr. DELAHUNT. So in the space of some 5 years, enforcement actions against employers who were hiring illegal immigrants——

Ms. WASSERMAN SCHULTZ. I have another one. The Bush administration also has a worse record than the Clinton administration on pursuing immigration fraud cases. In 1995, during the Clinton administration, 6,455 immigration fraud cases were completed. In 2003, guess how many? One thousand three hundred eighty-nine, 78 percent fewer immigration fraud cases completed.

And then if you take the statistics that they brag about, the Bush administration brags that in its first 5 years it caught and returned 6 million undocumented individuals. That is actually a drop from any 5-year period that you can demonstrate during the Clinton administration.

So that is what I mean when I say they just put up the statistics that make them look good and leave out all the other relevant information.

Mr. MEEK of Florida. Mr. Speaker, number one, we need Mr. Manatos and others to get us a chart on that.

Ms. WASSERMAN SCHULTZ. We have got to have a chart.

Mr. MEEK of Florida. We have got to have a chart. Because, folks, they cannot quite capture those numbers on that small piece of paper you have. If a Member was in his office or her office watching us here on the floor, we want them to visually see their track record on what they have done.

It reminds me of when the President flew over the Hurricane Katrina-affected area and came back to the White House and said, We are sending food and water down, and blankets, and this is just the beginning.

Well, that was 3 days after the storm. And I can tell you this right now, in the heat of the summer, I do not know what good blankets would have done, but that is a whole other issue.

The bottom line is, just because they say it, and I am taking from Gingrich, just because they say it, "they" is what Mr. Gingrich is calling the Republican majority, just because they say it does not necessarily mean that it is true. It does not necessarily mean, just because they say it, that it is true.

I will share what Mr. Gingrich has called this Republican majority. We do not have to do it: Republicans and Americans are saying it. This is the former Speaker of the House, Mr. Speaker, who said in the Knight Ridder newspaper, Friday, March 31, 2006, "They," talking about the Republican majority, "are seen by the country as being in charge of a government that cannot function."

And this is what we are seeing, Mr. DELAHUNT. Folks coming to the floor seeing things that they know are altered. They are altering it. They are saying, well, this is the written word and these are the facts. But that is not good enough for me; I am going to erase it, and I am going to go to the floor and I am going to fool the American people. I am going to mislead the American people, because it is an everyday occurrence here by this majority.

And the reason why so many Democrats, and I would say a very few Republicans are outraged by the fact, when they hear the facts, when we all sit in our offices and we hear altered information; we have third-party validators. If we say the U.S. Department of Treasury came up with these numbers, they came up with the numbers. If we say that the deficit is record-breaking borrowing in the history of the Republic, we have third-party validators.

Some Members come to the floor, and it is their prerogative, and if they want to mislead, let them mislead. But we are going to make sure that we continue here in the 30-Something Working Group and on this side of the aisle, in sharing the truth with the American people. This is not a place where someone comes up and says, this is a Democratic Party meeting or this is a Republican Party meeting or this is a Reform Party meeting, Ms. WASSERMAN SCHULTZ, this is the U.S. House of Representatives, the People's House the only Chamber that you have to be elected to.

You can be appointed as Senator by a governor. But you have to be elected to the House. There are no appointments here. So I think it is important that folks really appreciate what we are doing here.

Ms. WASSERMAN SCHULTZ, I want to thank you for bringing those numbers, and I want to make sure that we get it into a chart.

Let me just say this real quick. I have got this chart here, just as an example of who we are as it relates to sharing information that is accurate, versus some on the majority side that are well documented for not sharing accurate information to not only the Members of Congress and the minority side and some of their own Members, but also the American people.

Case in point: $1.05 trillion that President Bush and the Republican Congress that you see here, borrowed from foreign nations, foreign nations, between 2001 and 2005. $1.05 trillion have dethroned—that is the new word—42 Presidents before this President; 224 years of the history of this country, they have only been able to borrow $1.01 trillion.

Now, Mr. DELAHUNT, this is my point. This is from the U.S. Department of Treasury, it is right here. Folks can go on the Web Site and get it. Now, if we were meeting in the 30-Something Working Group and say, well, $1.05, well, maybe we need to, even though it happened all in 4 years and it took 224 years for this to happen, let's say $1.09, that sounds better. That would be misleading the American people and the Congress.

Members are on the floor, and they take what we say to be truth to power, that we come and we are here leveling on behalf of the American people. We are not here to say what sounds good or what would sway a certain segment of the population to feel one way or another.

Folks woke up early one Tuesday morning from representation, not for someone to mislead them through statements here on this floor that are not accurate. That is the reason why we are in the situation that we are in now. Even when it comes down to the war in Iraq. Even when it comes down to the pursuit of Osama bin Laden in Afghanistan.

The information is not accurate that has been shared with the American people and that is the reason why so many individuals are suffering as it relates to gas prices. These gas companies and these petroleum companies have been allowed to come into this Chamber with Members carrying their will and voting the way that they want them to vote against their constituents.

This is something that we all feel passionate about and the American people feel passionate about. And, Mr. RYAN, as I yield to you, as they go to the pump and hesitate before they put their debit card or credit card or whatever it may be into that pump about, how much is it going to cost me today to fill my tank up, they need to think about the individuals that are allowing these petroleum companies to take advantage of the American people, misleading the American people. And if I had my way and we were in the majority, I tell you, I guarantee you, that that practice would no longer take place. And when it does take place, we will come to the floor and knock it down.

I commend Mr. DELAHUNT for bringing the misleading of the American people as it relates to information on who is sponsoring immigration bills in the Senate, and pointing out the fact that there would not be an immigration bill that passed out of the Senate if it was not for the Republican majority voting in the affirmative for the legislation, the same way as here in the House.

□ 1830

Mr. RYAN of Ohio. The same thing with the deficit. With the fourth largest annual deficit in the history of the United States of America, the President makes his way out, Madam Speaker, and touts it like it is some great success, like we should all be pounding our chests and proud of this. The fourth largest deficit in the history of the country. And we are borrowing the money from Japan and China and OPEC countries and all these other countries that give them real leverage on us when we try to act in a diplomatic way, whether it is with North Korea or Russia or China or whatever it may be.

What would the Democrats do and what have the Democrats attempted to do time and time again? The Democrats have tried to reestablish the PAYGO rule, and we have tried to do it numerous times in the past several years.

Now, what is PAYGO? PAYGO basically says that we will not spend any money in Congress unless we can pay for it. We are not going to go out and borrow the money. We have got to pay for it. Here it is, and there have been numerous—this is just a couple: The Spratt substitute for the budget resolution in 2006 failed, not one Republican voted for it, rollcall vote number 87.

We are not making this up. We tried to put PAYGO rules into the budget process and the Republican Congress voted against it, because that would limit their ability to provide corporate welfare to the oil industry, to subsidize tremendously the health care industry. Again, Congressman SPRATT, vote rollcall number 91, failed again for the budget resolution in 2005, 194 to 232. How many Republican votes? Zero.

And I know DENNIS MOORE has tried to do it, Charlie Stenholm, when he was in Congress, he tried to do it. Time and time and time again. Ms. WASSERMAN SCHULTZ, Democrats have tried to implement basic structural changes so that we could balance the budget.

It is not a coincidence that when President Clinton was in and the Democrats passed the budget in 1993 and we began to implement some of these rules, we had a tremendous explosion of economic expansion that lifted everyone up; and then, in 1997, passed an increase in the Federal minimum wage which, actually—there is a statistic here that I just love from American Progress, 4 years after the last increase in the minimum wage, the economy enjoyed its strongest growth in over 3 decades, adding 11 million new jobs. And, the small business employment between 1997 and 2003 grew more in States that had a higher minimum wage than the Federal minimum wage.

Raising the minimum wage is good for the economy. It is a different philosophy, it is different, but it works.

Ms. WASSERMAN SCHULTZ. That makes me want to pull out another third-party validator, because this week we got to experience the exciting midyear opportunity to hear the President with his Republican leadership surrounding him to cheerlead the supposed success they have on the economy.

Now, it would be one thing if we were standing up here as DEBBIE WASSERMAN SCHULTZ and TIM RYAN and KENDRICK MEEK and BILL DELAHUNT and saying, well, that is a lot of baloney. Anyone in America looking at this economy and looking at this deficit would say, what is there to celebrate about?

But it is not just us. This morning editorial page in USA Today had this to say about the midyear review of the economy that the administration just trotted out.

They say, "Forgive us if we don't break out the party hats. It is hard to get excited about an abysmally large deficit in the range of $300 billion that is somewhat less gargantuan than earlier predicted. Even accepting the administration's assurances that it does not purposefully overestimate the numbers in a Wall Street-like game of beating expectations, this habitual midyear crowing masks the seriousness of the Nation's bleak fiscal outlook."

Well, if that doesn't say it, all right there in a nutshell, I don't know what does.

Mr. RYAN of Ohio. There was a gentleman at work who worked for President Bush, Douglas Eakin, Holtz-Eakin, former director of CBO for President Bush said, "The long-term outlook is such a deep well of sorrow that I can't get much happiness out of this year." This guy used to work for President Bush.

Ms. WASSERMAN SCHULTZ. And what they were doing this week is saying, Wow, the deficit wasn't $423 billion, it was only $300 billion.

Now, what is clear, and what USA Today is not letting the President get away with, is that they began by inflating the number that they said the deficit would be at, so that when what happened occurred, when they knew it would be much lower than that, it would look like an accomplishment.

Well, if they are excited about a $300 billion deficit, then I really want to know what their definition of fiscal responsibility is, because that apparently for years has been the cornerstone of the Republican Party's platform, that they are fiscally responsible. A $300 billion deficit is fiscally responsible. And then on top of that they are passing tax cuts for the wealthiest among us? And this is how those tax cuts break out for folks?

I mean, we just passed a tax reconciliation bill just a few weeks ago that, if you look at how it benefits people by their income, this is what it really boils down to: That tax cut bill, which virtually all the Republicans voted for, if you make between $10,000 and $20,000 a year, which is around minimum wage, the one that they haven't raised since 1997, you get about enough back to buy a Slurpee. If you make between $40,000 and $50,000 a year, somewhat more than minimum wage, you get enough back in that tax cut bill offered by the Republicans to buy a gallon of gas.

Mr. MEEK of Florida. Maybe.

Ms. WASSERMAN SCHULTZ. Maybe. Because depending on how high the price goes, you actually might not get all that back.

But then let us look at the folks who make more than $1 million, you get enough money to buy a Hummer.

Now, I don't know about you, but I really think, if we are going to pass tax cut legislation at all, if we are going to give tax dollars back to the people, first and foremost, let's eliminate the deficit. Do you keep passing—I mean, tax cuts are spending, Mr. MEEK. It is not free. We don't just print more money.

I just took my 7-year-old son to the Mint yesterday, and I watched them print the money. But the tour guide didn't tell us, "You know, when we run out, we just print more." It doesn't work that way. They obviously didn't go to Econ 101; otherwise, they wouldn't think it was responsible to do what they have been doing.

Mr. RYAN of Ohio. And just to clarify, if you don't mind, Ms. WASSERMAN SCHULTZ, as you stated, we do not have the money to give to these millionaires to go out and buy a Hummer. So where do we get it? I don't know even if we have a chart here.

Mr. MEEK has a chart. I will yield to the gentleman in a minute.

Mr. MEEK of Florida. I will give you my chart.

Mr. RYAN of Ohio. We don't have the money to give, so we have to go out and get it somewhere. We borrow this money from China, OPEC countries, Japan, to give to a millionaire so that he can get a Hummer.

No American, I can guarantee you, believes that that is a good idea. That can't be a good idea. Because now we owe China money, and we have given the wealthiest people in our society a Hummer, and our kids are left to foot the bill.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, you have people in America who, the agony and the angst in the pit of their stomach that they have over their credit card debt and the things that they actually need, like the ability to fill up their gas tank, I mean, the churning that we know is going on inside of mothers and fathers across this country over how much debt they have versus what they have coming in.

I guess that churning isn't going on on the Republican side. There doesn't appear to be any angst, there is no hand-wringing, there is no worrying about it. Where is the outrage? It is nonexistent. They just keep spending and spending and spending. The deficit keeps ballooning, and then they say, Yeah, the deficit isn't $423 billion, it is $300 billion.

Well, it is just, it is too shocking for words. And then they have the nerve, Mr. MEEK, to call themselves the party of fiscal responsibility. It is a joke.

Mr. MEEK of Florida. Thank you, Ms. WASSERMAN SCHULTZ. Just because they say it, "they," going back to what Mr. Gingrich has called the Republican majority, he who used to be Speaker of the House but now calls his former colleagues "they" because it is foreign to him now, "Just because you say it doesn't necessarily mean that it is true."

Now, Mr. DELAHUNT, this is true. What is true is the fact that we have borrowed $53.8 billion from Canada because we can't afford to pay our bills, so they bought our debt. Korea, $66.5 billion. Germany, $65.7 billion. OPEC nations.

Who are these OPEC nations? We hear about them on the news, but we don't know who they are. They are Iran, they are Iraq, they are Libya, they are Saudi Arabia, they are Venezuela, Nicaragua, Kuwait, United Arab Emirates, Ecuador, and on and on and on, Qatar, on and on and on. They have said, since America and the United States majority House of Representatives and the President wants to overspend and give away the money and they can't afford to do what they are doing, we will buy their debt. Taiwan, $71.3 billion. The Caribbean, $115.3 billion. The U.K. is at $223.2 billion. And you have China that is at $249.8 billion and Japan which is at $682.8 billion. And folks wonder, why are we in the situation where we are now?

It pains me to silhouette the country, silhouette of the continental United States and put those countries over it, but we have to break this down and let the American people know this is not about party, this is not about what you may feel about a man or a woman representing you.

This is about representation for you. Forget about what convention you went to last time. Forget about if you have an R or an I or an Independent. It is about America. And what the Republican majority has done effectively, they have borrowed themselves into a situation so that when parents are going to schools, let us just look at this. here is the education budget and what we invest in education and this is in the billions as relates to this chart.

This is what we invest in homeland security. This is in the billions. Our veterans allowing us to salute one flag, Mr. RYAN, this is what we invest in veterans and their health care and their needs. And, this is what we invest, thank you, a la the Republican majority here in this House, the rubber-stamp Congress and the President of the United States, who I do not fault personally. I don't fault the President for doing what he does. I fault the U.S. House of Representatives and the Senate for allowing it to happen with very little oversight.

Mr. RYAN of Ohio. I wouldn't be too complimentary. This President hasn't vetoed one spending bill, and he comes to the Rose Garden and says the Republican Congress needs to control their spending. He has not vetoed one spending bill.

Mr. MEEK of Florida. Because you came in on the back end of my words. I am telling you this. The President is the President of the United States. At the end of his term he can no longer run for President of the United States.

Guess what the difference is between Members of Congress and the President. We are up every 2 years. The American people can bring about change in November, and then a transition of power in January for representation. No matter what their party affiliation is, I know Republicans personally that I know that I represent in my own district and outside of my district that have a problem that we are spending more on the debt, paying down the debt, than we are investing in education, homeland security of all things, and veteran affairs.

There are individuals right now, and I just went through the veterans hospital during the Fourth of July break to go visit those individuals that just returned to Iraq and Afghanistan and those individuals that fought before them, and I can tell you they are not getting what they deserve. They are having to wait in some rural areas because the rural clinic is only open 2 days out of a month.

These are the people that have laid their blood down. These are the people that their friends have died beside them, and they are asking them to suck it up.

Meanwhile, back at the ranch, the Republican majority is allowing this debt to overwhelm. You can stack eight of the veteran investments up to the debt, you can stack lower homeland security probably 10 up to the stack as it relates to the $250 billion that we are paying on the debt. And as it relates to education, you can go two more times as it relates to investment in education. And, meanwhile, folks come down here with a straight face, Mr. DELAHUNT, and say that we are fiscal conservatives and we know how to govern?

☐ 1845

The American people know it. That is the reason why the polling is showing they are fed up with what is going on here. They are willing to give Democrats or somebody else an opportunity to lead.

Mr. RYAN, that is the reason why I said that I am not concerned with the President of the United States. He is going to do what he has been doing and will continue to do. Just like he said, if there is going to be a change in Iraqi policy, that is something for future presidents, not him. He said that as though he lives in a kingdom. This is a democracy.

The only way we will be able to represent those troops and those individuals that deserve representation is that the American people are fully aware and educated with the facts, and that is the reason why we are on this floor, to share that.

Mr. DELAHUNT, thank you for yielding, sir.

Mr. DELAHUNT. Well, I think you have summed it up. What irony that at this moment in American history the American people are borrowing from Communist China so that the most affluent among us, truly the most affluent among us, 1 percent of the population, receives a disproportionate tax cut. I mean, if this was written in a novel 10 or 15 years ago, people would be shaking their heads.

We are borrowing money from Red China so that the wealthiest Americans can buy a Hummer, because that is really what is happening. That is connecting the dots. Of course Democrats support tax reduction, or tax cuts, tax cuts that are fair. That is the difference. You know, a family that is supporting their sons and daughters in terms of their tuition bills for college education, there should be tax credits, there should be tax deductions. I mean we could list a vast number of thoughtful tax cuts that would benefit everybody, that would benefit the middle class rather than creating a society in these United States of those that have and those that are getting less and less every day. Real income, real income for that family right square in the middle of our population has declined, and that is why people are unhappy.

And of course we are all supporting with our tax dollars the war in Iraq. It is costing us $8 billion a month, or $2 billion a week. Just imagine if that money was going into building roads here, to rehabilitating schools, to providing scholarships for American children to go to college, to invest in our national health system what we could do with that money. But we are doing all of those things not in the United States, we are doing it in Iraq. And we are losing the war on terror because of the distraction by this administration from the real enemy, because they wanted to go to war in Iraq and remove Saddam Hussein, and that is what is happening in this country.

Yet you are so right, Mr. MEEK. What do we hear? We hear, boy, there is an immigration problem and it is a hot button issue. And it is a hot button issue. But they refuse to accept responsibility. It is like they live in an alternate reality. It is not the real world. How did we get to the point where there are somewhere between, the numbers I hear are 10 million to 12 million illegal immigrants? Because they refused to provide the funding for detention centers, for immigration agents, or for border control officials.

When we brought them to the floor, and I know that I voted for those increased fundings, yet we hear from our friends today about they are standing up, but I wonder how they voted. I would hope that each and every Member of this Congress on both sides of the aisle would go back, review their voting record on all of the amendments that we put forth to increase border security and see how they voted, and then come to this floor and acknowledge that vote before they speak.

Mr. RYAN of Ohio. If the gentleman would yield, it is not just the eight or nine that I listed, as you were probably walking down here, the eight or nine times that Democrats have offered to increase border security and border patrol and actually fund it and not just make the promise to do it. Think about the Medicare prescription drug bill. One of the first things we will do when there is a change of power in January is make sure that with the Medicare prescription drug bill we will allow the Secretary of Health and Human Services the ability to negotiate down the drug prices to save the taxpayers' money.

Now, that is good policy from any party that is running the government, but our friends on the other side have refused to implement that basic thing. So we have tried for border security, we have tried to reduce the cost of the Medicare prescription drug bill, giving the Secretary of HHS the ability to negotiate down the drug prices, and we will increase the minimum wage on the first day we are here when we take over in January. That means a pay raise for all Americans because that will trickle up and push everybody's wages up.

That was proven. When we raised the minimum wage in 1997, the economy grew 11 million new jobs. And in the States that had a higher minimum wage than the national minimum wage, there was increased numbers of small businesses that were created, new start-ups, and retail small businesses were increased. This is good for the economy.

In the first week we will be here in January, we will reduce student loan interest rates and we will cut them in half, both for parent loans and for student loans. We will have a significant impact in the lives of many, many Americans just in the first couple of days from what we are going to pass out of the House: Increase in minimum wage, lower student loan rates for you and your family, increased border security, and allowing the Secretary of Health and Human Services to begin to negotiate on behalf of all the Medicare recipients.

This is not brain surgery. We are not saying we have this grand elaborate scheme that we cooked up somewhere and we are bringing it before the American people. This is basic fundamental stuff. But when you are not so attached to the special interests, when you don't have a K Street Project in which there is this give and take with the big lobbying firms down here, you are able to govern in a way that benefits all of the American people. And that is what we are trying to get at.

Let us take the country in a new direction, where we have a philosophy where everybody contributes to America and everybody benefits. We are actually looking out for the common good. We will provide for the common defense and we will increase the common wealth.

You know, I go to some of these States like Virginia and Pennsylvania and Massachusetts, and they are all commonwealths. That philosophy, what do we have in common, how can we pool the common wealth to benefit everyone? Everyone contributes and everyone benefits. And what we have now, Mr. DELAHUNT and Mr. MEEK, is a situation that has set up a system that has been corroded and corrupted. Now, I am not saying by individual Members. I think over time this happens.

Jefferson said that every few years we need to have a revolution. Well, we need a bloodless rebellion to shift power out of the hands of the Republican controlled House, Republican controlled Senate, and the Republican White House. This is George Bush's Congress, Mr. DELAHUNT. Let us make no mistake about it. They do what he says. They follow his lead. They are afraid to stand up to him.

He hasn't vetoed one spending bill or one bill that this Congress has passed out. They rubber stamp the Bush philosophy and they consistently agree with the President. This is his Congress.

I yield to my friend.

Mr. DELAHUNT. Well, I think that is underscored by the fact when we hear them express concerns about immigration, about illegal immigration, we have not heard a single voice from our friends on the Republican side criticizing the President for the failure to enforce. Well, maybe one voice. Maybe he is here tonight. But no criticizing the President for the failure to enforce our immigration laws, particularly against employers.

Imagine, three enforcements against American businesses for hiring illegal immigrants in the year 2004 when in the last year of the Clinton administration there was far in excess of some 400. That is a disgrace. And it is the responsibility of this Republican Congress to criticize their lack of aggressive oversight on this issue. The problem has become all of ours, but it was created by the lack of funding to strengthen our borders while Democrats have been putting forth proposal after proposal to increase those numbers.

With that, I yield back to my friend from Ohio.

Mr. RYAN of Ohio. I appreciate your yielding as we begin to wrap up. Maybe Mr. MEEK could get that chart down there and give us the Web site as we begin to close.

I think you can be an amateur historian to recognize what has happened here; that in 1994 there was a move afoot to change things. Newt Gingrich, Dick Armey, and there was a crew of them who came to this floor, like we come to this floor, and like we will continue to come to this floor, to talk about issues. They were talking about balancing the budget and they were talking about instilling fiscal discipline. Mr. MEEK showed earlier the quote from Mr. Gingrich, and I read last week in the Boston Globe a comment from Dick Armey, the former House Republican leader, who said "I'm not sure what this Congress has accomplished."

These are two of the main leaders of that revolution. The Republicans have gotten very far away from what they wanted to accomplish and, I think, what this country deserves. And when that happens, Madam Speaker, it becomes time for a change in America. I think that is where we are.

Again, if you just look at what the Democratic Congress will do within the first couple of days that we get in, that this Republican Congress has failed to do in the past 5 or 6 years under complete Republican dominance, we will raise the minimum wage, we will cut student loans in half for both student loans and parent loans, we will implement the 9/11 recommendations to make sure we provide for the common defense of the United States of America, and we will allow the Secretary of Health and Human Services to negotiate down drug prices for the Medicare bill to not only save the taxpayers money but drive down drug costs for everyone.

We are going to invest in the small business, as our small businesses are trying to retool themselves. We need assistance for them with the Manufacturing Extension Program and with the SBA 7(a) loan program. We want to give local community development organizations the tools they need to help their small businesses, and some of these programs help businesses. They send out a couple of engineers to help them retool, to make sure that they are streamlining their businesses, to make sure they can find export markets. This is a positive thing, because many small businesses can't afford to do it.

So we've got an agenda. Put us in, coach, we are looking for an opportunity to play. We have an agenda, and I think the American people will recognize in just a few short days what the difference is between the current Republican leadership and what the Democrats will do.

Our Web site is www.House Democrats.gov/30something, and all of these charts and statistics are available on that, Madam Speaker.

□ 1900

SHORTEN REAUTHORIZATION OF VOTING RIGHTS ACT

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it is a privilege to have the opportunity to address you this evening and take up a number of issues that I believe are important to the American people.

As I come in here and listen to the tail end of the dialogue that takes place here on the floor, I thank the gentleman from Massachusetts (Mr. DELAHUNT), my friend whom I serve with on the Committee on the Judiciary, for acknowledging that some of us will stand up and speak to the lack of enforcement on the part of this administration.

In fact, in our private conversation, I reiterated something that I put into the RECORD the night before last in that if you are an employer in the United States and you are knowingly and willfully hiring illegals, you were 19 times more likely to be sanctioned under Bill Clinton's administration than you are under the current administration. That is the level that this enforcement has drifted to. That is the issue that they speak to.

However, I would say on the other side of this argument, we have seen an acceleration of enforcement on the border. It is too little too late to satisfy me and many of my colleagues here in Congress. But the point missing from this dialogue is when amendments are offered on the floor; if they are serious about passing those amendments, it takes homework to get that done. You have to reach across to the other side of the aisle and identify some people to work with on the other side of the aisle and get those sponsors and cosponsors for those amendments so when it comes to the floor it is ready for passage.

A late-arriving amendment that is not designed to pass, but makes a statement has very little opportunity to actually make it into law, and some of those amendments are viewed that way by myself and many others. So I am looking forward to a bipartisan effort on this enforcement. It is one of the reasons that I have talked so long and relentlessly on many things that we need to do.

But I came tonight to talk about another issue, and that is an important issue that is in front of us tomorrow. Tomorrow the House of Representatives will be taking up the legislation that is proposed to reauthorize the Voting Rights Act.

Now, the Voting Rights Act was first written into law in 1965. It was an essential piece of legislation in 1965. We were in the middle of the civil rights demonstrations that were taking place. Those of us who lived through that time, and I can say during that period of time it was a very impressionable point in my life. If my math is correct, I was a sophomore in high school. The television was full of mostly peaceful marches and peaceful demonstrations.

It was an issue that those of us who lived in the Midwest were pretty much protected from that and didn't see the necessity for those kinds of demonstrations right away, but the demonstrations on television, and it was important that television did carry that message at the time, that educated the American people.

I look back on that time, that time in history, when we saw mostly peaceful marches. We saw fire hoses and dogs, yes, and there was violence and there were people that died in the process. But for the size nation that we are, for as large a problem that we had, and the problem we had was the institutionalization of racial segregation primarily in the South. And there were millions of Americans who were citizens in good standing that were shut out of the polls and shut out of many of the other avenues of what we consider normal life today.

It is hard for the generations that are sophomores in high school today to understand what it was like in those years back in the middle 1960s and in many of the years before them.

The circumstances of the segregation in the South and the discrimination that was there, the poll taxes, the literacy tests, many of the Jim Crow laws that were put in place to keep African Americans from going to the polls and being able to vote and help select our national leaders and their Members of Congress and their State leaders, and participate fully in the life of freedom that had been earned by the blood of hundreds of thousands a century earlier; and it took a century to get the Voting Rights Act in place after the end of the Civil War. That is how big this issue was back in 1965.

This sore festered for a century. In a century, this Nation couldn't find a way to come to grips with the issue of discrimination in the South. For me, it is hard for me to have that reference point except for what I saw on television and read in the newspaper, and what my teachers and classmates and family had to say.

Some of that, I have to admit, is a little vague in my memory. But I can say there was an incident that framed it for me. That was some years ago my wife and I needed to go down to New Orleans for a conference down there. We decided that we would drive down on the east side of the Mississippi River and come back on the west side of the Mississippi River. I like to see what is in this country. So when we do those trips, we weave back and forth and take side trips.

As we went down, we stopped also at Vicksburg to see the battlegrounds of the great Civil War battles that took place in Vicksburg, Mississippi. That was an experience, to stand on that hallowed ground and understand the battle that took place there and the price that was paid to move forward more on liberating and freeing the people that were enslaved the hundreds of years before that.

But the thing that impressed me the most was the stop that we made in Port Gibson, Mississippi. Port Gibson, Mississippi, was a location where a priest that had grown up in our hometown, Father Tony Pudenz. Father Pudenz had been the pastor in St. Joseph's Church, I believe it is St. Joseph's, in Port Gibson, Mississippi. That was his favorite parish. That was the place he wanted to retire. In fact, he was on the edge of retirement at that moment.

But as we went through Port Gibson, I knew he had lived there. He had grown up in our hometown, and he was about 75 years old. So we drove through the town and I looked for the church and rectory. When I found the rectory, we pulled in and I knocked on the door. Father Tony Pudenz came to the door, actually astonished that someone from Iowa would drop in on him unannounced with a surprise, to the rectory at St. Joseph's Parish in Port Gibson, Mississippi.

Well, that visit turned out to be one that framed this for me because he took us over to the church which was just a few steps across the yard. He said, I want to show you my church. He pointed out that the church was built in 1848, and it was built originally with $10,000 that was contributed to the parish by the family of Jim Bowie.

Jim Bowie was killed at the Alamo more than a decade earlier, but the family had significant presence in Mississippi and somehow they had enough money to make that kind of contribution to that parish in 1848. In fact, a lot of woodwork in that church, as I understand the way it was told to me by Father Tony Pudenz, was carved by the Bowie family.

As I looked at that woodwork, I thought about how that tied back to the history of the United States and to the history of Texas, and how it anchored back to a time before the Civil War.

As we stood in that church, and the glass in that church is all blue tint so it is like standing inside of an iceberg. It is like the sun would shine through if you were standing with ice windows rather than these blue-tint windows, and it gives almost a surreal sense with the woodwork done by the Bowie family and that sense of standing inside an iceberg or standing inside an igloo, perhaps, that was done with fairly clear ice.

As we stood there, he pointed up to the balcony. And the balcony, very similar to the balcony that the press sits in here in the United States Congress, and he said this church was built by these families and the floor of the church was for the white families and the balcony was for the black families.

And I looked at that. To stand there in that place and understand that in a house of God they would construct a house of God to be segregated for one color of people to go up to the balcony and for another color of people to be seated downstairs, and for their minds, never the twain shall meet; even though they go to church together, they would be separate. And I will say certainly equal in the eyes of God, but not equal in the eyes of fellow Christians going to church in Port Gibson, Mississippi, probably some time well prior to 1848, but the church was built beginning in the year 1848.

As we stood there in the aisle on the floor of that church, he said that last week, the previous week, they had buried the editor for the newspaper in Port Gibson. This editor of the newspaper was the individual who, in 1967, had, with the segregation still in the church, went in and sat down with his family, several children, sat down in a floor pew, and sat there with his family. And a moment before mass began, he got up, took his family and hand in hand they went to the back of the church and went up the steps in the back of the church and sat down in the balcony with the African Americans that were there to go to mass.

No longer was that church segregated because the editor of that paper had the courage and principle to take his family up to the balcony to sit with the black families and worship with them together.

When that happened, part of the people, some of the families, got up and walked out of the Catholic Church and walked across the street to the Episcopalian Church where those families and their descendants worship to this very day.

At that time, that little parish of St. Joseph was, I think he said, about 75 families, maybe it was 90 families, and a mix of three-quarters white, one-quarter black, but they go to mass together seated together as part of God's family like they really are. That is what it was like in 1967. That is what it was like in 1965 when the Voting Rights Act was passed.

It is no longer like that in the South today. That is something, an experience for me that frames a lot of this issue, and an understanding of what went on.

It was important to pass the Voting Rights Act in 1965. It was important to enfranchise every one of the adults that are all viewed to be the same as God's children. And we are God's children, all of us.

We need to guarantee those voting rights to everyone. The Voting Rights Act was a quantum leap to do that. The discrimination statistics that were there, the statistics that were gathered up beginning in 1964, and the measurement of those statistics in 1968, and then in 1972 showed that there were lower percentages of blacks voting than whites voting. And there were lower percentages of blacks that were registered to vote than there were whites registered to vote, and something needed to be changed.

And so those criteria and other criteria were established and the Department of Justice was charged with the enforcement of the Voting Rights Act to guarantee a path to the polls for every legitimate voter in America, and no longer would there be Jim Crow laws, and no longer would there be people who didn't have an opportunity to voice their opinion in the polls and choose their local and national leaders.

The Voting Rights Act has been an extraordinarily successful act. It was designed to be temporary. No one believed in 1965 that we couldn't cure this problem and at some point we could make enough changes that we could move away from the need for those requirements. They were strict. They are tough.

The voting districts that are still under that today are locked in in statistics that are measured from 1964, 1968 and 1972. We are not using 2004 data to evaluate whether Georgia still should be a covered district. We are using 1964, 1968 and 1972 data; not 2004, not 2000, not 1996 data.

So those districts that have been declared to be racist, bigoted districts that demonstrated that by the statistics that are there, the measurement criteria, are stuck in time.

If we pass this legislation tomorrow with the Voting Rights Act, and we use those 1964, 1968 and 1972 statistics to measure States like Georgia, Texas and the locales within 16 States across this country, they are locked in. They are locked in and can't move a voting booth from the Catholic Church to the Episcopalian Church across the street, or from the post office to the school. They can't move a voting booth 10 feet without prior authorization by the Department of Justice.

That will be the case fixed in time from 1965 until 2032. By 2032, that is almost four generations. Four generations could come and go, and we are using the same measurement of people in 2032, if we pass this legislation as presented to this Congress.

Thomas Jefferson declared a generation to be 19 years. That is not too bad a measure. We know generations turn over a little faster or slower than that. But truthfully, 19 years, multiply it out, it is almost four generations between 1965 and 2032. But it will be true, there won't be anyone voting in 2032 who remembers what it was like in 1965 when they passed the Voting Rights Act. That would be a simple fact.

And if you want something to be institutionalized in perpetuity in legislation in America, then you reauthorize that for a quarter of a century or a half a century. By the time that comes up, no one remembers what the debate was. No one is vested in any other alternative. They just think, huh, that is the way it was then, that is the way it always has been, why would we want to change something after all these years? It seems to have worked pretty well and they got so used to it they can't conceive of not having it in place.

□ 1915

So I submit that we need to take a look at shortening up the reauthorization so that we can do a better look at the effects of any changes in this reauthorization for the Voting Rights Act. And I submit that districts that are covered, districts today need to have an opportunity to work their way out of that that is not as stringent as the very, very tight district requirements that are in it today so that they can work their way out. And to measure someone by 1964 standards in 2032 is just utterly wrong. Back in 1964, to think that the great-grandchildren of the people that made that decision will be voting in 2032, and they are responsible? How can we hold them responsible for decisions that were part of the culture in 1965?

So we have come a long way, America, and we will never eradicate racism in this country totally. There will always be some elements of it because there will always be the levels of prejudice, and they might not always be something that can be defined as racism. It might just be prejudice that comes from other reasons because there will always be competing forces in this society. But the evidence of it has diminished significantly and dramatically. And I would like to give the people in Georgia and Texas and these other States an opportunity to move out of that list. And I would like to, if it is good enough for Georgia and Texas, it ought to be good enough for the rest of us. That would be the standard that I would go by and then shorten this reauthorization time.

There is another aspect of this that is an essential piece, and that is the Federal mandate for foreign language ballots, and that is a piece that we will be debating here on the floor tomorrow.

The Federal Government, the Congress, in I will say an unexpected move in 1975, put into place temporary measures to require a Federal mandate for foreign language ballots. Now, I don't remember that there were people in America clamoring for the foreign language ballots in 1975. It may have been the case, but it was designed to be a temporary measure. They thought the need for it would diminish as assimilation increased.

What we have seen since 1975 is partly because we are the enablers there has been less assimilation instead of more assimilation. The direction for more languages in America has increased towards more and more languages in America instead of less, and we still have in place this mandate for foreign language ballots.

The reason that I am opposed to requiring them at the Federal level is because if you are a naturalized citizen here in United States, by law you will have had to demonstrate your proficiency in both the spoken and written word of the English language. That is the standard that is required before you can be a naturalized citizen. And so if you are a naturalized citizen in America, you have no claim to a foreign language ballot because the certification of your citizenship says you are certified to vote in English. That is one of the important responsibilities of citizenship. And if the standard wasn't high enough that you can read a ballot, we need to raise the standard, not lower the standard and hand you a ballot in a language where there may be errors in because we don't have enough interpreters to interpret into other foreign languages.

I simply want to lift the mandate. I want to allow localities to make the decision on whether they need to provide foreign language ballots, not the Federal Government. I don't want to be printing millions of ballots that aren't used. I don't want to get any more letters like this letter that I have here in front of where the gentleman who wrote it said, in all five elections where I have served as a judge, no foreign language ballots were requested in my precinct. Yet in the last election in that precinct they printed 33 different kinds of ballots, not because there were

33 different languages but because there were 11 different parties and three different languages that were required.

This is a subject that is easy to understand. It is relatively simple. But it's important and it's essential because if we send the message out of this Congress that we are going to chase you down and hand you a foreign language ballot, whether you want it or not, then we are also sending a message that we really aren't serious about assimilation.

And if we are going to be bringing into America 10 million or 60 million or 90 million new Americans in the next generation, 19 years generation, if we are going to do that, we have got to be invested in assimilation.

No nation in the world has ever assimilated the numbers of people or the percentage of the population that we have here in this country. But there is a limit to what we can do. And if we send the message that says we are not serious about assimilation, we are going to be enablers for people to live in ethnic enclaves. And if we do that we are ensuring that they will not be able to access the American dream.

That is the wrong message to send. We have to lift the mandate. And if it is necessary to have foreign language ballots at the localities, then they can make that decision locally. They are paying for it anyway.

And so, Madam Speaker, that is the basis and the core of my argument. But there is a gentleman here from New Jersey who is articulate on this subject matter, someone whom I look forward to hearing from, and I would be very happy to yield as much time as he may consume to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I appreciate the gentleman from Iowa for yielding me the time. And I also appreciate the gentleman from Iowa for your work on this issue. I came to the floor to address the issue that you were just touching upon, and that was the issue of bilingual or multi-lingual ballots.

But before I get there, let me just touch on something you mentioned because you raised an important point, and that is that the current extension of the Voting Rights Act, as you referenced going forward for 25 years, looks all the way back to the initial status and the initial data from the early 60s, mid-60s.

You could step back for a moment and say what was the fundamental problem that they were trying to address, legitimately so, at that time? And I think you might say you would put it into two categories, one personal and the other institutional. Personal, just meaning the individuals who may have been involved in the particular voting districts at the time that may have been creating illegitimate voting barriers for people of different nationalities or different race or what have you. And the other would be institutional, and that is to say that at that point in time, there were in actuality in America, unfortunately, particular institutional barriers as well in place. So you could look and say there was two elements that the Voting Rights Act had to address. But that, as you also pointed out accurately so, was 40 some odd years ago. Those institutional barriers fortunately have all been removed. The personal ones, though, interesting, I would think just by the advent of time also have to have been removed as well because the people who were elected to office in the mid-60s, for one reason or another, are no longer with us today, at least not in elected office. So the two aspects that the Voting Rights Act were specifically going to address from the data back then and the specifications of who was in place and what the institutions are no longer with us, not to say that we may not have other personal situations that may crop up today in the future. And that is why I think you come to the floor, and other Members do, such as myself, says that we should strive in this House, and in the House just down the halls from here as well to make sure that all barriers, personal or institutional, today and in the future, will always be removed, and that you will have the fullest level of political participation that you can have. So I appreciate you bringing out that point of just exactly what we are dealing with when we are dealing with the Voting Rights Act.

But I came to the floor to address the issue of the multi-lingual ballots. And I want to begin by giving credit where credit is due, because those who are listening here tonight, realizing that the bill is coming to the floor tomorrow, may think, based upon some of your comments and other things, that things are moving forward just in a legitimate and a good manner, and that we are going to succeed in this area of eliminating multi-lingual ballots.

Well, the credit, as my dad always said, "give credit where credit is due." And the credit, if we are successful in the amendment coming to the floor tomorrow, are due to the gentleman to my right, the gentleman from Iowa, because I will say this, that it was in an RSC meeting, Republican Study Committee meeting, which meets on Wednesday afternoons here, where you came to address the group, brought this to my attention, and I think to the attention of a lot of people in the RSC for the first time.

I was struck by it, that this is an issue that needed to be addressed. And I was a little bit concerned that there was not enough agitation, aggravation or concern among my colleagues that this was going to be addressed. But you were a driving force and reassured me, you said, "Scott, I think we are going to be able to build up the momentum on this. I think we are going to be able to get the word out on this, and I think once people realize just exactly what is in the Voting Rights Act, what the problems are and what the changes are needed, we are going to be successful." I was not as positive as you were at that moment, but you were dogged on that like you are dogged on so many other things, and I think that with the support of our colleagues here tomorrow, and if we hear from the voters who listen to this each evening, if they make sure that their Members hear from their concerns that we will be successful on this. So I come initially just to applaud you and salute you for your dogged determination.

The problem with the Voters Rights Act and the multi-lingual ballots, I think, can be said also to fall under a couple of different categories. First is the length of time that you would look for if we do not eliminate it, that it would continue for. It will continue for 25 years. And so just as there was a problem of looking back to the 60s and looking at that past data that is incorrect now as we here try to legislate today, I would hazard a guess that the circumstances in this country will be significantly different than they are today 25 years hence.

Now, I have been here now for 3 years, just as the gentleman from Iowa has been as well, and I can think of many other very important significant legislations that we have reauthorized. But for the life of me, and I stand to be corrected, I cannot think of any other bill, any other important issue, whether you are dealing with the air, the water, the environment, our schools, our education or our health, our defense or otherwise. I cannot think of any other areas, and again I stand to be corrected, where we have reauthorized something for two and one-half decades. So I think that is the first area that we need to be addressing, and you are rightfully so for bringing it up.

Just as a side note on this, I did put in an amendment that would limit this down to 6 years, but that was the proverbial compromise amendment if we were not successful in getting your amendment to the floor tomorrow which would eliminate the multi-lingual ballots entirely. But as I understand, the Rules Committee has met, 4 hours ago, around 3:00, and they saw the wisdom of going your road of at least allowing the vote on the floor. So we will go for that vote and not for the limitation of 6 years.

The second part, the difficulty or the problem with the current status of the VRA, one being the length of time, the second one being what is in the current law right now. We are really not, by allowing multi-lingual ballots to continue, we are not really enforcing current law. Current law, and I should have it right here, says that if you come into this country, legally and become a legal naturalized U.S. citizen and therefore have the right to vote, current law states that you must, according to the law, under section 312 I think you referenced, if not on the floor tonight, in previous times, an applicant must demonstrate, "an understanding of the English language, including an ability to read, write and speak in ordinary usage the English language."

So when you think about it, who are the people who are allowed to vote in this country? Well, they fall into two categories, one, you were born here and so you are a legal citizen, which means you went through the entire education process, age 1 through 18 in this country. So hopefully you have gone through our fine public schools or private or otherwise schools and so you should be able to read the English language.

Second is the naturalized citizens. Naturalized are those who come through and come through the process, and those individuals are those people I have just cited section 312, who have certified, attested to, they have taken a test, a citizenship test, if you will, to become a citizen of this country. That test is administered in English. And at the end they basically certify that they can, that they possess the ability to read, write and speak the English language. So if they are able to do that, if they are able to take a test in the English language, then you would think they should also be able to complete a simple U.S. ballot in any municipality or county or state. So that is the second point, that we are basically ignoring current law by continuing on with multi-lingual ballots.

Thirdly, the problem is that this is, once again, another unfunded Federal mandate on the county governments, municipal governments and the like. I was on the phone about I guess 3 weeks ago, some time after you were speaking at the RSC, and I was speaking with election commissioners throughout the State, my State of New Jersey, and they were telling me about the costs that they have to be engaged in to pay for it. It comes out of the taxpayers' pockets to print up and publish and mail out these multi-lingual ballots. That comes out of local taxpayers. Doesn't come out of this House. Doesn't get appropriated from Washington. And so that is just another example of where we are sending down the rules. We are putting out the mandates by passing the VRA with this language in it, but someone else foots the bill. So there is another problem with the VRA, that it is an unfunded mandate.

Another, fourth aspect is the basically arbitrary and capricious nature in the way that the multi-lingual ballots are implemented under the VRA and have been in the past and will be unless the King amendment is passed tomorrow.

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And I think you have touched upon this in the past, but let us make the point clear to those who don't follow it, that the way you look to determine whether or not a multilingual ballot is necessary and required under the VRA is to say whether or not 5 percent of the population in that respective voting district cannot speak the English language.

One of the primary functions or processes in order to determine that is to look at the surnames of those individuals, and I think you have already given examples, and other people that have come to this floor have given examples, that just because you have an Asian surname, it does not necessarily mean that that is your language and you cannot speak English. Just because you have an Hispanic surname does not mean that you cannot read or write the English language. And in some sense, therefore, it is insulting to those individuals.

So the fourth aspect is the arbitrary and capricious nature of the way that the multilingual ballot law is required and enforced; and because it is arbitrary and capricious, it creates two things: It creates a disincentive for those people who are new to this country to assimilate into this Nation and learn the predominant language, which is English, so it is a disincentive to them.

And, secondly, I guess the word to be almost an insulting nature to them, that just because you are new to this country or may have been here for several years as naturalized citizens that you don't possess the ability to learn to read and write the English language.

And I will close on this. When I had the opportunity to speak with some election commissioners, they have told me that they have received letters from voters in their district complaining that they got a multilingual ballot, saying, in essence, What are you saying about me? Is the government saying that I am not smart enough to read and speak the English language? So the people, basically, were insulted, if you will, by the fact that just because they have an Hispanic surname or another surname of sorts that the government has taken the position that they cannot read and write the English language.

So there are one, two, three, four problems: that it is an overly extended time for reauthorization; that we are not complying with or basically ignore the current law, which is a law that requires people, when they come into this country, to attest to the fact that they can speak and read and understand the English language; thirdly, that this is yet again another unfunded mandate by the Federal Government; and, fourthly, that it is basically an arbitrary and capricious standard that we are applying to the States.

Applying the 5 percent rule in basically an insulting and discriminatory matter, discriminatory in the sense that if there is another ethnic group, another individual group there that has maybe 4 percent, 4.5 percent, they do not rise to that level, but someone at 5 percent does rise to that level.

So there are four basic problems that lead the gentleman from Iowa and me to believe that there is not a fundamental reason for us to continue the VRA multilingual ballot.

And I would hope that we will get sufficient votes tomorrow, Mr. KING, to pass your amendment and move forward to correcting this portion of the VRA.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I thank the gentleman from New Jersey for his contribution to this discussion and this debate here this evening. And, also, I thank him for his dogged determination on a number of sound causes that he and I have worked together on.

And sometimes I just simply admire the work that Mr. GARRETT does. And I am not always over there to lend a hand, but I want him to know that, if needed, I am willing to on any subject that I can think of that Mr. GARRETT has brought forward. And I appreciate the leadership and support that has been there on this cause.

It has not been an easy task. I had not thought about it as dogged determination; I had simply thought about it as a cause and a principle that needed to be established. Simple common sense if you are going to have a Nation that promotes assimilation and one of the standards of that promotion of assimilation is a Federal law that defines the standards by which people that come to this country are naturalized, conditions they must meet before they can get a hold of that brass ring called citizenship.

And, Mr. Speaker, citizenship needs to be precious. It needs to have great value. If we are going to be a strong nation, we have got to look at this flag and feel that lump come into our chest when it comes down in the parade. We have got to have a sense of common history, a sense of unity, a sense of common cause. And if we market citizenship off cheaply and if we diminish those standards, then we are going to find that our values also are scattered and diluted and diminished.

But when we pull ourselves together with this and we promote the idea of assimilation, and that is that the language requirements for demonstration of English proficiency are in the Federal Code 4, it is to set that standard high enough that anyone who then is naturalized as an American citizen has a significant amount of English proficiency that will let them go out into the rest of the world and access this American Dream.

And we know that the lowest numbers that I can find are that those who speak English in the United States earn at least 17 percent more than those who do not speak English in the United States. Those who speak English well earn more than twice as much as someone who does not. So these issues are important.

Some of the standards that we used to require in our Federal mandate, the standards that we use that establish the determination that there will be foreign language ballots imposed into these districts, whether anyone actually asks for one or not, the issue that was brought up by Mr. GARRETT that the standards of 5 percent or 10,000 people, whichever comes first, is the standard that would then require limited English proficiency groups, would require those ballots to go into a district. And, now, how do you measure who speaks English in a limited-English-proficient manner? And the manner that was brought up by Mr. GARRETT, the surname analysis, can you imagine having a computer program, and in that program you run through it the last names of all of the voters that are registered in that voting district, and you have software set up that picks up things like the little apostrophe over the "O" in maybe an Hispanic name or the configuration of the vowels and the consonants when it comes in a certain way that indicates that it is a surname of a certain nationality.

So this surname analysis will do a measure of likely Hispanic last names, or I should say Spanish last names, or maybe likely Asian or Chinese last names. I do not know if it picks out the Irish or not, but I can go through the phone book and do that. So it kicks out these names. And if it kicks out 10,000 names that have a Spanish last name or 10,000 names that are Chinese last names, or 5 percent or more of that voting district that are Spanish, Chinese, Lithuanian, whatever the subject might be, then by Federal law there will be ballots printed in those languages at that locale, paid for by the local election board or the county taxes or whoever is the one in each particular State that determines that, a Federal mandate, an unfunded mandate.

And I especially think it is ironic about Spanish surnames, because some of these people that have a Spanish surnames are descended from immigrants that came here in the 1500s. They have been here since about before the Mayflower, before Jamestown. They came up to the Southwest. They were Americans long before anybody else that I know of, and yet we would presume by their last name alone the prejudicial preconception that we have to send them Spanish language ballots.

It is a lousy measure. It has never been a good measure. It is actually, I believe, a prejudiced measure, to be so prejudiced that because of your name, they can determine whether you can speak English. That should be anathema to all of in this Chamber, Mr. Speaker, and I hope that we fix that tomorrow.

But another measure that is equally as ridiculous is the census, another way that we determine whether people can speak English well enough to qualify for all-English ballots or whether we have to give them a ballot in another language and impose that upon them whether they want it or not.

So the United States Census puts out this questionnaire, and presumably there is someone sitting down interpreting the questionnaire. I do not think it just gets mailed out in other languages. But they ask the question, How well do you speak English? A, not at all; B, not well, do not speak English well; C, speak English well; or, D, speak English very well.

Now, if you say that you don't speak English at all or not well or even if you say that you speak English well, all three of those categories, A, B, and C, are all measured as limited-English-proficiency speaking. Even if you say you speak English well, you have to say that you speak English very well in order to not be qualified as having limited English proficiency that would trigger the foreign language ballots.

So I think there have to be English professors, high school literature teachers, probably politicians as well, who make their living with this language, who will read that and think "I have never reached the standard that I thought I ought to; so I do not want to be so proud that I put down I speak it very well. I think I will just put down I speak it well. And, inadvertently, they will be putting themselves in a category that will be calling for a foreign language ballot.

And with the Chinese language, how many dialects are there, 300 and some dialects? At least it used to be. But which version of Chinese is it? Is it Mandarin? Is it Cantonese? Is it any other version there?

There is really no way we can administer this effectively with an equal protection perspective as long as it is a Federal mandate. And it is a Federal mandate. It is a federally unfunded mandate that imposes foreign language ballots on voting districts whether anyone wants them or not and whether anyone calls for them or not. In fact, I do not know that there are records kept on these ballots and how many are actually used. If there were, I would like to have seen those records.

But to give you an example, Mr. Speaker, this letter came, and it is dated June 24, so it is fairly fresh. And I just happened to be going through my mail a couple of days ago; and I get a packet of it, and I read through it, and try to be tuned in to what the American citizens have to say about the work that we are doing here.

And this gentleman has freed me up to speak about this openly and publicly and into the RECORD. But I think for the sake of avoiding the kind of things that might come, I will just read it to you and represent it without identifying him individually. But this is an individual who is a judge in a voting district out in California. He has a Ph.D., and he is an educator, a professor. He has a good handle on the English language.

But it says in his letter: "Dear Congressman KING, let me express my support for your efforts to let the multilingual ballot provision of the Voting Rights Act fade into the sunset. For several years I have served as an election judge in a polling place in my hometown," which is in California. "My precinct over the years has around 650 registered voters. In the June, 2006, primary, we had 11 parties on the ballot." That would be political parties. "We had available 33 separate ballots because members of each of the 11 parties had ballots available to them in three languages—English, Spanish, and Chinese. In the primary, general, and special elections over the past years in which I have served, no voter has ever requested a ballot in a language other than English." I will repeat that. "No voter has ever requested a ballot in a language other than English.

"Putting aside the question of the appropriateness of ballots in languages other than English, I would simply point out the large cost to the county in complying with the Voting Rights Act. The waste of public money is significant. As a Republican, I would be truly disappointed if a Republican majority in the House and the Senate cannot repeal at least the multiple language provisions in the Voting Rights Act.

"Very truly yours . . . " A copy sent to the chairman of the Judiciary Committee as well.

So we made contact with this gentleman. And in there again he reiterated that in all five elections where he has served as a judge, no foreign language ballots were ever requested in his precinct even though they had 33 different versions in this last primary election. Thirty-three, not one other than English was called for. And it cost his county, and I believe this to be a low-population county, $100,000 approximately per election to print foreign language ballot materials and to administer and to translate.

So $100,000 does not sound like a lot to a Member of Congress when we deal with billions and, in fact, trillions of dollars, but it adds up over this country. We have thousands of counties in

America. And of those that are compelled to print these foreign language ballots, the dollars contribute.

And it isn't just the cost of it. It isn't just the burden of the administration. But it is the risk of the mistakes that come when we translate into foreign languages.

We have to have a standard. We have to have an official ballot. And when you start translating into foreign languages, you lose the sense and the meaning. And there are languages out there that their voice inflection determines the meaning and its context determines the meaning, so it becomes a judgment call on how it is interpreted.

And, again, we do not interfere with the right of the localities to print foreign language ballots if they so choose. What we do is just remove the unfunded Federal mandate that requires foreign language ballots and we let the localities make the determination on how they are going to provide ballots that can be read and utilized by the people that are there in the fashion that they see fit. There is nothing that prevents them from doing that. In fact, there is nothing that prevents them from doing that today, Mr. Speaker.

In fact, I have here a copy of yesterday's USA Today.

□ 1945

It lays out circumstances in the State of Wisconsin. The headline in this story is, "Lawmaker critical of Wisconsin translations." We are going to disagree about these things across the country. It is part of our system, but the story reads like this.

"The Wisconsin State election board began translating voter registration forms and absentee ballot applications into Spanish and Hmong this year, a move that one State lawmaker says could swing an election.

"'This is for people who function on a day-to-day basis in languages other than English but want to acclimate to Wisconsin and to participate in the democratic process,' Elections Board spokesman Kyle Richmond says.

"Translating the voting materials was not required under the Voting Rights Act because Hmong- and Spanish-speaking residents make up fewer than 5 percent of the State's eligible voters."

Mr. Speaker, we do not address that issue. We leave that intact. If States want to determine they are going to print foreign language ballots, they will print them.

We also protect and preserve the Federal statute that exists that allows an individual to bring a translator into the voting booth with them. So, if ballots can be printed in foreign languages because of the local government, if we protect the tenth amendment, the States rights issue, and let them determine their election process, and if we lift the foreign language ballot, the Federal mandate, the unfunded mandate for foreign language ballots, then we have got the principles of the tenth amendment there, the States rights issue. We have got that and we support that. We support the Federalism issue that government is better off if it is devolved to the States and remains in the States rather than bring the power here to Washington, D.C. It is time to get it back to the States where they belong.

I would submit another issue that seems to be a bit of a curiosity to me, Mr. Speaker, and that is the issue of what will be the case when we get to that point where there are voting districts where no one in that district speaks English. Is it presumed by law that one would have to then qualify under this Federal mandate to get an English language ballot, even if no one wanted one in that district?

Well, it seems a little hard to conceive of this today, but it is far easier to conceive of this today than it was easy to conceive of this in 1965 when this was not part of the law, but in 1975, when it was put into the law and they believed that it would be temporary then, those who voted for this provision, this unfunded Federal mandate for foreign language ballots are the people who, if they are watching us today, if they are on this planet or looking down on us from above, would be astonished that we would still have this in place. They would be astonished that we have this difficult of a debate going on about whether we can simply let the sunset take place, let these provision requirements expire and allow States rights to take place and allow localities to make these decisions.

This is just an interesting subject that we will take up tomorrow, Mr. Speaker. We will debate this significantly and intensively, and I am hopeful that the wisdom of this Chamber will be reflected in a positive vote on the floor here in the United States House of Representatives.

I am quite appreciative of all the effort that has gone into this. This has been a spontaneous effort, not an orchestrated effort but a spontaneous effort, and sometimes when you stand up and take a stand it reflects through the hearts and the philosophies of those of us who are charged with representing the wishes of the people in all of America.

I know that when this bill, the reauthorization of the Voting Rights Act until 2032 came to the Judiciary Committee and I offered a couple of amendments then to try to improve it, the climate in the committee at that time was not very conducive to amendments being adopted. Yet, I made the argument, offered the amendments, and there were nine that voted with me on the amendment that would have eliminated this Federal mandate for foreign language ballots. That was a significant amount on the amendment.

But on final passage, then I found myself as the sole voice that voted "no" on the reauthorization of the Voting Rights Act in the Judiciary Committee, 33–1 was the vote, and I have often said when I found myself the lone vote, dissenting from everyone else, I use a defense, it is a little ditty that I simply memorized, and it talks about the people's judgment, people's judgment being a democratic vote, a majority vote that rules here in this House, as it should, and it goes like this: Nor is the people's judgment always true, but most can err as grossly as the few.

In this case, I do not want to point out the people that disagreed with me on this issue as necessarily erring, but I want to point out the necessity to stand on principle and how a single vote can make a big difference, and with that 33–1 vote, had I not put that vote up, it would have been unanimous coming out of the Judiciary Committee. Had it been unanimous, it would have been very difficult for anyone to make an argument we should reconsider the cover districts arguments from Georgia, Texas and other covered districts that have been led so well by LYNN WESTMORELAND and CHARLIE NORWOOD.

That team has been strong and powerful, and they have been dogged in their determination, and they have been relentless, and they believe powerfully in their cause. I support the spirit of their efforts, but that would have, I believe, have fallen on deaf ears if it had been a unanimous vote out of the Judiciary Committee, but one "no" vote gave them a small beachhead to go to work on and their beachhead gave a beachhead for the rest of us to head our positions together here and our need to allow the sunset of the foreign language ballot mandate to take place.

I reflect back upon the moment when I gave a Memorial Day speech in Denison, Iowa, and as I finished my speech and as the ceremonies concluded, the mayor came up with his little baby in his arms, and I suppose he was 6-weeks-old at the time. So I took a look, good look at that healthy, little boy, and I said to the mayor what is his name. Well, his name is John Quincy. I said John Quincy. John Quincy said always vote for principle, though you may vote alone. You can take the sweetest satisfaction in knowing that your vote is never lost. He looked at me and he smiled and he held that little boy, and he said that is why I named him John Quincy. He will be a man of principle.

That always matters to vote your principle, though you may vote alone, but your vote is never lost. There are stories after stories on how important it is how one vote can make a significant difference in America.

This may be one of those times. I am hopeful it will be one of these times.

Mr. Speaker, but I believe strongly that there is not a necessity out there for the Federal Government to mandate foreign language ballots. I believe strongly that we need to send a message that we are a Nation that welcomes legal immigrants with open arms, we encourage them to come into this fold.

I go and speak at the naturalization services whenever I have the opportunity. They are some of the most moving experiences that I have. When I look people in the eye and I can see that mist, that moistness in their eyes, that sense that that event in their lifetime ranks right up there with the wedding day or the day that their first-born child might be born with important moments in their lives, and there are many of them that will say that is the most important moment in their lives.

So I have had the opportunity at those naturalization services to remark about how important it is, from my perspective, and how I am moved by the stories that came through my family about my ancestors who came here, and I sign and autograph a Constitution for each one of the newly naturalized citizens I have had the privilege to speak to at a ceremony and pass them out and congratulate them and ask them to keep that Constitution close to them, close to their heart like mine is close to my heart, read it, study it, understand it, linking it to this history, becoming part of this shared experience that we have, reach out and reach towards this American dream, this American dream that really is to leave this world a better place than it was when we came, to lay the groundwork so our children can have a better opportunity than we have had.

We think it gets harder every generation, but it is hard every generation, and our parents gave us more opportunity than they had. So it goes, back through the generations, and so it needs to go on through the succeeding generations in the same fashion.

If America is going to be this glorious Nation that we have become, if we are going to take ourselves to the next level of our destiny, we always have to reach out and ask to challenge people to follow through in this American dream, to make America a better place.

So we can do that by promoting this great unifying idea of a common language. It is the most powerful unifying force known throughout history for all humanity. It is true for all languages. It just happens to be that we are fortunate in this country that our language is the English language, the language of business for the world, the language of the maritime industry for the world, the language of air traffic controllers and all air traffic communications in the world and this language that has been the companion to freedom everywhere throughout the world.

As I read the book written by Winston Churchill called, the History of the English-Speaking Peoples, and I followed through on that history, as each tracks the English-speaking peoples around the globe and a part of its conquest and trade and colonization, but the English people never doubted and never lacked for faith in their civilization, in their culture, in their destiny, in their duty, and they promoted those values around the globe. As they did so, wherever they went, they left the English language, and wherever the Americans have gone, we have left the English language. If you go places today, and follow the English language wherever the English language is, you will find freedom, also.

Freedom's been a companion to the English language wherever it has gone around the globe. We should be very grateful we are descended from English common law that respects these values that we have. We have taken up that cause, and we have advanced it beyond this constitutional republic that we have that is rooted in this responsibility to be an informed citizen and active citizen and informed voter. Part of that responsibility is to get informed within this English language so you can understand this culture of America.

It is very difficult to understand the decisions that have been made if you are not able to access the common newspapers that are there, not able to get on the Internet and not able perhaps to carry on in conversations around your entire regular travels that you have. It is very difficult. It is not impossible, but if we allow the localities to make the decisions on whether or not there are going to be foreign language ballots and what languages they might be in.

You can bet that those localities will be looking at these like this county in California, this particular voting district in California with the 650 registered voters, and they would say, well, we printed the last five elections in 33 different ballots and three different languages and no one in all that time has asked for a foreign language ballot; you suppose maybe this time we ought to cut those numbers down and maybe eliminate it all together and just put English language ballots out there like we did in the past? I think the answer is, yes, let us stop that waste; let us stop being bigoted in saying everyone cannot understand a language because of their last name.

Then perhaps there will be others like Wisconsin in this other USA Today article that is here, Mr. Speaker, where they decide at the locality, we want to spend the money, we want to take that responsibility, we want to reach out to the Hmong- and the Spanish-speaking people and give them a ballot in a language that they can understand and be comfortable with.

Now, I would question why it would be that they could be American citizens in Wisconsin and not speak the English language well enough to vote. I would question that, but that is a debate for Wisconsin, not a debate for this Congress.

So I submit, Mr. Speaker, that tomorrow we will make a decision. It will be a big decision. It will be a decision that will have long-term implications. Those long-term implications do not seem very big today as we talk about the simplicity of this argument. No one will be disenfranchised from being able to vote. I ask them to become informed voters, and that is a challenge out there to English speakers and to other speakers to become an informed voter.

But what is down the line is the message that we are sending to the newly arriving Americans that 10 or 20 or 60 or 90 million Americans that we might have within the next generation, that message that here is our language, learn this language. We will not be able to say that if the first thing we do is hand them a foreign language ballot. How do we ask them to assimilate if we are going to be enablers?

That is the question that is before us. That is the long-term implication of these questions that are before us, Mr. Speaker, and I am going to ask this body tomorrow to make a long-term, wise decision, save millions of taxpayer dollars, take the oppressive thumb off the back of localities, let them make the decisions themselves, let them reach out to people and take care of them in that fashion, save the money, provide better, more efficient services, do the right thing, preserve the tenth amendment, preserve the idea of Federalism and move this Nation to the next level of its destiny so that we can be a Nation that welcomes all, with equal opportunity for all and prejudice against none and prejudice towards none.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today.

Mrs. NORTHUP (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 18.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. NADLER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1509. An act to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species; to the Committee on Resources.

S. 2430. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study; to the Committee on Resources.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 p.m.), the House adjourned until tomorrow, Thursday, July 13, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8486. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation entitled, "To establish a program to be administered by the Secretary of Agriculture for the purpose of aiding Federal agriculture conservation programs"; to the Committee on Agriculture.

8487. A letter from the Secretary, Department of Agriculture, transmitting a copy of a draft bill entitled, "Commodity Credit Corporation (CCC) Budget proposals"; to the Committee on Agriculture.

8488. A letter from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Blood Safety and HIV/AIDS, as requested in House Report 109-152, accompanying H.R. 3057; to the Committee on Appropriations.

8489. A letter from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Coverage of Phase II and Phase III Clinical Trials Sponsored by the National Institutes of Health National Cancer Institute (RIN: 0720-0057) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8490. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Sole Source 8(a) Awards to Small Business Concerns Owned by Native Hawaiian Organizations [DFARS Case 2004-D031] received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8491. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Free Trade Agreement—El Salvador, Honduras, and Nicaragua (DFARS Case 2006-D019) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8492. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Security-Guard Services Contracts (DFARS Case 2006-D011) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8493. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contractor Personnel Authorized to Accompany U.S. Armed Forces (DFARS Case 2005-D013) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8494. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Berry Amendment Exceptions—Acquisition of Perishable Food, and Fish, Shellfish, or Seafood (DFARS Case 2006-D005) (RIN: 0750-AF32) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8495. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant Program: Revision of CDBG Eligibility and National Objective Regulations [Docket No. FR-4699-F-02] (RIN: 2506-AC12) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8496. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Prohibition on Use of Community Development Block Grant Assistance for Job-Pirating Activities [Docket No. FR-4556-F-03] (RIN: 2506-AC04) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8497. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Fund of Funds Investments [Release Nos. 33-8713; IC-27399; File No. S7-18-03] (RIN: 3235-AI30) received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8498. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 14-06 which informs of an intent to sign the Bio Inspired/Derived Approaches for the Development of Materials and Sensors Project Arrangement between the United State and Singapore, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8499. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

8500. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-21, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on International Relations.

8501. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-35, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services; to the Committee on International Relations.

8502. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to Public Law 102-511, section 508(a); to the Committee on International Relations.

8503. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of the Japan (Transmittal No. DDTC 030-06); to the Committee on International Relations.

8504. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a possible unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

8505. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Japan (Transmittal No. DDTC 023-06); to the Committee on International Relations.

8506. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of Signifcicant military equipment to the Governments of Italy, Kazakhstan and Russia (Transmittal No. DDTC 017-06); to the Committee on International Relations.

8507. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles the Hashemite Kingdom of Jordan (Transmittal No. DDTC 004-06); to the Committee on International Relations.

8508. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Human Rights Report for International Military Education and Training Recipients, in accordance with Section 549 of the Foreign Assistance Act of 1961; to the Committee on International Relations.

8509. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on activities under the Tropical Forest Conservation Act of 1998, pursuant to Public Law 105-214, section 813; to the Committee on International Relations.

8510. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to the Anti-Economic Discrimination Act of 1994, part C of Title V, Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended (Public Law 103-236), the Secretary's determination suspending prohibitions on certain sales and leases under the Anti-Economic Discrimination Act of 1994 and the accompanying Memorandum of Justification; to the Committee on International Relations.

8511. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of signficant military equipment in Germany (Transmittal No. DDTC 016-06); to the Committee on International Relations.

8512. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 059-05); to the Committee on International Relations.

8513. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the February 15, 2006-April 15, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Actof 1998 (Pub. L. 105-338); to the Committee on International Relations.

8514. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the sixth annual Trafficking in Persons Report, pursuant to Public Law 106-386, section 110; to the Committee on International Relations.

8515. A letter from the Chairman, U.S.-China Commission, transmitting the record of the Commission's February 2-3, 2006 hearing on "Major Internal Challenges Facing the Chinese Leadership"; to the Committee on International Relations.

8516. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; North American Industry Classification System Based Federal Wage System Wage Surveys (RIN: 3206-AK94) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8517. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Classification Under the General Schedule and Prevailing Rate Systems (RIN: 3206-AH38) received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8518. A letter from the Director, Regulatory Management Division, Office of Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule—Affidavits of Support on Behalf of Immigrants [DHS 2004-0026; CIS No. 1807-96] (RIN: 1615-AB45) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8519. A letter from the Acting Director, Executive Office for United States Trustees, Department of Justice, transmitting the Department's final rule—Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies and Approval of Providers of a Personal Financial Management Instructional Course by United States Trutees [Docket No. EOUST 100] (RIN: 1105-AB17) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8520. A letter from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting the Department's final rule—Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Speciality Occupations and as Fashion Models; Labor Attestations Regarding H-1B1 Visas (RIN: 1205-AB38) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8521. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to the Civil Penalty Inflation Adjustment Rule and Tables [Docket No. FAA-2002-11483; Amendment No. 13-33] (RIN: 2120-AI52) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8522. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

8523. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2003, pursuant to Public Law 105-89, section 203(a); to the Committee on Ways and Means.

8524. A letter from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Reauthorization of the Temporary Assistance for Needy Families Program (RIN: 0970-AC27) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8525. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Establishment of the San Antonio Valley Viticultural Area (2004R-599P) [T.D. TTB-46; Re: Notice No. 45] (RIN: 1513-AB02) received June 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8526. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with section 2105(a)(1)(B) of the Trade Act of 2002, a description of the change to an existing law that would be required to bring the United States into compliance with the United States-Peru Free Trade Agreement; to the Committee on Ways and Means.

8527. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Mixed Service Costs (MSC) Industry Directive—received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8528. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Erickson Post Acquisition, Inc. v. Commissioner [Docket No. 8218-00; T.C Memo. 2003-218] received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8529. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Postponement of Filing Date for Form 8898 [Notice No. 2006-57] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8530. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Application of the Federal Insurance Contributions Act to Payments Made for Certain Services [TD 9266] (RIN: 1545-BE32) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8531. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-35) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8532. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2006-33) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8533. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule—Distributions of Interests in a Loss Corporation from Qualified Trusts [TD 9269] (RIN: 1545-BC00) received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8534. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Factoring of Receivables Audit Techniques Guide—received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8535. A letter from the Chief Government Affais Officer, Investment Company Institute, transmitting a copy of the 46th edition of the Investment Company Fact Book; to the Committee on Ways and Means.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 910. Resolution providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965 (Rept. 109–554). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 5640. A bill to amend part B of title IV of the Social Security Act to reauthorize the safe and stable families program, and for other purposes; with an amendment (Rept. 109–555). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ALEXANDER:

H.R. 5765. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employing members of the Ready Reserve or National Guard; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. Tom Davis of Virginia, Mr. Porter, Ms. Ginny Brown-Waite of Florida, Mr. Blunt, Mr. English of Pennsylvania, Mr. Doolittle, Mr. Gingrey, Mrs. Jo Ann Davis of Virginia, Mr. Case, Mr. Carter, Mr. Conaway, Mr. Mack, Mr. Norwood, Mr. Inglis of South Carolina, Mr. Ryun of Kansas, Mr. Akin, Mr. Neugebauer, Mr. Oxley, and Mr. Wilson of South Carolina):

H.R. 5766. A bill to provide for the establishment of Federal Review Commissions to review and make recommendations on improving the operations, effectiveness, and efficiency of Federal programs and agencies, and to require a schedule for such reviews of all Federal agencies and programs; to the Committee on Government Reform, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota (for himself, Mr. Davis of Tennessee, Mr. Hostettler, and Mr. Daniel E. Lungren of California):

H.R. 5767. A bill to prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members; to the Committee on the Judiciary.

By Mrs. NAPOLITANO:

H.R. 5768. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; to the Committee on Resources.

By Mr. MATHESON:

H.R. 5769. A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mrs. Christensen, Mr. Davis of Illinois, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, and Mr. Bishop of Georgia):

H.R. 5770. A bill to amend the Public Health Service Act to increase the physician manpower in the areas of primary care, psychiatric care, and emergency medicine in federally designated physician shortage areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mrs. Napolitano, Mr. Evans, Mr. Michaud, Ms. Corrine Brown of Florida, Mr. Filner, Mr. Ford, Mr. Salazar, Ms. Harman, Mr. Edwards, Mr. Ross, Mr. Holden, Mr. Thompson of California, Mr. Tanner, Mr. Marshall, Mr. Etheridge, Mr. Melancon, Ms. Bean, Mr. Taylor of Mississippi, Mr. Boren, Mr. Berry, Mr. McDermott, Mr. Stark, Mr. Cleaver, Mr. Hoyer, Mr. Frank of Massachusetts, Mr. Olver, Mr. Larson of Connecticut, and Mr. Murtha):

H.R. 5771. A bill to reduce the incidence of suicide among veterans; to the Committee on Veterans' Affairs.

By Mr. BOUSTANY:

H.R. 5772. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names, images and likenesses of members of the Armed Forces; to the Committee on Armed Services.

By Mr. FOLEY:

H.R. 5773. A bill to require the Attorney General to establish and implement a program to make grants to States for fingerprinting programs for children; to the Committee on the Judiciary.

By Ms. HARRIS (for herself and Mrs. Myrick):

H.R. 5774. A bill to require the Secretary of Veterans Affairs to publish a strategic plan for long-term care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OSBORNE:

H.R. 5775. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain concentrated animal feeding operations for the cost of complying with environmental protection regulations; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5776. A bill to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms, and for other purposes; to the Committee on House Administration.

By Mr. PEARCE:

H.R. 5777. A bill to amend the Help America Vote Act of 2002 to prohibit a State receiving payments under such Act from using the payments for public communications which promote or oppose a candidate for public office or political party; to the Committee on House Administration.

By Mr. RAHALL:

H.R. 5778. A bill to provide further incentives for the commercialization of coal-to-liquid fuel activities; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 5779. A bill to establish the treatment of actual rental proceeds from leases of land acquired under an Act providing for loans to Indian tribes and tribal corporations; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 5780. A bill to amend the Indian Financing Act of 1974 to provide for sale and assignment of loans and underlying security, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 5781. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Resources.

By Mr. PAUL:

H. Con. Res. 445. Concurrent resolution commending the National Aeronautics and Space Administration on the completion of the Space Shuttle Discovery's mission; to the Committee on Science.

By Mr. CROWLEY (for himself and Mr. Wilson of South Carolina):

H. Res. 911. A resolution expressing sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006; to the Committee on International Relations.

By Mrs. BIGGERT (for herself and Mr. Kanjorski):

H. Res. 912. A resolution supporting the goals and ideals of National Life Insurance Awareness Month; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H. Res. 913. A resolution expressing the condolences of the House of Representatives to the victims, their families and friends, and the people of India for the loss suffered during the terrorist attacks in Mumbai, India, on July 11, 2006; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mrs. Emerson.

H.R. 347: Mr. Inglis of South Carolina.

H.R. 503: Mr. Rogers of Kentucky.

H.R. 550: Mr. Jefferson and Mr. Simmons.

H.R. 772: Mr. Ramstad, Mr. Jones of North Carolina, and Ms. Corrine Brown of Florida.

H.R. 822: Mr. Kennedy of Rhode Island.

H.R. 830: Mr. Capuano and Mr. Al Green of Texas.

H.R. 1020: Mr. Upton.

H.R. 1059: Mr. Cummings and Mr. Wynn.

H.R. 1249: Mr. Pascrell and Mr. Ferguson.

H.R. 1369: Mr. Gonzalez.

H.R. 1447: Mr. Davis of Alabama.

H.R. 1548: Mr. McIntyre.

H.R. 1578: Mr. Larson of Connecticut.

H.R. 1806: Mr. Israel.

H.R. 1951: Mr. Shuster and Mr. Pickering.

H.R. 2239: Mr. Miller of Florida.

H.R. 2429: Mr. Shays.

H.R. 2568: Mr. MOORE of Kansas.

H.R. 2569: Mr. BAIRD.

H.R. 2736: Mr. GORDON.

H.R. 2758: Mr. FRANK of Massachusetts and Mr. FILNER.

H.R. 3049: Mr. PETRI.

H.R. 3055: Ms. JACKSON-LEE of Texas and Mr. PAYNE.

H.R. 3063: Mr. BROWN of Ohio.

H.R. 3082: Mr. MICHAUD.

H.R. 3502: Mr. MCDERMOTT.

H.R. 3715: Mr. FRANK of Massachusetts.

H.R. 3882: Mr. SANDERS.

H.R. 4033: Mr. JACKSON of Illinois, Mr. DOOLITTLE, Mr. BERRY, and Mr. ADERHOLT.

H.R. 4059: Mr. PICKERING.

H.R. 4215: Mr. GRIJALVA.

H.R. 4217: Mr. DAVIS of Tennessee and Ms. BEAN.

H.R. 4264: Mr. NEY and Ms. BORDALLO.

H.R. 4542: Mr. BRADLEY of New Hampshire.

H.R. 4562: Mr. CARNAHAN, Mr. CANNON, Mr. PLATTS, Mr. PRICE of North Carolina, Mrs. SCHMIDT, Mr. BARROW, Mr. WILSON of South Carolina, Mr. NEY, Mr. HOYER, and Mr. SHUSTER.

H.R. 4597: Mr. PETERSON of Minnesota.

H.R. 4751: Mr. HOEKSTRA.

H.R. 4772: Mr. HOLDEN.

H.R. 4823: Mr. LIPINSKI, Ms. KAPTUR, Mr. LEACH, Mr. DINGELL, and Mr. SHIMKUS.

H.R. 4873: Mr. OBERSTAR.

H.R. 4949: Mr. GOODLATTE.

H.R. 4993: Mr. HINOJOSA and Mrs. DAVIS of California.

H.R. 5005: Mr. GREEN of Wisconsin.

H.R. 5013: Mr. REHBERG and Mr. HAYWORTH.

H.R. 5018: Mr. MELANCON.

H.R. 5022: Mr. DICKS, Mr. TIERNEY, Mr. SCHWARZ of Michigan, Mr. CUMMINGS, Mr. INGLIS of South Carolina, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. SAXTON, Mr. HALL, and Mr. DELAHUNT.

H.R. 5023: Ms. BALDWIN.

H.R. 5024: Mr. HINOJOSA.

H.R. 5139: Mr. GEORGE MILLER of California.

H.R. 5140: Mr. GEORGE MILLER of California.

H.R. 5159: Mrs. DRAKE.

H.R. 5202: Ms. HERSETH.

H.R. 5230: Mrs. BLACKBURN and Mr. JINDAL.

H.R. 5249: Mrs. SCHMIDT, Mr. BOUSTANY, and Mr. MCGOVERN.

H.R. 5265: Mr. WU.

H.R. 5278: Mr. ANDREWS.

H.R. 5291: Mr. TIBERI.

H.R. 5339: Mr. OWENS and Mr. BRADY of Pennsylvania.

H.R. 5348: Mr. VAN HOLLEN, Mr. WYNN, Mr. UDALL of Colorado, and Mr. MEEHAN.

H.R. 5382: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 5424: Mr. NUNES.

H.R. 5468: Ms. SLAUGHTER, Mr. SERRANO, and Mr. BISHOP of New York.

H.R. 5479: Mr. MCINTYRE, Mr. OTTER, and Mr. BOOZMAN.

H.R. 5482: Ms. WATERS and Mr. LANTOS.

H.R. 5484: Mr. CAMPBELL of California and Mr. GORDON.

H.R. 5499: Mr. BOEHLERT, Mr. BRADLEY of New Hampshire, and Mr. FOLEY.

H.R. 5536: Mr. LARSEN of Washington.

H.R. 5562: Mr. KING of New York.

H.R. 5583: Mr. BOSWELL, Mr. CARDOZA, Mr. DAVIS of Tennessee, Mr. ENGEL, Mr. ETHERIDGE, Ms. HERSETH, Mr. HIGGINS, Mr. JACKSON of Illinois, Mr. MARSHALL, Mr. BROWN of Ohio, and Mr. SALAZAR.

H.R. 5598: Mr. MCDERMOTT.

H.R. 5624: Ms. JACKSON-LEE of Texas.

H.R. 5657: Mr. JEFFERSON.

H.R. 5669: Mr. BISHOP of Georgia, Mr. RANGEL, Ms. HART, Mr. ENGLISH of Pennsylvania, and Mr. CLEAVER.

H.R. 5671: Mr. STRICKLAND.

H.R. 5674: Ms. MOORE of Wisconsin.

H.R. 5682: Mr. HALL, Mr. SMITH of Texas, and Mr. NEUGEBAUER.

H.R. 5704: Mr. KIND, Ms. SLAUGHTER, and Ms. BALDWIN.

H.R. 5733: Mr. FOSSELLA, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, and Mr. OWENS.

H.R. 5740: Mr. DENT and Mr. KUHL of New York.

H.R. 5758: Mr. BISHOP of Georgia.

H.J. Res. 88: Mr. KINGSTON.

H.J. Res. 90: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Pennsylvania, and Mr. WU.

H. Con. Res. 346: Mr. HERGER.

H. Con. Res. 416: Mr. SERRANO, Ms. BORDALLO, Mr. MORAN of Virginia, Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. CROWLEY, Mr. MCGOVERN, and Mr. ISRAEL.

H. Con. Res. 434: Mr. VAN HOLLEN, Mr. SAXTON, Mr. PAYNE, Mr. BISHOP of New York, and Ms. WOOLSEY.

H. Res. 295: Mr. KUCINICH, Mr. CASTLE, Mr. PAYNE, Mr. BOOZMAN, Mr. ETHERIDGE, and Mr. MCGOVERN.

H. Res. 490: Mr. CUMMINGS, Mr. CONYERS, and Mr. MEEKS of New York.

H. Res. 533: Mr. PRICE of Georgia, Mr. ADERHOLT, Mr. WESTMORELAND, Mr. CAMPBELL of California, Mrs. DRAKE, Mr. KIRK, Mr. MCHENRY, Mr. FORBES, Mr. CONAWAY, Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, Mr. FEENEY, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. MACK, Mr. MANZULLO, Mr. TERRY, Mr. MEEK of Florida, Mr. HALL, Mr. SIMPSON, Mrs. WILSON of New Mexico, Mr. MCCAUL of Texas, Mr. CARTER, Mr. ROGERS of Michigan, Mr. MURPHY, Mr. KING of Iowa, and Mr. DICKS.

H. Res. 605: Mr. LAHOOD, Mr. BUYER, Mr. WALDEN of Oregon, Mr. SHIMKUS, Mr. NORWOOD, Mr. BASS, Mr. STEARNS, Mr. UPTON, Mrs. MYRICK, Mr. PITTS, Mr. HALL, Mr. TERRY, Mr. SULLIVAN, Mr. MURPHY, Mr. SHADEGG, Mrs. BONO, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. RADANOVICH, and Mr. ENGEL.

H. Res. 848: Mr. BURTON of Indiana and Mr. WAXMAN.

H. Res. 852: Mr. GOODE.

H. Res. 863: Mr. RANGEL and Mr. OWENS.

H. Res. 903: Mr. ENGLISH of Pennsylvania, Mr. COSTA, Mr. GOHMERT, and Mr. MILLER of Florida.

SENATE—*Wednesday, July 12, 2006*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, whose compassionate love sustains us, hear our prayer. Guide our Senators in their labors. Show them the path that leads to fulfilling Your will. In Your love, keep them faithful. When clouds obscure the way, let them know the peace of Your presence. Fortify them with Your might so that they will be instruments of Your purposes. Give them wisdom to make laws that will meet the challenges of our times.

Lord, teach us all the discipline of patience so we will learn to wait on Your providence. We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 12, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we will start with 1 hour of morning business. At approximately 10:40 a.m., we will resume work on the Homeland Security appropriations measure. Yesterday, we disposed of seven amendments, and there are two amendments currently pending. Today we should have another full day on the bill with votes occurring throughout the day.

As I have said previously, we will finish the bill this week, and, therefore, we will stay as late as necessary over the next couple of days in order to complete our work on this Homeland Security bill. I thank Senators for their cooperation in working with the managers of the Homeland Security measure. We are making good progress, and we want to complete the bill shortly. I look forward to finishing the appropriations bill, in all likelihood, on Thursday.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Georgia is recognized.

IRAQ AND THE GLOBAL WAR ON TERRORISM

Mr. CHAMBLISS. Mr. President, I rise this morning to address America's ongoing efforts in Iraq and the larger war on terrorism.

Our Nation continues its steadfast resolve to bring security and prosperity to the Iraqi people, and President Bush is leading that effort with the help of this Congress and the American people.

Amidst press reports, which are generally not reflective of the most important things going on in Iraq, I want to review some recent successes that highlight the progress we are making.

BG Kurt Cichowski, Deputy Chief of Staff for Strategy, Plans and Assessment of the Multi-National Force-Iraq, recently announced that the Iraqi security forces will assume full control of the southern Muthanna. According to General Cichowski:

> The transfer of security responsibility from U.S. forces to the Iraqi security forces clearly demonstrates an Iraqi success and signifies a tangible beginning to a new phase in the history of this nation.

Muthanna is the first of Iraq's 18 provinces to be fully transferred from coalition to Iraqi security forces control. This latest move is a result of joint evaluation and collaboration between the provincial governor and the coalition ground commander and clearly represents another turning point in our efforts in Iraq.

Further, recent successes in joint raid operations dramatically demonstrate the real progress we are making on the ground against the insurgents. This past Friday, joint raids were conducted on a building which had been used as a base of operation by Abu Deraa, a top commander of the Shiite militia. The Department of Defense reported the killing or wounding of between 30 and 40 militia gunmen and the capture of a high-level militia commander. That same day, Iraqi police officers captured yet another top insurgent commander who is believed to have been involved in smuggling weapons, bankrolling terrorists, and launching attacks against American troops. This is the kind of progress we are making on which, for whatever reason, the media chooses not to focus.

Only yesterday, Iraqi Ambassador Khalilzad, addressing the Center for Strategic and International Relations here in Washington, spoke with justifiable pride and confidence concerning Iraq's future and its ability to meet the challenges of governing a previously divided nation.

Let me quote liberally from some of what the Ambassador said:

> Today, Sunni Arabs are full participants in the political process, with their representation in the national assembly now proportional to their share of the population . . . they have largely come to see the United States as an honest broker in helping Iraq's communities come together around a process and a plan to stabilize the country.

He also noted that:

> al Qaeda in Iraq has been significantly weakened during the past year . . . which has coincided with the inauguration of Iraq's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> first ever government of national unity . . . and the recent announcement by Prime Minister Maliki of his government's National Reconciliation and Dialogue Project.

The Ambassador also reported that:

> [A] chasm has been developing between al Qaeda and those Sunni Arabs in Iraq who have been part of the armed opposition. Previously, many Sunni Arab insurgents saw al Qaeda's operations as beneficial for their own cause. Now, the Sunni Arabs increasingly understand that the terrorists are not interested in the future of Iraq and that al Qaeda's leaders see Iraqis as cannon fodder in an effort to instigate a war of civilizations. More and more, Iraqi Sunni Arab insurgents reject the cynical game. Osama bin Laden's specific denunciation of Sunni Arab political leaders, such as Vice President Tareg Hashami, and recently captured documents indicate that al Qaeda's leadership knows that they are losing ground as a result of Iraq's reconciliation process. They know that if reconciliation goes further and begins to hollow out the Sunni Arab armed opposition, it is a mortal threat to their terrorist movement.

Let me say about Ambassador Khalilzad, having been to Iraq on four occasions myself, having met with the Ambassador each time I was there, plus having met with him previously when he was in Afghanistan, and on other occasions when he was here, this man is extremely well respected by the Iraqis. He is the right man in the right place to help improve America's image and to continue the dialogue with the Iraqis to make sure that we move that country forward in a democratic process.

Some would have us ignore these successes or simply never hear of them. Some would have us abandon these noble efforts and those of well over 100,000 service members working every day to bring about a peaceful Iraq. But the cost of doing so is too high, the consequences too horrible. We simply cannot permit the villainous hand of terrorism to strangle America's resolve and snuff out the coalition and Iraqi successes which are bringing hope to the hopeless and victory to the previously subjugated people of Iraq.

Iraq remains absolutely central to the war on terror. On June 7, 2006, American and coalition forces dealt a powerful blow to the terrorists when they killed the leader of al-Qaida in Iraq, Abu Musab al-Zarqawi. The elimination of al-Zarqawi, who had claimed responsibility for attacks on U.S. citizens since 2002, is a major victory in our global war on terrorism as our counterterrorism forces, together with our intelligence community, demonstrated our tenacity, our capabilities, and our intent to winning this war on terror.

While we continue to identify, capture, and kill terrorists and prevent them from turning Iraq's fragile democracy into a lawless training ground from which they can launch attacks against our homeland and against their own peaceful citizens, we must not forget that this is, indeed, a global war on terrorism. Only yesterday did the world witness a tragic terrorist event in the world's largest democracy, India, where seven nearly simultaneous bombings killed more than 100 innocent people and injured hundreds more on the Mumbai commuter rail. This heinous act of terrorism is sadly too familiar. It was just 1 year ago that al-Qaida perpetrated the synchronized bombings in London, killing over 50 people and wounding hundreds more.

Terrorists are still seeking to kill Americans with similar attacks on our own soil. Just last week, we learned that the FBI, working together with their counterparts in Lebanon, arrested an individual in a plot to detonate explosives in the Holland Tunnel in New York City. Earlier this month, the FBI arrested seven suspects of an al-Qaida-inspired group in Miami for their efforts to wage jihad against Americans and for plotting to destroy the Sears Tower in Chicago, IL. Even in my home State of Georgia, alleged terrorists, again inspired by al-Qaida's violent ideology, in collaboration with their counterparts in Canada, Europe, and South Asia, were planning attacks in the United States.

Despite these and other activities to attack our homeland, there has not been a single terrorist attack on U.S. soil since September 11. This is due to this administration's policy of taking the fight to the terrorists, denying them sanctuary in Afghanistan, Iraq, and elsewhere, working closely with our foreign partners, and strengthening our Nation's counterterrorism capabilities.

The world changed on September 11, 2001, demonstrating that it is vitally important that the President of the United States has the power and authority to protect the American people from future acts of terrorism. Programs such as the Terrorist Surveillance Program or the Terrorist Finance Tracking Program which, based on intelligence leads, carefully targets terrorist communications or financial transactions, are essential tools in the war on terror. If there are people talking or communicating with terrorists, plotting against Americans, or sending money to help al-Qaida, then we need to know about it.

We know too well that terrorists are able to sneak into a country and hide among law-abiding citizens. Too often, we have witnessed the horror they cause in places such as Iraq, Tel Aviv, Madrid, London, and unfortunately, in the United States. It is abundantly clear that these types of important programs are necessary to address the previous flaws in our early warning system that allowed at least two of the September 11 murderers to live among us.

These vital programs make it more likely that terrorists will be identified and located in time to prevent another disaster.

These efforts and capabilities are winning the war on terrorism and keeping Americans safe. Unfortunately, unauthorized disclosures of some of these most sensitive investigations and programs are undermining our abilities and providing vital information to those killers who continuously seek to do us harm. The disclosure of our intelligence operations places our personnel, sources, and methods at risk. These operations are our first line of national security defense. The Government classifies information regarding our intelligence activities for a reason. When terrorists know how we are tracking them, they change the way they operate, making it harder to catch them. That makes this Nation less safe.

Osama bin Laden was clear in his intent to continue to wage Jihad against America and peace-loving people worldwide when he said in his recent videotaped message released on June 30, 2006:

> We will continue to fight you and your allies everywhere, in Iraq, Afghanistan, Somalia, and Sudan to run down your resources and kill your men until you return defeated to your Nation.

As bin Laden makes clear, al-Qaida is still seeking to kill Americans and innocent people worldwide, and they are spreading their message of hate and murder through the media and Internet. But America will not be defeated. This is a war we cannot and will not lose. We must put an end to the unauthorized leaks of sensitive information that aids our enemies in their plans to kill Americans and avoid capture. We must also continue to improve our counterterrorism efforts, finding new ways to disrupt enemy planning, eliminate terrorists from the battlefield, and strengthen collaboration within our intelligence, defense, and homeland security organizations.

Our intelligence community, the Department of Defense, and law enforcement organizations across this Nation remain vigilant, and we owe our support and a debt of gratitude to these dedicated men and women who are on the front line of the global war on terror. We are indeed winning, but as it has been pointed out, this is a long war. The President is leading that effort with the help of this Congress, and together we are keeping Americans safe.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT Pro Tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOMELAND SECURITY APPROPRIATIONS

Mr. FRIST. Mr. President, yesterday a series of eight explosions struck the heart of Mumbai, India, during the evening rush-hour commute. At least 180 innocent civilians were killed and more than 700 were injured in the blast.

On behalf of this Senate and the American people, I express my heartfelt condolences to the victims, to their families, and to the Indian people. We share in your grief and in your determination to hunt down the criminals who carried out this despicable act. We will stand shoulder-to-shoulder with the Indian people and the Indian Government in order to bring the perpetrators of these attacks to justice.

Yesterday's bombings came less than a week after the 1-year anniversary of the London bombing attacks and less than a month after a thwarted terrorist plot against the New York City subway system was revealed. These cowardly acts remind us again and again of our responsibility to protect and secure the American homeland.

As we learned on 9/11, terrorists need to get it right just once. They exploit whatever weaknesses they can find, deliberately targeting hard-working men and women on their way to work or back from work, schoolchildren on the way to their daily school activities, vacationers on the way to the beach. In the face of such threats, we must be ever vigilant. Our pursuit must be determined. It must be tireless—breaking up terrorist cells, destroying their financing, chasing down the money trail, and bringing each and every collaborator to justice. We have to strengthen our weaknesses and we have to root out whatever vulnerabilities we have.

That is why the bill that is on the floor today, the Homeland Security bill, is so important. The Homeland Security spending bill provides over $32 billion to strengthen our ports, America's ports, our borders, our transit systems. It provides financial support for 100 new rail inspectors and canine teams, enhancing our Nation's railway security and ensuring that bombings such as those that happened in Mumbai and London aren't repeated here.

It adds 1,000 more Border Patrol agents, investigators, and those detention officers whom we know are so important in carrying out those responsibilities of securing our borders. Coupled with the spring supplemental, we will have added over 2,000 new agents in 1 year. That brings the total to over 14,300 Border Patrol agents.

The bill also expands much needed detention space—places to put people who illegally cross the border while justice is being administered—with 1,000 new beds so that we can be sure people caught entering this country illegally are not released before their cases are properly prosecuted. Taken with the spring supplemental, we will have added over 5,000 beds along the border in 1 year, bringing the total number to over 25,300 beds.

The bill provides nearly $8.2 billion to the Coast Guard to protect the 95,000 miles of shoreline border and to inspect both foreign and domestic ports. It funds grants so that high-threat, high-density urban areas can strengthen their infrastructures against threat vulnerabilities. It supports our first responders so that our firefighters, police officers, and paramedics have the training they need should disaster strike. It provides more than $818 million to combat weapons of mass destruction through appropriate research for biological and chemical countermeasures as well as for the Domestic Nuclear Detection Office to expand nuclear research and radiological detection.

We have to use every single tool available to prevent further attacks on American soil. That is why this bill is so important, the Homeland Security spending bill. It ensures that vital programs critical to our national security have the funding they need to be an effective defense.

Yesterday's bombings in Mumbai were part of a well-coordinated attack. We must pass the Homeland Security spending bill swiftly to ensure that similar attacks are not repeated and especially are not repeated on American soil.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the status of morning business, comparing majority and minority?

The PRESIDING OFFICER. The Democratic leader controls 30 minutes.

Mr. REID. That time would begin now?

The PRESIDING OFFICER. Yes, that is correct.

A DO-NOTHING CONGRESS

Mr. REID. Mr. President, yesterday was a day where we did not accomplish much on the Senate floor. But we haven't accomplished much the entire congressional session. We have 22 days left to do business until the adjournment date announced by the distinguished majority leader—22 days. We have so much to do and we have done so little.

It is not me, the Democratic leader, who is saying this is a do-nothing Congress. This is what all the pundits have written about. We have wasted time on a political agenda.

What is a political agenda? We have spent days and days on an estate tax repeal that has no bearing on 99.8 percent of all the American people. It affects less than two-tenths of 1 percent of all the people in America, but we have spent days of our time here on the Senate floor dealing with this issue.

Flag burning—it doesn't matter how you feel about flag burning. Is it the right thing to do, to take up precious days of the Senate time on flag burning? In the little town where I was born and I still have my home they are patriotic people. On the Fourth of July, I was there. The flags were flying in that little town. But flag burning doesn't have direct bearing to their lives.

The marriage amendment—I believe in the sanctity of marriage, but is it something we should spend time on with a constitutional amendment? During the time we have been a country, there have been more than 11,000 attempts to amend the Constitution. In the last 12 years, we had 1,000 amendments to the Constitution filed. One we have spent a lot of time on, unnecessarily, is the marriage amendment. We have spent days of our time here in the Senate on this issue. The people in Searchlight, NV, would rather that we dealt with things that are important, not flag burning, not gay marriage, not the estate tax. With the limited amount of time we have left, we, the minority, the Democrats, believe we have to do some things and do them before the August recess—things that affect people in my little town, Searchlight, NV.

Stem cell legislation—it is difficult to watch, before your eyes, someone who deteriorates with Parkinson's disease. You can see it happen. No matter how often they go to the physician, the ravages of that disease go forward. How many times does a little child have to be pricked with a needle before the majority over here understands that we have to do something about Parkinson's disease, juvenile diabetes, adult-onset diabetes? We have to do something about Lou Gehrig's disease, Alzheimer's, multiple sclerosis. These diseases have some bearing on what people are hoping for—that we will do here in the Senate.

I had the opportunity when I was home this past recess to visit Danielle DeLee, from Searchlight, NV. She is graduating from high school this year. The reason I wanted to see this young lady is she is going to go to Yale next year—a girl from Searchlight. It is the first time in the history of that little town that someone can go to Yale. That is because she is a brilliant young lady. They saw when she was a little girl that she had academic talent which that little town couldn't handle. This young lady, because she is so smart—do you know what she is going to study at Yale? Math. Math. From Searchlight, NV, she is going to go to Yale and study math.

Because of her brilliance, she will be fine. There are scholarships that will take care of her. But that is not the way it is with most people. Most people are not as smart as Danielle DeLee, and they need help. But not with this Republican-dominated Congress. They have taken away, not added to, the ability to go to school. Tuition deductibility from parents' income tax is not available. A child's ability to go to college should not be dependent on the fact that they are a brilliant person like Danielle or on how rich his or her parents are. The rest of us, people like me, who are average, should be able to go to college if we get some student loans and work a little bit. But that is not the way it is. This Republican-dominated Congress, this do-nothing Congress, is preventing people from going to college.

In Searchlight, because Las Vegas is 60 miles away and Boulder City is 43 miles away, the one thing everybody in that town is concerned about is gas prices. Frankly, if you listed in Searchlight what was important to them, where would flag burning be? Where would gay marriage be? Where would estate tax repeal be? It is not in their vocabulary. But how much they pay for a gallon of gas—which, by the way, in Nevada is over $3 now. Gas prices in the last week have gone up 11 cents a gallon. In Reno, they are even higher than in Las Vegas. People there care about gas prices.

They care about what is going on in Iraq. Today on the morning news I heard that the Comptroller General of the United States now says the war is costing $3 billion a week. People care about that war. On the way back to Searchlight one night last week, I stopped in a restaurant—Evans Grille in Boulder City—and a young man came up to me and said: It is nice to see you. I went to his son's funeral. He was a Navy SEAL. He was killed—21 years old, killed. He cares about the war and how long it is taking and what we are accomplishing there.

Maybe the fifth thing we want to deal with here before the August recess is the Voting Rights Act renewal. Maybe people in Searchlight don't care about that as much as they do about stem cell research, college affordability, gas prices, the war in Iraq, but if they really thought about it, the Voting Act's renewal would be important.

What people went through to have that law passed.

I just finished reading a wonderful book when I was home entitled "Water's Edge." To have the Voting Rights Act passed, of course, you had the leadership of Dr. Martin Luther King, which was as strong a leadership as you will ever see. But we see his leadership. But what we tend to forget are the deaths—plural—such as Ms. Liuzzio from Detroit, a white woman who came down. She was so concerned that she told her husband she wanted to come and her children. She came and participated in the Selma march. When it was all over, she was giving some people a ride back to Selma from Montgomery. A Klu Klux person shoots her in the head and kills her. Pastor Reeb, who came from California to participate, walked away from the crowd and they bashed him in the head. Another Klansman killed him.

These are just two examples of death and destruction—not hundreds of people being beaten, dogs sicced on them, but thousands had been beaten.

We want to renew this. We are having it held up here and held up in the other body. The Democrats want these issues to go forward, and we want it done before the August recess.

The distinguished assistant minority leader, Senator DURBIN, and I, along with Senator SCHUMER and Senator STABENOW, signed a letter to Senator FRIST, saying after we finish homeland appropriations, let us do the stem cell research. That is the least we can do.

Mr. DURBIN. Mr. President, would the minority leader yield for a question?

Mr. REID. I would be happy to.

Mr. DURBIN. This is the Senate calendar which is published every day that we are in session. This one is from Wednesday, July 12. Turn to page 22, H.R. 810, an act to amend the Public Health Service Act to provide for human embryonic stem cell research. If I am not mistaken, I would like to ask the minority leader—the stem cell research bill has been sitting on the Senate calendar, as passed by the House in a bipartisan way, for more than 1 year, as we meet today.

Mr. REID. For 13½ months.

Mr. DURBIN. I ask the minority leader: Have the Democrats come forward and asked that this bill be scheduled for floor consideration and debate repeatedly during that 13-month period?

Mr. REID. I am sorry to reflect on what we have done. We have begged. I don't beg people for much of anything, but we have begged. I have been part of the begging in this body for the majority leader to move this matter forward because people at home are crying for hope. That is all they have left when they are sick.

Mr. DURBIN. I ask the minority leader: Does this stem cell research bill, H.R. 810, which passed the House in a bipartisan fashion, enjoy bipartisan support in the Senate? Does it have cosponsorship on both sides of the aisle? Is this strictly a Democratic issue?

Mr. REID. It is not a Democratic issue. We have had people of good will work together on this. We have had Democrats with a lot of seniority, Republicans with a lot of seniority, and clear down to those with little seniority, Democrats and Republicans, wanting to get this done.

Mr. DURBIN. I ask the minority leader, in the month of June, when we wasted 2 weeks on the floor of the Senate on a Constitutional amendment relative to flag burning, gay marriage, and an effort to provide tax relief for the wealthiest people in America relative to the estate tax, could we have called up this bill, H.R. 810, if the Republican leadership of the Senate had wanted it? Could it have been brought to the floor, debated, passed, and sent to the President in that period of time?

Mr. REID. Absolutely. We have done everything we could, as I have mentioned, including begging to get this matter before the Senate.

I mentioned this yesterday, and I will repeat.

I went to church last Sunday. A man tapped me on the shoulder. I looked behind me. He was in a wheelchair. I couldn't understand him at first because he doesn't speak well. He has advanced Parkinson's disease. As we listened closely—H.R. 810, could we do something to get it passed?

Mr. DURBIN. When the minority leader was in Searchlight, NV, during the Fourth of July recess, I was in the State of Illinois and traveled thousands of miles—from the city of Chicago, Rockford, southern Illinois, my roots down State, and town after town, not at one place nor at any one time did any single person come up to me and say: Let me tell you what I think about the flag burning amendment; or let me tell you what I think about the gay marriage amendment; or can you do something to reduce the estate tax for wealthiest people in America?

Did the Senator from Nevada have a similar experience? Did he go to a town meeting, as I have, and mention stem cell research without someone coming up to him—if they didn't volunteer during a meeting, maybe there is a little shyness—after the meeting and say: My daughter has juvenile diabetes? One lady told me she wakes her up twice during the night to test her blood. Another person comes to me and says: My mother is in a nursing home with Alzheimer's. It has been going on for years. It is a burden on our family. Or into the congressional district now represented by Congressman LANE EVANS, my closest friend in our delegation and a personal hero to me, a man suffering from Parkinson's disease who now has to withdraw from public life to fight this battle—aren't these the real-life stories of real-life people who are not reflected in the agenda nor in the priorities of the Republican-led Senate?

Mr. REID. Mr. President, the people whom we visit in Nevada and Illinois and other places who have these problems are not Democrats only. They are Republicans. They are Independents. They want this Senate to do something to help us.

That is why I am so disappointed that we have been literally wasting our time on issues that have no relevance.

Remember the months and months we spent on that fictitious issue that we should not have dealt with about uprooting the foundation of our country, to change the quality of the Senate, to make it a unicameral legislature—so-called nuclear option—because they didn't get all the judges they wanted. They were willing to throw this Senate into something it had never been before. We spent all of that time, when we could have been doing stem cell research legislation; we could have been doing something about gas prices and the other things we have spoken about.

Mr. DURBIN. Mr. President, let me ask the minority leader one last question about stem cell research. Before we adjourned, Senator FRIST, the Republican leader, came to the floor and propounded a unanimous consent request to bring up this bill, H.R. 810, and two other bills related to the issues. We agreed on a bipartisan basis.

I ask my friend and colleague from the State of Nevada, has the Republican leader set this matter—this unanimous consent request for the stem cell research—to come before the Senate? Has he set it for the Senate calendar? Do we know if or when this is going to be called?

Mr. REID. Let me recount, briefly, the ups and downs—mostly downs—of this legislation. I can remember months ago when my friend, Dr. BILL FRIST, majority header of the Senate, stood right there and stunned me and most of America by saying: I support H.R. 810, stem cell research. That made me feel so good. I thought that we were going to see the end, we are going to see the light at the end of the tunnel. But I am sorry to say nothing has happened since then.

We finally got a unanimous consent request before we had the Fourth of July recess. As the leader said, he would bring it up. And I understand he told the press on Monday he would be willing to do it sometime this work period. I hope that is the case.

But no, the answer is we do not have a time yet to debate this legislation. It is not going to take a lot of time. It isn't a bill that is going to take days and days. We have 12 hours of debate. We could do it all in 1 day. I am willing to do it all in 1 day.

Mr. DURBIN. Mr. President, I ask another question of the minority leader. I would like to do something that is maybe unprecedented in the modern history of the Senate. We might even meet on Monday. How about a Friday? How about giving 12 hours of our life on a Friday for the millions of Americans who are desperate for this medical research to bring hope to their families and their children. It would be unprecedented, would it not—I ask the minority leader from Nevada—for us to actually say: All right. This is so important that we will take 12 hours on a Friday or 12 hours on a Saturday. How about that? The Senate would actually meet for 12 hours straight on Saturday and send this bill to the President, if we could muster the 60 votes on a bipartisan basis. I can't speak for our caucus, but I am prepared to stay. Pick the day. Let us take the 12 hours, let us meet at 9 o'clock in the morning and stay until 9 o'clock at night and get it finished.

Would the leader from Nevada believe that to be a radical suggestion?

Mr. REID. The Senator from Illinois and I came to Washington together. We were so proud. In 1982, we finally made it to Washington, DC.

The Senator mentioned LANE EVANS. He was with us. It was a big class. In the House of Representatives in those days, with Tip O'Neill and Jim Wright, we worked nights, Fridays, Mondays, Saturdays in the House of Representatives. Now basically they have a 2-day workweek. In the Senate, we work 3 days. I realize we have just a few days left before the August recess. The House, in fact, is adjourning about a week before we do. They have 2 more weeks. We have 3 more weeks after this week. But it so good for the country if we could do something about stem cell research and finish that. If we could get the Voting Rights Act before us and have a real debate on what is going on in Iraq, we might be able to get that done with the Defense appropriations bill. We know the law of the land now. The law, as we speak, is that the year of 2006 will be a year of significant transition in Iraq. Everyone in America knows about that, except the President. He is staying the course. We are spending $3 billion a week now.

I hope we can take a look at gas prices.

The Senator is absolutely right. We need to roll up our sleeves and get this work done. I don't want to be a part of a do-nothing Congress. But I have to say to my friend that at this stage this is a do-nothing Congress. Harry Truman, who invented the term, as far as I know, is looking down from someplace and saying: Look, you got me beat.

Mr. DURBIN. Mr. President, the purpose of the two of us coming to the floor today is to make it clear that we want this month of August to be a month of significant transition in the Senate; to move us from a do-nothing Senate to actually take up issues that people across America care about.

We wrote a letter to Senator FRIST which said schedule stem cell research and give us a date certain to let us move forward. As the Senator said, let us move forward on this debate on Iraq. Let us move forward on help paying college tuition costs, particularly for working families. Let's do something about energy costs and gasoline prices. All of these things I think fit into an agenda that is timely and important for the American people.

I ask the Senator from Nevada the following question: Did he notice this morning on the front page of the Washington Post that the chief of police in the District of Columbia noted that since July 1 there have been 13 murders in our capital city? And in that period of time, 12 days, 13 murders have created such a stir and concern that he has declared it is a time of criminal emergency in the Nation's capital because of the murder rate.

I ask the Senator from Nevada if he is aware of the fact that in the last 3 days in the capital of Iraq, in Baghdad, 100 people have been murdered in 3 days? Is he aware of the fact that just a few months ago, former Iraq Prime Minister Ayad Allawi said: If this is not civil war, then God knows what is.

I ask the Senator from Nevada, are we going to see the end of the Senate debate on Iraq come down to cut-and-run versus stay-the-course? Is that as good as it gets in the Senate, the most deliberative body in our Government? Is that the end of the conversation on Iraq for this year as far as our agenda is concerned?

Mr. REID. Mr. President, I certainly hope not. This is an intractable war. We have seen the valor of our fighting forces. We have the finest military in the history of the world. They have shown that in Iraq, fighting in situations that have never been fought in before, not in the deserts of Iraq but in the cities, the slums, where snipers exist, where bombs are.

We need to have the President do what we tried to do when we offered an amendment on the Defense authorization bill to say that the year 2006 is a year of significant transition, that is the law of the land. Let's start redeploying our troops by the end of the year. We need to do that.

I say to my friend, changing the subject a little bit because we all need good news, here is some good news: I indicated that Dr. BILL FRIST stepped forward when he said he would support stem cell research. It was a big day for our country, to have a prominent transplant surgeon, someone who is imminently qualified in the medical field. Now his legislative valor on this issue, even though it is not as quick as I would like, has come to the forefront.

I just received a press release from the leader's office, majority leader BILL FRIST's office. This is something we need to celebrate. This is from Senator BILL FRIST:

> The Senate will take up the three stem cell bills on Monday, July 17, and will complete all action by Tuesday, July 18. There's tremendous promise in stem cell research . . .

That is really good news. I compliment and applaud the majority leader for allowing next week to go to stem cell research. To those people watching in America, it is good news. These people who have been hopeful—like the man who tapped me on the shoulder in church—we are going to do everything we can to get the 60 votes necessary to get this sent to the President's desk.

Mr. DURBIN. If the Senator from Nevada will yield, I address the comment and question to him.

Despite the fact we have been pushing for a year, even speaking to this issue in the Senate today, sending a letter to Senator FRIST tomorrow, I thank him and congratulate Senator FRIST. This is a bipartisan bill. It is critically important to our Nation to move forward on stem cell medical research.

When President Bush closed down this promising area of medical research almost 5 years ago, we left a void in terms of opportunity for finding cures for critical diseases.

It has never been a partisan issue. Former First Lady Nancy Reagan has pushed for stem cell research. Senator ORRIN HATCH, Senator ARLEN SPECTER—there have been so many who have stepped forward asking for stem cell research. In the spirit of this announcement from Senator FRIST, I hope we can move forward in a bipartisan fashion, pass the key bill, H.R. 810, by July 18, and send it to President Bush. I hope he will reconsider his promised veto of this bill.

I ask, if I might, of the Senator from Nevada, when it comes to the Voting Rights Act, another issue which the Senator raised, the Senator and I are from a common generation that recalls the civil rights struggle we lived through as we went through school and watched it unfold in America. The Voting Rights Act was passed to protect the rights of minorities to vote across the United States.

I ask the Senator from Nevada whether he is aware of a comment made by Jack Kemp, the former Republican Vice Presidential nominee, a former Republican Member of Congress, when speaking of the House Republicans' efforts to stop reauthorization of the Voting Rights Act—this has been occurring over the last few weeks—that former Vice Presidential nominee Jack Kemp said that his Republican Party had better get this thing passed; we need to get back on the right side of history.

I ask the Senator from Nevada, has this not been a bipartisan issue, the Voting Rights Act, where both parties tried to be on the right side of history in moving toward more opportunity and striking down discrimination when it came to voting in elections in America?

Mr. REID. The Senator from Illinois and I served in the House with Jack Kemp. Jack Kemp was an all-star: a great quarterback in college, a great quarterback in the professional ranks, and a very good Member of Congress. He speaks the truth.

The Republicans need to get on the right side of history. Holding this up is not good for them. It is not good for our country.

Mr. DURBIN. I say to the Senator from Nevada in closing, there are Members in the Senate, and we are moving to the Homeland Security bill. That is a timely bill. I am glad we are considering it.

At another time, we will address the issue of increased cost of college education for working families and the failure of the Republican leadership to schedule opportunities for tax deductions and reductions in student loan costs for these students.

Of course, the energy issue is the issue I ran into all across Illinois. We have seen a doubling of gasoline prices under the Bush administration, there is a severe hardship on families and businesses, and still we have no energy policy to address this issue from this Republican-dominated Congress.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

STEM CELLS AND THE VOTING RIGHTS ACT

Mr. COBURN. Mr. President, I make a couple of points based on what we just heard.

The first has to do with stem cells. As the Presiding Officer knows, I am a practicing physician. I am still delivering babies on weekends and our breaks. I am concerned in our country because we are letting emotional issues far override what the science today says on stem cells.

We have a lot of people who have significant diseases who have been convinced that the only way those diseases will ever be solved is to use embryonic stem cells. The dishonesty in the debate is concerning to me as a physician because the real breakthroughs have not been with embryonic stem cells.

There are now 70 treatments being utilized every day in this country from stem cells derived from core blood and adult blood stem cells. There also is wonderful new research in the last year that says you can gain exactly the same pluripotent—a cell that will do anything—from germ cells, from altered nuclear transfer, from three different mechanisms to get the exact same ability to cure diseases and never destroy the first embryo.

We do not hear that in the debate. We do not hear the truth of what the science is showing us, and we do not recognize that even though the Federal Government is funding, in a limited amount, embryonic stem cell research, the fact is, where the private money is going—it is not going to embryonic stem cell research, it is going to other pluripotent stem cell research that doesn't have anything to do with embryos.

This debate, as a physician and as a scientist, concerns me because it is not based on facts or on truth. For us to continue to belie the fact of what the science is showing us today creates a false impression based on politics and false hope. There is great hope for people with diabetes, there is great hope for people who have neurologic injury, but it is not coming from embryonic stem cell research; it is coming from pluripotent stem cell research outside of that. During the debate next week, I plan on making that point. I am going to counter every point that belies science and does not recognize the true facts out there today.

The final comment I will make is that the Voting Rights Act does not expire for a year and a half. We ought to get it right. We ought to make sure everyone is protected in this country in terms of the right to access. To say we have to do that right now, even though we are probably going to do it, to claim that we do not want to do it is a false claim. No. 2, we have plenty of time to do it even if we do not get it done this year. Those are important things for the American public to know and be aware of. No one in this Senate thinks we should not reauthorize the Voting Rights Act. But we ought to do it in a way that represents the principles on which this country is founded and not the politics of the next election.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5441, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Feinstein amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition.

Cornyn amendment No. 4577 (to amendment No. 4556), to provide for immigration injunction reform.

Mr. GREGG. Mr. President, there was an understanding that the Senator from New Mexico would offer the first amendment this morning, and then we can go to the Senator from Oklahoma. He has five amendments.

How much time will that take to offer?

Mr. COBURN. I will get through them fairly quickly.

Mr. GREGG. We presume that after the Senator from New Mexico proceeds, we will go to the Senator from Oklahoma for his five amendments. If other Members have amendments they wish to offer, we would like to have them bring them to the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 4591

Mr. BINGAMAN. Mr. President, I thank my colleagues for their courtesy. I call up amendment No. 4591 and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. Bingaman], for himself, Mr. Domenici, Mr. Cornyn, and Mrs. Hutchison, proposes an amendment numbered 4591.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

On page 127, between lines 2 and 3, insert the following:

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2006"

SEC. 602. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. 603. BORDER RELIEF GRANT PROGRAM.

(a) Grants Authorized.—

(1) In general.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) Duration.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) Competitive basis.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) Use of Funds.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) Application.—

(1) In general.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) Definitions.—For the purposes of this section:

(1) Eligible law enforcement agency.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) High impact area.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) Secretary.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) Division of authorized funds.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) Supplement Not Supplant.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 604. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, this amendment is the Border Law Enforcement Relief Act which I have introduced before, along with Senators Domenici, Cornyn, and Hutchison. I offer this amendment on behalf of all of us again. It provides local law enforcement agencies in border communities with much-needed assistance in combatting border-related criminal activity.

During the debate on the immigration bill, this same legislation was proposed and agreed to by the Senate with a vote of 84 in favor and 6 against.

For far too long, law enforcement agencies that operate along the border have had to incur significant costs due to the inability of the Federal Government to secure our Nation's borders. It is time the Federal Government recognize that border communities should not have to bear that burden alone.

Specifically, the amendment establishes a competitive grant program within the Department of Homeland Security to help local law enforcement agencies that are situated along the borders cover some of the costs they incur as a result of dealing with illegal immigration, drug trafficking, stolen vehicles, and other border-related crimes.

The amendment authorizes $50 million a year and enables law enforcement within 100 miles of the border to hire additional personnel, to obtain necessary equipment, and to cover the cost of overtime and transportation costs. Law enforcement outside of this geographic limit, this 100-mile limit, would be eligible if the Secretary of Homeland Security certified they were located in what we designate as a "high impact area."

The United States shares 5,525 miles of border with Canada and 1,989 miles of border with Mexico. Many of the local law enforcement agencies that are located along the border are small. They are rural departments charged with patrolling large areas of land with few officers and with very limited resources. According to a 2001 study of the U.S.-Mexico Border Counties Coalition, criminal justice costs associated with illegal immigration exceed $89 million every year. Counties along the southwest border are some of the poorest in the country and are not in a good position to cover these additional costs.

The States of Arizona and New Mexico have declared states of emergency in order to provide local law enforcement with immediate assistance in addressing criminal activity along the border. It is time, in my view, that the Federal Government step up and share some of that burden. So I urge my colleagues to support this important measure and to give law enforcement the resources they need to meet these challenges.

Mr. President, I met last week with sheriffs and local police chiefs in communities along the southern New Mexico border with Mexico and talked to them about the challenges they face and the need for additional personnel, the need for modern equipment. Clearly, they are faced with a very significant challenge because of the increased illegal activity going on along our U.S.-Mexico border. The assistance provided in this amendment is assistance that would be very important to them in carrying out their responsibilities to the citizens of those communities.

So I urge my colleagues again to support this amendment. I am informed this is an amendment the chairman has indicated might be acceptable. I am hoping we can have a vote, but I will at this point yield the floor until my colleague who is managing the bill can respond to the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. BINGAMAN. Mr. President, I object for just a minute. My understanding is we were going to dispose of my amendment before we—

Mr. COBURN. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I apologize.

Mr. President, I ask unanimous consent that the Senator's amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 4591) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4562

Mr. COBURN. Mr. President, if there is a pending amendment, I ask unanimous consent it be set aside, and I call up amendment No. 4562.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4562.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

At the appropriate place, insert the following:

SEC.   . Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 5441 shall also be included in the conference report or joint statement accompanying H.R. 5441 in order to be considered as having been approved by both Houses of Congress.

Mr. COBURN. Mr. President, this is an amendment we have had several times on appropriations bills. It is about sunshine, pure and simple. What most Americans do not realize is that when conference reports come on appropriations bills, there are things that are added in the House that we in the Senate do not have any idea of what they are. They are not printed except in the report language. When we vote on the bill, we have no awareness whatsoever of what those things are.

This is a fairly simple amendment that just ensures that every earmark or directive must be included in the final Homeland Security appropriations bill that is approved by both Chambers. The American people ought to get to see that, and we ought to be able to know, as Senators, what is in the bill.

This amendment is for transparency. It adds to the debate, and it provides the American taxpayers an additional safeguard that their money is not wasted on unnecessary projects that might jeopardize the Nation's fiscal health or lessen the impact of the Homeland Security bill.

The first time I offered this amendment, it was defeated. The second time I offered it, last year, we won it, and the third time we won it on separate appropriations bills. Thereafter, it was agreed to. That is all good and fine. But after it was done on every appropriations bill, it was dropped in conference, saying: We don't need to know what we are voting on. We don't need to have the information that we are having. The American people shouldn't know what we are voting on, and we shouldn't know what we are voting on.

I believe this is something that we ought to put into every appropriations bill. We ought to know what we are voting on. We ought to know who is responsible for what is in there. And we ought to be able to go home and defend it or object to it here on the floor. But nobody can make a case for us not knowing what is in the bill.

So my hope would be that the secrecy of the appropriations process or the sleight of hand in how things are written, so nobody can know where it is going or who put it there, would be eliminated. All this is is a sunshine amendment saying: We ought to know. My hope is we will accept this amendment, one, and then we will keep it in in conference so that when a conference bill comes back out, we can know what the House did on earmarks and directives, as well as knowing what we did.

I think it is a commonsense amendment. My hope would be the chairman and ranking member of this committee would accept this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the efforts of the Senator from Oklahoma in the area of making sure the taxpayers know where their money is being spent. I think it has been constructive, and I will be happy to accept the amendment. But I do believe that at least relative to this appropriations bill there ought to be some recognition of the fact that this is probably the cleanest bill brought to the Senate in the history of the Senate relative to what would be deemed earmarks in the pejorative sense.

I am not one of these people who subscribes to the view that the Congress should not earmark. I happen to believe there are a lot of instances where the congressional prerogative of spending the money requires that we do earmark in order to make the case against the executive branch, which can earmark unilaterally, and basically in true secrecy, by simply spending the money however they want to spend it once we give it to them. Often their direction is incorrect, and the purpose of the Congress should be to redirect it.

Now, there are other earmarks, particularly like the famous "bridge to nowhere," and other things, that may and do have serious issues. I would take the entire highway bill that passed the Senate—of which I was one of four people who voted against it, which had $24 billion of earmarks—as the most egregious example of when Congress got carried away with directing money inappropriately.

But there is a purpose for earmarks. And this bill is a classic example of that, quite honestly. The amendment, for example, that was offered yesterday by the Senator from West Virginia could be deemed an earmark amendment, I suppose, because he said specifically: Coast Guard, you shall purchase this plane; Customs, you shall refurbish this plane. You shall buy armament for these Coast Guard helicopters—all of which benefited some district in this country. And some Member of the Senate benefited from that by putting out a press release, I suspect, that we just bought an airplane for the Coast Guard, and it is going to be produced in someplace or other.

But the reason we had to do that was because the administration had not sent up the necessary capital improvements to make sure the Coast Guard had the aircraft, to make sure they had the armament on their helicopters, to make sure the helicopters were replaced, to make sure the vehicles were replaced because, for whatever reason, the Department of Homeland Security had not determined that those were priorities. We think they are priorities.

In this bill there are no, what you would call, district earmarks to speak of. There are a few probably in there somewhere, but nothing of any significance compared to what the average bill that comes through this place has. I do believe when we do our job right—which is the way I think this bill was done—when we do not use earmarks for the purposes of basically addressing an individual need that is maybe not within the context of the basic goal of the agency—although many things are that are deemed earmarks, that we rather use the earmark structure as a way of getting agencies to do what has to be done in order to complete their missions appropriately—that we should get credit for that.

This bill should be acknowledged as a bill that is a pretty good example of how this should be done right. So I appreciate the vigilance of the Senator from Oklahoma. He has become the watchdog of earmarks. And he is doing the Lord's work in many ways. I am perfectly happy to have sunshine on this bill because I think this bill is a classic example of the way it should be done.

So has the amendment been reported, Mr. President?

The PRESIDING OFFICER. The amendment is pending.

Mr. GREGG. Mr. President, I ask unanimous consent it be agreed to.

Mr. COBURN. Mr. President, reserving the right to object for one moment, I want to make a point. The example used of the Senator from West Virginia is exactly the way it ought to be done. It is out in the open. There is direction. His name is tied to an amendment. And everybody in America who is watching this place knows who is doing what they are doing.

This amendment is to make sure that happens. The point is not what we are doing. This amendment is as to what the House is doing. And I would confirm with the Senator, the chairman, that this is a great bill in terms of earmarks. There are very few in it. We study every bill to see where it is and what the direction is. My hope is that an example will be set. There are a couple of earmarks, directives in this bill we will be talking about in amendments, but I will tell the Senator that I agree and I appreciate the fact that we are seeing a little bit of a change in culture in that regard.

My hope would be, also—I might ask the Senator—if he would agree to hold this in conference so we can see what the House does when we come to the conference report.

With that, I withdraw my objection.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I renew my unanimous consent request.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4562) was agreed to.

Mr. GREGG. In response to the Senator's request that I hold this in conference, I have no problem in trying to hold this in conference. As the Senator knows, the House has a different approach to some of these issues. But I think this is a very reasonable request. People should tie their names to what they are willing to spend taxpayer dollars on. It should be public, as the Senator said. That is the way we should do it. I am perfectly happy to support that aggressively.

Mr. COBURN. I appreciate that.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4561

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 4561 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4561.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that reports required in the bill to be submitted to the Committees on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public website not later than 48 hours after such submission unless information in the report compromises national security)

At the appropriate place, insert the following:

SEC. ____. Any reports required in this Act and accompanying reports to be submitted to the Committees on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public website not later than 48 hours after such submission unless information in the report compromises national security.

Mr. COBURN. Mr. President, this requires public disclosure of all reports delivered to the Appropriations Committee, including the President's justification on his budget, with the exception of national security issues by the Department of Homeland Security, so that everybody can see what the request is, what the justification for the request is, and what the reports are.

Unfortunately, in this bill, there is a section that requires the opposite. There is a directive that says they are not to release it to the American public, that they are only to release it to the Appropriations Committee. A little bit of experience: This year, when the President's budget request came up, and the justifications for it, as a U.S. Senator it was unavailable to me. It was unavailable to my staff. It was unavailable to any staff except Appropriations staff. They do a good job. But as to the justifications for the request, just like the Senator from New Hampshire said—we have the right of the purse strings. The House and the Senate have the right to say where the money goes. If we cannot have the justifications for why the President's budget is so numbered and divided, then we will not have the ability to defend that—and that is those people outside of the Appropriations Committee.

In the committee report is this sentence:

> The committee is deeply disappointed in the actions taken by the Department to combine the reporting requirements of this committee with other reports and then releasing the results of those reports publicly prior to submission to the committee. Reports to the committee are not expected to be turned into publicity events again in the future.

Well, whose business is this? It is the American people's business; it is not just the Appropriations Committee's business. And it is the other Senators' business. And it is the other Congressmen's business. It is not just one committee's business. They have the authority and the obligation to bring it to the floor, but the knowledge of what the President requests and the knowledge of the reports required by bills that we all vote on coming back to the Congress should be shared with the American people.

All this amendment says is that 48 hours after they report it to the committee—and they should get it first; I adamantly agree they should see those reports first, since they are the ones who asked for them—it becomes on line and available to the rest of the Senators, the rest of the Congressmen, and, beyond that, the rest of the American people.

Why should they not see the President's budgetary request?

As a matter of fact, Josh Bolton, before becoming Chief of Staff for the President, was head of the OMB, and he agreed last year that this year they would put that all on line at the time they give it to the Appropriations Committee. This is simply another sunshine amendment.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I am happy to.

Mr. DURBIN. I would like to ask the Senator, in the spirit of full disclosure, when we considered the asbestos bill, which the Senator supported, there was one corporation that would have benefited to the tune of more than $1 billion by that asbestos bill. In the interest of full disclosure of special interest groups and who is pushing legislation, would the Senator from Oklahoma also demand that kind of disclosure so we know if there is a change of a word or two, and one corporation, one lobbyist, or one special interest group is a big winner in a bill that is not an appropriations bill? Is the Senator from Oklahoma going to demand the same disclosure?

Mr. COBURN. Certainly, in answer to the Senator's question. On the trust fund, we never got to know who was going to give the money. It was same thing. So there are big problems everywhere. I believe in sunshine everywhere. You won't see me fighting sunshine. The people of this country deserve to know what is in the bills, what is in the reports, and what is in the requests and the justifications.

Mr. DURBIN. Will the Senator yield?

Mr. COBURN. I only have 45 minutes to get through three other amendments. I don't want to put this into a political game. What I want to do is talk about what the American people ought to be getting from us. This language ought to be changed so that we accept the Appropriations Committee getting the reports early, but then the Department of Homeland Security making it available to the rest of the American public, provided it doesn't have a security implication within it. It is a very straightforward amendment. I hope the committee will accept it and keep it in in conference.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have no problem with this proposal. The Department will have a problem with it simply because if the Senator has followed the activities of this Department, their ability to produce the reports requested is limited or at least their efforts have not been stellar. In any event, it is a reasonable request. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4561) was agreed to.

AMENDMENT NO. 4585

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 4585 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4585.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To prohibit the use of funds available to the Coast Guard for operating expenses for the continuation of operations of Long Range Aids to Navigation stations nationwide)
>
> After section 539, insert the following:
>
> SEC. 540. None of the amounts available or otherwise available to the Coast Guard under title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES" may be obligated or expended for the continuation of operations at Long Range Aids to Navigation (LORAN) stations nationwide.

Mr. COBURN. Mr. President, I know there is going to be a radical difference of opinion on this amendment. Let me explain. This is about the LORAN stations nationwide. This is an old-time aid to navigation that this bill has requested another study of. This has been studied. There are volumes of reports from every agency of the Federal Government that has anything to do with this. All of them say we don't need this system anymore.

LORAN stands for long-range aids to navigation. The original LORAN-A system was developed during World War II. LORAN-C, where we are today, was developed during the 1950s and 1960s. There are 24 LORAN stations across the United States. One of them is actually in my State.

These stations send out radio signals and LORAN receivers on board vessels and aircraft measure the differences in the time that it takes for a signal to come back and determine both the longitudinal and latitudinal positions. It is used rarely for some civilian navigation, but it is no longer a primary source for civilian navigation needs because it has been replaced with a far superior system called global positioning or a satellite-based system. That has been totally functioning since 1994.

The plan was released February 10, 2006. It was prepared by the Department of Defense, the Department of Transportation, and the Department of Homeland Security. The Coast Guard requested to terminate this program. There is no longer a need for the Coast Guard for either primary or secondary. If GPS fails, there are other systems that back it up besides LORAN. And it is not needed for the Department of Transportation. The Department of Defense said they don't need it. The Department of Homeland Security, the Coast Guard, and the FAA said they do not need it. In this bill, it calls for DHS and DOT to submit a report to the Senate Appropriations Committee that requires them to come up with excuses to continue the LORAN operation. Here is the report.

I would like to submit for the RECORD the report and also the statement of administration policy on this.

The administration objects to this provision because it is going to postpone the inevitable. This is a program that we don't need. Every agency of the Federal Government that uses this program or has been involved with it says they don't need it anymore. There are special interests that might want it, but the country doesn't need it. The Government doesn't need it. You don't need it for navigational purposes.

I am quoting now:

> The Department of Transportation has conducted numerous studies that make clear that the benefits of terminating the LORAN system far outweigh the costs. Furthermore, as discussed in the Subcommittee Report, the Global Positioning System is a far superior navigational aid, with sufficient backup capabilities in place to meet the Coast Guard's needs for the Maritime Transportation System [and to meet the FAA's need

for air travel, and the Department of Homeland Security, as well as the Department of Transportation].

I ask unanimous consent to print that in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY, JULY 12, 2006

H.R. 5441—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, FY 2007

The Administration supports Senate passage of the FY 2007 Department of Homeland Security Appropriations Bill, as reported by the Senate Appropriations Committee.

The President's FY 2007 Budget holds total discretionary spending to $872.8 billion and cuts non-security discretionary spending below last year's level. The Budget funds priorities and meets these limits by proposing to reform, reduce, or terminate 141 lower-priority programs. The Administration urges Congress to fund priority needs while holding spending to these limits, and objects to the use of gimmicks to meet those limits. The Administration looks forward to working with Congress to adopt the President's proposals to cut wasteful spending in order to maintain fiscal discipline to protect the American taxpayer and sustain a strong economy.

Although the bill is largely supportive of the President's request, the Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

Border and Transportation Security

The Administration appreciates the funding provided by the Committee for border and immigration enforcement and strongly urges the Senate to fully fund 1,500 new Border Patrol agents and 6,700 additional detention beds and associated costs, as requested. On May 15th, the President outlined his five-part plan for comprehensive immigration reform. The Administration is committed to securing the resources necessary to gain control of the border through deployment of additional Border Patrol agents, as well as adding infrastructure and technology, such as access roads, fences, vehicle barriers, tactical communications, and aerial surveillance. These resources, coupled with additional legal authority from Congress, will end the practice of "catch and release" along the southern border by increasing detention and removal capabilities. The Administration is committed to working with Congress to implement an immigration enforcement strategy that will give our law enforcement authorities operational control of our Nation's borders as a part of the Administration's comprehensive immigration reform initiative.

The Administration is concerned that the Committee did not include the requested increase for aviation security passenger fees. The Senate is urged to include this provision to ensure that the direct beneficiaries of aviation security measures bear a greater share of the cost of implementing and maintaining a secure screening system.

The Administration strongly supports the provision to provide the Department with the flexibility to employ a risk-based strategy for focusing aviation screening resources on significant and emerging threats to aviation security. The Administration supports section 524 of the Committee's proposed bill that will provide additional direction to the Department and information to Congress on protection of Sensitive Security Information without compromising security.

State and Local Programs

While the Administration appreciates the Committee's commitment to State and local grant and training programs, the funding provided does not effectively target Department of Homeland Security (DHS) resources. Overall funding for programs administered by the Office of Grants and Training is $504 million above the President's request, providing resources to lower priority programs that support individual infrastructure sectors or organizations and emphasize basic response equipment for local agencies. Resources should be shifted to fully fund programs that target high-risk targets and combine security efforts across the Nation's infrastructure sectors such as the Urban Areas Security Initiative and the proposed Targeted Infrastructure Protection Program. The Administration also urges the Senate to fully fund the Citizens Corps initiative, which helps to encourage greater citizen participation in local preparedness efforts.

Federal Emergency Management Agency (FEMA)

The Administration appreciates the Committee's support of FEMA's core operating expenses, flood map modernization, and the pre-disaster mitigation grant program. The funding provided for the pre-disaster mitigation grant program will protect people and buildings from flood damage, earthquakes, and wind damage from hurricanes and tornados. The Administration also strongly supports the transfer of the National Disaster Medical System to the Department of Health and Human Services, consistent with the recommendations of the White House Katrina 'Lessons Learned' report.

The Administration strongly urges the Senate to provide the full request level for FEMA's Disaster Relief Fund (DRF). The amount provided for the DRF is $316 million below the President's request. The requested funding is based on the five-year average of total disaster costs, excluding large one-time events such as Hurricanes Katrina and Rita. Full funding of the DRF is important to ensure that DHS is able to respond appropriately to the Nation's unforeseen events and natural disasters.

Management

The Administration strongly opposes any effort to reduce or eliminate funding for the DHS MAX HR initiative. This human resource management system is designed to meet the diverse personnel pay and benefit requirements of DHS.

The Administration is concerned that funding for the design and buildout of a new Coast Guard Headquarters at the St. Elizabeth's campus was not included in the bill and urges that it be restored. This facility has been identified by the General Services Administration as the only Federally-owned secure campus readily available in Washington, D.C. It is critical that the Coast Guard headquarters be constructed in a timely manner and these funds are needed to ensure the facility is constructed on schedule, address serious spatial needs of the agency, and support infrastructure development for eventual tenancy by other DHS components.

Coast Guard

The Administration strongly objects to the provision that would postpone decommissioning of the LORAN system and would require additional cost-benefit analysis. The Department of Transportation has conducted numerous studies that make clear that the benefits of terminating the LORAN system far outweigh the costs. Furthermore, as discussed in the Subcommittee Report, the Global Positioning System is a far superior navigational aid, with sufficient backup capabilities in place to meet the Coast Guard's needs for the Maritime Transportation System.

Secret Service

The Administration urges the Senate to include the establishment of a Special Event Fund to meet the unique security needs of the Secret Service to be prepared for special events. These funds have been requested in a separate account to ensure that resources are dedicated to meet special events overtime and travel needs.

Citizenship and Immigration Services

The Administration appreciates the funding provided for expansion and improvements to immigration verification systems to more effectively verify employment eligibility and benefit records. These resources support the Administration's comprehensive immigration reform initiative, and the Administration urges the Senate to fully fund efforts to automate U.S. Citizenship and Immigration Services' business processes and systems, which will improve its ability to collect, process, and provide immigration-related benefits.

Science and Technology

The Administration appreciates the funding provided by the Senate supporting the Department's research, development, test and evaluation (RDTE) requirements. However, the Administration strongly urges the Senate to restore the Management and Administration appropriation funding needed to ensure the necessary resources for the proper planning, prioritization, management, execution, and oversight of the RDTE programs.

The Administration is opposed to the transfer of the Transportation Security Laboratory (TSL) and explosives threat funding from Science and Technology (S&T) to the Transportation Security Administration. S&T is best positioned to prioritize, develop, and execute the innovative research programs necessary to achieve significant results against explosive threats. S&T is also best suited to foster the research and development capabilities of the TSL and leverage these capabilities to support the entire Department.

Preparedness

The reduction in funding for the National Preparedness Integration Plan will limit the ability of the Preparedness Directorate to implement initiatives based on Katrina 'Lessons Learned' recommendations. At the funding level proposed by the Senate, the program will not be able to support needed improvements in telecommunications capabilities. DHS will work with Congress to better define the role of the proposed Federal Preparedness Coordinators, and avoid duplication of other DHS functions.

The Administration is also concerned about the aggregate reduction of $21 million from the request for funding of Infrastructure Protection and Information Security activities. The $20 million reduction in the National Security/Emergency Preparedness Telecommunications program will diminish the ability to provide priority wireless connectivity in disaster-affected areas and implement recommended improvements from the Administration and Congress to emergency communications infrastructure.

Domestic Nuclear Detection Office

The Administration appreciates the Committee's support for the Domestic Nuclear Detection Office (DNDO), but strongly recommends that the full funding requested be provided. This initiative is a priority of the Administration and failure to fully fund DNDO research and development programs will appreciably delay the availability of new technologies for detecting radiological and nuclear materials in cargo, at our borders, and elsewhere. Specific reductions in funding will delay the deployment of next-generation equipment for detecting nuclear devices; hinder efforts to leverage the research capabilities of our Nation's universities; and delay efforts to track the source of radioactive materials.

Competitive Sourcing

The Administration strongly opposes provisions that limit competitive sourcing. Section 516 imposes a legislative restriction on the use of competitive sourcing for work performed by the Immigration Information Officers at the U.S. Citizenship and Immigration Services, and section 537 overrides Executive Branch discretion to consider public-private competition by dictating that commercial classroom training performed at the Federal Law Enforcement Training Center is an inherently governmental activity. Precluding public-private competition for performance of these activities deprives the Department of the operational efficiencies to be gained by competition, and limits its ability to direct Federal resources to other priorities.

Management decisions about public-private competition, and accountability for results, should be vested with the Department. On a Government-wide basis, the improvements set in motion by competitions completed between FY 2003 and FY 2005 will generate an estimated savings that will grow to over $5 billion over the next 10 years. The Senate is urged to strike these restrictions.

Reports and Penalties

While the Administration understands the need for prompt delivery of reports to Congress and makes every effort to do so, the Committee's requirement to deliver reports on complicated matters before receiving funding could inhibit the Department's efforts to carry out its mission.

Constitutional Concerns

Several provisions of the bill purport to require approval of the Committees prior to Executive Branch action. These provisions are found under the following headings: "United States Visitor and Immigrant Status Indicator Technology"; "Automation Modernization," "Technology Modernization," and "Air and Marine Interdiction, Operations, Maintenance, and Procurement," within Customs and Border Protection; "Automation Modernization" Immigration and Customs Enforcement; "Protection, Administration, and Training," United States Secret Service; "Management and Administration," Preparedness and Recovery Preparedness; "Management and Administration," Science and Technology; and section 509. Since these provisions would contradict the Supreme Court's ruling in INS v. Chadha, they should be changed to require only notification of Congress.

Section 521 of the bill, relating to privacy officer reports, should be stricken as inconsistent with the President's constitutional authority to supervise the unitary executive branch.

Mr. COBURN. I draw the attention of my colleagues to the formal report on the LORAN system as put forward by the three agencies.

We are going to hear debate that there is not sufficient backup. Let me answer that first. The 2005 Federal Radio Navigational Plan reported that the U.S. Coast Guard has determined that there are backups. LORAN is not needed for it. In case there is a GPS failure, conventional navigation is used, using all available equipment which includes GPS, DGPS, radar, lights, buoys, celestial navigation, daymarks, and dead reckoning. There are seven backups besides this.

Coast Guard Congressional Affairs has indicated that LORAN is one of many backups. It is not needed for aviation backup. They have very high-frequency omnidirectional beacons that give the same backup. Distance measuring equipment, the ILS systems, a backup to GPS, it is not going to be long when we won't even have ILS systems at airports. We will probably have somebody who wants to keep those in. The fact is, we need to recognize the technology. These dollars would be better spent somewhere else.

The Coast Guard is going to spend $35 million in 2007 on operations and the maintenance of the LORAN system. The Federal Aviation Administration will spend between $15 and $25 million on recapitalization. The Coast Guard tried to start getting rid of this in 2000. The FAA at that time said they still needed it. They now no longer need it. It will take another 6 to 10 years and another $300 million to complete the recapitalization that was mandated since 2000 for a program this isn't needed.

Here are the savings: $500 million over the next 7 years if we go on and terminate a program that we don't need and nobody needs as a backup.

The Senate report on this bill and the proponents of LORAN will claim that GPS used along with LORAN provides the most accurate positioning. That is one of the claims. They aren't even used in tandem anymore. If you are looking at GPS, you don't use the LORAN system. And GPS is far superior to anything that LORAN could give us. One of the claims will be that shutting down will adversely affect other Federal agencies that use LORAN. The navigational plan asked for by this Congress indicated that it is no longer a mission-essential device. It is not needed for either a primary or secondary source for positioning, navigation, or timing for the Department of Defense, the Department of Transportation, or the Department of Homeland Security. Who is that? That is the FAA, the Maritime Commission, the Coast Guard, all of them saying: We don't need this. Yet we are going to spend another $500 million over the next 7 years if we don't get rid of it.

So it is simple. Somebody wants it, yes. Why? There are special interests that will want this to continue. But the fact is, a half a billion dollars is a lot of money that we don't have. We ought to eliminate this program. I know there are others who disagree with that. I look forward to the debate.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to oppose the amendment. Certainly, I understand the intent of the amendment, which is to terminate the LORAN program. This is a program that affects a lot of our small airplanes, maritime safety, their ability to communicate in the Pacific Northwest waters. I know Senator STEVENS from Alaska has a deep concern about this as well.

We know that at some point the LORAN system is going to be changed. The problem is that the Coast Guard alone, which I have tremendous respect for, made a decision to terminate the LORAN system without talking to the FAA, without talking to DOD, and without talking to many of the other users of the LORAN system. This bill makes sure that as we move toward a new structure within the waters in the area of the Pacific Northwest and up into Alaska and other places along the coast, we do it in a way that makes sure that all of the users of the system are not impacted in a way that makes them unsafe or their travels unsafe.

It is unwise for us to terminate this program without the consent and the understanding of these other organizations. We had a debate about this in the Appropriations Committee. The committee agreed with us that as we move forward on the termination of the LORAN program, we need to make sure that the Department of Defense, the FAA, small maritime users, and everybody who relies on this for safety in the waters along coastal regions is on board and we move forward in a way that doesn't cause any harm to any of the users of the system.

I respect the Senator in trying to eliminate funding and trying to make sure that we are making the best use of public resources. But it has to be done in a way that doesn't impact the safety of our many maritime and airline users.

I will oppose the amendment. I know Senator STEVENS from Alaska has been very involved in the debate. I believe he is on his way to the floor as well. I urge our colleagues to listen carefully to the safety and the use of many people in our coastal waters as we move forward on the matter of closure of the LORAN system.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this language was added to the bill in committee. It did not arise out of the original mark. I opposed the addition of this language because I agree with the Senator from Oklahoma. I have a lot of confidence in the Coast Guard. In fact, within this agency, the Coast Guard is clearly one of the best run, most efficient and most professional groups in our entire Government. The Coast Guard has come to the conclusion they don't need the system, that it is ancillary to the basic needs of navigation.

It is a lot like maintaining a black-and-white television when everybody has gone to color—or high definition now. Hand-held GPSs are like little telephones. You can carry them anywhere. The accuracy and instantaneous locating of those devices is extraordinary, especially compared to LORAN.

There is no need to keep this black-and-white technology. We should phase it out. The Coast Guard has come up with a plan for doing that. We can save some money, and with that money we can put it into other things the Coast Guard does need. I support the amendment.

There are other Members who wish to speak. I don't think we should go to a vote until we have given people the time to come and put their 2 cents in. I support the amendment.

Mr. COBURN. Mr. President, I have a couple of comments to the Senator from Washington State. LORAN won't go away if this instruction for this study is taken out. There are still 4 years that LORAN will be there under the Coast Guard's plan. I also remind the Senator that the FAA has already said they don't need it. The Maritime Commission has said they don't need it. The Coast Guard has said they don't need it. Who needs it when we have other backups? It is true that in 2000 the FAA said we don't have sufficient backup to eliminate LORAN. They have since, in the report—the study that has already been made—said they don't need it. So this is a report to extend the life of LORAN, something that we don't need.

I know the Senator from Alaska will oppose this. I look forward to a vigorous debate with him.

I will soon ask unanimous consent again to submit the 2005 Federal radio navigational plan into the RECORD so everybody can see all the claims that have been made by the groups that supposedly don't need it. The plan has already been done. It is not required as a navigational backup.

Now, will some people somewhere want to get a better navigational system? Yes. You can buy a GPS system for a boat now for about $300 and you can have something far superior than LORAN ever was or you can use the VOR system or one of the myriad—seven other backups for maritime without using LORAN.

With that, I ask unanimous consent that this amendment be set aside, and I will call up another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4589

Mr. COBURN. Mr. President, I ask that amendment No. 4589 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4589.

Mr. COBURN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce appropriations available for certain training, exercises, technical assistance, and other programs)

At the appropriate place, add the following:

Nothwithstanding any other provision of this Act, the amount made available in title III of this Act under the heading "Office for Domestic Preparedness, State and Local Programs" is reduced by $25,000,000 and the amount made available under such heading for "training, exercises, technical assistance, and other programs" is reduced by $25,000,000

Mr. COBURN. Mr. President, this is a very simple amendment. The Improper Payment Information Act was enacted in 2002. It was very specific, and Congress was very wise to do it. What it said is that the agencies have to make an assessment of improper payments.

Now, what the American people don't know is that at least $65 billion in improper payments—payments made by the Federal Government to people who don't deserve to get them—are made every year. Think about that: $1.6 billion in food stamps; $20-some billion at the Pentagon; $42 billion in Medicare improper payments; $30 billion in Medicaid improper payments. So the $60 billion number I quote is a very conservative estimate.

What we saw with Katrina is that tons of improper payments were made. But we had the Department of Homeland Security say they didn't have any improper payments. That is what they asserted to this Congress in 2005. The fact is that they didn't do the studies which were necessary to assess whether they were at risk. The $65 billion that I quote represents only 18 of 70 entities of the Federal Government, and it is only 18 out of 70 that are reporting.

The Department of Homeland Security, in its fiscal year 2004 performance and accountability report, said none of its programs or activities were deemed to be at significant risk for making improper payments. The OMB put some special definitions on what that is. It is $10 million or 2.5 percent. We know of at least a billion dollars that has been wasted in Katrina that we can document right now. The Department has since admitted they are finding and reporting improper payments for 2005 that were not in full compliance with the law.

We are seeing that everywhere in my Subcommittee on Federal Financial Management, where we look at these agencies. They actually ignore the law and don't make a concerted effort. Senator OBAMA and I asked in September that a chief financial officer be set up in terms of the response in September of last year to Katrina. We never got that through, but had we gotten that through, we would be a billion dollars ahead of where we are today, just in terms of the funds for Katrina.

The price tag is going to be over $200 billion in Federal money by the time we finish. If you take the rate of improper payments within DHS just in terms of Katrina, we are probably going to have $2 billion or $3 billion in improper payments.

For the record, I believe it is important that the American public know why we ought to be having an assessment of how we spend our money. Sixteen percent of the dollars and assistance initially spent after Katrina and Rita was spent on divorce, sex changes—bogus things—and $1.5 million went to credit card waste, a 1-week Caribbean vacation, five season tickets to the New Orleans Saints, and Dom Perignon in San Antonio. A thousand credit cards were given to people with Social Security numbers belonging to State and Federal prisoners, and $14,000 was given to an inmate in a Louisiana jail. Subcontracting—we were to pay, on average, $32 per cubic yard for debris removal, but the actual cost was $68. We had the rest taken up in layers of subcontractors. I could go on and on, but I will not.

This amendment gives a million dollars to the Chief Financial Officer of the Department of Homeland Security and says: Do improper payments reporting. I ask that this be accepted by the committee because it makes common sense and we have a real problem in Homeland Security with waste, fraud, and abuse. To start fixing that, we must know what the problem is.

Mr. GREGG. Mr. President, I could not agree more. As far as the million dollars, I am happy to reallocate it toward this activity. This is a huge amount, but I don't think it should be understated how much effort is being made to try to figure out how much in the way of funds has been either mishandled, fraudulently handled, wasted, and the first cut just on the individual side is $1.8 billion. As a result of Katrina, the number is going to be much higher when they get into the public area of rebuilding roads, schools, and hospitals. However, the Department is trying, and certainly the inspector general of the Department is trying very hard. He has a very highly structured task force—a series of them—to try to manage these dollars. The results are not too complete. We are starting to get hard information, but dollars have been wasted, and it is inexcusable. If this technical accounting process is something that should be followed, I have no problem with proceeding in this way.

I don't want to imply that this is going to resolve the problem. The problem is much bigger than this. The issue is whether the inspector general can get his arms around everything that has happened down there. You are not only dealing necessarily with the Federal folks who are giving us the issues; there are a lot of local and State issues about how Federal money is being spent here that is very questionable. Unfortunately, people took advantage of the American taxpayers' compassion for folks who have been devastated in that part of the country. Some people saw that as an opportunity to take advantage of the American taxpayers. We are very creative people sometimes in that area, and unfortunately it happened.

There is a genuine effort to try to make sure the money is spent effectively, and there is an equally genuine effort by the inspector general to follow up on money that has not been spent correctly. So I welcome this effort as part of the fight to make sure tax dollars are spent effectively.

I ask that the amendment be agreed to.

Mr. COBURN. Mr. President, I made an error in the number of the amendment I called up. I ask unanimous consent that the amendment be set aside and the true number be 4590 instead of 4589 and that the debate be considered with regard to No. 4590 rather than 4589.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wish to respond to the chairman for a minute. I know this isn't going to solve the problem. This takes away the excuse for not doing proper payment analysis at the Department of Homeland Security. I know they are working hard in that regard.

Mr. President, I note that the Senator from Alaska is here. I wonder if we might recall amendment No. 4585.

The PRESIDING OFFICER. Does the Senator wish to report 4590 first?

AMENDMENT NO. 4590

Mr. COBURN. Mr. President, I ask that amendment No. 4590 be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4590.

Mr. COBURN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make appropriations available for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note))

On page 127, between lines 2 and 3 insert the following:

SEC. . Notwithstanding any other provision of this Act, $1,000,000 shall be made available from appropriations for training, exercises, technical assistance, and other programs under paragraph (4) under the subheading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" under title III, for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

Mr. STEVENS. Reserving the right to object, is that the pending amendment?

The PRESIDING OFFICER. That was the amendment that was just brought up. That was the amendment that was the subject of the previous discussion.

Mrs. MURRAY. Mr. President, can I clarify? It is very confusing. The Senator from Oklahoma called up the wrong amendment. Would the Chair explain exactly what is the pending amendment?

Mr. COBURN. The pending amendment is exactly as I described. It is an amendment that moves $1 million to the chief financial officer of Homeland Security so they will do the improper payments report.

Mr. GREGG. I believe that amendment has been agreed to and disposed of.

The PRESIDING OFFICER. I think the problem is the Senator mentioned the wrong number. It is not 4589; it is 4590, and the Senate agreed to 4590.

Mr. COBURN. That is correct.

Mr. GREGG. Mr. President, I ask unanimous consent that it be agreed to.

Mrs. MURRAY. Has that amendment been agreed to or set aside?

The PRESIDING OFFICER. The Senator sent up amendment No. 4589. It was his intent to send up amendment No. 4590. He asked that amendment No. 4589 be set aside, and we now reported amendment No. 4590.

Mr. GREGG. Has it been reported yet?

The PRESIDING OFFICER. It has been reported as the pending amendment.

Mr. GREGG. I ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, what is this amendment?

Mr. GREGG. This deals with the transfer of $1 million to the finance officer.

Mrs. MURRAY. Mr. President, reserving the right to object, simply to clarify, so we are all on the same page, the chairman of the committee is asking that we agree to the amendment that was just debated, that was called up, that the Senator had the wrong number; is that correct?

The PRESIDING OFFICER. Right.

Mr. GREGG. And this is the amendment dealing with the transfer of $1 million to the finance officer.

Mrs. MURRAY. The Senator is asking us to agree to that amendment that was debated.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. GREGG. Now the pending amendment is the amendment on LORAN.

The PRESIDING OFFICER. Is there objection to amendment No. 4590 being agreed to, the $1 million amendment? Without objection, the amendment is agreed to.

The amendment (No. 4590) was agreed to.

AMENDMENT NO. 4585

Mr. GREGG. And the pending business is the LORAN amendment.

The PRESIDING OFFICER. Now the pending question is amendment No. 4589.

Mr. GREGG. That is not the LORAN amendment. We set that one aside.

The PRESIDING OFFICER. Apparently amendment No. 4589 and amendment No. 4585 are both pending.

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 4585 be called up at this time, which is, as I understand, the LORAN amendment.

The PRESIDING OFFICER. Is there objection? The clerk will report.

Mrs. MURRAY. Mr. President, may I clarify then that amendment No. 4585 is pending? From what I understand from the Chair, both amendments are pending. I ask unanimous consent that amendment No. 4589 be laid aside and that the pending amendment be amendment No. 4585.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Just for the clarification of the Senate, we are now back on the LORAN amendment; is that correct, Mr. President?

The PRESIDING OFFICER. As far as I can tell.

The Senator from Alaska.

Mr. STEVENS. Mr. President, is there a time limit on the amendment?

The PRESIDING OFFICER. There is no time limit.

Mr. STEVENS. Mr. President, the amendment of the Senator from Oklahoma will delete an amendment I offered in committee. This is what it says:

The committee denies the request to terminate operations at LORAN stations nationwide and directs the Secretary to refrain from taking any steps to reduce operations at such stations. The committee further directs the Secretary, in consultation with the Secretary of Transportation, to submit a report to the Appropriations Committee and the Commerce Committee regarding the future of the LORAN system. The report shall include the cost benefits, the merits of maintaining the LORAN system as a backup navigational aid, and the benefits of using the LORAN system in conjunction with the global positions system. The report shall be submitted to the committee within 180 days of enactment of this act.

I did hear my good friend from Oklahoma indicate he would like to have some vigorous debate. I don't know how vigorous it is going to be. I do want to tell the Senate that this amendment means a great deal to my State, obviously, with half the coastline of the United States, with a number of areas that are affected by this LORAN system.

The LORAN system has not been modernized in my State, although it has been in all the rest of the country. In recent years, we have appropriated approximately $160 million to the Federal Aviation Administration and the Coast Guard to modernize the LORAN structure through an existing interagency memorandum of agreement that existed between the two agencies. The recapitalization primarily came through the FAA budget, while the Coast Guard has provided resources to operate and maintain this system.

The proposal to terminate LORAN was not coordinated with the Department of Transportation or the FAA and certainly was not coordinated with my State. The decision to terminate this system should not unilaterally be controlled by the Coast Guard.

I am constrained to tell the Senate, this is just another example of the problems of representing the largest State in the Union with agencies that are not properly represented in our State.

The LORAN system was originally developed as a radio navigational service for coastal waters and was later expanded to include complete coverage of the Continental U.S., as well as all of Alaska. Originally, it really was designed for an area like the coastal waters off our State.

LORAN-C provides coverage for maritime navigation in the U.S. coastal areas, particularly in Alaska, and provides navigation, location, and timing services for civil and military air, land, and marine users.

We welcome the advent of the global positioning system. It is an invaluable navigational aid. The LORAN system uses a very strong wavelength and signal strength which enables it to penetrate areas where GPS has difficulty and will not work because of line-of-sight blockage.

The LORAN system is an independent system. It can serve as a backup for GPS. Until the people who have equipment to use LORAN are able to switch to GPS and have it be shown that GPS will work in every area where it is necessary to navigate—I remind the Senate, 70 percent of the cities in my State can be reached only by air. We have the largest area and the largest involvement in fishing in the Nation. Over half of the fish consumed in the United States comes from Alaska.

This is an independent system and really it ought to be maintained as a backup to the GPS, in our opinion, at least until the complete modernization of the older vessels and the older airplanes that were designed to use LORAN.

The modernization of LORAN is almost complete. As I said, we spent $160 million in the past few years to do that. It can be used as a backup to GPS to better produce an estimate of location than either system acting alone.

The LORAN system is a national asset. Again I say, it was not coordinated with the Department of Transportation, particularly the FAA, in terms of making this recommendation.

It just so happens that the first weekend of the last recess, just 10 days ago, I had occasion to travel with my son down one river and up another in Alaska in a vessel that had GPS. He is a qualified pilot for any vessel in the United States. At one point, at around 11 o'clock at night, we were traveling through a fog. We were talking about the navigational systems. The difficulty people have is they don't understand what it means to live in an area where it can be dark for several months and operating in a fog at night—all day long, as a matter of fact, in darkness in some instances.

The fisheries vessels and the systems off our State depend on LORAN for accurate positioning. It is true that GPS is a better system where it works better, but it has not had the findings and analysis that this committee amendment asks be prepared. That is, the Secretary of Commerce is asked to make a study, along with the Secretary of Transportation, and report to us the analysis of the cost-benefits of this LORAN system, the merits of maintaining it as a backup navigational aid, and give us that within 180 days.

In other words, for 180 days, we have a hiatus to determine whether we should follow the report made by the Coast Guard or whether we should listen to those involved in the fishing systems and in the aviation systems in a State such as mine.

Mrs. MURRAY. Mr. President, will the Senator from Alaska yield for a question?

Mr. STEVENS. Yes.

Mrs. MURRAY. Mr. President, the Senator from Alaska just made a point that I think is critical that we understand. During the debate prior to the Senator coming to the floor, the point was made by the Senator from Oklahoma that there are a number of other backup systems that are available to users of the system in the coastal waters off Alaska and other States.

From what I just heard from the Senator from Alaska—and I want to clarify this—because of the mountainous regions, because of the inaccessibility and a lot of the difficult geographic locations that exist within his State, we are not positive that many of those backup systems work; is that correct?

Mr. STEVENS. Mr. President, it is my understanding that there are areas in our State where GPS does not provide the accuracy it does in other places because of the line-of-sight problem, whereas because of the very strong wavelength and signal strength LORAN puts out, particularly the modernized LORAN-C, it is an absolute necessity right now.

Mrs. MURRAY. Mr. President, I ask the Senator then, what he is saying to us is it could, indeed, put many people at risk because we do not know yet whether those systems are working in many of the geographic locations within his State?

Mr. STEVENS. The Senator is absolutely right. We just cannot terminate this system all at once. It is true it can be phased out in many places in the country without any harm to anybody. But the people who rely on the system right now as the sole source of their navigation should not be abandoned.

As a matter of fact, I have prepared a second-degree amendment which I will be glad to offer if the Senator from Oklahoma does not understand our situation. It is a second-degree amendment which would delete the amendment, as the Senator wishes, but substitute for it a complete indemnity by the United States of any harm that comes to any person who presently is relying on LORAN because they cannot have navigation capability.

We believe there is going to be substantial harm to a lot of people if this is not done right. The current system just says "terminate." If they did so by cost-benefit analysis on a nationwide basis, they did not do it on a cost-benefit analysis in the area where it is needed. "Where it is needed" is what makes a difference.

We do not say this program should exist forever. We believe in the final analysis that it probably will be terminated. But when it is terminated, it should be phased out on a geographical basis so it stays in effect in the areas where it is absolutely needed until it can be replaced by a system which would have to upgrade GPS, and that is not in the plan of the Department of Commerce at all.

I think this is wrong to take out our amendment. I believe the amendment is a reasonable one. All it says is we postpone the termination operations.

We refrain from taking steps to reduce operations at these stations where they are needed. If that is not acceptable to the Senate, then I say, all right. If the Senate, in its wisdom, is going to take a total cost and benefit analysis on a nationwide basis and leave people who depend on this system now completely without a navigation system they can rely on, then they should be indemnified for any harm that comes to them as a result of the premature termination of this system.

Mr. COBURN. Mr. President, I thank the Senator for his words. I want to clarify something which is just my understanding, and please correct me if I am wrong.

The GPS is never limited by line of sight. It is a satellite. It is the LORAN system that is limited by line of sight. The mountainous structures in Alaska limit the LORAN system. GPS is far superior to the LORAN system. That is accurate. Both as a pilot I know that and from what we have said.

The other point that I would make—

Mr. STEVENS. Mr. President, if I could just answer that.

Mr. COBURN. I am happy to yield to the Senator.

Mr. STEVENS. The Senator is right, but at the same time, he is wrong. Satellites don't work everywhere in Alaska because of problems in updating their signal. The same is true for GPS. You must have a satellite signal that can reach for GPS.

Mr. COBURN. I would concede that.

Mr. STEVENS. Many places in our State did not have access to GPS because the satellite is not ubiquitous for the world. It does not come down in some places of our State.

Mr. COBURN. I would concede to the Senator that there are occasional times that the GPS cannot be utilized. I would concede that.

Mr. STEVENS. I want to make certain, Mr. President, that the Senator understands what I am saying. There are places where GPS cannot be accessed in Alaska.

Mr. COBURN. There are also places where LORAN cannot be accessed in Alaska today.

Mr. STEVENS. That is true, in some places. But where it has been operating, LORAN is relied upon in places where GPS cannot reach.

Mr. COBURN. I would concede to the Senator that LORAN can be used in places where GPS cannot be utilized. But I would also concede that the study that asked for this has already been done. Everything that this study asked for has already been put forward. The 2005 Federal Radionavigation Plan answers every question you have asked in this amendment.

What the Department of Transportation says, what the FAA says, what the Maritime Commission says, what the U.S. Coast Guard says is LORAN is not needed for a backup for a navigational system anywhere in this country. That is what they say, and that is what you are asking for. They have also done a cost-benefit analysis, and they have said, without question, the cost-benefit is on the side of eliminating LORAN.

Let's talk about what it will cost. The Government estimates it will cost $300 million to upgrade the LORAN system in Alaska over the next 6 to 7 years. And what they are certifying—and I understand the concern of the Senator from Alaska because some people might not have a system they are used to today. But when these agencies certified that LORAN is not needed as a secondary backup, that is what you are asking them for in the study, and they have already said it is not needed.

Mr. STEVENS. Will the Senator yield? That is not what I am asking for.

Mr. COBURN. I will finish my point, and then I will turn the time over to the Senator.

Mr. President, the Federal Radionavigation Plan is a 120-page report. Let me just go through it real quickly.

FAA has said: Sufficient alternative navigational aids exist in the event of a loss of GPS-based services. They have VOR, which they have in Alaska.

The Maritime Administration determined that there would not be significant disruption in the movement of vessels in and out of U.S. ports or affect commercial enterprises as traditional aids to navigation are still in use and capable.

The Department of Homeland Security has determined that LORAN–C is not needed as a backup for timing users, as adequate alternatives are already in place.

The Federal Railroad Administration said they have no need for LORAN.

The bottom line: The accuracy of LORAN in these areas can be equally degraded and compromised, and therefore, there would be no material degradation in navigational safety should GPS be the only RNAV source for Alaska. Traditional backups for maritime navigation would still be in place: VTSs, buoys, ranges, radar, lighthouses, and fathometers. Since 1997, $160 million has been appropriated to recapitalize LORAN. $117.5 million of that has been transferred to the Coast Guard. It is estimated that it will take another 6 to 10 years and $300-plus million to recapitalize that.

The point is, even without the amendment of the Senator from Alaska, his addition in committee, it is 4 years before this is decommissioned. So it gives 4 years for anybody who has any problem with it a chance to adjust to that problem.

I would offer to the Senator from Alaska that there might be a compromise that we could discuss in keeping LORAN working just for Alaska where there is a problem, rather than keeping LORAN working everywhere else there is not a problem. I would suggest there may be a compromise to address the issues of concern that the Senator from Alaska has, that would also save us a considerable amount of money and solve his problems with those who feel at risk without elimination of LORAN. I yield to the Senator.

Mr. STEVENS. Mr. President, the Senator is quite generous in his suggestion, but I have to say that we heard on April 18 of this year from the Department of Transportation the following:

> The Department of Transportation has not formulated a position regarding the future of LORAN. It is our hope, however, that it will be possible, consistent with the Federal Radionavigation Plan, for the administration to announce a final, fully considered decision before the end of the calendar year. That decision should be made collaboratively with due regard for the mandates in NSPD 39 relating the identification of a backup for GPS.

In terms of where we live on the Pacific, the problem is we appropriated the money for modernization of LORAN but, unfortunately, it was improved in areas where it wasn't needed anymore, and in the area where it is still needed, it was not.

We are in a situation now where our people still rely upon LORAN. We were told that the Department of Transportation did not participate in this study. We now know that the Department of Transportation says that from a cost-benefit analysis, the whole system is not justified. That may well be. That may well be. All we are asking for is this analysis now to be made of the system, and the merits of maintaining LORAN as a backup navigational aid and the benefits of using it in conjunction with the Global Positioning System.

We believe that in areas where it doesn't work continually, GPS ought to be backed up by LORAN and vice versa. But particularly in terms of the long coastline of the Pacific coast—and we are part of the Pacific coast—we were not included in the study. This benefit-to-cost ratio is a national conclusion and not a conclusion based upon the areas where LORAN is currently used. In many areas of the country, it has been totally abandoned, and it ought to be abandoned. We don't have any problem with that. But steps to reduce operation at stations where this LORAN is still in use and is relied upon today is wrong. If there is to be some decision along that line, we will be happy to try and work that out in conference with the Senator. But maybe we should say the Secretary should refrain from taking any steps to reduce LORAN at certain stations but nationwide.

I will be happy to change that, so he should not be prevented from taking steps to reduce operations at any station where it is not currently relied upon for navigation, either directly or as a backup to GPS.

Now, that means the Pacific coast. I am led to believe the same thing exists off California, off Oregon, and Washington to a lesser extent than it does off my State. You have to remember that half of the coastline is off our State, as I said, and in the areas where small boats, small planes currently rely upon LORAN as a backup, or in some instances as the total system, it should not be eliminated without a study of that area.

Mrs. MURRAY. Mr. President, let me just add that I support the recommendation that Senator STEVENS has just made, and if we are able to work that agreement out, I think that would be good.

I do want to amplify something quickly that I stated earlier in the debate, and it was repeated by my colleague from Alaska, and that is that DHS came to this decision without adequate consultation with other impacted Federal agencies. If there is any confusion over that question, I would like to put in the RECORD and ask unanimous consent to insert a letter from the Honorable Jeff Shane, Under Secretary of Transportation, to the Honorable Stewart Baker, the Assistant Secretary of Policy at DHS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION,
Washington, DC, April 12, 2006.

Hon. STEWART BAKER,
Assistant Secretary for Policy, Department of Homeland Security, Washington, DC.

DEAR STEWART: The future of the Long Range Navigation (LORAN) system has been the subject of debate for many years. In 1994, the Clinton Administration announced plans to terminate the LORAN system based on its expectation that emerging Global Positioning System (GPS) technology would fully respond to the needs of LORAN users. In response to strong support from industry and the public as well as analyses showing key GPS vulnerabilities, however, Congress has continued to fund LORAN. That funding has gone to the United States Coast Guard for LORAN operations and to the Federal Aviation Administration (FAA) for LORAN modernization.

According to the 2005 Federal Radionavigation Plan, signed by the Secretaries of Homeland Security, Defense, and Transportation, “DOT, in coordination with DHS, will make a decision regarding the future of LORAN by the end of 2006.” Related mandates are set forth in National Security Presidential Directive 39, establishing a U.S. space-based positioning, navigation, and timing policy. According to the unclassified fact sheet accompanying NSPD 39, the Secretary of Homeland Security shall, “[i]n coordination with the Secretaries of Defense, Transportation, and Commerce, develop and maintain capabilities, procedures, and techniques, and routinely exercise civil contingency responses to ensure continuity of operations *in the event that access to the Global Positioning System is disrupted or denied. . . .*” Elsewhere, the fact-sheet says that the Secretary of Transportation shall, “[i]n coordination with the Secretary of Homeland Security, develop, acquire, operate, and maintain backup position, navigation, and timing capabilities that can support critical transportation, homeland security, and other critical civil and commercial infrastructure applications within the United States, *in the event of a disruption of the Global Positioning System. . . .*” (Emphasis added.)

For some time now, the Coast Guard has indicated its desire to decommission the LORAN system. The FAA is similarly interested in being divested of LORAN responsibilities. Neither agency believes that LORAN is necessary today to support its respective mission. From the perspective of the two agencies, those assessments are undoubtedly correct. But the future of LORAN should be determined by reference to the broader national interest. Might LORAN serve as the backup to GPS contemplated by the mandates of NSPD 39? Apart from its potential as a backup to GPS, does its robust, low-frequency, penetrating signal offer potential value in our effort to secure the international supply chain? Are there other possible backups to GPS that offer clear advantages over LORAN? If we decide that LORAN should be maintained, which agency should shoulder responsibility for maintaining it? If we decide that LORAN should not be maintained, what should we do to persuade Congress that continued funding of the system is no longer in the national interest?

DOT has not formulated a position regarding the future of LORAN. It is our hope, however, that it will be possible, consistent with the Federal Radionavigation Plan, for the Administration to announce a final, fully considered decision before the end of this calendar year. That decision should be made collaboratively with due regard for the mandates in NSPD 39 relating to the identification of a backup for GPS.

DOT looks forward to working together with DHS and with other interested agencies in the interest of bringing this issue to closure. I will be in further touch to discuss the best process for pursuing this important objective.

With best regards.

Sincerely,

JEFFREY N. SHANE,
Under Secretary for Policy.

Mrs. MURRAY. Mr. President, what this letter simply does is make it clear that DOT is willing and ready to discuss this matter, but it also makes clear that there are other issues, especially in aviation, as the Senator from Alaska has said, that really have to be worked through as we move toward this, and I ask that we have those considerations.

Again, I hope the language that Senator STEVENS has proposed is something that can be worked out because I think that would be amenable to all of us.

Mr. COBURN. Mr. President, I would just make a couple of points.

Norm Mineta of the Department of Transportation signed this report on October 21, 2005—the Secretary of the Department of Transportation—the Federal Radionavigation Plan. So for the Department of Transportation to claim now that they didn't agree with this report, when their Secretary and his staff signed off on the report, there is something amiss. There is some miscommunication.

What I would like to do is note the absence of a quorum in the hopes that I could work with the Senators from Alaska and Washington to come to a compromise on this amendment.

Mr. STEVENS. Mr. President, if the Senator will withhold, I would like to make one point with a letter I am quoting from, dated April 18, 2006. It was addressed to Assistant Secretary of Policy at Homeland Security, and it says:

> The future of LORAN should be determined by reference to the broader national interest. Might LORAN serve as the backup to GPS contemplated by the mandates of NSPD 39? Apart from its potential as a backup to GPS, does its robust, low-frequency, penetrating signal offer potential value in our effort to secure the international supply chain? Are there other possible backups to GPS that offer clear advantages over LORAN?

None of that has been answered.

Now, certainly, this is after the Secretary signed off on that plan, but the idea of abandoning LORAN prematurely was not signed off on by the Department, to my knowledge.

Mr. COBURN. Mr. President, I would note that in the report, the considerations for backups are very well and very explicitly listed, including Alaska's backup system. So I agree that there is some confusion and there certainly is some difference in what was signed off on the report and what we are hearing now.

I would ask to note the absence of a quorum.

Mr. GREGG. Mr. President, if the Senator will withhold, I would suggest that we move on to another amendment. Senator BIDEN is here, he could proceed with his amendment, and during that time Senators could perhaps work something out.

Mr. COBURN. I have no objection.

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4553

Mr. BIDEN. Mr. President, I call up amendment No. 4553.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 4553.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase amounts for the rail and transit security grant programs, and for other purposes)

On page 91, line 6, strike “$2,393,500,000” and insert “$3,493,500,000”.

On page 91, line 22, strike "$1,172,000,000" and insert "$2,272,000,000".

On page 92, line 13, strike "$150,000,000" and insert "$1,250,000,000".

On page 92, line 16, before the semicolon, insert the following: ", of which—

(i) $670,000,000 shall be for tunnel upgrades along the Northeast corridor;

(ii) $250,000,000 shall be for passenger and freight rail security grants;

(iii) $100,000,000 shall be for research and development of bomb detection technology; and

(iv) $65,000,000 shall be for intercity passenger rail security upgrades, of which $25,000,000 shall be used—

(I) to provide a 25 percent salary increase for existing Amtrak Police personnel; and

(II) to expand the Amtrak police force by 200 officers

Mr. BIDEN. Mr. President, I realize that particularly the Presiding Officer and my friends from New Hampshire and Washington State are probably tired of hearing me stand up year after year since 9/11 and talk about rail security or the lack thereof in the United States of America. This amendment is about rail security.

The funding made available in this amendment is, unfortunately, something that I have, with others, fought for without success since 9/11. In fact, immediately after 9/11, I introduced legislation that is very similar to the amendment I am offering today that would provide critical resources to enhance rail security and rail infrastructure. Almost 5 years later, after introducing the legislation in the 108th Congress and the 109th Congress, we have done virtually nothing.

In March of 2004, our allies in Spain suffered an attack on their rail system that killed 191 people. We did nothing. We did nothing at home. Just over 1 year ago, terrorists in London killed 52 people and injured over 700, mostly on rail. We did virtually nothing. The attack in London occurred just 1 week before we had a debate on the 2006 Homeland Security budget. Unbelievably, we approved only $150 million for rail and transit, with only $7 million going to Amtrak, which carries, by the way, 64,000 passengers per day—hardly, I would say, a serious effort.

Just yesterday, in Mumbai, India, there was another attack on rail. So far there are 190 confirmed dead, 714 people injured. To state the obvious, I am sure every one of my colleagues feels as I do, but our thoughts and prayers are with those who were harmed in yesterday's attack. As they described in today's New York Times and I am sure every other paper in the Nation, there was baggage and body parts strewn for hundreds and hundreds of yards around the site of the explosion. Coincidentally, here at home we are debating again the appropriations bill for Homeland Security.

I wonder how long we can dodge the bullet. I wonder how long it will be that we can avoid accountability for what we are not doing to protect our rail and transit system. I don't know what it is going to take for us to wake up and take this threat seriously. Certainly everyone understands here at home that the threat is real and it is at home. The FBI has warned us of the threat to our rails. In fact, the Central Intelligence Agency has found photos of rail stations and rail crossings in safe houses in Afghanistan. I am sure they weren't doing that for a geography project for their kids. It was about looking at targets in America.

Remember when we saw that they had taken photos of American buildings, what we did? We immediately mobilized our security forces around those buildings here in the United States, because we knew if they had photos of those buildings tacked up on the walls they must be thinking of them as targets. What do we need? Do we need someone from al-Qaida to write us a note and say: "By the way, folks, we are planning on attacking your rail system"? "We are not going to tell you when, but we are going to attack your rail system." What do we need? What do we need to be able to jog the—not "conscience," that may be the wrong word—jog this body into a sense of reality?

We have still done virtually nothing. Since 9/11 the administration invested over $25 billion in aviation security, primarily to screen passengers. I voted for that, I agree with that—$25 billion. During the same period, less than $600 million has been allocated for rail and transit systems that carry a whole heck of a lot more passengers. This year's budget includes an additional $6 billion for aviation security, which I support. Only $150 million has been allocated for rail and transit security. Out of the $150 million allocated for rail and transit funding this year, $7 million went to Amtrak. I don't think that is a serious effort—again, 64,000 people a day.

I understand you can't protect every single inch of our vast rail structure but we can do some pretty commonsense things, some block-and-tackle things that we know will make us a lot safer. I can't stop anyone, nor are we likely to be able to stop anyone, from putting an IED that is fashioned in America on a track somewhere between here and Wilmington, DE, when I take the train every day. I am not asking for that. But I will tell you what we can do. What we can do is go to those areas we know are prime targets, where hundreds if not thousands of people could die if al-Qaida or any of their copycat organizations decided to move on rail and were successful.

Take a walk over to Union Station. Union Station is just down the street in that direction. I walk to it or drive to it every single night the Senate is in session. I come from it every day. It is the single most visited place in Washington. Do you hear me? The single most visited place in Washington, DC. More people are in and out of that station than are at any museum, than visit the Congress, the White House, the FBI. It is the single most visited place in Washington, DC.

Take a look. As I say to security people, get with me on an Amfleet train. Not an Acela, because they don't have the old kind of caboose on it. Stand in the last car and look out the window as you pull out of the train station. Tell me how many cameras you observe. Tell me how many cops you see. Tell me how many bits of protection—whether it is fencing or alarm systems—that are on the switching devices that are in that yard. Tell me how many folks you see wandering the yard where you see trains stacked up, where people can cross around just a plain old chain-link fence and put some C2 up underneath an existing train.

Or travel from Washington south. You go underneath the Supreme Court. You go underneath one of the House office buildings. Tell me what you see. Are there any guards patrolling that area? I am not going to say, because people will say to me, You are just giving terrorists information. I promise you, they already know it. You would be stunned how few law enforcement officers are on duty at any one time in that entire infrastructure.

My amendment simply makes the investment that the experts who have testified have repeatedly told us is needed. It would provide an additional $1.1 billion for rail security upgrades. Out of this amount we would provide $670 million to upgrade the tunnels along the Northeast corridor to add ventilation, lighting, escape routes, in some cases cameras, and the ability to be able to patrol those tunnels.

I will not take the time because my colleagues have heard me do it 1,000 times. The tunnel that goes from here heading to Boston—in fact, it goes through the State of Maryland, through Baltimore—it was built, I think, in 1869. Next time you ride through it, look and see if you see any ventilation. Tell me what you see in terms of lighting. Tell me what you see about any prospect of someone being able to escape from that tunnel. Tell me if you see any security going in and out of that tunnel.

It seems like a long time ago. I have been doing it so long, there was a fire in a tunnel. It was just a plain old fire, not a rail tunnel, another tunnel going into Baltimore. The fire shut down all the harbor, and it shut down all of south Baltimore.

If you go up into New York, you have six tunnels sitting under New York City without any appreciable work being done on any of them since, roughly, 1918. Ask any expert about ventilation. Why am I talking about ventilation? Drop sarin gas in that tunnel, drop another chemical in that tunnel, and tell me what happens without any ventilation to suck it out. Tell me what you see in those tunnels. Ask those experts what chance there is of escape. I will go back to that in a minute.

There is $250 million to be allocated to general security upgrades for freight rail operations, including transport of hazardous material. I had an amendment here on another bill not long ago because I asked the Naval Research Institute, NRI, to answer a question for me. Again, I apologize to my colleagues from Washington and New Hampshire for continuing to repeat this, but I asked the question: What would happen if a chlorine gas tanker exploded in a metropolitan area?

Remember, I guess it was a year or year and a half ago, one exploded up in the Dakotas—not near any big city. They had to evacuate several towns in the region. I said, What would happen?

The standard chlorine gas tanker on rails is about 90 tons. What happens if one of those were exploded? They said it would kill or injure up to 100,000 people.

I had an amendment. Why don't we allow the cities to be able to divert these hazardous cars around the cities. It got voted down—I actually did get a vote on it—because it would somehow increase the cost of doing business. It would increase the cost of doing business.

Maybe I am missing something here. The only thing I can believe is that most of my colleagues also think that this is not likely to happen, that these guys aren't going to go after transit, they are not going to go after freight rail, they are not going to go after passenger rail. They really don't mean it so we don't really have to worry.

It reminds me of that Calypso song that was popular about a decade go, "Don't worry, be happy."

Yet if we look around the world, bombings and attacks on rail systems are becoming increasingly sophisticated. They are carried out by terrorist groups. Before 9/11 when we saw these terrorist activities happening in Europe and other parts of the world, we just seemed impervious to it. "It can't happen here. It won't happen here."

I made a speech on September 10. I ask unanimous consent that a copy of it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. Foreign Policy in the 21st Century: Defining Our Interests in a Changing World

My mother wanted me to be a priest or a politician, and for the longest time I didn't think you could do both. But you can. Any rate, obviously not a lot of Irish-Catholics in this room.

Well, what I want to know before we begin is—Chestnut Hill Academy is here, I'm told, from Philadelphia. And what I want to know is, when I went to a Catholic boys' school in Claymont, Delaware, called Archmere, Chestnut Hill Academy used to occasionally beat us—more occasionally than was necessary. And I want to know, are you guys here in support or opposition? What's the deal?

Welcome, fellas. I don't know why you're here, but it's nice to see you all here. Thank you for being here.

It is true, I am now the chairman of the Foreign Relations Committee—through no fault of my own. My dad has an expression: It's better to be lucky than good. I am chairman because one man in Vermont decided he was going to leave one political party and giving my party the ability to organize the Senate. For that, I am grateful, but I want you to know I understand that this could change any day.

By the way, the president and I agree on a lot of things, and we sincerely do. I thought the president's first trip to Europe quelled a lot of concerns and nerves on the part of our European friends, who are always upset and always nervous with any transition in power in the United States. I think the president did an extremely good job in the incident relating to our, quote, "spy plane" being down. I think the president has done some very, very good things.

I do have a profound disagreement with the president's view of national missile defense and whether or not, at the end of the day, it would make us more or less secure.

At the end of the Cold War, when the wall came down, we found ourselves on the brink of extraordinary changes. All of us were wondering what it would mean and where this would lead. Was it the beginning of something or the end of something? And if it was the beginning, were we, the United States, the only remaining superpower, going to get it right?

On that night, we were all idealists, but a new day dawned and a harsh reality came into focus. It became clear that long-standing ethnic, religious, tribunal and nationalistic divisions had not changed, while America's place in the world had changed profoundly.

From that day on, we inherited a profound obligation of leadership, and an even more profound obligation to get it right in the Middle East, in the Balkans, in Europe and Asia, in our hemisphere, in our commitments, our treaties and in our defense policy—missile or otherwise.

Now, the spotlight remains on us and is brighter than ever. We're at a pivotal moment when American values and principles have taken center stage like no other time in our history in the global theater. How we perform on that stage is as much about our honor, our decency, our pride, as it is about our strategic policy.

So before we go raising the starting gun that will begin a new arm's race in the world, before we dip into the Social Security trust fund to satisfy the administration's almost theological allegiance to missile defense at the expense of more earth-bound military and international treaties, before we watch China build up its nuclear arsenal and see an arm's race in Asia and in the subcontinent, before we squander the best opportunity we've had in a generation to modernize our conventional nuclear forces, let's look at the real threats we face home and abroad. Let's re-engage and rethink and meet our obligations with a strength and resolve that befits our place in this new world.

American foreign policy should not be based primarily on the principle of national self-interest that defines strength as rigid adherence to inflexible theory, or positive results as emotionally satisfying unilateral action.

I don't believe our national interests can be furthered, let alone achieved, in splendid indifference to the rest of the world's views of our policies. Our interests are furthered when we meet our international obligations and when we keep our treaties. They're furthered when we maintain an unequal military, able to deter any threat at any place at any time and anywhere, when we keep our economy strong, when we make wise choices that solves real problems, when we stand bound together as democracies—multi-racial, multi-ethnic, multi-religious beacons of hope—not some dark house next door.

President Reagan's image of a "shining city on a hill" held out America as an ideal to millions and millions of people around the world, a nation that reaches out to its allies and adversaries alike, with undiluted, unequivocal message that democracy works, freedom is worth the fight, and that America will always be a reliable friend of those who take the risk of achieving the goals of democracy.

We can't forget or simply disregard the responsibilities that flow from our ideals. We can't lose sight of the fact that leadership requires engagement, and partnership demands inclusivity. Let there be no mistake, America must remain at the table because walking away comes at a price. Our European allies should never think that America ignores international opinion or that we're ready to go it alone when we feel like it. They should never think that our commitment to a vital multi-national institutions, or projects, which are built upon common values and common concerns—and that includes NATO—has diminished.

We became a European power in the 20th century, and out of our self-interest, we must remain a European power in the 21st century. We've got to get it right in Europe. We have to stay engaged in the Balkans—as this administration appears to be doing—and bring them, the Balkans, into the European community. It's in our naked self-interest.

But let's understand that our foreign policy is as much about American values as it is about complex multinational treaties or arcane intricacies of strategic policy.

When I think of the moral imperative of American leadership, I think of an America founded upon the unshakable, bedrock democratic principles, but willing to accept the principal ideals and cultural dynamics and genuine concerns of our allies; a nation that has a powerful sense of place in the geopolitical scheme of things—one that is tough-minded when it comes to our own security, yet has broad enough vision and a strong enough will to contribute to peaceful solutions where age-old strains of nationalism and religious-based divisions wreak havoc; a government that doesn't abandon arms control treaties with the excuse that they are relics of the Cold War.

I might note parenthetically, I think many of those uttering that phrase are in fact themselves the relics of the Cold War. They have not come to understand the wall is down and the last time they were in power it was up. Half this city doesn't realize that.

And not abandon these agreements as relics of the Cold War because it's (inaudible) to honor them because we've negotiated them in good faith, we signed and ratified them, and because they have stood the test of time in serving our national interest and other nation's expect us to keep our promises; a unique and strong nation that isn't confused about its role and responsibilities and doesn't walk away from the table, but sits down, rolls up its sleeves and convinces the world of our position; a nation that thinks big and sees freedom in global economic growth as consensus ideals.

I think of America vastly different—so unburdened of the old Cold War fears and feelings that it's willing to do a little soul-searching. Are we a nation of our word or not? Do we keep our treaties or don't we? Are we willing to lead the hard way, because leadership isn't easy and requires us convincing others? Diplomacy isn't easy. Multilateral policy initiatives aren't easy.

Or are we willing to end four decades of arms control agreements to go it alone—a kind of bully nation sometimes a little wrong-headed, but ready to make unilateral decisions in what we perceive to be our self-interest, and to hell with our treaties, our commitments and the world?

Are we really prepared to raise the starting gun in the new arms race in a potentially more dangerous world? Because, make no mistakes about it, folks, if we deploy a missile defense system that's being contemplated, we could do just that.

Step back from the ABM Treaty, go full steam ahead and deploy a missile defense system, and we'll be raising the starting gun. If the president continues to go headlong, headstrong on this theological mission to develop his missile defense system, if he does what he says and drops objections to China's missile buildup, not only will we have raised the starting gun, we'll have pulled back the hammer.

Let's stop this nonsense before we end up pulling the trigger.

China now has about 20 intercontinental ballistic missiles, but according to press reports, the National Intelligence Council thinks that China might deploy up to 200 warheads, develop sophisticated decoys and perhaps move to multiple warheads in response to a missile defense system.

It seems to me it's absolute lunacy for us to invite China to expand its arsenal and resume nuclear testing, not to mention that moving forward with missile defense could jeopardize Chinese cooperation on the Korean Peninsula.

Let me remind you all that there are two types of modernization they talk about. And there's no doubt the Chinese are going to modernize. But up to recently, what most people thought the modernization meant and our community thought it meant was moving, for example, from liquid fuel rockets to solid fuel rockets. Moving from systems that were not mobile at all to more mobile systems.

Not increasing, as the press has reported, 10-fold more than they would have if we build a national missile defense. Not MIRVing their missiles, meaning put more than one atom bomb or hydrogen bomb on top of an ICBM. The most destabilizing weapon that exists.

I found it interesting, on MacNeil-Lehrer, Secretary Rumsfeld saying that it wasn't the question of MIRVing that was important, it was a question of the total number of missiles.

Well, George—President Bush, the first President Bush—understood that it was more than that. We fought for years and years to do away with the big SS-18 Soviet missiles. Why? Because they're what we saw, I say to the gentleman from Chestnut Hill Academy, they're what we call a use-or-lose weapon.

Because they have such an incredible concentration of power, you assume that they will be struck first. Therefore, if there is a warning that you're under attack, which sometimes they're mistaken, they're on a hair trigger and you must launch them or lose them.

That's why we're so fearful that the Russians will keep their MIRVed systems, because they have such a porous defense system. They have such a porous early warning system. And as a nun I used to have would say, in a slightly different context, "the only nuclear war that's worse than one that is intended is one that wasn't intended."

In Seoul, I spoke with President Kim Dae-jung of South Korea about ways to bring North Korea, which is the new bogeyman that we're all looking at now, which is the justification for this pell-mell race to produce the international missile defense, how to bring them into the family of nations.

He urged me to encourage the administration to engage North Korea in senior-level dialogue and not allow a theological commitment to missile defense to blind us to the prospects of signing a verifiable agreement to end North Korea's development, deployment and export of long-range missiles.

Yesterday, Dr. Rice, on Meet the Press—she and I were on Meet the Press—she talked about how ubiquitous these long-range missile systems were. I don't know what she's talking about. We're getting briefed by two different groups of CIA people, I guess, because none of these rogue nations have that capacity yet. They may get it. It is maybe within their reach, but it does not exist now.

If we spur on an aggressive Chinese buildup, including the need to test—and you know why they will have to test. When you put more than one—I know most of you know this, but it's worth repeating—you put more than one atom or hydrogen weapon on top of a rocket, it requires more throw weight in that rocket. It has to be more powerful.

So practically what you have to do is you have to make smaller, more compact missile warheads. And in order to be able to be sure they work, you've got to test them. So if, in fact, the Chinese are going to move to a modernized system that requires—that's going to contemplate MIRVed ICBMs, they're going to have to test.

That's why I got so upset by the statement read by the press account that we appeared to be willing to trade off, in return for them not objecting to our building the national missile defense system, the possibility that we would look the other way when China tested and that we understood they were going to have a considerable buildup.

That's what I call a self-fulfilling prophesy.

And let me ask you the question: Consider what India is likely to do if China tests. Those of you who know the subcontinent know that there's been an incredible political tug to have another test of their, quote, "hydrogen weapon," because they believe the world does not believe that they successfully tested one, and they want the world to believe they have one.

And what do you think happens when India tests, if China tests?

What do you think happens in Pakistan? Pakistan, I believe, would ratchet up its production. And consider that Taiwan, the two Koreas or Japan or all of them could build their own nuclear weapons. Japan has the capacity within one year to become a nuclear power.

That greatest generation that Tom Brokaw speaks of, my mother and father's generation, did two incredibly good things, and I mean this as not an insult, to particularly my German friend. Germany is a non-nuclear power and Japan is a non-nuclear power. That's good for the world. I want to be no party to setting in motion a series of events that will cause the Japanese Diet to reconsider whether they should rely upon the nuclear umbrella of the United States.

And as the former chancellor of Germany, Helmut Schmidt, once said to me, sitting in his office 15 years ago, he said, "You don't understand, Joe, my son's generation does not feel the same sense of obligation or guilt that mine does."

Are we so dead set positive that a missile defense system furthers our national interest that we're willing to risk an arms race? So sure of the science that we're willing to weaponize space and nuclearize Asia?

Are we so sure of the feasibility that we'll divert potentially hundreds of billions of dollars from the real needs of our military?

Look, the fact is we could weaponize space or we could buy 339 F-22s to replace our aging F-15 fleet for $62 billion. We could replace aging F-16s, A-10s, A-14s with a Joint Strike Fighter for the cost of $223 billion. We could replace the Cobra and Kiowa warrior helicopters for $39 billion. I could go on and on.

But in short, we could provide our Army, our Navy, Air Force and Marines virtually everything they need in the immediate future for a more stealth, more significant lift capacity military to deal with the real threats we face and still spend less on all of that than we will spend on the national missile defense system.

We're facing a difficult budget fight with a consequence of the turndown in the economy, the business cycle, the $1.3 trillion tax cut, or all of the above, and we can't have our cake and eat it too. The administration would like us to think it's all possible, but it's not all possible.

According to the Congressional Budget Office, we may have already dipped into the Social Security trust fund, which we used to do regularly in years past, but which we all promised we wouldn't do anymore, we would have a lock box. And that $21 billion or more will be consumed from that lock box in the next three years. This is a very different economic picture than projections of just a few months ago.

Missile defense has to be weighed carefully against all other spending and all other military priorities, which we're not debating or doing right now. And in truth, our real security needs are much more earthbound and far less costly than national missile defense.

If you combine the $1.3 trillion tax cut with what we've spent on a full-blown missile defense shield, we could start to modernize our conventional forces, build a stealthier, more mobile, more self-sufficient military that I believe is needed in the 21st century, and make significant impact on rectifying what is going to be a gigantic problem in 10 years in Social Security.

Let's be clear: When it comes to defense, it's not the president's missile defense or nothing, as the way it's being posed. We should improve military personnel retention and overall readiness; bring on the next generation of fighter aircraft, the next generation of helicopters, the next generation of destroyers; and be fully prepared for the next generation of engagement.

And while we're at it, we may fix the plumbing in the barracks at Taipei, which I just visited, which the night before I came, because they are so aged and we don't have the money to fix them, they had to bring in water hoses from outside to allow the women and men in there to be able to shave, to be able to use the bathrooms, let alone drink any water. Visit the conditions in which our active military are living now—two and three in a room. You think when you drop your kid off at a college dormitory and you're paying 30 grand to send him to a prestigious school is hard to take, take a look at the conditions they live in. And why are we not responding to it? We don't have the money, we are told.

My dad used to say, and still says, "Son, if everything is equally important to you, nothing is important to you." Our priorities, I think, are a little out of whack. I've said, and I'll say it again, we should be fully funding the military and defending ourselves at home and abroad against the more likely threats of short-range cruise missiles or biological terrorism.

Last week, the Foreign Relations Committee began hearings on how to build a so-called "homeland" defense and to protect our military from bioterrorism pathogens and chemical attacks; on how we can deploy a missile defense system that doesn't trade off conventional modernization of our military for a fantasy of some system that remains more flawed than feasible; on how we can jump-start the destruction of Russia's massive chemical weapons stockpile and secure all our nuclear materials.

The very day they send up a budget that tells they are going to increase by 8-point-some billion our missile defense initiative, they cut the program that exists between us and Russia to help them destroy their chemical weapons, keep their scientists from being for sale and destroy their nuclear weapons.

I've said, and I'll say it again, we should work with Russia and China and all of our allies to stem proliferation of weapons of mass destruction; we should try to rely on some mutual deterrence, rather than thinking we can replace it, because, in fact, deterrence works.

We should support research and development in boost phase interceptors that would avoid the countermeasures and would be more acceptable to Russia and China, limiting the possibility of ending Russia's adherence to START II and lessening the prospects of a new arms race in Asia than what we are now proposing.

We should strive through hard-nosed diplomacy to delay and eliminate the long-range ballistic threat by ending North Korea's program and its sale of long-range missile technology. We should build a combined offensive and defensive system that we know works before we deploy it. And we should amend the ABM Treaty and not walk away from it.

Having said that, let's put the cost and the effectiveness of this missile defense system being discussed today in some context so that everyone understands exactly what we're talking about. The cheapest realistic system suggested, national missile defense system, limited national missile defense system suggested by this administration, which relies on the same midcourse interceptors the Clinton administration proposed, would cost at a minimum $60 billion over 20 years and most suggest it would be closer to $100 billion.

And remember, this is only for a system that's incapable of shooting down a missile carrying biological weapons, incapable of shooting down a missile carrying chemical weapons, at least for now incapable of shooting down a missile with an unsophisticated tumbling warhead that will look just like a tumbling trajectory.

In order to combat what are known as countermeasures, such as those decoys or the submunitions that carry biological weapons, the administration proposes a layered defense. That means, a missile defense that begins with a boost phase interceptor, that is, catching the rocket as it takes off from behind, at its slowest point and nearest point; continues with a midcourse interceptor, that is, getting it out there in the atmosphere and a bullet hitting a bullet; and finishes with a terminal defense as it's coming down.

Now, you think the midcourse system we're working on is expensive. Help me calculate the cost of a layered missile defense, where we haven't even begun some of the research.

One recent estimate for that system is a quarter trillion dollars, and I think that, too, is a conservative figure, because the truth is that the administration has yet to comprehend the full complexities and the technological challenges of a layered defense. If you doubt me, ask folks like General Welch and others who used to run the show.

In my view, that full-blown layered missile defense system, which doesn't address a single real issue on the ground, is more likely to cost a half a trillion dollars. And what will it get us? For half a trillion dollars we may get a layered defense system that's not been defined yet. If it includes space-based lasers, you've now weaponized outer space, which invites other countermeasures to attack the satellites on which we depend for information and communications.

But it still won't be 100 percent effective. Secretary Rumsfeld, speaking about our national missile defense system on the Lehrer NewsHour earlier this year, said that a system would not have to be 90 or even 80 percent effective, but only 70 percent effective. Secretary Rumsfeld, in referring to a, quote, "0.7 success rate," said, and I quote, "That's plenty."

Folks, 30 percent failure for any national defense system could be called plenty of things, but plenty successful is not one of them. Think about it.

(Applause)

Let's say President Richard Ryan becomes president of the United States. And the head of a rogue state tells him, which is how the scenario goes, "I'm invading my neighborhood today. And if you try to stop me, I'll fire my ICBMs at you." Never mind that he won't do that because he knows he'd be annihilated within a matter of 30 minutes. But President Ryan turns to his national security adviser, as I always do, Carl Wiser, and says, "Carl, what do I do?"

And Carl says, "Don't worry, we have a missile defense system. And unlike Rumsfeld's 0.7, ours is 0.9 effective."

President Ryan says, "Oh. There's a 10 percent chance then of losing Detroit?"

And Carl says, "Well that depends. If they fire seven missiles, the odds of losing at least one city will be 50–50. Because guess what: 0.9 means that not 90 percent fired will get through, 0.9 means that for every missile fired, that single missile has a nine out of 10 chance of getting through. You get to seven, it's about a 50-50 chance that one gets through. If you do the 0.7, you fire two missiles, there's an equal chance one is going to get through."

So now President Ryan says, "You know, these guys that designed this system are right. This enables me to not be blackmailed. I'm supposed to feel like I have freedom of action thanks to this defense."

And Carl says, "Hey look, Rumsfeld told Jim Lehrer that 70 percent effectiveness would be enough, at least initially. And with that system there's a 50–50 chance of losing at least one city if that rogue state fires two missiles. We're better off than we were."

And I assume that this scenario which they lay out means, where Ryan is president, he's going to say, "You know, I really have some flexibility now. I'm only going to lose Detroit or San Francisco or Cleveland or Dallas, so I can really move here with dispatch. I've got flexibility. I don't have upon deterrence."

Now, I know you think I'm being a wise guy here, but sometimes it's useful to reduce this complex nuclear theological discussion to reality. If I'm president, does that give me more flexibility?

Does that allow me to say, "I'm only going to lose one or two population centers, therefore I have more flexibility to do anything other than say, 'If you do, we will annihilate you'?"

I also find it fascinating, this whole premise is based upon the notion that defense no longer works. Deterrence no longer works.

Now, I say this, and there's a television audience listening: Help educate me. Name me a time in the last 500 years when the leader of a nation-state has said, "I know I face virtual annihilation if I take the following action, but I'm go ahead, and I'm going to do it anyway."

Saddam Hussein, the certifiable maniac—when George I said to him, "If you do we will take you out," what did he do with 500,000 forces marching on Baghdad? He had those Scud missiles everybody talks about as a justification for building the system. He had chemical weapons. He had biological weapons. Why did he not use them if deterrence does not work?

I just find the basic premise upon which this whole argument rests and the sense of urgency a little wanting. Think about it. We will have spent potentially up to a half a trillion dollars for a system that might work nine out of 10 times, assuming the administration knows how to build it, that, one, won't give the president the freedom of action.

One, that won't give the Pentagon what it really needs, won't modernize our conventional forces, and without being able to say, "Yes, we've saved Social Security for even one more day." That's the system we're going to build.

Remember now, folks, they don't know what it looks like, they don't even have it on paper, they have tested a system in one mode that, God bless our incredible technology, it worked, and I vote to pay for them to continue to do that research. But they're willing to pull out of an ABM Treaty that sends the signal to the rest of the world the end of arms control has arrived. And what protection do we have in the near term, let alone down the road?

Sure, we'll do all we can to defend ourselves against any threat, nobody denies that, but even the Joint Chiefs says that a strategic nuclear attack is less likely than a regional conflict, a major theater war, terrorist attacks at home or abroad, or any number of other real issues. We'll have diverted all that money to address the least likely threat, while the real threat comes to this country in the hold of a ship, the belly of a plane, or smuggled into a city in the middle of the night in a vial in a backpack.

And I ask you, you want to do us damage, are you more likely to send a missile you're not sure can reach us with a biological or chemical weapon because you don't have the throw weight to put a nuclear weapon on it and no one's anticipating that in the near term, with a return address saying, "It came from us, here's where we are?" Or are you more likely to put somebody with a backpack crossing the border from Vancouver down to Seattle, or coming up the New York Harbor with a rusty old ship with an atom bomb sitting in the hull? Which are you more likely to do? And what defense do we have against those other things?

Watch these hearings we're about to have. We don't have, as the testimony showed, a public health infrastructure to deal with the existing pathogens that are around now. We don't have the investment, the capability to identify or deal with an anthrax attack. We do not have, as Ambassador to Japan now, Howard Baker, and his committee said, the ability to curtail the availability of chemical weapons lying around the Soviet Union, the former Soviet Union and Russia, because they don't know what to do with it.

They showed us a report where they showed us photographs of things that look like large outhouses, clapboard buildings, with no windows and padlocks on the door, that have as many chemical weapons in that building to destroy the bulk of the East Coast—and we're not spending the money to help them corral and destroy that in the name of this search? The cost estimate was $30 billion over 10 years in this bipartisan commission, and it was listed as the most urgent threat to the United States of America.

The truth is, technology will keep outpacing our capacity to build an effective system, which may well be obsolete or penetrable by the time it's done. And that means we'll continually increase our capability, and in turn, so will those who are trying to penetrate it. And so the new arms race begins.

Forty-nine Nobel Prize-winning scientists sent a letter to President Clinton last year opposing the deployment of the limited antiballistic missile system the president was contemplating, and I'll quote from the letter. Quote: "The system would offer little protection, would do grave harm to this nation's core security interest," end of quote.

They went on to say, and I quote—these are now, we're talking about 49 Nobel laureates—"We and other independent scientists have long argued that antiballistic missile systems, particularly those attempting to intercept reentry vehicles in space, will inevitably lose in an arms race of improvements in offensive capability."

That night in 1989 when the wall came down and we wondered where it would lead, another arms race was the furthest thing from any of our minds. The idea that our allies would question our commitment and our resolve, even our motives, was unthinkable.

Our place in the world seemed secure. The world was looking to us to demonstrate leadership, and it still is.

Let's think about how we felt that night. The feeling that something good was happening and something even better was on the horizon. It was as if the world had awoken from a long, bad dream into a new era in which old values and old prejudices would no longer prevail, and new values and new ideals, wherever they were to be found, would be found and make us all more secure.

Folks, let's not now raise the starting gun on a new arm's race that is sure, I promise you, to make my children and my grandchildren and these students assembled here feel less secure than we feel today.

Thank you very much for listening.

Mr. BIDEN. On September 10, the day before the attacks on the towers, I made a speech to the National Press Club where I warned about a massive attack on the United States of America from terrorists; why I thought it would happen and why I thought our priorities were misplaced—the day before 9/11. I had no knowledge of 9/11, but I have been working in this field, like my colleagues on the floor, for 30 years. There was an inevitability to it. But we did nothing.

I feel like we are in that same "Alice in Wonderland" suspension when it comes to rail. It is either it is so big you can't protect everything so don't protect anything—like it was before. Our country is so big and so open there is nothing much we can do about terror. And the second subparagraph before 9/11 was: By the way, it is not likely to happen here.

Why? Why is it not likely to happen here?

There is $250 million to be allocated to general security upgrades for freight rail operations. That includes things like putting cameras in freight yards so you have somebody watching who is wandering around those yards and maybe sticking something up underneath 90-ton chlorine gas tanker cars or putting in a boxcar a dirty bomb, a home-made weapon.

It also provides $65 million to go specifically to Amtrak security upgrades for hiring officers. We had an interesting thing. We have a relatively small number of officers on Amtrak. If you go from here to fly out of Reagan Airport, if you go out of Dulles or Reagan Airport or the Philadelphia airport or LaGuardia or Newark or L.A. or O'Hare or Atlanta, you are going to go through, en route to your gate, probably as many security officers, including the folks inspecting your bags, as exist in all of Amtrak.

Did you hear me? Let me say that again.

I guarantee you that going through the screening area you are going to run into not just the people looking at you in the area you go through, but you are likely to run into more TSA screeners than exist in any one station in the United States of America.

I received a note indicating that I am needed urgently. If I could suspend for a minute and come back and pick up where I left off, I suggest the absence of a quorum.

(Ms. MURKOWSKI assumed the Chair.)

Mr. GREGG. Madam President, rather than suggesting a quorum, I will protect the Senator's position.

Does the Senator have a modification to his amendment?

AMENDMENT NO. 4585, AS MODIFIED

Mr. COBURN. I do. I have a modification of amendment No. 4585.

The amendment will remain intact with the following added at the bottom which says "except in Alaska, far Northwest, and far Northeast Continental United States of America."

I want to be clear that the RECORD show what that means; that is, they can dismantle LORAN everywhere except there. And that would protect specifically Nantucket, Caribou, George, and all six in Alaska. The study would still go forward for those areas only, not for the rest of the country. The dismantling of these areas that are not used would be able to continue as the administration and the Federal Radio Navigational Plan suggests.

I ask unanimous consent that the amendment be accepted.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4585), as modified, is as follows:

After section 539, insert the following:

SEC. 540. None of the amounts available or otherwise available to the Coast Guard under title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES" may be obligated or expended for the continuation of operations at Long Range Aids to Navigation (LORAN) stations nationwide, except in Alaska, far northwest, and far northeast continental United States of America.

Mr. STEVENS. Madam President, I say to my friend, I do support his amendment now as amended to preserve the rights of people who currently rely on the LORAN C the LORAN system, not just the LORAN-C.

Thank you very much.

Mr. GREGG. Madam President, is that amendment pending?

The PRESIDING OFFICER. The amendment is not pending.

Mr. GREGG. Madam President, I ask unanimous consent that the amendment offered by the Senator from Delaware be set aside and the amendment which has just been modified be pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Unless there is objection, I ask unanimous consent that amendment be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 4585), as modified, was agreed to.

Mr. COBURN. Madam American, I thank the chairman and ranking member for the acceptance of the amendments today and the cordial way in which they have worked with us. I appreciate it very much.

Mr. GREGG. I thank the Senator.

AMENDMENT NO. 4553

Madam President, is the regular order the admendment proposed by the Senator from Delaware?

The PRESIDING OFFICER. The Biden amendment.

Mr. BIDEN. Madam President, I thank my colleagues. I apologize. It was an unusual request—an urgent message which turned out not to be urgent. I apologize.

The point I was making is $65 million goes specifically to Amtrak security upgrades. Specifically, things such as hiring officers, increasing K9 patrols, increasing fencing, lighting, and cameras in areas where the security experts indicate they are badly needed.

There is $100 million for R&D. I will not take the time of the Senate to go into any of the ways in which to deal with tunnels and innovative ways to deal with detection of chemicals, et cetera, and biological agents.

Before I close, I would like to point out a very troubling problem relating to rail police which this amendment addresses. We are all aware of the problems that this agency faces due to budget shortfalls. In particular, the police force is woefully inadequate for the job it is assigned to do. The amendment would add 200 Amtrak police officers and will provide a 25-percent salary increase for existing officers.

You ask: Why is that the case? This funding is critical because the Amtrak police department cannot pay anything remotely approaching the competitive wage rate of other police officers. This contributes to an incredibly high turnover.

An entry-level Amtrak police officer makes only $31,000 with a maximum, no matter how long he or she stays on the force and no matter what responsibility, of $51,000. By contrast, a Boston police department entry-level officer makes $49,000, and a U.S. Capitol Police officer entry level makes $46,746.

This presents a problem with recruiting and turnover.

Between 1997 and 2003, Amtrak lost 190 of its officers, with only 20 percent to retirement, and hired only 184. As a result, Amtrak has only 300 officers in the entire system nationwide, 20 percent below its inadequate authorized level.

I have been working with the Amtrak police department and the Fraternal Order of Police for some time to address the disparity.

This amendment sets aside $25 million to add 200 police officers and gives existing officers a 25-percent pay raise. And still they will not be competitive enough relative to other agencies.

This funding is critical. We have neglected rail security since 9/11, and we have had wake-up call after wake-up call.

This year, just as last year, our strong ally has experienced a deadly attack at the same time we are addressing homeland security appropriations at home. I pray to God that next year, as we address this, we are not responding to what might happen to our rail system.

When are we going to wake up?

I would like to draw attention to the 9/11 Commission's report card issued this past December.

I think it was December 5. Don't hold me to that exactly, but it was in December. It found, in respect to our Nation's critical infrastructure, the following:

> No risk and vulnerability assessments have actually been made, no national priorities established, no recommendations made on the allocation of scarce resources, and all key decisions are at least 1 year away.

It is time that we stop talking about priorities and actually set them.

With this amendment, we establish rail security as a priority.

I urge my colleagues to finally, for Lord's sake, deal with this. At any one moment today in New York City, there will be, in an aluminum tube in a tunnel underneath that city or standing on a platform, over 20,000 people. How many people are on a 747—500, 600? I don't know the number, but 20,000 people in a relatively confined space at any one time sitting in aluminum tubes in tunnels where there is virtually no protection—and standing on platforms. We all go to New York. Go on up there and look at Penn Station. Get off the train. Walk around and tell me how many police officers you identify. You will find more in your hometown.

We have to do something.

I thank my colleagues for listening to me once again. I hope I will not make this speech again next year as a consequence of another serious rail attack. I pray to God it is not at home.

I yield the floor. I thank the Chair.

Mr. GREGG. Madam President, the Senator from Delaware makes a strong and effective case for the need of stronger rail security. He puts it in the context of what is happening in other nations, what has happened in England or what happened yesterday in India. There is no question—and the most recent instance that was potentially here in the United States involving New York. There can be no question but that rail is a threatened infrastructure and a target of opportunity.

The problem with his amendment is, as he knows, we are constricted by certain rules that we have in allocation. We funded rail security at more than we funded last year—not a lot more and certainly nowhere near what the Senator from Delaware has asked for.

But we have used up all the allocation to take care of what we consider to be appropriate needs that have to be addressed—threat issues, mass destruction, border security, and things we have already discussed.

His amendment, as it is structured, would add $1 billion on top of what we have received as an annual allocation, which means that it would break other allocations, exceed the agreed-to number, and that is something we can't do.

As much as I recognize the legitimacy of many of the points he makes, I think it is, however, important to put in context what is happening in rail.

The number in this bill—and we have about $187 million for rail security—is not the only commitment to rail. In fact, if you look at the amendment that the Senator from Delaware has put forward, a big chunk of the money, I think, goes to tunnel security or other construction. We talked about it quite a bit. Amtrak and the northeast corridor, which is Amtrak, gets its funding through another subcommittee. That subcommittee has, in its appropriation, a lot of money for Amtrak. In fact, it has $770 million for capital improvement which can be used for tunnel security.

It has $440 million, I believe, for operating costs which can be used for security. That comes through a different committee. And it is available for many of the things which these dollars would be used for.

In addition, I think it is important to note how our priorities are set by States and communities which have a large amount of rail and get the funds which we give them with great flexibility to be used to address threat. We distribute billions of dollars under this bill and the prior homeland security bills to major urban areas, especially along the northeast corridor. Those funds go out on the basis of threat. And communities such as New York, Washington, Baltimore, Boston, and Philadelphia have the opportunity to use those funds for rail security, if they wish to. But what we have seen from these communities is that they don't prioritize rail security at that level. They use it for other things.

For example, in 2005, of the grants that went to States and to communities, they spent only 2 percent of their discretionary pool on rail security; in New York, a little more, 12 percent. But on average, it was 2 percent.

The State of Washington actually was the most aggressive. They spent 29 percent of theirs on transportation security. In the largest urban areas, the average has been around 8 percent. Communities which have the opportunity to make the choice, do we put it into our subway systems and bus systems or do we put it into some other area where we see threat, we have decided that their commitment will be at this fairly small level of the overall dollars that are available. But the dollars are there in rather large sums—literally billions of dollars—and $5 billion approximately is still in the pipeline which could be used in these areas. There are other resources that can go toward rail.

Those that are specific, such as the Amtrak funding that will come through for capital improvement, $770 million out of the Transportation bill or the operating account, which is $440 million, or those which are more general but could be reallocated toward rail, which are the city and State discretionary funds. So there is money and a lot of it that is available to move in this direction and address these needs.

Assume for the moment there is not enough, which is the argument of the Senator from Delaware. I am willing to accept that more money could certainly be used in this area. What is the way we should approach this? It is not to break the cap. It is, rather, to tie it to a fee system, much as we have done with the airlines.

The Senator from Delaware mentioned the airlines. We have a transportation fee in the airline system, which essentially funds the TSA activities which involve a lot of capital activities in the area of airport security and obviously all the personnel. There are 22 million people who ride Amtrak. If you put a $5 transportation fee on their tickets, which is about the same as the airline fee, that would generate almost exactly the amount of money the Senator from Delaware is requesting.

If the Senator wanted to bring his amendment back with that type of a fee system which would allow for the extra money and then allocate it the way he is suggesting it be allocated, rather than these other sources of revenue, I could agree to that, potentially. But in its present form as a cap buster, as a budget buster—because it takes the top off the appropriations bill—we cannot agree to this.

It is not that we do not feel there aren't needs there. There are needs there, but we feel there are other sources to fund those needs. We feel we make a strong commitment, relative to rail in this bill in the context of what has been done historically, and to the extent the Senator from Delaware feels an even stronger commitment has to be made beyond what Amtrak and cities and towns have as discretionary funds and beyond the $187 million in this bill, should do it the same way we are doing it with TSA, which is to use a fee system. Those are our thoughts.

It is subject to a point of order because it is $1 billion over the budget and would essentially blow the 302(b) cap. At the proper time, I will make that point of order, unless it is amended.

Mr. BIDEN. Will the Senator permit me to respond, briefly?

Mr. GREGG. The floor is the Senator's.

Mr. BIDEN. I ask unanimous consent Senator CLINTON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, let me deal with a piece at a time, to the cogent arguments my friend from New Hampshire has made and thank him for the acknowledgment that there may be a need to do more on rail.

First of all, I find the whole debate about homeland security, which is beyond the purview of this debate, somewhat fascinating. The 9/11 Commission tells us we should be spending over $42 billion over the next 5 years to deal with what they believe and identify as serious threats which are woefully inadequate, where they give the mark to the Congress and the Senate of a D or an F, in terms of how they grade the area of concern. We are $42 billion behind the curve to begin with.

I find the argument, by the way, a little akin to the argument my friend from New Hampshire just made, a little akin to the false argument about whether, of $740 million allocated in the last round, there should be a 40-percent cut in money for New York and Washington to be sent to St. Louis and Omaha. The question isn't whether it should have been cut to be sent to Omaha, the money is needed in New York and Omaha and in St. Louis.

The debate should be, why are we only spending, in that allocation, $740 million? The single most primary and primitive function of Government is to protect its citizens, to physically protect them. In my view, it comes before civil rights, civil liberties. It comes before education. It comes before health care. If you are not safe in your home, safe in your street, safe in your Nation, the rest of it does not matter a whole lot.

So we get into a false debate. Take Amtrak, all the money in Amtrak, $740 million for capital expenditures. That $740 million for capital expenditures still leaves Amtrak about $4.5 billion behind on capital needs. What are we talking about? Rail maintenance, rail improvement, the catenary wire above it, the actual cars, the actual engines that have to be upgraded. We have forced Amtrak, by underfunding so badly for so long, to cannibalize its own system in order to be able to pay salaries to keep the trains operating. There is no money.

It is a little bit similar to my saying, in the education budget, there is a whole lot of money there in order to be able to provide for eliminating the additional cost of the loans to college students because the education budget has X number of dollars. That means you have to go cut something out of education that is already underfunded.

I find it to be a false argument.

The point about the basis of the threat, I know of no other area where there has been as many consistent, specific threat assessments made by the FBI, by the CIA, by our intelligence agencies than rail. I may be mistaken, but I am happy to stand corrected if I am wrong. The threat is there.

Lastly, TSA does not pay for the doors on the aircraft. We still spend billions and billions of direct dollars in taxpayers' money. Again, it sounds good but irrelevant.

The arguments are very well made and very irrelevant. We are still only spending about $150 million.

You say: Well, the States have this money. What have they chosen to do? Guess what. How much money have the States had to spend on airport security when they choose that? The Federal Government has come in and taken on th lion's share of that responsibility. I am confused. Why does Reagan Airport, which has fewer people visiting every day, have a higher priority than Union Station? I don't get that. I don't understand that.

The bottom line is, we do not have the commitment to deal with this. I acknowledge, as the chairman of the subcommittee, my friend gets an allocation. But, again, that is a false argument. It is true he gets an allocation. Why is the allocation not bigger? The allocation is not bigger because our priorities in this country are backward.

Let me give one example, and I realize it is just one. About a month ago, we had the six major oil companies before the Judiciary Committee. During that time, the chairman, Republican Chairman Senator SPECTER—and the issue was price gouging—swore all six CEOs in under oath. Everyone asked about price gouging.

It got my turn in the order of asking questions, and I said I would like to not ask about price gouging. I would like to ask you about tax breaks. You have an Energy bill last year that I voted against, that, at a minimum, there are $2.5 billion worth of tax breaks to encourage you to explore. I looked at the chairman of the board of ExxonMobil. I am paraphrasing, and I will later in the day come back with the actual record of that exchange and ask it be printed in the RECORD at that time. I said: You made $35 billion in profits. My mother would say: God love you, that is wonderful. I am not arguing about your profit. That is great. Do you need any of the $2.5 billion per year you are going to get? He put his head down, if you take a look at the film. I said: Sir, you are under oath. And he looked up and he said: No, we don't need it. I said: Good. And I went down the list of the other five oil executives. Do you need it? No, no, no, no, no.

Then I asked another question. I'm going to propose to eliminate that tax cut, and I am going to use it for homeland security. Do you object to that? Would you support it? I said: You are under oath. The CEO of ExxonMobil said: I would support it. They all supported it.

So $2.5 billion we are wasting wasting—in giving energy breaks to oil companies.

I say to my colleagues, parenthetically, you do not hear me stand up here and demagog. I am happy they are making all that money. But they acknowledge they do not need it. For $2.5 billion, we could restore my entire COPS Program, which we have eliminated. We could add 1,000 more FBI agents to deal with homegrown terrorism. We could fund every penny of this.

I realize, as the joke goes, that is above my friend's pay grade. It is not his responsibility. But we get put in these positions where guys such as me vote against budget priorities that are set, allocations are limited, and, understandably, under the rule, we are then put in a position of points of order.

I respectfully suggest that if anyone said: What should be the priorities of this Nation and how much money should we be spending to protect the American people, my guess is a whole lot of things, including some social programs, would come after a basic fundamental requirement to protect the American people from what we are told is a reasonable probability that it will happen.

I accept everything my friend said in terms of the caps, et cetera. I acknowledge this, in fact, would be subject to a point of order. I find it frustrating I am consistently left in the position of having to argue. It is a little bit similar to what we used to do in local office. You cut the budget, and we would make the hearing impaired compete with the physically impaired, who compete with the blind, for the limited amount of money we gave them. We would say: We cannot use more money for the hearing impaired because within this allocation we do not have enough money. We will have to cut it from someone else or go find it somewhere else. That is how I feel.

I apologize for my frustration. The record will show, although when I speak in the Senate someone suggests I am mildly energized about what I speak about, I don't often rise in the Senate to speak.

Folks, we are going to regret this. We are going to regret this.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent at 2 p.m. today the Senate proceed to a vote on the motion to waive the budget with respect to the Biden amendment No. 4553, with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4589 WITHDRAWN

Mr. GREGG. I ask unanimous consent the amendment of Senator COBURN, No. 4589, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. GREGG. Madam President, I now understand that the Senator from South Dakota has an amendment he wishes to offer, and we will proceed to that. If there are other people who wish to bring amendments over prior to the 2 o'clock vote, we would be happy to hear from them.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, maybe this has already been done, but I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4610

Mr. THUNE. Madam President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, and Mr. TALENT, proposes an amendment numbered 4610.

Mr. THUNE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To establish a program to use amounts collected from violations of the corporate average fuel economy program to expand infrastructure necessary to increase the availability of alternative fuels)

On page 127, between lines 2 and 3, insert the following:

SEC. 5___. ALTERNATIVE ENERGY REFUELING SYSTEMS.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the "Energy Security Fund" (referred to in this section as the "Fund"), consisting of—

(A) amounts transferred to the Fund under paragraph (2); and

(B) amounts credited to the Fund under paragraph (3)(C).

(2) TRANSFERS TO FUND.—For fiscal year 2006 and each fiscal year thereafter, there is appropriated to the Fund an amount determined by the Secretary of the Treasury to be equal to the total amount deposited in the general fund of the Treasury for the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to section 32912 of title 49, United States Code (including funds obtained under consent decrees).

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(4) USE OF AMOUNTS IN THE FUND.—Amounts in the Fund shall be made available to the Administrator of the Environmental Protection Agency for use in carrying out the reimbursement program for alternative energy refueling under section 9003(h)(13) of the Solid Waste Disposal Act.

(b) ALTERNATIVE ENERGY REFUELING.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by adding at the end the following:

"(13) ALTERNATIVE ENERGY REFUELING SYSTEMS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ALTERNATIVE ENERGY REFUELING SYSTEM.—The term 'alternative energy refueling system' means a system composed of 1 or more underground storage tanks, pumps, and pump fittings or other related infrastructure that is used to refuel motor vehicles with—

"(I) compressed natural gas;

"(II) E-85 ethanol;

"(III) a fuel described in section 30C(c)(1) of the Internal Revenue Code of 1986; or

"(IV) any other alternative fuel, as determined by the Administrator.

"(ii) ELIGIBLE ENTITY.—The term 'eligible entity' means a refueling vendor or other person that is an owner or operator of a service station or other facility at which an alternative energy refueling system is located or proposed to be located.

"(iii) ENERGY SECURITY FUND.—The term 'Energy Security Fund' means the Energy Security Fund established by section 5___(a)(1) of the Department of Homeland Security Appropriations Act, 2007.

"(B) REIMBURSEMENT PROGRAM.—

"(i) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this paragraph, the Administrator shall establish a program to provide to eligible entities, for each of fiscal years 2007 through 2011, reimbursement from the Energy Security Fund of a portion of the costs of purchasing and installing 1 or more alternative energy refueling systems, including any alternative energy refueling system intended to replace a petroleum refueling tank or system.

"(ii) APPLICATION.—An eligible entity that seeks to receive reimbursement described in clause (i) shall submit to the Administrator an application by such time, in such form, and containing such information as the Administrator shall prescribe.

"(iii) TIMING OF REIMBURSEMENT.—Not later than 30 days after the date on which the Administrator, in consultation with the appropriate State agency, verifies that an alternative energy refueling system for which reimbursement is requested by an eligible entity under this paragraph has been installed and is operational, the Administrator shall provide the reimbursement to the eligible entity.

"(iv) LIMITATIONS.—

"(I) PROHIBITION ON RECEIPT OF DUAL BENEFITS.—An eligible entity that receives a tax credit under section 30C of the Internal Revenue Code of 1986 for placing in service a qualified alternative fuel vehicle refueling property (as defined in that section) may not receive any reimbursement under this paragraph for an alternative energy refueling system on the property if the cost of the alternative energy refueling system was taken into consideration in calculating the tax credit.

"(II) NUMBER OF SYSTEMS.—An eligible entity may not receive reimbursement under this paragraph for more than 2 alternative energy refueling systems for each facility owned or operated by the eligible entity.

"(III) AMOUNT.—The amount of reimbursement provided for an alternative energy refueling system under this paragraph shall not exceed the lesser of—

"(aa) the amount that is 30 percent of the cost of the alternative energy refueling system; or

"(bb) $30,000.

"(C) FURTHER APPROPRIATION.—Reimbursement authorized under this paragraph shall be provided by the Administrator without further appropriation.

"(D) NO EFFECT ON OTHER RESPONSIBILITIES.—Nothing in this paragraph affects any obligation of an owner or operator to comply with other provisions of this subtitle.''.

Mr. THUNE. Madam President, the amendment I offer is something I feel very strongly about. A threat to America's energy security is a threat to our national security. Our dependence upon OPEC and foreign oil entangles us in the Middle East and makes us dependent on countries that are hostile to America and to American interests. The greater America's dependence upon foreign energy, the greater the threat to American national security.

Two decades ago, America alone drove the world's economy. We had Western Europe as competitors, but our economy was clearly on top and unchallenged. But things have changed. Right now, China is growing at about 10 percent a year in GDP. That is almost three times the rate of growth here in America. They do not have 300 million citizens; they have over a billion. People in that growth rate create an incredibly strong economy with serious economic demands; and one of those demands is oil.

China is not alone. India is also growing at a double-digit rate. They, too, are a huge economy. And both countries are expanding their manufacturing, expanding their technology, and, therefore, expanding their demand for oil.

The challenge for American consumers and, frankly, for American industry is that the supply of oil has not kept up with the demand for oil. When you have an essential economic commodity, and you are not producing a sufficient supply, then prices tend to go up, which is what we see happening across the country today. We are all fighting for the same gallon of oil. Until that changes, either we will need to increase supply or we are going to face higher prices.

In my view, the long-term strategy and solution is to power our automobiles with something other than gasoline. Technology is the way to help change America for the better. Years of investment in fuels such as ethanol have put us on the threshold of major breakthroughs. Those breakthroughs are becoming a reality for consumers here in this country.

In my home State, the community of Aberdeen, SD, is, right now, selling E85 fuel for under $2 a gallon when other fuel prices are going for $3 a gallon and sometimes higher because they have an abundant supply of ethanol. It is produced locally, and the fuel retailers have made the investment to install the tanks. That is the very thing we want to see happen in other places across this country because American consumers and Congress realize we have to do more to reduce our dependence upon foreign sources of energy.

The amendment I am offering would significantly help in providing alternatives for the American consumer while lessening our dependence upon foreign oil. This amendment, very simply, would allow station owners around this country to be reimbursed for 30 percent—not exceeding $30,000—of the expenses related to the purchase and installation of alternative refueling systems.

This amendment provides partial reimbursement for eligible alternative refueling systems, such as E85—which, I mentioned, is something we are starting to see more of in my State—biodiesel, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and other alternative fuels as defined by the Environmental Protection Agency. This amendment utilized penalties that are primarily paid by foreign automakers who violate CAFE standards. Last year, these penalties generated about $20 million. It will complement the growing number of alternative fueled vehicles across our country, protect the environment, and allow our country to reduce its dependence upon foreign sources of oil.

The car companies in this country have announced recently they are going to double the number of flex-fuel vehicles they are going to put on the roads here in the future. If you look at already what we have on the roads today, there are more than 5 million flexible-fuel vehicles on the road that can run on either E85 or regular gasoline. However, the problem is that we have 180,000 gas stations across this country and only 800 currently offer E85 ethanol. In short, this means that less than 1 percent of all stations in America today offer E85 as an alternative.

The average cost of purchasing and installing an E85 refueling system is approximately $40,000 to $200,000, depending on the geographic area and the size of the tank. Ethanol production is at an all-time high of 4.5 billion gallons per year. Nationwide, there are currently 103 plants producing ethanol, with 35 more under construction. Those 35 additional plants will add an additional 2.3 billion gallons of ethanol production by next year. The Energy Policy Act, passed last year, requires the annual use of 7.5 billion gallons of alternative fuel by the year 2012.

The amendment is very straightforward. It acknowledges the fact we have auto manufacturers who are producing more and more automobiles that are capable of using alternative sources of fuel such as E85. It acknowledges the fact that we have production in this country going, with 2.3 billion additional gallons becoming available this year of ethanol. And it also acknowledges there is a consumer out there in the country today who is looking not only to get the very best possible price per gallon for the fuel they put in their vehicle, but also to do something about the long-term problem that faces this country; that is, this enormous appetite for oil that furthers our dependence upon foreign sources of energy.

What we need in this country is American energy and American independence so we do not have to worry about getting all that fuel, all that oil, from places outside the United States that are hostile to this country and to American interests.

This is about energy independence. It is about closing that distribution gap, so that now that we have the supply, we have the demand for ethanol, that we have the fuel retailers in this country moving in a way, putting policies in place, that would make it possible for them economically to install the very pumps that would provide the fuel that is being increasingly demanded by American consumers and which those in the ethanol industry in this country are continually gearing up, in terms of production, to meet.

So this is a very straightforward amendment. It applies to this particular piece of legislation, I believe, for a lot of reasons, one of which is, as I said earlier, it is a very, very clear and established connection that a threat to America's energy security is a threat to our national security.

We talk about protecting our homeland and making sure America is safe and secure going forward for future generations. A key component in that debate ought to be: What steps are we taking as a nation, what policies are we putting in place that will enable our country to become energy independent, to have American energy meet the needs and the demands that our economy has to grow in this country?

So, Madam President, I offer this amendment to this legislation. There are others who I believe are interested in this issue. I introduced a bill that is very similar to this amendment. I have made some slight modifications to it, which was cosponsored by Members on both sides of the aisle, Republicans and Democrats. A similar bill is calendared for action in the House of Representatives.

I believe it is high time as a nation, as a U.S. Senate, that we put as a priority getting away from that dependence upon foreign sources of energy, having an abundant supply of an American energy, so we can provide the supply that is necessary to fuel our economy, keep it growing, keep it strong, and make sure that it is affordable for American consumers.

Madam President, at this point I ask unanimous consent that the amendment be laid aside, and I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask unanimous consent that the Senator from North Dakota be recognized for up to 10 minutes as in morning business, and upon completion of his statement the Senator from Louisiana be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4615

Mr. VITTER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 4615.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the confiscation of a firearm during an emergency or major disaster if the possession of such firearm is not prohibited under Federal or State law)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act may be used to temporarily or permanently seize any firearm during an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) if the possession of such firearm is not prohibited under Federal or State law, other than for forfeiture in compliance with Federal or State law or as evidence in a criminal investigation.

Mr. VITTER. Madam President, this involves gun confiscation during major disasters or emergencies. My amendment is very simple and straightforward. It would prevent any sort of confiscation of legally held guns protected by the second amendment during major disasters or emergencies.

In the wake of Hurricanes Katrina and Rita, local and Federal law enforcement officials were overwhelmed in many ways by the tragedy that unfolded. That is understandable. During the chaos, a criminal element took advantage of the tragedy and started to commit serious crimes against persons and property. In many cases, law-abiding citizens took action and defended their property and themselves through the constitutionally guaranteed second amendment right to bear arms.

There is probably no more important or significant moment in normal, everyday American life where that second amendment right meant something. In some cases, it was literally the difference between a law-abiding citizen's life or death and between that citizen's ability to protect his property or have it completely taken away. Yet in the midst of that situation, where that constitutionally guaranteed right was so important, even far more important than in an everyday situation—although it is certainly crucial then—certain law enforcement authorities confiscated legally held firearms by law-abiding citizens. Not a few, not a dozen, not two dozen, but literally thousands were confiscated by law enforcement officials.

In fact, even well after the hurricanes, the Federal court ordered the city of New Orleans to return all guns unlawfully seized during Hurricane Katrina. Even after all that, the New Orleans police superintendent, Warren Riley, stated in a June 6 radio interview that his officers would confiscate guns again if another similar disaster should strike New Orleans.

This is ridiculous and should not be tolerated. We are talking about a constitutionally protected second amendment right. And even more so, we are talking about a situation where those rights are vitally important for the law-abiding citizen when the police are not there and are unavailable, when there is no phone service, and literally that citizen's second amendment right is the key to protecting his own life, his family, and their property.

I am proud to say that in Louisiana, our State legislature acted on this issue, as I am attempting to do today. In June of this year, in time for the new hurricane season, a law was passed to clarify that the emergency powers granted to the Governor and to local officials "do not authorize the seizure or confiscation of a firearm, weapon or ammunition from any individual if the firearm, weapon or ammunition is being possessed or used lawfully."

I am supportive of that action by the State legislature. It was signed into law by the Governor. Unfortunately, there is still room for Federal authorities to act inconsistent with that. That is the problem and the issue and challenge I want to solve. My amendment is very simple and straightforward. It is a limitation of funds saying that no Federal funds in this act can be used to temporarily or permanently seize any firearm during an emergency or major disaster, if the possession of such firearm is not prohibited under Federal or State law. The amendment also allows for the forfeiture of firearms in compliance with Federal or State law or as evidence in a criminal investigation.

I hope this will be noncontroversial, that all Senators will accept the amendment as an important, commonsense clarification of the law and what the law certainly should be.

I understand our law enforcement officers are under intense pressure in these extreme situations following a major disaster or a major emergency. But particularly in those situations, when their services, quite frankly, are unavailable to the populace as under normal times, when all communication is shut down, officers should not be confiscating legal firearms from law-abiding citizens protected under the second amendment.

That is the nature of my amendment. I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators INHOFE, ENZI, THUNE, BURNS, BROWNBACK, MARTINEZ, DOMENICI, and GREGG.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. VITTER. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

AMENDMENT NO. 4553

Mr. GREGG. Mr. President, I ask for the regular order with respect to the Biden amendment.

The PRESIDING OFFICER. The Biden amendment is now the pending amendment.

Mr. GREGG. I will raise a point of order against the pending amendment. The amendment would cause the bill to violate section 302 of the Budget Act.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I move to waive the relevant sections of the Budget Act on this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—50

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez

Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Wyden

NAYS—50

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

The PRESIDING OFFICER. On this question, the yeas are 50, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 4558, 4554, 4552, AND 4569, EN BLOC

Mr. GREGG. I have four amendments—by Senators LAUTENBERG, SALAZAR, KERRY, and FEINGOLD—all of which have been cleared on the other side. I ask unanimous consent they be considered en bloc and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows

AMENDMENT NO. 4558

(Purpose: To prohibit the expenditure of appropriated funds to enforce or comply with the limitation on the number of Transportation Security Administration employees, and for other purposes)

At the appropriate place, insert the following:

CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY

SEC. ____. No amount appropriated by this or any other Act may be used to enforce or comply with any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, and no amount appropriated by this or any other Act may be used to enforce or comply with any administrative rule or regulation imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, except to the extent that enforcement or compliance with that limitation does not prevent the Secretary of Homeland Security from recruiting and hiring such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of 10 minutes.

AMENDMENT NO. 4554

(Purpose: To require the Secretary of Homeland Security to prepare a report on the conduct of activities to achieve communications interoperability)

At the appropriate place, insert the following:

SEC. ____. Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives with an assessment of short-term (defined as within 2 years after the date of enactment of this Act), intermediate-term (defined as between 2 years and 4 years after such date of enactment), and long-term (defined as more than 4 years after such date of enactment) actions necessary for the Department of Homeland Security to take in order to assist Federal, State, and local governments achieve communications interoperability, including equipment acquisition, changes in governance structure, and training.

AMENDMENT NO. 4552

(Purpose: To repeal TSA's exemption from Federal procurement law)

At the appropriate place, insert the following:

SEC. ____. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 4569

(Purpose: To require reports to Congress on Department of Homeland Security use of data-mining)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. DATA-MINING.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual's personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2007.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent my name be added as a cosponsor to Senator VITTER's amendment No. 4615.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4620

Mr. BYRD. Mr. President, I shall offer an amendment to strengthen chemical facility security.

As Yogi Berra once said, "this is like déjà vu all over again." This is the fourth appropriations bill for the Department of Homeland Security, and every summer, I have offered an amendment to provide incentives to the chemical sector to secure their facilities by establishing a chemical security grant program.

Unfortunately, at every turn, the administration opposed my amendments and those amendments were defeated. The administration claimed that it was partnering with the chemical sector and that they were doing enough to secure their facilities.

In my State of West Virginia, there are 73 chemical manufacturing plants and 100 chemical distribution plants. If there were an attack on one or more of those facilities, the potential loss of human life and damage to the local and national economy would be devastating. The same can be said for facilities in New Jersey, New York, Texas, Michigan, California, Pennsylvania, and many other States.

The Department of Homeland Security's National Strategy for Securing the Chemical Sector states that "the value of the sector to the Nation, as well as the potentially high consequences associated with some chemical facilities, make the Chemical Sector a potentially attractive target for terrorists."

Despite the multitude of warnings that the chemical sector is vulnerable to attack, including its own warnings, the administration has shown a great reluctance to make security at chemical facilities a priority.

Last year, the Government Accountability Office concluded that for 93 percent of the chemical industry, it is uncertain whether facilities are improving security at all. Only 1,100 of the 15,000 chemical facilities identified by the Department of Homeland Security are known to adhere to voluntary industry security procedures.

The Environmental Protection Agency reports that 123 chemical plants located throughout the Nation could each potentially expose more than a million people if a chemical release were to occur.

I was encouraged last summer when the DHS Assistant Secretary for Infrastructure Protection and Information Security testified before Congress that a system to enforce and audit security standards must be put in place for the chemical sector. Unfortunately, no action has been taken since his testimony.

This year, in its National Strategy to Secure the Chemical Sector, DHS says, "legislation that would provide the Department of Homeland Security with overarching regulatory authority for the Chemical Sector security should be enacted." If the administration were serious about chemical security, it would have submitted legislation to back up this tough talk. Yet, the administration has not submitted such legislation. Nor has it played an active role in encouraging the congressional leadership to work with the various committees with an interest in this matter to resolve their differences and bring a bill to the floor. This morning, the administration submitted its statement of administration policy on the bill that is before the Senate, and once again the administration is silent on this matter. For the life of me, I do not understand why this administration does not take securing our chemical facilities seriously.

I applaud the Homeland Security and Governmental Affairs Committee for reporting legislation on this matter, and I thank Senator JOE LIEBERMAN for cosponsoring this amendment.

My amendment requires the Secretary of Homeland Security to issue interim final regulations for chemical facilities that he determines present the greatest security risk. The substance of the regulations would be established by the Secretary.

I believe this is a strong first step. Any regulations issued by the Secretary under this authority would only be applicable until final regulations issued under other laws are established.

We have waited too long. The potential devastation—the terrible loss of life, the huge hit to the Nation's economy, the irreparable harm to our air and water—the potential devastation demands that we take steps now to secure these chemical facilities. There has been enough talk; it is time to act. I urge all colleagues to support this amendment.

I send the amendment to the desk.

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mrs. CLINTON, proposes an amendment numbered 4620.

Mr. BYRD. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure adequate safety at high-risk chemical facilities)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall hereafter issue interim final regulations that establish homeland security requirements, including minimum standards and required submission of facility security plans to the Secretary, for chemical facilities that the Secretary determines present the greatest security risk and that are not currently regulated under Federal law for homeland security purposes.

(b) Interim regulations under this section shall apply to a chemical facility until the effective date of final regulations issued under other laws by the Secretary, that establish requirements and standards referred to in subsection (a) that apply with respect to that facility.

(c) Any person that violates an interim regulation issued under this section shall be liable for a civil penalty under section 70117 of title 46, United States Code.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I support the Senator's amendment. I understand there may be some Members who wish to speak to it, so I suggest we lay it aside and move on to the amendment of the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 4621

Mr. BAUCUS. Mr. President, I ask the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 4621.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to conduct tests of unmanned aerial vehicles for border surveillance along the border between Canada and the United States)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

Mr. BAUCUS. Mr. President, I rise to offer an amendment to the Homeland Security appropriations bill to address an area that needs more attention, the northern border. We have 5,526 miles of border between the United States and Canada. That is about double the length of our southern border with Mexico. Along that border, about 560 miles of it is in the State of Montana. The terrain is remote in many cases. It is mountainous. Passage is somewhat difficult in some areas. In others it is easy; it is wide open.

This amendment will help our Border Patrol cover this vast area by requiring the Department of Homeland Security to conduct a pilot program using unmanned aerial vehicles along that border.

In addition to personnel training, we must also employ the latest technologies. The border patrol has already conducted successful tests using UAVs along the southwestern border in Arizona for aliens and detection of those attempting to enter our country illegally. It requires some of the UAVs already provided for in this bill be used to run a pilot program on the northern border similar to that conducted on the southern border.

We do not want to compete with our friends in the Southern States, but we want to make it clear that the northern border also needs increased attention. As you can imagine, as the southern border of the United States is tightened, our northern border, which used to be America's back door, is quickly becoming a front door.

Customs and Border Patrol report that their No. 1 concern on the southern border is illegal immigration. What is the No. 1 concern on the northern border? Terrorism. Border gangs are going international and admit having ties to al-Qaida and smuggling al-Qaida members into the United States.

In Montana, markings from these gangs have been found in the correctional systems, within the walls of our jails, in our detention facilities.

Surveillance of our ports is happening daily by nefarious people. It appears that our procedures for checking out vehicles both leaving and entering our country are being looked at by criminals, and it has been reported that these "dry runs" are being conducted near Glacier National Park. All of these activities are made easy due to the wide open space and insufficient numbers of law enforcement personnel along our northern border.

The ability of our Border Patrol to successfully carry out their daily duties is of critical importance, obviously, to the safety of all Americans. This amendment will give us the tools we need to protect our borders. UAVs are a safe alternative to placing civilians in harm's way, and by introducing a pilot program that helps us patrol our northern border, we are getting on the right track to fighting the war on terrorism and keeping our home front safe.

For these reasons, I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent to add Senators CANTWELL and MURRAY as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to speak in support of this amendment offered by my colleague from a northern border State, and want to emphasize that homeland security along our northern border is of the utmost importance.

I think the amendment offered by the Senator from Montana is a very important amendment for us to add to this legislation because of both its efficiency and effectiveness in helping us secure our northern border. For us, with great transportation crossings as we have in Washington State, including ferry transportation crossings, there was the instance in the Northwest where a terrorist was caught coming across from Canada into Port Angeles who was detained.

But we are here today to talk about the vastness of the northern border that sometimes is penetrated by people who are not checking in at various checkpoints but try to sneak into the country along the vast, rugged areas of our Northwest terrain.

So it is very important we get tough on border security by passing this amendment, which has cutting-edge technology that will actually help save this country dollars and provide greater border security.

The unmanned aerial vehicles, as Senator BAUCUS has talked about, are already being deployed on dangerous patrols in the Middle East and in some places along our borders here at home. But the UAVs, I believe, are already in limited use on the southern border, and they have proven their effectiveness. To me, it is something we ought to expand on for our overall capability to help respond to incidents.

With their extended range, these UAVs can conduct prolonged surveillance, sweep over remote border areas, relaying information to border agents on the ground. As has been described by some of the people I have met with on this issue, they literally create a communications network from the air to the ground that can get vital information to those who are involved in border security who can more effectively, then, do their job.

This process provides critical intelligence about the areas that have previously gone unsecured for so long, and it allows our agents to better prepare and respond to incidents involving both illegal immigrants and drug smugglers.

Now, I know there has been the Insitu Group from our State that has provided this technology in our Operation Iraqi Freedom and the global war on terror. They have flown many hours and been very effective with that technology. So I believe it is important for us to now get aggressive about using this same technology—that has been proven so successful—on our northern border and to have the continuation of its use on our southern border so we can modernize the patrol capabilities and reach hundreds of miles that have previously been unguarded.

As I said, we do this at a much more effective rate than could possibly be done with any other tools and technology or manned efforts. So we will be giving our agents the best technology possible for them to guard our southern and northern borders, using improved intelligence. That is why I am so happy to work with Senator BAUCUS to direct the Department of Homeland Security to do a pilot on this UAV surveillance along the northern border.

I will continue to work with him and many of my other colleagues to encourage Homeland Security to run this pilot program in affected areas throughout the Northwest and making sure that the investment here is realized so we can continue the expansion of this operation.

As I said, the technology will help law enforcement at every level do their job, and it will help us in fighting this influx of drug problems we are also facing in the Northwest as well. And it will certainly give our citizens at home more security.

We cannot turn our backs on the needs of the northern border while we are looking at some of the issues on the southern border. So let's make sure we are effective in covering both areas of our country and giving law enforcement the broadest tools possible to do their job.

Mr. President, I yield the floor

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I advise Members and their staff who are listening that we have put out a request for anybody who wishes to address the amendment from Senator BYRD to get in touch with us, and if they have an objection to get in touch with us. Otherwise, at 3 o'clock, I intend to move to accept that amendment—just so people are aware of that, unless we hear an objection.

The Senators from Montana are working on making sure the language of this pending amendment—I understand Senators BURNS and BAUCUS from Montana are working to make sure the amendment is correctly drafted. Once they work out the correct drafting of the amendment, then I would expect we would accept that amendment also.

Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4614

Mr. GREGG. Mr. President, I call up Senator BYRD's amendment No. 4614.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. BYRD, proposes an amendment numbered 4614.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To establish procedures for grants for State and local programs)

On page 93, line 4, before the period insert the following: ": *Provided further*, That for grants under subparagraphs (B) through (F), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Office for Domestic Preparedness shall act on such applications not later than

45 days after the date on which such an application is received".

Mr. LIEBERMAN. Mr. President. I am pleased to join my colleague, Senator BYRD, in offering an amendment to the Homeland Security appropriations bill for fiscal year 2007 that would require the Department of Homeland Security to issue interim regulations to help secure the most dangerous chemical facilities around the country.

Since 9/11 opened our eyes to the threats we face on U.S. soil from Islamist terrorist groups. we have moved to improve security for many of the critical elements of our society and economy. But somehow we have not yet protected one of our greatest vulnerabilities—the chemical sector.

Chemicals are vital to many of the processes that feed us, heal us, and power our economy. Yet the very pervasiveness of the chemical sector makes it vulnerable to terrorism. Thousands of facilities throughout the country use or store potentially lethal materials, often near large population centers.

We know that terrorists are interested in targeting these facilities. The Congressional Research Service reports that during the 1990s both international and domestic terrorists attempted to use explosives to release chemicals from manufacturing and storage facilities close to population centers. The Justice Department in 2002 described the threat posed by terrorists to chemical facilities as "both real and credible," for the foreseeable future.

When homeland security expert Richard Falkenrath testified before our committee last year, he said that one asset above all others stands out as being acutely vulnerable and uniquely dangerous: toxic-by-inhalation chemicals. He said the Federal Government had done virtually nothing to secure the facilities manufacturing and storing these chemicals and called on the 109th Congress to give the executive branch the authority to mandate and enforce security enhancements for these facilities.

I think Congress has the responsibility to enact a strong and comprehensive chemical security program, and I believe we have started down the right road to do so. Last month, the Homeland Security and Governmental Affairs Committee unanimously approved the Chemical Facility Anti-Terrorism Act of 2006, which Senator COLLINS and I introduced last December. I think this legislation—which was crafted and approved on a bipartisan basis after four hearings and extensive input—is the best way to address the vulnerability posed by chemical sites. The bill would authorize DHS to issue final regulations to help secure the Nation's most at-risk chemical facilities.

I urge the administration—which has said it wants legislative authority to regulate chemical security—to actively support this strong, bipartisan legislation and the majority leader to give it with immediate consideration on the Senate floor.

But we cannot afford to take chances where chemical security is concerned and every day of additional delay on chemical site security places the American people at unacceptable risk. So while it is my great hope that we will enact the Chemical Facility Anti-Terrorism Act of 2006 soon to establish a permanent chemical security program, this amendment is critical to ending the long drought of inaction on chemical security by the Federal Government and ensuring we will move swiftly to begin to close this critical homeland security gap.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4614) was agreed to.

Mr. GREGG. Mr. President, the regular order is the Baucus amendment; is that correct?

The PRESIDING OFFICER. The Baucus amendment is now pending.

AMENDMENT NO. 4620

Mr. GREGG. Mr. President, I ask unanimous consent that the Baucus amendment be set aside and that the Byrd amendment be returned as the regular order. It is amendment No. 4620.

The PRESIDING OFFICER. Without objection, amendment No. 4620 will be made the regular order.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4620) was agreed to.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I rise today to speak in favor of an extremely important provision in the pending bill. That funding provision is the $40 million to support the Counter-MANPAD program. This is a program initiated by Congress to develop technology to protect commercial aircraft from man-portable air defense systems or MANPADS, known to many as shoulder-fired missiles or portable anti-aircraft weapons. Congress originally included $110 million in funding for this program in the fiscal year 2006 budget and there is currently $40 million in the pending fiscal year 2007 Homeland Security Appropriations bill. This funding will allow for the completion of Phase III of this important program. This phase includes testing of the technology in real-world operations, a final report on the findings to Congress and the termination of the program.

Unfortunately, the Department of Homeland Security has decided to complete the program and report its findings based on Phase III flight testing on cargo aircraft only. This is a decision that I question because it runs counter to the program's original objective of developing a system that would protect primarily passenger aircraft, but also protect cargo aircraft.

Operations in the cargo and commercial aviation industries are very different and I believe that any final reporting or evaluation must include an assessment of the potential deployment of a Counter-MANPAD system on passenger aircraft as well as cargo aircraft. Without the actual flight testing of the Counter-MANPAD system on passenger aircraft, it is impossible to accurately evaluate the system.

Moreover, future policy decisions on aircraft protection would be based on findings that many could argue are incomplete. Prior funding has already gone a long way towards approving this important technology, and adding a passenger aircraft study would validate the original objective set forth by DHS and Congress, and in no way delay any final reports from the program office.

I commend the work of the subcommittee for including this funding as well as those who participated in the program through the Department of Homeland Security, phases 1, 2, and 3. I also commend the many participants in the private sector: from the scientists, engineers, to those who test the equipment to ensure that it is the strongest, most competitive, most viable system.

I thank the committee for its work and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. What is the regular order, Mr. President?

The PRESIDING OFFICER. The Senator's amendment is the pending question.

AMENDMENT NO. 4621, AS MODIFIED

Mr. BAUCUS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 4621), as modified, is as follows:

(Purpose: To require the Secretary of Homeland Security to conduct tests of unmanned aerial vehicles for border surveillance along the border between Canada and the United States)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, working expeditiously with the Administrator of the Federal Aviation Administration to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

Mr. BAUCUS. Mr. President, the modification to the amendment I offered is including the phrase, "working expeditiously with the Administrator of the Federal Aviation Administration."

The purpose is to make sure that the Department of Homeland Security's efforts in operating the pilot program along the northern border is one that can work with the FAA because the FAA will probably have to give clearance for air traffic taking off. In addition, the FAA will need to, it is my understanding, offer a waiver for these types of aircraft as they have at the southern border. It is my hope, in working with Senator BURNS, that this will clear up potential problems that may arise. I urge adoption of the amendment.

I have already spoken about this and why I think it is important. The efforts on the southern border are to combat illegal immigration, and on the northern border they are more to combat terrorism. There are many more reports of potential terrorist casing and transporting of people into the United States from the northern border. It is becoming quite alarming.

It is our hope that this will help control the northern border and help with the additional personnel really needed on the northern border. We don't have that personnel. I think this will help make our country more secure. I thank my colleague from Montana, Senator BURNS, for making this suggestion. This is a good suggestion. It will strengthen this amendment. I hope it will be agreed to.

Mr. BURNS. Mr. President, I thank my friend and colleague from Montana. The reason we filed that amendment on Monday was for this particular reason: The FAA controls all air space. Just like we found out a little while ago, they only have one area where a waiver has been granted, and this instructs that the Secretary of Homeland Security will work with the FAA, and the FAA will work with the other agency in order to allow this pilot program to move forward. It has already been established in Great Falls. That northern border security that we already have there and this pilot program can move forward with the UAV.

So I thank my colleague for including that language. That is the reason we filed the amendment in the first place. He already put language in the immigration bill, but we needed that language that still recognizes the FAA as controller of our air space and is probably key in this pilot program moving forward.

I urge adoption of the amendment.

Mr. BAUCUS. I ask unanimous consent that Senators CRAIG and COLEMAN also be cosponsors of this amendment.

The PRESIDING OFFICER. Without objection. Is there further debate?

Mr. GREGG. Mr. President, the unmanned aerial vehicle program is something the subcommittee is supportive of. This concept of having one on the northern border is something we also support. The Senators have a good amendment. I think the addition of language on the FAA makes it an operable amendment. If FAA were not engaged, it would not be an operable amendment. It merges well with the initiative in the bill which is to stand up the northern airway, which initiative Senators BURNS, DORGAN, CONRAD, and BAUCUS asked be started. This bill funds two aircraft out of North Dakota to make sure that we have manned aircraft on the border.

So this is an attempt to tool up the northern border. It is something that is going to take a lot more work. Certainly in the long run there is going to have to be more than one unmanned vehicle on the northern border. There will have to be quite a few.

As was mentioned by Senator BAUCUS, the northern border appears to have a high risk of terrorists coming across it. We know numerous instances now of the northern border being used for potential terrorist crossings. Therefore, we cannot ignore that border; we are not ignoring the border. But the issues there are a lot different than the southern border because of the length of the border. In fact, it is heavily wooded wilderness and difficult terrain to surveil. So I believe these unmanned vehicles will be critical in the long run.

I congratulate the Senators for bringing this amendment forward. I ask unanimous consent that the amendment be accepted.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 4621), as modified, was agreed to.

Mr. GREGG. Mr. President, we await further amendments. The Senator from Illinois wishes to speak as in morning business.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REED are printed in today's RECORD under "Morning Business.")

Mr. REED. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. GREGG. Mr. President, it is my understanding that the Senator from New York is going to offer an amendment at this time. I ask unanimous consent that the time between now and 5 o'clock be divided as follows: The Senator from New York have 40 minutes and that I have 15 minutes in opposition. I think that adds up to the right time—actually, now, it doesn't—that I have 20 minutes in opposition. Whatever is left after 40 minutes, that is what I have in opposition, and at 5 o'clock we proceed to a vote on the amendment of the Senator.

There will be 40 minutes for the Senator from New York, 20 minutes will be reserved to myself, and at the conclusion of that time we will proceed to a vote, or earlier should the time be yielded back on the time of the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 4576

Mrs. CLINTON. Mr. President, I call up amendment No. 4576 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. SCHUMER, Ms. MIKULSKI, Mr. MENENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Mr. OBAMA, and Mr. AKAKA, proposes an amendment numbered 4576.

Mrs. CLINTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding to States and local governments for terrorism prevention activities in the Homeland Security Grant Program to fiscal year 2005 levels)

On page 91, line 6, strike "$2,393,500,000" and insert "$3,183,500,000, of which $790,000,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234".

On page 91, line 8, strike "$500,000,000" and insert "$1,100,000,000".

On page 91, line 9, strike "$350,000,000" and insert "$400,000,000".

On page 91, line 22, strike "$1,172,000,000" and insert "$1,312,000,000".

On page 92, line 1, strike "$745,000,000" and insert "$885,000,000".

Mrs. CLINTON. Mr. President, I ask unanimous consent that Senators OBAMA and AKAKA be added as original cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, nearly 5 years ago, as we all remember, on September 11, 2001, terrorists murdered 2,819 Americans, including 2,752 in New York; 343 firefighters and paramedics and 608 police officers lost their lives. It was the single deadliest attack on American soil in our history.

We are here debating how much money our country is ready, willing, and able to spend to protect our homeland. What is clear, what has been clear, is that the threat posed by terrorism requires a great mobilization of American might, muscle, resources, and ingenuity. I do not believe that mobilization has yet occurred.

Just in last December, the 9/11 Commission, a bipartisan commission, reported that we should get failing grades for how we are responding to the challenges of homeland security. Governor Tim Kaine said when it comes to protecting America, it is not a priority for the Government right now. The urgency may have faded, but the threat has not. We only need to look at the news and see what happened in Mumbai, India, yesterday to be reminded that terrorists strike anywhere, at any time, at innocent people.

There are many problems with the strategy, or lack thereof, that we have been pursuing on behalf of homeland security. I regret that we have not done more, we have not had a comprehensive strategy, we have not put the money to work in smart, effective ways, and we have witnessed dangerous incompetence with respect to the failed response to Hurricanes Katrina and Rita. We have gotten a lot of tough talk, but I would take tough action anytime. We got a lot of rhetoric, but I would take resources. We have had campaign slogans, but I would rather have real security.

What has been the No. 1 recommendation by every independent group, every expert who has analyzed the threats we face and the challenges we confront when it comes to homeland security? Threat-based funding, that was one of the key recommendations of the 9/11 Commission. Sadly, all too often funding decisions have been based on politics as usual.

I have been championing threat-based funding ever since 9/11. I introduced the Homeland Security block grant bill as well as the Domestic Defense Fund Act, both of which provided direct and threat-based homeland security funding to our communities and our first responders. I have personally made the case for threat-based funding to Secretary Chertoff and Secretary Ridge before him. Even funds supposedly distributed based on risk have been administered incompetently. We just saw an inspector general's report from the Department of Homeland Security listing all of the alleged threats around the country. With all due respect, you can read that list and it just causes your head to shake in bewilderment.

In May, the Department of Homeland Security announced its 2006 Homeland Security grants. Cities and States facing high terrorist threats suffered considerable funding cuts, a decision that can be largely attributed to a series of highly questionable risk assessments. New York City and Washington, DC, remain at the top of any intelligence that we get with respect to threats. Yet they were given drastic reductions. Funding under the Urban Area Security Initiative alone was slashed in New York City by more than 40 percent, and in Washington, DC, by 43 percent. New York State has been struggling since 9/11 to come up with a comprehensive State plan and has been trying to scrape together funds for what are shortfalls from the Federal Government.

Today, I am joining my colleague, Senator MIKULSKI, and my partner, Senator SCHUMER, in introducing an amendment to the fiscal year 2007 Homeland Security appropriations bill to restore the Homeland Security Grant Program funding. This amendment provides an additional $790 million in Homeland Security funds so that next year's levels of funding will match those of 2005. That is all this asks for—bring back the funding to what it was 2 years ago.

We have already heard eloquent statements on the floor about port security. We have already heard about how difficult it is to get the kind of inspections and screenings we need at our ports. That is why I cosponsored Senator BYRD's port security amendment, and I am delighted that it actually passed by unanimous consent. I only hope that we will fight for that when this goes to conference and that the administration will listen and support this extra funding for port security.

We are still fighting for border security. We know that we have not done enough. We have had weeks of debates about immigration that are really about border security. What are we going to do to keep our borders secure? Not enough. Under this administration, despite the 9/11 attacks, our borders have become less secure.

According to a May 2006 report by the nonpartisan Congressional Research Service, the U.S. Border Patrol grew at a faster rate and apprehended more undocumented immigrants each year under President Clinton than it has under President Bush. We have the technology and the tools. Americans are certainly telling us they want us to make our borders secure. So let's get serious. Let's employ new surveillance equipment, like detection centers, unmanned ground and infrared cameras. Let's enlist and deploy the manpower we need.

We just voted on, unfortunately unsuccessfully, putting more money into securing our mass transit systems: our roads, our rails, our tunnels. We know how important that is. I cosponsored Senator BIDEN's rail security amendment which would have provided an additional $1.1 billion to enhance rail security, upgrade tunnels, provide for more Amtrak police. But it failed.

Today I am joining Senator SCHUMER to submit an amendment to provide an additional $300 million for transit security nationwide. I hope it succeeds. Anybody who rides mass transit should know we are doing everything we possibly can to take care of and eliminate the vulnerabilities that our mass transit systems have.

Beyond our financial investments, we also need new strategies and creative ideas. We have been talking about an interoperable communications system since 9/11. The 9/11 Commission recognized the essential critical nature of such a system. But year after year we don't do it. We bring amendments to the floor, we make speeches, it doesn't happen.

In May of this year, I introduced legislation to set up a Federal interoperable communications and safety system to create a national emergency communications strategy, to make sure that when police and fire departments respond they can talk to each other; when the Federal Government sends help through the Coast Guard or the military or FEMA, they can talk to each other, and they can talk to State and local officials as well.

I have also been fighting for several years to make sure that we have a nationwide emergency 9-1-1 system so that when you call from a cell phone people will know where you are.

Can you imagine being caught in a terrorist attack or a natural disaster and calling for help and people can't hear you, can't know where you are, can't send help to you? It happens all the time.

I was at an event this morning where an emergency response director made two horrifying calls that went unanswered in one case and a late answer in another because the cell phone couldn't be tracked.

We have a lot to do. We can just stand here and list the problems. It is not just all about terrorism. Are we truly ready for a pandemic flu? Do we have adequate security at our chemical and nuclear facilities? Are we prepared for the potential of a dirty bomb attack in a major population center?

I was encouraged that legislation I authored to create a national system to track radiological materials that could be used to make a dirty bomb was finally passed. I thought: OK. Great. I can check that off my worry list, which is a pretty long list being a Senator from New York.

Then I find out that the administration announced a national plan, which was the whole idea behind tracking radiological materials. They wanted to have a State-by-State approach. In a nutshell, that is what is wrong. It is a national problem. The attacks of 9/11 may have happened in Washington, in New York, and in a field in Pennsylvania, but they were attacks on every single American, on our way of life, on our values, on our freedom. I don't think we want State-by-State responses. Do you think terrorists are going to stop at a State border or a county border? I don't.

We have to restore confidence and competence as we approach this problem of homeland security. We have made some progress but not nearly enough. Sadly, I think we have put different priorities ahead of securing our country. I regret that. I hope we make amends. I hope we get back on the right track with a comprehensive plan, with the right strategies, with the appropriations we need, and with the distribution of those taxpayer dollars in a smart and effective manner, not politics as usual.

I see on the Senate floor my colleague and friend, one of the great leaders on homeland security, the Senator from Maryland. I yield to her whatever time she needs.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you very much.

Mr. President, once again I rise with great pride to support the amendment offered by the Senator from New York, Mrs. CLINTON, as she has so often in the past stood for the fact that funding to fight terrorists and to be ready for any kind of major disaster should be based on risk. In other words, money should go to where there is the greatest risk. The Senator from New York has been a longstanding advocate of this from September 12 to standing here today.

I support this amendment, as I, too, have done in the past. I am so frustrated with the Department of Homeland Security. It can't get its act together. It can't get the job done. It makes poor decisions on allocation, and it is saturated with waste and fraud.

The last straw was when I opened the paper and saw that the Department of Homeland Security was slashing funds for high-threat urban areas. The money was leaving the Capital region and New York to go to States such as Nebraska. I respect the people of Nebraska. If they are in danger, I want them protected. I don't know about the threats of Montana and Minnesota, but I sure do know about the threats in Maryland. We are part of the Capital region, the home of the President of the United States, the home of the Congress of the United States, the home of the Cabinet that runs Government, the home of the Supreme Court, and the FBI.

In the Capital region we have the Pentagon, we have the Central Intelligence Agency. In Maryland, we have three intelligence agencies gathering technical information—and they say we are not a high threat?

On September 11, we lost 60 Marylanders at the Pentagon, mostly African American, mostly who worked in the clerical positions. And we said a grateful nation would never forget. Just like the other Marylanders who died at the World Trade Center, we said a grateful nation would never forget. And the way that we are never going to forget is to make sure it doesn't happen again—to protect against attacks and, second, that we were going to do whatever we could to be able to be ready and respond to any of these attacks.

When we saw that smoke here at the Capitol that day, it just wasn't on television. I was so proud of the fact that it was Maryland first responders who were first on the scene because they work together in the Capital region. Rescue One out of Chevy Chase, MD, dashed across the Potomac to be first on site at the Pentagon. They were worried in northern Virginia because they didn't know what else would happen.

I visited that site. Again, on a bipartisan basis, I and OLYMPIA SNOWE toured the site together. We saw the rubble of the Pentagon. We saw them working to save lives. We saw how they had worked together in the Capital region. Obviously, Homeland Security, its agencies, and its database doesn't get it. They don't get it. They do not get the fact that the 9/11 Commission recognized the threats facing our urban areas and said target the resources at the areas of greatest need.

The Senate recognized the threat facing the Capital region when they worked with Senators WARNER, ALLEN, SARBANES, and myself to establish an Office of the National Capital Region so we could coordinate in the most effective way. It enabled the Capital region and also New York and other major areas to receive extra resources. However, the Department of Homeland Security that gave us the Katrina aftermath ignored Congress and ignored the Commission, and they slashed the resources for New York and the Capital region by 40 percent. They said we had gotten money. Oh. Right.

They said: Our database shows you don't deserve it. Thank God for the Department of Homeland Security's IG. There they go again over there at Homeland Security. They can't get it right. Their own inspector general said the Department's ability to assess risk is seriously flawed.

Guess what. They count an insect zoo and a bourbon festival as critical infrastructure.

When you listen to the fact that an insect zoo ranks up there with the Supreme Court, doesn't that bug you?

Earlier this year, the Department of Homeland Security failed to list the Statue of Liberty and the Empire State Building.

They do not know the difference between a bourbon festival and the Statue of Liberty. They don't seem to know the difference.

This is the data that the Department of Homeland Security used to allocate the funding for Homeland Security grants.

There were in the State of Indiana over 8,000 assets listed, and in New York over 5,000. Just come with me down the Baltimore-Washington corridor as you pass these agencies that are helping people. There are the threats. We have high-threat targets because of what they do in national security, such as the National Security Agency.

We have threats of the heart, like the National Institutes of Health. Can you imagine the blow to research if something happened to NIH? Then come with me over there to Calvert Cliffs where we have a nuclear power plant, and then come up along the bay and see the U.S. Naval Academy.

How does that rank? That is Maryland. Then, of course, there is New York. We all know that New York showed up on every single list.

I commend the Senator from New York for offering this amendment. I believe that as we have organizational reform for Homeland Security, as the

Collins' amendment did, and the Clinton amendment made such a strong point, we should have resource funding reform, and the heart and soul of that is the resource funding should follow risk.

The Department of Homeland Security along with FEMA should be operating on a risk-based strategy with confident professional people who have to learn the difference between an insect zoo, the Supreme Court, and the White House. If they can't get that straight and they didn't know how to build lessons, and they say: Don't worry "Brownie," you are doing a good job, there they go again. I am fed up with it.

If I could vote one more time to dissolve the Department of Homeland Security, I would. I can't quite do that. But what I can do is make sure that the right resources go to the areas with the greatest risk. Baltimore would benefit. The Capital region would benefit. New York would benefit. But it is not about money. It is about saving lives and saving people.

I want to enthusiastically support the Clinton amendment and know that we are here to try to do this, to save lives, to save communities, and to protect the United States of America. If they do not know how to be the Department of Homeland Security, let us in Congress be the ones who understand it and properly fund it.

In conclusion, I thank the Senator from New Hampshire because under his leadership the Commerce-Justice Subcommittee was the first committee to hold comprehensive hearings on terrorism. He remembers the questions and who was in charge. Obviously, you can see that the Department of Homeland Security is not.

I support the Clinton amendment and am happy to be a cosponsor.

Mrs. CLINTON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 18 minutes and 38 seconds.

Mrs. CLINTON. I yield 6 minutes to the Senator from New Jersey, to be followed by the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes.

Mr. LAUTENBERG. Mr. President, I thank the Senator from New York for yielding time.

What the Senator is attempting to do is make sure we react appropriately to the threats we face. We talk about making sure our citizens are safe. We want to make sure they are safe from terrorist attacks around the world, but it has to be focused on protecting our homeland from yet another terrorist attack. Unfortunately, the amounts dedicated to State and local Homeland Security grants in this bill fall far short of that goal.

Senator CLINTON's amendment is crucial because it restores $790 million that has been slashed from Homeland Security grant programs over the past 2 years. This amendment will help ensure our high-risk States and cities get what they need to protect their citizens and to defend our country.

How can we justify cutting Federal Homeland Security funds at this time? The administration has been warning us about terrorist plots targeting the passenger rail tunnels between New York and New Jersey. They have broken up another plot that targeted the Sears Tower in Chicago, areas that are under considerable risk. How do we justify cutting funds?

We are going to spend some $500 billion on the war in Iraq and Afghanistan before this year is out. We should be making sure we protect ourselves from an attack from abroad. But how about attacks within our boundaries? Almost 3,000 people lost their lives on September 11. Nothing could have been worse than to see the consequences of that, as we did from the State of New Jersey. We could see the smoke from the towers. We could see the disappearing World Trade Center facilities.

The Clinton amendment restores funding for the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the urban area security initiative to the fiscal year 2005 levels.

New York and New Jersey bore the brunt of the attacks on September 11 and continue to be the most at risk. Just recently, a Lebanese citizen was taken into custody with two other individuals for plotting to bomb the PATH railway tunnels under the Hudson River that connect New Jersey and New York.

We have seen terror strikes all over the world. Just yesterday, bombs went off on 7 different trains during rush hour in India, killing 160 people and wounding over 460. We do not yet know who is responsible for that atrocity, but coming on the heels of the London and Madrid transit system bombings and the two attacks on the World Trade Center, it is clear that terrorists strike in places that are vulnerable, where they can maximize the number of innocent civilians who will be killed or wounded.

The FBI has identified the 2-mile strip between the Port of Newark and the Newark Liberty International Airport in New Jersey as the most at risk area in the entire Nation for a terrorist attack. Yet my State's Homeland Security funding was cut by $4.6 million when the fiscal year 2006 grants were allocated. And New Jersey got off relatively well, with an 8 percent cut, compared to New York, which lost 37 percent of its funds, or Texas, which lost 31 percent of its funds.

Are we truly protecting our citizens if we keep cutting homeland security funding? No, we are not. Have we already won the war on terror? Has the mission been accomplished?

We are fighting terrorists in Afghanistan and Iraq. We want to make sure our troops on the front lines there have everything they need to do the job. But the other front line is the home front line. We have to make sure our States and our cities and particularly those places most at risk have everything they need to do the job.

What are our priorities in the Senate? Reducing inheritance tax for multimillionaires or providing our communities with Homeland Security funds? This is the choice we face on this amendment.

We may disagree on whether it is appropriate to have nonrisk-based formulas apply to Homeland Security grants, but we can all agree that cutting overall funding year after year is not making anyone safer.

I urge my colleagues to support Senator CLINTON's amendment. I proudly support it. We desperately need this restoration of funding for homeland security. I urge my colleagues to support this amendment.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I am pleased to speak on behalf of this amendment to strengthen our homeland security efforts—specifically the ability of first responders to prevent, prepare for, respond to, and recover from terrorist attacks or catastrophic natural disasters. I commend my colleagues, Senators CLINTON, SCHUMER and MIKULSKI, for authoring this critical amendment and am proud to join them as a cosponsor.

September 11, 2001, changed our lives forever. We face new and dangerous threats from our enemies that we must be prepared to deal with. Furthermore, the Federal response to Hurricane Katrina proved beyond a shadow of a doubt that we are still a nation unprepared for catastrophe. We know our first responders lack the training, equipment, and frequently the manpower they need to do their jobs. Most don't even have the basic capability to communicate with one another across jurisdictional and service lines, and Hurricane Katrina demonstrated that sometimes during a major catastrophe they can't communicate at all.

Yet the Bush administration seems to have turned its back on the lessons of September 11, 2001, and of August 29, 2005, the day Hurricane Katrina made landfall. The President's budget proposal did nothing to indicate otherwise. That proposal eliminates a number of first responder programs and cuts others, leaving those on the frontlines of the war against terror or on the frontlines of a hurricane, struggling to make do with less. It was the latest chapter in an ongoing assault on these vital programs: this is the third straight year the administration has sought dramatic cuts in first responder funding, down from $3.95 billion in fiscal year 2004 to just $1.97 billion in this year's request.

The appropriators have done what they could to restore the worst of the proposed administration cuts, but their bill still leaves some programs below current levels. We simply cannot continue to shrink these accounts that form the backbone of our homeland defense. This amendment calls a halt to this dangerous slide. It would provide $790 million to restore the key first responder accounts to fiscal year 2005 levels. Specifically, the amendment would: Add $600 million for the State Homeland Security Grant Program, SHSGP, the fundamental building block of States' homeland security efforts, to bring it to $1.1 billion; add $50 million for the Law Enforcement Terrorist Prevention Program, LETPP, to restore it to $400 million. This program helps empower our first responders to prevent terrorist attacks, not simply respond after the fact. Add $140 million for the urban areas security initiative, UASI, to restore the program to the FY 2005 total of $885 million. This program targets additional resources to urban centers that bear particular risk of terror attacks.

Frankly, we can and should do more. Interoperability—the ability for our first responders to talk to each other—is an urgent need and one that will cost far more than even this amendment will provide. In 1993, an expert task force chaired by our former colleague Senator Warren Rudman concluded that the Nation needed to invest nearly $100 billion more in equipping and training our first responders. Instead of heeding that call, this administration has instead led us down a path of shrinking resources for first responder programs. This amendment would be an important step to reverse the erosion of these critical accounts.

Our enemies are ruthless and choose their own battlefields in the communities where we live and work. Nature, too, can be ruthless and will strike in unpredictable ways year after year. We must have first responders who are trained and equipped not just to prepare for and respond to catastrophes but to work to prevent them, as well.

We worked with a real sense of urgency after September 11, 2001, to secure our nation. We must summon that same sense of urgency now to close the security gaps that remain. I wish there was a cheap way to do that. But there isn't. It takes money—more money than the administration's budget offers and more money than this appropriations bill currently provides. I urge my colleagues to support this amendment so that we can make additional headway toward our goal of being better able to prevent, prepare for, respond to, and recover from the terrorist attacks and natural disasters that are sure to come.

Mrs. CLINTON. How much time remains?

The PRESIDING OFFICER. The Senator has 12 minutes and 53 seconds.

Mrs. CLINTON. I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 4587

Mr. SCHUMER. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I call up my amendment No. 4587.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mrs. BOXER, proposes an amendment numbered 4587.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount appropriated for transit security grants by $300,000,000)

On page 91, line 6, strike "$2,393,500,000" and insert "$2,693,500,000".

On page 91, line 22, strike "$1,172,000,000" and insert "$1,472,000,000".

On page 92, line 13, strike "$150,000,000" and insert "$450,000,000".

On page 92, line 16, insert ": *Provided*, That not less than $50,000,000 shall be made available for grants for transit and intercity passenger rail security research and development: *Provided further*, That not less than $50,000,000 shall be made available for grants for overtime compensation in high threat areas" after "transit security grants: *Provided further*, That the amount provided under this subparagraph is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234" after "security grants".

Mr. SCHUMER. Mr. President, I am proud to join with my colleagues from New York and New Jersey. We are doing three amendments together. One, Senator CLINTON's amendment, increases the threat money. The second, the amendment of Senator MENENDEZ, which I believe will be offered within the hour or shortly thereafter, will change the wording in the formula. My amendment increases money for transit homeland Security by $300 million. All of these amendments are important to our New York-New Jersey area.

We have seen, in the last few months, two things. First, the New York-New Jersey area, of course, continues to be, unfortunately, a target of choice. When terrorists talk about creating devastation to our homeland, unfortunately, New York comes first to their minds. It means that our city has to be extra vigilant. Our State has to be extra vigilant. Our friends across the river have to be extra vigilant.

Frankly, while there are threats everywhere, New York has to be more vigilant than anywhere else. Yet in a deep disappointment that still wounds us, the Homeland Security Department dramatically cut back on our funding.

The amendment Senator CLINTON is offering with which I am proud to be her partner, along with Senator MENENDEZ and Senator MIKULSKI, basically increases the overall pot because we have two problems. The pie is not large enough, and the way the pie is distributed, maldistributes the money. Senator MENENDEZ' amendment deals with how the money is distributed.

It is an outrage that the Secretary of Homeland Security, who promised Congress before he was nominated that he would be fair to New York, has cut back so dramatically. He has used the most foolish of formulas. He had a peer review process. I have great respect for the sheriff of a small town in the Rocky Mountain States, but in all due respect to that sheriff, he should not be the judge of how New York needs money.

Today we saw the list of terrorist sites. It reaches the point of absurdity. The Old McDonald Petting Zoo is a target for terrorists. I have been to petting zoos when I was a kid. I took my children to petting zoos, but I never saw a terrorist hiding behind one of the sheep in Little Bo' Peep's flock. Then they have the Amish Popcorn Factory as a terrorist site.

Why did this happen? It is because of the careless and sloppy attitude at Homeland Security that reflected itself in the formula by which our city and our State were dramatically cut.

The amendments we are talking about would both increase the size of the pie desperately needed when we know the war on terror is real and the threat to our homeland is not subsiding. It is desperately needed because we are one Nation. Just as the mayor of New York City is not on some peer review panel to determine whether New York City should get corn subsidies, the small town officials, who are very good people in defending their city, are not the folks to determine how much New York needs and where it needs it. We will be having other amendments later that deal with some of the specific issues.

My amendment is the third leg of this stool. New York has been targeted repeatedly, whether it is releasing cyanide on a New York City subway car or trying to blow up the PATH that Senator LAUTENBERG talked about that brings millions of commuters during the course of each year across the river from New Jersey to New York.

The terrorists know what we are doing. The Internet allows them to know it. They look for our weakest pressure point.

We have done virtually nothing on rail security. Nothing. We spend a couple of pennies for each mass transit rider while we spend $7 or $8 on each person who flies. And I am glad we spend the $7 or $8 on the people who fly. But mark my words, the terrorists know if air travel is pretty well protected they will look somewhere else.

The most logical place they look, unfortunately, is to the rails, where millions of people are in unguarded entrances, coming together. We saw it in Madrid. We saw it in London. Unfortunately, once again, we saw it in Mumbai yesterday. We will see it again. I wish that were not true. God forbid, but it will happen.

This is a modest amendment. My colleague, Senator BIDEN, asked for a large amount of money. This is just $300 million, but it will go a long way. Right now we only spend $150 million. What we would do in our amendment is double, add $200 million, grants on rail security, the personnel, the dogs. Talk to terrorist experts. They say dogs that can smell explosives or biological or chemical weapons are the best anecdote. This would pay for things like that.

We also put aside $50 million to develop detection devices. Technology allowed terrorism to occur. Technology can protect us. But we are not availing ourselves of that technology. One of the things I have been pushing for for years is the money to develop a detection device, much like a smoke detector, that could sit on the ceiling of a subway car or in the entrance of a railroad station. When someone came by with a great deal of explosives or biological or chemical or nuclear material on their bodies, it would go "beep, beep, beep," and the police would be able to make an arrest before damage was done.

This amendment sets aside a modest $50 million to begin that research.

Finally, the amendment provides $50 million for overtime reimbursement. Every time we hear of a threat in a different part of the world, the New York City police department must put men and women on overtime to guard the subways and the dog squads and everyone else. This is a Federal responsibility.

The bottom line is, the soft underbelly of subways, buses, and tunnels are highly vulnerable to the kinds of terrorist attacks we have seen in London and Madrid and Mumbai. Unless we take real steps to beef up mass transit security immediately, the bottom line is, we spend more than $7 per airline passenger on air security but little more than a penny per mass transit rider.

In the wake of these most recent threats and yesterday's tragic attacks in India, we need to be doing a lot more to even the score. This week, we have increased funding for border security and port security. I ask my colleagues to do the same for rail systems. I will ask for the yeas and nays on this amendment at an appropriate time.

I yield back the remainder of my time to my friend and colleague from New York.

Mr. MENENDEZ. Mr. President, I rise in strong support of the amendment offered by my friend and colleague from New York. Sadly, today is an all too appropriate day to be offering an amendment to increase transit funding. Yesterday, the savage bombing of eight commuter trains in Mumbai—densely packed during the evening rush hour by people just trying to make their way home—showed once again that terrorists find public transportation to be an extremely attractive target. Currently, the Indian government reports that over 200 people died in the blasts, and the death toll is rising. And so our thoughts and prayers are with the people of Mumbai, and our minds should be riveted back here in the United States.

Two years ago, we saw tragic bombings in Madrid; last year, in London; yesterday, Mumbai. Each of these should have served as a wake-up call to this country, a call to action for Congress to act to secure the over 14 million Americans who use public transportation to get to work each day. The recently disclosed plot against the tunnels under the Hudson River highlights the need for action. One of the targets was the PATH subway tunnel that carries over two hundred thousand people a day back and forth between New York and New Jersey. And yet, we continue to spend a virtual pittance on transit security. The Federal Government spends about $9 on security for each airline passenger, but only about 1 cent for each bus or train rider. While we need to secure our airways, we also need to secure our streets, our rails, and our subways.

According to the American Public Transportation Association, our Nation's transit systems need over $5 billion in capital equipment and $800 million per year in annual operating expenses in order to adequately meet security needs. One hundred and fifty million dollars a year is not going to get us there. The Schumer/Menendez amendment provides $300 million—not the entire amount we need but a crucial increase over what we are currently providing. In addition to adding $200 million for additional transit security grants, the amendment also provides money for research into new security technologies for transit and intercity rail. We all know that airport-style screening of everyone boarding a train isn't going to work. But that doesn't mean we can simply give up. New technologies offer the promise of being able to detect explosives and chemical weapons far quicker and less obtrusively than we do now, but we need to put the money into researching those technologies. This amendment will do that. This amendment also provides money to help local law enforcement authorities out with overtime when their region is declared to be a high threat area, which is sorely needed in high-risk areas such as the New York and New Jersey metropolitan region.

I never want to be standing here and discussing an attack that happened a day earlier on an American subway system, on American trains, or on American buses. It is bad enough that I have to stand here today and discuss yesterday's tragic events in India. But this is one more wake-up call to a Congress that has continued to hit the snooze button when it comes to transit security. I want my colleagues to ask themselves what they would be willing to do, what commitment they would be willing to make, if yesterday's news had been about trains in New York, Chicago, Los Angeles, Atlanta, Denver, Houston, Buffalo, or any other American city. Well, we don't need to wait for an attack on American soil. We can make that commitment now, we can provide the resources now so we don't look back some day and ask ourselves, "Why didn't we do then what we need to do today?" And we should ask ourselves now, "How much more would we be willing to spend after the fact?" It is far more expensive to respond to an attack than to try to prevent one. The Schumer/Menendez amendment is not the final step, but it is a necessary step, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent to set aside my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4576

Mrs. CLINTON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Three minutes 12 seconds.

Mrs. CLINTON. Mr. President, I ask unanimous consent that Senator BOXER be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I think this debate must be very confusing to people around our country who might be tuning in or sitting in the galleries because we should be spending an appropriate amount of money, not wasting it. We should have it focused. We should not be thinking of funding places and institutions like those referred to by both Senators SCHUMER and MIKULSKI. And I think it is bewildering for us even on the floor.

It has been so difficult to get a straight story out of the Department of Homeland Security, to get any kind of clear sense of what the strategy is. What is it we have to do to make a case based on threats and risks? And why is money being cut from the places that are at the top of the terrorists' hit list?

I do not have an explanation. The closest I can come is that we have other priorities in this Congress and on the other end of Pennsylvania Avenue. We would rather spend money on tax cuts for the wealthiest among us. I just do not get it.

But we have a chance to send a very clear message with this amendment, to say: Look, there is not anything more important. Let's do it right. Let's require the highest level of competence from this administration and particularly the Department of Homeland Security. Let's not spend money wastefully, but let's spend money where we know it will give us the best results to protect our country.

I make a special plea on behalf of New York. We have spent billions of dollars in New York City and New York State. It is not like we have been waiting around. We have created a 1,000-person intelligence unit with the NYPD, with detectives all over the country. We have spent a lot of money beefing up the personnel and putting in equipment. But we need help. We cannot take a 40-percent cut and protect everything that needs to be protected in New York City—from the mass transit system, to the Statute of liberty, to the United Nations, to the ports, to bridges, to the tunnels; you name it.

So I hope we will have a bipartisan vote in favor of going back to the amount of money we spent in 2005, and making sure we spend it in accordance with threat and risk.

Mr. President, I ask for the yeas and nays on amendment No. 4576, and yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back her time.

Is there a sufficient second for the yeas and nays?

There appears to be a sufficient second.

Mr. GREGG. This is on the Clinton amendment?

The PRESIDING OFFICER. On the Clinton amendment.

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire controls 20 minutes.

Who yields time?

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, let me begin by saying that when I read the article that was in the paper about the decision to basically transfer a significant amount of dollars from New York and Washington, I was surprised and quite shocked. I said to myself: That doesn't make a whole lot of sense. Because I think most of us understand that New York, Washington, Los Angeles, Chicago, and a couple of other spots which are probably better not to mention, are truly the No. 1 targets. Certainly, New York is at the top of every list, as is the city of Washington. So I thought: Why are we doing that? Or why was the Department doing that? They did not advise us, obviously.

I looked into it, and they have a peer-review process for the application of these funds. All these funds go out under a threat-based concept. This has been the insistence of this committee. There are funds that do go out under the formula. I do not happen to be a big fan of the formula. It is not a lot of funds compared to the entire block of funds. But the vast majority of the funds flow out on the basis of threat-based decisions.

Now, what happened was, of the 46 cities that were in competition for these funds, New York came in 44th and the District of Columbia came in 42nd in evaluation of their proposals. And their proposals, in fact, were just plain poorly written; not only poorly written, they were poorly structured, and they did not have behind them the backup that was necessary to make them viable proposals.

In that context, the decision was made to take these funds and move them over to other applicants who had put in better proposals. I guess if I had been managing the Department, what I would have said is: Listen, we know that Washington and New York are the primary targets. We also know these proposals, as they came forward, were just not very good proposals and really did not accomplish the goals we are seeking in the issue of addressing threat and effectiveness. And effectiveness should be part of this. We should not take effectiveness out because there is no point sending money out if we are not going to get results for it.

Probably, if I had been in charge, had the magic wand, I would have said, escrow this money until we can work with these two cities, and regions in the case of New York and Washington, and get the plans in order. But that is not the decision that was made. The decision was made to move the dollars to other locales. So there are equities, in my opinion, in the arguments made by the Senators from New York and the Senators from Maryland and New Jersey. And the equities are strong enough that we actually put language in our report that requests that the Department place a higher priority on risk and that they focus on dealing with this type of a situation. And I am certainly expecting it will not happen again the way it happened this year.

But that is not the essence of this amendment. The essence of this amendment offered by the Senator from New York is to increase funding above our allocation—I guess it claims it as an emergency—and to basically put additional dollars on the table for the purposes of these types of threat-based grants.

Now, I think it is important to understand that since we started this program we have put $14.6 billion into the pipeline to try to assist the cities and areas of highest risk, and that in this bill we have $2.4 billion to accomplish that. That is a lot of money. And of that money, only $6.1 billion has actually been taken down. In other words, there is still literally close to $9 billion when you consider this year of money available to address these issues. And to put another big chunk of money on top of that, really, I do not think is going to improve the situation from the standpoint of what New York and Washington are concerned about, because I think there is enough money in the pipeline to accomplish much of what they desire.

The right way to correct this problem relative to New York and Washington is to have the Department understand these are the priority sites, and that if the proposals coming in from these two regions are not of a quality that give the Department confidence that the money is going to go out and be used effectively, then they should sit down with these two regions and work out the process so we do it right—escrow the money, sit down, work out the problem, figure out how the money can be used so everybody knows it is being use effectively. So that would be the way I would resolve this issue.

To simply put more money in the pipeline, when we have this much money in the pipeline, I do not think is going to resolve it. For all we know, they might still not get the money if they went through this same approval process they had this year. Hopefully, they won't. I did note comments by the mayor of New York—and I respect him for this—where he said he recognized the proposal they sent down here was not up to snuff. That is my characterization, but that is the way I read it. And he is right. It was not. But that did not mean they should not have gotten the money. It should have meant the Department should have sat down with them and figured out how to get it right. However, that is, as they say, history.

As we have moved forward, I believe we have put in adequate language to make it clear. And certainly this floor discussion, I hope, illuminates the issue further, that we expect these two regions to receive the resources which are in the pipeline, and to receive them in a robust way, but under the condition that the various programs which they send down here have been worked through so both sides have confidence the money is going to be used effectively.

I will, however, have to make a point of order against this amendment from the Senator from New York because I do not believe the best approach at this time is to simply bust the budget, put more money in the pipeline, declaring an emergency, in order to address what was really a programmatic issue and a failure of communication, to be quite honest—a massive failure—between the city of New York and the city of Washington and the Department of Homeland Security as to how they should have handled the funds which were in the pipeline.

So when the proper time comes, I will make a point of order that this amendment busts the budget and is not an appropriate use of the emergency designation.

AMENDMENT NO. 4587

As to Senator SCHUMER's amendment, which is a follow-on to Senator BIDEN's amendment, I would just renew the comments I made under Senator BIDEN's amendment. We have again increased the funding for rail. It is not anywhere near where I would like to be able to put it, but it is an increase. But, more importantly, there is a large amount of money again in the pipeline coming through the funding for Amtrak—$770 million, which is available for capital improvement.

On top of that, it is very interesting, if this is such a high priority, why has the discretionary money which we are sending to these major metropolitan communities been used in such a minor way to address rail security?

The average, I believe I said earlier, was like 2 percent, and in New York's case they are using 8 percent of their discretionary money for rail security. They get a huge amount of money. In fact, New York—and I think this should be mentioned for part of the Record—gets dramatically more money; even when they lost the funds in this competitive grant process, they still get, I think, about twice what any other community gets, twice what any other community in the country gets. And they deserve it, quite honestly. They are where the basic threat is. So I do not begrudge them that.

But the fact is, they get a large amount of resources, and they could take much more than 8 percent of those resources and put them toward rail, if they wanted to. But they do not. And to simply put more money on top of this, and, thus, once again go well beyond our allocation, is a mistake and not the fiscally prudent thing to do, nor is it the best way to approach the threat in the context of the dollars which are coming from other areas and can be used to address the threat—such as the underlying Amtrak funding, such as the grants program, which is billions of dollars, and the basic funding in this bill for rail security.

So I will also make a point of order against that amendment.

I have suggested—and I suggested it to Senator BIDEN and to Senator SCHUMER—if rail really feels it needs a significant increase in resources, they could do it the same way the airlines have done it, by assessing a fee on passengers. That is how we pay for the airlines. That is how we are paying, basically, for TSA. A $5 fee would generate, essentially, the number that Senator BIDEN wanted. About a third of that would generate the number that Senator SCHUMER feels is necessary. And that is one way they could redress their issue and still stay within the budget, if they felt it was that important a question.

AMENDMENT NO. 4576

So at this point, Mr. President, I yield back the remainder of my time, unless the Senator from New York—she used up all her time. I didn't know if the Senator wanted to respond to anything I said.

The PRESIDING OFFICER. The Senator from New York has yielded back her time.

Mr. GREGG. Does the Senator want any of my time to respond or is the Senator all set?

Mrs. CLINTON. Two minutes if I could.

Mr. GREGG. I yield the Senator 2 minutes of my time.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mrs. CLINTON. It is my understanding that a point of order has been made against my amendment.

The PRESIDING OFFICER. The point of order has not yet been made against the amendment. The Senator from New Hampshire suggested he would make a point of order but has not made such a point of order. The Chair has not heard a point of order formally put to the Chair against the amendment.

Mr. GREGG. I inform the Chair that pursuant to the deeming language of Public Law 109-234, I raise a point of order against the emergency designation of the pending amendment.

The PRESIDING OFFICER. The Chair advises the Senator, a point of order is made appropriately at the end of the debate. The Senator from New York was asking a question whether a point of order had yet been made.

Mrs. CLINTON. Mr. President, I hear a point of order that I will then respond to.

Mr. GREGG. I yield back the balance of my time, unless the Senator from New York wants 2 minutes. I renew the point of order.

Mrs. CLINTON. Mr. President, pursuant to section 402 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Collins
Dayton
DeWine
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

Mr. GREGG. Mr. President, I raise a point of order against the pending amendment because it would cause the bill to violate section 302(f) of the Budget Act.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 4587

Mr. GREGG. Mr. President, we now move to the Schumer amendment. At the conclusion of the debate, I reserve the right to make a point of order against the Schumer amendment.

I ask unanimous consent that there be 2 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized for 1 minute.

Mr. SCHUMER. Mr. President, this amendment is simple. It adds $300 million to probably the most woefully neglected area of homeland security, and that is security on the rails, whether it be mass transit, whether it be long-term passenger rail, or freight.

We have seen in the last year that transit rails are a target of choice for terrorists. We saw it in London, we saw it in Madrid, and we saw it just yesterday, unfortunately, once again in Mumbai. Our rails are very vulnerable. We spend over $7 per air traveler for homeland security; we spend about a penny for mass transit. And the terrorists always look for our vulnerability. Transit is vulnerable. Passenger rail is vulnerable. Freight rail is vulnerable. There are miles and miles of unguarded track and thousands of people entering unguarded entrances. If there were ever a place we needed help, this is it.

There are, obviously, things we are doing on port security. The amendment of the Senator from West Virginia increased that funding. It makes no sense, given that the rails have been the target of the last three major terrorist attacks around the world, to have a paltry $150 million for rail security.

Mr. GREGG. Will the Senator from New York yield? I believe we had a 1-minute agreement.

Mr. SCHUMER. I thought it was 2. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 34 seconds remaining.

Mr. SCHUMER. Thirty-four seconds. In the interest of moving things along, I yield back the remainder of my time and urge an "aye" vote on this important amendment.

Mr. GREGG. Mr. President, also in the interest of moving things along, the debate in opposition to this amendment has been made relative to the Biden amendment. It is basically a "little Biden," and it is in excess of the ability of this committee to fund it at the levels being suggested.

Pursuant to the deeming language in Public Law 109–234, I raise a point of order against the emergency designation in the pending amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, pursuant to section 402 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—50

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Wyden

NAYS—50

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the emergency designation is removed.

Mr. GREGG. Mr. President, I raise a point of order against the pending amendment. The amendment would cause the bill to violate section 302 of the Budget Act.

Mrs. FEINSTEIN. We can't hear, Mr. President.

The PRESIDING OFFICER. Will the Senator repeat the motion.

Mr. GREGG. I raise a point of order the amendment would cause the bill to violate section 302 of the Budget Act.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 1556

Mr. REID. I ask for the regular order with respect to the Feinstein amendment.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 4557

Mr. REID. I make a point of order against the Cornyn amendment. It is legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mrs. FEINSTEIN. Is this the second-degree amendment?

The PRESIDING OFFICER. The second-degree amendment falls on the point of order.

The Feinstein amendment is now pending.

AMENDMENT NO. 4556

Mr. GREGG. Mr. President, I ask the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

Mr. GREGG. Mr. President, the game plan now is to recognize the Senator from New Jersey to speak on his amendment. Then we will go to the Senator from Alabama to speak on amendments which he is going to offer. There will not be any more votes tonight. Those will be the only amendments offered this evening. I will formally ask unanimous consent to that point. Then tomorrow morning we hope to structure it so we begin voting around 10 or 10:30, initially on the amendment of the Senator from New Jersey and potentially, or hopefully, on the amendment of the Senator from Arizona and the Senator from Pennsylvania, which they will have a chance to debate in the morning prior to the amendments. Then, around 12 o'clock, we know we are going to have an amendment offered by the Senator from Ohio and we will go to that amendment. In the interim, there will also be an issue of the amendments of the Senator from Alabama and other amendments which people may wish to bring forward.

At this time I ask unanimous consent the Senator from New Jersey be recognized, followed by the Senator from Alabama, to offer their amendments, and that those be the only amendments offered this evening, and at the conclusion of the debate on their amendments we go to a period of morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

AMENDMENT NO. 4634, AS MODIFIED

Mr. MENENDEZ. Mr. President, I call up amendment No. 4634, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. MENENDEZ) proposes an amendment numbered 4634, as modified.

The amendment is as follows:

(Purpose: To provide that appropriations under this Act may not be used for the purpose of providing certain grants, unless all such grants meet certain conditions for allocation)

On page 127, between lines 2 and 3 insert the following:

SEC. . Notwithstanding any other provision of this Act, appropriations under this Act may not be used for the purpose of providing—

(1) formula-based grants or law enforcement terrorism prevention grants, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent praticable, with no State receiving less than 0.25 percent of the funds available for each such grant program, and American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands, each receiving 0.08 of the funds available for each such grant program;

(2) discretionary grants for use in high-threat, high-density urban areas, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent practicable.

Mr. MENENDEZ. Mr. President, on July 7, just last Friday, media outlets across the Nation reported the news that the FBI had apparently foiled a plot to bomb the transit systems that connect New York and New Jersey.

The revelation of this latest plot paints a clear picture of where the terrorists intend to target their actions. Clearly, they want to strike where they can create the greatest loss of life and economic damage. Time and time again, we see that areas like New York, New Jersey, Washington State, California, Chicago, and others are high on the target lists of terrorists.

These most recent threats against New York and New Jersey are only one example of this in one key area.

Why had the terrorists chosen to attack the tunnels and rail system that connect the city of New York with the citizens of New Jersey?

Because they wanted to inflict great damage, not only to the tunnels and the trains and the people on them, not only to the city of New York and the citizens of New Jersey, not only to the metropolitan area that encompasses New York, New Jersey, and Connecticut—no, the terrorists chose to plan their attack on the New York-New Jersey transit system because they wanted to inflict great damage on the entire country.

More than 100,000 people use the Holland Tunnel everyday. More than 200,000 people ride the PATH trains every day.

Mr. President, 18.7 million people live in the New York/New Jersey metropolitan area, nearly 6.5 million of whom come from New Jersey. New York is home to the financial heart of our country, with key financial institutions housed right across the river in New Jersey. Imagine what would happen to the Nation, not just New York or New Jersey, if these financial institutions were shut down.

The port in New Jersey, the largest container seaport on the east coast, the third largest in the Nation, handled more than $132 billion in goods in 2005 and creates over 200,000 jobs. Imagine what would happen to the Nation, not just New York or New Jersey, if commerce were shut down in this port.

The greatest "zone of vulnerability" in the U.S. is in South Kearney, NJ, where 12 million people live in proximity to a chlorine chemical plant. An explosion at the facility would endanger the life and health of people caught in the path of the prevailing winds to that great extent.

The FBI has placed more than a dozen New Jersey sites on the "National Critical Infrastructure List" and has called the area between Port Elizabeth and Newark International Airport the "most dangerous two miles in the United States when it comes to terrorism." An article in the New York Times pointed out that this 2-mile area provides "a convenient way to cripple the economy by disrupting major portions of the country's rail lines, oil storage tanks and refineries, pipelines, air traffic, communications networks and highway system." Imagine what would happen to the Nation, not just New York and New Jersey, if the most dangerous 2 miles in America was attacked.

Clearly, as we saw last Friday, the terrorists can imagine exactly what would happen if they attacked New York and New Jersey.

If the terrorists understand that New York and New Jersey are targets, why can't the Department of Homeland Security?

The recent inspector general report on Homeland Security's National Database shows that we have it wrong. Certainly the Department of Homeland Security has it wrong, once again.

According to a recent article by the New York Times, the report "reads like a tally of terrorist targets that a child might have written: Old MacDonald's Petting Zoo, the Amish Country Popcorn factory, the Mule Day Parade."

The inspector general found that the list included items "whose criticality is not readily apparent" but are still included in the Federal antiterrorism database and that "the presence of large numbers of out-of-place assets taints the credibility of the data."

The fact that this database is being used to help determine risk-based funding simply makes no sense.

The bottom-line is that States and municipalities across the country that actually are under the greatest risk should receive the greatest number of homeland security dollars based on that risk. I cannot understand why the Department of Homeland Security would not use a truly risk-based formula when awarding their grants.

That is why I am offering the Menendez-Lautenberg amendment today. The amendment states that no funds in this bill should go to homeland security grants unless they are based on an "assessment of threat, vulnerability, and consequence, to the maximum extent practicable." Not exclusively, but "to the maximum extent possible."

The amendment also allows, in specific cases, for each State to receive a minimum of .25 percent of the grants. Let me be clear: while I would prefer to give all funds based on risk, I believe that this compromise which makes this amendment different than previous amendments based on risk, will allow more support for this amendment.

It also moves in the direction of where the White House has said they want to see us go on the question of homeland security funds. This is also the same minimum percentage included in the House legislation recently endorsed by the former Chairman and former Vice Chairman of the 9/11 Commission.

I certainly hope with this minimum percentage guarantee that our Senate delegation will be able to support this amendment.

Since we only have a finite amount of money, this is not a place where revenue sharing should be the policy. Just as Senators from agricultural areas of the country call on those of us who may not have much agriculture for our support, just as the Senators from ravaged flood areas call on us for our support, just as Senators from areas hit by hurricanes call on us for our support, those of us who come from high-target areas across the country call on the rest of the Senate for equal treatment when it comes to risk-based funding.

Many of us in the Senate have been fighting for risk-based funding for years. I know Senators LAUTENBERG, CLINTON, SCHUMER, and others have led the fight in the Senate. I know our senior Senator from New Jersey has been a leader over and over again. We are thankful to him for his leadership. I fought for risk-based funding as a former Member of the House of Representatives. I included risk-based funding in the Menendez substitute to the intelligence reform bill in 2004 which was, unfortunately, voted down by my Republican colleagues. I fought for risk-based funding in the conference report on that legislation. I continued to fight for risk-based funding when I introduced the risk-based Homeland Security Funding Act in the House, which Senator LAUTENBERG also introduced in the Senate. Most recently here in the Senate, we have introduced legislation to make sure we fully and finally implement the recommendations of the 9/11 Commission, which includes risk-based funding. But today we are here to fight the next round of this battle.

I am proud to have Senators LAUTENBERG, CLINTON, and SCHUMER as cosponsors of this amendment.

It is important when we talk about homeland security. We have seen the votes on a host of these funding issues. You can't have the administration talking tough on homeland security and then acting weak. Cutting funds to homeland security grants simply makes no sense.

For those from New York and New Jersey and from other parts of the country—Pennsylvania or Washington, DC—for those from those areas where loved ones were killed on September 11 of 2001, this is not an abstract policy discussion. This is not an abstract policy discussion for us. This is personal. Over 700 people from the State of New Jersey were killed. My former congressional district looks directly at the site where the Twin Towers once stood. In New York and New Jersey, we still live with the aftermath of these attacks on a daily basis. Just today, we learned in a Quinnipiac poll that 77 percent of New Jerseyans expect a terrorist attack in the United States in the next 6 months.

The No. 1 role of our Government is to keep us safe. That is what Americans expect. That is what the people of New Jersey have been saying to me all along. They believe—and we can see from the nature of these revelations of the plots—they are going to be attacked, and they need the Government to meet its No. 1 responsibility to them; that is, to keep them safe.

How can we keep them safe if we allow the funding for homeland security grants to be underfunded? How can we keep them safe if we aren't making sure that the places at greatest risk of attack get the most money to protect against those attacks? And how can we come to a conclusion that we don't assign—even with this compromise amendment which still provides 2.5 to all of the States but still takes the majority of that money to where the greatest risks are, how do we not hold the view that this is one country and these attacks, in fact, would affect the entire Nation?

The Senate has both an obligation and a moral responsibility to protect the people of the United States. The only way to do that is to take all possible steps to prevent terrorist attacks.

One of the critical ways is to follow the 9/11 Commission's report, a unanimous and bipartisan conclusion that homeland security funding should be based strictly on risk. We have taken that as a foundation, amended it somewhat to create, hopefully, a greater groundswell of support but still with the fundamental principle that ultimately the majority of our homeland security funding should go to where the greatest risks in our country are and the greatest risk that ultimately would affect the Nation in its commerce, in its security, and in its ability to sustain itself.

That is why I urge my colleagues to support the Menendez amendment.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. MENENDEZ. I would be happy to yield to the distinguished chairman.

Mr. GREGG. I am intrigued by the amendment. We have worked very hard on the committee to have a threat-based funding formula, so that is my goal. I have no problem with the reduction to 2.5 even though it would prejudice my own State. But my view is that the target should be where the funding goes.

I just wanted to be sure that when the Senator uses those terms of art here, that it is not his intention to undermine the capacity of peer review groups to look at the issue. The Senator used the term "unless all such grants are allocated based on threat, vulnerability, and consequence to the maximum extent practical," which seem to be pretty good words of art.

For the record, I would like to make it clear that the Senator is not trying to adjust the peer review process which looks at threat and effectiveness of the plan. Is that correct?

Mr. MENENDEZ. That is correct. We are silent on effectiveness because we think effectiveness is very important as part of that equation.

Mr. GREGG. In light of that, I probably will support the amendment, although I suspect there are others who will oppose the reduction of 2.5. In any event, I think the amendment is a good amendment.

Mr. MENENDEZ. I thank the distinguished chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first I commend my colleague, Senator MENENDEZ, for his persistence on this issue. We both come from the northern part of the State of New Jersey, which is the most dense portion of the most densely populated State in the country.

Seven hundred of our fellow New Jerseyans lost their lives on September 11, 2001. It would be hard to find people whose lives were not touched by the events of that day—whether immediate neighbors, friends, family, all of us knew someone who was killed or injured on that fateful day. From our part of New Jersey, you could see the smoke rising from the World Trade Center where many of our friends, neighbors, and loved ones worked.

The New York-New Jersey region bore the brunt of the attack on 9/11, and to this day it remains the area of our country that is most at risk of another attack. We were reminded of this just last week when authorities disrupted a plot by eight terrorists to blow up commuter train tunnels connecting New Jersey and New York. Each day, nearly 200,000 people travel through these tunnels.

Since we don't have unlimited resources for homeland security, homeland security must be targeted to those parts of the country most at risk of another terrorist attack. But that isn't currently the case. Why? Because this Congress is treating homeland security funding as just another pork project rather than sending the resources based solely on risk, as has been recommended by the 9/11 Commission. And in section 25:

> Homeland security assistance should be based strictly on assessments of risks and vulnerabilities.
>
> [F]ederal homeland security assistance should not remain a program for general revenue sharing.

This is by the authors of this Commission report which was adopted wholeheartedly in this place.

Because each State gets a minimum guarantee of funding regardless of risk or population density, we take resources from States known as major terrorist targets and give them to low-risk areas.

Politics rears its ugly head.

I saw the prevailing view on the Homeland Security Committee on which I sit—the committee of jurisdiction. I called the attention of the committee to the report of the 9/11 Commission very specifically and asked the committee to endorse fully the risk-based distribution mechanisms for funding. Perhaps my argument wasn't persuasive, but the vote was 15 to 1 against it, solely basing this distribution of grants on risk. It was painful for me to see that.

I want to give you an example. In fiscal year 2006, New Jersey received $1.92 per capita spending for State homeland security and law enforcement terrorism prevention grants. Wyoming received $14.73. New Jersey, the most densely populated State in the country, received $1.92 in per capita spending; and Wyoming—a beautiful State, though I think it is fair to say that their risk of a terrorist attack is substantially different or not even this in terms of what terrorist planning is typically doing—Wyoming, $14.73. Are the people of Wyoming seven times more likely to be the victims of a terrorist attack than the people of New Jersey? I don't think so.

The FBI has identified the 2-mile strip between the Port of New York and Newark-Liberty International Airport in New Jersey as the most inviting target in the entire Nation for a terrorist attack because of the huge amount of damage that could be inflicted. It is believed—this isn't secret, it has been published many times in many places—it is believed that a terrorist attack in this area could kill or injure more than 10 million people because of the density of population there and the presence of so many chemical facilities.

The way we fund homeland security flies in the face of the 9/11 Commission recommendations. We see it on this placard. It is a stark reminder of what we ought to be doing and how much it differs from what we are arguing.

Today, nearly 5 years after 9/11, nearly 40 percent of the State Homeland Security Grant Program is given out as "general revenue sharing" to each and every State and territory regardless of the danger they face from terrorism. The system is broken. We have to fix it. I have been trying to reform this grant program for several years.

In February 2005, I introduced a bill called the Risk-Based Homeland Security Funding Act, which would require that all homeland security grants be based strictly on risk, threat, and vulnerability. My colleague, Senator MENENDEZ, did similarly when he was a Member of the House of Representatives. The amendment offered by my colleague today moves us in that direction. That is why I so strongly support it.

Under the Menendez-Lautenberg amendment, the Senate minimums will be reduced from .75 percent of Homeland Security funding to .25 percent. That lower amount, .25 percent, is the same as the allocation President Bush recommends. Even the Bush administration confirms the .75 minimum is inappropriate and puts our security at risk. Secretary Chertoff has consistently advocated Homeland Security funding be risk-based.

By reducing these State minimums, we can better protect the Nation by getting more funding to areas that are actually under threat and risk. If Congress will not eliminate State minimums, the best way to proceed is to reduce the State minimums so that as much money as possible is directed toward the highest risk areas.

If we review past terrorist attacks, it is clear terrorists want to attack densely populated areas, areas where they can inflict the most damage. We heard my colleague, Senator MENENDEZ, talk about the damage it could do to our national economy if we have a major attack in this very sensitive area. They want to kill as many people as they can, disrupt economic life as it exists.

I urge our colleagues to support the Menendez-Lautenberg amendment. A vote for this amendment is a vote in support of the administration's position, the 9/11 Commission position, and plain common sense.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will be offering some amendments to the Homeland Security bill that I think are important. I thank Senator GREGG for his leadership and his interest and his hard work in meeting some of the demands of this Nation with regard to homeland security. Unfortunately, we have not been able to meet all of those demands. America, we have a problem, a very real problem.

This Senate and its action concerning immigration with relation to the bill that just passed this Senate is beginning to create a circumstance that in every respect looks like 1986, the year we passed the last immigration bill. We must not allow a repeat of 1986. This Senator will do all that he can to see that does not happen.

It goes to the very heart of our service in this Senate. It goes to the integrity of the Senate. It goes to the respect with which we want to be held by our constituents around this country. We must not repeat what happened in 1986. We must not allow a repeat of the 1986 immigration bill.

Back when the immigration bill started moving through the Judiciary Committee, I raised this very point. It came about in an interesting way. I offered an amendment in the committee to expand bed space. It was accepted. I offered another amendment, and it was accepted. I began to think: It is easy to authorize, isn't it? It is very easy to pass a bill that authorizes more bed space. It is very easy to pass a bill that authorizes a fence to be built along the border to improve our security. It is easy to authorize more Federal agents to be hired, more workplace enforcement to be put in place. It is easy to authorize the expansion of the US-VISIT Program, which is central to an entry-and-exit system. It is easy to authorize interior enforcement agents around the country.

But an authorization is merely an authorization. Those agents do not get hired, they will not be paid, the VISIT system will not be in place, the fences will not be built until money is appropriated. This is the bill we would expect that appropriation to take place.

That is the problem we have. The bill does provide some additional expenditures for Homeland Security and for border enforcement and for other things. For that we are grateful. But the big matters that go to the heart of whether we are going to have a lawful system have not been funded adequately. It is something we have to confront and deal with in an effective way.

In 1986, we promised we would just have amnesty one time. It was the amnesty to end all amnesties, unlike today, when we deny we are offering amnesty. In fact, the proposal we passed in the Senate does just that. It is very similar to 1986.

What was the promise? The promise is we will have enforcement in the future and we will not need another amnesty. They said in 1986 it was an amnesty to end all amnesties. That was the argument. That is what we tried to do. That is what they tried to do at the time.

What happened? The promises that were made about enhanced enforcement did not occur. I point out, 2 million people were expected to claim amnesty; 1.5 million people were expected to claim amnesty. When it concluded, 3 million people had claims. Almost double the number of people came forward to claim the amnesty, many of them with fraudulent documents and inadequate proof. But they got it because it could not be disproved, and the numbers were so large.

That system did not work well, but the amnesty was part of the immigration bill. It became law. Everyone entitled to that amnesty got it. It openly was called amnesty. I note for the record that Black's Law Dictionary, in its definition of the word "amnesty," lists the 1986 immigration bill as one of its definitions.

These people got their legal status, their citizenship track, the benefits of welfare, earned-income tax credit, and all the other benefits that accrue for people in the United States, but the enforcement never came.

Remember, we said it was not going to happen again not too long ago, just 20 years ago. Where are we today? We now have an estimated 11 million people in our country illegally. We say we have to do something about this, but we cannot call it amnesty. But we will create this little system where they pay $1,000 or $2,000 and they are on a track to full citizenship—but it is not amnesty. Mind you, there is hardly any difference between what we did in 1986, but this year it is not popular to talk about amnesty because people have been around the country listening to their constituents, and the people of America are not happy with amnesty. They do not like it.

Many Members of this Senate have promised not to vote for amnesty. So all they do when they vote for this bill is redefine the meaning of words and say it is not amnesty. They just say it is not amnesty. They vote for it and say: I didn't vote for amnesty.

They have to wait a while before they get citizenship. They have to pay $1,000. And if they held back taxes for 5 years, if they pay taxes for 3 of those years—and they pick the 3—then they have paid the price. They have paid the penalty. They earned their amnesty by paying back taxes. Yet American citizens pay their taxes all 5 years. How are you going to prove the back taxes anyway?

This is nothing more than amnesty. I drive this point home. What is the point? The point is, that has been put into law by the bill we passed in this Senate. Now they say: We will have enforcement this time; we are going to do the things that are necessary to have enforcement.

A lot of people say we really do not like a fence, but after they talk to their constituents back home—and I offered the amendment to have 350 miles of fences and 500 miles of barriers, and we had a vote. It passed 83 to

13—we passed an amendment to build the 350 miles of fences, 500 miles of barriers. We have authorized it, colleagues. That is all we did was authorize it.

I have heard the comments: I voted for the Sessions amendment. I voted to build a fence. I am for enforcing immigration laws. When do we build this fence? Where do we get the money to build this fence? What bill is it that the money has to come out of? It is a Homeland Security bill. That is the one in the Senate. We have been looking through the bill, reading the fine print, and it is not in there. The money to build the fence is not included.

We should be ashamed. We trumpeted this. The majority leader said he was supportive of this. Everyone was supportive of building a fence. When it comes time to pay up and actually buy the bricks or buy the wire and pay the people to do it, where are we?

I raised this in the Judiciary Committee. I offered an amendment sort of like the Isakson amendment at that time. Senator ISAKSON offered his amendment in the Senate that said: We see this problem coming, colleagues. This has been the pattern. We authorize things, we make promises, but we do not follow through, so let's do the Isakson amendment which says none of this amnesty takes place until the enforcement takes place at the border and we follow through on the things we promised to do.

That is a pretty clever little amendment. Why would anybody object to that? Why would anybody who voted and promised to build fences, to add detention beds, to add agents—why in the world would you vote for those kinds of things and then not want to follow through on them?

I think it was troubling to me—troubling to a lot of Americans; I know troubling to Senator COBURN, the Presiding Officer—when Senator ISAKSON's amendment did not pass. Why? Why did Senator ISAKSON's amendment not pass? Well, the American people are pretty cynical now about our commitment and our integrity when it comes to matters involving immigration. And I suggested at the time and worried at the time that the reason the Isakson amendment did not pass was there was never any intention to fund the fence, to fund increased bed space, and fund the increased agents, make the US-VISIT program work—never any intention.

Now, wouldn't that be a bad thing? Wouldn't that reflect badly on the integrity of the U.S. Senate, when the whole Nation is looking at us? They are frustrated with us. They have not forgotten 1986. People remember that. They remember that. And they are looking at us: Are we going to do this again? And the first bill that comes up, we don't have money in it to fund the fence that we voted 83 to 16 to build. That is just breathtaking when you think about it.

It was a highly debated issue. It was probably one of the more noteworthy amendments in the entire debate. People thought it might be a close vote. As it turned out, it was an overwhelming vote. But it is easy to vote to authorize, isn't it, if you never intend to fund. That is an easy vote. I see the young people and the pages and those around here. Learn something about the U.S. Senate. It erodes public confidence in the integrity of the Government when you brag and speak glowingly about taking aggressive action to improve enforcement of immigration laws in America and then do not do it.

That is not good. That is just not good. The matter is not a little one. This is not a little matter. The American people know that immigration is important to our country. They know it is deeply important to our country. They care about it. They have been watching it. They watch it nightly on television. They write letters to their editor. They call my office. They call other people's offices. They complain about what is going on and how we have done our business.

They have every right to complain. They have every right to complain. Why in the world would we ever suggest that somehow the American people are not generous and fair and decent when it comes to immigration? They really are. We are a nation that believes in immigrants. We are a nation of immigrants. We believe in immigration.

But people are frustrated. Some people say things that are harsh maybe about immigrants, but when you listen to most people, the anger that they are expressing is not at the immigrants, it is at those of us in Washington. It is at a string of Presidents, it is at a series of Congresses that have failed, refused to do what they asked them to do.

And what have the American people asked? They have asked that we create a lawful system of immigration and we create a policy of immigration that is in the national interest of the United States of America, that we allow a number of people to come in every year, that we make a rational judgment about how many that should be. People should not come in illegally. They should come in in accordance with law. And if they come in illegally, they expect the Government to stop them or apprehend them and deport them.

What is wrong with that? Is that harsh? Is it mean-spirited to say that we need to have a legitimate legal system involving immigration in this country? I suggest not. I have been looking at the numbers. I think it is adversely impacting the wages of working Americans. And I am prepared to debate it. But regardless, this is a matter we need to deal with. We are going to maintain a flow of legal immigrants into our country, and we should. We should set up a system that identifies people who are most worthy of coming into our country and approve them in a meritorious way, in an effective system.

We do not have that today. The bill we have passed pretends to be a comprehensive bill for immigration reform, and it is an utter failure. It should never, ever, ever become law. It is a total disaster. They say: Well, we will just send it over to the House. The same people who may well vote against funding this amendment say: We will just send this bill now over to the House, the House of Representatives, who they made fun of a few months ago for passing a border enforcement bill first. We will send it over there, and maybe we will fix all this.

How does it work in conference? The majority leader of the Senate appoints a group of conferees, the Speaker of the House does, the Democratic leaders in the House and the Senate appoint conferees, and this group of hand-picked Senators and Congressmen meet. They go meet someplace, and they work it all out, basically in secret, without any real input from the American people.

We have a bill from the Senate that has comprehensive review and reform, so-called, of the entire immigration policy of the United States of America and the House of Representatives has a law enforcement security bill only. And these are going to be just written out of thin air by these hand-picked people in secret? I don't think that is healthy, not on a matter this important.

Let me ask you, do the American people have a right to expect that this Senate and the House of Representatives are going to protect their interests and do what they have been asking them to do for 30 years. Or do they have a right to be cynical and expect that they will meet, plot out some sort of immigration bill, trumpet it as solving all our problems, bring it on the floor of this Senate, not subject to amendment, and drive it through and pass it? And it will not work again just like 1986.

How can you test what we do here? How can the American people have a test of this Senate? I submit to you, one way is to watch the vote on the funding of the enforcement issues that are dealt with in the amendments I have offered.

So let's see. Are we going to pass a fence amendment or not? If we pass it, maybe we are beginning to get serious over here. But even that can be fixed in conference. That is not the final passage of the bill. They can still go into conference and take it out. But it would be a step.

I say this to my colleagues: If we vote down funding the agents, the fencing, the detention beds that we have authorized in this bill, why shouldn't the American people really look at us askance? Why shouldn't they say: they just authorized it, and they are not even going to fund this fence? They are not even going to add the agents? They are not going to even add the bed spaces? I think that is what the American people are going to ask. And the truth is, they are correct.

Now, some will say: Well, we don't have the money. We don't have the money? We spend over $2 trillion a year in this country. What do you mean we don't have the money? We could do a "Cadillac" program for $2 billion or $3 billion. That is a lot of money. We are spending $100 billion on hurricane relief, $85 billion, in the supplemental, on the war.

Let me tell you some other things we spend money on in this country, when people say we don't have the money to do what the American people are demanding that we do: According to the Congressional Budget Office—this is from March 2006—spending for Social Security, Medicare, and Medicaid alone is expected to increase by $106 billion from 2006 to 2007, a 9.5-percent increase. It is a 9.5-percent increase in Social Security, Medicare, and Medicaid alone, with the increase totaling $106 billion. And we can't find $1 billion or $2 billion to make the border secure? Give me a break.

Defense spending: We spent $76.8 billion in 2005 on that. How about $32 billion to fund this Department, the whole Department of Homeland Security? The bill budget for the Department of Homeland Security is $32 billion. We cannot find another $1 billion or $2 billion to follow through on the commitments we made to make the immigration system in this country lawful? And within that Department of Homeland Security money is all the funding they will get. It is all the money we are going to get to increase immigration enforcement efforts. It is just not there. In this appropriations, the money has not been funded to meet the authorizations we passed and made a commitment to.

I am not here to break the budget. I am tired of that. I know the Presiding Officer is. He has fought harder than anybody I know in this Senate to bring integrity to spending, and I have been pleased to support him. But I will tell you, he has been a breath of fresh air and a great addition to the Senate. He has called our attention to the wasteful spending we carry on in this body on a regular basis. We cannot afford everything. We are paid to set priorities.

Has anybody ever listened to the people in their States about what they want us to do? I am telling you, they want us to make the immigration system a legal one, not a lawless one. They want us to spend the money that is necessary—no more but they want to spend whatever it takes. That is a priority with the American people. It should be a priority of those of us who are here because they are right. In the scheme of things, the money we spend is not that great, but it is important for us to do it correctly.

I will be offering amendments that will deal with five different areas. Those amendments will be offset, will not add additional spending to the budget or increase the debt in any way. We will set some priorities. We will set some choices. That is what the people pay us to do.

What do we need? We need strategic fencing and vehicle barriers at the border. We need an interior investigative agent increase—that is for the ICE agents, the Immigration and Customs Enforcement agents—to increase worksite enforcement. We need to increase the detention bed spaces.

Detention beds are critical. The reason is, we still are carrying out a catch-and-release policy. What do you mean "catch-and-release"? This is what happens: Someone comes into the country from a country, say, other than Mexico. They are referred to as OTMs, other than Mexicans—Brazil, Central America, South America, Asia—and they are apprehended here illegally.

What happens then? Well, you say: They try them and deport them. Wrong. Not really. What has been happening is, these particular people who are apprehended in this country illegally are not from Mexico, so they cannot be readily taken back across the border. They are then detained and then given a trial date. Since there are no bed spaces, they do not have a place to keep them. What do they do? They release them on bail. They catch them and they release them on bail. They sign their name because they do not have any money to put up for the bail. They just allow them a signature bond, and they are asked to come back at a certain date to have their trial on whether or not they are going to be deported.

How many do you think come back? They have already entered the country illegally. They are apprehended and released. They do not come back for trial. One reporter did an interesting article that showed that 95 percent did not show up. What a joke that is. The only way to end the catch-and-release problem is to have enough detention beds so they could be detained until they could be deported from the country.

Secretary Chertoff is making some progress in this regard but not enough. We will never get there without some more beds. So if we are serious about making a legal system here work, then we need more bed spaces.

Everybody says we need worksite enforcement. We have a pilot program that has been played with for a number of years that is supposed to work. It really has the potential to work, but it is not working today. We need some more money for that to make that system work. If you don't want the workplace enforcement system to work and you are President of the United States, you don't ask for funding for a program that will work, and if you are a Member of Congress, you don't vote for the money to make the program work. If you are part of Homeland Security, you don't come and demand money so you can make it work. Everybody's hands are dirty on workplace enforcement. We know that. Let's be frank about it.

We need agents. You have to have law enforcement agents. Those law enforcement agents can have a tremendous impact on the worksite. It does not take that many prosecutions, frankly, to have a complete change in behavior. I strongly say we need that.

We need to protect the funds that were already appropriated for section 287(g). The 287(g) program is the cooperative immigration enforcement effort with State and local law enforcement. The Department of Homeland Security has this program. They train local law enforcement. They set up abilities to work together. If they apprehend someone for speeding and find out they are here illegally, then they call the agents and they can transfer them for processing and deportation. Wouldn't we want to see that happen? Wouldn't we want to take the help of State and local law enforcement agencies? Well, we don't have the money for that. We put the money in. It was in there for a while. Now they have spent it on something else. It is a bargain, a real bargain to do that.

Finally, we need to fully implement the exit portion of the US-VISIT system to track visitors who leave the country as well as when they come in. That is what the system was set up to do. We have been working on it for 10 years. It has not been completed, they say, because of various problems.

Let's be frank. It hasn't been completed because Congress and the President over the last 10 or 15 years have not wanted it completed. There has been plenty of time to complete it. Agencies hadn't come forward and demanded the money necessary. They haven't told us what they needed. The President hasn't put it in his budget, and Congress hasn't spent the money. So it hasn't been completed. That is just it. I don't know any other way to say it.

We now can track people when they come in the country, and we need a good biometric card so people can enter really easily. If they have a legal right to come, they present their card. It clears immediately. They come right on through. If they work in the United States a week, they can go home and see their family, come back on Sunday or Monday, travel back and forth. They can do all those things.

We would like to see this system work. It can work. We are close to it. but we don't have the exit system working. Unless the exit system works, you have no idea of who is in the country and who has stayed, who did not go home when they were supposed to.

That is where we are. We will have some of those votes tomorrow. I don't mean to be unfair in my comments or unduly harsh, but the truth is the American people are watching us this time. They saw what happened in 1986. They don't want that to happen again. We should not want that to happen again. We should do what we promised to do. We should follow through and fund the projects that we have authorized. When we authorized these projects, we knew they were necessary to make this system move from a lawless system, a system that makes a mockery of law, to a lawful, decent system. It can be done. It actually can be done. It will not take an excessive amount of money, but it will take a significant amount of money.

Then there will be a tipping point. When people find out that the way to come in and work in the United States is to have a biometric card to come lawfully, that will be successful. If they wait in line, they can work. When they find out they can't get a job and it is very hard to get across the border, maybe impossible almost to come illegally across the border, they will quit coming illegally. When they can't get a job and it is too hard to get across the border, they will decide then to wait in line and get their card and come and work in due course lawfully. Right now the system is a mockery of the law. It is not working. Let's fix that.

When we vote tomorrow, we will send a signal to all those people back home that we are committed now to creating a lawful system of immigration. We are going to follow through and put up the money, a significant amount of money, but in the scheme of the size of the United States budget, it is a very small amount to make this system work.

If you went back home and asked the American people, do you want to see us follow through, do you want to spend a few more billion dollars, $2 to $3 billion—that would be super; maybe we could do it for less than that—a couple billion dollars more than what we are spending today to make us move from a lawless system to a lawful system, they would say: Do it—in a heartbeat.

That is where we are headed. I thank the Presiding Officer for his leadership and commitment to creating a lawful system of immigration for the United States.

Ms. MIKULSKI. Mr. President, I supported Senator CLINTON's amendment to restore FEMA to Cabinet-level rank and establish it once again as an independent agency. In the early 1990s, as the chair of the Appropriations Subcommittee on VA–HUD, we funded FEMA. Senator Garn, my wonderful colleague, was my ranking member. We found that FEMA was a Cold War relic, and we went to work on a bipartisan basis, transforming it from a relic of the Cold War into a professional, prepared, all-hazards agency.

Hurricane Katrina was the storm we all feared. In the hours and days after Hurricane Katrina, like all of you I watched in disbelief and absolute frustration. Why? At the Federal Government's befuddled and boondoggled response blowing it. The people in our Gulf Coast States were doubly victimized first by the hurricane, second by the slow and sluggish response of our Government. And I thought: How like Hugo. How like Andrew. I didn't know about Betsy.

So this, of course, has prompted reform. Well, back in 1989 when we took a look at this, what did I see? What I found out as I took over the chairmanship of that subcommittee was that FEMA was a Cold War agency. It focused only on worrying about if we were hit with a nuclear attack. It was out of date, out of touch, and riddled with political hacks. If you had to give someone a favor job, whether it was at the Federal level or the State level, put them in civil defense. It was called civil defense. And many of us in my generation remember where we used to practice by hiding under those desks if war came. Well that is the way the bureaucrats were. Any time there was a question, they hid under their desk. So we set about reform. They were focused on something called continuity of Government. It was incompetent leadership. They had ridiculous ideas. In the event of a nuclear war—stop first at the post office and leave your forwarding address to these three shelters. So you get a sense of what it was like.

But Senator Garn and I looked at it. And then what happened was Hurricane Hugo hit the Carolinas, particularly South Carolina. FEMA's response was very poor. The military had to come in to get power back up in Charleston. The people went for over a week without basic functions. Sound familiar? Our former colleague Senator Hollings had to call the President's Chief of Staff, John Sununu, to get help and call the head of the Joint Chiefs, then General Colin Powell, just to get generators from the Army. It was like cats and charmer cops. Are you in charge? No, I am not in charge. They had the generators but didn't ask. It was all of that. In the meantime, there was no water, no utilities in Charleston. We began then to begin to examine what steps to take in reform.

Then along the way we were hit with Andrew. Andrew, again, was the worst disaster. Yet FEMA's response was so bad and they were so inept that President Bush I sent Andy Card, then Secretary of Transportation, to take over. I remember seeing a woman named Katie Hale saying, "Where the hell is the cavalry on this one? We need food. We need water. We need people."

Having said all that, it was very clear to Senator Garn and me. Our job was to protect lives, protect people, and now of course protect the homeland. Working with Garn, and then Senator BOND, we worked to change it. We commissioned three studies, and I ask you to go take a look at them. One was a GAO study, the other was a National Academy of Public Administration, and then FEMA's own inspector general.

We looked at all of this, and we wanted to be able to prevent, do all we could for prevention, and do what we could to respond. Our goals then were: First of all, FEMA has to be professionalized. They need a professional director and a professional staff. Whoever runs FEMA has to have a background in crisis management, either to come from emergency response at the State level, the way James Lee Witt or Joe Allbaugh did, or from the military or private sector where they have done crisis management and know how to organize large numbers of people. But not only professionalized Washington but insist there be professionals at each State level. And I would emphasize reform must also be directed at the States. No matter how good James Lee Witt was, no matter how dedicated Joe Allbaugh was, if they didn't have the State functioning well, it wouldn't work. As we know, the genius of our system is that each State will have a different type of threat. The terrain is different, the threat is different. And they need to be ready. So the professionalization and the way was that each State submit a plan. If you don't do the right plan and do tabletops, you are not going to get the money. I think you have to have a muscular way to have State plans in place with professional people and where there are benchmarks for measurement and then use the ultimate withholding. That is tough, but let me tell you, it works. So that is why we go for the professionalization of FEMA.

We focused on it being a risk-based agency—that means prepared for any risk that affects the risk base—because we thought then that the threat of the Cold War was coming to an end. The wall was coming down in Berlin, but the wall wasn't coming down in the Federal bureaucracy. So we said, what are the risks? The threat is natural disasters. And our States—we are coastal Senators, I share a coast with my colleague from Delaware—we are threatened by hurricanes. Soon as June comes, we are on our hurricanes readiness again—regardless of what the threat is. And now it is even more important because it could be an earthquake in California, a tornado in the Midwest, or, of course, a terrorist attack.

Next, be ready for all hazards. And again, it is the States that get ready with Washington offering the command and control and the ultimate backup of sending in the calvary should the States collapse. All hazards need to be prepared like when we had a fire in the Baltimore tunnel—we didn't know if it was predatory or not. A hazardous chemical spill, a hurricane, a tornado or even a dirty bomb.

If we practice the three R's, of readiness, meaning if we are ready, and we are ready at the State level, then we can respond where the threat occurs and then you have the infrastructure ready for recovery. We were able to put the State plans, professionalize the agency, in place.

What was never really ultimately addressed, though, is the Federal backup if there is a complete collapse. That is something I believe needs to be very carefully examined because of two things: No. 1, I recall Governor Giles of Florida when Andrew hit. He said: We need NASA satellites to tell me what my coast line looks like. We can't even call the first responders. The firehouses are underwater. And you know all of the great tragedies that you have heard. There does come a time when there is only the Federal Government that can bring in, under some kind of doctrine of mutual aid, really come in and provide the resources necessary. We lost cities—we have never lost an entire city, except back to Betsy.

That has to be dealt with. The other is the role of the Vice President in our earlier recommendation. The Vice President always backs the President up, but in a big disaster, like when the big ones hit, the Vice President should move to the Situation Room and really take charge, to make sure the Governors can handle the job, that the Governors next to the States affected can provide mutual aid, and so on, because it is also an appropriate role for the Vice President should the President be out of the country. The Vice President would be prepared and also, should the Vice President ever have to take over for any reason, would know the complete working of the FEMA disaster plans and how it should work. There are those other questions, too, of legal authority when the Government takes over. Our three R's have to be readiness, response, recovery. To do that we have to have professionalization, risk-based, all hazards.

You know, hurricanes are predictable. Terrorist attacks are not. And we have to be ready. Colleagues, I am concerned that whether it is avian flu or another hurricane getting ready for the season or something else, we don't know the answer, Who is in charge? That question has never been answered. Who manages the disaster? And most of all, who manages the panic around that? And who speaks? Your health committee members have just done a tabletop on bioterrorism. It is the same.

So I believe, No. 1, FEMA ought to be an independent agency. No. 2, maybe we need a disaster response agency, which handles this. But I also think we need to take a look at what would be our response and how we would handle these others, like avian flu. Are we going to call FEMA in? Is FEMA going to be avian flu? I don't know if we have to respond, but I don't think so. I would hope not. But should we have a new framework for that? What are the legal authorities? Can a President supersede a Governor if necessary? These are the big questions. But I believe we can create the right infrastructure. We can be ready for the natural disasters, and so on.

I am going to conclude by saying that when we work together, and I don't mean just us, but really work—we know how we have worked with Delaware. Just a couple of months ago, there was a terrible accident in a factory in West Virginia. The closest search and rescue team with helicopters was in Maryland with our State police. But because they had worked together, because they had trained together, because they knew each other, could talk to each other, trusted each other, my wonderful Maryland State troopers were able to go fly that 90 miles. The Coast Guard was too far away, this up near our Appalachian region. In the pitch blackness, with power lines around them when they couldn't see, they went down and were able to rescue two, and for the third they weren't sure whether he was going to get in the little basket that they have, but they stayed to make sure they were going to leave no one behind. Our State troopers did it, but they did it because they were professional, they were trained, they had worked together, they had trusted.

That is what they did that terrible night in West Virginia. It should be a model of what we need. Let's work together, train together, and trust each other. And that is why I supported this amendment to restore FEMA to Cabinet-level rank and establish it again as an independent agency

NORTHERN BORDER AIR WING INITIATIVE

Mr. LEVIN. Mr. President, I would like to enter into a colloquy with my friend from West Virginia, Senator BYRD, regarding funds that have been included in Senator BYRD's amendment for Customs and Border Protection, CBP, air and marine interdiction, operations, maintenance, and procurement.

The northern border air wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, 2004 to provide air and marine interdiction and enforcement capabilities along the northern border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, not all of the sites have yet been established, leaving large portions of our northern border unpatrolled from the air and, in the case of my home State, the water. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe approximately $12 million of the funds included in Senator BYRD's amendment for air and marine interdiction, operations, maintenance, and procurement should be used by Customs and Border Protection to complete the remaining activities necessary to prepare, equip, and establish the Michigan NBAW site as Secretary Chertoff has indicated he would like to be able to do.

In an April 11, 2006, letter to me, Secretary Chertoff indicated that it was his Department's plan to open the Michigan site during the 2007 fiscal year, and the Byrd amendment will enable the Department to stick to its schedule. Mr. President, I will ask that Secretary Chertoff's letter and enclosures, my letter to the Secretary, and a colloquy from earlier this year be printed in the RECORD.

Mr. BYRD. I agree with my friend from Michigan. I understand that Secretary Chertoff has said that the establishment of the final northern border air wings will be completed in fiscal year 2007. These funds will help the Secretary meet his goal. My amendment, which was cosponsored by the chairman of our subcommittee and adopted unanimously by the Senate yesterday, provides $105 million for air and marine interdiction, operations, maintenance, and procurement. Certainly, $12 million of those funds could go to Michigan for the establishment of this important and final northern border air wing. I will work with the chairman in conference to ensure that the border security funds are retained in conference.

Mr. President, I ask unanimous consent that the aforementioned materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, April 11, 2006.

Hon. CARL LEVIN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: Thank you for your letter from March 10, 2006 in which you requested clarification on the Department of Homeland Security's plan for the opening of additional Northern Border Air Wing sites in Fiscal Years 2006 and 2007. The Department is committed to enhancing our Northern

Border security through the establishment of the needed air wings just as soon as the ground infrastructure, air assets, and experienced personnel can be made available. Consistent with my earlier testimony, the activation of the Montana air wing at Great Falls is well underway and should be completed by the end of this fiscal year. In Fiscal Year 2007, our objective remains the activation of the Michigan site and the initiation of activity on the site in North Dakota. This will give us a limited presence at all five of the primary Northern Border Air Wing sites by the year's end.

Based on the operational experience gained on the Northern Border and our continuing evaluation of available intelligence, we will add or relocate air assets and personnel among the five sites to provide the most comprehensive patrol coverage and to support ground interdiction operations. We may also establish a series of secondary air sites and/or deploy unmanned aerial vehicles along our border to enhance air coverage.

We have developed a fully integrated aviation plan that is undergoing review within the Department. The plan details our long-range objectives for enhancing border security through the use of our air force and how we intend to achieve the objectives over time. We look forward to sharing the plan with Congress as soon as the review is complete. I believe that the plan will underscore both the extensive work accomplished to date and the challenges that face us. For now, please find enclosed our responses to your specific questions.

Thank you for your continuing support of our efforts to secure our borders. If we may be of further assistance, please contact the Department's Office of Legislative and Intergovernmental Affairs at (202) 205–4412.

Sincerely,

MICHAEL CHERTOFF,
Secretary.

Questions to Secretary Michael Chertoff from the Honorable Carl Levin, United States Senate, dated March 10, 2006:

1. Will new Northern Border Air Wing Sites be established in Michigan and North Dakota during FY07?

a. When will specific sites in Michigan and North Dakota be selected?

b. When do you predict step sisters will be operational?

Response: Yes, the Department will begin the activation process for new air sites in both Detroit, Michigan and the Grand Forks area of North Dakota in FY 2007. The site survey for Detroit has been completed and preliminary work to assess hangar, maintenance, and support facility requirements is ongoing. Air assets are being identified for transfer to the site and staffing plans are being compiled. The FY 2006 appropriation provided $2 million for the North Dakota site assessment, which is in progress and should be completed in late May 2006. The relocation of air assets and experienced personnel for both sites remains a challenge, and the Department will have to close smaller, less valuable, interior sites to su port the Northern Border site activations. This should enable the Department to establish initial presence at both sites by the end of FY 2007.

2. Does the President's FY07 budget request for DHS include funding for the opening of Northern Border Air Wing sites in Michigan and North Dakota?

a. If so, how much money has been budgeted for the opening of the sites?

Response: The current cost to fully activate a single air wing site is approximately $17 million ($12 million for infrastructure, operations, and maintenance; $5 million for staffing salaries and relocations), depending on specific site requirements and other factors. The Department is currently developing funding options to support the site activations.

3. What criteria were used to determine the order of Northern Border Air Wing sites to be opened?

Response: The order in which the border sites are activated was based on the known level of aviation, marine, and ground activity in each geographical area, combined with available intelligence on the threat. This resulted in Bellingham, WA and Plattsburgh, NY being activated first, with Great Falls, MT and Detroit, MI to be activated second. Grand Forks, ND was identified as the last of the primary sites to be established.

U.S. SENATE,
Washington DC, March 10, 2006.

Hon. MICHAEL CHERTOFF,
Secretary, U.S. Department of Homeland Security, Washington, DC.

DEAR MR. SECRETARY: I am writing to request clarification of the Department of Homeland Security's plans for opening additional Northern Border Air Wing sites to complement the current sites in Bellingham, Washington and Plattsburg, New York. You have testified before the Senate Homeland Security and Governmental Affairs Committee on several occasions that the Department plans to open sites in Michigan, Montana, and North Dakota in Fiscal Years (FY) 2006 and 2007. I strongly support the Northern Border Air Wing initiative and look forward to all five Northern Border Air Wing sites becoming operational in the coming years.

During your testimony before the Senate Homeland Security and Governmental Affairs Committee on March 1, 2006, you indicated to the Committee that the Northern Border Air Wing site in Montana would open in FY06, followed by the North Dakota and Michigan sites in FY07. However, an analysis of the President's FY07 budget request for DHS does not seem to support your testimony since there are no funds designated for the establishment of Northern Border Air Wing sites in either North Dakota or Michigan.

In light of these discrepancies, I would appreciate your response to the following questions:

(1.) Will new Northern Border Air Wing sites be established in Michigan and North Dakota during FY07?

a. When will specific sites in Michigan and North Dakota be selected?

b. When do you predict these sites will be operational?

(2.) Does the President's FY07 budget request for DHS include funding for the opening of Northern Border Air Wing sites in Michigan and North Dakota?

a. If so, how much money has been budgeted for the opening of these sites?

(3.) What criteria were used to determine the order of Northern Border Air Wing sites to be opened?

A Northern Border Air Wing site in Michigan will provide an additional layer of air and marine border security along a critical section of our Northern Border. The region for which the Michigan site will be responsible encompasses at least three of our Great Lakes and several major ports along the St. Lawrence Seaway including Detroit, Cleveland, Chicago, Milwaukee, and Green Bay. In addition, Southeast Michigan is home to three of our nation's busiest border crossings and an unparalleled industrial base vital to our economy and national security. I hope you agree that the establishment of a Northern Border Air Wing site in Michigan is a national priority and I would appreciate your timely response to the above questions.

Should your staff have any questions, please feel free to have them contact Michael Noblet of my staff at (202) 224–3999.

Sincerely,

CARL LEVIN.

CUSTOMS AND BORDER PROTECTION

Mr. LEVIN. I would like to enter into a colloquy with my friend from New Hampshire, Senator GREGG, and my friend from North Dakota, Senator CONRAD, regarding funds that have been included in this bill for customs and border protection, CBP, air and marine interdiction, operations, maintenance, and procurement.

The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, in 2004 to provide air and marine interdiction and enforcement capabilities along the Northern Border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, none of the other three sites have yet been stood up, leaving large portions of our Northern Border unpatrolled from the air. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe an adequate portion of the funds included in this bill for air and marine interdiction, operations, maintenance, and procurement should be used by customs and border protection to complete the remaining assessments, evaluations, and other activities necessary to prepare and equip the Michigan, North Dakota, and Montana NBAW sites with appropriate CBP air and marine assets.

This bill requires that DHS submit an expenditure plan to the appropriations committee before any of the funds may be obligated. I urge DHS to include in their plan the funds necessary to stand up, equip, and begin operations at the three remaining northern border air wing sites in Michigan, North Dakota, and Montana.

Mr. CONRAD. I agree with my friend from Michigan. The fiscal year 2006 DHS appropriations bill included a small amount of funds to begin initial preparations for a NBAW site in my home state of North Dakota, but more funds are needed for the site to become operational. Secretary Chertoff has told us that the establishment of the three additional northern border air wings will be complete in fiscal year 2007.

A small portion of the air and marine interdiction funds in this bill would go a long way toward meeting this deadline and the goal of securing our long and currently porous northern border. I join Senator LEVIN in encouraging the DHS to include funds sufficient to stand up and equip the North Dakota, Michigan, and Montana sites.

Mr. GREGG. My friends from Michigan and North Dakota raise important points. I agree the establishment and equipping of the three remaining northern border air wings is a priority. The northern border has long been neglected compared to the southern border. As my colleagues are aware, funds were appropriated in the fiscal year 2006 Department of Homeland Security Appropriations Act to initiate funding of the third northern border air wing in North Dakota. I am committed to seeing that the establishment of the remaining northern border air wings is accomplished as expeditiously as possible

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLE-SOURCE CONTRACTS AND IRAQ

Mr. DORGAN. Mr. President, this morning in the Washington Post there was an article announcing a decision by the Defense Department that relates to something I have held a good many hearings on through the Democratic Policy Committee in the past several years. We have been holding hearings on waste, fraud, and abuse with respect to the very large sole-source contracts that have been given to certain companies to do business in Iraq and provide food and fuel and logistics support for our troops. What we have discovered is very substantial waste, fraud and abuse.

This morning, finally, the Washington Post says: "The Army to End Expansive, Exclusive Halliburton Deal. Logistics Contract to be Open for Bidding." One of the side bars of the story talks about: "Whistle-blowers told how the company charged $45 per case of soda, double-billed on meals, and allowed troops to bathe in contaminated water." All of these were issues given us to us by whistle-blowers who came to our Committee to testify because there was virtually no oversight on these issues by the other Committees.

The decision to terminate these sole-source contracts is long overdue. Sole-source contracts are contracts that are, in my judgment, invitations for abuse. The bill that I introduced some months ago, along with 30 other Senators, called S. 2361, the Honest Leadership and Accountability in Contracting Act of 2006, is a piece of legislation that insists on this exact provision, but goes much, much further—the provision that says we ought to break up these contracts and have them competed for so that the competition for contracts will give the taxpayers some feeling they are not being cheated.

A fellow named Henry Bunting testified at a hearing we held. He was a whistle-blower. He actually worked for Halliburton in Kuwait. His job in Kuwait was to purchase hand towels for American soldiers. So he got a requisition to buy hand towels for American soldiers, and he would order the hand towels. But then he was told: No, we don't want you to order those hand towels; we want you to order new hand towels. He brought a sample of the hand towels with him. The reason they wanted him to order different hand towels is they wanted the company name to be embroidered on the hand towels, which tripled the cost of the towels for the taxpayers.

No one would have believed that soldiers need to have hand towels with the embroidered name of the contractor providing the hand towels. That is exactly what happened. And it is exactly what the whistle-blowers told us was happening with respect to procurement.

This whistle-blower, who worked with the company, said: This is something my supervisor said we are going to do, and we did it. He said: We saw $8,500-a-month SUV rentals. We saw $40, $45 a case for Coca-Cola

It is pretty unbelievable when you hear all of the stories. Those stories come from giving billions of dollars of contracts to one company. That is what has happened on contracts called LOGCAP and RIO, and finally the Pentagon suggests maybe it is going to shut these down and require competition.

Looking forward, I am going to ask the Pentagon to consider all of the information that we have uncovered in these hearings, because provisions in defense contracting require that you hold companies accountable for actions they have taken in the past, when you consider new bids for the future.

It is interesting that this also relates to something that is now happening in the Pentagon. The woman who testified before the committee—there has been a great deal of discussion about her—was Bunny Greenhouse, the top civilian contracting official in the Corps of Engineers at the Pentagon. She rose to the top. Every performance evaluation said she was the best. People outside the Government who had dealt with her said she was the best, professional, knew what she was doing. She said:

> I can unequivocally state that the abuse related to contracts awarded to KBR—

That is Halliburton—

> represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

This woman was honest and public about what she saw. She was demoted. She lost her job. That job has now been filled by someone else, someone who has 40 years experience with the Government but has no contracting experience. A person with 20 years contracting experience, the highest civilian official in the Corps of Engineers loses her job to be replaced by someone who is now being sent to school because she doesn't know contracting.

This is happening at a time when we hear these stories of $85,000 trucks left by the side of the road to be burned because of a flat tire—the taxpayer is paying for it; it doesn't matter—25 tons of nails, 50,000 pounds of nails ordered, wrong size, throw them in the sand. Want to find 25 tons of nails? They are in the sand in Iraq, paid for by the American taxpayer.

Where is the accountability? It is unbelievable the amount of waste that has existed. And the one person who had the courage to talk about it publicly lost her job. That is still the subject of a great deal of angst in the Pentagon.

So yesterday the Pentagon announces that they are finally going to end sole-source contracts and require competitive bidding, and finally the taxpayers appear to get a break. But this was several overdue.

There is more that needs to be done. One of the things the Pentagon has apparently also decided to do is to outsource oversight. You can't outsource oversight. It has been tried before. They had companies that were partners in contracts in other countries come into Iraq to provide oversight over each other. You can't do that. You can't delegate oversight, especially not to companies with conflicts of interest. The oversight responsibility for spending the taxpayers' money is with the Government, not someone you hire that will have a patently obvious conflict of interest.

While the Pentagon is taking a step forward today in their announcement about the ending of these sole-source contracts, they are taking another step backward on this issue of deciding they are going to hire other companies to provide oversight to make sure the taxpayers' money is being spent in the way anticipated. That makes no sense.

Here is another whistleblower account. Rory Mayberry worked in Iraq for Halliburton. He worked in food service. He was the manager of a food service that provided food to the troops. He came to us and said: We had food that was date stamped expired. The Halliburton supervisors said: It doesn't matter, just feed to it the troops. And they said: By the way, don't you dare talk to a Government auditor. If a Government auditor comes around and you talk to that person, either you will be fired or you will be sent to an area where there is hostile action. He talked to a Government auditor. He was sent to Fallujah during the height of the action there.

The stories are unbelievable. And finally, the Pentagon is taking a step in the right direction in one area, stepping backward in another. But I hope the Pentagon understands, when they open these contracts called the LOGCAP contract and the RIO contract, when they open these contracts and finally insist that there be competition between companies in order to provide some safety for the American taxpayer and to be sure that we are getting what we are paying for, I hope they will understand that there has to be adequate oversight.

We have introduced legislation, myself and many of my colleagues, called the Honest Leadership and Accountability in Contracting. What the Pentagon is doing today appears to be in line with one piece of it, and it is a step in the right direction. But much more needs to be done.

I ask those in the Pentagon to take a look at what we will send to them as a result of a number of hearings in which whistleblowers who have worked for these contracts, particularly Halliburton that has received very large sole-source contracts worth billions of dollars without bidding, I would hope they would take a look at this and evaluate whether the performance is performance that is worthy of receiving other contracts. The list is endless. I will not go over it again.

This morning's announcement by the Pentagon is finally a recognition that there needs to be competition. It is one step in the piece of legislation I and many of my colleagues offered some months ago. My hope is they will finish the job and do what is necessary to give the taxpayers full value and full measure for the money that is being spent on these contracts.

I yield the floor.

MIDSESSION BUDGET REVIEW

Mr. REED. Mr. President, when the administration released its midsession review of the fiscal year 2007 budget yesterday, it made a number of claims about how its policies have been successful at promoting economic growth and bringing down the budget deficit. In this case, however, as in so many others, the administration is looking through rose-colored glasses, exaggerating the successes of its policies and ignoring the true costs.

Let's begin by putting the improvement in the fiscal year 2006 budget deficit in perspective. It is true that tax revenues have grown this year—as they always do in a business cycle expansion—and that revenues have been coming in stronger than expected. But the current projected 2006 deficit of $296 billion is just a little lower than the fiscal year 2005 budget deficit of $318 billion. It is still the fourth largest budget deficit on record in nominal terms.

The Bush administration wants us to compare the current estimate of the fiscal year 2006 budget deficit with the exaggerated estimate of $423 billion they made in their February budget projection. As the noted budget expert Stan Collender wrote at the time:

> This President has a well-established history of overstating the deficit early in the year and then taking credit when it turns out to be lower than projected, even if it has done nothing to make that happen.

And, of course, that is exactly what we are seeing right now.

The real story is the sharp deterioration of the budget in this administration. When President Bush took office, the Congressional Budget Office projected large and growing Federal budget surpluses under existing laws and policies—the so-called baseline projection—including a budget surplus of over $500 billion in fiscal year 2006. However, the President has presided over an incredible reversal of fortune. A $128 billion Federal budget surplus in fiscal year 2001 turned into a $318 billion deficit by fiscal year 2005 and a projected deficit almost as large in fiscal year 2006. This is not news to crow about. Frankly, it reveals, as I suggested, a tremendous reversal in the budget fortunes of this country.

A $5.6 trillion, 10-year projected surplus from 2002 to 2011 has turned into a deficit of $2.7 trillion. So from the time the President took office until today, what we thought was going to be a $5.6 trillion surplus is now a $2.7 trillion deficit, an extraordinary change in the fiscal year health of the United States.

Realistically, this 10-year deficit is probably much higher because it does not include big-ticket items such as the war costs which are being funded on supplemental appropriations and not properly projected into the budget base; and the need to make tax adjustments like fixing the alternative minimum tax.

Instead of sound budget policies aimed at preparing for the imminent retirement of the baby boom generation, the Bush administration and the majority in Congress have refused to adopt the kinds of budget enforcement rules that helped achieve fiscal discipline in the 1990s. They have pursued an open-ended commitment to stabilizing Iraq that relies on supplemental appropriations rather than the normal budget process, and they have remained committed to extending irresponsible tax cuts that will add further to the budget deficit. All of this comes at the cost of inhibiting greater economic opportunities for most American families.

That, of course, is not what we are hearing from the administration and its supporters who keep telling us that the economy is doing well, and that their tax cuts are an important reason why, and that everyone is benefiting. It should not be surprising that this is not a message which is resonating with the American people because, in fact, the current economic recovery has been weaker than the typical business cycle recovery since the end of World War II, and large numbers of Americans are still waiting to benefit from the economic growth that we are purportedly seeing.

Job growth has been very slow by the standards of past recoveries, real wages are stagnating, and disparities in income and earnings are growing wider. Last Friday we learned that employers added only 121,000 jobs to their payrolls in June, and that employment growth over the past 3 months has averaged just 108,000 jobs per month. Those are not the kinds of figures you expect to see in a healthy job market. They are not even enough to keep up with normal growth in the labor force.

You also don't expect to see the earnings of the typical worker fallin behind inflation year after year in a growing economy, but that is what has happened since 2003. Average hourly earnings have fallen in each of the past 2 years, and real median household income has declined by about $1,700 under President Bush.

The benefits of economic growth over the last several years are simply not being shared fairly. Those at the upper income levels are seeing gains but, frankly, not the same robust gains of the 1990s, when we saw the proverbial picket fence, where there were positive gains at every level of income in the United States from the poorest to the richest. Now, we are seeing a distribution of income that is skewed to the very richest. At the bottom income and middle income level, there is a loss in real earnings since the President took office. They are not even keeping up.

While wages have stagnated and incomes are falling for most workers, profits have grown to record levels. Corporate profits have grown at an annual rate of over 16 percent, more than twice the average growth rate in past recoveries. Strong productivity growth has shown up on the bottom lines of shareholders, but not in the paychecks of workers.

It seems clear that investors are benefiting greatly from Bush administration policies, but hard work goes unrewarded. Most Americans depend on their salary, not their investments, to pay their bills. Too many Americans are being squeezed by stagnant incomes and rising costs for gasoline, health care, and education. Somehow, the Bush tax cuts are supposed to make up for this.

However, the nonpartisan Tax Policy Center estimates that the tax cuts passed this year will only save the typical American family about $47—about what it now costs to fill up the gas tank of their minivan. But taxpayers making over $1 million will receive a tax cut of more than $42,000—enough to buy a new Mercedes.

Ironically, the sources of the revenue surprises that have led to the improvement in the fiscal year 2006 budget prospectus mirror the growing disparity between incomes at the top of the distribution and incomes for typical American families. Corporate tax receipts are substantially higher than originally projected, and much of the unexpected increase in individual income taxes appears to come from income gains by high-income taxpayers.

In particular, tax receipts for income not automatically subject to withholding, known as nonwithheld receipts, were 20 percent greater during the first 9 months of 2006 compared to 2005. Nonwithheld income is not ordinary wages; it is income such as capital gains, executive bonuses, noncorporate business income, and interest on dividends.

Unfortunately, middle- and lower-income families are paying the price for the President's tax cuts for the wealthiest, as investments in programs that promote greater economic prosperity for ordinary Americans have become candidates for budget cutting.

The President's budget includes cuts to elementary and secondary education, student financial aid for higher education, job training for displaced workers, child care assistance so that parents can go to work, and community development grants aimed at expanding small businesses.

Getting our fiscal house in order is the first step toward keeping our economy strong. But we also can't shortchange investments in research and technologies that will create the high-wage jobs of the future. Our policies should be refocused toward promoting lifelong education and training for our citizens in order to allow Americans to increase their earnings, their personal savings, and their ability to own a home.

Today, we are at war and yet there is no sense of the shared sacrifice that has united this country in past conflicts. Our military families are making tremendous sacrifices, and too many of them have made the ultimate sacrifice in service to our country.

With $320 billion appropriated or pending for Iraq operations to date and more than 2,500 service men and women killed, the human and financial tolls are both more staggering than imagined.

With mounting war costs, the impending retirement of the baby boom generation, and deficits as far as the eye can see, it is unconscionable to think that we are being asked to make the President's irresponsible tax cuts permanent. Those tax cuts were poorly designed to stimulate job creation and broadly shared prosperity when they were first passed, and they have produced a legacy of large budget deficits that leave us increasingly hampered in our ability to deal with a host of challenges that we face as a Nation.

Large and persistent budget deficits have contributed to an ever-widening trade deficit that forces us to borrow vast amounts from abroad and puts us at risk of a major financial collapse if foreign lenders suddenly stop accepting our IOUs. We had a current account deficit of nearly $800 billion last year and our international financial debt continues to mount.

Raising our future standard of living and preparing adequately for the retirement of the baby boom generation require that we have a high level of national investment and that a high fraction of that investment be financed by our own national saving—not by foreign borrowers. We followed such prosperity-enhancing policies under President Clinton, but that legacy of fiscal discipline has been squandered under President Bush.

No matter how rosy a picture the administration tries to paint, neither the present nor the future fiscal outlook seems terribly bright. Instead of more tax cuts for the wealthiest among us, we need to invest more in hard-working families and create greater opportunities for every American. We cannot afford the costs of failing to meet that challenge

CHILD MARRIAGE PREVENTION AND PROTECTION ACT OF 2006

Mr. DURBIN. Mr. President, I rise today to announce that tomorrow I will introduce the Child Marriage Protection Act of 2006 which is cosponsored by Senator CHUCK HAGEL of Nebraska. I have believed for a long period of time that one of the best predictors of how a nation will develop economically can be found in the answer to one question: How does that nation treat its women? If women are treated as property or slaves without rights or opportunities, the country's prospect for economic advancement will be low. But if women have the opportunity to advance and prosper, so will their nation.

The untapped economic and educational potential of girls and women in many developing nations represents an enormous loss to those societies. If women play such a key role in economic development, then we have to start with an even more basic question: How does a country treat its daughters? Girls' educational opportunities and access to health care are key variables in this equation.

The issue of child marriage is another important, but often unrecognized, element that significantly affects access to education and dramatically shapes the lives of girls and women in many developing countries. That is why Senator HAGEL and I will be introducing this bill.

Child marriage is dangerous to the health of girls and young women and their children, detrimental to economic progress, illegal in most countries, and yet common in many parts of the world. In some countries, girls as young as 7 or 8 years old are often married.

This last week's New York Times Sunday magazine had a pictorial display of some of these child marriages around the world. It was heartbreaking to see girls who would be in the second and third grade in the United States of America being claimed as wives by these older men.

Early marriage also carries with it serious health risks. In developing countries, girls aged 10 to 14 who become pregnant are five times more likely to die in pregnancy or childbirth than women who are 20 years to 24 years of age. Their children suffer from high mortality rates as well.

In countries with high rates of HIV/AIDS, child marriage is itself a risk factor: Girls who are married are at a greater risk of HIV/AIDS than unmarried girls. This is one of the many sad ironies of this practice. Parents may believe that earlier marriage will protect their daughters; instead, it places them in greater danger.

Adolescent mothers in developing countries are also at high risk for a condition known as obstetric fistula. This is a medical condition which has virtually disappeared in developed countries around the world. It occurs most often when a woman is trapped in prolonged, obstructed labor without medical care. In nearly every case, the baby in such circumstances is stillborn. Women and girls who survive the ordeal of prolonged labor may be virtually ripped apart physically in the process.

A fistula is an open hole that is created during labor that does not heal. This condition may leave its sufferers unable to control their bowels or bladder. It can be as debilitating socially as it is physically. These girls and women are often abandoned by the husbands who married them at such an early age and impregnated them, and they are shunned by their communities and their families because of this terrible physical condition.

Last December, I went to the Democratic Republic of Congo with Senator SAM BROWNBACK of Kansas. We went to the town of Goma, and in this town of Goma, we visited a hospital known as the Docs Hospital.

The Docs Hospital is kept open by the charity and giving of many churches around the world and in the United States. They have a surgical room which is one of the most professional you can imagine in that part of Africa, funded by the United Nations. Almost all of their work is on this condition of obstetric fistula. Young girls pregnant too soon, subjected to prolonged labor as a result, have this condition which haunts them. Girls who are the victims of sexual assault face the same possibility. Then, after they have been shunned by the families and their tribes, they sometimes walk for hundreds of miles to get to this tiny hospital in Goma.

As Senator BROWNBACK and I approached this hospital, we saw these women lined up sitting in the dirt. They stood as soon as they saw our White faces and broke into songs of greeting, as one often finds in Africa. We looked at the long line of women waiting for their chance for surgery. When we talked to the surgeon, he said some of them will wait for months, and if they are lucky enough to have the surgery, they convalesce two to a bed in this crowded hospital ward. But the surgeon went on to tell us that even one surgery is not enough for many of these women. There are some women who have waited years, with repeated surgeries to try to correct this problem, a problem that would have been avoided for many of these women had they not been exploited at an early age and if they had not experienced pregnancies which they were not physically prepared to deal with or devastating sexual assaults.

We need to do more to help women and girls who are suffering from this condition, but we also need to do everything we can to prevent it—through access to family planning and medical care and encouraging communities to recognize the true social costs of child marriage. That is one of the goals of our legislation.

We are not trying to dictate to other countries what their laws will be. Child marriage, as I said earlier, is already illegal in most nations, and we are not trying to force our will on unwilling countries. But we are trying to promote change through community-based organizations that help local leaders and parents recognize the costs and horrors of child marriage.

In addition to the often devastating health consequences of early marriage, girls who are married are often denied opportunities to go to school. Girls' education is increasingly recognized as the critical element in economic growth and development. That is why it has been added as one of the criteria for countries to qualify for assistance through the multibillion-dollar program, the Millennium Challenge Account.

U.N. Secretary Kofi Annan has said that "educating girls is not an option, it is a necessity." He is right. Girls' education is a recognized cornerstone of development, but 60 million girls in the world are denied access even to the most basic education. Others may start school but are far less likely to complete school than their brothers because of economic realities and the possibility of child marriage. Early marriage, as I said, is one of the reasons. Engagements and weddings frequently signal the end of school for the 10- or 11-year-old bride.

Lack of education has an enormous impact on the health, economic opportunity, and security of a nation. In Sub-Saharan Africa, children whose mothers have 7 years of education are twice as likely to see their fifth birthday as children of uneducated mothers. The children of mothers who attended school are also far more likely to attend school themselves. Just as early marriage helps to sustain cycles of poverty, education can break those cycles.

Our foreign assistance programs need to address the ways in which these issues are linked. The Child Marriage Prevention and Protection Act will, No. 1, require the State Department and USAID to create a comprehensive strategy to address child marriage as part of the U.S. development agenda; No. 2, require incorporation of this important issue within the annual State Department Country Reports on Human Rights Practices; No. 3, help countries enforce their existing child marriage laws; and No. 4, authorize $60 million over 3 years, starting with $15 million in the first year, as part of an integrated community-based approach to promote and support girls' education, health care, and opportunities.

Child marriage is part of a complex matrix of issues and attitudes. Last Sunday's New York Times, as I mentioned, described the situation in Afghanistan, and here is what they wrote:

> Rather than a willing union between a man and a woman, marriage is frequently a transaction among families, and the younger the bride, the higher the price she may fetch.

The Times article stated:

> Afghanistan is not alone in this predilection toward early wedlock. Globally, the number of child brides is hard to tabulate; they live mostly in places where births, deaths and human milestones go unrecorded. But there are estimates. About 1 in 7 girls in the developing world (excluding China) gets married before her 15th birthday—

One in seven—

> according to analyses done by the Population Council, an international research group . . . Tens of millions of girls are having babies before their bodies are mature enough, increasing the likelihood of death from hemorrhaging, obstructed labor and other complications.

This article described one such wedding: a 13-year-old whose marriage was arranged to pay off a gambling debt.

The story also described the engagement of an 11-year-old girl to a 40-year-old man. They showed the photo. It was horrifying to think about that little girl, who was quoted in the story as saying she really didn't know this man. The girl in question said she had hoped to become a teacher. Instead, she will become an 11-year-old bride—one more girl in a faraway place in the world who has lost her chance for the future.

Child marriage is most common in the rural areas in the poorest countries. This practice perpetuates poverty.

Charlotte Ponticelli, who was then the senior coordinator for international women's issues for the State Department, laid out the case clearly. Ms. Ponticelli stated:

> It is unconscionable that in the 21st century girls as young as 7 or 8 can be sold as brides. There is no denying extreme poverty is the driving factor that has enabled the practice to continue, even in countries where it has been outlawed . . . We need to be shining the spotlight on early marriage and its underlying causes . . . We must continue to do everything we can to ensure that girls have every opportunity to become agents of change and to expand the "realm of what is possible" for their societies and the world at large.

The legislation Senator HAGEL and I will introduce is designed to support community-based efforts to support girls' education, discourage early marriage, and assist young girls and women already in marriage.

We invite our colleagues on both sides of the aisle to join this bipartisan bill. Parents should never feel that marriage of their 11-year-old daughter is the best option for themselves or their children. With a little help from America and other countries around the world, perhaps we can make this a better choice for the daughters, the families, their nation, and the world.

HONORING OUR ARMED FORCES

U.S. ARMY SERGEANT RUSSELL M. DURGIN

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army SGT Russell M. Durgin, a courageous young American from Henniker, NH, who on June 13, 2006, gave his last full measure in service to our Nation.

Russell, or Russ or Durgs to family and friends, was a 2001 graduate of John Stark Regional High School, Weare, NH, where he played lacrosse. Friends say his sense of humor, adventurous spirit, love of life, and wide smile made every moment spent with him a good one. Daniel Webster, speaking of early American leaders said, "While others doubted, they were resolved; where others hesitated they pressed forward." In this spirit, at the age of 17 while still in High School, Russ enlisted in the U.S. Army. He completed basic infantry training at Ft. Benning, GA, in July 2002. Next came a 1-year tour of duty in South Korea with the 1st Battalion, 506th Infantry Regiment, followed by assignment to the 1st Battalion, 32nd Infantry Regiment, 10th Mountain Division, Fort Drum, NY, and a 1-year tour of duty to Iraq from September 2003 to September 2004. Back in the United States during 2005, he successfully completed the U.S. Army's warrior leadership course, combat lifesaver course, and sniper school. In March 2006, he deployed with his unit to Afghanistan in support of Operation Enduring Freedom.

Tragically, in June 2006 during combat operations in the mountains of Korengel, Afghanistan, this brave soldier died of injuries sustained when his unit came under small arms fire. Sergeant Durgin's awards and decorations include two Bronze Star Medals, one with the combat distinguishing "V" device, two Army Commendation Medals, one with the combat distinguishing "V" device, two Army Achievement Medals, the Purple Heart Medal, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Noncommissioned Officers Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon 2, Combat Infantryman Badge, and Expert Weapons Qualification Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Kabul—and U.S. Army SGT Russell Durgin served in that fine tradition. Friends and family said he loved his work and was fiercely committed to the Army and to the people with whom he served. During these chaotic and violent times, Russ dedicated himself to serving his Nation because in his heart, he sensed a call to duty.

My sympathy, condolences, and prayers go out to Russell's parents, Jean and Lester, and to his other family members and many friends who have suffered this most grievous loss. The death of Russ, only 23 years old, on an Afghan battlefield far from New Hampshire is also a great loss for our State, our benevolent Nation, and the world. He will be sorely missed by all; however, his family and friends may draw some comfort in knowing that because of his devotion, sense of duty, and selfless dedication, the safety and liberty of each and every American is more secure. In the words of Daniel Webster—may his remembrance be as long lasting as the land he honored. God bless Russell M. Durgin.

TRIBUTE TO MARY A. RYAN

Mr. KENNEDY. Mr. President, all of us who know Mary Ryan were saddened by her death on April 25. She was a truly outstanding American diplomat and public servant, and shall be greatly missed.

Mary Ryan dedicated her life to public service and to helping others. She joined the Foreign Service in 1966 and went on to serve the American people as a skilled diplomat for 36 years, including service as Ambassador to Swaziland and Assistant Secretary of State for Consular Affairs. She retired as one of the few Americans to achieve the rank of Career Ambassador, and one of the very first women to do so, a major distinction in her profession, but above all, she touched many lives in the State Department. She served as a mentor to generations in the Foreign Service, and many considered her to be the matriarch of America's diplomats.

As Assistant Secretary of State for Consular Affairs, from 1993 to her retirement in 2002, she frequently testified before Congress, and provided us with valuable guidance and impressive expertise. Thanks to her leadership, Congress made necessary changes to enable the Bureau of Consular Affairs to improve technology, efficiency and information-sharing. She worked aggressively to develop the TIPOFF terrorist lookout system, which became the basis of our current terrorism data system. She was recognized as a leader on consular issues around the world.

Mary Ryan exemplified the best in public service. In a commencement address she delivered some years ago at her alma mater, Saint John's University, she said, "I ask you what JFK asked the youth of my day to do, to return something to the community which has protected and educated you."

She encouraged young men and women to "reject the murderous din of materialism," emphasizing, "There is more to life than the amount of money on your W–2 at the end of the year."

Mary Ryan lived by those words, and they defined her own career and life.

In the immediate aftermath of the bombings of the American embassies in Kenya and Tanzania in August 1998, Mary put on a hardhat and climbed through the bombed rubble of the embassy in Nairobi, wanting to know the name and background of each of the victims, both American and Kenyan alike. She dedicated much of her subsequent work to improving the security of our embassies around the world, and offering a more compassionate outreach to the State Department's most valuable assets, its men and women.

At a service in honor of one of the Foreign Service Officers who died in the Kenya bombing, Mary Ryan spoke these words:

"She was a beautiful, beautiful person. We are greatly diminished by her loss."

That was true of Mary as well. She too was a beautiful, beautiful, person, and we will miss her very much.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On May 26, 2003, in Lawrence, KY, Josh Graves, a 15-year-old boy who suffers from cerebral palsy, was attacked at a local park by four teenage boys. The four boys approached Graves, taunting him and asking him if he was retarded. They attacked Graves, knocking him to the ground before punching and kicking him. After the attack, Graves was left on the ground suffering multiple seizures. According to reports, the sole motivation for this attack was Grave's disability.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

RECOGNITION OF NEW NATIONAL BOARD CERTIFIED TEACHERS

• Mr. AKAKA. Mr. President, today I congratulate a special group of Hawaii teachers, those who have successfully earned the designation National Board Certified Teacher. During 2005, a new cadre of 30 consummate professionals demonstrated that their teaching practice is consistent with the rigorous requirements for the profession as set by the National Board for Professional Teaching Standards. Their achievement brings the number of teachers working in Hawaii who have attained National Board Certification to 111.

These dedicated teachers are distributed throughout Hawaii's education system. Some teach at the elementary level, some in middle schools, while others teach in high school classrooms. Some teach on Oahu, some are on the Big Island, and others on Kauai and Maui. Some teach language arts, math, or social studies, while others teach a variety of other disciplines. Some teach special needs students, a number are generalists, others are specialists, and a few are librarians. Nevertheless, all of them have one thing in common, their dedication to enabling the schoolchildren of Hawaii to achieve all that they can. I am proud to enter their names into the RECORD of this august body.

During the 2005 school year the following teachers received National Board Certification: Leslie Agena, Kailua High School; Amy Boehning, Waialua High and Intermediate School; Genevieve "Noe" Bunnell, Pearl Ridge Elementary School; Lisa Chang, Niu Valley Middle School; Susan Erikson, Washington Middle School; Marta Finley, Kealakehe Elementary School; Cathy Lynne K.L. Fong, Liholiho Elementary School; Candace Foster, Aina Haina Elementary School; Kimberly Fradale, Mid-Pacific Institute; Raejean Gamiao, Mililani Uka Elementary School; Douglas Garriss, Kamiloiki Elementary School; Lisa Hockenberger, Kalihi-Kai Elementary School; Janet Itano, Aina Haina Elementary School; Inga Kelly, Moanalua High School; Cristy Kessler, Education Lab School; Jill Laboy, Kailua High School; Sallie Lee, Lanakila Elementary School; David Mecham, Waimea High School; Melinda O'Herron, Konawaena Middle School; Carolyn Okunaga, Mililani High School; Dianne Pang, Aliiolani Elementary School; Margaret Prevenas, Kalama Intermediate School; Helie Rock, Keaau High School; Julie Shirai, Pearl Ridge Elementary School; Amber Strong, Kailua High School; Marla Thompson, Waianae High School; Patricia Uehara, Kealakehe Elementary School; Mark Watanabe, Keaau High School; Jennifer Williams, Roosevelt High School; and Ms Zami-Perez, Waialua Elementary School.

I offer my heartfelt congratulations to them all. They have worked very hard to earn the designation, National Board Certified Teacher.

The National Board for Professional Teaching Standards, the organization that confers this designation, is a teacher-led association, which grants national certification to a teacher only after a very rigorous and comprehensive process. It requires the preparation of a portfolio featuring actual videotaped classroom lessons, including a written analysis of the lesson, lesson plans and student work samples. The teacher must also submit written discussion, analysis, and reflective commentaries concerning curriculum and practices used in the classroom. A third component of the portfolio includes records of activities benefiting the larger school community, including families and activities that help to improve the teaching profession. Also required for this certification is successful completion of a rigorous set of examinations assessing the content knowledge of the teacher. This is a very arduous process requiring a commitment of up to 400 hours. However, in Hawaii help is available. The Hawaii Teacher Standards Board, along with the Hawaii State Teachers Association, provides support groups for teachers undertaking this process. These sessions are held on the islands of Oahu, Maui, Kauai and the Big Island, and they provide a support network for candidates as they go through the certification process. Most often support is offered through a qualified facilitator, a teacher who has already earned the designation of National Board Certified Teacher. These support networks are also places to meet with and support other teachers undergoing the same process. This assistance goes a long way in making this very difficult process possible.

National Board Certification does not replace the teacher licensure requirements as maintained by the Hawaii Teacher Standards Board, but instead identifies the recipient as an exemplary practitioner, someone at the top of his or her profession. It signifies the teacher as someone who is a recognized leader in the art and science of teaching. Research has shown time and again that students in classrooms with National Board Certified Teachers do better on assessments than do students in classrooms not staffed with nationally certified teachers. It is the only nationally based teacher evaluation and certification program to successfully undergo a scientifically based set of evaluations and to have shown improved results for students. I am very proud to honor these newly recognized teachers.

At a time when the country is working to improve education, when the No Child Left Behind Act is demanding a highly qualified teacher in every classroom, where schools, districts and states are required to make adequate yearly progress, where students are increasingly required to demonstrate achievement as measured by high stakes testing in order to graduate from high school, where districts and states are working to find, hire and retain professionals in this very difficult field, and where research has shown the knowledge and ability of the classroom teacher is the most important factor affecting the learning of the students, I am proud to say to these newly certified teachers "Well Done" and "Mahalo Nui Loa."•

RECOGNIZING COMMANDER ROBERT H. PACKARD

• Mr. ALLEN. Mr. President, I am pleased today to recognize Commander Robert H. Packard, of Charlottesville, VA, who has served honorably in the U.S. Navy for 40 years.

Robert Packard followed his father's footsteps in joining the proud tradition that is the U.S. Navy when he was sworn in by his father in 1966. In 1974, Packard graduated with a bachelors of science degree from the McIntire School of Commerce at the University of Virginia while serving in the Naval Reserve. After serving various tours, Packard became commanding officer of the Mobile Mine Assembly Group from 1988 to 1992 in Yorktown, VA, where his unit received the REDCOM SIX award for the Best Small Unit, the Most Improved Unit and the Best Small Unit with over 50 percent enlisted. He served in Desert Storm from 1992 to 1994 and then from 1994 to 1997 Packard served as commanding officer of a medical logistics unit in Newport News, VA. Packard concluded his service with the Navy at the Pentagon as a commander assigned to the OPNAV N86 staff.

Commander Packard's leadership and dedication to preserving the freedoms and liberties that make this country so great is truly admirable. I am grateful for Commander Packard's service and contributions to the United States and to the Commonwealth of Virginia.•

CONGRATULATING CHAMPIONS FOR HEALTHY KIDS WINNERS

• Mr. BUNNING. Mr. President, today I wish to congratulate three Kentucky organizations: Pendleton County Education Foundation in Falmouth; Healthy Schools Inc. in Louisville; and Paducah Park Services. These three organizations have recently been named Champions for Healthy Kids winners.

Champions for Healthy Kids is a long-term grants program designed to instill good nutrition and fitness habits among our youth. The program calls on community groups to champion the health of our young people by developing innovative fitness and nutrition programs that can have a lifelong impact.

I congratulate Pendleton County Education Foundation, Healthy Schools Inc., and Paducah Park Services for their achievements. Everyone involved in these organizations are an inspiration to the citizens of Kentucky. I look forward to all that these organizations accomplish in the future.•

HONORING IBM'S 50TH ANNIVERSARY

• Mr. COLEMAN. Mr. President, I ask the Senate to join me today in honoring the 50 years of public contribution by an innovative technology company started in Rochester, MN, in 1956. International Business Machines, more commonly known internationally as IBM, has made economic growth possible in a competitive and continually changing marketplace.

In 1956, when IBM President Thomas Watson, Jr., met with 40 Rochester business and civic leaders at the Kahler Hotel to establish a new IBM facility, they probably never envisioned that Rochester would become home to the world's fastest computer named "Blue Gene" that would be able to perform 18.2 trillion operations per second. They probably could not have dreamed that 50 years later IBM would become Minnesota's largest information firm, with 5,600 employees in the Rochester and Twin Cities areas. And they probably could not have imagined that the plant they were planning would account for 15 percent of Minnesota's high-tech manufactured exports, in a State that continues to lead the field in technology.

IBM has spent 50 years growing into a world wide corporation which contributes to our economy at an astounding level. In 2005, IBM earned more U.S. patents than any other company for the 13th consecutive year, with 2,941 in 2005. IBM ensures that our Nation stays competitive in the global economy. Rochester has helped lead that wave of innovation.

IBM and its employees and retirees have also been generous supporters of education and nonprofit organizations. Through cash and technology grants of $3.4 million and more than 185,000 hours of volunteerism in 2005 alone, they have been a great benefit to Minnesota's communities and schools.

With the people of Minnesota, I ask this Chamber to join in celebrating IBM's 50th year of operation in Rochester, MN.●

CONGRATULATIONS TO SISTER CITIES

● Mr. LEVIN. Mr. President, I would like to take this opportunity to congratulate the cities of Saginaw, MI, and Tokushima, Japan, on the 45th anniversary of their sister city partnership. This is a significant milestone, and I am delighted to recognize these two cities for their many years of dialog and exchange.

In 1961, Saginaw and Tokushima established a relationship that sought to promote cultural awareness between the cities. Since that time, there has been significant interaction between the two cities, including student groups and other delegations traveling between the cities for cultural, educational and other purposes, as well as the exchange of gifts.

In 1971, the Tokushima-Saginaw Friendship Garden was built in Saginaw, and the land adjacent to the garden was subsequently deeded to the city of Tokushima. In 1985, a tea house was also built in Saginaw. Contractors and laborers from both cities were instrumental in its construction of the tea house and the labor costs were equally borne by both Saginaw and Tokushima. Upon its completion, the tea house became one of only 11 in the United States, and the only authentic tea house in the Midwest.

Promoting dialog and interaction between cities in the United States and other countries is a great way for communities to learn, understand and relate to other cultures. Through their Sister City Partnership, residents and officials of the cities of Saginaw and Tokushima now have a deeper and more personal appreciation for the traditions of both the United States and Japan. I know my colleagues join me in congratulating Saginaw and Tokushima on the 45 years of cultural exchange, and I wish them the best as this relationship continues to develop further.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4411. An act to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

H.J. Res. 86. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 40. A resolution authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure.

The message further announced that the bill from the Senate (S. 655) to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention passed with an amendment, in which it requests the concurrence of the Senate.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3637. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4411. An act to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7458. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of the Administration's intent to award a contract to McNeil Security, Inc. for screening services at Greater Rochester International Airport in Rochester, New York; to the Committee on Commerce, Science, and Transportation.

EC-7459. A communication from the Assistant Administrator, Office of Legislative Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's category rating system annual report; to the Committee on Commerce, Science, and Transportation.

EC-7460. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, (5) reports relative to vacancy announcements within the Department, received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7461. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of Unilateral Chemical/Biological (CB) Controls on Certain Biological Agents and Toxins; Clarification of Controls on Medical Products Containing Certain Toxins on the Australia Group (AG) Common Control Lists; Additions to the List of States Parties to the Chemical Weapons Convention (CWC)" (RIN0694-AD62) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7462. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Authorization to Appoint Any Commerce Department Employee to be Appeals Coordinator in Certain Administrative Appeals" (RIN0694-AD78) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7463. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Final Rule; Correcting Amendment" (RIN0648-AU21) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7464. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework Adjustment 18 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648-AT25) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7465. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources" (RIN0648-AU06) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7466. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Seasonal Closure of Chiniak Gully in the Gulf of Alaska to Trawl Fishing" (RIN0648-AU15) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7467. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Bottlenose Dolphin Take Reduction Plan and Revise the Mid-Atlantic Large Mesh Gillnet Rule" (RIN0648-AR39) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7468. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species: Atlantic Bluefin Tuna Quota Specifications and Effort Controls" ((RIN0648-AT72)(I.D.# 020206C)) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7469. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Limited Access Program for Gulf Charter Vessels and Headboats" (I.D.# 021306C) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7470. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D.# 052206A) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7471. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bearing Sea and Aleutian Islands Management Area" (I.D.# 060706B) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7472. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D.# 060806A) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7473. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits" (I.D.# 101805C) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7474. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bearing Sea and Aleutian Islands Management Area" (I.D.# 060706C) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7475. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Severn River and College Creek, Annapolis, Maryland" (RIN1625-AA87) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7476. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (19 Regulations)" (RIN1625–AA00) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7477. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 3 regulations): [CGD07–06–074], [CGD07–06–073], [CGD05–06–047]" (RIN1625-AA09) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7478. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of a draft bill to amend title 38, United States Code, to limit the prices of pharmaceuticals procured by the Federal Bureau of Prisons; to the Committee on the Judiciary.

EC–7479. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Add Denmark to the List of Regions Free of Exotic Newcastle Disease" (Doc. No. 02-089-3) received on July 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7480. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Standards for Approval of Warehouses for Storage of CCC Commodities" (RIN0560–AE50) received on July 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7481. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H–1B Visas in Specialty Occupations and as Fashion Models; Labor Attestations Regarding H–1B1 Visas" (RIN1205–AB38) received on July 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7482. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7483. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC–7484. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Angola; to the Committee on Banking, Housing, and Urban Affairs.

EC–7485. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–7486. A communication from the Assistant Chief Counsel (Employee Benefits), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidance on the Application of Section 409A to Accelerated Payments to Satisfy Federal Conflict of Interest Requirements" (Notice 2006–64) received on July 6, 2006; to the Committee on Finance.

EC–7487. A communication from the Assistant Chief Counsel (Employee Benefits), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Issue Resolution Regarding the Work Opportunity and Welfare-to-Work Tax Credits" (Announcement 2006-49) received on July 6, 2006; to the Committee on Finance.

EC–7488. A communication from the Assistant Chief Counsel (Employee Benefits), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Calculation of the Amount Involved on Elective Deferrals" (Rev. Rul. 2006–38) received on July 6, 2006; to the Committee on Finance.

EC–7489. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revision of the Deadline for Submission of Emergency Graduate Medical Education Affiliation Agreements" (RIN0938–AO35) received on July 6, 2006; to the Committee on Finance.

EC–7490. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of a draft bill entitled "Martin Luther King, Jr. National Historical Park Designation Act"; to the Committee on Energy and Natural Resources.

EC–7491. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the 2005 Annual Report to the Congress on United Nations Peacekeeping; to the Committee on Foreign Relations.

EC–7492. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the April 15, 2006 through June 15, 2006 reporting period; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 3524, An original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve health care provided to Indians under the Medicare, Medicaid, and State Children's Health Insurance Programs, and for other purposes (Rept. No. 109–278).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2832. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965 (Rept. No. 109–279).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

* Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2011.

* Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI (for herself and Mrs. FEINSTEIN):

S. 3639. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3640. A bill to require the United States Court of International Trade to consider certain civil actions that were delayed because of the terrorist attacks of September 11, 2001; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3641. A bill to suspend temporarily the duty on certain woven fabrics of cotton, containing less than 85 percent by weight of cotton; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3642. A bill to suspend temporarily the duty on knitted or crocheted fabrics of cotton, printed; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3643. A bill to suspend temporarily the duty on certain woven fabrics of cotton, containing less than 85 percent by weight of cotton, mixed mainly or solely with man-made fibers, weighing not more than 200 g/m^2; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3644. A bill to suspend temporarily the duty on weft pile fabrics of cotton, other than uncut weft pile fabrics or cut corduroy; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3645. A bill to suspend temporarily the duty on certain artificial filament single yarn (other than sewing thread); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3646. A bill to authorize the Secretary of the Interior to create a bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. LAUTENBERG, Mr. JOHNSON, Ms. MIKULSKI, Mrs. CLINTON, Mr. MENENDEZ, and Mr. AKAKA):

S. 3647. A bill to amend title XVIII of the Social Security Act to waive the monthly beneficiary premium under a prescription drug plan or an MA-PD plan during months in which an individual enrolled in such a plan has a gap in prescription drug coverage; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3648. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALLEN:

S. 3649. A bill to expedite the consideration of permits for refineries, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. DORGAN, Mr. KENNEDY, Ms. STABENOW, Mr. DAYTON, Mr. JOHNSON, Mrs. CLINTON, and Mr. AKAKA):

S. 3650. A bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. COLEMAN, Mr. FEINGOLD, Mr. VOINOVICH, Mr. ALLEN, Mr. ALEXANDER, Mr. HAGEL, Mr. OBAMA, Mrs. DOLE, Mr. CORNYN, Ms. COLLINS, Mr. CHAFEE, Mrs. BOXER, Mrs. CLINTON, Mr. SARBANES, Mr. BROWNBACK, and Mr. SUNUNU):

S. Res. 527. A resolution condemning in the strongest terms the July 11, 2006, terrorist attacks in India and expressing sympathy and support for the families of the deceased victims and wounded as well as steadfast support to the Government of India as it seeks to reassure and protect the people of India and to bring the perpetrators of this despicable act of terrorism to justice; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 108. A concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution and other publications; considered and agreed to.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 267

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 342

At the request of Mr. MCCAIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 342, a bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 424

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 463

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 463, a bill to deauthorize the project for navigation, Northeast Harbor, Maine.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1862

At the request of Mr. SMITH, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2155

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2155, a bill to provide meaningful civil remedies for victims of the sexual exploitation of children.

S. 2393

At the request of Mr. COLEMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2409

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2409, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2484

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2484, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2590

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2661

At the request of Mr. MARTINEZ, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2661, a bill to provide for a plebiscite in Puerto Rico on the status of the territory.

S. 3496

At the request of Mr. DEMINT, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3496, a bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes.

S. 3519

At the request of Mr. HATCH, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3606

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3606, a bill to amend title XVIII of the Social Security Act to provide fair payments for care provided in a hospital emergency department.

S. 3617

At the request of Mr. INHOFE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3617, a bill to reauthorize the North American Wetlands Conservation Act.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. CON. RES. 97

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mrs. CLINTON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 331

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 331, a resolution expressing the sense of the Senate regarding fertility issues facing cancer survivors.

S. RES. 500

At the request of Mr. BROWNBACK, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. TALENT), the Senator from Oklahoma (Mr. COBURN), the Senator from Vermont (Mr. LEAHY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

At the request of Mr. ALLEN, his name was added as a cosponsor of S. Res. 507, supra.

S. RES. 508

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day".

At the request of Mr. ALLEN, his name was added as a cosponsor of S. Res. 508, supra.

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 508, supra.

S. RES. 513

At the request of Mr. GRAHAM, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 513, a resolution expressing the sense of the Senate that the President should designate the week beginning September 10, 2006, as "National Historically Black Colleges and Universities Week".

AMENDMENT NO. 4352

At the request of Mr. ENSIGN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4352 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4550

At the request of Mr. SPECTER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 4550 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4553

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, supra.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, supra.

AMENDMENT NO. 4554

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 4554 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4559

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4559 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 4559 proposed to H.R. 5441, supra.

AMENDMENT NO. 4561

At the request of Mr. COBURN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4561 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4574

At the request of Mr. COLEMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 4574 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4576

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4576 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mrs. FEINSTEIN):

S. 3639. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, today I join my colleague, from the Committee on Energy and Natural Resources, Senator DIANNE FEINSTEIN of California, in introducing the Reclaiming the Nation's Water Act—ReNew.

We introduce this bill after months of review of the Nation's program, now over a decade old, that attempts to encourage the reclamation and use of water. The Bureau's title XVI program originated in 1992 in response to the Southwestern drought of the late 1980s and early 1990s. At that time, Congress authorized the program in an attempt to alleviate pressure on the Colorado River system by augmenting existing supplies and developing new water sources.

Since then, Congress has authorized some 31 projects and appropriated about $325 million for the program. During a February 28, 2006, hearing of the Senate Water and Power Subcommittee, the Congressional Research Service reported that only three of these projects have received full Federal funding and that 9 are listed as "inactive," meaning they have received little or no Federal moneys.

This massive backlog, which the Bureau of Reclamation has estimated will take at least 15 years to resolve, has not stopped local communities from seeking additional aid under the program. There are bills pending in Congress that would authorize an additional 19 projects—projects that will likely overwhelm the Bureau of Reclamation's budget, if they were all to be funded fully under the existing program.

In an effort to clarify the Federal role in developing new sources of water and in an effort to help local Government receive a dependable and timely supply of Federal assistance for truly worthy water reuse projects, we introduce this legislation to clarify and make permanent title XVI water reuse/reclamation/recycling grant assistance.

Briefly, the bill:

Amends the Reclamation and Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects. Under existing law, the title XVI program has operated without defined terms or specific purpose. This has led to confusion in recent years whether the title XVI program is primarily a demonstration program or was intended to finance permanent reclamation and reuse facilities. This legislation clarifies that the purpose of the title XVI program will be: (1) to assist in the development of permanent local and regional water reclamation and reuse projects; and (2) to further improve water reclamation and reuse technologies through research and demonstration activities.

The legislation also authorizes the Secretary of Interior to participate in opportunities for water reclamation and reuse, including water recycling and desalination activities in reclamation States. The legislation provides new authority for the Secretary of the Interior to review non-Federal water reclamation and reuse project proposals, pursuant to new standards and procedures for such review. New standards would include providing sufficient evidence to the Secretary of Interior that the project: (1) is technically viable and (2) has a financially capable project sponsor. The Secretary would have 180 days to submit to Congress: (1) a statement and explanation of the project's technical and financial viability, and (2) a recommendation on whether the project should be authorized for construction based on several specific factors. Factors to be considered would range from items related to project costs and benefits, to whether the project would help serve an identified Federal interest. The bill also includes transition procedures.

The bill as currently proposed also:

(1) Strikes existing provisions providing for appraisal investigations and replaces them in part with a new planning and assistance program—$4.4 million authorized annually—for non-Federal project sponsors electing to seek help in developing project proposals.

(2) Strikes existing provisions providing for feasibility investigations and replaces them with a new technical and financial review process for evaluating non-Federal sponsor project proposals. Deadlines are included for the technical and financial viability reviews, and a process is established for reporting and making recommendations to Congress on project proposals for funding.

(3) Clarifies that projects must be authorized for construction by the Congress before funds may be expended by the Secretary of the Interior for project construction.

(4) Limits the Federal cost-share for projects to the lesser of 20 percent or $20 million of total project costs—the current limit is 25 percent or $20 million—excluding operations and maintenance costs.

(5) And makes numerous technical and conforming amendments.

Mr. President, I look forward to working with my colleagues, Members of the House, and the administration to perfect and move this bill through the process this year. I believe this bill will provide valuable assistance to local areas to increase the available supplies of potable water through the economic reuse and reclamation of water supplies, while providing an affordable and orderly process that will prove fairer to local communities and help them to receive federal assistance in a timely manner.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclaiming the Nation's Water Act".

SEC. 2. PURPOSE; DEFINITIONS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) by striking section 1603;

(2) by redesignating section 1602 as section 1603; and

(3) by inserting after section 1601 the following:

"SEC. 1602. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this title are—

"(1) to assist in the development of permanent local and regional water reclamation and reuse projects in—

"(A) the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

"(B) the State of Hawaii; and

"(2) to further improvements in water reclamation and reuse technologies through the conduct of—

"(A) research; and

"(B) demonstration activities in the States and areas described in subparagraphs (A) and (B) of paragraph (1).

"(b) DEFINITIONS.—In this title:

"(1) FINANCIALLY CAPABLE PROJECT SPONSOR.—The term 'financially capable project sponsor' means a non-Federal project sponsor that is capable of providing—

"(A) the non-Federal share of the project costs; and

"(B) 100 percent of the operations and maintenance costs of the project.

"(2) NON-FEDERAL PROJECT SPONSOR.—The term 'non-Federal project sponsor' means a State, regional, or local authority or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

"(3) FEDERAL RECLAMATION LAWS.—The term 'Federal reclamation laws' means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

"(4) RECLAIM; RECLAMATION.—The terms 'reclaim' and 'reclamation' include recycling and desalination.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(6) TECHNICALLY AND FINANCIALLY VIABLE PROJECT.—The term 'technically and financially viable project' means a project that—

"(A) is a technically viable project; and

"(B) has a financially capable project sponsor.

"(7) TECHNICALLY VIABLE PROJECT. The term 'technically viable project' means a project that—

"(A) meets generally acceptable engineering, public health, and environmental standards; and

"(B) has obtained or is expected to obtain approval of all Federal, State, and local permits necessary for implementation of the project.".

SEC. 3. GENERAL AUTHORITY.

Section 1603(a) of the Reclamation Wastewater and Groundwater Study and Facilities Act (as redesignated by section 2(2)), is amended—

(1) by striking "The Secretary of the Interior" and all that follows through "is directed to" and inserting "The Secretary, acting pursuant to Federal reclamation laws, shall";

(2) by striking "investigate and identify" and inserting "participate in"; and

(3) by striking "to conduct research, including desalting" and inserting "conduct research, including desalination".

SEC. 4. REVIEW OF PROPOSALS SUBMITTED BY NON-FEDERAL PROJECT SPONSORS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by striking section 1604 and inserting the following:

"SEC. 1604. REVIEW OF PROPOSALS SUBMITTED BY NON-FEDERAL PROJECT SPONSORS.

"(a) AUTHORITY TO REVIEW.—The Secretary shall review any project proposal under this title that is—

"(1) developed by a non-Federal project sponsor—

"(A) independently; or

"(B) with the assistance of the Department of the Interior or any other governmental or nongovernmental entity; and

"(2) submitted or resubmitted to the Secretary by a non-Federal project sponsor, including a project proposal that has been previously reviewed for feasibility by the Secretary.

"(b) REQUIREMENTS.—In addition to complying with any requirements of other Federal laws, a project proposal submitted by a non-Federal project sponsor under this section shall—

"(1) provide sufficient evidence, as determined by the Secretary, to demonstrate that the project—

"(A) is a technically viable project; and

"(B) has a financially capable project sponsor; and

"(2) provide information on each of the factors described in subsection (d)(1)(B)(ii).

"(c) Determination of Financial and Technical Viability.—

"(1) In general.—Not later than 30 days after the date on which a non-Federal project sponsor submits a project proposal (including any supporting documentation) under subsection (a)(2), the Secretary shall provide to the non-Federal project sponsor written notice on whether the project proposal includes sufficient information under paragraph (2) for the Secretary to determine whether the proposed project is a technically and financially viable project.

"(2) Checklist.—A project proposal shall include sufficient information for a determination under paragraph (1) if the proposal includes—

"(A) a map of the proposed project area and service area;

"(B) a project description or plan, including engineering plans;

"(C) the initial cost estimates for the project;

"(D) a financial plan for the project; and

"(E) a report on the status of any Federal, State, and local permits that are necessary to implement the project.

"(3) Determination of insufficient information.—

"(A) In general.—If the Secretary determines that there is insufficient information in the project proposal for the Secretary to determine whether the project is a technically and financially viable project—

"(i) the Secretary shall provide to the non-Federal project sponsor written notice that identifies any information that the Secretary determines to be necessary to make the determination; and

"(ii) the non-Federal project entity may submit a revised project proposal to the Secretary.

"(B) Notification.—Not later than 21 days after the date on which a non-Federal project sponsor submits a revised proposal to the Secretary under subparagraph (A)(ii), the Secretary shall provide to the non-Federal project sponsor written notice that describes whether sufficient information has been provided to make a determination on whether the project is a technically and financially viable project.

"(d) Notice to Congress.—

"(1) In general.—Not later than 180 days after the date on which the Secretary determines that a project proposal includes sufficient information to make a determination on whether the project is a technically and financially viable project, the Secretary shall submit to Congress a written notice of the findings of the Secretary that includes—

"(A) a statement and explanation of the determination on whether the project is a technically and financially viable project; and

"(B) a concise recommendation of the Secretary on whether the project should be authorized for construction, that is based on, but is not required to describe—

"(i) the results of the review of the project proposal under subsection (a); and

"(ii) the consideration of the following factors:

"(I) The cost per acre-foot of water to be produced by the project.

"(II) The quality and quantity of water to be produced by the project.

"(III) The cost-effectiveness of the project compared with other available alternatives, including whether other comparatively cost-effective alternatives for meeting a significant water supply need for the project exist.

"(IV) Any environmental benefits or adverse effects of the project.

"(V) The extent to which the project would help serve an identified Federal interest.

"(VI) The extent to which the project would provide regional benefits.

"(VII) Whether the project demonstrates innovative or alternative technologies or processes relating to water treatment or waste minimization and management.

"(2) Availability.—To ensure that the determination and recommendation submitted under paragraph (1) are made publicly available, the Secretary shall—

"(A) transmit a copy of the written notice under paragraph (1) to—

"(i) the Committee on Energy and Natural Resources of the Senate; and

"(ii) the Committee on Resources of the House of Representatives; and

"(B) publish in the Federal Register notice of the availability of the written notice.

"(e) Revisions to Proposal.—

"(1) In general.—If the Secretary determines under subsection (d)(1)(A) that a project is not a technically and financially viable project, the Secretary shall not be required to conduct further analysis of the project until the non-Federal project sponsor—

"(A) conducts an additional investigation of the project; and

"(B) resubmits a revised project proposal in accordance with this section.

"(2) Costs.—The non-Federal project sponsor shall pay any costs associated with revising the project proposal under paragraph (1).

"(f) Congressional Determination and Authorization.—

"(1) Congressional determination.—Congress may make the determination on whether to authorize a project under this title if—

"(A) the Secretary submits the written notice under subsection (d)(1);

"(B) by the date that is 60 days after the date on which a non-Federal project sponsor submits a project proposal under subsection (a)(2), the Secretary does not submit written notice to the non-Federal project sponsor under subsection (c)(1); or

"(C) by the date that is 180 days after the date on which the Secretary determines that a project proposal includes sufficient information to make a determination on whether the project is a technically and financially viable project, the Secretary does not submit the written notice under subsection (d)(1).

"(2) Congressional authorization.—Nothing in this section precludes Congress from authorizing a project under this title.

"(g) Transition Provisions.—

"(1) In general.—A non-Federal project sponsor that has submitted to the Secretary for review a feasibility study for a project under this title before the date of enactment of the Reclaiming the Nation's Water Act may—

"(A) submit a new project proposal for approval under subsection (a); or

"(B) notify the Secretary in writing that the non-Federal project sponsor elects to seek approval of the project using the previously submitted feasibility study.

"(2) Supplemental information.—If the non-Federal project sponsor makes the election under paragraph (1)(B), the non-Federal project sponsor may supplement the previously submitted feasibility study to provide additional information—

"(A) on whether the project is a technically and financially viable project; and

"(B) to address each of the factors described in subsection (d)(1)(B)(ii).

"(3) Determination of technical and financial viability.—Not later than 90 days after the date on which the Secretary receives notice of an election under paragraph (1)(B), the Secretary shall determine whether the project is a technically and financially viable project.

"(4) Notice to congress.—Not later than 180 days after the date on which the Secretary receives notice of an election under paragraph (1)(B), the Secretary shall submit to Congress written notice on the determination and recommendation of the Secretary with respect to the proposal in accordance with subsection (d).".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) is amended—

(1) in subsection (b)(1)—

(A) by striking "may not be appropriated" and inserting "may not be expended by the Secretary"; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

"(A) Congress has authorized the construction of the project;

"(B) the Secretary has determined that the project has a financially capable project sponsor; and";

(2) in subsection (c), by striking "the non-Federal project sponsor" and all that follows through "project's costs" and inserting "the project has a financially capable project sponsor"; and

(3) by adding at the end the following:

"(e) Limitation on New Projects.—

"(1) In general.—The Federal share of the total costs of any project authorized under this title after the date of enactment of the Reclaiming the Nation's Water Act shall be not more than 20 percent.

"(2) Operation and maintenance costs.—No Federal funds shall be used to pay the costs of operating and maintaining any project authorized under this title after the date of enactment of the Reclaiming the Nation's Water Act.

"(f) Deauthorization.—Any project authorized under this title that has not received Federal funding by the date that is the later of the date that is 10 years after the date of enactment of the Reclaiming the Nation's Water Act or 10 years after the date on which construction of the project is authorized shall be deauthorized.".

SEC. 6. REUSE PLANNING ASSISTANCE PROGRAM.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1639. REUSE PLANNING ASSISTANCE PROGRAM.

"(a) In General.—The Secretary may cooperate with any non-Federal project sponsor in the preparation of any plan (including a project proposal) for the development of reclaimed water for reuse applications or environmental benefits that are in the public interest, as determined by the Secretary.

"(b) Agreement.—

"(1) In general.—At the request of a non-Federal project sponsor, the Secretary may enter into an agreement with the non-Federal project sponsor to provide for the preparation of a project proposal for review under section 1604(a).

"(2) Requirements.—Any project proposal prepared under an agreement entered into under paragraph (1) shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including any regulations promulgated to carry out that Act.

"(3) Consultation.—The Secretary shall consult and cooperate with appropriate Federal, State, regional, and local entities during the development of each project proposal prepared under an agreement entered into under paragraph (1).

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than $4,400,000 for fiscal year 2007 and each fiscal year thereafter, of which—

"(A) not more than $500,000 shall be expended in any 1 fiscal year for a plan for any 1 project; and

"(B) not more than a total of $1,000,000 shall be made available to a non-Federal project sponsor to prepare a plan for any 1 project.

"(2) FEDERAL SHARE.—The Federal share of the total costs of any plan for a project prepared under an agreement entered into under subsection (b)(1) shall be not more than 50 percent.".

SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) in section 1612(a) (43 U.S.C. 390h–10(a)), by striking "California or" and inserting "California, or"; and

(2) in section 1632(a) (43 U.S.C. 390h–14(a))—

(A) by striking "Secretary of the Interior" and inserting "Secretary"; and

(B) in paragraph (2), by striking the comma and inserting a semicolon.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended—

(1) by striking the items relating to sections 1602 through 1604 and inserting the following:

"Sec. 1602. Purposes; Definitions.
"Sec. 1603. General authority.
"Sec. 1604. Review of proposals submitted by non-Federal project sponsors.";

and

(2) by inserting after the item relating to section 1638 the following:

"Sec. 1639. Reuse planning assistance program.".

Mrs. FEINSTEIN. Mr. President, I rise today to join my distinguished colleague, Senator MURKOWSKI, chair of the Subcommittee on Water and Power, Committee on Energy and Natural Resources, in introducing legislation to provide new authority and streamlined review criteria for the Bureau of Reclamation's title XVI Water Recycling Program.

I first want to thank Senator MURKOWSKI for her leadership in this area. I deeply appreciate her willingness to work with me on this issue.

I also want to thank my California colleague and friend, Representative GRACE NAPOLITANO, ranking member on the Water and Power Subcommittee, who is introducing identical companion legislation in the House of Representatives today.

This legislation is an outgrowth of subcommittee oversight hearings last February and is the product of more than 2 years of discussion, evaluation, and consultation with the Bureau of Reclamation as well as numerous water agencies and communities.

Today, the West faces two daunting challenges simultaneously. The first is drought and the impacts of continued climate gyration—wild swings in previously established weather patterns. The second is the unprecedented growth throughout California and the Western States. Population continues to not just grow but surge throughout this region.

The title XVI, Water Recycling Program enables water users in the West to stretch existing supplies through the application of reclamation, reuse, recycling and desalination technologies.

Title XVI was initially authorized in 1992, following a severe multiyear drought in California and other Western States. A drought of equal severity reduced the mighty Colorado River to record lows only a few years ago. We must find ways to expand our water supplies, and do so without generating regional or environmental conflict. Reusing our existing supplies and stretching those supplies is a significant part of the solution. The title XVI program provides the authority and framework to accomplish these water resource development objectives to meet the needs of our cities and urban areas, our farms and ranches and our diverse environment.

This legislation clarifies and makes permanent the U.S. Department of the Interior and Bureau of Reclamation's title XVI water reuse/reclamation/recycling grant authority for the development of new sources of water. In so doing, this proposed legislation will help State and local governments and water departments and agencies develop new water and reliable water supplies.

The bill amends the Reclamation and Wastewater and Groundwater Study and Facilities Act, 1992, to provide new standards and procedures for the review of water reclamation and reuse projects by the Interior Department's Bureau of Reclamation. Additionally, the legislation sets forth specific criteria to assist Congress in the evaluation and selection of projects for Federal funding.

In the recent past, the Bureau of Reclamation was not able to review and report on proposed projects in a timely fashion. This legislation establishes firm deadlines, a clear process, and very specific criteria by which project reviews are to be conducted.

This program, unlike traditional Bureau of Reclamation project funding, provides a grant, not to exceed 20 percent of the capital costs or $20 million making this the most leveraged and most cost-shared Federal water resources program. In setting the 20 percent cap, this legislation reduces the overall percentage Federal participation to 20 percent from the 1992 standard of 25 percent to enable more projects to receive Federal cost-share support.

Reclaiming the Nation's Water Act is designed to accomplish one major objective—development of new water supplies responsibly—and in a timely manner. From a California perspective, this legislation compliments and is fully consistent with the recently published California Water Plan Update 2005—published in 2006—by California Department of Water Resources and the 2002 State of California's Water Recycling Task Force, Water Recycling 2030. Both reports conclude that a significant portion of new water to be developed in California will come from water recycling.

Throughout the Nation's more than 200-year history, water conflicts in the West have "erupted" periodically. This program is designed to reduce conflict through sound planning, improved management, expanding existing supplies, leveraged financing and meaningful partnerships.

The Subcommittee on Water and Power will hold a hearing on this proposed legislation later this month. At that time, the subcommittee will also hear testimony on three proposed projects, one each in Riverside, Orange and San Bernardino Counties. I have carefully reviewed these projects. They are designed to produce approximately 300,000 acre-feet of new water annually. These projects simultaneously reduce pressure on the Bay Delta—and other Federal and State water users dependent on the water from the delta—as well as the Colorado River. They will help drought-proof their water service areas.

Not too long ago, in a speech delivered at a WateReuse Association conference, John Keys, the recently retired Commissioner, Bureau of Reclamation, called recycled water The Last River to Tap. Commissioner Keys was right.

I would like to provide some additional detail on the legislation. The legislation provides new authority for the Secretary of the Interior to review non-Federal water reclamation and reuse project proposals, pursuant to new standards and procedures for such review.

New standards would include providing sufficient evidence to the Secretary of Interior that the project: (1) is technically viable and (2) has a financially capable project sponsor. The Secretary would have 180 days to submit to Congress: (1) a statement and explanation of the project's technical and financial viability, and (2) a recommendation on whether the project should be authorized for construction based on several specific factors. Factors to be considered would range from items related to project costs and benefits, to whether the project would help serve an identified Federal interest. The bill also includes transition procedures.

This program is vital to the West's future. I look forward to working with Senator MURKOWSKI and my colleagues on the Energy Committee. I want to also thank Energy Committee Chairman Pete Domenici and the committee's ranking member, Senator Jeff Bingaman for their support and assistance in the preparation of this legislation.

By Mrs. FEINSTEIN:

S. 3646. A bill to authorize the Secretary of the Interior to create a bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the North Bay Water Reuse Program Act of 2006. The act would authorize an innovative program to protect the environment while meeting the future water needs of urban and agricultural water users in the North Bay region of California for years to come.

As regulations continue to tighten restrictions on wastewater discharges into the San Francisco Bay, communities are faced with major financial challenges as they determine the best way to discharge their treated wastewater. At the same time, agricultural producers in the North Bay region are facing serious water shortages resulting from a serious overdraft of groundwater. The North Bay Water Reuse Program will solve both problems together.

When completed, the North Bay Water Reuse Program will provide for the collection and conveyance of treated urban wastewater to agricultural growers, promising a permanent and dedicated supply of about 30,000 acre-feet of water per year. The use of reclaimed water for irrigation will reduce the demand on both surface and groundwater supplies, and thus improve instream flows for riparian habitat and fisheries recovery.

In the off-season when irrigation demand is diminished, the reclaimed water will be used to increase surface water flows for restoration of wetland habitat in the former Cargill Salt Ponds.

This reclaimed water that would be applied productively to vineyards, fields and wetlands is now being discharged as treated wastewater into the San Francisco Bay-Delta Estuary. The North Bay Water Reuse Program will benefit the ecosystem of the bay by providing a cost-effective, environmentally sound alternative for the disposal of urban wastewater.

The legislation I am introducing today allows for the Federal participation of the first phase of this long-term regional project. This cost-shared water reclamation and reuse program is the first of its kind in Northern California, and the first to provide water primarily for agricultural and environmental uses. It is supported by the local governments in three counties—Napa, Sonoma and Marin—that have joined together to undertake the project. Agricultural organizations, such as the Napa and Sonoma County Farm Bureaus, the Carneros Quality Alliance, the Winegrape Growers of Napa County, the Napa Vintners Association, and the North Bay Agriculture Alliance, support the program. And environmental organizations, such as The Bay Institute, likewise endorse the program.

The North Bay Water Reuse Program brings together stakeholders that are usually at odds with one another and provides an ideal solution to guarantee water to the environment and agricultural producers, and simultaneously providing regulatory relief to wastewater agencies.

I ask unanimous consent that the text of the bill be printed in the Record

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Bay Water Reuse Program Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) Eligible entity.—The term "eligible entity" means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

(A) Marin County;

(B) Napa County;

(C) Solano County; or

(D) Sonoma County.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior.

(3) State.—The term "State" means the State of California.

(4) Water reclamation and reuse project.—The term "water reclamation and reuse project" means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

(A) water quality improvement;

(B) wastewater treatment;

(C) water reclamation and reuse;

(D) groundwater recharge and protection;

(E) surface water augmentation; or

(F) other related improvements.

SEC. 3. NORTH BAY WATER REUSE PROGRAM.

(a) In General.—The Secretary, acting through a cooperative agreement with the State or a subdivision of a State, may offer to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse projects.

(b) Coordination With Other Federal Agencies.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

(1) non-Federal entities; and

(2) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(c) Cooperative Agreement.—

(1) Requirements.—A cooperative agreement entered into under paragraph (1) shall, at a minimum, specify the responsibilities of the Secretary and the eligible entity with respect to—

(A) ensuring that the cost-share requirements established by subsection (e) are met;

(B) completing—

(i) a needs assessment for the water reclamation and reuse project; and

(ii) the planning and final design of the water reclamation and reuse project;

(C) any environmental compliance activity required for the water reclamation and reuse project;

(D) the construction of facilities for the water reclamation and reuse project; and

(E) administrating any contract relating to the construction of the water reclamation and reuse project.

(2) Phased project.—

(A) In general.—A cooperative agreement described in paragraph (1) shall require that any water reclamation and reuse project carried out under this section shall consist of 2 phases.

(B) First phase.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance system of the water reclamation and reuse project.

(C) Second phase.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems of the water reclamation and reuse project.

(d) Financial Assistance.—

(1) In general.—The Secretary may provide financial and technical assistance to an eligible entity to assist in planning, designing, conducting related preconstruction activities for, and constructing a water reclamation and reuse project.

(2) Use.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under this section.

(e) Cost-Sharing Requirement.—

(1) Federal share.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 25 percent of the total cost of a water reclamation and reuse project.

(2) Form of non-Federal share.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

(A) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

(B) the fair-market value of land that is—

(i) used for planning, design, and construction of the water reclamation and reuse project facilities; and

(ii) owned by an eligible entity.

(f) Operation, Maintenance, and Replacement Costs.—

(1) In general.—The eligible entity shall be responsible for the annual operation, maintenance, and replacement costs associated with the water reclamation and reuse project.

(2) Operation, maintenance, and replacement plan.—The eligible entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan for the water reclamation and reuse project.

(g) EFFECT.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal right to—

(A) the water of a stream; or

(B) any groundwater resource.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of water reclamation and reuse projects carried out under this Act, an amount not to exceed 25 percent of the total cost of those reclamation and reuse projects or $25,000,000, whichever is less, to remain available until expended.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. LAUTENBERG, Mr. JOHNSON, Ms. MIKULSKI, Mrs. CLINTON, Mr. MENENDEZ, and Mr. AKAKA):

S. 3647. A bill to amend title XVIII of the Social Security Act to waive the monthly beneficiary premium under a prescription drug plan or an MA–PD plan during months in which an individual enrolled in such a plan has a gap in prescription drug coverage; to the Committee on Finance.

Mr. DORGAN. Mr. President, nearly one-third of Medicare beneficiaries are going to become all too familiar with what is called the "doughnut hole" over the next several months. The doughnut hole is a gap in coverage that exists in most Medicare prescription drug plans.

Here is how the doughnut hole works: Under most plans, Medicare will pay for 75 percent of drug costs up to $2,250 after an initial $250 deductible. But then Medicare pays nothing until drug expenses exceed $5,100. During this gap in coverage, beneficiaries continue to pay monthly premiums but get no drug coverage at all. I think this is unfair.

That is why I am introducing the Prescription for Fairness Act. This legislation is simple. It says seniors should not have to pay monthly premiums during the time when they have no drug coverage. The legislation would waive the monthly premium for any month that a senior is trapped in the doughnut hole.

The legislation will help people like Mrs. McLain, an 88-year-old woman who lives in a long-term care facility in Bottineau, ND. She enrolled in the Medicare prescription drug benefit earlier this year. Her brother, who helps pay her health care bills, was recently contacted by their local pharmacist. The pharmacist explained that Mrs. McLain no longer has Medicare drug coverage and must pay about $500 every month for her diabetes medications. This is not an expense that they had planned for, nor one they can afford. They did not realize that this coverage gap existed when they enrolled in the plan. This is one of countless stories that we will hear over the next several months as seniors fall into this coverage gap.

Some will say that beneficiaries trapped in the doughnut hole should have selected plans that provide better coverage. I think it is unfair to blame beneficiaries for selecting the wrong plan. A new report by the Government Accountability Office found that the call centers operated by the Medicare prescription drug plan sponsors only gave accurate and complete information to callers about one-third of the time. More than one in five callers received completely inaccurate information.

It is worth noting that the Prescription for Fairness Act will have no affect on the bottom lines of the participating Medicare prescription drug plans. Under the legislation, the Secretary of the Department of Health and Human Services will simply pay the monthly premium on behalf of the beneficiary. It is offset by reducing the Medicare stabilization fund. This fund is completely unnecessary. It is a $10 billion pot of money that was added to the Medicare Modernization Act to provide bonus payments and incentives to managed care companies to enter the Medicare market. It is time that Congress provides a safety net for seniors, not health plans.

This legislation merely provides seniors some relief in the short term. The legislation would expire after fiscal year 2008. This Congress still needs to close the doughnut hole. In October, I joined Senator BILL NELSON to introduce the Medicare Prescription Drug Gap Reduction Act, which would allow the Secretary of Health and Human Services to negotiate fair drug prices and the savings would be used to eliminate the doughnut hole. Believe it or not, the Medicare Modernization Act contained a provision that explicitly prohibits the government from using its market clout to negotiate for fair drug prices for our seniors.

I am hopeful that the Senate will take up the Medicare Prescription Drug Gap Reduction Act. In the meantime, let's make sure seniors are not charged for a benefit that they are not receiving. The Prescription for Fairness Act does just that.

I am pleased to be joined by Senators BINGAMAN, STABENOW, LAUTENBERG, JOHNSON, MIKULSKI, CLINTON, MENENDEZ and AKAKA in introducing this important legislation. I am also pleased that Families USA has endorsed this legislation.

I ask for unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescription for Fairness Act of 2006".

SEC. 2. WAIVER OF MONTHLY BENEFICIARY PREMIUM DURING COVERAGE GAP.

(a) IN GENERAL.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended by adding at the end the following new paragraph:

"(7) WAIVER OF MONTHLY BENEFICIARY PREMIUM DURING COVERAGE GAP.—

"(A) IN GENERAL.—During the period beginning on the date of enactment of the Prescription for Fairness Act of 2006 and ending on September 30, 2008, in the case of an individual enrolled in a prescription drug plan or an MA–PD plan which does not provide any coverage of benefits after the individual has reached the initial coverage limit under paragraph (3) of section 1860D–2(b) and before the individual has reached the annual out-of-pocket threshold specified in paragraph (4)(B) of such section, the following rules shall apply:

"(i) The individual is not responsible for payment of the monthly beneficiary premium (as computed under paragraph (2) and adjusted under paragraph (1)) under such a plan for any month during which such coverage is not provided.

"(ii) The Secretary shall provide for payment of such monthly beneficiary premium under such a plan on behalf of such an individual for any month described in clause (i). Such payment shall be made from the Medicare Prescription Drug Account.

"(B) REFUND OF PREMIUMS PAID.—In the case of such an individual who pays the monthly beneficiary premium under such a plan for a month during which such coverage is not provided, the Secretary shall refund an amount equal to the premium paid. Such refund shall be made from such Account.".

(b) CONFORMING AMENDMENTS.—Section 1854(b)(1) of the Social Security Act (42 U.S.C. 1395w–24(b)(1)) is amended—

(1) in subparagraph (A), by inserting "and, if applicable, the waiver under subparagraph (D)" after "subparagraph (C)"; and

(2) by adding at the end the following new subparagraph:

"(D) WAIVER OF MA MONTHLY PRESCRIPTION DRUG BENEFICIARY PREMIUM.—During the period beginning on the date of enactment of the Prescription for Fairness Act of 2006 and ending on September 30, 2008, the provisions of section 1860D–13(a)(7) shall apply to the MA monthly prescription drug beneficiary premium in the same manner as they apply to the monthly beneficiary premium under such section.".

SEC. 3. REDUCTION OF MEDICARE ADVANTAGE REGIONAL PLAN STABILIZATION FUND AMOUNT.

(a) IN GENERAL.—Section 1858(e)(2) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)) is amended—

(1) in subparagraph (A)(i), by striking "There shall" and inserting "Subject to subparagraph (E), there shall"; and

(2) by adding at the end the following new subparagraph:

"(E) REDUCTION IN INITIAL FUNDING TO OFFSET COST OF WAIVER OF PRESCRIPTION DRUG PREMIUM.—The Secretary shall reduce the amount available under subparagraph (A)(i) by an amount equal to the Secretary's estimate of the increased expenditures from the Medicare Prescription Drug Account by reason of the amendments made by section 2 of the Prescription for Fairness Act of 2006.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2181).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3648. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today with my good friend and colleague, Senator BINGAMAN, to introduce the Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006, an important piece of legislation for some of our constituents, the people of the Pueblo of Isleta.

The Pueblo filed suit against the United States under Public Law 104–198, which conferred jurisdiction on the U.S. Court of Federal Claims with respect to land claims of the Pueblo of Isleta Indian Tribe, alleging loss and injury to the Pueblo's lands and property interests because of mismanagement by the Federal Government. The parties to the suit have spent several years reviewing and discussing these allegations, and this year the Pueblo of Isleta, the U.S. Department of Justice, and the U.S. Department of Interior have come to an agreement on how to resolve those claims. The legislation I am introducing today with Senator BINGAMAN will codify the parties' agreement.

Under the terms of the settlement agreement, the parties have agreed on how to use the funds paid to the Pueblo of Isleta. Some of the funds will be used for drainage and remediation of the Pueblo's agricultural lands that have been waterlogged. Some of the funds will be spent to rehabilitate and remediate the Pueblo's forest lands. Other funds will be used for the acquisition, restoration, improvement, development, and protection of land, natural resources and cultural resources of the Pueblo and for the payment and reimbursement of expenses incurred in connection with this lawsuit.

The Pueblo of Isleta, the Department of Interior, and the Department of Justice have worked long and hard to resolve this matter. I believe Congress should act expeditiously to ratify the agreement they have reached.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is pending before the United States Court of Federal Claims a civil action filed by the Pueblo against the United States in which the Pueblo seeks to recover damages pursuant to the Isleta Jurisdictional Act;

(2) the Pueblo and the United States, after a diligent investigation of the Pueblo claims, have negotiated a Settlement Agreement, the validity and effectiveness of which is contingent on the enactment of enabling legislation;

(3) certain land of the Pueblo is waterlogged, and it would be to the benefit of the Pueblo and other water users to drain the land and return water to the Rio Grande River; and

(4) there is Pueblo forest land in need of remediation in order to improve timber yields, reduce the threat of fire, reduce erosion, and improve grazing conditions.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve the drainage of the irrigated land, the health of the forest land, and other natural resources of the Pueblo; and

(2) to settle all claims that were raised or could have been raised by the Pueblo against the United States under the Isleta Jurisdictional Act in accordance with section 5.

SEC. 3. DEFINITIONS.

In this Act:

(1) ISLETA JURISDICTIONAL ACT.—The term "Isleta Jurisdictional Act" means Public Law 104–198 (110 Stat. 2418).

(2) PUEBLO.—The term "Pueblo" means the Pueblo of Isleta, a federally-recognized Indian tribe.

(3) RESTORATION FUND.—The term "Restoration Fund" means the Pueblo of Isleta Natural Resources Restoration Fund established by section 4(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement entered into between the United States and the Pueblo dated July 12, 2005, as modified by the Extension and Modification Agreement executed by the United States and the Pueblo on June 22, 2006, to settle the claims of the Pueblo in Docket No. 98–166L, a case pending in the United States Court of Federal Claims.

SEC. 4. PUEBLO OF ISLETA NATURAL RESOURCES RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Pueblo of Isleta Natural Resources Restoration Fund", consisting of—

(1) such amounts as are transferred to the Restoration Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Restoration Fund under subsection (d).

(b) TRANSFERS TO RESTORATION FUND.—Upon entry of the final judgment described in section 5(b), there shall be transferred to the Restoration Fund, in accordance with conditions specified in the Settlement Agreement and this Act—

(1) $32,838,750 from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code; and

(2) in addition to the amounts transferred under paragraph (1), at such times and in such amounts as are specified for that purpose in the annual budget of the Department of the Interior, authorized to be appropriated by subsection (f), and made available by an Act of appropriation, a total of $7,200,000.

(c) DISTRIBUTION OF AMOUNTS FROM RESTORATION FUND.—

(1) APPROPRIATED AMOUNTS.—

(A) IN GENERAL.—Subject to paragraph (3), upon the request of the Pueblo, the Secretary shall distribute amounts deposited in the Restoration Fund pursuant to section V of the Settlement Agreement and subsection (b)(2), in accordance with the terms and conditions of the Settlement Agreement and this Act, on the condition that the Secretary, before any such distribution, receives from the Pueblo such assurances as are satisfactory to the Secretary that—

(i) the Pueblo shall deliver funds in the amount of $7,100,000 toward drainage and remediation of the agricultural land and rehabilitation of forest and range land of the Pueblo in accordance with section IV(C) and IV(D) of the Settlement Agreement; and

(ii) those funds shall be available for expenditure for drainage and remediation expenses as provided in sections IV(C) and IV(D) of the Settlement Agreement on the dates on which the Secretary makes distributions, and in amounts equal to the amounts so distributed, in accordance with sections IV(A) and IV(B) of the Settlement Agreement.

(B) USE OF FUNDS.—Of the amounts distributed by the Secretary from the Restoration Fund under subparagraph (A)—

(i) $5,700,000 shall be available to the Pueblo for use in carrying out the drainage and remediation of approximately 1,081 acres of waterlogged agricultural land, as described in section IV(A) of the Settlement Agreement; and

(ii) $1,500,000 shall be available to the Pueblo for use in carrying out the rehabilitation and remediation of forest and range land, as described in section IV(B) of the Settlement Agreement.

(C) FEDERAL CONSULTATION.—Restoration work carried out using funds distributed under this paragraph shall be planned and performed in consultation with—

(i) the Bureau of Indian Affairs; and

(ii) such other Federal agencies as are necessary.

(D) UNUSED FUNDS.—Any funds, including any interest income, that are distributed under this paragraph but that are not needed to carry out this paragraph shall be available for use in accordance with paragraph (2)(A).

(2) AMOUNTS FROM JUDGMENT FUND.—

(A) IN GENERAL.—Subject to paragraph (3), the amount paid into the Restoration Fund under subsection (b)(1), and interest income resulting from investment of that amount, shall be available to the Pueblo for—

(i) the acquisition, restoration, improvement, development, and protection of land, natural resources, and cultural resources within the exterior boundaries of the Pueblo, including improvements to the water supply and sewage treatment facilities of the Pueblo; and

(ii) for the payment and reimbursement of attorney and expert witness fees and expenses incurred in connection with Docket No. 98–166L of the United States Court of Federal Claims, as provided in the Settlement Agreement.

(B) NO CONTINGENCY ON PROVISION OF FUNDS BY PUEBLO.—The receipt and use of funds by the Pueblo under this paragraph shall not be contingent upon the provision by the Pueblo of the funds described in paragraph (1)(A)(i).

(3) EXPENDITURES AND WITHDRAWAL.—

(A) TRIBAL MANAGEMENT PLAN.—

(i) IN GENERAL.—Subject to clause (ii), the Pueblo may withdraw all or part of the Restoration Fund on approval by the Secretary of a tribal management plan in accordance with section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan described in clause (i) shall require that the Pueblo shall expend any funds withdrawn from the Restoration Fund under this paragraph in a manner consistent with the purposes described in the Settlement Agreement.

(B) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan described in subparagraph (A)(i) to ensure that any funds withdrawn from the Restoration Fund under this paragraph are used in accordance with this Act.

(C) LIABILITY.—If the Pueblo exercises the right to withdraw funds from the Restoration Fund under this paragraph, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the accounting, disbursement, or investment of the funds withdrawn.

(D) EXPENDITURE PLAN.—

(i) IN GENERAL.—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portion of the funds in the Restoration Fund made available under this Act that the Pueblo does not withdraw under this paragraph.

(ii) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Pueblo remaining in the Restoration Fund will be used.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Settlement Agreement.

(E) ANNUAL REPORT.—The Pueblo shall submit to the Secretary an annual report that describes expenditures from the Restoration Fund during the year covered by the report.

(d) MAINTENANCE AND INVESTMENT OF RESTORATION FUND.—

(1) IN GENERAL.—The Restoration Fund and amounts in the Restoration Fund shall be maintained and invested by the Secretary of the Interior pursuant to the first section of the Act of June 24, 1938 (52 Stat. 1037, chapter 648).

(2) CREDITS TO RESTORATION FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Restoration Fund shall be credited to, and form a part of, the Restoration Fund.

(e) PROHIBITION ON PER-CAPITA PAYMENTS.—No portion of the amounts in the Restoration Fund shall be available for payment on a per-capita basis to members of the Pueblo.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Restoration Fund $7.200.000.

SEC. 5. RATIFICATION OF SETTLEMENT, DISMISSAL OF LITIGATION, AND COMPENSATION TO PUEBLO.

(a) RATIFICATION OF SETTLEMENT AGREEMENT.—The Settlement Agreement is ratified.

(b) DISMISSAL.—Not later than 90 days after the date of enactment of this Act, the Pueblo and the United States shall execute and file a joint stipulation for entry of final judgment in the case of Pueblo of Isleta v. United States, Docket 98–166L, in the United States Court of Federal Claims in such form and such manner as are acceptable to the Attorney General and the Pueblo.

(c) COMPENSATION.—After the date of enactment of this Act, in accordance with the Settlement Agreement, and upon entry of the final judgment described in subsection (b)—

(1) compensation to the Pueblo shall be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, in the total amount of $32,838,750 for all monetary damages and attorney fees, interest, and any other fees and costs of any kind that were or could have been presented in connection with Docket No. 98–166L of the United States Court of Federal Claims; but

(2) the Pueblo shall retain all rights, including the right to bring civil actions based on causes of action, relating to the removal of ordnance under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Defense Environmental Restoration Program under section 2701 of title 10, United States Code; and

(C) any contract entered into by the Pueblo for the removal of ordnance.

(d) OTHER LIMITATIONS ON USE OF FUNDS.—The Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) shall not apply to funds distributed or withdrawn from the Restoration Fund under this Act.

(e) NO EFFECT ON LAND, RESOURCES, OR WATER RIGHTS.—Nothing in this Act affects the status of land and natural resources of the Pueblo or any water right of the Pueblo.

Mr. BINGAMAN. Mr. President, I'm pleased today to join my colleague Senator DOMENICI in sponsoring the Pueblo of Isleta Settlement and Natural Resources Restoration Act. This bill would settle a longstanding dispute over federal mismanagement of lands that resulted in lands within the Pueblo being rendered unusable due to water intrusion. The money provided under the settlement would be designated towards remedying these losses.

Like any settlement, I imagine neither side is completely happy with the result but it is a significant step and will begin the process of restoring inundated lands and acquiring substitute lands. I am happy both sides were able to work out their differences and come up with a solution we can support in Congress. I hope that, in addition to the financial commitment in the bill, the Department of Interior will continue to be a partner with the Pueblo in achieving the restoration of their lands.

I hope my colleagues will join us to quickly move this legislation along so we can begin to restore these lands for the people of the Pueblo of Isleta.

By Mr. BINGAMAN (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. DORGAN, Mr. KENNEDY, Ms. STABENOW, Mr. DAYTON, Mr. JOHNSON, Mrs. CLINTON, and Mr. AKAKA):

S. 3650. A bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with Senators LAUTENBERG, MENENDEZ, DORGAN, KENNEDY, STABENOW, DAYTON, JOHNSON, CLINTON, and AKAKA entitled the "Helping to Fill the Medicare Rx Gap Act of 2006." This legislation and companion legislation to be introduced by Congressman DINGELL fixes an important problem for Medicare beneficiaries and safety net providers by allowing costs incurred by AIDS Drug Assistance Programs, ADAPs, the Indian Health Service, IHS, federally qualified health centers, certain safety net hospitals, and pharmaceutical manufacturer-sponsored Patient Assistance Programs, PAPs—entities that provide prescription drugs or drug assistance for populations under their care—to count toward a beneficiary's annual out-of-pocket threshold as established under the Medicare Modernization Act, MMA.

With the Medicare drug benefit now in effect for more than six months, approximately 3.4 million seniors are reaching the point at which coverage is eliminated until they reach the catastrophic limit. Under the MMA, Medicare pays 75 percent of drug costs until a beneficiary's expenses reach $2.250 in a year. Then it stops paying until costs exceed $5,100, leaving a so-called "doughnut hole" of $2,850 that seniors are expected to manage on their own. According to the Kaiser Family Foundation, about 6.9 million Medicare beneficiaries will have to deal with a gap in their drug coverage at some point this year.

An important part of the MMA's prescription drug benefit requires the tracking of beneficiaries' "true out-of-pocket" costs, TrOOP, to determine the point at which a beneficiary becomes eligible for catastrophic coverage. In an additional effort to constrain the cost of the prescription drug benefit, the MMA limited the types of expenditures that could count toward a beneficiary's TrOOP, including only:

Cost-sharing related to the annual deductible; costs borne by the Part D enrollee (or contributions by friends or family members on the beneficiary's behalf); contributions from qualifying State Pharmacy Assistance Programs, SPAPs; contributions from eligible charitable organizations; and waivers or reductions by commercial pharmacies of cost-sharing requirements of Medicare prescription drug plans.

Under current law, costs incurred by AIDS Drug Assistance Programs, Indian Health Service, IHS, pharmacies.

community health centers, and certain safety net hospital pharmacies on behalf of Part D enrollees during their coverage gap—i.e. while the enrollee is in the so-called "doughnut hole"—are not permitted to count for TrOOP purposes. In turn, many individuals with HIV/AIDS, Native Americans, and other low-income individuals receiving assistance through community health centers or other qualified safety net hospital pharmacies are never able to reach the catastrophic limit—the point at which Medicare would pay 95 percent of the beneficiary's drug costs. As a result, these beneficiaries are forced to pay premiums to their Medicare drug plan and to absorb the monthly drug costs for a benefit they are not able to access.

A study that was recently published in the New England Journal of Medicine found that prescription drug plans that include doughnut hole-like coverage gaps may lower beneficiary drug costs but any savings are offset by increases in the costs of hospitalizations and emergency room use. Specifically, the study found that patients with such capped benefits had higher rates of nonelective hospitalizations, visits to the emergency department, and even death. It certainly is not surprising that the coverage gap will result in many Americans going without needed medications but it is important to note that overall medical costs are not reduced and that providers will be disproportionately affected when the doughnut hole is reached.

And just when charity pharmaceutical assistance programs are needed most, the current policy is making it difficult for pharmaceutical companies to continue to provide free pharmaceuticals to our nation's poor elderly. The HHS OIG has issued guidance that prohibits costs incurred on behalf of Part D beneficiaries by pharmaceutical manufacturer-sponsored Pharmaceutical Assistance Programs, PAPs—programs run by the pharmaceutical industry that provide free or low-cost drugs to eligible poor and low-income individuals to count toward a patient's TrOOP due to concerns that providing drugs through these programs might violate the federal anti-kickback statute. The anti-kickback statute prohibits offering or receiving payment to increase the use of products or services—in this case, to steer prescription drug use—at the cost of Federal health care programs. In turn, several pharmaceutical manufacturers are considering terminating their PAPs to avoid running afoul of the law. According to a January article in the Washington Post, 37 pharmaceutical companies donated 22 million prescriptions worth $4.1 billion through PAPs. Across the Nation seniors who benefit from these programs are fearful that they will be forced to go off needed medications or to go into bankruptcy if these programs are not available to help them.

While HHS is working with the pharmaceutical industry to develop guidelines that would allow PAPs to continue to operate in compliance with current law, the HHS OIG maintains that PAP costs will not be permitted to count toward a patient's TrOOP in any circumstance. As a result, similar to the ADAPs, IHS pharmacies, community health centers and safety net hospital pharmacies, PAPs that provide prescription drugs for patients during the coverage gap are forced to become the "payer of last resort" because the costs they incur are not permitted to count toward TrOOP expenses and thus, the patient is unable to reach the catastrophic limit.

Pharmacy Assistance Programs, AIDS Drug Assistance Programs, community health centers, and safety net hospital pharmacies will maintain their commitment to provide assistance to low-income senior citizens and people with disabilities in the coverage gap but the current policy imposes a significant financial burden on our nation's health care safety net. While we all recognize the importance of controlling costs, this policy stands to harm vulnerable beneficiaries and safety net providers by permitting the Medicare program to shift the cost burden on to a variety of other federal programs, including discretionary safety net programs, and PAPs. It does not make sense that the Federal Government pays private drug plans a capitated rate to provide services and beneficiaries pay monthly premiums to Medicare while ADAPs, IHS pharmacies, community health centers and certain safety net hospital pharmacies and pharmaceutical manufacturer PAPs are left to shoulder the cost of providing prescription medications to their population of enrollees who will never reach the catastrophic limit. Just as current policy allows SPAP spending to count toward the catastrophic limit so should the costs incurred by these entities.

In addition, this legislation would correct the inequity in the current policy which unfairly discriminates between beneficiaries who receive their prescription drugs from commercial pharmacies and those who receive their medications through PAPs or from safety net pharmacies run by the IHS, community health centers, and certain public hospitals. Currently, only commercial pharmacies' waivers or reductions in Medicare Part D cost-sharing requirements are allowed to count towards TrOOP. This legislation would prevent lower-income Medicare beneficiaries from getting trapped in the doughnut hole by leveling the playing field so that beneficiaries who get their drugs through PAPs or pharmacies run by the IHS, community health centers, or public hospitals pharmacies can move just as quickly toward the catastrophic coverage benefit.

Mr. President, I urge your support for this important legislation to allow Part D-related costs incurred by ADAPs, IHS, federally qualified health centers, and certain safety net hospitals as well as pharmaceutical manufacturer PAPs to count toward a beneficiary's TrOOP expenses. This bill would ensure that all Part D enrollees are permitted appropriate access to the catastrophic coverage that was promised under the MMA.

Mr. President, I commend to my colleagues the New England Journal of Medicine study entitled "Unintended Consequences of Caps on Medicare Drug Benefits," and I ask unanimous consent that the Washington Post article and the text of the bill to be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helping Fill the Medicare Rx Gap Act of 2006".

SEC. 2. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "such costs shall be treated as incurred only if" and inserting "subject to clause (iii), such costs shall be treated as incurred if"

(B) by striking ", under section 1860D–14, or under a State Pharmaceutical Assistance Program"; and

(C) by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following new clause:

"(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

"(I) under section 1860D–14;

"(II) under a State Pharmaceutical Assistance Program;

"(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

"(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

"(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

"(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

"(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part D drug under the enrollee's prescription drug plan or MA–PD plan as of the date that the drug was distributed or donated.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2006.

SEC. 3. PROVIDING A SAFE HARBOR FOR PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAMS.

(a) SAFE HARBOR.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), as added by section 237(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213)—

(A) by moving such subparagraph 2 ems to the left; and

(B) by striking the period at the end and inserting a semicolon;

(3) by redesignating subparagraph (H), as added by section 431(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2287), as subparagraph (I);

(4) in subparagraph (I), as so redesignated—

(A) by moving such subparagraph 2 ems to the left; and

(B) by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new subparagraph:

"(J) any remuneration paid by a pharmaceutical manufacturer patient assistance program, either in cash or through the distribution or donation of covered Part D drugs (as defined in section 1860D–2(e)), to an individual enrolled in a prescription drug plan under part D of title XVIII or in an MA–PD plan under part C of such title.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to remuneration paid on or after January 1, 2006.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE HIGH COST OF DRUG CAPS

BENEFIT LIMITS MEAN MORE HOSPITAL VISITS, STUDY SAYS

JUNE 6, 2006.—People with limited prescription drug coverage skip their medicines, make more trips to the hospital and die sooner than patients with unlimited benefits, a New England Journal of Medicine study found.

The study compared the medical records of 157,275 people in a plan that covered only the first $1,000 worth of drugs with those of 41,904 people who had unlimited drug coverage.

Those with limited drug coverage spent 31 percent less on drugs, but their total medical costs were not significantly lower, as they had a 9 percent greater chance of going to the emergency room and a 13 percent greater chance of landing in the hospital.

"The savings in drug costs from the cap were offset by increases in the costs of hospitalization and emergency department care," concluded the researchers, who were led by John Hsu of Kaiser Permanente in Oakland, Calif.

The annual death rate of people whose drug benefits were capped was 22 percent higher than those with unlimited benefits.

"These changes affect the sickest patients the most, since they reach their caps on benefits earlier in the year than other patients," said Kenneth Thorpe, of Emory University in Atlanta, in a Journal editorial.

The study is especially relevant to the new Medicare Part D drug plans: Many of them have significant gaps in coverage, or "doughnut holes," where enrollees must pay in full for annual drug costs between $2,250 and $5,100.

"In short, caps on drug benefits, such as those used in Medicare, for a population of patients with chronic illnesses result in worse outcomes and do not reduce spending considerably," said Thorpe.

The study showed that while 26 percent of people with diabetes skipped at least 20 percent of their doses if their drug benefits were capped, the rate was 21 percent for those who didn't have a cap.

All patients in the study had a required copayment of $15 to $30 for brand-name drugs, and $10 for generic medicines.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 527—CONDEMNING IN THE STRONGEST TERMS THE JULY 11, 2006, TERRORIST ATTACKS IN INDIA AND EXPRESSING SYMPATHY AND SUPPORT FOR THE FAMILIES OF THE DECEASED VICTIMS AND WOUNDED AS WELL AS STEADFAST SUPPORT TO THE GOVERNMENT OF INDIA AS IT SEEKS TO REASSURE AND PROTECT THE PEOPLE OF INDIA AND TO BRING THE PERPETRATORS OF THIS DESPICABLE ACT OF TERRORISM TO JUSTICE

Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. COLEMAN, Mr. FEINGOLD, Mr. VOINOVICH, Mr. ALLEN, Mr. ALEXANDER, Mr. HAGEL, Mr. OBAMA, Mrs. DOLE, Mr. CORNYN, Ms. COLLINS, Mr. CHAFEE, Mrs. BOXER, Mrs. CLINTON, Mr. SARBANES, Mr. BROWNBACK, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 527

Whereas, on July 11, 2006, during evening rush hour, 7 major explosions occurred on commuter trains in the Indian financial capital of Mumbai, killing as many as 200 and wounding more than 400 innocent people;

Whereas the Prime Minister of India, Manmohan Singh, has urged calm in the country and vowed to take all possible measures to maintain law and order and to defeat the forces of terrorism;

Whereas the Mumbai attacks occurred shortly after a series of grenade attacks took the lives of 8 innocent civilians and wounded 39 others in tourist areas of Srinagar, the capital city of Indian Kashmir;

Whereas the United States and India are both multicultural, multireligious democracies that abhor terrorism in all its forms and will continue to work steadfastly together to overcome terrorist ideology and establish peace and security;

Whereas the people of India have long faced, with bravery and resolve, past acts of terrorism, including twin bombings at a train station and a temple in the Hindu holy city of Varanasi that killed 20 people in March 2006, a series of bombings in New Delhi a day before the Hindu festival of Diwali that resulted in the death of more than 60 people in October 2005, 2 simultaneous car bombings in Mumbai that killed 52 people in August 2003, a bombing on a passenger train in Mumbai that killed 10 people in March 2003, an attack on a Hindu temple in the state of Gujarat that left 33 people dead in September 2002, an attack on India's parliament in New Delhi in December 2001 that left 14 people dead and precipitated a 5-month military stand off with neighboring Pakistan, a series of bombings that struck the Mumbai stock exchange, killing 257 people and wounding more than 1,000 others, and countless attacks in Indian Kashmir that have resulted in the deaths of tens of thousands of people over the last 16 years;

Whereas the terrorists responsible for these attacks seek to disrupt the free, democratic, and pluralistic lifestyle enjoyed by the people of India;

Whereas the Government of India has been engaged in joint efforts with the United States Government to combat terrorism and to ensure a safer and more secure world; and

Whereas the governments of countries throughout the world strongly condemned the attacks in Mumbai, including the United States Government and the Governments of Pakistan, the United Kingdom, and France: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest terms the July 11, 2006, terrorist attacks in Mumbai, India;

(2) expresses its condolences to the families and friends of those individuals killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses its solidarity with the Government and people of India in fighting and defeating terrorism in all its forms;

(4) expresses its support for the enhancement of strategic cooperation between the United States and India, with the goal of combating terrorism and advancing peace and security.

SENATE CONCURRENT RESOLUTION 108—AUTHORIZING THE PRINTING OF A REVISED EDITION OF A POCKET VERSION OF THE UNITED STATES CONSTITUTION AND OTHER PUBLICATIONS

Mr. LOTT submitted the following concurrent resolution: which was considered and agreed to:

S. CON. RES. 108

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 22nd edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $198,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

SEC. 2. OUR FLAG.

(a) In General.—The 2006 revised edition of the publication entitled "Our Flag" shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) Additional Copies.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $215,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

SEC. 3. A BOTANIC GARDEN FOR THE NATION.

(a) In General.—There shall be printed as a Senate document under the direction of the Joint Committee on Printing the book entitled "A Botanic Garden for the Nation", prepared by the United States Botanic Gardens.

(b) Specifications.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing.

(c) Number of Copies.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 3,075 copies of the document, of which 725 copies shall be for the use of the Senate and 1,470 for the use the House of Representatives with distribution determined by the Joint Committee on Printing, 880 copies for the use of the Botanic Gardens with distribution determined by the Joint Committee of Congress on the Library; or

(2) a number of copies that does not have a total production and printing cost of more than $102,000.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4581. Mr. OBAMA (for himself and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4582. Mrs. CLINTON (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4583. Mr. COLEMAN (for himself, Mr. Dorgan, Ms. Collins, Ms. Stabenow, Ms. Snowe, and Mr. Jeffords) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4585. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4586. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4587. Mr. SCHUMER (for himself, Mr. Menendez, Mrs. Clinton, Mrs. Boxer, and Mr. Reed) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4588. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4589. Mr. COBURN proposed an amendment to the bill H.R. 5441, supra.

SA 4590. Mr. COBURN proposed an amendment to the bill H.R. 5441, supra.

SA 4591. Mr. BINGAMAN (for himself, Mr. Domenici, Mr. Cornyn, and Mrs. Hutchison) proposed an amendment to the bill H.R. 5441, supra.

SA 4592. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4593. Mr. VOINOVICH (for himself, Mr. Baucus, Mr. Biden, Mr. Burns, Ms. Cantwell, Mr. Feingold, Mr. Harkin, Mr. Kennedy, Mr. Kerry, Mr. Lieberman, Mrs. Murray, Mr. Pryor, Mr. Roberts, Ms. Stabenow, and Ms. Snowe) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4594. Mr. VOINOVICH (for himself, Mr. Baucus, Mr. Biden, Mr. Burns, Ms. Cantwell, Ms. Collins, Mr. Feingold, Mr. Harkin, Mr. Kennedy, Mr. Kerry, Mr. Lieberman, Mrs. Murray, Mr. Pryor, Mr. Roberts, Ms. Stabenow, Ms. Snowe, and Mr. Warner) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4595. Mr. VOINOVICH (for himself, Mr. Akaka, Mr. Levin, and Mr. Obama) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4596. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4597. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4598. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4599. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4600. Mr. SCHUMER (for himself and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4601. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4602. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4603. Mr. BAUCUS (for himself and Ms. Cantwell) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4604. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4605. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4606. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4607. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4608. Mr. BIDEN (for himself and Mr. Carper) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4609. Ms. CANTWELL (for herself and Mr. Crapo) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4610. Mr. THUNE (for himself and Mr. Talent) proposed an amendment to the bill H.R. 5441, supra.

SA 4611. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4612. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4613. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4614. Mr. GREGG (for Mr. Byrd) proposed an amendment to the bill H.R. 5441, supra.

SA 4615. Mr. VITTER (for himself, Mr. Inhofe, Mr. Enzi, Mr. Thune, Mr. Burns, Mr. Brownback, Mr. Martinez, Mr. Domenici, Mr. Gregg, and Mr. Byrd) proposed an amendment to the bill H.R. 5441, supra.

SA 4616. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4617. Mr. LEVIN (for himself, Ms. Stabenow, and Mr . Voinovich) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4618. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4619. Mr. DURBIN (for himself and Mr. Carper) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4620. Mr. BYRD (for himself, Mr. Lieberman, and Mr . Rockefeller) proposed an amendment to the bill H.R. 5441, supra.

SA 4621. Mr. BAUCUS (for himself, Ms. Cantwell, Mrs. Murray, Mr. Burns, Mr. Craig, and Mr. Coleman) proposed an amendment to the bill H.R. 5441, supra.

SA 4622. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4623. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4624. Mr. OBAMA (for himself and Mr. Coburn) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4625. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4626. Mr. DODD (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4627. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4628. Mr. SESSIONS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4629. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4630. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4631. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4632. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4633. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4634. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4635. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4636. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4637. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4638. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4639. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4640. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4641. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4642. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4581. Mr. OBAMA (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 6, before the period insert the following: ": *Provided further*, That the Director of the Federal Emergency Management Agency shall designate the Illinois Mutual Aid Box Alarm System Urban Search and Rescue Team as part of the National Urban Search and Rescue Response System".

SA 4582. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Assistant Secretary of Homeland Security (Transportation Security Administration) shall not modify the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, so as to permit any item contained on the list as of December 1, 2005, to be carried aboard a passenger aircraft.

SA 4583. Mr. COLEMAN (for himself and Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 124, strike line 1 and all that follows through page 126, line 20, and insert the following:

SEC. 538. Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended to read as follows:

"(b) PASSPORTS, OTHER TRAVEL DOCUMENTS, AND DEMONSTRATION PROGRAMS.—

"(1) DEVELOPMENT OF PLAN AND IMPLEMENTATION.—

"(A) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, including a passport card, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)). This plan shall be implemented not later than 3 months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subparagraph (B), or June 1, 2009, whichever is earlier. The plan shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).

"(B) CERTIFICATION.—The Secretary of Homeland Security and the Secretary of State shall jointly certify to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the following criteria have been met—

"(i) the National Institutes of Standards and Technology has certified that the card architecture meets the International Organization for Standardization ISO 14443 security standards, or justifies a deviation from such standard;

"(ii) the technology to be used by the United States for the passport card, and any subsequent change to that technology, has been shared with the governments of Canada and Mexico;

"(iii) an agreement has been reached with the United States Postal Service on the fee to be charged to an individual for processing of the passport card, and a detailed justification has been submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives;

"(iv) an alternative procedure has been developed for groups of children traveling across an international border under adult supervision with parental consent;

"(v) the necessary technological infrastructure to process the passport cards has been installed, and all employees at ports of entry have been properly trained in the use of the new technology;

"(vi) the passport card has been made available for the purpose of international travel by United States citizens through land and sea ports of entry between the United States and Canada, Mexico, the Caribbean, and Bermuda;

"(vii) a single implementation date for sea and land borders has been established; and

"(viii) a pilot program has been conducted to demonstrate the effectiveness of the passport card.

"(C) REQUIREMENT TO PRODUCE DOCUMENTATION.—The plan developed under subparagraph (A) shall require all United States citizens, and categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)), to carry and produce the documentation described in subparagraph (A) when traveling from foreign countries into the United States.

"(D) PASSPORT CARD FEES.—

"(i) LIMITATION ON FEES.—The application fee for a passport card under this paragraph shall be as low as possible and, except as provided in clause (ii), such fee may not exceed $24.

"(ii) EXCEPTION.—

"(I) IN GENERAL.—The application fee for a passport card under this paragraph may be not exceed $34 if the Secretary of State, the Secretary of Homeland Security, and the Postmaster General jointly certify to Congress that the cost to produce and issue a passport card significantly exceeds $24 and provide to Congress a detailed analysis of such cost.

"(II) AUDIT.—If the fee for a passport card exceeds $24 pursuant to subclause (I), the Comptroller General of the United States shall conduct an audit to determine whether passport cards are issued at the lowest possible cost.

"(iii) REDUCTION OF FEE.—The fee for a passport card shall be reduced for an individual who submits an application for a passport card together with an application for a United States passport.

"(iv) WAIVER OF FEE FOR CHILDREN.—The fee for a passport card shall be waived for a child under 18 years of age.

"(2) INDIVIDUALS LACKING APPROPRIATE DOCUMENTATION.—

"(A) IN GENERAL.—In addition to the program described in paragraph (1), the Secretary of Homeland Security shall establish a program that satisfies the requirements of this section—

"(i) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States within a 72-hour period, on a limited basis, and at no additional fee; or

"(ii) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in subclause (i) upon the arrival of such citizen at an international border of the United States.

"(B) GRACE PERIOD.—During a time period determined by the Secretary of Homeland Security, officers of Department of Homeland Security may permit individuals who are citizens of the United States or Canada and who are unaware of the requirements of this section or who otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer and shall educate such individuals about documentary requirements.

"(3) STATE ENROLLMENT DEMONSTRATION PROGRAMS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

"(i) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

"(ii) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

"(iii) All information collected about the individual shall be managed exclusively in the same manner as information collected through the passport application process and no other distribution or use of such information shall be permitted.

"(iv) A State may not require an individual to include the individual's citizenship status on a driver's license.

"(v) Notwithstanding any other provision of law, a driver's license which meets the requirements of this subparagraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States from Canada or Mexico through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

"(B) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary of Homeland Security may expand the use of demonstration programs under this paragraph so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

"(C) STUDY.—Not later than 6 months after the date that the demonstration program under this paragraph is implemented, the Comptroller General of the United States shall conduct a study of—

"(i) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

"(ii) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

"(iii) the security of travel documents that meet the requirements of the program compared with other travel documents.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall have the effect of creating a national identity card.

"(4) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security certify that certain identity documents issued by Canada (or any of its provinces) meet security and citizenship standards comparable to the requirements described in paragraph (1), the Secretary may determine that such documents are sufficient to permit entry into the United States. The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that identification documents issued by Canada that permit entry into the United States under this subparagraph contain the same technology as identification documents issued by the United States (or any State).

"(5) ADDITIONAL PILOT PROGRAMS.—To the maximum extent possible, the Secretary of Homeland Security shall seek to conduct pilot programs related to passport cards issued pursuant to this subsection and the demonstration programs described in this subsection at ports of entry located on the international border between the United States and Canada or the international border between the United States and Mexico.

"(6) EXPANSION OF NEXUS AND SENTRI TECHNOLOGY.—The Secretary of Homeland Security, in consultation with the appropriate officials of the Government of Canada, shall equip at least 6 additional ports of entry located along the northern international border of the United States with NEXUS technology and 6 additional ports of entry located along the southern international border of the United States with SENTRI technology.

"(7) BOAT LANDING PROGRAMS.—The Secretary of Homeland Security shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. The Secretary shall conduct one such program in Florida that is modeled on the Department of Homeland Security's Canadian Border Boat Landing (I-68) Program.

"(8) PUBLIC INFORMATION.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop and implement an outreach plan to inform United States citizens of the initiatives and programs carried out under this subsection and of the other provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

"(A) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

"(B) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

"(C) the collection and analysis of data to measure the success of the public promotion plan; and

"(D) additional activities that the Secretary of State determines are appropriate.".

SA 4584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Comptroller General of the United States, in consultation with the Secretary of Homeland Security, shall conduct a study to examine the feasibility of establishing a northern border training facility at Rainy River Community College in International Falls, Minnesota to carry out the training programs described in this subsection.

(b) The training facility should be designed to allow the Secretary to conduct a variety of supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(c) The training curriculum, as determined by the Secretary, would be offered at the training facility through multi-day training programs involving classroom and real-world applications, and would include training in—

(1) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(A) firearms and weapons;

(B) self defense;

(C) search and seizure;

(D) defensive and high speed driving;

(E) mobility training;

(F) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(G) safety issues related to biological and chemical hazards;

(2) technology upgrades and integration; and

(3) matters relating directly to terrorist threats and issues, including—

(A) profiling;

(B) changing tactics;

(C) language;

(D) culture; and

(E) communications.

SA 4585. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30. 2007, and for other purposes; as follows:

After section 539, insert the following:

SEC. 540. None of the amounts available or otherwise available to the Coast Guard under title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES" may be obligated or expended for the continuation of operations at Long Range Aids to Navigation (LORAN) stations nationwide.

SA 4586. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of

Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed under section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) unless the fee charged for a PASS card or any other acceptable border crossing document issued by the Department of State or the Department of Homeland Security pursuant to that plan is—

(1) not more than $20 per document; and

(2) waived for all children under the age of 18.

SA 4587. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mrs. BOXER, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 91, line 6, strike "$2,393,500,000" and insert "$2,693,500,000".

On page 91, line 22, strike "$1,172,000,000" and insert "$1,472,000,000".

On page 92, line 13, strike "$150,000,000" and insert "$450,000,000".

On page 92, line 16, insert ": *Provided*, That not less than $50,000,000 shall be made available for grants for transit and intercity passenger rail security research and development: *Provided further*, That not less than $50,000,000 shall be made available for grants for overtime compensation in high threat areas" after "transit security grants: *Provided further*, That the amount provided under this subparagraph is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234" after "security grants".

SA 4588. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, line 19, strike "$37,200,000, to remain available until September 30, 2008." and insert "$87,200,000, to remain available until September 30, 2008, of which $50,000,000 shall be made available to develop and implement a system, either directly or by providing technical and financial assistance to motor carriers through a competitive grant program, to enable motor carriers and the Department of Homeland Security to immediately identify the exact location of a commercial motor vehicle carrying a hazardous materials shipment (as defined in section 385.403 of title 49, Code of Federal Regulations): *Provided*, That the amount provided under this header is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234.".

SA 4589. Mr. COBURN proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this act, the amount made available in title III of this Act under the heading "Office for Domestic Preparedness, State and Local Programs" is reduced by $25,000,000 and the amount made available under such heading for "training, exercises, technical assistance, and other programs" is reduced by $25,000,000.

SA 4590. Mr. COBURN proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3 insert the following:

SEC. ____. Notwithstanding any other provision of this Act, $1,000,000 shall be made available from appropriations for training, exercises, technical assistance, and other programs under paragraph (4) under the subheading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" under title III, for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

SA 4591. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. CORNYN, Mrs. HUTCHISON) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2006"

SEC. 602. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed $89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

SEC. 603. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 604. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 4592. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 44944(a) of title 49, United States Code.

(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:

(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).

(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).

(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:

(A) The Congress.

(B) The emergency response agency of each State.

(C) The relevant organizations representing individuals to participate in the program.

SA 4593. Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms. STABENOW, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 5, strike "$205,000,000" and insert "$235,000,000".

On page 98, line 24, strike "$1,640,000,000" and insert "$1,610,000,000".

SA 4594. Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Ms. COLLINS, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms. STABENOW, Ms. SNOWE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 5, strike "$205,000,000" and insert "$220,000,000".

On page 98, line 24, strike "$1,640,000,000" and insert "$1,625,000,000".

SA 4595. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. . DEPUTY SECRETARY OF HOMELAND SECRETARY FOR MANAGEMENT.

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "DEPUTY SECRETARY" and inserting "DEPUTY SECRETARIES";

(B) by striking paragraph (7);

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(D) by striking paragraph (1) and inserting the following:

"(1) A Deputy Secretary of Homeland Security.

"(2) A Deputy Secretary of Homeland Security for Management."; and

(2) by adding at the end the following:

"(g) VACANCIES.—

"(1) VACANCY IN OFFICE OF SECRETARY.—

"(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

"(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

"(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

"(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.".

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking "**UNDER SECRETARY**" and inserting "**DEPUTY SECRETARY OF HOMELAND SECURITY**";

(2) in subsection (a)—

(A) by inserting "The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs." before "The Secretary";

(B) by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management";

(C) by striking paragraph (7) and inserting the following:

"(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department."; and

(D) by striking paragraph (9), and inserting the following:

"(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department."; and

(3) in subsection (b)—

(A) in paragraph (1), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management"; and

(B) in paragraph (2), by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

"(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

"(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

"(A) extensive executive level leadership and management experience in the public or private sector;

"(B) strong leadership skills;

"(C) a demonstrated ability to manage large and complex organizations; and

"(D) a proven record in achieving positive operational results;

"(2) shall—

"(A) serve for a term of 5 years; and

"(B) be subject to removal by the President if the President—

"(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

"(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

"(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

"(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

"(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).".

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking "Under Secretary for Management" and inserting "Deputy Secretary of Homeland Security for Management".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

"Sec. 701. Deputy Secretary of Homeland Security for Management.".

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

"Deputy Secretary of Homeland Security for Management.".

SA 4596. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Border and Transportation Security of the Department of Homeland Security.

SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of the fiscal years 2008 through 2012, the Under Secretary shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Under Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Under Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Under Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than January 31 of each year, the Under Secretary, after consultation with the Under Secretary for Information Analysis and Infrastructure Protection and representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Under Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) Customs-Trade Partnership Against Terrorism.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Under Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) Southern border demonstration program.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) Maquiladora Demonstration Program.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) Establishment.—The Under Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) Technology and Facilities.—

(1) Technology testing.—Under the technology demonstration program, the Under Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) Development of facilities.—At a demonstration site selected pursuant to subsection (c)(2), the Under Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) Demonstration Sites.—

(1) Number.—The Under Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) Selection criteria.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) Relationship With Other Agencies.—The Under Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) Report.—

(1) Requirement.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Under Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) Content.—The report submitted under paragraph (1) shall include an assessment by the Under Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2008 through 2012 to carry out section 603;

(2) such sums as may be necessary for the fiscal years 2008 through 2012 to carry out the provisions of section 604(a);

(3) to carry out section 604(d)—

(A) $100,000,000 for each of the fiscal years 2008 through 2012; and

(B) such sums as may be necessary in any succeeding fiscal year;

(4) to carry out section 606(a)—

(A) $30,000,000 for fiscal year 2008, of which $5,000,000 shall be made available to fund the demonstration project established in section 606(a)(2); and

(B) such sums as may be necessary for the fiscal years 2009 through 2012; and

(5) to carry out section 606(b)—

(A) $5,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for the fiscal years 2009 through 2012; and

(6) to carry out section 607, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(b) International Agreements.—Amounts authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

SA 4597. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

Sec. 540. (a) None of the funds made available in this Act may be used to prohibit a Mexican national described in section 212.1(c)(1)(i) of title 8 of the Code of Federal Regulations (as in effect on the date of the enactment of this Act), from traveling in the United States within 100 miles of an international border.

(b) The Secretary of Homeland Security may permit a Mexican national described in subsection (a) to travel beyond the limits specified in such subsection.

SA 4598. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. EXPANSION OF THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.

(a) Definitions.—In this section:

(1) Critical infrastructure.—The term "critical infrastructure" has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)).

(2) Emergency and major disaster.—The terms "emergency" and "major disaster" have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) National infrastructure simulation and analysis center.—The term "National Infrastructure Simulation and Analysis Center" means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

(4) National response plan.—The term "National Response Plan" means the National Response Plan developed under section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6)), or any successor plan.

(5) Protect.—The term "protect" means to reduce the vulnerability of critical infrastructure in order to deter, mitigate, or neutralize an emergency, major disaster, terrorist attack, or other catastrophic event.

(b) Expansion of Authority.—

(1) In general.—The National Infrastructure Simulation and Analysis Center shall serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to an emergency, major disaster, terrorist attack, or other catastrophic event.

(2) National response plan.—The Secretary of Homeland Security shall ensure

that the National Response Plan directs the National Infrastructure Simulation and Analysis Center to—

(A) identify critical infrastructure that may be at risk during an emergency, major disaster, terrorist attack, or other catastrophic event; and

(B) develop plans to protect the critical infrastructure described in subparagraph (A).

(3) INFRASTRUCTURE MODELING.—

(A) IN GENERAL.—The National Infrastructure Simulation and Analysis Center is the primary agency of the Federal Government for modeling and analysis of infrastructure preparedness, response, and recovery activities.

(B) INFORMATION FROM OTHER AGENCIES.—Each Federal agency and department shall provide the National Infrastructure Simulation and Analysis Center with any modeling, simulation, analysis, or data relating to infrastructure preparedness, response, or recovery activities available to such agency or department.

(C) ANALYSIS.—The National Infrastructure Simulation and Analysis Center shall—

(i) analyze all infrastructure modeling provided under subparagraph (B); and

(ii) on a timely basis, share its analysis with all relevant Federal agencies and departments.

SA 4599. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 11, insert ": *Provided further*, That of the total amount provided, not less than $41,749,000 shall be made available for the human resources management system" before the period.

SA 4600. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 24, strike "$1,640,000,000" and insert "$1,941,390,000, of which $301,390,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234,".

SA 4601. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—HIGH RISK PROTECTION

SEC. 601. FUNDING FOR THE URBAN AREA SECURITY INITIATIVE GRANT PROGRAM.

(a) IN GENERAL.—

(1) ALLOCATION BASED ON RISK ONLY.—Notwithstanding any other provision of law, no amounts appropriated to the Department for the Urban Area Security Initiative Grant Program may be allocated by the Secretary of Homeland Security to a high-threat area unless such area meets the conditions described in paragraph (2).

(2) DETERMINATION OF HIGH-THREAT AREAS.—The conditions referred to in this paragraph are as follows:

(A) MANDATORY CONDITIONS.—The area shall contain critical infrastructure, including—

(i) skyscrapers and large commercial buildings;

(ii) transportation assets, including rail and mass transit, bridges and tunnels, and airports;

(iii) commuting populations;

(iv) a national monument or icon;

(v) a nuclear power plant or nonpower reactor;

(vi) a seaport;

(vii) a chemical facility;

(viii) a military facility;

(ix) a Federal facility;

(x) a dam;

(xi) a nonnuclear electric power plant;

(xii) a food or agriculture center;

(xiii) an oil or natural gas refinery or pipeline;

(xiv) a financial center; and

(xv) a stadium or arena.

(B) DISCRETIONARY CONDITIONS.—In addition to the mandatory conditions set forth in subparagraph (A), the Secretary of Homeland Security shall, in determining if funds may be allocated to a high-threat area, consider—

(i) if the area is located on an international border or coastline, including the number of border crossings; and

(ii) the population, population density, law enforcement investigative and enforcement activity, and tourism in the area.

(3) DETERMINATION OF ALLOCATION.—If an area satisfies the conditions described in paragraph (2), the Secretary of Homeland Security in allocating amounts among such high-threat areas for the Urban Area Security Initiative Grant Program, shall evaluate all threats (including threats to national monuments and icons) and critical infrastructure vulnerabilities located in such high-threat areas.

(b) PEER REVIEW.—The Urban Area Security Initiative Grant Program shall not be subject to the peer review process of the Department of Homeland Security.

(c) USE OF FUNDS.—Notwithstanding any other provision of law, funds made available under the Urban Area Security Initiative Grant Program may be used for overtime and other employment costs directly relating to the prevention of terrorist activities and any other activity determined to be necessary by the Secretary of Homeland Security.

(d) REPORTING REGARDING GRANTS.—Not later than 30 days before making a final allocation of grants to high-threat areas under the Urban Area Security Initiative Program, the Secretary of Homeland Security shall submit to each Member of the Senate and the House of Representatives who represents a high-threat area a report regarding the proposed allocation of funds, including a description of the analysis of critical infrastructure used in making the proposed allocation.

SEC. 602. REPORTING REGARDING DETERMINATION AND EVALUATION.

The Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Government Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives regarding the determination of high-threat areas, evaluation of threats, vulnerabilities, and consequences, and consideration of any previous terrorist attacks under section 601(a).

SA 4602. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 7 and 8 and insert the following:

(4) $345,000,000 for training, exercises, technical assistance, and other programs: Provided, That not less than $25,000,000 is for technical assistance:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. TECHNICAL ASSISTANCE OFFSET.

The amount made available for each account in title III of this Act (including each subaccount for which a dollar amount is specified, but excluding amounts made available under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY") for which this Act makes available an amount in excess of the amount made available for that account by the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2064), shall be reduced in an amount equal to $13,500,000 multiplied by a fraction, the numerator of which is the amount of the excess made available by this Act for that account and the denominator of which is the aggregate amount of the excess made available by this Act for all such accounts.

SA 4603. Mr. BAUCUS (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

SA 4604. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ST. MARY DIVERSION AND CONVEYANCE WORKS EMERGENCY RESPONSE PLAN.

(a) DEFINITIONS.—In this section:

(1) BLACKFEET RESERVATION.—The term "Blackfeet Reservation" means the Blackfeet Indian Reservation of Montana.

(2) BLACKFEET TRIBE.—The term "Blackfeet Tribe" means the Blackfeet Tribe of the Blackfeet Reservation.

(3) CATASTROPHIC INFRASTRUCTURE FAILURE.—The term "catastrophic infrastructure failure" means a failure of the infrastructure of the St. Mary Diversion and Conveyance Works that causes a significant disruption in the operation of the water system that, if not addressed, would, as determined by the Secretary, pose a serious threat to—

(A) the lives, health, or property of the residents of the Blackfeet Reservation; or

(B) the economic or environmental health of—

(i) the Blackfeet Reservation; or

(ii) the region served by the Milk River Project.

(4) EMERGENCY RESPONSE PLAN.—The term "emergency response plan" means the emergency response plan developed under subsection (b)(1).

(5) FUND.—The term "Fund" means the Emergency Response Plan Fund established by subsection (c)(1).

(6) MILK RIVER PROJECT.—

(A) IN GENERAL.—The term "Milk River Project" means the Bureau of Reclamation project authorized by the Secretary on March 14, 1903, under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) INCLUSIONS.—The term "Milk River Project" includes—

(i) Swiftcurrent Dike;

(ii) Lake Sherburne;

(iii) Nelson and Fresno dams, dikes, and reservoirs;

(iv) St. Mary, Dodson, Vandalia, and Paradise diversion dams;

(v) Dodson pumping plant; and

(vi) miles of associated canals, laterals, and drains.

(7) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(8) STATE.—The term "State" means the State of Montana.

(9) ST. MARY DIVERSION AND CONVEYANCE WORKS.—

(A) IN GENERAL.—The term "St. Mary Diversion and Conveyance Works" means the portion of the Milk River Project authorized by the Secretary on March 25, 1905, under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), that—

(i) is located within the exterior boundaries of the Blackfeet Reservation; and

(ii) diverts water from the St. Mary River into the North Fork of the Milk River.

(B) INCLUSIONS.—The term "St. Mary Diversion and Conveyance Works" includes—

(i) the diversion dam on the St. Mary River;

(ii) Swiftcurrent Dike;

(iii) canals;

(iv) siphons;

(v) the 5 drop structures; and

(vi) other associated canal facilities.

(b) EMERGENCY RESPONSE PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, State, local and tribal authorities, and other Milk River Project stakeholders, shall develop and, subject to the availability of funds, implement an emergency response plan to be followed in the event of a catastrophic infrastructure failure.

(2) CONTENTS.—The emergency response plan shall—

(A) identify the potential impacts of a catastrophic infrastructure failure on public safety and the environment, with an emphasis on the impacts on any portions of the Blackfeet Reservation in which the St. Mary Diversion and Conveyance Works are located;

(B) provide a response plan to address the public safety and environmental impacts in the State and the Blackfeet Reservation within a reasonable period following a catastrophic infrastructure failure;

(C) define the responsibilities of emergency response personnel in the event of a catastrophic infrastructure failure;

(D) ensure communication and coordination among the Federal, State, tribal, and local agencies and other Milk River Project stakeholders that are responsible for implementing the emergency response plan;

(E) establish public notification procedures to be carried out in the event of a catastrophic infrastructure failure;

(F) provide for the repair or replacement of failed infrastructure with components that are compatible with the rehabilitation project;

(G) include a cost-sharing agreement that—

(i) specifies the manner in which costs will be shared and any reimbursable amounts will be repaid if the emergency response plan is implemented; and

(ii) is consistent with paragraph (5); and

(H) incorporate any other elements that the Secretary, in consultation with the Secretary of the Interior, the State, tribal and local authorities, and other Milk River Project stakeholders, determines would ensure a rapid and effective response to a catastrophic infrastructure failure.

(3) TITLE.—Title to all project works and facilities constructed under this section shall be held by the United States.

(4) DEVELOPMENT COSTS.—Any costs incurred by the Secretary in developing the emergency response plan shall be nonreimbursable.

(5) IMPLEMENTATION COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), of the total costs of implementing an emergency response plan—

(i) 45 percent shall be reimbursable; and

(ii) 55 percent shall be nonreimbursable.

(B) REIMBURSABLE COSTS.—

(i) FEDERAL SHARE.—The Federal share of the total reimbursable costs of implementing an emergency response plan shall be 75 percent.

(ii) NON-FEDERAL SHARE.—The non-Federal share of the total reimbursable costs of implementing an emergency response plan shall be the lesser of—

(I) the amount that is equal to 25 percent of the total reimbursable costs of implementing an emergency response plan; or

(II) $25,000,000.

(C) BLACKFEET TRIBE.—Notwithstanding subparagraph (A), any Federal funds provided for noninfrastructure activities carried out under this subsection on the Blackfeet Reservation are nonreimbursable and nonreturnable to the United States.

(c) EMERGENCY RESPONSE PLAN FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, consisting of—

(A) such amounts as are appropriated to the Fund under subsection (d)(2); and

(B) any interest earned on investment of amounts in the Fund under paragraph (3).

(2) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—If the Secretary, in consultation with the Secretary of the Interior, determines that a catastrophic infrastructure failure has occurred, the Secretary of the Treasury, on request of the Secretary, shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to implement the emergency response plan.

(B) REPORT.—Not later than 60 days after the date on which amounts from the Fund are transferred to the Secretary under subparagraph (A), the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Resources of the House of Representatives a report that describes—

(i) the event that triggered the determination that a catastrophic infrastructure failure had occurred;

(ii) the amount transferred to the Secretary from the Fund;

(iii) a description of any construction carried out using the amounts transferred; and

(iv) the estimated cost of completing any construction being carried out under the emergency response plan.

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(E) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(4) TERMINATION OF FUND.—If the Secretary, in consultation with the Secretary of the Interior, determines that the St. Mary Diversion and Conveyance Works no longer pose an unacceptable risk of catastrophic infrastructure failure—

(A) the Fund shall be terminated; and

(B) the unexpended and unobligated balance of the Fund shall be made available for the construction of the rehabilitation project.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) EMERGENCY RESPONSE PLAN.—There is authorized to be appropriated to carry out subsection (b) $2,000,000.

(2) EMERGENCY FUND.—There is authorized to be appropriated to the Fund $15,000,000.

SA 4605. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) For each of the fiscal years of 2007 through 2011, as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of

Customs shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States.

(b) Of the amount made available to Customs and Border Protection under title II, $100,000 shall be available for the Commissioner of Customs to analyze on an annual basis the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(1) consider the entry of methamphetamine and methamphetamine precursor chemicals through ports of entry, between ports of entry, through the mails, and through international courier services;

(2) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(3) identify emerging trends in smuggling techniques and strategies.

(c) The Commissioner shall ensure that the analysis described in subsection (b) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

SA 4606. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" for salaries and expenses is hereby increased by $5,300,000 which shall be available to hire and train 45 new full-time equivalent domestic port Customs officers and shall remain available until expended: *Provided, That* the Secretary of Homeland Security shall prioritize the assignment of additional Customs officers to ports based on need.

(b) The amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby reduced by $5,300,000.

SA 4607. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" for salaries and expenses is hereby increased by $20,300,000 which shall be available to hire and train 180 new full-time equivalent domestic port Customs officers and shall remain available until expended: *Provided*, That the Secretary of Homeland Security shall prioritize the assignment of additional Customs officers to ports based on need.

(b) The amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby reduced by $20,300,000.

SA 4608. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 20, strike the colon and insert the following: ": *Provided further*, That the Transportation Security Administration shall provide passenger and baggage screeners and related resources at the New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport:".

SA 4609. Ms. CANTWELL (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—NORTHERN BORDER PROSECUTION INITIATIVE REIMBURSEMENT ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Northern Border Prosecution Initiative Reimbursement Act".

SEC. 602. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) CASE DISPOSITION.—The term "case disposition"—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(2) ELIGIBLE NORTHERN BORDER ENTITY.—The term "eligible northern border entity" means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) FEDERALLY DECLINED-REFERRED.—The term "federally declined-referred"—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) FEDERALLY INITIATED.—The term "federally initiated" means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

SA 4610. Mr. THUNE (for himself and Mr. TALENT) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 5 . ALTERNATIVE ENERGY REFUELING SYSTEMS.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the "Energy Security Fund" (referred to in this section as the "Fund"), consisting of—

(A) amounts transferred to the Fund under paragraph (2); and

(B) amounts credited to the Fund under paragraph (3)(C).

(2) TRANSFERS TO FUND.—For fiscal year 2006 and each fiscal year thereafter, there is appropriated to the Fund an amount determined by the Secretary of the Treasury to be equal to the total amount deposited in the

general fund of the Treasury for the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to section 32912 of title 49, United States Code (including funds obtained under consent decrees).

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(4) USE OF AMOUNTS IN THE FUND.—Amounts in the Fund shall be made available to the Administrator of the Environmental Protection Agency for use in carrying out the reimbursement program for alternative energy refueling under section 9003(h)(13) of the Solid Waste Disposal Act.

(b) ALTERNATIVE ENERGY REFUELING.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by adding at the end the following:

"(13) ALTERNATIVE ENERGY REFUELING SYSTEMS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ALTERNATIVE ENERGY REFUELING SYSTEM.—The term 'alternative energy refueling system' means a system composed of 1 or more underground storage tanks, pumps, and pump fittings or other related infrastructure that is used to refuel motor vehicles with—

"(I) compressed natural gas;

"(II) E–85 ethanol;

"(III) a fuel described in section 30C(c)(1) of the Internal Revenue Code of 1986; or

"(IV) any other alternative fuel, as determined by the Administrator.

"(ii) ELIGIBLE ENTITY.—The term 'eligible entity' means a refueling vendor or other person that is an owner or operator of a service station or other facility at which an alternative energy refueling system is located or proposed to be located.

"(iii) ENERGY SECURITY FUND.—The term 'Energy Security Fund' means the Energy Security Fund established by section 5 (a)(1) of the Department of Homeland Security Appropriations Act, 2007.

"(B) REIMBURSEMENT PROGRAM.—

"(i) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this paragraph, the Administrator shall establish a program to provide to eligible entities, for each of fiscal years 2007 through 2011, reimbursement from the Energy Security Fund of a portion of the costs of purchasing and installing 1 or more alternative energy refueling systems, including any alternative energy refueling system intended to replace a petroleum refueling tank or system.

"(ii) APPLICATION.—An eligible entity that seeks to receive reimbursement described in clause (i) shall submit to the Administrator an application by such time, in such form, and containing such information as the Administrator shall prescribe.

"(iii) TIMING OF REIMBURSEMENT.—Not later than 30 days after the date on which the Administrator, in consultation with the appropriate State agency, verifies that an alternative energy refueling system for which reimbursement is requested by an eligible entity under this paragraph has been installed and is operational, the Administrator shall provide the reimbursement to the eligible entity.

"(iv) LIMITATIONS.—

"(I) PROHIBITION ON RECEIPT OF DUAL BENEFITS.—An eligible entity that receives a tax credit under section 30C of the Internal Revenue Code of 1986 for placing in service a qualified alternative fuel vehicle refueling property (as defined in that section) may not receive any reimbursement under this paragraph for an alternative energy refueling system on the property if the cost of the alternative energy refueling system was taken into consideration in calculating the tax credit.

"(II) NUMBER OF SYSTEMS.—An eligible entity may not receive reimbursement under this paragraph for more than 2 alternative energy refueling systems for each facility owned or operated by the eligible entity.

"(III) AMOUNT.—The amount of reimbursement provided for an alternative energy refueling system under this paragraph shall not exceed the lesser of—

"(aa) the amount that is 30 percent of the cost of the alternative energy refueling system; or

"(bb) $30,000.

"(C) FURTHER APPROPRIATION.—Reimbursement authorized under this paragraph shall be provided by the Administrator without further appropriation.

"(D) NO EFFECT ON OTHER RESPONSIBILITIES.—Nothing in this paragraph affects any obligation of an owner or operator to comply with other provisions of this subtitle.".

SA 4611. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike "$166,456,000" and insert "$164,456,000".

On page 104, line 9, strike "$106,414,000" and insert "$108, 414,000".

On page 104, line 20, after "2007:" insert the following: "Provided further, That of the amount provided under this heading not less than $2,000,000 shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory:".

SA 4612. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(c) SAFECOM PILOT.—The Secretary of Homeland Security shall make $1,000,000 of its SAFECOM Program funds available to conduct a pilot project based on the bi-national component of the integrated plan developed under subsection (a)(2)

SA 4613. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, and design and construction centers, the Coast Guard Academy, and the Research and Development Center until the Committees on Appropriations and Commerce, Science, and Transportation of the Senate receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard. The plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification, an assessment of the costs and benefits of such modification, any proposed alternatives to such modification, and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.

SA 4614. Mr. GREGG (for Mr. BYRD) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 93, line 4, before the period insert the following: ": *Provided further*, That for grants under subparagraphs (B) through (F), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Office for Domestic Preparedness shall act on such applications not later than 45 days after the date on which such an application is received".

SA 4615. Mr. VITTER (for himself, Mr. INHOFE, Mr. ENZI, Mr. THUNE, Mr. BURNS, Mr. BROWNBACK, Mr. MARTINEZ, Mr. DOMENICI, Mr. GREGG and Mr. BYRD) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act may be used to temporarily or permanently seize any firearm during an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) if the possession of such firearm is not prohibited under Federal or State law, other than for forfeiture in compliance with Federal or State law or as evidence in a criminal investigation.

SA 4616. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 7 and 8 and insert the following:

(4) $331,500,000 for training, exercises, technical assistance, and other programs (including mass evacuation preparation and exercises);

SA 4617. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 5 . SCREENING OF MUNICIPAL SOLID WASTE.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term " Bureau" means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

SA 4618. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. . None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65 Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

SA 4619. Mr. DURBIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing individuals whose names have been mistakenly placed on the TSA Watch List or who have names identical or similar to individuals on the TSA Watch List. The Secretary shall advise Congress of the procedures established.

SA 4620. Mr. BYRD (for himself, Mr. LIEBERMAN, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall hereafter issue interim final regulations that establish homeland security requirements, including minimum standards and required submission of facility security plans to the Secretary, for chemical facilities that the Secretary determines present the greatest security risk and that are not currently regulated under Federal law for homeland security purposes.

(b) Interim regulations under this section shall apply to a chemical facility until the effective date of final regulations issued under other laws by the Secretary, that establish requirements and standards referred to in subsection (a) that apply with respect to that facility.

(c) Any person that violates an interim regulation issued under this section shall be liable for a civil penalty under section 70117 of title 46, United States Code.

SA 4621. Mr. BAUCUS (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. BURNS, Mr. CRAIG, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

SA 4622. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasability and advisability of locating facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SA 4623. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 13, before the period insert ": *Provided*, that an additional $21,500,000 shall be made available under this heading for the grants authorized under title I of the Enhance Act of 2004 (Public Law 108–494; 118 Stat. 3986)".

SA 4624. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes;

which was ordered to lie on the table; as follows:

On page 99, line 4, insert after "Act" the following: ": *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used to enter into contracts using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code, unless the contract is for the procurement of only such property and services as are necessary to address the immediate emergency and is only for so long as is necessary to put competitive procedures in place in connection with such procurement and the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives of such contract not later than 7 days after the contract is entered into".

SA 4625. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REGISTRATION OF GSE SECURITIES.

(a) Fannie Mae.—

(1) Mortgage-backed securities.—Section 304(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence and inserting the following: "Securities issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.".

(2) Subordinate obligations.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence and inserting the following: "Obligations issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.".

(3) Securities.—Section 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723c) is amended—

(A) in the section heading, by striking "ASSOCIATION";

(B) by inserting "(a) In General.—" after "SEC. 311.";

(C) in the second sentence, by inserting "by the Association" after "issued"; and

(D) by adding at the end the following:

"(b) Treatment of Corporation Securities.—

"(1) In general.—Any stock, obligations, securities, participations, or other instruments issued or guaranteed by the corporation pursuant to this title shall not be exempt securities for purposes of the Securities Act of 1933.

"(2) Exemption for approved sellers.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

"(3) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Approved seller.—The term 'approved seller' means an institution approved by the corporation to sell mortgage loans to the corporation in exchange for pooled certificates.

"(B) Pooled certificates.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the corporation that have been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.

"(4) Mortgage related securities.—A single class mortgage-backed security guaranteed by the corporation that has been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities or directly by the corporation for cash shall be deemed to be a mortgage related security, as defined in section 3(a) of the Securities Exchange Act of 1934.".

(b) Freddie Mac.—Section 306(g) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(g)) is amended to read as follows:

"(g) Treatment of Securities.—

"(1) In general.—Any securities issued or guaranteed by the Corporation shall not be exempt securities for purposes of the Securities Act of 1933.

"(2) Exemption for approved sellers.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the Corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

"(3) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Approved seller.—The term 'approved seller' means an institution approved by the Corporation to sell mortgage loans to the Corporation in exchange for pooled certificates.

"(B) Pooled certificates.—The term 'pooled certificates' means single class mortgage-backed securities guaranteed by the Corporation that have been issued by the Corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.".

(c) No Affect on Trust Indenture Act of 1939.—Nothing in this section or the amendments made by this section shall be construed to affect any exemption from the provisions of the Trust Indenture Act of 1939, provided to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(d) Treatment of Fees.—Fees collected by the Securities and Exchange Commission from the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation as a result of the amendments made by this section shall not be considered to be offsetting collections to the account providing appropriations to the Securities and Exchange Commission for any fiscal year, and shall be deposited in the general fund of the Treasury.

(e) Regulations.—The Securities and Exchange Commission may issue such regulations as may be necessary or appropriate to carry out this section and the amendments made by this section.

(f) Effective Date.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act.

SA 4626. Mr. DODD (for himself and Mr. DeWine) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 22, strike "$90,122,000" and insert "$82,545,000".

On page 66, line 5, strike "$166,456,000" and insert "$144,003,000".

On page 94, line 17, strike "$655,000,000" and insert "$685,000,000".

On page 94, line 17, strike "$540,000,000" and insert "$555,000,000".

One page 94, line 19, strike "$115,000,000" and insert "$130,000,000".

SA 4627. Mr. SESSIONS (for himself and Mr. Ensign) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, lines 1 and 2, strike "$288,084,000, to remain available until expended." and insert the following: "$2,117,484,000, of which not less than $1,184,000,000 shall be for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; of which not less than $645,400,000 shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico, of which the remaining amount shall remain available until expended.".

At the appropriate place, insert the following:

Sec.   . All discretionary amounts made available under this Act, other than the amount appropriated under the "Customs and Border Protection construction" subheading, shall be reduced on a pro rata basis by $1,829,400,000.

SA 4628. Mr. SESSIONS (for himself and Mr. Grassley) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8, strike "$3,740,357,000" and insert "$3,826,027,000, of which not less than $104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 above the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, as provided in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108 458);".

At the appropriate place, insert the following:

Sec. ____. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the

Secretary to aliens under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546) by notice in the Federal Register not later than January 1, 2007, to achieve not less than $85,670,000 in additional receipts by September 30, 2007.

(b) The fees collected pursuant to the adjustment of fees made under subsection (a) shall be in addition to the fees authorized under section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

SA 4629. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8, strike "$3,740,357,000" and insert "$3,826,027,000, of which not less than $104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 above the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, as provided in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108–458);".

At the appropriate place, insert the following:

SEC. ____. All discretionary amounts made available under this Act, other than the amount appropriated under the "Immigration and Customs Enforcement salaries and expenses" subheading, shall be reduced on a pro rata basis by $85,670,000.

SA 4630. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) The amount appropriated by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" and under the subheading "SALARIES AND EXPENSES" is hereby increased by $161,000,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under such subheading—

(1) not less than $140,000,000 shall be used to fund 4,000 detention beds pursuant to section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) and such funds shall be used to supplement and not supplant the amounts made available for detention beds pursuant to such section in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234); and

(2) not less than $150,560,000 shall be used for transportation costs related to the 4,000 additional detention beds funded by this Act and the 4,000 detention beds funded by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by $161,000,000.

SA 4631. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, beginning on line 6, strike "Provided" and all that follows through the colon on line 11, and insert "*Provided further*, That none of the funds appropriated in this Act or any other appropriations Act to carry out programs under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) may be redirected for any purpose or used for any purpose other than to carry out such programs:".

SA 4632. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . Of the amounts appropriated or otherwise made available by this Act under the headings "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", $17,000,000 may be available for the establishment of a Northern border air wing in an appropriate location in the State of Michigan.

SA 4633. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than February 8, 2007, the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security shall submit a report to Congress on the costs and need for establishing a sub-office in Greeley, Colorado.

SA 4634. Mr. MENENDEZ (for himself and Mr. LAUTENBERG, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3 insert the following:

SEC. . Notwithstanding any other provision of this Act, appropriations under this Act may not be used for the purpose of providing—

(1) formula-based grants or law enforcement terrorism prevention grants, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent praticable, with no State receiving less than 0.25 percent of the funds available for each such grant program, and American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands, each receiving 0.08 of the funds available for each such grant program;

(2) discretionary grants for use in high-threat, high-density urban areas, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent practicable; and

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SA 4635. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, line 8, insert the following: "Until the Secure Flight program or a follow on or successor passenger screening program has been deployed or implemented, of the amount made available under title II under the heading 'TRANSPORTATION SECURITY ADMINISTRATION' for aviation security, such sums as are necessary shall be available to provide airlines with technical or other assistance to better align their reservation and ticketing systems with the Transportation Security Administration's Watch List and in alleviating travel delays and other problems associated with mistaken identification.".

SA 4636. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SA 4637. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of

Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike “$2,393,500,000” and insert “$2,793,500,000”.

On page 93, between lines 8 and 9, insert the following:

(5) $400,000,000 for interoperable communications grants, which is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

SA 4638. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL EARTHQUAKE RESPONSE PLANS.

Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to Congress outlining Federal earthquake response plans for high risk earthquake regions in the United States as determined by the United States Geological Survey.

SA 4639. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —.

Notwithstanding any other provision of this Act, funding made available under title VII, under the heading UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS may be used to acquire law enforcement patrol boats.

SA 4640. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, line 9, strike “$106,414,000” and insert “$104,414,000”.

On page 105, line 1, strike “$712,041,000” and insert “$714,041,000”.

On page 105, line 7, strike “costs.” and insert the following: “costs: Provided further, That $2,000,000 under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory:”.

Provided further that funding will not be available until an memorandum of understanding between the Department of Homeland Security and the Department of Energy has been entered into.

SA 4641. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike “$2,393,500,000” and insert “$12,083,500,000”.

On page 91, line 8, strike “$500,000,000” and insert “$2,896,000,000”.

On page 91, line 9, strike “$350,000,000” and insert “$2,027,000,000”.

On page 91, line 22, strike “$1,172,000,000” and insert “$6,789,000,000”.

On page 92, line 1, strike “$745,000,000” and insert “$4,315,000,000”.

On page 92, line 3, strike “$210,000,000” and insert “$1,216,000,000”.

On page 92, line 9, strike “$5,000,000” and insert “$30,000,000”.

On page 92, line 11, strike “$12,000,000” and insert “$69,000,000”.

On page 92, line 13, strike “$150,000,000” and insert “$869,000,000”.

On page 92, line 17, strike “$50,000,000” and insert “$290,000,000”.

On page 94, line 17, strike “$655,000,000, of which $540,000,000” and insert “$3,794,000,000, of which $3,128,000,000”.

On page 94, line 19, strike “$115,000,000” and insert “$666,000,000”.

On page 95, line 5, strike “$205,000,000” and insert “$1,187,000,000”.

On page 96, line 6, strike “$45,887,000” and insert “$265,800,000”.

On page 96, line 12, strike “$525,056,000, of which $442,547,000” and insert “$3,041,200,000, of which $2,554,608,000”.

SA 4642. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike “$166,456,000” and insert “$152,956,000”.

On page 91, line 6, strike “$2,393,500,000” and insert “$2,407,000,000”.

On page 93, strike lines 7 and 8 and insert the following:

(4) $345,000,000 for training, exercises, technical assistance, and other programs: Provided, That not less than $25,000,000 is for technical assistance:

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 12, 2006, at 10:30 a.m., to conduct a hearing on the nominations of Mr. Frederic S. Mishkin, of New York, to be a member of the Board of Governors of the Federal Reserve System; Ms. Linda Mysliwy Conlin, of New Jersey, to be first Vice President of the Export-Import Bank; Mr. Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board; Mr. Edmund C. Moy, of Wisconsin, to be Director of the Mint; and Mr. J. Joseph Grandmaison, of New Hampshire, to be a member of the Board of Directors of the Export-Import Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 12, 2006, at 11:30 a.m. The purpose of this meeting is to consider the nomination of Marc Spitzer of Arizona to be a member of the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 12, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on “S. 3495—A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam”.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 12, 2006, at 9:30 a.m. to hold a hearing on Multilateral Development Banks.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 12, 2006, at 9:30 a.m., in Room 106 of the Dirksen Senate Office Building, to conduct a hearing on S. 660, the Lumbee Recognition Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on Examining the Need for Comprehensive Immigration Reform Part II” on Wednesday, July 12, 2006, at 9:30 a.m. in Hart Senate Office Building Room 216.

Witness list

Panel I: The Honorable Carlos M. Gutierrez, Secretary of Commerce, Washington, DC.

Panel II: Mr. Michael W. Cutler, Fellow, Center for Immigration Studies, Washington, DC, Mr. Ben Johnson, Director, Immigration Policy Center, Washington, DC, Dr. William McDonald, Professor of Sociology and Anthropology, and Deputy Director, Institute of Criminal Law and Procedure, Georgetown University Law Center, Washington, DC, Mr. Niall O'Dowd, Founder and Chairman, The Irish Lobby for Immigration Reform, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "Strengthening Participation of Small Businesses in Federal Contracting and Innovation Research Programs," on Wednesday, July 12, 2006, beginning at 10:30 a.m. in Room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 12, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GREGG. I ask unanimous consent that the following interns be granted the privilege of the floor during consideration of the fiscal year 2007 Homeland Security appropriations bill and any votes that may occur in relation thereto: Jeff Gonzalez, Kerri Temple, Elliot Nethercutt, Hilary Bonaccorsi, and Laura Chisholm.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING THE TERRORIST ATTACKS IN INDIA

Mr. McCONNELL. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 527 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 527) condemning in the strongest terms the July 11, 2006, terrorist attacks in India and expressing sympathy and support for the families of the deceased victims and wounded as well as steadfast support to the Government of India as it seeks to reassure and protect the people of India and to bring the perpetrators of this despicable act of terrorism to justice.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 527) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 527

Whereas, on July 11, 2006, during evening rush hour, 7 major explosions occurred on commuter trains in the Indian financial capital of Mumbai, killing as many as 200 and wounding more than 400 innocent people;

Whereas the Prime Minister of India, Manmohan Singh, has urged calm in the country and vowed to take all possible measures to maintain law and order and to defeat the forces of terrorism;

Whereas the Mumbai attacks occurred shortly after a series of grenade attacks took the lives of 8 innocent civilians and wounded 39 others in tourist areas of Srinagar, the capital city of Indian Kashmir;

Whereas the United States and India are both multicultural, multireligious democracies that abhor terrorism in all its forms and will continue to work steadfastly together to overcome terrorist ideology and establish peace and security;

Whereas the people of India have long faced, with bravery and resolve, past acts of terrorism, including twin bombings at a train station and a temple in the Hindu holy city of Varanasi that killed 20 people in March 2006, a series of bombings in New Delhi a day before the Hindu festival of Diwali that resulted in the death of more than 60 people in October 2005, 2 simultaneous car bombings in Mumbai that killed 52 people in August 2003, a bombing on a passenger train in Mumbai that killed 10 people in March 2003, an attack on a Hindu temple in the state of Gujarat that left 33 people dead in September 2002, an attack on India's parliament in New Delhi in December 2001 that left 14 people dead and precipitated a 5-month military stand off with neighboring Pakistan, a series of bombings that struck the Mumbai stock exchange, killing 257 people and wounding more than 1,000 others, and countless attacks in Indian Kashmir that have resulted in the deaths of tens of thousands of people over the last 16 years;

Whereas the terrorists responsible for these attacks seek to disrupt the free, democratic, and pluralistic lifestyle enjoyed by the people of India;

Whereas the Government of India has been engaged in joint efforts with the United States Government to combat terrorism and to ensure a safer and more secure world; and

Whereas the governments of countries throughout the world strongly condemned the attacks in Mumbai, including the United States Government and the Governments of Pakistan, the United Kingdom, and France: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest terms the July 11, 2006, terrorist attacks in Mumbai, India;

(2) expresses its condolences to the families and friends of those individuals killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses its solidarity with the Government and people of India in fighting and defeating terrorism in all its forms; and

(4) expresses its support for the enhancement of strategic cooperation between the United States and India, with the goal of combating terrorism and advancing peace and security.

AUTHORIZING PRINTING OF REVISED EDITION OF U.S. CONSTITUTION AND OTHER PUBLICATIONS

Mr. McCONNELL. I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 108 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 108) authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 108) was agreed to, as follows:

S. CON. RES. 108

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) In General.—The 22nd edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) Additional Copies.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $198,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

SEC. 2. OUR FLAG.

(a) In General.—The 2006 revised edition of the publication entitled "Our Flag" shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) Additional Copies.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $215,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

SEC. 3. A BOTANIC GARDEN FOR THE NATION.

(a) In General.—There shall be printed as a Senate document under the direction of the Joint Committee on Printing the book entitled "A Botanic Garden for the Nation".

prepared by the United States Botanic Gardens.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 3,075 copies of the document, of which 725 copies shall be for the use of the Senate and 1,470 for the use the House of Representatives with distribution determined by the Joint Committee on Printing, 880 copies for the use of the Botanic Gardens with distribution determined by the Joint Committee of Congress on the Library; or

(2) a number of copies that does not have a total production and printing cost of more than $102,000.

DESIGNATING "NATIONAL VETERANS AWARENESS WEEK"

DESIGNATING OCTOBER 20, 2006, AS "NATIONAL MAMMOGRAPHY DAY"

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from consideration of the following, and that the Senate then proceed en bloc to their consideration: S. Res. 507, S. Res. 508.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 507) designating the week of November 5 through 11, 2006, as "National Veterans Awareness Week."

A resolution (S. Res. 508) designating October 20, 2006, as "National Mammography Day."

There being no objection, the Senate proceeded to consider the resolutions.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that the consideration of these items appear separately in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 507 and S. Res. 508) were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 507

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States:

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 2, 2005, President George W. Bush issued a proclamation urging all the people of the United States to observe November 6 through November 12, 2005, as "National Veterans Awareness Week": Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 5 through November 11, 2006, as "National Veterans Awareness Week"; and

(2) encourages the people of the United States to observe the week with appropriate educational activities.

S. RES. 508

Whereas, according to the American Cancer Society, in 2006, 212,920 women will be diagnosed with breast cancer and 40,970 women will die from that disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that, in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30-percent greater mortality rate from breast cancer than White women and more than 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 20, 2006, as "National Mammography Day"; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

DESIGNATING "NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY"

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to S. Res. 499.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 499) designating September 9, 2006, as "National Fetal Alcohol Spectrum Disorders Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, in June of this year, parents of children afflicted with fetal alcohol spectrum disorders and their advocates traveled to our Nation's Capital for the annual FASD Hill Day. FASD Hill Day is sponsored by the National Organization on Fetal Alcohol Syndrome and organizations that support those who care for FASD children in our States and communities.

Nobody knows better than a parent of a child afflicted with FASD how challenging it is to raise a child who was exposed to alcohol before birth. Nobody knows better the physical, mental, behavioral and learning disabilities that can have lifelong implications. I hope that my colleagues had the opportunity to meet with the parents and advocates who participated in FASD Hill Day because they had a very important story to tell. I am sure their stories moved you, as they did me.

At the conclusion of FASD Hill Day, the National Organization on Fetal Alcohol Syndrome hosted its annual Leadership Awards Benefit Reception, which was attended by the parents and advocates, as well as the children. I am pleased to inform my colleagues that the distinguished Senator from North Dakota, Mr. DORGAN, received the 2006 Leadership Award at the benefit reception. As a Senator who represents a State with one of the highest incidence rates of fetal alcohol spectrum disorders, I appreciate the leadership of Mr. DORGAN and the support of all our colleagues, in the crusade to eradicate FASD.

The term "fetal alcohol spectrum disorders" was coined by experts as an umbrella term to describe the range of effects that can occur in an individual whose mother drank alcohol during pregnancy. It refers to conditions such as fetal alcohol syndrome, fetal alcohol effects, alcohol-related neurodevelopmental disorder and alcohol-related birth defects.

The only cause of FASD is alcohol use during pregancy. When a pregnant woman drinks, the alcohol crosses the placenta into the fetal blood system, reaching the fetus, its developing tissues, and organs. This is how brain damage occurs, which in turn can lead to mental retardation, social and emotional problems, learning disabilities and other problems. It will shock my colleagues to know that FASD is the leading cause of mental retardation in all of Western civilization, including the United States.

By abstaining from the consumption of alcohol during pregnancy a woman can be 100 percent certain that her baby will not be born with any of the conditions regarded as fetal alcohol spectrum disorders. Every day of the year we must remind women that no amount of alcohol consumed during pregnancy is safe for their baby. No alcohol during pregnancy is safe. None at all.

To dramatize this point, a group of parents raising children afflicted with FASD came together on the Internet and wondered in cyberspace, "What if a world full of FASD parents came together on the 9th hour of the 9th day of the 9th month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol?" If this were to occur, they wondered, "Would the world listen?"

These pioneering activists, many of whom were adoptive and foster parents, organized the first International Fetal Alcohol Syndrome Awareness Day, which was observed on September 9, 1999. On the 9th hour of the 9th day of the 9th month every year they call upon all the peoples of this Nation, and all the peoples of this world, to observe a moment of silence to remind women of childbearing age that no amount of alcohol is safe during pregnancy. Their group continues to grow, including more than 70 volunteer coordinators in eight countries. Through this grassroots awareness effort, many women of childbearing age are learning that no amount of alcohol during pregnancy is safe.

On September 9, 2004, for the first time, the moment of silence was observed on the Senate floor. It is my hope that the Senate honor this moment every year until fetal alcohol spectrum disorders are eradicated.

The resolution that I have introduced, S. Res. 499, designates September 9, 2006, as National Fetal Alcohol Spectrum Awareness Day. I thank my colleagues for their consideration and support of this resolution, which is so very important to the millions of Americans who are touched by FASD.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 499) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 499

Whereas the term "fetal alcohol spectrum disorders" includes a broader range of conditions and therefore has replaced the term "fetal alcohol syndrome" as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of mental retardation in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas the economic cost of fetal alcohol syndrome alone to the Nation was $5,400,000,000 in 2003 and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between $1,500,000 and $3,000,000 in his or her lifetime;

Whereas, in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked "What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2006, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2006, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

NATIONAL MOTTO OF THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to S. Con. Res. 96.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 96) to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 96) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 96

Whereas the phrase "In God We Trust" is the national motto of the United States;

Whereas, from the colonial beginnings of the United States, citizens of the Nation have officially acknowledged their dependence on God;

Whereas, in 1694, the phrase "God Preserve Our Carolina and the Lords Proprietors" was engraved on the Carolina cent and the phrase "God Preserve Our New England" was inscribed on coins that were minted in New England during that year;

Whereas, while declaring the independence of the United States from Great Britain, the Founding Fathers of the Nation asserted: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.";

Whereas those signers of the Declaration of Independence further declared: "And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.";

Whereas, in 1782, one of the great leaders of the United States, Thomas Jefferson, wrote: "[C]an the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with His wrath?";

Whereas the distinguished founding statesman, Benjamin Franklin, when speaking in 1787 at the Constitutional Convention, declared: "Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? or do we imagine that we no longer need His assistance. I have lived, Sir, a long time and the longer I live, the more convincing proofs I see of this truth — that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings that 'except the Lord build they labor in vain that build it.' I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel. . . .";

Whereas the national hero and first President, George Washington, proclaimed in his first inaugural address in 1789: "[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and the happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.";

Whereas one stanza of the "Star Spangled Banner", which was written by Francis Scott Key in 1814 and adopted as the national anthem of the United States in 1931, states: "O thus be it ever when free-men shall stand, Between their lov'd home and the war's desolation; Blest with vict'ry and peace, may the heav'n-rescued land Praise the Pow'r that hath made and preserv'd us as a nation! Then conquer we must, when our cause it is just, And this be our motto: 'In God is our trust!' And the star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave!";

Whereas, in 1861, the Secretary of the Treasury, Salmon P. Chase, while instructing James Pollock, Director of the Mint at Philadelphia, to prepare a motto, stated: "No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins. You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.";

Whereas the phrase "In God We Trust" first appeared on a coin of the United States in 1864;

Whereas, in 1955, the phrase "In God We Trust" was designated as a mandatory phrase to be inscribed on all currency and coins of the United States;

Whereas, on March 28, 1956, the Judiciary Committee of the House of Representatives, in its report accompanying H. J. Res. 396 (84th Congress), stated: "It will be of great spiritual and psychological value to our country to have a clearly designated national motto of inspirational quality in plain, popularly accepted English.";

Whereas, on July 30, 1956, President Dwight D. Eisenhower signed H. J. Res. 396 (84th Congress), making the phrase "In God We Trust" the official motto of the United States; and

Whereas the occasion of the 50th anniversary of the formal adoption of the national motto of the United States, "In God We Trust", presents an opportunity for the citizens of the United States to reaffirm the concept embodied in that motto that—

(1) the proper role of civil government is derived from the consent of the governed, who are endowed by their Creator with certain unalienable Rights; and

(2) the success of civil government relies firmly on the protection of divine Providence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 50th anniversary of the national motto of the United States, "In God We Trust";

(2) celebrates the national motto as—

(A) a fundamental aspect of the national life of the citizens of the United States; and

(B) a phrase that is central to the hopes and vision of the Founding Fathers for the perpetuity of the United States;

(3) reaffirms today that the substance of the national motto is no less vital to the future success of the Nation; and

(4) encourages the citizens of the United States to reflect on—

(A) the national motto of the United States; and

(B) the integral part that the national motto of the United States has played in the life of the Nation, before and after its official adoption.

LOUIS BRAILLE BICENTENNIAL—BRAILLE LITERACY COMMEMORATIVE COIN ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 2872 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2872) to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2872) was ordered to a third reading, was read the third time, and passed.

MEASURE PLACED ON THE CALENDAR—S. 3637

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3637) to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003.

Mr. McCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—H.R. 4411

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

Mr. McCONNELL. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, JULY 13, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow, Thursday, July 13, 2006. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, and the final 15 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate then resume consideration of H.R. 5441, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, today we made good progress on the Homeland Security appropriations bill. Tomorrow we will continue on it. It is the hope and expectation of the majority leader and Chairman GREGG that we will complete the bill by tomorrow evening. If Senators have amendments to offer, they should be working with the bill managers in order to get those amendments in the queue for consideration tomorrow. Obviously, we will have a busy day with votes throughout the day. Again, let me remind everyone it is the intention of the leader and the chairman of the Homeland Security Subcommittee that we finish the bill tomorrow night. I have every confidence that with everyone's cooperation, we will be able to do that.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m. adjourned until Thursday, July 13, 2006 at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 2006:

DEPARTMENT OF STATE

PHILIP S. GOLDBERG, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

JOHN C. ROOD, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON-PROLIFERATION), VICE STEPHEN GEOFFREY RADEMAKER, RESIGNED.

INTERNATIONAL BANKS

HENRY M. PAULSON, JR., OF NEW YORK, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE JOHN W. SNOW, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

M. SUZANNE ARCHULETA, OF COLORADO
JUAN T. AVECILLA, OF CALIFORNIA
JAMES ANDREW BALL IV, OF FLORIDA
NORMAN H. BARTH, OF CALIFORNIA
JEREMY A. BECK, OF IDAHO
GREGORY L. BERNSTEEN, OF FLORIDA
CHRISTOPHER WATKINS BISHOP, OF MISSISSIPPI
MATTHEW A. BOCKNER, OF THE DISTRICT OF COLUMBIA
SUZANNE L. BODOIN, OF MASSACHUSETTS
KEVIN MICHAEL BRADY, OF TEXAS
KIRNINDER P. BRAICH, OF NEW JERSEY
WALTER BRAUNOHLER, OF MICHIGAN
LAURA J. BROWN, OF VIRGINIA
RACHEL BRUNETTE-CHEN, OF VIRGINIA
DOUGLAS G. CAREY, OF CALIFORNIA
JOSH M. CARTIN, OF FLORIDA
JOSEPH LEE CHAMBERLAIN, OF COLORADO
VINAY CHAWLA, OF NEW JERSEY
AMY L. CHRISTIANSON, OF VIRGINIA
MICHAEL A. CLASSICK, OF OREGON
MICHAEL CLAUSEN, OF NEW YORK
CAROLYN H. COBERLY, OF VIRGINIA
APRIL C. COHEN, OF NEW YORK
ANNE SOPHIE COLEMAN, OF ILLINOIS
PATRICK D. CONNELL, OF MASSACHUSETTS
BARBARA CORDANO, OF TEXAS
JASON L. CRAIG, OF UTAH
COLLEEN ELIZABETH CRENWELGE, OF TEXAS
JUSTIN CHARLES CREVIER, OF WASHINGTON
MARTIN A. DALE, OF IOWA
LOREN NICOLE DENT, OF FLORIDA
RACHAEL THOMASIN DOHERTY, OF THE DISTRICT OF COLUMBIA
REBEKAH DRAME, OF CALIFORNIA
T. ALAN ELROD, OF WYOMING
ANN MARIE LOFRISCO EVERITT, OF FLORIDA
TIMOTHY EYDELNANT, OF ILLINOIS
STEFANIE BATES EYE, OF TEXAS
GEORGE FARAG, OF NEW JERSEY
KATHRYN SMITH FITRELL, OF FLORIDA
WILLIAM FLENS, OF ILLINOIS
B. JAMISON FOUSS, OF COLORADO
REBECCA L. FRERICHS, OF WYOMING
LESLIE DIANE FRERIKSEN, OF TEXAS
DANIEL L. GAGE, OF FLORIDA
DAVID J. GAINER, OF NEW HAMPSHIRE
PETER JAMES GANSER, OF VIRGINIA
MARY BETH GOODMAN, OF THE DISTRICT OF COLUMBIA
NIKOLAS EDWIN GRANGER, OF WASHINGTON
GABRIELLE J. GUIMOND, OF WASHINGTON
JONATHAN ALEXANDER HABJAN, OF CALIFORNIA
JASON EDWARD HAHN, OF NEW YORK
CHARLES JEFFREY HAMILTON, OF UTAH
THOMAS WAYNE HAMM, OF MASSACHUSETTS
DARRIEN SCOTT HANEY, OF TEXAS
JOHN T. HARDMAN, OF MARYLAND
DAVID BRIAN HARRISON, OF FLORIDA
INGA HEEMINK, OF TEXAS
CAROLINA HIDEA, OF ARIZONA
JOHNATHAN ALEXANDER HILTON, OF ALABAMA
JEROME P. HOHMAN, OF CALIFORNIA
HOLLY C HOLZER, OF CALIFORNIA
D. IAN HOPPER, OF VIRGINIA
ELIZABETH S. HOSINSKI, OF VIRGINIA
ROKSANA K. HOUGE, OF TEXAS
JOHN J. IBARRA, OF TEXAS
PHILIP MATTHEW INGENERI, OF MAINE
MICHELLE JAVOR, OF MINNESOTA
JOHN E. JOHNSON, OF WASHINGTON
THOMAS L. JOHNSTON III, OF COLORADO
JAMES DAVID KAY, OF WASHINGTON
MARK EVANS KENDRICK, OF TEXAS
STEPHEN CHRISTIAN KOCHUBA, OF PENNSYLVANIA
ERIN ELIZABETH KOTHEIMER, OF NEW YORK
ALBERT J. KRAAIMOORE, OF OREGON
NEILL G. KROST, OF CALIFORNIA
SANDRA ANNE LABARGE, OF WASHINGTON
LOURDES MARIA LAMELA, OF THE DISTRICT OF COLUMBIA
RACHEL MARIE LEATHAM, OF VIRGINIA
RODNEY SCOTT LEGRAND, OF VIRGINIA
AMY CATHERINE LENK, OF MINNESOTA
JAMES V. LIDDLE, OF THE DISTRICT OF COLUMBIA
AARON L. LUSTER, OF ARKANSAS
ERIK C. MARTINI, OF VIRGINIA
TIFFANY LAVERN MCGRIFF, OF NEW JERSEY
PATRICIA ANN MEEKS, OF VIRGINIA
TRACI L. MELL, OF ILLINOIS
HARRY B. MEYER, OF MARYLAND
TETA MARIA MOEHS, OF VIRGINIA
DANIELLE MONOSSON, OF THE DISTRICT OF COLUMBIA
MEGHAN MARIE MOORE, OF ALASKA
NICHOLAS S. NAMBA, OF CONNECTICUT
BRENDAN J. O'BRIEN, OF NEW JERSEY
MARK ALAN PANNELL, OF WASHINGTON
ELAINE A. PAPLOS, OF NORTHERN MARIANA ISLANDS
DANTE PARADISO, OF OREGON
RONALD DREW PERKEL, OF COLORADO
JON E. PIECHOWSKI, OF ILLINOIS
AMANDA CAROL CECILIA PILZ, OF CALIFORNIA
JAMES H. POTTS III, OF INDIANA
ALLEN LEWIS POWELL, OF VIRGINIA
JAY R. RAMAN, OF TENNESSEE
SANJAY RAMESH, OF NEW JERSEY
ROBERT BENJAMIN RICHARDS, OF VIRGINIA
JEFFREY E. RIGLER, OF FLORIDA
PHILIP W. ROSKAMP, OF TEXAS
JOSHUA NATHANIEL RUBIN, OF VIRGINIA
AARON BEERS SAMPSON, OF MINNESOTA
DAVID J. SHAO, OF TEXAS
KATHERINE D. SHARP, OF WYOMING
MACHUTMI AWUNGSHI SHISHAK, OF PENNSYLVANIA
JAMES MATTHEW SINDLE, OF TEXAS
JORDAN STANCIL, OF MICHIGAN
STEPHEN M. STARK, OF MICHIGAN
LISA SWENARSKI DE HERRERA, OF CALIFORNIA
CATHERINE E. TAYLOR, OF UTAH
SONIA FRANCELA URBOM, OF WASHINGTON
ANDREW M. VEPREK, OF LOUISIANA
NEAL ROBERT VERMILLION, OF WISCONSIN
MICHAEL ALLEN VIA, OF ARIZONA
JULIE MARGUERITE VIBUL, OF TENNESSEE
GEORGE LAVELL WARD, OF MARYLAND
TANYA GANT WARD, OF OREGON
WILLIAM W. WHITAKER, OF ALASKA
DAVID SIDNEY WILLIAMS, OF CALIFORNIA
STEFANIE ALTMAN WINANS, OF VIRGINIA
NOELLE OLIVE WRIGHT-YOUNG, OF FLORIDA
CHRISTIAN YARNELL, OF NEW JERSEY
KENNETH MARK ZURCHER, OF KANSAS
AREND C. ZWARTJES, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED: CAREER MEMBER OF THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHN D. LAVELLE, JR., OF VIRGINIA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

WADE J. BLAKE
BRIAN K. TAGGERT
JOHN E. HERRING
CHRISTOPHER S. MOORE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT T. DAIL, 5056

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STANLEY A. MCCHRYSTAL, 3565

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL A. KUEHR, 0757

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES B. MALLORY III, 5088

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JIMMY G. WELCH, 0674

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN F. SATTLER, 0580

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES M. GURGANUS, 6426

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN D. ADAMS, 6635
JOHN S. CRAMER, 6229
DIANE HUEY, 7795

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

JOHN D. ADAMS, 6635
JOHN S. CRAMER, 6229
DIANE HUEY, 7795

To be lieutenant colonel

EVERETT L. CHAPMAN, 9635
THOMAS S. LILLY, 4128
ANTHONY PRESICCI, 2227

To be major

MAYRA ARROYOORTIZ, 3600
DEBORAH ASHCRAFTOLMSCHEID, 2010
STEPHEN C. AUSBAND, 8606
MARK R. BAIN, 6285
JOHN A. BENSON, 6226
GUSTAVO I. CADAVID, 6004
CLAY J. COLON, 7448
PHILLIP J. COVER, 6213
PETER B. DODSON, 3277
DAVID A. DUPONT, 1394
BRIAN J. EADES, 0867
DOUGLAS J. FEELEY, 4707
ALLYSON S. HOWE, 8151
JON R. JACOBSON, 0183
SCOTT W. JOSLIN, 9270
MICHAEL D. LANDES, 5935
FAITH E. MADDEN, 5359
DIOSDADO S. PANGILINAN, 1541
DOUGLAS M. SPAETH, 1069
LANCE C. SWEENEY, 4110
NORMAN K. THAXTER, 9574
HEAHTER WILSON, 8421
CHARLES J. WOLF, 8663
KARL WOODMANSEY, 0666

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARK D. CAMPBELL, 2634
JOHN P. DITTER, 9606
NORMAN D. ELLIS, 1610
MICHAEL E. GILBERT, 9397
BRUCE R. GLOVER, 7738
KARIS K. GRAHAM, 5322
MICHAEL D. GRUBBS, 6224
PHILLIP C. GUIN, 6677
DOUGLAS C. HALL, 9478
MARK P. ROWAN, 0303
STEVEN E. WEST, 7302
MICHAEL R. WILLIAMS, 7624
GARY J. ZICCARDI, 0362

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL J. APOL, 5469

MELISSA L. BARSOTTI, 2230
JEFFERSON B. BROWN, 3153
BRUCE D. COX, 9994
JOHN D. DOUGLAS, 1177
GREGORY O. FRIEDLAND, 5796
JOHN R. HEATON, 0277
MICHAEL R. HOVERSTEN, 8972
ALAN S. LIU, 6435
LARRY O.Y.C. LOHMAN, 7024
EDWARD R. LUCAS, 3116
LORI L. MAY, 9797
ERIC F. MEJIA, 5725
JEANNE M. MEYER, 9611
BRADLEY W. MITCHELL, 1693
ADAM OLER, 4528
MARK H. PATTERSON, 4846
TOM E. POSCH, 4793
ROBERT J. PRESTON II, 7260
KAREN M. RHONE, 7065
LINETTE I. ROMER, 4717
BRIAN M. ROOU, 3831
JEFFREY D. SATTLER, 5943
CHRISTOPHER M. SUPERNOR, 0945
DUANE M. THOMPSON, 7141
MICHAEL D. TOMATZ, 7118
BRIAN T. VARN, 7107
JENNIFER A. WHITTIER, 1860
DAWN M. K. ZOLDI, 8021

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RAYMOND A. BAILEY, 4756
WILLIAM J. BARNES, 9416
KEITH N. BISHOP, 5899
KEVIN L. BOERMA, 5121
THERESE A. BOHUSCH, 7889
DAVID L. BRINGHURST, 1486
PHILLIP P. BROWN, 7687
DAVID E. BYER, 1115
GORDON H. CAMPBELL, JR., 7759
VICTOR CARAVELLO, 5533
MARI L. CHAMBERLAIN, 5349
JOSEPH W. CODY, 8626
MARIE P. COLASANTI, 9826
CAROL M. COPELAND, 9378
STEVEN G. CUSACK, 6807
GREGORY A. FRICK, 8168
MITCHELL A. GARNICK, 7918
RANDY A. GREEN, 6312
CYNTHIA D. HAMPTON, 6895
MAUREEN O. HARBACK, 5069
LAURIE A. HOBBS, 6384
KHALID M. IRSHAD, 1690
MARK F. LAMB, 1074
JAMES W. LASSWELL, 9963
KEVIN M. LIER, 4736
KEVIN E. MARTILLA, 2348
KEVIN J. MCCAL, 2483
ANDREW B. MEADOWS, 9292
KRYSTAL L. MURPHY, 5648
IVETTE Z. OBRIEN, 3556
DAVID J. PETERSON, 1341
ARSHAD M. QURESHI, 9917
PETER D. REINHARDT, 1930
DANELLE K. RODDY, 9502
ARMANDO L. ROSALES, 7043
TERI JO RUSSELL, 1425
LISA SAYEGH, 9766
RICHARD SCHOSKE, 2350
BARBARA E. SEVERSONOLSON, 7964
RENEE L. SHIBUKAWAKENT, 6193
CHRISTOPHER R. SMALL, 5739
RANDOLPH R. SMITH, 7703
JAMES A. STEPHENSON, 5724
KIRK D. STOCKER, 5334
CYNTHIA G. THOMAS, 2084
ELIZABETH M. WATSON, 0406
ANDREW D. WOODROW, 5210

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD E. AARON, 7349
FARLEY A. ABDEEN, 2827
ANTHONY D. ABERNATHY, 5554
BRYAN E. ADAMS, 6947
JUSTIN F. ADAMS, 9931
RAY C. ADAMS, JR., 2430
GEORGE E. AKINS, 5446
FRANK D. ALBERGA, 8814
JEFFREY N. ALDRIDGE, 3111
DANA G. ALLEN, 2923
DAVID T. ALLEN, 7461
JAMES B. ALLEN, 5435
CRAIG ALLTON, 2941
STEVEN E. ALPERS, 3247
JEFFREY A. ANDERSON, 1404
JOHN H. ANDERSON III, 5750
LYNN P. ANDERSON, 4280
DAVID O. ANDINOAQUINO, 1679
DAVID J. ANGRESS, 7438
STEVEN E. ANKERSTAR, 4890
WILLIAM B. APODACA, 1170
MITCHELL S. APPLEY, 5250
MICHAEL C. ARAUJO, 0037
JASON R. ARMAGOST, 5374
CHRISTOPHER R. ARNOLD, 3894
DAVID E. ASHTON, 3169
WILLIAM H. ATOR, 4979
MARK R. AUGUST, 3616
THOMAS A. AUGUSTINE III, 0009
DAVID G. AUSTIN, 3307
DAVID G. AVILA, 5127
DONALD G. AXLUND, 5754
ERIN K. AYLES, 2128
JAMES R. BACHINSKY, 2295
RICHARD L. BAIRETT, JR., 3042
CHAD A. BAKER, 9404
CRAIG R. BAKER, 4552
PATRICK S. BALLARD, 5475
MICHAEL S. BALLEK, 4087
CHRISTOPHER B. BARKER, 5878
GARY A. BARLET, 0581
BARRY R. BARNES, 2791
JOHNNY L. BARNES II, 0540
WALDEMAR F. BARNES, 6343
JOHN P. BARRETTE, 4956
STEPHEN J. BARRY, 8498
BRIAN A. BARTHEL, 8217
MARVIN T. BAUGH, 7297
CARRIE J. BAUSANO, 8543
JAMES D. BAXTER, 4908
JAMES R. BEAM, JR., 9317
STEVEN M. BEASLEY, 5550
FRANK J. BEAUPRE, 4735
RICHARD L. BEAVERS, 0729
MICHAEL W. BECK, 2484
CHARLES S. BEGEMAN, 4230
BRIAN E. BELL, 5775
EDWARD A. BELLEM, 8988
HARRY P. BENHAM, 9809
JAMES C. BENNETT, 9060
AARON K. BENSON, 7486
ERIC T. BERGGREN, 7313
TIMOTHY P. BERGMANN, 8639
JILL M. BERGOVOY, 5314
ANDREW T. BERNARD, 9072
DOMINIC J. BERNARDI III, 7924
BRIAN C. BERNETT, 8975
VALERIE L. BERTHA, 6250
WILLIAM G. BESSEMER, 2937
JON C. BEVERLY, 7183
SARA A. BEYER, 9951
MICHAEL J. BIBEAU, 9848
MICHELLE P. BICKLEY, 1213
ANN N. BIGGERS, 8823
STEVEN W. BIGGS, 2032
JOHN R. BINDER III, 5747
ANN M. BIRCHARD, 3386
ERIC J. BJURSTROM, 7395
SHEILA G. BLACK, 9338
MALCOLM E. BLAIR, 0294
KEVIN E. BLANCHARD, 2884
WAYNE C. BLANCHETTE, 5151
COBY D. BLAND, 8216
SEVERIN J. BLENKUSH II, 1648
JOSEPH M. BLEVINS, 1080
MICHAEL A. BLOCK, 9239
ROBERT M. BLOCK, 4528
ROD B. BLOKER, 5249
DENNIS R. BLYTHE, 4916
MICHAEL E. BODTKE, 3851
FREDERICK D. BOETTCHER, 1860
RICHARD K. BOHN, JR., 8547
RICHARD T. BOLANOWSKI, 3596
JEFFREY L. BOLENG, 1915
MATTHEW D. BONAVITA, 4309
KELVIN T. BOND, 5921
VANESSA L. BOND, 4260
DEREK D. BONENCLARK, 9081
SEAN A. BORDENAVE, 2541
ROBERT W. BORJA, 0443
JAMES P. BOSTER, 8392
JAMES E. BOWEN, JR., 2067
ERIK C. BOWMAN, 5521
SOLOMON E. BOXX, 3998
JAY A. BOYD, 6323
TANDY K. BOZEMAN II, 1375
BRYAN L. BRADFORD, 3644
JONATHAN D. BRADLEY, 1173
MICHAEL W. BRAUCHER, 5609
NATHAN S. BRAUNER, 2773
JASON J. BRAWKA, 1932
LAMBERTO M. BRAZA, 6880
SHAWN M. BRENNAN, 9786
TIMOTHY L. BRESTER, 4858
BARRY L. BREWER, 4072
JONATHAN B. BRIDGES, 8247
DONALD J. BRIEN, 3639
RANDALL E. BRISTOL, 0861
CASEY L. BRITAIN, 6963
RYAN L. BRITTON, 0134
ROBERT W. BROCK, 4976
CHARLES E. BROCKETT, JR., 3297
MICHAEL T. BROCKEY, 8640
GRETCHEN A. BROCKFELD, 5751
WILLIAM E. BROOKS, 1222
WANDA V. BROUSSARD, 5871
CHRISTOPHER A. BROWN, 7671
GREG A. BROWN, 4392
JEFFREY S. BROWN, 5435
RUSSELL T. BROWN, 7888
ANDREW H. BRUCE, 2034
KURT F. BRUESKE, 1092
MARK A. BRUNWORTH, 8783
HEATHER Y. BRYANT, 1395
JOHN R. BUHMEYER, 4313
TERRY L. BULLARD, 8504
RICHARD M. BUNGARDEN, 2168
ANTHONY S. BURCH, 0978
CHARLES O. BURGESS, 9192
BRADLEY K. BURHITE, 3280
LAUREL M. BURKEL, 3763
SHARON K. BURNETT, 0508
MARK A. BURNETTE, 0151
DEANNA M. BURT, 8952
GEORGE E. BUSH III, 1140
CHRISTOPHER R. BUSHMAN, 3262
CHARLES J. BUTLER, 2705
PATRICK E. BUTLER, 0300
RAHN H. BUTLER, 7112
GREGORY BUTTRAM, 3055
ROBERT T. BUTZ, 6970
KEVIN A. CABANAS, 0468
MICHAEL F. CADY, 4840
PHILLIP A. CALLAHAN, 8668
TODD W. CALLAHAN, 1812
MICHAEL J. CALLENDER, 1710
REX T. CALVERT, 2540
SHAWN D. CAMERON, 4190
KEVIN T. CAMILLI, 7360
BRENDA L. CAMPBELL, 8966
WILLIAM C. CANNON, JR., 6256
EUGENE L. CAPONE, 9054
THOMAS R. CAREY, 6368
BARRY T. CARGLE, 0322
KEVIN P. CARLIN, 8924
DAVID A. CARLSON, 5812
TODD M. CARLSON, 8687
KAREN D. CARMICHAEL, 1280
EDWIN J. CARO, JR., 2059
WILLIAM S. CARPENTER, 5970
PETER L. CARRABBA, 9086
EUGENE K. CARTER, 5154
JOHN K. CARTWRIGHT, 5417
WILLIAM D. CASEBEER, 1817
MICHAEL S. CATES, 4531
SHANNON W. CAUDILL, 1823
TYRELL A. CHAMBERLAIN, 2833
ANDREW K. CHAMBLEE, 4320
LANCE E. CHAMPAGNE, 7661
VALERIE A. CHAMPAGNE, 0704
JAMES D. CHAPMAN, 3728
PAUL C. CHARRON, 9732
DARLENE H. CHEATHAM, 3837
TODD M. CHENEY, 9518
RHUDE CHERRY III, 5744
CHRISTOPHER L. CHEW, 5390
JAMES L. CHITTENDEN, 8442
FIONA A. CHRISTIANSON, 1480
MICHAEL S. CHRISTIE, 7669
TONY C. M. CHU, 0831
JOHN D. CINNAMON, 1575
CHRISTOPHER S. CLARK, 4640
DANIEL P. CLARK, 3565
JAMES D. CLARK, 9228
RICHARD A. CLARK, 1197
TEAL CLARK, 9960
WILLIAM C. CLARK, 2816
HARRY M. CLAWSON, 9679
DONALD T. CLOCKSIN, 9520
RICHARD L. CLOSSER, JR., 8057
JAMES R. CLUFF, 1230
DARREN L. COCHRAN, 6474
TIMOTHY P. K. COGER, 5396
THEODORE A. COINER, 6408
CHRISTOPHER R. COLBERT, 2385
JAMES R. COLE, 1762
STAN G. COLE, 4137
CHRISTOPHER B. COLLETT, 9052
JEFFREY A. COLLINS, 9676
REYES COLON, 5334
TRAVIS E. CONDON, 4853
ANNE K. CONELY, 0190
MARK A. CONNELL, 7871
KEVIN P. CONNER, 5653
DAVID M. CONRAD, 5438
LAURIE A. CONRAD, 9554
BRIAN L. COOK, 1220
JEFFREY T. COOK, 0516
PAUL D. COOK, 0036
SCOTT A. COOK, 2160
TEDDY J. COOK, 6034
WILLIAM L. COOK, 6709
JOHN J. COOPER, 7770
SHANNON M. COOPER, 7355
WAYNE A. COOPER, 8174
DOUGLAS S. COPPINGER, 8014
J. H. CORMIER III, 6087
GARY LYNN CORNN, JR., 0765
MICHAEL L. COTE, 7564
PAUL COTELLESSO, 9673
ANTHONY W. COTTO, 2725
RODNEY P. COUSINS, 4065
JOSEPH L. COX, 0060
MONTE C. COX, 0680
PAUL R. CRANDALL, 0074
CHRISTOPHER N. CRANE, 7093
KATHY A. CRAVER, 2085
BRADLEY J. CROFTS, 9246
JENNIFER R. CROSSMAN, 8353
KEVIN P. CULLEN, 3508
JOHN E. CULTON III, 7794
TIMOTHY W. CUNNINGHAM, 1379
DENNIS D. CURRAN, 9250
RANDAL A. CURRIE, 4292
BRETT R. CUSKER, 0495
MARK T. DALEY, 7832
ROBERT T. DANIEL, 1481
CHRISTOPHER T. DANIELS, 2148
SCOTT P. DANTONI, 1369
BRUCE C. DARVEAU, 2580

DONALD A. DAUGHERTY, 8767
KEVIN J. DAUGHERTY, 5526
ROBIN L. DAUGHERTY, 5870
ISAAC DAVIDSON, 7604
MATTHEW W. DAVIDSON, 9126
CHRISTOPHER D. DAVIS, 9551
TROY A. DAVIS, 3852
THOMAS J. DAVISON, 8993
ANTHONY J. DAVIT, 7792
GARY R. DAWSON, 4519
MICHAEL L. DAWSON, 7117
DARIN D. DEAN, 9020
CHRISTOPHER E. DECKER, 9817
DOUGLAS C. DELAMATER, 4958
ERIC P. DELANGE, 5188
DOUGLAS D. DEMAIO, 1352
DARREN J. DEMERS, 2541
RICHARD W. DEMOUY, 9024
KIERAN T. DENEHAN, 0078
JASON M. DENNEY, 8357
ERIC J. DENNY, 7653
JAMES B. DENSON, 0994
MARNE R. DERANGER, 7965
JAMES B. DERMER, 1069
EVAN C. DERTIEN, 3836
MARTHA J. DESPAIN, 0532
JOHN C. DEVANE, 2796
JAMES E. DEVANEY, JR., 0964
JOHN M. DEVILLIER, 6993
JEFFREY W. DEVORE, 0183
MATTHEW S. DEYO, 6981
JEFFREY D. DICICCO, 6828
STEVEN P. DICKEY, 4761
JOEL S. DICKINSON, 1379
TIMOTHY J. DICKINSON, 9023
JEFFREY A. DICKSON, 8994
CHRISTOPHER J. DIDIER, 2773
TODD L. DIEL, 9183
JOHN A. DIETRICK, 0282
SCOTT H. DIEZMAN, 2207
DEREK V. DILL, 8929
DAVID L. DIRKSEN, 2702
TRAVIS D. DIXON, 5519
ANDREW W. DOBRY, 0169
LEON W. DOCKERY, JR., 4166
CHRISTIAN H. DOLLWET, 8973
PETER DOMINICIS, 7088
PATRICK H. DONLEY, 5012
DWIGHT K. DORAU, 4994
ERIC S. DORMINEY, 2146
ROBERT L. DOTSON, 7834
RONNIE G. DOUD, 2257
JODY B. DOW, 2993
JOHN A. DOWNEY II, 6985
MICHAEL L. DOWNS, 8691
MICHAEL D. DOYLE, 0337
DOUGLAS M. DRAKE, 7169
ROBERT A. DREYFUS, 1320
DAVID S. DRICHTA, 7212
DARIN C. DRIGGERS, 3965
JAMES P. E. DUBAN, 0677
DAVID D. DUBAY, 0288
BRIAN A. DUDAS, 4896
SHANE C. DUGUAY, 1891
JONATHAN M. DUNCAN, 1270
MICHAEL J. DUNN, 4687
TROY E. DUNN, 0377
TIMOTHY E. DUNSTER, 2588
LOURDES M. DUVALL, 4535
LARRY L. EARLS, JR., 7815
JAMES W. EASTMAN, 0858
CASEY D. EATON, 1127
BARRY J. EDDINS, 2766
NEIL P. EISEN, 1830
GEORGE H. ELDER, 7169
STEFAN V. ELING, 6298
SAMUEL E. ELLIOTT, 5029
FARRIS M. ELNASSER, 7427
DAVID G. ENOCHIAN, 7576
MATTHEW P. ESPER, 8443
RICHARD A. ESSER, 2536
JAMES T. ETHERIDGE, 3961
LARRY D. EVERS, 7428
TIMOTHY P. FAABORG, 5286
JEFFREY D. FAGAN, 5840
PETER J. FAGAN, 3710
ROY P. FATUR, 8039
HILARY K. FEASTER, 7536
JOHN W. FEATHER, 2210
VICTOR J. FEHRENBACH, 2374
KEITH N. FELTER, JR., 1472
KATHRYN L. FENWICK, 0520
NERISSE E. FERNANDEZ, 4767
SUSAN A. FERRERA, 3582
DAVID A. FEWSTER, 8059
RICHARD E. FIELDS, 1549
MICHAEL J. FINCH, 8336
WILLIAM C. FINLEY, JR., 4467
JOSEPH P. FINOTTI, 1015
CHRISTOPHER A. FINTA, 4920
ALAN P. FIORELLO, 8584
JAMES L. FISHER, 4804
MARVIN L. FISHER, 9287
JOHN P. FISKE, JR., 8523
JONATHAN W. FITTON, 7915
EDMUND A. FITZGERALD, 7807
MARK P. FITZGERALD, 2253
JAMES J. FLATTERY, 3887
MELISSA L. FLATTERY, 9279
KIMBERLY A. FLEMING, 0779
TREVOR W. FLINT, 3829
DAVID A. FLIPPO, 9733
DANA T. A. FLOOD, 2839
PETER J. FLORES, 4620
ALLAN J. FLUHARTY, 8029
LAURA M. G. FOGLESONG, 4247
JAMES D. FOREMAN, 5090
SUSAN H. FOY, 5776
DEREK C. FRANCE, 4183
CHRISTOPHER J. FRANCIS, 1354
PHILIP H. FRAZETTA, 0483
JOHN D. FREEDMAN, 9136
DONALD FREW, 7390
MELANIE R. FRIEDMAN, 8534
GEORGE A. FRITTS, JR., 6685
ERIC H. FROEHLICH, 7606
TIMOTHY G. FROMM, 0455
PETER J. FRY, 5874
MICHAEL B. FRYMIRE, 9246
JON A. FULLERTON, 0019
CYNTHIA GAARE, 8403
DAVID M. GAEDECKE, 9448
DONALD B. GAGNON, 8012
THOMAS Z. GALE, 4962
DANIEL B. GAMMELL, 3674
KEVIN E. GANGADEEN, 8875
CARLOS R. GARCIA, 7111
LUIS M. GARCIA, 3717
PETER A. GARRETSON, 5714
BRENDAN L. GARRITY, 2531
MICHAEL R. GARTRELL, 0503
DAVID B. GASKILL, 1003
JEFFREY S. GAST, 3524
ROBERT R. GATES, 4009
BRIAN W. GAUDE, 6149
LYNNETTE J. GAWELL, 4099
DEREK L. GEESKIE, 3361
GERALD R. GENDRON, JR., 2438
KATHERINE J. GENTIL, 3863
DANIEL J. GERDES, 3583
GREGORY P. GILBREATH, 8184
JOHN R. GILES III, 0868
JOSEPH M. GILLEY, 7612
MICHAEL E. GIMBRONE, 8833
DAVID C. GINDHART, 0484
TODD L. GLANZER, 7816
REGINALD O. GODBOLT, 3642
ERIK W. GOEPNER, 0212
GEORGE G. GONZALES, 3052
GUILLERMO R. GONZALEZ, 8612
MICHAEL L. GOODIN, 6117
KJALL GOPAUL, 7832
TIMOTHY A. GOSNELL, 6200
CHRISTOPHER S. GOUGH, 5871
MARY E. GOULD, 6181
CHRISTOPHER G. GOURDINE, 4168
JANICE G. GOURLEY, 9490
DAVID E. GRAFF, 1588
JEFFREY R. GRANGER, 4267
ROBERT J. GRAZULIS, 3039
JOHN GRECO III, 0932
GABRIEL V. GREEN, 2173
KEITH GREEN, 1691
CHRISTOPHER V. GREENE, 8766
JAMES L. GREER, 8219
RICHARD W. GRIFFIN, 1742
GEORGE H. GRIFFITHS, JR., 8280
STEPHEN GROLL, 0387
MARK E. GROTELUESCHEN, 6911
ALEXUS G. GRYNKEWICH, 3886
SCOTT M. GUILBEAULT, 5935
LARRY K. GURGAINOUS, 7967
JASON W. GUY, 4383
ANDY GWINNUP, 2957
DAVID R. GYURE, 8356
CLIFFORD M. GYVES, 8658
JOHN C. HACKETHORN II, 9797
JOEL J. HAGAN, 1891
PETER S. HAGIS, 9328
DARREN B. HALFORD, 6449
CHRISTOPHER F. HALL, 4300
DWAYNE A. HALL, 2852
JUSTIN W. HALL, 1803
HENRY G. HAMBY IV, 4426
RODNEY S. HAMEL, 9304
PAULA A. HAMILTON, 0003
PHILLIP T. HAMILTON, 2652
SHANE P. HAMILTON, 0050
TRISTAN L. HAMLETT, 2068
JEFF A. HAMM III, 5591
JOEL W. HAMPTON, 9659
BRIAN J. HAND, 5807
JAMES G. HANLEY, 1905
JOEL A. HANSEN, 8517
HAROLD E. HARDINGE, 2179
STEVEN H. HARE, 5432
JAMES G. HARMON, 8669
MATTHEW K. HARMON, 2985
MONTE S. HARNER, 9343
KEITH C. HARRINGTON, 1991
DAVID A. HARRIS, JR., 9241
DENISE L. HARRIS, 6956
DEXTER F. HARRISON, 8091
PATRICK E. HARRISON, 2607
BRADLEY R. HARROFF, 7863
TRAVIS C. HARSHA, 5261
DEAN H. HARTMAN, 4973
ROBERT D. HASELDEN, 2011
ROBERT T. HASSLER, 7175
MICHAEL L. HASTRITER, 5148
BERNARD J. HATCH III, 3366
ELISSA M. HATTEMER, 0953
ROBERT L. HAUG, 5691
DENNIS A. HAUGHT, 0505
SCOTT A. HAUSMAN, 2263
CHARLES K. HAVASY, 4759
BRADLEY H. HAWK, 2549
STEPHANIE M. HAWK, 2576
MICHAEL R. HAWKS, 9856
MICHELLE L. HAYWORTH, 4545
JEFFREY W. HEAD, 5313
KEVIN E. HEAD, 1554
JAMES S. HEADLEY, 2875
WILLIAM C. HEASTER, 6899
JEFFREY L. HEIDERSCHEIDT, 6741
CHRISTOPHER J. HEMMER, 1539
JOHN W. HENDERSON, 1321
JOHN B. HENNESSEY, JR., 6896
DAVID E. HERBISON, 5890
ANTHONY R. HERNANDEZ, 8740
DRYSDALE H. HERNANDEZ, 4892
STEVEN HERNANDEZ, 0467
ROBERT P. HERZ, 5089
LISA W. HESS, 4356
KEVIN R. HEYBURN, 4381
VINCENT S. HIBDON, 5045
STEPHEN J. HICKEY, 0035
JILL R. HIGGINS, 8201
THOMAS E. HIGHSMITH III, 0616
BRIAN A. HILL, 8084
DON E. HILL, 6488
THAD B. HILL, 1669
GLENN E. HILLIS II, 2399
RIGEL K. HINCKLEY, 8323
GERRY F. HINDERBERGER, 0132
MICHAEL R. HINSCH, 6439
ANDREW C. HIRD, 2702
ANDREA L. HLOSEK, 9227
MARK J. HOEHN, 7798
MARK G. HOELSCHER, 0796
MICHAEL R. HOGUE, 6549
CHRISTOPHER T. HOLINGER, 0206
PATRICK D. HOLLERAN, 2766
STEVE M. HOLLIS, 8262
DONALD W. HOLLOWAY, 2604
CHRISTOPHER D. HOLMES, 3234
MICHAEL J. HOMOLA, 7001
DAVID A. HOOPES, 6808
MATTHEW S. HOOSE, 5764
MICHAEL S. HOPKINS, 4709
BLAIR A. HORTON, 7814
JAMES R. HOSKINS, 6439
MONTY A. HOSTETLER, 1102
MICHAEL S. HOUGH, 3447
THOMAS J. HOULE, 7184
FRANKLIN C. HOWARD, 4087
HAMILTON L. HOWARD, 6620
KEVIN A. HOWARD, 3975
TIMOTHY J. HOWARD, 1077
MICHAEL D. HOWE, 7920
ROBERT L. HOWELL, JR., 3323
MICHAEL J. HOWER, 9441
LARRY B. HOWINGTON, 0756
DAROLD W. HUBBARD, 8686
SCOTT A. HUBER, 5803
LARS R. HUBERT, 4472
PATRICK W. HUESTED, 7245
MATTHEW L. HUGHBANKS, 3661
GINA C. HUMBLE, 0519
BRIAN HUMPHREY, 2773
DAVID P. HUNTER, 9894
ROBERT W. HURST, 5229
BRYAN W. ISLEY, 4927
JEAN K. IWAI, 7974
MARK A. JABLOW, 8801
ERIC A. JACKSON, 1969
MICHAEL L. A. JACKSON, 9813
SCOTT K. JACKSON, 8162
SEAN C. JACKSON, 0720
WALTER T. JACKSON III, 8805
SCOTT D. JACOBS, 0827
THOMAS E. JAHN, 2496
HECTOR E. JAMILI, 3095
THERESA A. JAMISON, 0853
BENJAMIN F. V. JANES, 5433
JURIS L. JANSONS, 5801
DANIEL E. JEFFERIES, 4977
JAMES W. JEFFERSON, 7093
DAVID S. JEFFERY, 6749
JEFFREY R. JENSSEN, 3462
MARK S. JERNIGAN, 9204
ANDREW C. JOHNS, 2229
BRADFORD T. JOHNSON, 2218
DANNY P. JOHNSON, 2516
DARREN W. JOHNSON, 3010
EMI I. JOHNSON, 8520
ERIC W. JOHNSON, 3997
PHILIPPE J. JOHNSON, 6649
SHANNON L. C. JOHNSON, 7274
CARL M. JONES, 4200
DELBERT E. JONES II, 4192
JOSHUA H. JONES, 8254
JEFFREY S. JORDAN, 5991
CAROL H. JOYNER, 4669
JEFFREY S. JUHNKE, 4791
RICHARD A. KAHNE, 9735
MICHAEL W. KAMORSKI, 9772
ANDREW C. KAPUSCAK, 0575
THOMAS S. KASYCH II, 5129
KURT W. KAYSER, 4149
TODD P. KEE, 3492
DAVID S. KEESEY, 6690
KURT J. KELEMEN, 6995
MARK J. KELLER, 5492
RYAN K. KENNE, 0417
KEVIN G. KENNELLY, 5567

PATRICK F. KENNERLY, 3922
PETER G. KENT, 9247
ANDREW H. KERKMAN, 8055
JAMES A. KERR, 9490
MARK R. KERR, 9667
MICHAEL J. KESSLER, 7574
JASON E. KIEFERT, 7665
LANCE A. KILDRON, 5193
BRET A. KILLIAN, 4126
DENNIS C. KING, JR., 3171
JEFFREY R. D. KING, 0219
RONNIE G. KING, 3770
TIMOTHY R. KIRK, 9183
DAVID A. KIRKENDALL, 8121
WALTER C. KIRSCHMAN III, 9049
BRIAN A. KISH, 1600
ROGER W. KLAFFKA, 8348
SHANNON R. KLUG, 8982
ANDRA VAN POPPEL KNIEP, 3603
KENNETH M. KNISKERN, 2311
KELLY S. KOEPSELL, 1215
CHRISTOPHER N. KONECNY, 1155
LEONARD J. KOSINSKI, 6334
JOHN F. KOSS, 2629
ANDREW S. KOVICH III, 1402
ROBERT J. KRAUS, 3424
STEVEN M. KREHBIEL, 6737
ANDREW R. KREIS, 7879
MICHAEL K. KRUEGER, 4920
MARK A. KRUSE, 4669
THOMAS K. KUBLIE, 2335
DAVID J. KUMASHIRO, 3870
STUART H. KURKOWSKI, 7621
TODD W. KUSTRA, 2402
MICHAEL T. LABILLE, 8678
KEVIN W. LACKEY, 7976
MARK R. LAJOIE, 1570
JAMES W. LAMKIN, JR., 6656
JOHN D. LAMONTAGNE, 4931
DALE L. LANDIS II, 5876
KENT A. LANDRETH, 2884
STEPHEN K. LANDRY, 4928
REID M. LANGDON, 6151
JUSTIN C. LANGLOIS, 8962
BRIAN D. LANGRIDGE, 3570
MAX E. LANTZ II, 1109
ANTHONY LANUZO, 4948
JOHN R. LAPORE III, 0506
SEAN P. LARKIN, 9735
RHONDA L. LARSON, 2671
LEAH G. LAUDERBACK, 2871
JOSEPH G. LAVILLE, JR., 0205
DAVID J. LAWRENCE, 5925
DAVID W. LAWRENCE, 4431
MICHAEL C. LAWRENCE, 5985
PHILLIP A. LAYMAN, 7059
RICARDO J. LAYTON, 4818
TIMOTHY G. LEE, 0943
GLEN H. LEHMAN, 6081
JOSEPH P. LEHNERD, 4958
JAMES A. LEINART, 7661
CHRISTOPHER D. LEIST, 4670
MARK J. LEMERY, 1797
RICHARD R. LEMIEUX, 2015
LAURA L. LENDERMAN, 4009
RENE M. LEON, 6993
SCOTT E. LEONARD, 6440
ANDREW J. LESHIKAR, 8848
ROBERT J. LEVIN, JR., 8101
TODD J. LEVINE, 2658
TIMOTHY W. LEWALLEN, 6709
ANDREW S. LEWIS, 7326
CHERYL L. LEWIS, 8367
DONALD R. LEWIS, 6978
MARION J. LEWIS, 3892
RODNEY D. LEWIS, 5860
TED A. LEWIS, 2815
WILLIAM D. LEWIS, 4223
ROBERT E. LICCIARDI, 2911
JOSEPH C. LINDEN II, 6504
RICHARD T. LINDLAN, 8038
BRIAN W. LINDSEY, 1647
MARK J. LIPIN, 3788
JONATHAN V. LITTLE, 8122
MARK A. LIVELSBERGER, 5526
ERIC T. LOHMANN, 2164
JOSEPH D. LOONEY, 3283
THOMAS E. LOPER, 4604
MARK C. LOZIER, 0488
RONALD M. LUEB, 9819
GARY E. LUND, 4558
GINA M. LUNDY, 3821
CHAD W. LUSHER, 1610
JOHN K. LUSSIER, 9335
ROBERT K. LYMAN, 1798
DAVID B. LYONS, 6691
MARK J. MACDONALD, 8733
SCOTT A. MACKENZIE, 6535
CHARLES E. MACLAUGHLIN, 4911
STEPHEN S. MACLEOD, 8009
EDWARD J. MADSEN, 1904
MICHAEL D. MADSEN, 4286
SCOTT G. MAGNAN, 4126
GEOFFREY A. MAKI, 0388
CHARLES E. MANGOLD, 3503
WILLIAM P. MANN, 5274
EDWARD C. MARAIST, 8620
STEPHEN D. MARE, 0830
MAX M. MAROSKO III, 7859
ERIC E. MARSHALL, 8337
CURTIS E. MARTIN, 9306
JOHN C. MARTIN, 3876
JOHN F. MARTIN, 1167
KELLY M. MARTIN, 6042
MICHAEL E. MARTIN, 8273
MICHAEL J. MARTINDALE, 8320
GILBERTO J. MARTINEZ, JR., 7475
JOHNNIE MARTINEZ, 8031
RICARDO MARTINEZ, 2560
DANIEL K. MARUYAMA, 0730
CLAY E. MASON, 2024
KENDRA S. MATHEWS, 9655
WILLIAM D. MATHEWS, 1133
GREGG T. MATSUMOTO, 2378
CHRISTOPHER J. MAYERLE, 8886
TIMOTHY S. MCCAFFERY, 9328
AMY J. MCCAIN, 2821
AMY M. MCCALL, 7183
BRIAN P. MCCARTHY, 6599
CHRISTOPHER MCCARTHY, 7039
KAIPO S. MCCARTNEY, 6840
KEITH A. MCCARTNEY, 7968
ROGER B. MCCLAY, 5081
DOUGLAS F. MCCOBB, JR., 6024
KRISTIN H. MCCOY, 8647
GERALD R. MCCRAY, 9382
JAMES D. MCCUNE, 5164
JOHN C. MCCURDY, 9614
DORWARD J. MCDONALD, 7704
REGINALD A. MCDONALD, 5860
RICHARD D. MCDONALD, 3351
SEAN R. MCELHANEY, 2840
ALLISON R. MCELLIGOTT, 8281
JOSEPH D. MCFALL, 7960
CHARLES B. MCFARLAND, 8742
SEAN C. MCFARLAND, 4933
SEAN P. MCGLYNN, 3805
TERRY M. MCGOVERN, 1320
PETRA MCGREGOR, 9819
SETH J. MCKEE III, 1975
DAVID W. MCKEOWN, 6783
ROBIN L. MCKINLEY, 5594
MICHAEL S. MCMANUS, 6518
PATRICK M. MCNUTT, 1130
MATTHEW S. MCSWAIN, 5180
MARK A. MEARS, 8669
ANIBAL M. MEDINA, 3945
DOUGLAS J. MELLARS, 3396
JOHN R. MELLOY, 9394
WALTER K. MELTON, 3799
PAUL B. MENDY, JR., 4241
MICHAEL J. MERRITT, 8081
ALEXANDER R. MERZ, 5989
MARK L. MESENBRINK, 5579
TIMOTHY M. MESERVE, 6972
MICHAEL G. MESSER, 7075
ALEXIS MEZYNSKI, 4282
ANTHONY L. MILITELLO, 0868
ALEXANDER C. MILLER, 9800
BRIAN J. MILLER, 7061
DAVID N. MILLER, JR., 7342
TODD C. MILLER, 6219
TONY L. MILLICAN, 4007
MICHAEL C. MILLWARD, 2368
CARL C. MISNER, 7097
ANTHONY M. MITCHELL, 5822
ROBERT M. MOCIO, 6151
THOMAS W. MOHR, 3462
JAMES R. MOLINARI, 7137
DYLAN M. MONAGHAN, 5188
EDUARDO D. MONAREZ, 6725
MICHAEL B. MONGOLD, 6290
ARTHUR MOORE III, 8535
SHAWN D. MOORE, 6865
THOMAS C. MOREA, 6823
CHRISTOPHER S. MORGAN, 3916
JAMES M. MORGAN, 6599
SAM P. MORGAN III, 1263
CRAIG F. MORRIS, 3178
ROBERT D. MORRIS, 5223
TARA L. MORRISON, 0376
DAVID R. MOTT, 9590
DONALD G. MOWLES, JR., 9744
THOMAS C. MUHLBAUER, 1801
JOHN W. MUIRHEAD, 3202
JOSEPH L. MULL, 3797
DAVID L. MULLIGAN, 2899
TRACEY L. MURCHISON, 5499
STEVEN A. MYS, 7638
MURRAY N. NANCE, JR., 8187
JERALD H. NARUM, 7383
DANIEL T. NAUGHTON, 4903
RICHARD L. NESMITH, 9580
THOMAS S. NICHOLSON, 0059
BRANT D. NICKELL, 7427
BRICE T. NISKA, 5319
WILLIAM C. NOLAN III, 4939
MICHAEL J. NORKUS, 7249
LARRY W. NORMAN, JR., 5968
DALE W. NORRIS, 7635
KENNETH W. NORRIS, 4476
ERIC D. NORTH, 4093
JOHN C. NOTTER, 3358
ROBERT G. NOVOTNY, 8888
WARREN H. NUIBE, 4151
DEREK M. OAKS, 7524
ELENA M. OBERG, 7982
DAVID A. OBERMILLER, 1852
JAMES J. OCONNELL, 9217
JOHN J. OCONNOR, 6895
SHAWN H. ODAY, 3747
DAVID M. ODELL, 5876
JAMES M. ODONNELL, 8004
JOSEPH L. OGEA, SR., 2745
DONNA L. OHARREN, 2720
JASON M. OHTA, 1661
ERIC P. OLIVER, 9860
GINA M. OLIVER, 0159
CAROLINE C. OMDAL, 5766
KENNETH G. ONEIL, 4693
HOWARD L. ORBAN, 1377
TIMOTHY S. OSHEA, 9214
JEROME P. OSURMAN, 6533
TROY S. OWENS, 6779
JASON C. PABELICO, 3790
DARYL A. PAGE, 4255
RICHARD P. PAGLIUCO, 4326
GLENN E. PALMER, 5638
JAMES E. PARCO, 6766
CHRISTOPHER D. PARENT, 0470
JO BETH PARKER, 3767
JOHN L. PARKER IV, 2425
TIMOTHY A. PARKER, 7893
DARRYL R. J. PARKINSON, 2339
JAMES C. PARSONS, 8861
MONICA M. PARTRIDGE, 5612
KELLY S. PASSMORE, 4790
DOUGLAS S. PATERSON, 4564
CAROLYN J. PATRICK, 3273
KIRK A. PATTERSON, 9298
SEAN E. PATTERSON, 5471
DWIGHT F. PAVEK, 8220
KEVIN M. PAYNE, 1050
ROBERT PAYNE, JR., 2924
DAVID A. PAYNTER, 8688
TOMMY L. PEASLEY, 1487
JAMES B. PEAVY, 6586
PAUL J. PELLEGRINO, 2767
BRETT D. PENNINGTON, 3588
DARRELL R. PENNINGTON, 7185
TIMOTHY L. PENNINGTON, 1887
FRANCIS X. PENNY III, 6560
PATRICIA A. PEOPLES, 0213
WILLIAM E. PERIS, 0494
MATTHEW W. PERKINS, 2493
BRIAN S. PETERSON, 1922
CORY M. PETERSON, 8157
WILLIAM C. PETERSON, 9243
JANUSZ C. PETKOWSKI, 9630
STUART A. PETTIS, 0377
TIMOTHY J. PETTIT, 4104
MATTHEW T. PHILLIPS, 8523
STEPHEN P. PHIPPS, 0330
PAUL D. PIDGEON, 6880
LANSING R. PILCH, 0932
JOHN M. PLATTE, 7133
CHRISTOPHER A. PLEIMAN, 7288
ROBERT S. POPE, 5334
DIRK G. PORATH, 6136
CRAIG C. PORTERFIELD, 4464
MATTHEW A. POWELL, 3167
PAUL D. POWELL, 4617
JOHN F. PRICE, JR., 4932
WILLIAM E. PRICE, JR., 4193
JOSEPH L. PRUE, 4325
ANDREA M. PSMITHE, 0307
SHAHNAZ M. PUNJANI, 7733
KEVIN P. QUAMME, 2133
DAVID M. QUICK, 1190
BRIAN G. QUILLEN, 5272
CLARK J. QUINN, 3738
RICHARD J. RACHAL, JR., 5291
TIMOTHY J. RADE, 7227
DAVID F. RADOMSKI, 6118
TIMOTHY C. RADSICK, 3227
SUSHIL S. RAMRAKHA, 3575
TIMOTHY J. RAPP, 3866
JOHN P. RAU, 4137
JONATHAN D. RAYMOND, 0176
ROBERT L. REDDING, 6271
LISA C. REDINGER, 8600
ROGER C. REDWOOD, 1035
AARON T. REED, 3180
EDWINA C. REID, 7202
ORVILLE ST GEORGE REID, 9139
ROBERT B. REID, 8920
MICHAEL D. REINER, 9660
BRIAN A. RENGA, 4784
WILLIAM J. RESNIK, 1362
RAYMOND L. REYES, 8070
ANTHONY RICCI III, 5574
CHRISTINE M. RICCI, 2627
STEPHEN T. RICE, 4087
CLIFFORD E. RICH, 5304
DEEDEE B. RICHARDS, 4248
SANDY J. RICHARDSON, 3865
LARRY G. RIDDICK, JR., 5177
CLARK H. RISNER, 5255
JEFFERY D. RITCHIE, 9148
DARREN J. ROBERTS, 3827
DON D. ROBERTSON, 6084
JENNS A. ROBERTSON, 9001
JAMES T. ROBINSON, 7203
KABRENA E. RODDA, 4048
MARC D. RODRIGUEZ, 9270
PAUL A. ROELLE, 5708
DOUGLAS M. ROGERS, 2405
BARRY J. ROMITTI, 8125
ROB R. ROOD, 1434
JAMES R. ROSALES, 4513
JOSE A. ROSARIORODRIGUEZ, 6934
GILBERTO ROSARIO, 6021
GARY E. ROSE, 7415
JAMES B. ROSE, 9072
MARK E. ROSE, 1850
CHRISTOPHER E. ROSENTHAL, 3045

DAVID E. ROSZMANN, 3625
JOSEPH R. ROTH, 7429
MICHAEL T. ROTH, 7544
DAVID M. ROTHENBERG, 8257
JONATHAN B. ROWELL, 8674
PHILIP P. ROWLETTE, 7411
THOMAS A. RUDY, 3014
NATHAN A. RUMP, 7198
DAVID C. RUNGE, 7158
PHILIP E. RUTER II, 1520
KENTON A. RUTHARDT, 7992
GERARD F. RYAN, JR., 5842
GLENN E. RYBACKI, 2160
MICHAEL M. RYDER, 5115
JOHN P. RYDLAND, 6081
JAMES M. SAHM, 3300
GARY L. SALMANS, 7554
ORLANDO SANCHEZ, JR., 4961
RUSLAN SANCHEZCRUZ, 8201
JOSEPH E. SANDERS, 5594
WILLIAM A. SANGUINETTI, 4038
PETER P. SANTAANA, 5383
DARYL A. SASSAMAN, 5294
ANDREW M. SASSEVILLE, 7248
MYRLE J. SAUNDERS, 3938
JOHN J. SCHAEFER III, 9990
REAGAN E. SCHAUPP, 8735
RITA M. SCHELL, 7979
ROBERT M. SCHERER, 2112
SCOTT J. SCHERER, 3400
DOUGLAS A. SCHIESS, 4602
DAVID T. SCHIFFERT, 2168
DAVID A. SCHILLING, 1027
CHARLES F. SCHLEGEL, 1796
TODD J. SCHMIDT, 7772
SEAN SCHOOLCRAFT, 4880
ROBERT H.G. SCHREFFLER, 2826
MARK A. SCHULER, 9422
PAUL C. SCHULZE, 2545
BRETT G. SCOTT, 0856
EARL S. SCOTT, 7967
KELLY J. SCOTT, 6392
GREGORY M. SCRIVNER, 8050
BRETT M. SCRUM, 5913
CLAYTON A. SEALE, 0474
THOMAS W. SEEKER, 0076
RICHARD A. SEIFERT, 1155
MICHAEL R. SEILER, 1727
DAVID B. SEITZ, 8194
DARREN E. SENE, 2535
PATRICIA A. SERGEY, 8554
TOBIAS R. SERNEL, 3729
DOUGLAS K. SERSUN, 0701
DONALD G. SHANNON, 0684
MICHAEL E. SHAVERS, 2521
JAMES A. SHAW, 4911
JAMES T. SHEEDY, 9524
DANIEL R. SHEESLEY, 7448
JAMES D. SHERIDAN, 2428
KEVIN L. SHERRICK, 3676
FLOYD H. SHERROD IV, 6652
JONATHAN P. SHOCKEY, 5787
PATRICK M. SHORTSLEEVE, 2080
JEFFREY D. SHULL, 8578
SCOTT W. SHUTTLEWORTH, 6010
DAVID L. SIEGRIST, 7202
ANDREW M. SIMMONS, 5600
DANIEL L. SIMPSON, 2196
JACK L. SINE, 5636
ROBERT M. SKELTON, JR., 7251
JEOFFREY D. SLOAN, 5432
JOHN R. SLOAN, 9919
MARK A. SLOAN, 4674
JEREMY T. SLOANE, 3858
STAMATIS B. SMELTZ, 2100
TIMOTHY E. SMETEK, 5846
AARON L. SMITH, 0575
ALEXANDER I. SMITH, 9300
BRIAN N. SMITH, 3231
BRYAN D. SMITH, 4423
CHARLES C. SMITH, 5163
CHRISTOPHER A. SMITH, 2335
HERBERT D. SMITH III, 5056
JEFFREY E. SMITH, 9625
MATTHEW T. SMITH, 7992
MICHAEL F. SMITH, 1381
NATHAN E. SMITH, 2142
RUSSELL J. SMITH, 7500
SCOTT F. SMITH, 3982
SHAWN A. SMITH, 3510
CHRISTOPHER G. SMITHTRO, 8757
JEFFREY M. SMITLEY, 7263
DAVID W. SNODDY, 6547
BRENT L. SNYDER, 9068
JOHN D. SNYDER, 9788
RITA L. SNYDER, 8612
JEFFREY C. SOBEL, 1458
GERARD P. SOBNOSKY, 4433
ALEXIS SOTOMAYOR, 9694
LAURA A. SOULE, 5927
MICHAEL J. SOWA, 5453
RANDALL G. SPARKS, 2471
CHRISTOPHER M. SPIGELMIRE, 2065
LAWRENCE J. SPINETTA, 8298
COREY E. SPOONHOUR, 1635
MICHAEL T. SPRADLEY, 7559
KIRK B. STABLER, 8032
KIRT L. STALLINGS, 6523
PAUL D. STANG, 7894
JEFFREY T. STARR, 9206
MICHAEL B. STARR, 7841
ALEX STATHOPOULOS, 4976
ANTHONY T. STECKLER, 4314
JOSEPH R. STEISS, 7003
DAVID L. STENGLEIN, 2134
RANDOLPH J. STENZEL, 6420
DEAN A. STEPHENS, 5340
MICHAEL S. STEVENSON, 9725
BILLY M. STEVERSON, 1973
MARK T. STEVES, 2917
MICHAEL F. STEWART, JR., 5722
RENE STOCKWELL, 3567
KAREN D. STOFF, 9468
BRIAN E. STONE, 2309
DAVID E. STOOKEY, 1193
SCOTT D. STORMO, 8553
PAUL N. STRADLING, 1174
WILLIAM E. STRAIN, 7489
ROBERT A. STRASSER, 2967
MITCHELL D. STRATTON, 0243
WAYNE W. STRAW, 5238
KATHERINE A. STRUS, 5490
ALAN V. STRUTHERS, 2640
RONALD F. STUEWE, JR., 0627
CLYDE E. STUHR, 7577
JAY T. STULL, 4575
WILLIAM B. STURGIS, JR., 8561
JEFFREY R. STUTZ, 3259
CHRISTOPHER B. SULLIVAN, 1456
JIMMIE E. SULLIVAN, JR., 0753
SCOTT M. SULLIVAN, 8653
JEFFREY P. SUNDBERG, 3386
STEVEN A. SUNDERLIN, 3492
ANGELA W. SUPLISSON, 5062
MARK A. SURIANO, 9067
PAUL D. SUTHERLAND, 5990
ROBERT T. SWANSON, JR., 5631
STEVEN M. SWEENEY, 9788
ANTHONY J. SWITALSKI, 8302
BARTZ R. SYKES, 4995
GERALD P. SZYBIST, 6101
CHRISTOPHER C. TACHENY, 7723
SABRINA J. TALJERON, 4681
DANIEL B. TALATI, 1021
MICHAEL B. TANNEHILL, 0996
JACOB G. TATE, 6995
MICKEY D. TATE, 3870
CHARLES C. TAYLOR, 2094
FRED D. TAYLOR, 7252
JOHN S. TAYLOR, JR., 6520
MARC R. TESSIER, 4939
FREDERICK D. THADEN, 7722
SCOTT A. THATCHER, 4720
KEVIN C. THERRIEN, 3542
THOMAS J. THIBAULT, 7899
JOHN D. THOMAS, 0749
SCOTT T. THOMPSON, 0241
WILLIAM D. THORNTON III, 0401
BRYCE E. THORPE, 7462
KENNETH J. TIMKO, 0353
TIMOTHY M. TOLE, 2869
BRIAN A. TOM, 6466
TODD M. TOMAN, 4193
CHARLES A. TOMKO, 2687
LINDA R. TONNIES, 7751
DONNA M. TOOLE, 5644
ANDREW TORELLI, 3068
ALLEN R. TOSO, 6617
BRUCE A. TRASK, 1364
SANDY R. TRAVNICEK, 1738
GEORGE G. TREVILLIAN, 6192
JEFFREY R. TROSPER, 5419
AARON D. TROXELL, 2904
THOMAS TSCHUOR, 0772
DAVID T. TSUI, 7371
DENNIS P. TUCKER, JR., 6132
DOUGLAS A. TUNNEY, 1322
DOYLE C. TURNER, 6999
RONALD J. ULINE, 5138
ROBERT K. UMSTEAD III, 7877
CHARLES E. UNDERHILL, 9352
ERIC J. UNGER, 9103
BENJAMIN R. UNGERMAN, 9459
JENNIFER L. UPTMOR, 6842
THERRILL B. VALENTINE, 3910
TODD M. VALENTINE, 8705
MARC R. VANDEVEER, 4625
DANIEL A. VASENKO, 6420
JOHN E. VAUGHN, 6556
JOHN M. VELA, 6578
TODD M. VENEMA, 7347
MICHAEL C. VENERI, 6644
PAUL A. VILLEM, 0179
JOSEPH A. VITALE, 3725
MICHAEL A. VOGEL, 1268
SCOTT G. VOGEL, 1623
CHARLES W. VOGT, JR., 5789
RICHARD E. WAGNER, 6960
RICHARD K. WAGNER, 0330
JOEL C. WAHLSTEN, 9075
JULIANA M. WALKER, 7074
ROBERT G. WALKER, 8887
SHANNON L. WALKER, 8496
TERRY A. WALKER, 9962
DOUGLAS J. WALL, 5705
ANDREW T. WALLEN, 3322
MITCHELL D. WALROD, 6169
KENNETH D. WARCHOLIK, 8769
JEFFREY R. WARD, 3350
ANNE M. WARNEMENT, 8002
JIMMY W. WARREN, 5097
RICHARD V. WARREN III, 9941
DONALD F. WASIK, 5876
WENDY J. WASIK, 4003
DEREK K. WATERMAN, 2428
MICHAEL J. WATERS, 3609
RONALD K. WATROUS, 3376
WILLIAM C. WAYNICK II, 2475
STEPHEN L. WEAVER, 6121
MATTHEW R. WEBB, 7924
STEVEN P. WEBBER, 2732
DEANNA L. WEILVIOLETTE, 5454
KELLY D. WEISSENFELS, 6502
WILLIAM D. WELLS, 2661
DAVID J. WENDLING, 1133
JAMES J. WENSCHLAG, 6263
DEBORAH K. WERLING, 8508
ANDREAS K. WESEMANN, 2342
CHRISTOPHER J. WEST, 4795
DEREK A. WEST, 7411
TIMOTHY D. WEST, 3692
KEVIN D. WESTLEY, 2517
AUTUM C. WHALEN, 5642
MARTIN T. WHALEN, 6421
SUZANNE L. WHEELER, 1780
CHRISTOPHER G. WHELESS, 8367
CHARLES R. WHITE, JR., 3638
JOE L. WHITE, JR., 8642
ROBERT D. WHITE, 5483
STEVEN P. WHITNEY, 2994
IDA L. WIDMANN, 9367
RAYMOND C. WIER, 2715
PETER WILEWSKI, 0811
JAMES H. WILKERSON, 1972
CRAIG L. WILLIAMS, 5458
GARRICK T. WILLIAMS, 3595
JOSEPH H. WILLIAMS, 4607
SCOTT E. WILLIAMS, 0165
THOMAS N. WILLIAMS, 4414
MARK L. WILLIAMSON, 9234
PRESTON L. WILLIAMSON, 3694
HELENE A. WILSON, 2821
JOHN H. WILSON, 4069
KEVIN C. WILSON, 2108
RICKY E. WILSON, 8826
SCOTT F. WILSON, 1631
STEPHANIE P. WILSON, 3310
CARL D. WINGO, 4672
MICHAEL J. WINTERS, JR., 3000
JEFFREY L. WITKOP, 4627
JOEL B. WITTE, 2489
SONYA L. WOFFORD, 6866
EDWARD C. WOLD, 2453
WILLIAM S. WOLFE, 1805
BRYAN T. WOLFORD, 2400
MICHAEL M. WOLLET, 5032
ROBERT H. WOLVERTON, 0893
TOBIN L. WONG, 8673
COREY A. WORMACK, 5551
DANIEL S. WRIGHT, 3676
GLENN O. WRIGHT, 9251
MARK D. YADLOSKY, 6661
MARK O. YEISLEY, 7662
ALAN A. YEN, 7438
LEON C. YONCE, 0719
AARON A. C. YOUNG, 0626
DOUGLAS A. YOUNG, 4801
EDWIN F. YOUNG, 6594
PATRICK G. YOUNGSON, 9154
ERIC D. ZIMMERMAN, 0920

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ROBIN M. ADAMS, 9338
SAVANNAH H. AGEE, 6738
LLOYNETTA H. ARTIS, 1708
WILLIAM P. BARRAS, 2863
PATRICK E. BERTZ, 1305
KENNETH J. BETHARDS, 2739
ANTHONY J. BOHLIN, 4503
RAE M. BROADNAX, 2755
NELSON BURGOSVIERA, 1485
THOMAS G. CAHILL, 0722
JOHN L. CANADY II, 4809
ANDREW J. CASSIDY, 5821
RITAANNE CHESNEY, 9688
ILUMINADA S. CHINNETH, 9630
DENISE M. COAKLEY, 1396
JOYCE V. COWAN, 5391
GEORGETTE M. DIGGS, 5004
ROBERT P. DURKEE, 1629
FRANKIE L. EVANS, 2928
TERRENCE E. FLYNN, 2529
DAWN M. GARCIA, 2182
CHINETTE GEORGE, 2118
JOSEPH P. GOLLASCH, 3419
CAROL F. HALLE, 4966
MENDALOSE O. HARRIS, 5514
JEANNE F. HULSE, 5573
JEAN M. JONES, 2252
BARBARA J. KING, 3425
PETER A. KUBAS, 0296
LISA A. LEHNING, 3394
VINCENT L. LETO, 8852
ANGELIQUE R. LIKELY, 5803
STEPHEN J. LINCK, 5856
BRIDGET E. LITTLE, 7893
JULIE C. LOMAX, 1927
RICK L. MARTIN, 3391
KATHLEEN E. MCARTHUR, 7878
TINA L. MILSTEAD, 4494

WADE D. MORCOM, 7695
ROSEMARY A. MURPHY, 3582
LAURA E. NEWKIRK, 2722
RHONDA D. NEWSOME, 0305
JANET D. PAIGE, 4543
JENNIFER B. PETERS, 4569
AMERICA PLANAS, 5250
MARK K. REYNOLDS, 9299
JENNIFER L. ROBISON, 5983
LORRAINE A. ROEHL, 6981
EFREN L. ROSA, 9636
JAMES L. SALL, 5355
DAVID W. SEIFFERT, 4359
MARIA L. SERIOMELVIN, 6092
TERRY L. SHIER, 0383
ANNE M. SILVASY, 5382
LISA M. SNYDER, 9659
LOUIS R. STOUT, 7985
MARIA B. SUMMERS, 4217
SANDRA L. SUMMERS, 5579
LINDA A. SWENSON, 7451
LORI L. TREGO, 6921
JOSE R. VELEZRODRIGUEZ, 9188
MIMI E. VELOSO, 1827
MARTA E. VIVES, 8016
CATHY M. WALTER, 8376
WATRINA W. WHITE, 2422
KANDACE J. WOLF, 9508
COLLEEN D. WOLFORD, 4865
MARGARET E. WOODS, 8000
EDWARD E. YACKEL, 6564

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

RICHARD E. BAXTER, 4632
JAMES R. BEAN, 7907
CHRISTINE L. EDWARDS, 5855
ANDREW J. FABRIZIO, 2768
JOHN P. GERBER, 2554
KERRIE J. GOLDEN, 8182
LYNNE M. LOWE, 1841
SHANNON M. LYNCH, 5804
HEATHER H. MORIYAMA, 3097
ANDREW R. OBRIEN, 7749
RAYMOND L. PHUA, 2406
JOHN A. RUIBAL, 9582
LORI D. SIGRIST, 6641
SARA J. SPIELMANN, 8308
LORI E. SYDES, 3563
GREGORY A. WEAVER, 2421
BARRY D. WHITESIDE, 6104

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CHRISTOPHER G. ARCHER, 0887
CHARLES J. ATANASIO, 2043
STEVEN T. BALOG, 0021
BRADFORD A. BAUMANN, 3230
RALPH L. BIEGANEK, 7242
JEFFREY C. BOTSFORD, 5875
DAVID A. BOWLUS, 5212
DWIGHT A. BROEDEL, 7039
ROBERT S. BROWN, 3254
SCOTT M. BULLOCK, 8619
ADDISON BURGESS, 2608
STEVEN E. CANTRELL, 6814
FRANK G. CIAMPA, 3378
GALE G. COTTON, 2696
JEFFREY D. DILLARD, 6026
GILBERT M. ELIASON, 2530
SHMUEL L. FELZENBERG, 0788
GARY T. FISHER, 4852
KEVIN S. FORRESTER, 7551
COLLIE R. FOSTER, 6651
GRADY L. GENTRY, 8492
COLLIN S. GROSSRUCK, 8979
PAIGE K. HEARD, 8467
BARTON T. HERNDON, 6850
GRACE R. HOLLISTAYLOR, 0902
AVROHOM HOROVITZ, 0819
WILLIAM H. HORTON II, 5895
DANIEL E. HUSAK, 6937
DAVID K. JACOB, 3718
PAUL R. JAEDICKE, 6144
PETER E. JOHNSON, 3723
WILLIAM B. KILLOUGH, 2726
EDDIE KINLEY, JR., 3063
CHARLES W. KUHLMAN, 0563
VAIOA T. LEAU, 8812
MARK R. LEVINE, 8685
SUN S. MACUPA, 9707
EDWARD C. MARTIN, 6943
THOMAS J. MCCORT, 2538
RODERICK R. MILLS, 1964
JOHN L. MORALES, 5001
CHRISTOPHER G. MORRIS, 2559
JIMMY D. NICHOLS, 2597
SHINRI M. NISHIMURA, 3686
DARIN G. OLSON, 1874
DAMON P. ONELLION, 1930
TONY S. PETROS, 7382
BRIAN M. RECK, 9185
DERRICK E. RIGGS, 7240
CELESTENE ROBB, 1017
TERRY E. ROMINE, 6095
JAMES J. ROZMIAREK, 6777
ALAN T. SAVAGE, 3155
STEPHEN G. SEXTON, 6516
SCOTT E. SIMPSON, 6564
XUAN N. TRAN, 7671
MITCHEL A. TULLOSS, 6000
DONALD J. VANALSTYNE, 1392
THOMAS B. VAUGHN, 2521
DENNIS R. VILLARREAL, 5761
WILLIAM J. WEHLAGE, 1661
PAUL H. YOON, 0607

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C. SECTIONS 624 AND 3064:

To be lieutenant colonel

WADE K. ALDOUS, 0109
JOSE V. ALICEA, 9394
ANTHONY M. ARMSTRONG, 4489
DAVID A. AUT, 5381
DEAN S. BANCROFT, 9818
MICHAEL P. BEATTY, 6181
DAVID P. BEAUCHENE, 6116
THOMAS A. BELL, 0135
STEPHEN M. BENTZ, 2716
REX A. BERGGREN, 5859
MELVIN F. BISHOP, 2193
JAMIE A. BLOW, 6786
TIMOTHY G. BOSETTI, 1825
JAMES C. BOXMEYER, 1305
TODD J. BRIERE, 0255
MATTHEW S. BROOKS, 3145
MURIEL L. BROWN, 6374
WILLIAM D. BRUNSON, JR., 4366
THOMAS S. BUNDT, 4246
CHARLES L. BURTON, 0081
DEBORAH M. CANADA, 0292
REAGON P. CARR, 0809
CHRISTOPHER COLACICCO, 8881
ROBERT C. CONRAD, 2027
JUAN COSMENORMANDIA, 7727
JOEL S. CRADDOCK, 4189
PAUL J. DAVIS, 0645
MARSHA M. DOROUGH, 1737
PAULA DOULAVERIS, 4526
RICHARD P. DUNCAN, 3990
JOSEPH C. DUPUIS, 1449
SCOTT G. EHNES, 3051
SAMUEL L. ELLIS, 4992
BENJAMIN H. ERVIN, 9762
SCOTT H. FISCHER, 8892
ALBERT E. FLACHSBARTH, 0194
DARREN K. FONG, 9599
LISA A. FORSYTH, 6437
CAROLYN E. FOTA, 6829
PATRICK M. GARMAN, 5607
PATRICIA A. GAZZA, 1068
WILLIAM E. GEESEY, 2969
LINDA K. GLISSON, 0283
AGUSTIN S. GOGUE, 1983
KEVIN M. GOPON, 1478
SONG H. GOTIANGCO, 2491
PATRICK W. GRADY, 8576
LORY M. GURR, 9641
LAWRENCE W. HALLSTROM, 6227
DANIEL S. HAMILTON, 3685
JAMES P. HANLON, 8281
JEFFREY S. HILLARD, 0544
RICHARD W. HOYT, JR., 1129
JENNIFER L. HUMPHRIES, 7641
CHRIS L. JACKSON, 2773
LAMONT G. KAPEC, 4179
JAMES R. KELLEY, 7982
DENNIS B. KILIAN, 1574
RICHARD J. KING, 4097
KAREN M. KOPYDLOWSKI, 8218
AMY K. KORMAN, 8510
MARK D. KRUEGER, 0640
PETER A. LEHNING, 8545
ANTHONY J. LOPICCOLO, JR., 9282
JOHN H. LOREY, 2455
STEVEN R. MATSON, 4972
GORDON D. MAYES, 5682
TERENCE S. MCDOWELL, 6691
JOHN B. MCNALLY, 6919
DANNY J. MORTON, 6211
KELLY C. MOSS, 2876
KEVIN J. MULALLEY, 7694
DINO L. MURPHY, 6850
ANTHONY R. NESBITT, 0475
SANG J. PAK, 0851
JOHN PARSLEY, 6326
MARSHA B. PATRICK, 3333
LARRY R. PATTERSON, 2627
NANETTE S. PATTON, 5773
PATRICK W. PICARDO, 5511
AZIZ N. QABAR, 0233
TIMOTHY J. RAPP, 7495
DWIGHT L. RICKARD, 1499
KEITH A. RIGDON, 1006
KEVIN W. ROBERTS, 8694
ROBERT R. ROUSSEL, 1953
MICHAEL A. SALAMY, 3123
PAUL M. SANDER, 4538
JOHN G. SANDERS, 3036
HAROLD S. SANO, 4945
DAVID R. SHOEMAKER, 6640
ANDREW J. SMITH, 8454
MICHAEL W. SMITH, 6735
PHILIP L. SMITH, 1759
SHAUNA L. SNYDER, 3631
KEVIN R. STEVENSON, 7974
THOMAS A. SYDES, JR., 5338
EUGENE THURMAN, 8214
JAMES E. TUTEN, 3551
KEVIN W. WERTHMANN, 8487
RODERICK S. WHITE, 7155
WAYNE H. WHITE, 0343
ROBERT M. WILDZUNAS, 9303
DAVID W. WILSON, 6341
TOU T. YANG, 1869
ESMERALDO ZARZABAL, JR., 8358

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C. SECTION 12203:

To be captain

CATHY L. TRUDEAU, 7307

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

JOHN C. BEACH, 6718
SCOTT D. BORMANIS, 5501
WILLIAM S. FLOURNOY, 2735
RAOUL F. GONZALES, 0198
SHERRY L. GRAHAM, 8218
JOSEPH G. HARRE, 1200
REBECCA K. HOLT, 1481
STEVE R. LAWRENCE, 7376
NOREEN A. MURPHY, 1228
LLOYD T. PHINNEY, 0679

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

WALTER J. LAWRENCE, 9564

To be lieutenant commander

DIANN B. GORDAN, 2382
RONALD L. RUGGIERO, 7796

EXTENSIONS OF REMARKS

TRIBUTE TO BRUCE FARMER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. PAUL. Mr. Speaker, I wish to take this opportunity to pay tribute to Mr. Bruce J. Farmer, Sr., a remarkable man who passed away on June 28. I also respectfully request unanimous consent to insert the printed version of a eulogy for Mr. Farmer.

Mr. Farmer, a resident of Galveston, Texas, was a husband, father of four sons, entrepreneur, and community leader. Mr. Farmer's career exemplifies the best features of American capitalism. Mr. Farmer was CEO of Farmer's Copper Ltd., which he founded in 1978 as Farmer's Copper and Industrial Supply. Under his leadership, Farmer's Copper Ltd. grew into one of the nation's largest privately owned copper and brass distributors, employing approximately 185 people in Galveston. Mr. Farmer began working in the metal fabrication business at the age of 14, when he went to work for Farmer's Marine Copper Works, an engineering and fabrication firm founded by his father and uncle. Mr. Farmer was also CEO of the Four Winds Investments and a director of Moody National Bank

Mr. Farmer first demonstrated his commitment to serving his community and country at the age of 16 when he enlisted in the U.S. Merchant Marines in order to serve his country at the height of World War II. Throughout his life, Mr. Farmer did not allow the demands of growing his business to distract him from becoming involved in various local and national organizations. For example, he served on the Methodist Foundation Board and on other boards of the Methodist Church. An avid outdoorsman who loved fishing, hunting, golfing, and skiing, Mr. Farmer also served as past President of the Galveston Propeller Club and received the Maritime Man of the Year award.

Mr. Speaker, I am honored to be able to pay tribute to this fine man, and I hope all my colleagues join me in sending my deepest condolences to his family. I hope Mr. Farmer's family is comforted by the knowledge that the whole community of Galveston joins them in mourning his passing.

"MY BELOVED SONS"

AUTHOR UNKNOWN

There's a feeling apart
In a father's heart
For his son.

A certain pride
Down deep inside
For this special one.

When there are two
Its twice come true
And life grows richer still.

A third little boy
Is a brand new joy,
And all seems perfect until;

You add one more
To make it four,
And life takes on a new zest,

To share life's joys
With four little boys
Is living at its best.

Bruce kept that poem in his desk at work. I think that says a lot about the man and his philosophy. His family was part of his work and his work was part of his family. I have had the honor and privilege of working with Bruce for the past twenty-five years. Notice I said with and not for. No one worked for him.

Everyone at Farmer's Copper is part of a team, part of the family. We all knew that there was not a job Bruce could not do, would not do or had not done. He was a man that led by example.

Every morning he would make his rounds through the offices ostensibly to check on the staff and see how business was doing. The real reason was that he wanted to mooch hugs from all of the ladies.

Bruce would also make his rounds through the warehouse. He would stop in the different departments to see how the equipment was running, how the men were doing and what the day's workload looked like. He would offer his opinion or make a suggestion and then tell them to "carry on". Funny, I never remember him mooching hugs down there.

Bruce really valued his employees and truly treated them as family. There were dozens of times when he quietly and privately helped an employee through their personal tragedies and hardships. Me included.

He always kept his door open and would gladly listen to any employees concerns, complaints or suggestions. Bruce always had time to help.

Under his leadership, Farmer's Copper grew from a tiny almost afterthought division of Farmer's Marine into a leader of the metals industry. Farmer's Copper is known both nationally and internationally as the premier source for copper based metals.

His unique vision and courage to stay on the forefront of technological advances in both equipment and material is what makes us a leader today and for the last twenty-five years.

His willingness to invest in equipment, inventory and especially people has assured our success. His boundless energy and ever present optimism inspired us all. During industry downturns when others saw troubles, Bruce found opportunity. When everyone else was in the dark, Bruce found the light. That is how in a volatile and cyclical industry we have always prospered.

On a personal note, I have lost one of my best friends, a fishing buddy and hunting partner. But most of all, I've lost my second father. I have known Bruce all of my life. The older we got, the closer we got. He meant more to me than words can say. And I know without a doubt that he felt the same towards me.

That's how it was with Bruce. When you were his friend, you felt it deep down in your heart. And if you were not his friend, that just meant that you had not met him yet.

I guess the highest honor he gave me was when I became a member of the "Old Fart Hunting Club." Every year on the second weekend of deer season Bruce would round up the "Old Farts" and we head out to the Rock Island ranch.

This group consisted of Bruce's oldest and dearest friends. Members included Buddy Benson, Jimmy Regan, Bill Glenn, Gene Morris and of course the late Nat Pepper. There were dozens of other honorary members who attended through the years. You always knew that things would get exciting when Joe Cantini made the trip. And you always had make sure there was just a little bourbon for when Kenneth Nance would drop by.

Last year I was the only participant under retirement age that had not had a heart attack. The trips were exciting for me every year. Sitting around the fire or on the front porch with these guys have been some of the best times of my life. Listening to stories of their past: the obstacles faced, the friends lost and the achievements accomplished made me proud to be included. It also made me a better man. Of course some of the tales were pretty tall and then there was the always present practical jokes.

I think my favorite included Nat. Nat always enjoyed his Saturday night bath. As the story goes, one such night Bruce called out to Nat that he had drawn a bath for him. Nat thanked him and proceeded to the giant old cast iron, clawed foot tub. After he disrobed and prepared to enter the tub he saw it. A small bass swimming in circles trying to find its way out.

Bruce had caught the fish earlier and placed it in the tub. I don't know who was more shocked. Nat or the bass. Like the bass we must find our way now. Everyone here is a better person for having known Bruce. We as friends, family and coworkers must now "carry on".

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. TIAHRT. Mr. Speaker, on July 11, I was unavoidably detained and missed rollcall votes Nos. 360, 361, 362, and 363.

Rollcall vote No. 360 was on the ordering of the previous question. Had I been present, I would have voted "yea."

Rollcall vote No. 361 was on agreeing to the Berkley amendment. Had I been present, I would have voted "nay."

Rollcall vote No. 362 was on agreeing on the motion to recommit with instructions. Had I been present, I would have voted "no."

Rollcall vote No. 363 was final passage of H.R. 4411. Had I been present, I would have voted "aye."

TRIBUTE TO NASA ON SPACE SHUTTLE "DISCOVERY" MISSION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. PAUL. Mr. Speaker, I am pleased to introduce a resolution commending the people of the National Aeronautics and Space Administration (NASA) for the latest mission of the Space Shuttle *Discovery*. Successfully launched on July 4 this mission, known as STS–121, marks the second mission on the Return to Flight sequence. STS–121 originally was scheduled to perform just two space walks. However, due to the overall success of the launch, the mission was extended from 12 to 13 days, allowing for an additional space walk.

Among the other tasks that will be preformed on this mission are tests of shuttle safety improvements to build on findings from *Discovery's* flight last year, including a redesign of the shuttle's external fuel tank's foam insulation, in-flight inspection of the shuttle's heat shield, improved imagery during launch and the ability to launch a shuttle rescue mission. The External Tank, which underwent work prior to the mission to reduce foam loss, performed well this time especially early in the flight when a light weight piece of foam could severely damage the tile or wing leading edge, but nothing like that happened this time. The five instances of foam loss that were experienced all occurred after the critical release time. The largest foam loss on the mission, which occurred in front of one of the ice/frost ramps on the external tank, was calculated to be .055 pounds. The mass limit in that area is .25 pounds, meaning that the loss was not even a quarter of the way to the limit. NASA is very pleased with the performance of the tank, as it is a great improvement from last year's STS–114 mission.

The STS–121 mission will also bolster the International Space Station by making a key repair and delivering more than 28,000 pounds of equipment and supplies, as well as adding a third crew member to the Space Station.

STS–121 is NASA's most photographed mission in shuttle history as more than 100 high definition, digital, video, and film cameras are helping to assess whether any debris comes off the external tank during the shuttle's launch, while four new video added to the solid rocket boosters.

Mr. Speaker, the success of STS–121 is a tribute to the skills and dedication of all NASA employees, especially the Space Shuttle *Discovery's* crew of Colonel Steve Lindsey; Commander Mark Kelly; Piers Sellers, PhD; Lt. Colonel Mike Fossum; Commander Lisa Nowak; Stephanie Wilson; and Thomas Reiter.

What philosopher Ayn Rand wrote of the moon landing in 1969 applies to the STS–121 and all of NASA's missions: "Think of what was required to achieve that mission: think of the unpitying effort; the merciless discipline; the courage; the responsibility of relying on one's judgment; the days, nights and years of unswerving dedication to a goal; the tension of the unbroken maintenance of a full, clear mental focus; and the honesty. It took the highest, sustained acts of virtue to create in reality what had only been dreamt of for millennia." I encourage all of my colleagues and all Americans to join me in commending NASA for completing STS–121 mission, and all of NASA's work.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. TIAHRT. Mr. Speaker, on July 10, I was unavoidably detained and missed rollcall vote Numbers 358 and 359.

Rollcall vote Number 358 was on agreeing to H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes. Had I been present, I would have voted "yea."

Rollcall vote Number 359 was on agreeing to the H.R. 5061, the Paint Bank and Wytheville National Fish Hatcheries Conveyance Act. Had I been present, I would have voted "yea."

NEWTON BOARD SPEAKS OUT AGAINST GENOCIDE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, the Board of Aldermen of the City of Newton, on June 27th, passed a powerfully worded and forcefully argued resolution on the Darfur genocide. I know that in passing this resolution the Board spoke for the overwhelming majority of the citizens of Newton, and I am pleased that I was able to report to them that I am doing everything I can as a Member of Congress to act in accordance with the policy that they advocate here.

Mr. Speaker, because the problem of genocidal practices in Darfur remains unresolved, it is important for us to continue to focus our efforts on the need for action to save people now in Darfur from being victims of genocide, even as we grieve for those who have already been victims.

Mr. Speaker, in that spirit I ask that the resolution from the Newton Board of Aldermen be printed here.

RESOLUTION ON DARFUR GENOCIDE

Whereas, the government of Sudan has engaged in a policy of genocide against its own black African population in Darfur through use of its military and through sponsorship of attacks by armed Arab militias known as the janjaweed; and

Whereas, the janjaweed and military of the Sudanese government are responsible for bombing villages and hospitals, gang-raping civilians, summarily executing throngs of black Darfurians, using forced starvation as a weapon of war, and impeding access of humanitarian aid to the 50% of Darfurians that are now reliant on assistance; and

Whereas, the Sudanese government is responsible for the death of 400,000 Darfurians and displacement of 2.5 million more; and

Whereas, in September 2004, U.S. Secretary of State, Colin Powell, declared before the Senate Foreign Relations Committee, that the Sudanese government and the Sudanese government-sponsored janjaweed have committed genocide; and

Whereas, both the United States House of Representatives and the United States Senate have declared, by unanimous votes, that the Sudanese regime of dictator Omar al-Bashir is committing genocide; and

Whereas, international companies, by conducting business operations in Sudan, bring direct foreign investment dollars to Khartoum and provide both moral and political cover to the Sudanese regime; and

Whereas Khartoum has funneled the vast majority of direct foreign investment into military expenditures used to perpetuate the genocide while neglecting needed development projects in the Darfur region; and

Whereas, the government of Sudan has a history of remedying egregious behavior in response to economic pressure; and

Whereas, the policy and practice of genocide is abhorrent to the moral and political values of the members of the residents of the City of Newton, the people of the United States, and, indeed, democratic and free societies everywhere;

Therefore, Be It Resolved, that the Newton Board of Aldermen urges the President and Congress of the United States to take immediate action to apply pressure to the government of Sudan to end the genocide in the Darfur region;

Be It Further Resolved, that the Newton Board of Aldermen urges the Massachusetts Legislature to enact Senate Bill 2166, which would divest the Commonwealth's investment funds from companies doing business with the government of Sudan in such a way as to support or passively enable the Darfur genocide;

Be It Further Resolved that copies of this resolution be distributed to the President, members of the Massachusetts Congressional delegation, other members of Congress in positions of leadership of the House and Senate and their committees with jurisdiction over foreign policy and commerce, the Governor of Massachusetts and members of Newton's delegation to the state legislature, and other leaders of the state legislature as deemed appropriate; and

Be It Further Resolved that this resolution be posted on the official City of Newton web site.

Resolution offered by: Aldermen Parker, Burg, Linsky, Fischman, Hess-Mahan, Vance, Harney, Johnson and Danberg.

Resolution Passed Unanimously.

(SGD) R. LISLE BAKER,
President.
(SGD) DAVID B. COHEN,
Mayor.

IN RECOGNITION OF METRO DETROIT YOUTH DAY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. KNOLLENBERG. Mr. Speaker, I want to extend my appreciation to Edward Deeb and the Michigan Food and Beverage Association for facilitating the yearly Metro Detroit Youth Day event. Due to the leadership of Mr. Deeb and the Michigan Food and Beverage Association, families from throughout southeast Michigan have been able to participate in a free day of fun for children for the past 24 years.

Metro Detroit Youth Day, established in 1981, has been an annual event through which families throughout the metro Detroit area have been able to come together and share a day filled with exciting activities and games. Nearly 30,000 young people are expected to take part in the 24th annual Metro Detroit Youth Day, being held on July 12, 2006, on Belle Isle.

During the long months of summer, parents often find the need to find physically and mentally stimulating activities for their children while they enjoy their summer vacations. In Metro Detroit Youth Day, students are able to enjoy a day filled with wholesome activities that help fill a need for physical education and emphasizes leadership and fair play. Additionally, children are encouraged to stay in school, say no to drugs, and learn how to treat one another with respect and dignity.

The generosity of the entire community is evident in Metro Detroit Youth Day, with thousands of metro Detroiters contributing to this event each year. More than 190 community organizations have come together to sponsor Metro Detroit Youth Day with the help of donations from dozens of corporate sponsors that make this day possible. Additionally, more than 900 adult volunteers from throughout the community offer their services in many capacities throughout the event.

The enthusiasm and dedication of Edward Deeb and the Michigan Food and Beverage Association have combined with organizations from all over Michigan to continually give back to countless families throughout the southeast Michigan community. I am pleased to offer my appreciation to all involved in Metro Detroit Youth Day for making it an annual success.

A TRIBUTE TO BASEBALL LEGEND BOB FELLER AND THE 60TH ANNIVERSARY OF HIS GREATEST SEASON

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. LATOURETTE. Mr. Speaker, I would like to enter into the RECORD an article from yesterday's Akron Beacon Journal about a baseball legend who also happens to be one of my constituents—Hall of Famer Bob Feller. The article was written by columnist and author Terry Pluto, one of the Nation's most respected sportswriters and someone whose work I greatly admire.

Pluto's article recounts the 60th anniversary of Feller's greatest season in 1946, his first full season after serving nearly four years in the Navy during World War II. It is a story for baseball fans of all ages, and it truly reminds me of all that is good in baseball and in America. As a lifelong Cleveland Indians fan, I am honored to share Pluto's wonderful story about Feller so it is forever preserved in the pages of the CONGRESSIONAL RECORD.

ALL-STAR FOR ALL TIME HALL OF FAMER BOB FELLER PUT UP SEASON FOR AGES IN 1946

What Bob Feller did 60 years ago will never happen again. That's not a surprise, a lot has changed in baseball since 1946.

But what Bob Feller did in 1946 never should have happened at all.

Start with pitching the 36 games.

Excuse me, the 36 complete games.

That's 36 complete games in 42 starts.

For a little context, the entire American League Central Division—that's five teams, including the Indians—had 35 complete games in 2005.

So in 1946, Bob Feller finished more games than all the pitchers on all the teams in the Central Division—combined!

In 2005, the Indians had the lowest ERA in the American League, along with 10 shutouts—the same as Feller had in 1946.

Did I mention the four saves?

Feller also pitched in relief six times, saving four games.

Just what was the premier starting pitcher in baseball doing in the bullpen?

"I started every fourth day," Feller said. "I'd rest a day after my start, then I'd throw batting practice on the second day. Other times, I'd help out in relief just to get my throwing in."

He paused.

"Know what was crazy?" he said. "When I threw batting practice, I didn't have a (protective) screen in front of me. That was crazy, because I could have gotten hurt."

Everything in 1946 for Feller was insane, at least by today's pitching parameters.

Consider his 371 1/3 innings. His 348 strikeouts. His 26–15 record for a team that was 65–89. His 2.18 ERA.

It was a season in which he threw a no-hitter, a one-hitter, was the starting and winning pitcher in the All-Star Game and had a fastball clocked at 109 mph.

After the final game of the year, he took one day off.

"Then me and Satchel Paige went on a barnstorming tour," Feller said. "Played about 35 games in 30 days across the country—the major-league stars against the stars of the Negro Leagues. Traveled around in two jets. I started every game, usually pitched three innings."

Feller tells this story as if he were stating the obvious, like this is July and sometimes the weather is warm.

"I didn't think it was a big deal," he said.

The white-haired Feller, now 87, would like to lose a few pounds. He comes to most Indians games. He has little use for what he considers the coddling of pitchers—everything from icing their arms to counting their pitches.

"I probably averaged 125-to-140 pitches (per game) that season," he said. "I was going for the strikeout record."

Feller says things like that, causing you to call a timeout.

Let's consider the pitch counts first, then the strikeout record. Feller knows all of his crucial statistics, and he's probably right in his estimate. An Associated Press story reported Feller using 133 pitches to no-hit the New York Yankees in Yankee Stadium. The story explained: "The Cleveland speedball artist threw 54 balls, 35 strikes (17 were called, 18 were missed), 29 were fouled off and 15 were hit to the infielders and outfielders."

Feller fanned 11, walked five.

"I always threw a lot of pitches," Feller said. "I had a high school game where I threw a shutout, walked 14 and struck out 14."

He paused.

"The game was called after five innings," he said.

I laughed. He wasn't kidding. If you do the math on that game, it meant only one batter made an out by hitting the ball. It meant he constantly had the bases loaded, and that he indeed threw a no-hitter.

In high school, most of his games were no-hitters. So when he threw three nohitters in the majors and a dozen one-hitters, at least one person wasn't shocked: Feller himself.

Back to the 1946 no-hitter.

Consider this: It was the bottom of the ninth inning. The Indians had a 1–0 lead. The Yankees' George Stirnweiss led off by bunting for a hit, which was ruled an error on Tribe first baseman Les Fleming. Newspapers from New York and Cleveland both reported it was an easy play that Fleming botched, the ball rolling through his legs.

Think of today's unwritten rules about bunting to break up a no-hitter in the late innings, how it's considered an insult and somehow unsportsmanlike.

"Nah," said Feller last week. "It was 1–0. He was just trying to win the game."

Feller retired the next three hitters on ground balls to preserve the no-hitter.

"There was some talk, especially in New York, that I was washed up after the war," Feller said.

The no-hitter on that day in late April silenced any doubts. So did that incredible 1946 season, when he pitched in a league that featured the likes of Ted Williams, Joe DiMaggio, Hank Greenberg, Mickey Vernon and Rudy York.

Feller's 26 victories plus his four saves meant he had an arm in 30 of the Tribe's 68 wins.

Feller was 27 that year, at the height of his physical powers. If he says he threw more than 125 pitches most games, he probably did.

By contrast, in 2005, only two of the World Champion Chicago White Sox pitchers used more than 120 pitches. None had more than 130. No Tribe pitcher went over 120.

"I don't care how many pitches you throw," Feller said. "It's, 'Are you tired?' How are you throwing?"

Feller believed the arm is a muscle, and you develop it with exercise. The best one is throwing. He also lifted light weights, rare for a player of his era. He didn't smoke, rarely drank and ate reasonably well, lots of protein.

Never iced his arm, either.

"I used a little rubbing alcohol," he said. "Then after I'd pitch, I'd go home and take a nice, hot bath."

He lived at the Tudor Arm Hotel on East 107th and Carnegie Avenue.

"I had a beautiful suite, they had a great pool and I swam a lot," he said.

Feller was 6-foot, 185 pounds, in 1946. He looked taller because he had long arms, a high leg kick and a big windup that seemed to make him look so much closer to the hitter than the regulation distance of 60-feet, 6-inches when he released the ball.

He had a fastball for the ages, but he believes he notched as many strikeouts with his big, overhand curveball. It was a pitch that didn't just break about a foot to the right, but also dropped about a foot.

The rotation of the ball was so tight, so fast, that hitters swore you could hear it "bite" the air on the way to the plate.

Feller finished his career with 266 victories despite missing nearly four years while serving in World War II, much of it on the battleship *Alabama*. He didn't pitch in 1942–44, and only in nine games at the end of 1945.

He was in his early 20s, and had averaged 26 victories the three previous years. So you have to figure Feller could have won another 100 games. Who knows how many more strikeouts (at least 1,000) and no-hitters he might have had?

As for his military service, Whitey Lewis wrote in the Cleveland Press: "The erstwhile boy wonder, now a man, had served 44 months and had earned eight battle stars as a gunnery specialist on the USS *Alabama*. But could he still pitch?"

Feller did his throwing on the deck of the *Alabama*.

"Guys took turns wanting to catch me," he said.

Why not, even if they ended up losing some teeth because they missed a pitch. Feller had already won 107 games at age 22 when he entered the Navy. He led the American League in strikeouts for four consecutive seasons. His fellow sailors knew he was Cooperstown bound.

After nearly four years away from the majors, Feller returned to pitch nine games at the end of the '45 season. He was 5–3 with a 2.50 ERA, but some whispered he didn't throw quite as hard, his breaking ball was not as sharp.

Then came 1946, when Feller pitched and pitched and pitched—almost as if to make up for lost time.

At the all-star break, Feller had 15 victories and 190 strikeouts. In 1945, there was no All-Star Game because of war-time travel restrictions. In 1946, it was a celebration of returning stars such as Feller and Williams. Feller was the winning pitcher, throwing three scoreless innings. Williams had four hits, including two homers. The American League rolled, 12–0.

"Only time I ever won an All-Star Game," Feller said.

Feller always wanted to beat Rube Waddell's major-league strikeout record of 343 for a season, set in 1904.

"Wheaties was going to pay me $5,000 if I did it," he said.

But then he detoured into a story of having his fastball measured. The Indians were playing in Washington, and Senators owner Clark Griffith advertised that Feller would throw his fastball into what was known as a Rube Goldberg device, and they would figure out the speed.

"I read about it in the paper, but Griffith never asked me," Feller said. "I got to the park to pitch that night, and finally they told me about the idea."

Feller said, "Fine, I want $1,000."

Griffith said it was good for the game for Feller to go along with the gimmick.

Feller knew it also was good for Griffith's gate with all the extra fans coming.

"Settled for $700," Feller said. "I threw 15–25 pitches into that thing."

The numbers ranged from 98 to 117 mph, depending upon where they set up the device. They came up with an average of 109. "Then I pitched something like 10 innings," Feller said. "Got beat 2–1."

Feller said part of the reason he pitched in relief was to pick up some extra strikeouts. In the second-to-last game of the season, the Indians were in Detroit. In the game, he tied Waddell's record of 343.

The next day, there was no game.

Forty-eight hours later, the Indians played their final game of the season—and Feller was on the mound again. He pitched nine innings, winning 4–1, and striking out five to claim the record at 348.

"But 10 years later, they went back and recounted Waddell's strikeouts (from 1904) and found six more, putting him ahead of me by one," Feller said. "If I knew it back then, I just would have pitched in relief another game and struck out some more guys."

At least he did get the $5,000 from Wheaties.

The barnstorming tour was an adventure all its own.

"Started in Pittsburgh, ended up in Seattle," Feller said. "Had two DC–3s; went first class. I paid Stan Musial $10,000. Other guys got $300 to $500 a game. Some got more."

Consider that in 1946, the winner's share of the World Series was only $2,000 per player, which was big money.

Remembering the barnstorming tour, Feller didn't care about the race issue. He liked Paige, he respected the black players and knew the games would draw big crowds, everyone making money in the process.

"I was excited to be chosen to play for the Satchel Paige All-Stars," Buck O'Neil wrote in his book, Right on Time. "I knew I'd be making more money in that month than I did in six. I'd be taking my first plane ride and I felt this tour was an event that could have a real effect on big-league integration."

Feller made more than $100,000 in 1946. His base salary was $50,000, and Tribe owner Bill Veeck paid him a bonus for attendance at his home games. He also had his own radio show, made commercials and personal appearances. He led the American League in wins (26), shutouts (10), strikeouts (348), games pitched (48) and innings (371⅓).

He would never again strike out more than 196 batters in a season. His career ended in 1956.

"It wasn't because I threw too much in 1946," he said. "It's because I slipped on the mound in Philadelphia the next year. I had maybe my best fastball, struck out nine of the first 11 guys. I went to throw a curve, my front foot gave out and I felt something rip in the back of my shoulder."

He pitched a few more innings, then rested. But not for long. Feller still was 20–11 with a 2.68 ERA in 1947. He threw 299 innings, completed 20 games and struck out a league-leading 196.

"But I never was really the same after that," he said. "That's why I say 1946 was my greatest year."

Feller said it with a shrug. Sixty years and another era ago.

That season, shortstop Lou Boudreau also was the manager. A fellow named Bob Lemon began the year as a light-hitting outfielder and was converted to pitcher during the season—no stop in the minors. He was 4–5 with a 2.49 ERA in 1946 and eventually made the Hall of Fame, just like Feller.

"A different game," Feller said.

One every baseball fan wishes they could have seen.

CONGRATULATING STEVEN B. RENEAU

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. FOSSELLA. Mr. Speaker, I want to extend my congratulations to Steven B. Reneau, a Staten Island resident and recent graduate of Staten Island Technical High School. Steven is the Iron Man of the city school system. You see, since he entered the first grade in 1994, Steven has not missed a single day of school—translating to roughly 2,160 consecutive days of class.

Steven never gave much thought to the distinction until his eighth-grade teacher at St. John's Lutheran School on Staten Island noted that his attendance had been unblemished. From this point forward, Steven made attending class every day his priority.

Instead of being held down by illness, bouts of exhaustion, or pressure from his peers to cut class, Steven says his perfect attendance drove him to keep going—with a few tough love nudges from Mom. Steven even postponed an all-expenses-paid trip to M.I.T. because the visit was in the middle of the school week.

His persistence has paid off. Steven, who was elected class president three times and was a member of the swim team, has received three scholarships to Yale University to study economics and history with an eye toward graduate school—with perfect attendance—no doubt. Again I want to congratulate Steven on his outstanding achievement and I wish him the best in his future endeavors.

CONDEMNING BOMBINGS IN MUMBAI, INDIA

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. ROYCE. Mr. Speaker, as chairman of the Subcommittee on Terrorism and Nonproliferation, I rise today to strongly condemn the terrorist bombing that occurred yesterday in Mumbai, India.

Yesterday, eight bombs ripped through crowded commuter trains headed for Mumbai, in a well coordinated terrorist attack, which claimed as many as 190 lives, and injured hundreds more.

While there has been no immediate claim of responsibility for the bombings, the style of attacks and targeting of mass transportation share the tactics of al Qaeda and Kashmiri militants. While we commiserate with India, we must also view these attacks as a reminder that terrorism is indeed a global struggle. It is often said that India and America have a natural bond as two of the largest democracies. Today we share a bond of a common enemy: what the 9/11 commission identified as Islamist terrorism.

Today our thoughts are with the people of India, and I am confident that the aftermath of these attacks, we will see all the resilience that is embodied in the Indian people.

RECOGNIZING DOUG TRIPP OF PASCO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a local homebuilder who has gone above and beyond the call of duty to meet the needs of his fellow citizens.

Hailing from Land O'Lakes, FL, Doug Tripp is actively involved in local efforts to help residents of Pasco County achieve their dream of homeownership. As a volunteer for the Habitat for Humanity chapter of central Pasco County for a number of years and currently serving as the organization's president, Doug has also personally provided thousands of dollars toward the group's efforts.

In addition to donating plots of land so that habitat affiliates can build new homes, Doug also contributes countless hours of work on job sites alongside the Habitat partner families. His financial assistance to other needy people in our community has helped others build the home of their dreams.

A Generous supporter of all Pasco County residents' needs, Doug's dedication to the families living in the area also includes volunteering for Big Brothers Big Sisters and several youth athletic organizations.

As a local business leader, Doug founded tripp trademark homes in 2001, building more than 200 homes a year and providing more than 100 people with quality jobs. Doug and his wife Holly have a daughter Loren and two sons, Jake and Zack.

Mr. Speaker, Doug Tripp's success in business has driven him to give back to the Pasco County community. As a volunteer and generous contributor to help other people in need, Pasco County is richer for Doug's involvement and his tireless support of families needing a home.

HONORING SENIOR CORPORAL ARTHUR D. BUSBY, JR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, Senior Corporal Arthur Busby is a true American hero, who has proudly served the Dallas Police Department since 1973. His tireless devotion to the department, his colleagues and the people of Dallas is to be commended.

It has been said that the ultimate measure of a person's life is the extent to which they made the world a better place. Arthur Busby's work has forever shaped the Dallas community; not only through the lives he has saved, but the ones he has touched.

Senior Corporal Busby's contributions to the Dallas community cannot simply be measured by a time clock. His extensive involvement in community service includes work with the Boys Club of America, the Dallas Community Service Center, and the United Negro College Fund, just to name a few. Additionally, Senior Corporal Busby is very accomplished in the field of marshal arts and has extended that knowledge by means of instruction and assistance throughout the community.

As a member of the Special Operations Tactical Section, Arthur Busby has been on the front lines on many perilous situations. As part of his duties in hostage rescue, Senior Corporal Busby has bravely rescued many individuals from potentially deadly situations. In 1998, Senior Corporal Busby played a key role in freeing a 4-month-old baby from a 3-hour hostage standoff. His bravery and composure has made the difference between life and death for many citizens of Dallas.

Throughout his 33 years with the Dallas Police Department, Senior Corporal Busby's commitment to law enforcement has been an inspiration to all of us, and has made an enormous difference to thousands of our fellow citizens. Upon his retirement, I wish him the best for the years ahead. Certainly, his impact and contributions as a police officer will not be forgotten.

IN TRIBUTE TO FRANK ZEIDLER FORMER MAYOR OF MILWAUKEE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to the life and work of a man that has been called the conscience of Milwaukee. The Honorable Frank Zeidler, who died this week at the age of 93, served 3 terms as Mayor of Milwaukee. He dedicated his entire adult life to improving the quality of public policy and government services in this community.

A life long resident of the City of Milwaukee, Frank Zeidler grew up in Merrill Park, and raised his own family in a modest neighborhood on North Second Street. He is widely remembered for his vigorous intellect, strong commitment to the use of government to solve problems, and unparalleled integrity.

Prior to serving as mayor, he was elected to be county surveyor and served 2 terms as member of the Milwaukee School Board. As Milwaukee's mayor from 1948–1960, Mr. Zeidler implemented a wide range of initiatives that reflected his contention—often attributed to his adherence to socialist ideology—that government could serve as a powerful tool for improving the lives of residents. He devoted considerable effort to improving government services, upgrading garbage collection and the fire department, expanding library access, starting a public television station and a public museum, and ensuring high quality infrastructure. He oversaw the development of thousands of units of low-income and veterans' housing. He was strongly committed to working to combat poverty and ensuring respect for the civil rights of all.

After 12 years as mayor, he reentered life as a private citizen, but continued to champion these ideals through community action. A true public servant, he was lauded by friends and foes alike for his principled behavior, and for his evident commitment to seeking the best solutions to the problems we face as a community. I am honored to pay tribute to him, and to thank him and his family for their efforts to make Milwaukee and the Fourth Congressional District a better place in which to live for everyone.

A MODEL OF GENEROSITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. SANDERS. Mr. Speaker, this past week the Visiting Nurses Association of Chittenden and Grand Isle Counties announced that it received a generous gift of $1 million from Lois McClure. It is what we have come to expect of Mrs. McClure. She, along with her husband, J. Warren McClure, who died in April 2004, has sustained and encouraged a great variety of community-building in the State of Vermont. From support for the hungry and the homeless to the preservation of Vermont history, from concern with teenage mothers to grants to champion Lake Champlain and its heritage, Lois McClure has used her substantial resources to make Vermont a better and more caring place to live.

In addition to the remarkable donation to the VNA which was recently announced, let me cite only a partial listing of the donations that Lois McClure and J. Warren McClure have given to support Vermont and Vermonters. One million dollars to the Burlington Community Land Trust, the first municipally-funded land trust in the Nation. One million dollars to the Vermont Historical Society for the study of Vermont history, and $100,000 for the Rokeby Museum which preserves that history, as does the Lake Champlain Maritime Museum, also a recipient of McClure funds. And $1 million to renovate the USS *Ticonderoga* at the Shelburne Museum, along with generous funding to build an 88-foot working replica of a sailing canal boat, appropriately christened the Lois McClure. Two and a half million dollars to the Leahy Center for Lake Champlain to study and preserve and educate people about the lake on Vermont's western border. Education? Generous grants to Vermont's St. Michael's College, Champlain College, the Snelling Center for Government, and the UVM Bailey-Howe Library. Money for preserving our agricultural tradition to Shelburne Farms, for supporting community philanthropy for the Vermont Community Foundation, for improving health care on every level to the Vermont-New Hampshire Red Cross, generous gifts to the Vermont Respite House and to the Fletcher-Allen Hospital.

And money to build community, especially focused on the needs of the elderly, children and the homeless: To establish the McClure Multigenerational Center in Burlington, to support the Chittenden Emergency Food Shelf, and to the Baird Center for Children and Families and the Committee on Temporary Shelter (COTS) in Burlington.

Many people work to make Vermont a special place. They tend to those in need and feed the hungry. They educate young people and secure the health of all of us. They remind us of our past and give us a firm foundation to move securely into the future. Lois McClure is just one of those many, one of the countless generous people in our state. But, always, financial support enables the work that we all do together to build and strengthen our communities. Time and again Lois McClure and her late husband have supported the efforts of those who care, and provided funds for those in need. And for that we thank her, and honor her.

TRIBUTE TO LIEUTENANT COLONEL DONALD P. LAUZON

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. UPTON. Mr. Speaker, I rise today to recognize and pay tribute to Lieutenant Colonel Donald P. Lauzon of the U.S. Army Corps of Engineers upon both the completion of his command as the District Engineer for the Detroit District and also upon his retirement from distinguished service with the U.S. Army Corps of Engineers.

Colonel Lauzon earned his Bachelor of Science in Industrial Engineering and is a Distinguished Military Graduate from Rhode Island College, Providence, RI; a Masters of Military Operational Art and Science from the United States Air Force Air University on the historic Maxwell-Gunter AFB, AL, as well as a Masters Degree in Construction Management from Colorado State University, Fort Collins, CO. He was commissioned in the U.S. Army in 1986.

Lauzon has served with distinction abroad in Bosnia, Iraq and Germany. His assignments include a tour in Bosnia serving on both 1st Infantry Division and 1st Armor Divisions' General Staff at Camp Eagle, Tuzla, and in Desert Shield/Storm as the Assistant Operations Officer and Battalion Battle Captain in support of the 20th Engineer Brigade. As a Lieutenant, he served as a platoon leader and Company Executive Officer of the 547th Combat Engineer Battalion, Germany.

He has also served in a wide array of assignments in the U.S., including the Chief of Operations Branch, Defense Mapping School, Fort Belvoir, VA; Battalion Executive Officer, 249th Engineer Battalion (Prime Power); Executive Officer, Deputy Chief of Engineers, Headquarters' USACE, Washington, DC; Resident Engineer for Fort Dix/McGuire AFB of the New York District; and as Company Commander of the 299th Engineer Battalion at both Fort Carson, Colorado and Fort Sill, Oklahoma. Immediately prior to arriving in Detroit, LTC Lauzon served as Chief of the Department of Military Training, National Geospatial and Intelligence Agency, Fort Belvoir, Virginia.

Colonel Lauzon is a recipient of the Bronze Star. His other numerous citations include: the Defense Meritorious Service Medal; the Meritorious Service Medal, 4th award; Army Commendation Medal, 4th award; Army Achievement Medal, 3rd award; National Defense Service Medal; Armed Forces Expeditionary Medal; South-West Asia Medal with 2 stars; Kuwaiti Liberation Medal; NATO Ribbon; Armed Forces Service Ribbon and the Meritorious Unit Citation. His badges include Basic parachute and Air Assault.

He served as the Commander, Detroit District U.S. Army Corps of Engineers from 2004 to 2006. My district, which is southwest Michigan, was fortunate to finally have a Detroit District Commander who really paid attention to the needs of the small communities on Lake Michigan. During his tenure, there was significant progress made in the dredging of the St. Joseph, Michigan harbor for the first time in many years. The entire community appreciated the diligence of Colonel Lauzon in dealing with the issues that were most important to us.

I wish to personally thank Colonel Lauzon for not only his service to the country, but particularly for his assistance to the great State of Michigan over the last 2 years. I wish him much success in his future endeavors, particularly on the golf course.

TRIBUTE TO LIEUTENANT COLONEL DAVID E.A. JOHNSON

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to recognize and thank Lieutenant Colonel David E.A. Johnson for his 22 years of service to the United States, and to commend him on an exemplary career with the United States Army.

LTC Johnson entered the United States Military Academy at West Point in 1980 where he graduated in 1984 in the top 15 percent of his class. He later became one of 23 out of 124 qualified officer candidates to graduate from the Special Forces Detachment Officers Qualification Course. He was immediately assigned to command a Special Forces "A-Team" in the 5th Special Forces Group in Operations Desert Shield and Desert Storm. In 2000, he served as an Army legislative liaison in the House Liaison Division where he planned, coordinated and escorted Congressional Delegations on fact-finding missions to over 28 countries and seven States. In 2002, LTC Johnson was selected as an Army Strategist to augment Combined Joint Special Operations Task Force—North in support of Operation Iraqi Freedom as Chief of Plans and Current Plans. In Operations Iraqi Freedom and Enduring Freedom, he has transformed Special Operations Theater Support Element procedures, integrating General Purpose and Special Operations Forces and has been a key leader of logistics transformation.

Overall, LTC Johnson has earned over 36 separate combat and peacetime awards as well as nearly every special skill badge authorized. He has shown consistent excellence in leadership, planning, and innovation, while making a permanent impact on Special Operations.

Mr. Speaker, I ask my colleagues to join with me in honoring Lieutenant Colonel David E.A. Johnson and thanking him for the countless sacrifices he has made for this Nation, and the 22 years of remarkable service in the United States Army. May he know that this body and his Nation are proud of him.

TRIBUTE TO RON GREENSTEIN

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. WEXLER. Mr. Speaker, I would like to take this opportunity to recognize the significant achievements of a gentleman who has shown great leadership throughout the State of Florida, Representative Ron Greenstein, who will soon be completing his last term in the Florida Legislature.

Throughout his career, Representative Greenstein has stood out as a devoted supporter of environmental, health care, hunger and economic causes. He has championed issues for senior citizens, fought to protect Florida's water resources and advocated for the legislation of video lottery terminals. He displayed profound dedication to children's hunger causes with his 2004 IMAGINE specialty tag bill, which provided funding for food banks throughout the State, and his 2005 Children's Summer Nutrition Act, which drew down nearly $104 million to implement summer feeding programs for disadvantaged children.

A passionate advocate of environmental reform, Representative Greenstein has served as Executive Director of the Broward County Resource Recovery Board, which promotes solid waste management, conservation of energy and recycling. He has recently been honored with the "Legislative Leadership Award" by the Florida Association of Food Banks and has been acknowledged as the "Favorite Legislator" by the Silver-Haired Legislature. An active and dedicated member of the South Florida community, Ron has served as Chairperson of the Broward Alliance and Broward County Welfare Reform Committee, and has held a position in the Board of Directors of the North Broward Chamber of Commerce and the SOS Children's Village in Broward County.

Today, I congratulate Representative Greenstein on his exemplary work and thank him for his unwavering commitment and determination throughout his career as an elected official of the State of Florida.

COAL-TO-LIQUID FUEL ENERGY ACT OF 2006

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RAHALL. Mr. Speaker, while other industrialized countries have embraced weaning themselves off imported oil by commercializing coal-to-liquid fuel technologies for transportation fuels, the United States has lagged behind in this endeavor as it has with other alternative fuels primarily due to the lack of will and the price of oil.

South Africa, for instance, at its Sasol facilities, is meeting 30 percent of its liquid fuel requirements through coal liquefaction using a technology originally developed in Germany during the 1920s. Worldwide oil prices are now at a level that would make more attractive investments in large-scale coal-to-liquid fuel facilities in this country. However, as evident with other alternative fuels such as ethanol, federal incentives will be necessary in order to sustain this type of an effort over the long-term.

The "Coal-to-Liquid Fuel Energy Act of 2006" proposes to take an omnibus approach to the commercialization of coal liquefaction technology by stimulating the production, marketing, and use of coal-to-liquid fuels. The bill would:

Amend the Energy Policy Act of 2005 to explicitly make commercial coal-to-liquid fuel facilities eligible under that law's energy project loan guarantee program.

Establish a loan program within the Department of Energy to commercialize coal-to-liquid fuel facilities.

Authorize as the Energy Secretary deems appropriate the purchase of coal-to-liquid fuels for Strategic Petroleum Reserve purposes.

Extend through 2020 the availability of the alternative fuel excise tax credit for coal-to-liquid fuels authorized by the 2005 federal highway and transit reauthorization legislation (SAFETEA–LU).

HONORING ARNOLD B. GARDNER, ROOT-STIMSON AWARD RECIPIENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to recognize and congratulate Arnold B. Gardner, a determined and dedicated leader in the advancement of quality and accessible education, as the recipient of the Root-Stimson Award, presented recently by the New York State Bar Association for outstanding community service.

I can think of no one more deserving as Arnold Gardner for this prestigious award. Mr. Gardner is well-known for his volunteer service across the state and as a "champion of public education," according to Jeremiah J. McCarthy, president of the Erie County Bar Association.

Mr. Gardner is indeed a champion whose advocacy on behalf of public education spans almost four decades. From 1969–1977, he was a member and served as president of the Buffalo Board of Education. He was appointed to a statewide task force on teacher education and certification in the late 1970s.

In 1980, he was appointed to the Board of Trustees for SUNY during which time he served as a vice chairman. Following 19 years of service on the SUNY Board, he was elected to the New York State Board of Regents in 1999 where he oversees Kindergarten through 12th grade education, higher learning and professional practices. Re-elected in 2004, Mr. Gardner will remain a Regent until 2009.

Mr. Gardner's commitment to community service extends to his membership on the Board of Governors of the Hebrew Union College-Jewish Institute and the National Council of the American Jewish Committee where he served as National Vice President. He is also a Trustee of the New York State Archives Partnership Trust and previously served as a member of the New York State Holocaust Memorial Commission. He was recognized in 1997 with the Meritorious Service Award from the New York State NAACP, and in 1988, he and his wife, attorney Sue Gardner, were honored by the National Conference of Christians and Jews.

Now, a senior partner at the Kavinoky Cook law firm, where he joined after he graduated from Harvard Law in 1953, Mr. Gardner continues to find a balance between his passion for both law and education. In addition to being regarded as one of the best corporate lawyers in the nation, he remains as a pioneer in advancing educational issues in Buffalo and New York State.

Mr. Speaker, Mr. Gardner provides us all with a model of how our convictions can extend into all facets of our lives—our career, family, community. A Life magazine article about Harvard Law School inspired Mr. Gardner to follow his dream of becoming a lawyer, but he didn't lose sight of his other passions—a passion for education and community service. On behalf of the Western New York community, I would like to congratulate Mr. Gardner and extend our best wishes to him and his entire family, for this outstanding achievement.

CONGRATULATING COLONEL ELLIS AS HE IS HONORED BY THE TOBYHANNA ARMY DEPOT OF MONROE COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to COL Tracy L. Ellis, who has commanded the Tobyhanna Army Depot in Monroe County, Pennsylvania, from July 31, 2003 to July 20, 2006, when he will turn over command to COL Ronald Alberto.

The Tobyhanna Army Depot is the Nation's largest repair station for military communications equipment and weapons targeting systems. It employs more than 3,000 people and circulates more than $450 million each year to the local economy.

Under Colonel Ellis' command, mission workload surged by 40 percent between 2003 and 2004 and 60 percent between 2003 and 2005. The depot effectively incorporated hundreds of new employees to meet the expanded workload.

The depot also expanded maintenance support of other critical systems including aircraft survivability equipment, aircrew survival radios, secure communications equipment, air defense and air traffic control, landing systems and tactical satellite communications systems.

Tobyhanna Army Depot effectively prepared for the 2005 Base Realignment and Closure process, and will gain new missions from two other installations as a result.

During his command tour, Colonel Ellis added to Tobyhanna's environmental stewardship, winning the Secretary of the Army Environmental Quality Award in both 2004 and 2005. The 2005 award recognized the depot for pollution prevention in the industrial installation category for recycling more than 40 percent of the solid waste generated annually.

The depot's special employment programs earned further recognition with receipt of the 2003 Army Disability Program of the Year Award.

Colonel Ellis also directed that the depot's Army Community Services program allot its limited resources to provide maximum assistance to the large National Guard and Reserve population surrounding the installation. ACS has conducted many briefings for hundreds of families of military personnel before, during and after their deployments.

Colonel Ellis' command of Tobyhanna Army Depot is one marked by rapid increases in maintenance production, growth of depot employees, innovation and improvement in business and production management and sustained performance in environmental stewardship.

Mr. Speaker, please join me in congratulating Colonel Ellis on a job well done. His devotion to duty and country as well as his commitment to excellence have bolstered the already superb reputation of the Tobyhanna Army Depot as an indispensable resource for the American Armed Forces, and insured that the depot will remain a key element in the region's economic well-being.

THE BOOMERS HAVE ARRIVED—JIM GHIELMETTI TURNING 60

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, this Saturday night I will join the many friends of Jim Ghielmetti in celebrating an event that millions of Americans will share over the coming years. The baby boomers are turning 60, and there is nothing they can do about it. Jim's birthday is May 15th, but I think his wonderful wife Laurie wanted to give him a few months to adjust before he faced his many friends who will gather in San Francisco to wish him well. I share a May birthday but a year earlier so I had the pleasure of being ahead of Jim and the boomers.

It has now been almost 30 years since I was introduced to a young builder in my congressional district. Sid Lippow, our mutual friend who introduced us, said that he thought it was important for us to get to know one another. He said that we could give balance to each other and that we were the future of our professions, me in politics and Jim in homebuilding. But as Sid said, Jim was about building more than homes, he was building communities.

For these 30 years we have indeed added balance to one another. Most of the time after long debates over a wide range of issues, from endangered species, the future of Social Security, community planning, the right level of taxation, and so many other topics. We have argued about them in one another's homes, in restaurants and at the kids' soccer games. Through it all we have remained the best of friends.

Jim Ghielmetti has come a long way since those early days when he was learning his profession while working for Shapell Industries of Northern California. In 1983 he struck out on his own and founded Signature Properties. Today, under his leadership, the company has built more than 6,000 homes, with another 3,500 homes currently in the planning or design phases. Signature is well known throughout the greater Bay Area and Sacramento regions for its diverse product offerings in both urban and suburban settings, its commercial and mixed-use projects and its master-planned communities.

True to my first introduction to Jim, he was building more than houses. He has given an extraordinary amount of his time to making the Bay Area a better community. Since 1994, Jim Ghielmetti has focused on local transportation issues by chairing the Transportation Committee of the Tri-Valley Business Council. The Transportation Committee addresses such issues as toll roads, Bay Area Rapid Transit (BART) expansion to the Tri-Valley area and obtaining matching federal funds for expansion of Interstates 580 and 680.

For the last 5 years, Jim has served on the Board of Directors of the Bay Area Council. The Bay Area Council is an organization that aggressively addresses the challenges that affect the economic well-being and quality of life in the nine Bay Area counties. He also serves on the Executive Committee of the Policy Advisory Board for the Fisher Center for Real Estate and Urban Economics at the University of California, Berkeley. In 2000, Jim served on the Governor's Commission for the 21st Century, a group charged with developing a blueprint for California to follow in addressing transportation, housing, environmental and other issues of the 21st century. In 2003, Jim was appointed to the California State Transportation Commission.

Jim Ghielmetti has been an outstanding citizen participant in the public policy debates in our region and in our State.

Homebuilding is what Jim Ghielmetti does, but his family tells us who he is. Jim and his wife Laurie, a very successful businesswoman in the design field, have been partners in life and in business. They have raised two great sons, Michael and Brian, and recently a grandson Matteo. Michael, specializing in creative urban infill, is working with Jim at Signature Properties, and Brian is in New York doing urban renovations. Jim and Laurie and all of us are very proud of them both.

These are just some of the reasons why so many of Jim's friends will be coming together to wish him a very happy birthday with so many more to come. This birthday may be a shock to Jim, but I can assure him that all of us are very glad that he has had these 60 years and wish him many more to come.

THE VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Ms. MILLENDER-McDONALD. Mr. Speaker, I am proud to be a sponsor of H.R. 9, "The Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." This legislation compliments the historic Voting Rights Act of 1965, which is considered to be among the greatest legislative accomplishments in our nation's history. Often referred to as the "Crown Jewel" of America's civil rights laws, the Act memorializes those who marched, struggled and even died to secure the right for all Americans to vote.

The Voting Rights Act of 1965 passed just months after the historic Selma to Montgomery march and remains a lasting achievement of the Civil Rights movement. It helped to change the face of Southern politics in ways we could hardly imagine. In Alabama, in the space of only one year after the Act became law, black voter registration practically doubled from 116,000 in August 1965 to 228,000 in August, 1966. By 1990, there were more than 7,300 black elected officials nationwide, including the governor of Virginia. The Act produced black Members of Congress from Alabama, Florida and North Carolina for the first time since Reconstruction. Rural black voters in Georgia and Louisiana sent black representatives to Congress as well.

One of the more meaningful provisions of the Act called for the placement of federal referees and monitors in counties with a clear practice of disenfranchisement. There were and still are subtle tools to discourage blacks, other minorities and poor people from voting. Local political establishments still use many of the same tactics: annexation ineligibility; purging voter lists; relocating polling places; the use of official government issued voter-ID cards and raising residency requirements. These are some of the discriminating practices that undermine the impact of black and other minority voters in particular.

As the Ranking Member of the Committee on House Administration which oversees Federal elections, I applaud the substantial progress that has been made in the area of voting rights through the 1965 Voting Rights Act. However, I also know that we must continue our efforts to protect the rights of every American Voter. This can be achieved through the reauthorization and restoration of the expiring provisions of this vital law.

Chief among the expiring provisions is Section 5, which requires that any change to voting rules in covered jurisdictions be submitted to either the United States Department of Justice or the United States District Court for the District of Columbia for "preclearance" before it can take effect. Through Section 5, the Voting Rights Act has prevented thousands of discriminatory voting changes from undermining minority voters' access to the ballot.

H.R. 9 will also extend Section 203, the language minority protection of the Act. This provision requires jurisdictions that fall under the purview of the law to make all election information that is available in English available in the local minority language. Thus, all citizens will have a fundamental right and opportunity to register, learn the details of the elections and cast a free vote. During hearings, House Members received substantial evidence from advocacy groups and the Department of Justice that language minorities remain the victims of discrimination in voting.

There is no more fundamental right than the right to vote. For nearly a century many Americans were denied this fundamental right of citizenship. We must continue our efforts to protect the rights of every American voter with the reauthorization and restoration of the expiring provisions of the Act. H.R. 9 will renew and strengthen the Voting Rights Act for another twenty-five years.

A vote for this important legislation will send a resounding positive message to the next generation and generations of Americans to come. I urge its passage.

THE RESTORATION, PRESERVATION AND RENEWAL OF THE "CHARLES W. MORGAN"

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. SIMMONS. Mr. Speaker, I rise to today to talk about the *Charles W. Morgan*—built in 1841 and designated a National Historic Landmark in 1966—she is the only surviving wooden, square-rigged commercial vessel still remaining from the Nation's great age of sail. The *Morgan* is a treasured symbol of America and Connecticut, and the cornerstone of Mystic Seaport's collection. The *Morgan* is an icon of an industry that fueled the early American economy.

After her whaling days ended in 1921, the *Morgan* was preserved and exhibited in South Dartmouth, Massachusetts, until 1941 when she came to Mystic Seaport. Today, the *Charles W. Morgan* dominates the Museum's waterfront. Preserved afloat in her natural element, much as she appeared during her active whaling career, the *Morgan* is a featured part of the Mystic Seaport visitor experience. Through the years millions of visitors have climbed onboard the *Morgan* to experience, first-hand, the living and working environment of a large 19th-century wooden whaling vessel.

On Saturday, July 15, I will visit Mystic Seaport to help celebrate the restoration, preservation and renewal of the *Charles W. Morgan*. A program of restoration and preservation on the *Morgan* began in 1968 and continues to the present day. The *Charles W. Morgan*'s past restoration at the Henry B. duPont Preservation Shipyard at Mystic Seaport helped define the standards of maritime preservation and historic vessel documentation as practiced today, worldwide. This preservation work has been recognized with numerous accolades, including the Advisory Council on Historic Preservation's National Historic Preservation Award in 1992 and the World Ship Trust Millennial International Maritime Heritage Award in 2000. The *Morgan* was also included on the Connecticut Freedom Trail in 1997.

Substantial restoration work is underway to ensure the *Morgan*'s survival as an authentic 19th-century wooden vessel. The next phase of the *Morgan*'s restoration will focus on an eight-foot band around the vessel's waterline. Mystic Seaport estimates that this 2½ year project will address the *Charles W. Morgan*'s major structural needs for the next 20 years.

As my colleagues from Mississippi and gulf coast region may be aware, Mystic Seaport's Preservation Shipyard and the *Charles W. Morgan* have made national headlines recently due to the Museum's efforts to salvage live oak from the devastated Gulf Coast region. Residents of four coastal Mississippi cities can take some comfort from knowing that centuries-old trees uprooted during the storm will be used to restore the *Morgan's* frame, backbone, and stem and stem posts. By helping to keep the *Morgan* "alive" for future generations, these extraordinary trees will continue to touch the minds and hearts of Museum visitors, perhaps for centuries to come.

As many of you may know, Mystic Seaport—the Museum of America and the Sea is a leading national center for maritime research and education, with over 18,500 members and 1,500 volunteers. On average 300,000 people visit Mystic Seaport each year, and over 1.4 million more access the Museum's resources electronically via the Web site, *www.mysticseaport.org*. The Museum is the nation's fourth largest history museum and is considered to be one of the finest maritime museums in the world. Seventeen waterfront acres are devoted to floating exhibits, exhibition galleries, demonstrations, and educational programming. The Museum's facilities include a 19th century New England coastal village, a new 41,000 square-foot Collections Research Center, a 70,000-volume research library, a planetarium, four national historic landmark vessels, and a working preservation shipyard.

The *Charles W. Morgan* is being restored "famously" at Mystic Seaport's preservation shipyard, and I am honored to help Mystic Seaport celebrate the restoration and preservation of *Charles W. Morgan*, now in its 3rd century under sail.

RAIL SECURITY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, Madrid, London, Mumbai. Everywhere in the world, people are aware of the threats that terrorism poses to mass transit systems. Everywhere, it seems, except for the United States.

Everyday 11.3 million Americans use passenger rail and mass transit. Our Nation depends on these networks to get us to work, to school, to the doctor, to back home. The networks are open and far reaching and, like other mass transit systems around the world, exceedingly vulnerable to terrorist attack.

Despite these facts, and the evidence of recent history, the Department of Homeland Security's transportation initiatives have been almost solely focused on aviation, ignoring all other modes of transportation.

The President's budget request for fiscal year 2007 only allocated $37.2 million in the Transportation Security Administration (TSA) budget for non-aviation transportation security—less than 1 percent of the TSA budget.

In addition, between fiscal years 2003 through 2006, the Department of Homeland Security has only distributed about $387 million for rail and mass transit security grants.

These resources are not nearly enough to address the security vulnerabilities in the rail and mass transit networks.

I, along with my Democratic colleagues, have been urging the Republican majority and the administration to focus on the threats to rail and mass transit for years, but no real progress has been made.

This is very similar to the years that we spent urging action on Port Security, but nothing was done until the Dubai Ports business deal came to light.

Unfortunately on the rail and mass transit front we have had plenty of warnings about security vulnerabilities.

We have seen the tragic and horrifying attacks on rail and mass transit systems in Madrid, London, and now Mumbai, and yet the administration and the Republican leadership still have not taken any steps to secure our Nation's rail and mass transit systems.

What are we waiting for? A suicide bomber on the subway system in New York? A dirty bomb on the DC Metro? Shouldn't we make rail and mass transit security a priority before we get attacked?

Next week the Committee on Homeland Security will consider an authorization bill for the Department of Homeland Security, and I urge my Republican colleagues to support the strong rail and mass transit security provisions and adequate funding levels that Homeland Security Democrats will be offering to the bill.

We need to require the Department of Homeland Security to develop a thorough national rail and public transportation plan to clarify the Federal, State, and local roles and responsibilities in security these systems.

An emphasis must be placed on strengthening intelligence sharing, public outreach and education initiatives, and how to resume operations after an attack.

We also must require the development of area rail and public transportation plans to strengthen security planning in regions with more than one rail or public transportation entity, and to ensure the coordination of their security measures.

In addition, rail and public transportation systems need to train their employees on how to prevent, prepare for and respond to a terrorist attack, and conduct exercises to test the preparedness of the transportation systems.

These initiatives are critical and need to be enacted, but we must provide adequate resources for these programs to avoid forcing yet another unfunded Federal mandate on State and local governments.

I urge my colleagues to consider these important proposals to improve rail and mass transit authority.

We must not wait any longer to enact real rail and mass transit security measures. The safety and security of Americans depend on it.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, July 11, 2006. As a result, I was not recorded for rollcall votes Nos. 360, 361, 362 and 363. Had I been present, I would have voted "aye" on rollcall Nos. 360, 361, 362 and 363.

VOTING RIGHTS AND THE POLITICS OF EXCLUSION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RANGEL. Mr. Speaker, I rise again to address the importance of the renewal of the language assistance provisions of the Voting Rights Act of 1965.

Our Nation's growing Hispanic population is gradually becoming important in the political arena with the increased involvement of second and third generation Latinos. The number of naturalized citizens has also increased over the years. All these Americans, whether native-born or naturalized have an equal right to vote. English-only policies are subtle mechanisms that deny American citizens their constitutional right to vote. America is supposed to be a country of freedom, of democracy.

Naturalized non-English speaking citizens must endure long waiting periods to enroll in English as a Second Language (ESL) literacy centers, whose numbers are scarce due to lack of funding. In New York State, the wait lists were so long, the State decided to establish a lottery system instead. How can we ask for English-only policies when we do not have the requisite infrastructure in place to teach English to our citizens, let alone enable them to comprehend the complex ballots? Why shouldn't we make voting easier for our citizens? Why should we obstruct their ability to exercise their right to vote?

My colleagues on the other side of the aisle are forgetting that English is not an easy language to learn. The Republican Party is alienating a large voting population and running the risk of aligning ethnic politics for years to come against them. President Bush has always urged his party to engage Hispanic voters to keep Democrats in the minority. He is advocating for inclusionary politics. But his efforts are being severely undermined by the hard-line politics of an overwhelming number of conservative Republicans.

I emphasize again the importance of the language issues in H.R. 9 which must be resolved in favor of greater inclusion and assistance for language minorities in the extension of the Voting Rights Act.

Mr. Speaker, I request that the article titled "House May Chill Bush's Wooing of Latino Voters," by Charles Babington, published on June 30, 2006 in the Washington Post, be entered into the CONGRESSIONAL RECORD.

HOUSE MAY CHILL BUSH'S WOOING OF LATINO VOTERS

(By Charles Babington)

By pushing English-only policies and tough measures against illegal immigrants, House conservatives are endangering President Bush's goal of drawing millions of Latino voters to the Republican Party and helping realign ethnic politics for years to come, according to an array of analysts and officials.

The latest blow to Bush's efforts to woo Hispanics came last week, when a band of

House Republicans unexpectedly balked at renewing the 1965 Voting Rights Act, partly because of a 30-year-old requirement that many local governments provide bilingual ballots. The revolt, which forced House GOP leaders to abruptly postpone a vote, came as House Republicans are stiffening their resistance to Bush's bid to allow pathways to legal status for millions of illegal immigrants while also strengthening borders and deportation efforts.

"It's sort of a double whammy," said Sen. Mel Martinez (R-Fla.), a Cuban native who is among the GOP's most visible Hispanic leaders. Under Bush's leadership, he said in an interview, "our party has shown a very welcoming approach to the emerging Hispanic vote." However, he said, "there obviously are those who feel that's not important. . . . I think there could be great political risks to becoming the party of exclusion and not a party of inclusion."

While the stalemate over immigration legislation will be difficult to break, House leaders predict they eventually will quell the conservative rebellion over the Voting Rights Act and reauthorize the law for 25 years.

But the depth of House GOP support for English-only policies was demonstrated Wednesday night, when an overwhelming majority of Republicans voted to end funding for the bilingual ballots provision. The effort, led by Rep. Cliff Stearns (R-Fla.), failed only because 192 Democrats joined 61 Republicans to vote against it.

The actions have embarrassed the White House and inflamed many Latinos.

"It's offensive and insulting," said Cecilia Muñoz, vice president for policy for the National Council of La Raza, the nation's largest Latino civil rights and advocacy group. She said the national Republican Party is running "a real risk" of replicating the blunder that began unraveling the California GOP in 1994.

That's when then-Gov. Pete Wilson (R) backed a ballot initiative barring illegal immigrants from attending public schools or receiving social services. The ensuing uproar drove hundreds of thousands of Latino voters into Democrats' arms. The state has backed Democratic presidential and senatorial nominees ever since.

"That is exactly the danger that is facing Republicans today," Munoz said. She praised Bush, Republican National Committee Chairman Ken Mehlman and others who "know that immigrant-bashing is disastrous to the future of their party—and they're right."

Peter Zamora, legislative attorney for the Mexican American Legal Defense and Educational Fund, said he believes that House leaders will manage to salvage the Voting Rights Act renewal. However, he said, "it will be a political challenge to explain tabling the Voting Rights Act to the Latino community if action isn't taken very soon."

Both parties are energetically courting the nation's burgeoning Hispanic population, which will become increasingly important as more second- and third-generation Latinos get involved in politics, and as more immigrants attain citizenship and the right to vote.

Most Latino voters lean Democratic, but Republicans have long felt they can chip away at that advantage. Bush—who has advocated social services and pathways to legal status for illegal immigrants since he was governor of Texas—took 40 percent of the Hispanic vote in 2004 after winning 34 percent in 2000, according to exit polls. In league with Mehlman, political adviser Karl Rove and others, Bush has urged his party to pursue Latino voters in numbers that could help keep Democrats in the minority for decades.

But some GOP activists say the drive is being undermined by the Republican-controlled House's tough stance on immigration and the flap over voting rights.

Many Southern House Republicans have long objected to the Voting Rights Act's requirement that their states obtain Justice Department approval for an array of voting activities. Last week, in a closed GOP caucus meeting, they were joined by colleagues from throughout the country who object to a measure added in 1975 that requires ballots or interpreters to be available in a number of foreign languages in places where census reports found a need for language help.

"Multilingual ballots divide our country, increase the risk of voter error and fraud, and burden local taxpayers," said a letter signed by nearly 80 House Republicans and authored by Rep. Steve King (R-Iowa).

The 2000 Census found that nearly 41 percent of all Hispanic persons 5 years and older spoke English less than "very well," and those eligible to vote needed language assistance.

John Bueno, a Republican from Michigan, is president of the National Association of Latino Elected and Appointed Officials, which was meeting in Dallas last week when news of the voting rights flap broke. "My first reaction was, 'My God, here we are, it's 2006, and we're still dealing with this issue,'" Bueno said. "Mainstream Republicans are frustrated right now with what's going on in Congress."

Latino Democrats, meanwhile, can hardly believe how Bush's overtures are being thwarted by his own party. By stressing English-only policies and stumbling on the immigration and Voting Rights Act issues, congressional Republicans "either made the best case for switching the Congress from Republican to Democratic control, or they made the best case for their own incompetence," said Pedro Colon, a Wisconsin legislator who attended the Dallas convention. "As a Democrat, I'm really optimistic about our opportunities."

REGARDING THE RECENT ATTACKS IN LEBANON BY THE TERRORIST GROUP HEZBOLLAH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to condemn yesterday's brutal attack by a terrorist group on Israel, which took the lives of eight Israeli Defense Forces soldiers and captured two others, on the Israel-Lebanon border.

The actions of the terrorist organization, Hezbollah, against Israel are unconscionable. Instead of working towards peace, Hezbollah has chosen to perpetuate the violence. Terrorist attacks such as these are cowardly actions that resolve nothing. From the South, Israel has been attacked by the terrorist organization Hamas with Kassam rockets and had one of her soldiers kidnapped. Hezbollah's current terrorist assault from the North does not further any legitimate peace process. The timing of these aggressions only serves to enhance the existing tensions in the region.

Israel has complied with the U.N. charter and has completely withdrawn from Lebanon since May 2000. Now it is time for the Lebanese government to abide by the U.N.'s rules. In refusing to disarm Hezbollah as required by U.N. Resolution 1559, the Lebanese government is choosing to openly ignore the decree of the international body.

I call upon Lebanese Prime Minister Fouad Siniora to accept responsibility and take immediate action against the terrorist group which Lebanon harbors.

Let us not be misled into believing these attacks arise from a single source. The terrorist organizations, Hezbollah and Hamas, are unquestionably sponsored and guided by the Iranian and Syrian governments. The United States Congress must not allow the Iranian government to use bloodshed as a deflecting tactic against U.S. attention from their unrestricted nuclear program. The Syrian and Iranian governments should be condemned along with the terrorist groups they harbor.

In response to these brutal attacks by terrorists, Israel must have the right to defend herself. Like the United States and other sovereign nations, Israel is justified in reestablishing its deterrent posture.

I express my condolences to the families of the attacked soldiers, and offer a prayer for the safe return of the two kidnapped soldiers from the Lebanon border and the soldier kidnapped in Gaza. I pray for the ultimate end of the cycle of violence in the Middle East.

HONORING THE VETERANS OF PEARL HARBOR

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. MICA. Mr. Speaker, on July 14–16, the Pearl Harbor Survivors Association and the Sons and Daughters of Pearl Harbor Survivors will commence the Sixth District Convention in St. Augustine, Florida to remember those who served at Pearl Harbor on December 7, 1941. We welcome participants to Florida's Seventh Congressional District and wish them well as they gather in America's oldest city.

It is my privilege to honor the valor and sacrifice of those Pearl Harbor veterans from the State of Florida who recently passed away:

Allfrey, Lesley F.; Altner, Louis I.; Belisle, Frank E.; Benning, Bernard F.; Bernhard, Stephen W.; Brown, Melvin W.; Capra, Everest W.; Cardonell, Robert R.; Childers, James F.; Chilton, Harry C.; Chrastina, William; Cohen, Leon; Cook, Harold F. (Sarge); DeStwolinska, Adelbert; Forbis, Colbert F.; Freeman, Albert H.; Grabowski, Edward S.; Haas, Frank; Hallsman, Eldred E.; Hartley, Charles W.; Henner, Joseph E.; Henry, Robert; Hiedeman, Henry R.; Hull, Burton W.; Kearns, Joseph F.; Kennedy, Earl; Krakowski, Joseph H.; Lightkep, George R.; Loun, Jasper J., Jr.; Martin, Curtis C.; McClintock, Robert, Jr.; Miller, Howard C.; Payne, Donald; Restiva, Anthony Bilano; Rhodes, Clarence G.; Savage, Norman F.; Schnurman, John D.; Smart, Raymond;

Smith, Billie J.; Spradley, Lester L.; Stephenson, Joseph, Jr.; Ulrich, Jack; Whetstone, Amos C.; Williams, Wallace R.; Wilson, George; Wright, Ralph; Young, Edward F., Jr.; and Zelenock, John P.

I know I join all those in attendance at the convention and countless Americans who continue to recognize their heroism and their families incredible sacrifice to our Nation.

DEPUTY MAYOR WALCOTT CELEBRATES CARIBBEAN HERITAGE WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to commend Dennis Walcott, New York City's Deputy Mayor for Education and Community Development for enthusiastically joining the Caribbean Tourism Organization (CTO) and envoys from Grenada, Guyana, and Trinidad and Tobago in celebrating the Caribbean Week.

I was a co-sponsor of the recent bill (H. Con. Res. 51) that declared the month of June as the Caribbean Heritage Month in order to recognize and applaud the contributions of the Caribbean-American communities to the United States. I have participated in celebratory activities in the said communities, including those in my district, such as parades, carnivals and festivals to commemorate this month and present an opportunity to explore the diversity within the Islands.

Mr. Walcott has joined me in this celebration. A celebrity cricket match, a Caribbean Gospelfest, Town Hall meetings featuring Ministers of tourism from the region, a Caribbean Fair at South Street Seaport, and cooking demonstrations by some of the region's top chefs has taken the city by storm. Mr. Walcott, who traces his origin to the islands of Barbados and St. Croix, envisions a win-win tourism relationship between the Islands and New York City, as well as the Nation.

Mr. Speaker I wish to enter into the RECORD, the article from the June 27,2006 edition of The New York Carib News, titled Deputy Mayor Walcott Embraces Caribbean Week.

DEPUTY MAYOR WALCOTT EMBRACES CARIBBEAN WEEK

NEW YORK.—According to Dennis Walcott, New York City's Deputy Mayor for Education and Community Development, the recent Caribbean Week in New York, staged by the Caribbean Tourism Organization (CTO), is deeply important to the City of New York and people and nations of the Caribbean.

Walcott underscored the importance of the Diaspora to the City, and said Caribbean Week is a reinforcement of his personal roots as well as a reminder of the importance of the Caribbean here. Walcott, who traces his roots to the islands of Barbados and St. Croix, said Caribbean-Americans are key players in the running of New York City.

Caribbean Week presents an opportunity for people to understand the diversity of the Caribbean, and according to Walcott appreciate the various countries that are part of the Diaspora of the Caribbean. The Deputy Mayor envisions a win-win tourism relationship between the City of New York and CTO member nations.

A celebrity cricket match, a Caribbean Gospelfest, Town Hall meetings featuring Ministers of Tourism from the region, a Caribbean Fair at the South Street Seaport, the popular Media Marketplace and cooking demonstrations with some of the region's top chefs, were some of the exciting events that took the City by storm during Caribbean Week in New York.

Addressing a town hall meeting at Medgar Evers College in the borough of Brooklyn, Ministers of Tourism from Grenada, Guyana and Trinidad and Tobago told the audience about the importance of tourism to their respective economies, and updated nationals on crime fighting strategies in their territories.

Minister Brenda Hood unveiled plans to work with the VFR (Visiting Friends and Relatives) market, and pledged her commitment to review proposals from the Diaspora media and communications community to promote Grenada, Carriacou and Petite Martinique in the marketplace.

CONGRATULATING DECLARA NIXON BAILEY ON HER 100TH BIRTHDAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to commend DeClara Nixon Bailey on her one-hundredth birthday. Born on August 13, 1906 in Midway, Texas, Mrs. Bailey has contributed an entire lifetime to serving her fellow Texans.

While in Midway, Texas, Mrs. Bailey was an elementary school teacher. By balancing a life of career and family, she stood as an exemplary female representative and role model, in an otherwise male dominated society. Her passion to serve the community and her constant strive towards meritocracy is an example for us all.

In 1954, Mrs. Bailey moved to the greater Dallas area where she volunteered her time to mentally challenged students at the John Neely Bryan Elementary School.

In the 1960's, Mrs. Bailey's devotion to assisting the disadvantaged allowed her to become Volunteer Captain for the American Heart Association in Dallas. Her amazing ambition drove her to also volunteer her time at the Dallas Family Hospital.

Mr. Speaker, I am delighted to congratulate Mrs. DeClara Nixon Bailey on this auspicious occasion for a lifetime of magnificent accomplishments.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES TO THE VICTIMS, THEIR FAMILIES AND FRIENDS, AND THE PEOPLE OF INDIA FOR THE LOSS SUFFERED DURING THE TERRORIST ATTACKS IN MUMBAI, INDIA, ON JULY 11, 2006

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to condemn the barbaric acts of terrorism that occurred yesterday in Mumbai, India and to introduce a resolution regarding this tragedy.

Innocent civilians were traveling on commuter trains during rush hour and seven deadly blasts took their lives. More than 200 were killed and 700 were injured. These appalling blasts created horror, chaos and mayhem in Mumbai, a city of 16 million people.

I've traveled to India four times and each time has been an awakening experience. When traveling in India, I realized the vivacity of the culture and the people.

I would like to take this time to reach out to my Indian-American constituents in the 23rd District of Florida. I am deeply concerned for your loved ones back in your native land. I am praying for you and your family and hope the recovery is quick and steady.

The country of India was founded on the principle of nonviolence and it continues in the international fight against terrorism. I believe anyone who would want to inflict pain and terror onto the people of India should be denounced and prosecuted.

Upon finding out about the blasts in Mumbai yesterday, I immediately felt sorrow. I was reminded of how our nation felt after 9/11 and how India was amongst the first nations to express its condolences to the U.S. following the attacks. On behalf of the United States House of Representatives, I wish to express my condolences to the Government of India and her people. We stand with you today, we stood with you yesterday, and we will stand with you throughout the fight against terrorism.

I urge my colleagues to quickly pass this resolution.

HONORING THE SERVICE OF DR. ASSAD KOTAITE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. MICA. Mr. Speaker, this August, The International Civil Aviation Organization will bid farewell to Dr. Assad Kotaite, who has served as its Council President for past 30 years.

The International Civil Aviation Organization, ICAO, is the United Nations agency responsible for setting the international standards of safety, efficiency and security for civil aviation. Created in 1944 by 52 nations, its member States now total 189, all rallying behind one mission—ensuring the highest possible degree of safety and efficiency.

For the last three decades, one man has lead ICAO to unprecedented breakthroughs in aviation safety, Dr. Assad Kotaite. After 53 years of service to aviation, he is retiring from ICAO.

Dr. Kotaite and his wife, Monique, are in Washington, DC, this week. He is being honored by the community that has benefited from his expertise—the Departments of State and Transportation, the Federal Aviation Administration, the Transportation Security Administration, as well as the aviation industry.

Dr. Kotaite has earned immeasurable respect during his years at ICAO—first as Lebanon's representative on the Legal Committee, then as Secretary General, and for the last 30 years, President of the ICAO Council.

During this time, he has successfully dealt with a variety of challenges, both political and technical.

Time after time, he brought people together and negotiated a consensus on the most difficult questions debated in the ICAO Council.

His work can be found on some of ICAO's most pressing issues, including a multilateral agreement that yielded the North Pacific route system, the agreement on FIR boundaries in the Black Sea area, resolution of problems associated with the Dakar oceanic FIR and a compromise on transit problems between Cuba and the United States.

Dr. Kotaite was once asked what it was like to bring the divide between groups that didn't see eye to eye. He said:

> Indeed, over the years, I have learned that the real secret in any negotiation is to first identify an area of common ground, no matter how small, and then to build upon it. It may not be the ideal solution, but at least it is workable and acceptable to all. Moreover, in international affairs, I firmly believe that one should avoid confrontation at all costs. It is essential that one listens to all parties and takes into consideration their point of view.

Perhaps his greatest legacy will be safety. Dr. Kotaite presided over the birth of the ICAO safety oversight program. Not content there, he then supported and encouraged the expansion of the Universal Safety Oversight Audit Programme to include all safety related annex provisions. And finally, at a recent meeting of the Directors General of Civil Aviation held in March of 2006, he worked behind the scenes to gain acceptance of the public availability of the findings of the safety audit—all within a ten year period—equivalent to the speed of light in international relations.

The traveling public owes a great debt of gratitude to this international civil servant for his dedication to aviation. I am pleased to recognize Dr. Kotaite for his accomplishments and contribution to aviation and I congratulate him on his distinguished career.

THE UNITED NATION'S INVALUABLE ROLE IN A POSSIBLE RESOLUTION TO IRAQ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to remind my colleagues about the importance of the role of the much maligned United Nations. As Richard Holbrooke, a former U.S. Ambassador to the U.N. wrote in a column which appeared in the Washington Post on June 28, 2006 that the United Nations still serves U.S. foreign policy interests. It is imperative that the U.S. supports and asserts leadership on the issues before the U.N.

On June 15, 2006, two days after he returned from Iraq, President Bush sent two personal emissaries (Philip Zelikow, the counselor of the State Department, and the Deputy Treasury Secretary Robert Kimmitt) to meet with U.N. Secretary General Kofi Annan and his deputy Mark Malloch Brown to discuss the coming introduction of the Iraq Compact, which requires the Iraqi government to implement a series of economic and political reforms in exchange for increased international aid. This meeting received surprisingly little public attention. Perhaps there is something in Mr. Brown's allegation that U.N. achievements are downplayed in America.

President Bush requested Mr. Annan's assistance in organizing international meetings that would lead to this agreement. On the same day, Iraqi Prime Minister Nouri al-Maliki called Mr. Annan to make an identical request, a further confirmation that the U.S. needs the United Nations.

The U.N. has been treated carelessly by the current administration. The U.N. is facing a major budgetary crisis due to (mainly) U.S.'s insistence on a six-month budget cycle, as opposed to a two-year one. Congress is deadlocked on the issue of allocating funds to rebuild the U.N. headquarters complex in New York. The U.N. signature building, the 38-story East River office tower, is widely acknowledged to be the major building in New York most vulnerable to a terrorist attack. Yet the Department of Homeland Security has just cut New York's anti-terror fund nearly by half claiming that the security infrastructure in New York is firmly in place. If that is so, then why does the Secret Service close down FDR Drive that runs beneath the U.N. building every time there is a Presidential visit?

Mr. Speaker, I hope that our asking for help in resolving the Iraq question is the first of many issues on which we will work with the United Nations instead of undermining its position. Mr. Brown has already agreed to travel to Baghdad for preliminary meetings that will culminate in a high-level multilateral conference in the region later this year.

Our lesson is clear. We need the United Nations. Instead of weakening the U.N., we should strengthen it. A strong active United Nations would be invaluable in representing U.S. foreign policy interests aboard as well as resolving conflicts and leading negotiations in regions like Iran, Darfur, Afghanistan, Kosovo, etc.

Ladies and Gentlemen of the Congress, I rise to enter into the RECORD, the opinion-editorial titled Turning to the U.N., Again, by Richard Holbrooke, published on June 28, 2006 in the Washington Post.

TURNING TO THE U.N., AGAIN

(By Richard Holbrooke)

In a little-noticed announcement in President Bush's news conference on June 14, the day he returned from Iraq, he said that he would send two personal emissaries to New York to consult with U.N. Secretary General Kofi Annan on the political and economic future of Iraq. The next day, still with remarkably little public attention, Philip Zelikow, the counselor of the State Department, and Deputy Treasury Secretary Robert Kimmitt met with Annan and his deputy, Mark Malloch Brown, at the secretary general's Sutton Place residence. There was no one else present.

The two presidential envoys asked Annan to use his unique "convening powers" to help organize international meetings that would lead (by this fall, the Americans hope) to the unveiling of a new "Iraq Compact"—an agreement between the Iraqi government and major international donors that would commit Baghdad to a series of political and economic reforms in return for substantially more international aid. (Iraqi Prime Minister Nouri al-Maliki called Annan the same day to make an identical request.)

This is a good idea—and quite similar to suggestions from many administration critics. With the battle for Baghdad raging, it remains to be seen whether an Iraq Compact will work—or even get off the ground—but it is certainly an important step in the right direction for Iraq and for American policy.

For Annan and the United Nations, Bush's request poses an ironic and difficult challenge. On the one hand, the administration is asking for help on the worst problem it faces, acknowledging, however belatedly and reluctantly, that once again, the United Nations is not only relevant but at times indispensable to the United States. On the other hand, the resentment among the majority of U.N. member states over the way the institution has been treated recently, especially by Washington's current U.N. ambassador, makes any effort to get the United Nations to help the United States far more difficult.

How to treat the United Nations has been a particular dilemma for President Bush, since opponents of the organization form an important part of the administration's core constituency. Internal disagreements over the past five years about whether to support it or abandon it, to use it or bypass it, have both weakened the organization and led to reduced U.S. influence even as more and more intractable issues are thrown into its hands.

The United Nations is facing major budgetary problems caused primarily by American insistence on a six-month budget cycle instead of the normal two-year cycle. It must deal with growing shortfalls in the U.S. contribution to peacekeeping funding, despite Washington's calls for more peacekeepers in Darfur and elsewhere. And it is confronted by a deadlock over rebuilding the headquarters complex in New York—a deadlock whose main cause is the administration's failure to push Congress for proper funding. (This is particularly difficult to understand, since the U.N. signature building, its 38-story East River office tower—built in 1950 and never subject to modem safety codes—is widely acknowledged to be the major building in New York most vulnerable to a terrorist attack. For example, when the president visits it, the Secret Service closes down FDR Drive beneath it—but what about the rest of the time?)

Still, even though Annan and the world body have been diminished by Washington, he and his colleagues simply cannot refuse to help on the Iraq matter: it is their responsibility as international civil servants to go where the problems are worst and then to do their best. And, on the basis of private talks with Annan, Malloch Brown and administration officials, I have no doubt that they intend to do just that. In fact, Malloch Brown has already agreed to travel to Baghdad very soon for preliminary meetings that the United Nations and the United States hope will culminate later this year in a high-level conference in the region. As Annan moves into his last six months as secretary general, this would be the right way to end a turbulent decade in that office—with a genuine contribution to the cause of peace in Iraq.

It is, however, impossible not to note the irony and the implications of what has happened in the past two weeks between Washington and the United Nations. Once again, an administration that has underfunded, undersupported and undermined the United Nations has turned to it, almost in desperation, for help.

The lesson should be clear: Despite the enormously self-destructive actions of many other member states, especially the group of developing nations called the G–77, the United Nations still serves U.S. foreign policy interests in many important ways. Not only Iraq but also Iran, Darfur, Afghanistan and the difficult negotiations just started over Kosovo's final status—all issues of vital importance to the United States—have now ended up in the United Nations. To weaken this institution further, as has happened in recent years, serves no clear American national security interest. To strengthen it would make it more valuable to the United States and to every nation that seeks conflict resolution, stability and economic progress. With the maneuvering over the selection of Annan's successor underway, it is time for Washington—and this must include Congress—to put behind it a sorry period of confusion and offer the United Nations more support, both financial and political, in return for the things it needs in Iraq and elsewhere.

PERSONAL EXPLANATION

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Miss McMORRIS. Mr. Speaker, due to circumstances beyond my control, I was unable to make votes Monday because of unexpected plane difficulties en route to Washington, DC. Had I been present, I would have voted "yea" on both H.R. 5061 as well as H.R. 2563.

A NEW KIND OF LAW IN A NEW KIND OF WAR

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. SIMMONS. Mr. Speaker, I rise to submit for the Record a column that appeared in The New London Day on July 9. It was written by Glenn Sulmasy, an associate professor of law at the U.S. Coast Guard Academy and a noted expert on national security law. The title of the op-ed piece is "A New Kind of Law in a New Kind of War."

America is not at war with a traditional enemy, but a network of civilians who swear allegiance to radical Islam. Consequently, the various laws that have historically governed international conflicts do not seem to fit well with our current situation. Nevertheless, we have spent a lot of time discussing the present and future conditions of the combatants in our custody. In his column, Glenn Sulmasy offers a series of recommendations providing a framework for this important debate. He makes an especially compelling case for a National Security Court system.

America's critics do little more than attack the current system. While such criticism is important, it is not always constructive. We need to think of new ways to handle the detention and adjudication of enemy combatants.

In the book In Time of War, which details President Roosevelt's treatment of eight Nazi saboteurs in 1942, Pierce O'Donnell argues that our enemies "would forcibly impose their nihilistic, totalitarian ideology on society through violence and intimidation. That is precisely why this just struggle—characterized as a war on terror—should not be tainted by compromising our historic respect for justice, constitutional liberties and international law."

As we take steps to defend America from a terrorist threat, we cannot lose sight of the values we are defending. For this reason, I urge my colleagues to take a few minutes and read Glenn Sulmasy's column, which outlines a new kind of law for a new kind of war.

[From the New London Day, July 9, 2006]

Guantanamo Bay: New Kind of Law for New Kind of War

(By Glenn Sulmasy)

Last week, in Rumsfeld vs. Hamdan, the Supreme Court decided that the military commissions for the jihadist detainees in Guantanamo Bay are not lawfully constructed. I disagree. However the realities of maintaining international support and ensuring domestic consensus on fighting the global war demands we look for alternatives for detaining and trying jihadists. Regardless of how the Court decided in Hamdan, the commissions have failed.

The Court has forced the opponents of military commissions to offer legitimate solutions. The best solution available is the creation of a National Security Court system.

The global war on terror has created ambiguities in both the laws of armed conflict and how best to fight this new war. The asymmetric threat of international terror, the lack of a clear national enemy, the problems with the military commissions in Guantanamo Bay, allegations of torture and the recent constitutional issues surrounding wiretap efforts of the National Security Agency all highlight the lack of an appropriate body of law to govern this new conflict. Nowhere is this ambiguity more evident than in the United States' handling of detainees.

The "enemies" in this war are men and women who fight not for a nation but for ideology, do not wear standard military uniforms and, as doctrine, flout the laws of war. These new "warriors" have created extreme difficulties since they are not conventional prisoners of war (regardless what the recent ruling has asserted) and thus (with all due respect to Justice John Paul Stevens) the Geneva Conventions simply do not apply to them. Adjudicating their status and crimes has become increasingly chaotic. It initially appeared that the military tribunals (currently referred to as military commissions by the Bush Administration) would provide the appropriate venue for handling the prosecution of the detainees. But now, over four years later, there has not been a completed prosecution. More than 500 detainees remain in Guantanamo Bay and supposedly another 450 are being held in Afghanistan.

As this problem grows, the U.S. needs a new approach. Our own federal courts system, the standard courts-martial system and other traditional methods, won't work. A healthy, bipartisan debate on "what" to do next is critical. This is a new war, one that mixes law enforcement and warfare, and does not fit neatly in either category.

A national security court apparatus needs to be legislated. As Congress begins to debate (as ordered by the Supreme Court) how to handle jihadists' violations of the laws of war, policymakers must achieve both the reality and appearance of justice.

Clearly, many issues need to be hammered out regarding the composition of the court.

The court would be a hybrid of the military commissions and our own federal trial system.

The jihadist would be afforded limited rights, including right to counsel and be detained and tried on military bases within the United States. The law would allow the death penalty. The hearings would be closed with the exception of observers from Human Rights Organizations (for example, Amnesty International, the International Red Cross and the U.N. Human Rights Watch.) The U.S. Department of Justice would provide prosecutors and administer over the program.

International concern over Guantanamo is detracting from our ability to provide guidance, counsel and policy in this and other arenas. A blue-ribbon commission, created by the president with bipartisan support from Congress, should immediately be formed to address questions as to proper detention, adjudication, intelligence gathering, terrorist surveillance and other legal issues associated with the threat of international terror.

The National Security Court, a natural outgrowth of the military commissions, affords an opportunity for U.S. policy makers to respond forcefully and effectively to calls for a way out of the Guantanamo issue.

The Hamdan decision has pushed us in this direction. The military commissions are no longer a viable option.

Rather than offering no solutions and merely attacking the existing structure, policy makers need to emerge with fresh ways to look at the proper detention and adjudication of the jihadists.

It is time to regain the initiative, and reaffirm our leadership in the humane prosecution of those who would undermine the ideals of democracy.

A GASTRONOMIC ADVENTURE IN HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce an article titled Moving On Up: In Harlem, A Renaissance in Food by Cynthia Kilian into the Record. The article, published in the June 28, 2006 edition of the New York Post, celebrates the variety of restaurants and dining experiences available in Harlem.

Harlem is one of the foci of diversity in New York City. One only has to walk down the streets of Harlem to see this celebration of diversity. Nowhere else it is more evident than in the dining scene of Harlem.

Dinosaur Barbeque, the ribs joint on 131st St., West Harlem has been a big hit from the moment it opened on December 1, 2004. If we walk down a little farther, we arrive at Pier 2110 Seafood Restaurant, the new seafood place with a raw bar and lounge with ginseng drinks, that just opened next to the Harlem Lanes bowling alley. A little to the east on 121st St. and Frederick Douglass Boulevard lies Harlem Vintage, the sleek wine shop on 2235 Frederick Douglass Blvd., where a $10 bottle of sauvignon blanc is as easy to come by as a $90 bottle of Brunello di Montalcino, caters to a variety of tastes.

Native at 118th St. and Lenox Ave. offers BLT salad to Moroccan fried chicken with collard greens and walnut sauce. Right around the corner is Ginger, known for its "organic" Chinese food. Harlem Tea Room, on 118th and Madison, is a perfect spot to enjoy poetry readings, music events and seminars while sipping one of their 22 kinds of tea with the eclectic menu of sandwiches and cakes. Further to the east, on 118th St. and 3rd Ave., is Creole, where alligator gumbo and crawfish etouffe is accompanied by nightly jazz from a changing roll call of artists.

The "New Harlem" with its assorted collection of bars and eateries is fast becoming the destination for the sophisticated palate and fine dining, along with maintaining the popularity of the neighborhood's stalwart Patsy's pizza, Copland's gospel brunch and Senegalese thiebou diene (fish stew).

My colleagues and I invite you to go on a gastronomic adventure in Harlem. And I am sure that I need not remind you that our immigrant communities take the credit for enriching the American culture by adding a variety of spices to the "melting pot."

MOVING ON UP: IN HARLEM, A RENAISSANCE IN FOOD

(By Cynthia Kilian)

JUNE 28, 2006.—No one can accuse 125th Street of subtlety. To walk across the Harlem thoroughfare is to submit to a barrage of music-blaring shops, barking street vendors and crowds. But head south on Frederick Douglass Boulevard, and a much different climate quickly emerges.

There's Harlem Vintage, a sleek wine shop filled with a large, of-the-moment international selection of bottles. A few more blocks down, patrons sip cocktails in the cool, woody comfort of Melba's, while just across the street, latte lovers tap on their laptops in an airy coffee-cum-eatery that—surprise—is not Starbucks.

Sure, we'd heard about Harlem's luxury condo market and coveted brownstones, and even a new crop of trendy clothing shops. But caviar bars and organic wines?

North of Central Park—and above 96th Street to the east—soul kitchens are being sidled up to by everything from organic Chinese food to moules frites that a waitress at a restaurant named Food says even Belgians seek out.

Not that the neighborhood's popular chicken and waffles and Senegalese thiebou diene (fish stew) are going anywhere. Neither are stalwarts Patsy's pizza and Copeland's gospel brunch. They're just getting some company.

The latest buzz on one-two-five is Pier 2110 Seafood Restaurant, which just opened nearby last week. From the management of Manna's of Harlem and Brooklyn, it sports a snazzy lounge, raw bar and ginseng drinks.

As for ViVa—a k a Viaduct Valley—that's real-estate speak for the West Harlem area reportedly poised to spawn its own restaurant scene in the coming year near Dinosaur Bar-B-Que, Fairway Market and the new Citarella. "New Harlem" is fast becoming the next destination for fine dining.

SERVED UPTOWN

1. Food, 1569 Lexington, between 100 and 101st streets; (212) 348–0200.

The no-nonsense moniker belies the jazzed-up classics in this new incarnation of the former DinerBar, where fish-centric chef Scott Geller (who's worked at Nobu) turns out luscious escolar and moules frites in Dijon white wine broth in a friendly neighborhood spot.

2. Itzocan Bistro, 1575 Lexington Ave., at 101st Street; (212) 423–0255.

Mexican with French flourishes—such as seafood posole—has been making East Harlem residents happy at this offshoot of an East Village original.

3 Creole, 2167 Third Ave., at 118th Street; (212) 876–8838, creolenyc.com.

Creole and Cajun bites—alligator gumbo and crawfish etouffee from the kitchen—and nightly jazz from a changing roll call of artists.

4. Harlem Tea Room, 1793A Madison Ave., at 118th Street; (212) 348–3471, harlemtearoom.com.

Twenty-two kinds of tea including fruit blends and organics at this comfy spot for nibbling cakes and sandwiches or taking in poetry readings, music events and seminars.

5. Ginger, 1400 Fifth Ave., at 116th St.; (212) 423–1111, gingerexpress.com.

Healthy Chinese food? That's the word at this sleek, colorful space located in a "green" building. Organic and antibiotic-free ingredients light on the frying result in a baked egg roll (skip it) and sweet, fall-off-the-bone BBQ beef ribs.

6. Native, 101 W. 118th St., at Lenox Avenue; (212) 665–2525, harlemnative.com.

Ample outdoor seating makes this bright-colored, 5-year-old eatery a fair-weather find for eclectic fare from a BLT salad to Moroccan fried chicken with collard greens and walnut sauce.

7. Settepani, 196 Lenox Ave., at 120th Street; (917) 492–4806.

This 5-year-old offshoot of a Westchester bakery chainlet has become an epicenter for pastries, sandwiches, salads and pasta, especially when a jazz band riffs outside.

8. Emperor's Roe, 200 Lenox Ave., at 120th St.; (212) 866–3700, emperorsroe.com.

Caviar and Harlem together as never before at this mail-order shop which has just added a shiny new tasting bar and dining area for fish eggs, smoked salmon and bubbly.

9. Society Coffee & Juice, 2104 Frederick Douglass Blvd., between 113th & 114th; (212) 222–3323, societycoffee.com.

Airy, laptop-friendly lounge for java, wine, and "passion and cream" smoothies to wash down waffles, fondue and thin-crust pizza.

10. Melba's, 300 W. 114th, at Frederick Douglass Blvd.; (212) 864–7777, melbasrestaurant.com.

This welcoming, woody bistro gives comfort food a tweak by filling spring rolls with yellow rice, black-eyed peas and collards.

11. Harlem Vintage, 2235 Frederick Douglass Blvd., at 121st Street; (212) 866–9463, harlemvintage.com.

A $10 bottle of sauvignon blanc is just as easy to come by as a $90 Brunello di Montalcino from their "winemaker of color" selection at this chic shop.

12. Pier 2110 Seafood Restaurant, 2110 Adam Clayton Powell Jr. Blvd., between 125th and 126th streets; (212) 280–4737, pier2110.com.

This spanking-new seafood place with a raw bar and lounge just opened next to the new

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HONORING TOM MACKLIN FOR HIS SERVICE AS CITY OF DELAWARE FIRE CHIEF

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. TIBERI. Mr. Speaker, I wish to join many of my constituents in Delaware, Ohio in congratulating Chief Tom Macklin, who is retiring after more than 30 years of service with the City of Delaware Fire Department.

Chief Macklin's work was summed up best recently by a colleague who said that his 30-year commitment to Delaware has been marked by professionalism, loyalty and devotion to duty. Under Tom's leadership, the department has grown with the City of Delaware to meet the community's emerging public safety needs.

Chief Macklin began his career with the city in 1975 as a fire fighter. He steadily progressed, earning the rank of lieutenant in 1986, captain in 1989 and chief in 1991.

The City of Delaware has grown and changed for the better during Tom's tenure. Under his leadership, the fire department has evolved to handle the public safety demands of a city with a population of over 30,000. He has also overseen increases in manpower and the opening of a second fire station in the city. Since he became chief in 1991, fire responses have almost tripled.

I am honored to have this opportunity to thank Tom for all his hard work, and I am glad to join his family, friends, and colleagues in wishing him a long and active retirement.

TRIBUTE TO MR. NORMAN MINETA

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. COLE of Oklahoma. Mr. Speaker, I rise today to draw attention to an article written by my good friend and colleague Les Francis that pays tribute to Norman Mineta, the longest serving Secretary of Transportation in U.S. history. Mr. Francis has rightly drawn attention to the bipartisan nature of Mr. Mineta's political style and his efforts to work across party lines to achieve common goals. I have known Les Francis for almost 20 years, dating from the early 1990s when we both ran the House Republican and Democratic congressional campaign committees. Les is not only a highly skilled and effective campaigner for the Democratic Party, he is also a man who is devoted to Congress as an institution and to our Nation. He learned those values and beliefs working for Secretary Mineta early in his career.

MINETA IS ABLE TO RISE WELL ABOVE POLITICAL AFFILIATION

[From the Mercury News, San Jose, CA]

(By Les Francis)

Tonight, when U.S. Secretary of Transportation Norman Mineta leaves office, it will mark the end of one chapter in a remarkable career, and no doubt the advent of another.

Mineta's dedication to public service was forged by a searing childhood experience: In the spring of 1942, as a 10-year-old American boy of Japanese ancestry, Norm was hauled off and locked up in an American internment camp.

Thirty years later, while vacationing in the Grand Tetons and Yellowstone, the Minetas and Francises made a pilgrimage to nearby Heart Mountain, WY, and we visited the site where the Mineta family had been incarcerated. Norm told us of that experience, how it shaped his life, and how it led to his deeply held views on civil rights and civil liberties.

Once, as mayor of San Jose, Norm presided over a city council meeting where a crowd protested an exhibit at San Jose's art museum that included one photograph protesting the Vietnam War, and which some thought to be in poor taste. The protesters wanted the offending item removed or the exhibit closed. After listening patiently and without emotion, Norm said, "I understand what you are saying, but it is that kind of thinking that got me and my family put in camp in 1942." His remark ended the debate. And I knew Norm was speaking from the very pit of his soul when he said it.

A Democrat, Mineta was elected to the U.S. House of Representatives in 1974 largely because of two factors: the public's anger at President Ford's pardon of Richard Nixon after his role in Watergate hurt Republican candidates, and Norm's record as a nonpartisan, pragmatic municipal leader, which appealed to many independent, "ticket splitter" voters.

Although his district was always competitive, based on party registration, Norm never received less than 60 percent of the vote in every subsequent re-election, and he was actively supported by Democrats and Republicans throughout his career in Congress.

Eventually, Mineta was appointed secretary of commerce by President Bill Clinton, thus becoming the first Asian-American to ever serve in a Cabinet position. After the bitterly contested presidential election of November 2000, when he learned that he was being considered for the top spot at the Department of Transportation in the incoming Bush administration, Norm pulled together a group of friends and advisers to discuss—and debate—the upsides and downsides of such an appointment.

As the conversation developed, I knew that the only thing that mattered was Norm's belief that, if the president asks for your help, unless it's a request for something illegal or immoral, the only answer is, "Yes, Mr. President."

That belief helps explain the relationship between Norm Mineta and George Bush, two individuals with profoundly different political ideologies. When they first met, on Jan. 2, 2001, the then president-elect wasted no time getting down to business by saying, "Dick [Cheney], Andy [Card] and my dad all tell me that you are the best man for the job."

As he recounted the conversation to me later that evening, Norm then reminded the president-elect that he had campaigned extensively on behalf of his opponent, Al Gore, throughout the fall. Norm wanted to know if Bush was troubled by that, to which the president-elect replied, "No, I know all about that, Norm, but you never made it personal."

The bond between the president and his secretary of transportation was assured in the terrible early hours of the Sept. 11 tragedy, when to prevent any further attacks Norm commanded the immediate and safe landing of thousands of commercial flights. In the days after Sept. 11, as a volunteer "utility infielder" of sorts, I had a ringside seat at the Transportation Department, from which I watched Norm, under enormous pressure, perform steadily and ably, leading the department in a way that quickly restored its operational and emotional balance.

Norm Mineta has served the president and his country well and honorably for the past 5½ years, and in so doing has validated the president's early and continued confidence in him.

Even so, Norm's tenure in the Bush administration has frustrated and angered some Democrats, who oppose any such collaboration. Those critics would be well-advised to contemplate what Norm wrote in his letter of resignation to President Bush, which became effective today:

"There is much talk these days about a lack of civility in our political discourse and of deep ideological and partisan divisions at every level of government, most especially here in Washington, D.C.—I like to think that you and I have demonstrated, even in a small way, that different political affiliations do not have to translate into opposing views on the value of public-policy issues and the nobility of public service."

Thank you, Mr. Secretary, for a job well done.

RON DELLUMS: COMEBACK "KID" IS 70

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate former Congressman and Mayor-Elect Ron Dellums as he makes a political comeback at age 70 in winning the mayoral election in the city of Oakland, California. I submit to the RECORD an article written by Dan Rasmussen from the June 20, 2006 edition of Roll Call Politics entitled "Dellums: Comeback "Kid" is 70."

While this article references the effort mounted by 8000 people who signed a "Draft Ron Dellums" petition to convince him to run for mayor, it also highlights Mr. Dellums' stellar 27-year Congressional career. Ron Dellums' celebrity as a powerful representative has not waned as evidenced during a recent speech at a local celebration when the crowd spontaneously started chanting, "Run Ron, Run." Their actions spoke volumes of the sentiment felt by the group who voted Ron Dellums into office and back into the political arena.

Dellums, the first black elected to Congress from Northern California, has continued a perfect electoral streak: He has not lost an election since he first won a seat on the Berkeley City Council in 1967.

Ron Dellums has a plan to make Oakland, California the 21st Century Model City. He is committed to working with the citizens and local organizations to solve the city's problems as they transform Oakland into a great municipality. I am sure that much will be accomplished through his leadership.

I enter the article "Dellums: Comeback "Kid" is 70" into the RECORD in recognition of Ron Dellums' strength, fortitude, longevity, and commitment to fairness and positive change. I congratulate Ron Dellums on his election to mayor of Oakland, California and wish him much success in the future.

[From Roll Call, June 20, 2006]

DELLUMS: COMEBACK 'KID' IS 70

(By Dan Rasmussen)

At 70 years old, Ron Dellums is making a political comeback. Seven years after he abruptly ended his 27-year Congressional career, Dellums, after almost two weeks of uncertainty, has won election as the new mayor of Oakland, Calif.

Oakland City Council President Ignacio De La Fuente, Dellums' closest opponent in the June 6 nonpartisan election, conceded defeat on Saturday. The announcement came after two tense weeks as the Alameda County Registrar of Voters finished counting paper ballots and found that Dellums had won the majority of the vote, avoiding a runoff by a mere 155 votes.

It continued Dellums' perfect electoral streak: He hasn't lost an election since he first won a seat on the Berkeley City Council in 1967.

Dellums is now slated to take office on Jan. 1, 2007. He'll replace another veteran political warrior, former California Gov. Jerry Brown, who, at age 69, is waging a battle to become the Golden State's next attorney general.

Over nearly three decades in the House, Dellums championed many liberal causes—opposing the Vietnam War, U.S. nuclear proliferation and President Ronald Reagan's foreign policy—while leading the fight in Congress against South African apartheid.

His liberal views earned him a place on former President Richard Nixon's "enemies list." But he briefly served as chairman of the House Armed Services Committee, losing the gavel after Democrats lost control of the House in 1994.

Generations of California political activists, as well as several prominent black leaders, rallied behind Dellums' mayoral campaign.

"The election of former Congressman Ron Dellums as Oakland's mayor marks the revival of a black-progressive-labor coalition that many thought was on its last legs," wrote San Francisco Chronicle columnists Philip Matier and Andrew Ross, declaring the election a "sea of change in Oakland politics."

Dellums, the first black elected to Congress from Northern California, was not planning to run for mayor. But he changed his mind after 8,000 people signed a "Draft Ron Dellums" petition to convince him to run. The key moment, his friends and supporters say, was when he was giving a speech at a local urban renewal celebration and the crowd spontaneously started chanting, "Run, Ron, run."

Rep. Barbara Lee (D-Calif.), an 11-year staff member and former intern for Dellums, said she was in the airport listening to the speech on her mobile phone and realized at that moment that Dellums would run.

"He was like a jazz musician, going in and out and you didn't know where he was going to go," she said. "Then there was a moment when there was a crescendo in the musical, and I thought, 'He's going to do it.'"

Now, Dellums is hoping he can help Oakland make a comeback similar to his own—the city in recent years has been plagued with crime and violence.

"The other candidates were touting their experience with the nuts and bolts of a city, but not moving things forward," said Dellums spokesman Mike Healy. "Ron is blending the nuts and bolts with a vision of a model city."

Dellums, who during his years in Congress earned a reputation as a deal maker despite his far-left ideology, wants to make Oakland a model for urban renewal: combating crime with community policing, providing alternatives for young people, working to improve health care and encouraging corporations to use green technologies.

"Ron is going to make Oakland a shining light in a sea of real desperation," Lee said. "I'm excited for the city of Oakland. Ron's involved young people and gotten them to care about the city's future."

Despite his age, Lee said Dellums really has connected with Oakland's youths.

"You should see him with the young people. It's a young people's campaign run by young people with Ron at the head," she said. "He's an eager, energetic, healthy, wise man."

In taking office, Dellums will be working with a few familiar faces from his old Congressional staff. Not only is Lee filling his old spot in Congress, but Sandré Swanson, Dellums' district director and senior policy adviser for 25 years, won the Democratic primary this month for California's 16th Assembly district, and Keith Carson, another former aide, is now the president of the Alameda County Board of Supervisors.

"There's a quiet storm taking place," Lee said.

IN RECOGNITION OF THE APPOINTMENT OF THE REVEREND DR. JIM HOLLEY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. CONYERS. Mr. Speaker, I rise to acknowledge the achievements of the Reverend Dr. Jim Holley, who has just been elected, by the members of the board of police commissioners, on July 1, 2006 to the position of, Chairman of the Board of Police Commissioners, Detroit, Michigan.

Reverend Dr. Jim Holley, was initially appointed to the Board of Police Commissioners in January 2004. Chairman Holley currently serves on the Citizens Complaints and Promotional Appeals Subcommittee and served as Vice Chair of the Commission prior to his election as Chairman of the Board.

Reverend Dr. Holley is the President of the Historic Little Rock Baptist Church. He has been pastor of the church for over 20 years. During this period of leadership, he made major accomplishments, such as: the creation of a facility for job training, development, and placement: acquisition of Little Rock Baptist Village, a housing development, and the acquisition of buildings in the community, as part of his outreach ministry.

Reverend Dr. Holley is the President and CEO of COGNOS Advertising Agency, at one time the only full service agency in Detroit. He is President and CEO of County Preacher Foods, Inc., the largest minority food distributor in the world. He is the Founder and Chairman of the Detroit Academy of Arts & Sciences. Chairman Holley is the Founder and President of East/West Cargo Airlines. He is also the Founder and President of Valet Systems of Michigan, a valet parking Company.

Chairman Holley holds several degrees. He has a Doctorate in Philosophy in Higher Education, from Wayne State University; and a Doctorate in Ministry in Economic Development, from Drew University. He holds three additional masters degrees and two bachelor degrees.

Reverend Dr. Holley is the author of several books, and is rated by the Detroit Free Press as one of the top five ministers in Michigan and was named Michiganian of the Year by the Detroit News and by Crain's Business magazine as one of the "Foremost Voices in Detroit."

REAUTHORIZATION OF THE VOTING RIGHTS ACT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of H.R. 9, the Reauthorization of the Voting Rights Act.

Our values, our freedom, and our democracy are based on the idea that every eligible American citizen has the right to vote. They also have the right to expect that their vote will be counted.

It was only 40 years ago that minorities lived under the oppression of Jim Crow. As a result, millions of Americans were unable to fairly participate in our democracy.

In this battle for the most basic of rights, many heroic Americans were imprisoned, beaten, or even killed in the name of freedom and justice. The Voting Rights Act changed the face of this Nation.

We have made amazing progress over the past 40 years. However, progress does not mean that we stop trying. We can not and must not give up until every American citizen has the access and opportunity to vote—regardless of their skin color, ethnicity, or language ability.

Despite our progress there are still thousands of cases of voter intimidation and discrimination reported at every election. Minorities continue to face the uphill battle of misinformation over polling locations, the purging of voter rolls, scare tactics, and inaccessible voting locations. The reality is that there are still some people out there who don't want minorities to vote.

The Voting Rights Act was not and never will be about special rights—it is about equal rights and ensuring the rights of every American voter. Now is the time to reauthorize this historic cornerstone of civil rights. It is imperative to our rights, our freedom and our democracy.

RACIST MEMORABILIA IN HARLEM: A SYMBOL OF THE CIVIL RIGHTS MOVEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the Record, an article by Anthony Ramirez, titled "A Gift Shop in Harlem Finds Customers for Memorabilia of Racist America," published in the July 5, 2006 edition of the New York Times. Ramirez interviewed Mrs. Mary Taylor and Ms. Glenda Taylor, owners of a Harlem shop that sells collectibles from the Jim Crow era. While some (Black) residents find it offensive to see the display of the white robe of the Ku Klux Klan, others are as driven to collect these reminders out of a 'lest-we-forget' impulse.

Ms. Taylor said that the main reason that blacks collect objectionable objects is that they love and hate the item at the same time. They are a symbol of dehumanization of the African Americans through caricature that justified their political, social and economic oppression. This stereotyping of African-Americans perpetuated the belief that Blacks were unfit to be first-class citizens. At the same time, these "contemptible collectibles" are emblems of the civil rights movement and evidence of how much change has occurred and the positive changes that we take great pride in.

The Taylors liken their shop to a time machine. Older black customers, prompted by the memorabilia, like to reminisce about the times gone by. As the elder Ms. Taylor said, if there is a shop like this, it should be in Harlem. I concur. These objects represent a painful period of our history. But they also symbolize the period when we rose up to claim our fundamental rights as human beings. I acknowledge that it is an ugly part of our heritage, but it should not be hidden away. It serves as a reminder of the era of Jim Crow and a warning that we should never forget the negative consequences of racism.

David Pilgrim, who is Black, argues that these "contemptible collectibles" either belong in a museum or in a garbage can, and not in stores. He runs a temporary museum with 5,000 racist objects and is trying to raise funds to establish a permanent Jim Crow Museum of Racist Memorabilia. The Taylors would like to establish a museum as well, but they too lack the funding.

Mr. Speaker, I bring this effort to preserve this history to the attention of my colleagues and to nongovernmental organization who might be interested in the creation of a museum display the momentos of the Jim Crow era and to serve as a concrete reminder to the Congress of the perils of exclusionary politics.

A GIFT SHOP IN HARLEM FINDS CUSTOMERS FOR THE MEMORABILIA OF RACIST AMERICA

(By Anthony Ramirez)

The day Glenda Taylor placed the white hood and white robe of the Ku Klux Klan in the window of her Harlem shop was one to remember.

At the foot of the Klan gown was an 1868 issue of Harper's Weekly depicting a dead black man, with the caption "One Vote

Less." Passers-by of all races stopped, stunned, in front of her memorabilia shop, Aunt Meriam's, on West 125th Street, Ms. Taylor said.

One black woman dispatched her 10-year-old daughter into the shop to confront Ms. Taylor, 50, who is black. The girl, Ms. Taylor recalled, said something like, "How could you?"

Ms. Taylor and her mother, Mary Taylor, sell all manner of black memorabilia, including advertisements for the Cotton Club and playbills for a Broadway musical starring Sammy Davis, Jr.

But the Taylors and dealers like them also sell collectibles from the Jim Crow era—cookie jars, coin banks, matchbook covers, fruit-box labels, ashtrays, postcards, sheet music, just to name a few items—that portray blacks in grotesquely racist ways. Little boys eat watermelon. Men steal chickens. Women happily scrub and clean.

While selling such items in the heart of America's most famous black neighborhood might seem offensive, dealers say that blacks rather than whites tend to be the ones collecting the most repellent objects.

"Why do some Jews collect Holocaust material?" asked Wyatt Houston Day of the Swann Galleries in Manhattan, who organizes an annual auction of African-Americana. "Any people who endure a Holocaust tend to collect, out of a lest-we-forget impulse. It is very much akin to what happened to blacks, and the objects are just as vile."

With the civil rights movement, many whites became ashamed to keep their own racially caricatured bric-a-brac, or that of their parents and grandparents. The rise of the Internet caused prices to fall as attics and cupboards emptied and glutted the market on eBay and Yahoo auction sites. An especially prized type of cookie jar—the McCoy mammy jar—once sold for as much as $600; it now sells for as little as $50.

"The main reason that black people collect" objectionable objects, Glenda Taylor said, is "that they love that item and hate that item at the same time."

She added, "It's like the 'n' word. African-Americans are very good at turning a painful thing into something else."

For David Pilgrim, a sociology professor at Ferris State University in Big Rapids, Mich., however, the issue is starker. "This is the ugly intersection of money and race," he said.

Mr. Pilgrim, who is black, runs a temporary museum, with 5,000 racist objects. Stores, he argued, are not the proper surroundings for a thoughtful discussion of what he calls "contemptible collectibles."

He is trying to raise money to establish a permanent Jim Crow Museum of Racist Memorabilia (*www.ferris.edu/jimcrow*). "To me," said Mr. Pilgrim, whose own collection makes up nearly half of the temporary museum's inventory, "this stuff is garbage. It belongs either in a museum or a garbage can."

Most historians date the Jim Crow era from 1877, when the federal occupation of the South ended, to 1965, when the Civil Rights Act guaranteeing basic rights for black Americans was passed. Jim Crow was an 1820's musical routine performed by white men in blackface, and the term became a synonym for discrimination and segregation. Jim Crow laws passed by Southern legislatures were a way for whites to roll back black gains after the Civil War.

But Mr. Day of the Swann Galleries said that derogatory objects were made in every state, including New York. "It is very much blacks through white eyes, not a region's eyes," he said.

Mary Taylor, 68, remembers growing up with mammy dolls and other racially stereotyped objects in Hallandale, Fla., near Fort Lauderdale. "We resented this stuff," said Ms. Taylor, a former administrator at Medgar Evers College. "It depicted us as ugly."

She added that blacks now looked at it differently. "We look at ourselves differently. A lot of black people don't have that inferiority complex anymore."

The Taylors scour garage sales, lawn sales, auctions, flea markets and estate sales in upstate New York, Pennsylvania and Florida for items. "The smaller the town, the better," because they tend to have more of the smaller auctions and estate sales, where prices are still low, the elder Ms. Taylor said.

Glenda Taylor, a former administrator for nonprofit education groups, said she got the 1920's Klan robe from "a white collector who got it from an estate sale from someone's attic," she said. The Taylors later sold the hood and robe for $1,500 to a collector in Washington State.

The younger Ms. Taylor likens her shop, named after a favorite aunt, to a time machine. Older black customers, prompted by the memorabilia, like to reminisce, she said.

A black man in his 60's, looking at a "For Colored Only" reproduction in the shop, remembered the time when as a college student he had lunch in a Louisiana coffee shop. As he left, the white owner broke every dish he had used.

The next day, the black man, a drum major at nearby Grambling State University, brought the entire football team—all blacks—for lunch. They watched in satisfaction as the shaken white owner broke dozens of his dishes.

"If any type of shop like this should be, it should be here in Harlem," the elder Ms. Taylor said. "There should be a black museum. I would prefer that, if we had the money."

RAIL AND PUBLIC TRANSIT SECURITY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. OBERSTAR. Mr. Speaker, strengthening and enhancing the safety and security of our Nation's public transportation network is an urgent and critical need. Worldwide public transportation systems have been shown to be vulnerable targets for terrorist attacks, as exhibited by yesterday's horrific train bombing in India, which claimed at least 200 lives and injured at least 700 more.

I believe passenger rail and public transportation providers face a difficult challenge: To provide affordable, efficient, and safe transportation services in an open and readily accessible environment.

Our Nation's public transportation systems provide more than 9.5 billion transit trips annually on all modes of transit service. In addition, Amtrak provides service to more than 25 million passengers annually on 21,000 miles of routes. The extensiveness of these systems and the sheer volume of passengers who rely on public transportation make these systems an attractive target for terrorists.

Yet since September 11, 2001, the Nation has focused its attention primarily on aviation security. As a result, we have made a great deal of progress in aviation, but much still needs to be done for other modes of transportation. I am aware of the many initiatives taken by public transportation providers and Amtrak to enhance the safety and security of their passengers. I am also well aware of the security initiatives that the Federal Transit Administration, the Federal Railroad Administration, and the Transportation Security Administration, TSA, have embarked upon, but those efforts are not enough. This year, the United States will spend $4.7 billion on aviation security. In contrast, the TSA has spent only $387.5 million in grants on public transportation security over the last four years, even though five times as many people take trains as planes every day.

This House just passed legislation that will provide $200 million for rail and transit security. Thanks to the efforts of the Gentleman from Massachusetts (Mr. LYNCH) and other Members, that's more than we have done in the past, but more funding is needed to ensure our Nation's passenger rail and public transportation systems are safe and secure.

Amtrak alone has requested more than $100 million in security upgrades and nearly $600 million for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, Maryland, and Washington, DC. The American Public Transit Association, which represents transit agencies and commuter railroads, has identified an estimated $6 billion in security needs to fully modernize and maintain the security of public transit systems. The lack of funding for safety and security measures endangers the Nation's critical public transportation infrastructure.

The incapacity or destruction of the Nation's transportation systems and assets would have a debilitating impact on our security, national economic stability, national public health, and safety. Our transportation stakeholders, State and local governments and private providers of public transportation, and the traveling public are depending on us to help provide significant safety and security improvements for public transportation.

I therefore urge the House's immediate consideration of H.R. 2351, which will protect the safety and security of our Nation's rail and transit systems and the passengers, workers, and communities that are served by them.

COMMENDING THE ISRAEL AIR FORCE CENTER FOUNDATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. LANTOS. Mr. Speaker, I want to call the attention of my colleagues in the Congress to the Israel Air Force Center Foundation—a private non-profit charitable organization which has done a great deal to strengthen ties between the American people and the people of Israel and between the military organizations of the United States and Israel and to enhance the peaceful commercial uses of air and space technology.

I do this today, Mr. Speaker, because a group of the American leaders of the Israel Air Force Center Foundation will be visiting Washington next week. During their visit they will meet with leading Members of the Congress as well as other public and private leaders here in our nation's capital in an effort to strengthen the work of the Foundation and introduce American leaders to their work.

Mr. Speaker, the Israel Air Force Center is a unique Israeli institution—part think-tank (along the lines of the Rand Corporation in the United States) and part media, history, and resource center which focuses on Israel's emergence as a world leader in science and technology. The Center is located in Herzliya, Israel, and housed in a stunning building which opened in the summer of 2003.

The Israel Air Force Center was established by the Israel Air Force Association, a private organization which provides non-official support for Israel's fabled Air Force. The Association is similar to organizations in the United States which provide support for our own military organization such as the Association of the United States Army (AUSA), and like its American counterparts, it was founded by former Israeli Air Force officers.

The Israel Air Force Center was established to emphasize the link between the Israeli Air Force, its veterans, the people of Israel, and an international community committed to improving quality of life through science and the peaceful application of aerospace technology. Sponsors have established major research chairs at the Center, including one in aviation security, to aid policy makers in key decisions and to strengthen the economy and security of Israel and advance human knowledge.

Mr. Speaker, the Israel Air Force Center Foundation is a private, non-profit, tax-exempt organization in the United States which has as its objective providing financial support for the Israel Air Force Center and the activities of the Israel Air Force Association. I commend these patriotic Americans who participate in the Foundation's activities. Their efforts to strengthen the ties between the United States and Israel are important for both countries, and the support they give to the research and development activities of the Israel Air Force Center are beneficial to both the United States and to Israel.

As my colleagues know, American support for Israel is more critical than ever in today's unstable world. As the only stable democracy in the Middle East, it is our responsibility to help protect Israel from the multiplicity of dangers on its borders and its region, including threats from Iran and Syria. The Israeli military forces, including the Israel Air Force, are a vital deterrent to those threats. The partnership between the U.S. Air Force and the IAF sets an excellent example for military cooperation. Israeli-developed systems boost the American Air Force's targeting and navigation ability in Afghanistan and Iraq, and Israeli-developed Unmanned Aerial Vehicles (UAVs) are a vital component of U.S. military efforts on both those fronts. Virtually every senior IAF officer has trained in the United States, and most IAF equipment is U.S.-origin, including the F–15 and F–16 fighter jets, which form the backbone of the IAF's strike force.

In addition, the Israel Air Force Center provides fundamental information to the international community on current air force research. The Center's think-tank, the Fisher Brothers Institute for Air and Space Strategic Studies, fosters the growth of ideas and public debate by holding seminars and international conferences. The Aviation Safety and Security Center at the Institute is dedicated to enhancing and disseminating IAF expertise on aviation safety and security throughout the world.

In addition to its strategic function, specific programs of the Israel Air Force Center undertake numerous charitable activities. The Adelson Institute for Academic Studies reintegrates Air Force servicemen and women into civilian life through training courses, personal guidance and links to the private business sector. The Family Service Center assists Air Force families cope with trauma and bereavement. The Center provides tremendous support and an emotional outlet to those whose loved ones have been killed or injured in the line of duty. The Center also seeks to help the larger Israeli citizenry by adopting developing towns and supporting educational programs in underprivileged communities. The Association funds day-care centers, kindergartens and schools in need in addition sending members to tutor school children.

Mr. Speaker, I had the opportunity to witness the work of the Israel Air Force Center firsthand during a recent visit to Israel. That reinforced how critically important it is for the U.S. Air Force and the Israel Air Force to continue working together during this crucial time of instability and tension within the Middle East. At the same time, I was able to see the vital importance of the Center in contributing to the U.S.-Israel cooperative relationship.

Mr. Speaker, I invite my colleagues to join me in commending the Israel Air Force Center Foundation for their significant contribution to U.S.-Israel relations, and I wish the Foundation increasing success in its important work.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Wednesday, July 12, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 13

Time to be announced

Budget

Business meeting to consider the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

Room to be announced

9 a.m.

Judiciary

Business meeting to consider the nominations of Neil M. Gorsuch, of Colorado, and Jerome A. Holmes, of Oklahoma, each to be a United States Circuit Judge for the Tenth Circuit, Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, Gustavo Antonio Gelpi, to be United States District Judge for the District of Puerto Rico, Daniel Porter Jordan III, to be United States District Judge for the Southern District of Mississippi, Steven G. Bradbury, of Maryland, to be an Assistant Attorney General, R. Alexander Acosta, to be United States Attorney for the Southern District of Florida, Martin J. Jackley, to be United States Attorney for the District of South Dakota, and Brett L. Tolman, to be United States Attorney for the District of Utah, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S. 3001, to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, S. 2831, to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice, H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 2703, to amend the Voting Rights Act of 1965, S. 1845, to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial

Circuit of the United States into 2 circuits, and S. 2679, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation.

SD–226

9:30 a.m.

Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold hearings to examine the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

SD–628

Foreign Relations

To hold hearings to examine the current situation relative to Iraq.

SD–419

10 a.m.

Armed Services

To hold hearings to examine military commissions in light of the Supreme Court decision in Hamdan v. Rumsfeld.

SH–216

Energy and Natural Resources

To hold hearings to examine H.R. 5254, to set schedules for the consideration of permits for refineries.

SD–366

Finance

To hold hearings to examine the nomination of Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury for Tax Policy.

SD–215

Veterans' Affairs

To hold hearings to examine challenges facing the U.S. Court of Appeals for Veterans Claims, focusing on efforts to address the backlog.

SR–418

Aging

To hold hearings to examine Medicaid to retiree benefits, focusing on the impact of seniors on health care costs in the United States.

SD–106

2 p.m.

Appropriations

Business meeting to markup H.R. 5672, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and an original bill making appropriations for the government of the District of Columbia for the fiscal year ending September 30, 2007.

SD–106

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine unmanned aerial systems in Alaska.

SD–562

Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

To hold hearings to examine renewing the temporary provisions of the Voting Rights Act relating to legislative options after LULAC v. Perry.

SD–226

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

SD–342

Intelligence

Closed business meeting to consider pending intelligence matters.

SH–219

JULY 17

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine implementation of the Energy Policy Act of 2005 provisions on hydrogen and fuel cell research and development.

SD–366

3 p.m.

Foreign Relations

To hold hearings to examine the nomination of Christina B. Rocca, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

SD–419

JULY 18

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Charles E. McQueary, of North Carolina, to be Director of Operational Test and Evaluation, Department of Defense, Anita K. Blair, of Virginia, to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs, Benedict S. Cohen, of the District of Columbia, to be General Counsel of the Department of the Army, Frank R. Jimenez, of Florida, to be General Counsel of the Department of the Navy, David H. Laufman, of Texas, to be Inspector General, Department of Defense, Sue C. Payton, of Virginia, to be Assistant Secretary of the Air Force for Acquisition, William H. Tobey, of Connecticut, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, and Robert L. Wilkie, of North Carolina, to be Assistant Secretary of Defense for Legislative Affairs.

SD–106

Judiciary

To hold oversight hearings to examine the Department of Justice.

SH–216

10 a.m.

Energy and Natural Resources

To hold hearings to examine United States and India energy cooperation in the context of global energy demand, the emerging energy needs of India, and the role of nuclear power can play in meeting those needs.

SD–366

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold an oversight hearing to examine District of Columbia government operations, focusing on successes and challenges the District has experienced during the two terms of Mayor Williams, including the anticipated challenges that the new mayor will face.

SD–342

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine perspectives on insurance regulation.

SD–538

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine S. 2590, to require full disclosure of all entities and organizations receiving Federal funds.

SD–342

JULY 19

9:30 a.m.

Environment and Public Works

To hold hearings to examine the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

SD–628

Judiciary

To hold hearings to examine antitrust concerns relating to credit card interchange rates.

SD–226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual Monetary Policy Report to Congress.

SD–106

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold an oversight hearing on the implementation of Public Law 108–148 The Healthy Forests Restoration Act.

SD–366

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine high performance computing.

SD–562

10:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider proposed Pandemic and All-Hazards Preparedness Act, S. 843, to amend the Public Health Service Act to combat autism through research, screening, intervention and education, and the nominations of Elizabeth Dougherty, of the District of Columbia, Peter W. Tredick, of California, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board.

SD–430

2:15 p.m.

Judiciary

To hold hearings to examine judicial nominations.

SD–226

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine Department of Homeland Security purchase cards.

SD–342

JULY 20

9:30 a.m.

Armed Services

To receive a closed briefing regarding overhead imagery systems.

S–407, Capitol

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine USDA dairy programs.

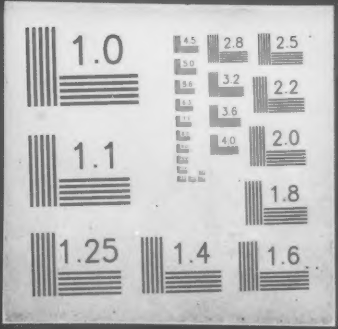
SR–328A

2 p.m.

Appropriations

Business meeting to markup H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007.

SD–106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